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Changing Oaths

FRAMEWORKS FOR POLICING EUROPE?

What does it mean to change a police oath? This article makes a sociological analysis of changes to the UK's police oath under the 2002 Police Reform Act. It argues they represent an important ideological shift towards the democratic aspirations of the European Union by including explicit reference to actively upholding fundamental human rights and according equal respect to all people as its core amendment. In discussion, brief comparison is made with the oaths sworn by the Finnish Police and the Austrian Police to highlight broad differences between them in terms of their explicit reference to human rights, the public nature of their making and local community ties. In this sense, the article considers the potential symbolic work of community policing across Europe in expressing shared European values of democracy, rule of law and human rights by reference to the development of a common ethical oath for police officers swear to, work by and internalize.



JONATHAN HADLEY, PH.D.,
Researcher at the Police College
of Finland and UK Police Officer
since 1985.

VOCABULARY:

oath:
Eid, Schwur

aspiration:
Bestrebung, Aspiration, Trachten

amendment:
*Änderung, Abänderung,
Ergänzung, Neufassung*

rule of law:
Rechtsstaatlichkeit

to internalize:
*verinnerlichen,
in sich aufnehmen*

solemnly:
feierlich, festlich

UK Police forces are currently made up of officers sworn under two different oaths of office: those sworn to the 1964 Police Act's oath and those sworn to that of the 2002 Police Reform Act. It could therefore be said that within the one institution two generations of police officer currently patrol together while sworn to two technically, if not ideologically, different frames of reference. Assuming sworn oaths of office remain important to democratic policing in the 21st century and noting significant differences between those of EU member states this article compares the old and new police oath in the UK and asks, sociologically, what it means to change it.

The earlier 1964 oath read as follows: "I solemnly and sincerely declare and affirm

that I will well and truly serve Our Sovereign Lady the Queen in the office of constable, without favour or affection, malice or ill-will, and I will to the best of my power cause the peace to be kept and preserved and prevent all offences against the person and properties of Her Majesty's subjects, and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully and according to law" (Attestation of constables: schedule 4, Police Act 1964 & 1996).

In contrast, the reformed oath made by new recruits since September 2002, now reads:

"I (name) of (town) do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of

constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully and according to law" (Attestation of constables: as amended by section 83, Police Reform Act 2002).

Perhaps belying its sociological significance, the rewording of the police oath was incorporated in the Police Reform Act under the heading of 'Miscellaneous Provisions' simply as an amendment. Indeed, much would seem the same. Both remain a solemnly and sincerely declared affirmation to a) well and truly serve in the office of constable; b) cause the peace to be kept and prevent all offences (to the best of one's ability) and c) discharge all the office's duties faithfully and according to law (to the best of one's skill and ability while holding the said office). In short: it remains an honour bound promise to try to keep the peace and prevent offences while working within the rule of law. So what has actually changed?

On the surface, the changes could be seen as either technical legal adjustments or a cosmetic upgrading of perhaps 'old' language into more modern tones.

Yet on closer analysis there appear deeper implications with regard to the supposed ideological positioning of the police office holder in relation to the state and the citizen. And by 'ideological' I simply refer to what sociologists would generally recognise as 'the realms of ideas and cul-

ture that shape our world as social phenomena' (Marshall 1994, 234). Or what might also be referred to as 'discourse' to recognise the influential nature of such realms (Hall 1992, 292). In this respect, a key point of interest is the actual addition of an entirely new point of reference central to the aspirations of any democratic police reform within Europe: "upholding fundamental human rights and according equal respect to all people".

ANALYSIS – FROM SUBJECT TO CITIZEN

In Britain, 'the office of constable' referred to in both the old and new oaths dates back to the Norman Conquest of 1066. The Norman's used this military office to allow the existing Saxon system of self policing among local communities to continue in return for loyalty to the Crown. The locally appointed 'constable' was thus vested with Royal authority to keep 'the King's peace' (Emsley 1996; Hobbs 1998).

The legitimacy of the modern UK police as a civil police organisation institutionalised by Robert Peel in 1829 is founded upon a continuity with this old feudal system (English & English 1989, 37).

And though feudal society gave way to modernity and the 19th century construction of the nationstate, one could say that modernity's continuity with a medieval past (Llobera 1998, 225) is perhaps still reflected in the language of the 1964 oath while at the same time traces of departure from it can be found in the language of the 2002 oath.

In this sense, where language is said to be "both active and functional in shaping and reproducing social relations, identities

VOCABULARY:

diligence:
Fleiß, Eifer, Sorgfalt

to preserve:
einhalten, wahren

to discharge:
erfüllen, ausüben

realm:
Bereich, Fachgebiet, Königreich

medieval:
mittelalterlich

and ideas" (Tonkiss 1998, 248), a comparative discourse analysis of the two texts helps reveal their ideological differences in terms of medieval continuity and change inherent in modernity. Firstly, in contrast to the anonymous "I solemnly..." the reformed "I (name) of (hometown) do solemnly..." emphasises the named and located individual as a social actor in the community over a sense of anonymity and subservience within a state institution. More than just personalising a ceremonial moment, the stating of one's name and hometown serve, to some small degree, to assert the liberal agency of the individual over their structural absorption in an echo of feudal deference within the traditional confines of a bureaucratic and hierarchical institution.

Similarly, removing "Our Sovereign Lady" from "the Queen" works to recognise the Queen simply as the head of state that the free citizen has chosen to serve, rather than someone with reign over them in any pre-modern absolutist sense. There is also a more instrumental reason for this, since section 82 of the Police Reform Act also opens up the traditional 'office of constable' to persons of any nationality for whom, quite simply, the Queen could not be sworn to as 'Our Sovereign Lady'.

Yet the subtle rupture from the feudal legacy of serfdom and its absolutist ties to a monarchical order can still be traced.

In other words, it respects the free movement of people across national borders as well as their right to residence and employment within the visualised European area of 'freedom, security and justice' in an echo of the medieval artisans' departure from the feudal manor.

The linguistic change from the some-

what 'old' language of "without favour or affection, malice or ill-will..." to the more modern tones of "with fairness, integrity diligence and impartiality..." could be said to be merely a cosmetic update of the language. Yet it is also a subtle switch from a negative "without" to a positive "with". As such, it places an active emphasis on the officer's social role on behalf of the state to promote the values it speaks of through his or her every day police activity. The active over the passive projection of these values is an important distinction in this respect, for this is the line that continues with "upholding fundamental human rights and according equal respect to all people" as the pertinent addition to the declaration for a new generation of police.

Within the language of the UK's reformed police oath, it can therefore be said that the idea of citizenship has finally replaced any idea of serfdom.

Doubts are further removed by analysis of the final amendment to the oath. Having declared to positively serve the state (via its head) within an ethical frame of equal citizen's rights, the constable continues to affirm to prevent all offences against "people and property" rather than against "the persons and properties of her Majesty's subjects". This recognises the autonomy of persons (and their property) as citizens existing in their own right as sovereign to themselves and not feudal subjects of a hierarchical order to a sovereign above and beyond them. This not only reflects the modern realm of ideas around 'liberty' but also recognises the internationally mixed, migratory and multicultural realities of post-modern society.

Discursively then, the ideological aspirations of police reform, as far as they can

VOCABULARY:

to assert:
feststellen, Anspruch/
Recht geltend machen

deference:
Ehrerbietung, Achtung

rupture:
Bruch, Abbruch

legacy:
Vermächtnis, Erbe

serfdom:
Leibeigenschaft

artisan:
(Kunst)Handwerker

malice:
Arglist, Tücke

merely:
bloß, lediglich

discursively:
abschweifend, weitschweifend

be read into the amendments to the oath, represent a potential new orientation for the police: that of positively asserting modern values of equality and citizenship via a sense of oneself as a citizen in the service of protecting those democratic rights. Or to argue as some senior UK police officers have, that the major rationale for public policing should be to secure and protect human rights (Neyroud and Beckley 2001). In this sense, as far as such things might affect contemporary ideas of police purpose, identity and the social role of public policing, the amendments to the police oath also signal a shift in what it means to be a constable in office. It is important to stress this. For as an institution whose new officers are now explicitly sworn to uphold fundamental human rights the public police become, in principle if not in effect, a human rights organisation.

It might seem odd to point this out in respect of a democratic society. Indeed, the reality may be less to do with the new oath being 'new' and more to do with the old oath being 'old' – a simple updating of language. But in that regard, why have a sworn oath at all? What purpose does it serve that the actual laws that govern professional police conduct and their disciplining procedures do not? Does it appertain to a higher calling of honour? Is the legal requirement to make an oath and the making of it to a locally appointed representative part of that most important element of policing in a democracy – public accountability? One could reason that if an oath had not been important to police reform in the UK, it would have either been left alone or removed completely and left unreplaced as an anachronism. But it was not. It was changed. And this renders not only the making of an oath and the circumstances of its making important, but also its words and, crucially, any changes to them. So the meaning of those changes

should be afforded close attention.

Accepting that one function of swearing an oath is to affirm a level of public accountability, one could say the changes simply represent a shift in emphasis of purpose for the public police. In the UK case analysed, a shift from that of law enforcer to that of rights protector. Yet what of any deeper schism between the social realm of ideas and relations referred to in each oath? On analysis I would say the 1964 declaration aligns a pre-existing generation of police officer with feudal notions of both themselves and the public they serve as 'subjects with duties to the Crown'. In contrast to this I would say the wording of the 2002 declaration aligns a 'reform' generation more with modernity's liberal and enlightened notions of themselves and the public as 'citizens with rights of protection from the state'.

Of theoretical interest is how this sets up a potential discord between serving officers during a period of generational transformation as to their respective frames of ideological reference.

One can only speculate how and under what circumstances these differences may or may not manifest themselves in the policing of a rapidly changing 21st century society. The policing of minorities and public order would seem the most likely theatre. They have certainly been the drivers of much police reform questions in contemporary Britain since the 1970's.

DISCUSSION – THE SYMBOLIC WORK OF POLICING EUROPE

The essential change to the new oath is the proactive assertion of human rights through the everyday activity of police law enforcement. These rights are the Council

VOCABULARY:

accountability:
Verantwortlichkeit

emphasis:
Betonung, Gewicht, Schwerpunkt

schism:
Spaltung

discord:
Uneinigkeit, Zwietracht, Streit

of Europe's 1959 'European Convention for the Protection of Human Rights and Fundamental Freedoms', based on the 1948 UN Declaration (Wadham and Mountfield 1999, 10). Ratification of the Convention is a condition of EU membership (Boekhout van Solinge 2004, 16). To the extent a civil police force's oath can reflect the values its governing state governs its citizenry by, it can also serve as an ethical frame of reference for its office bearers to internalise and uphold as a higher set of ideals to defer to and symbolise through their everyday work. As such, in as much as the new UK oath represents an overdue rupture with a feudal past and the confines of its narrow nationality, it also represents a framework and conduit to a future European commonality and its core democratic values. Does the symbolic work of community policing across Europe have the potential for articulating this?

In various *guises*, the early 19th Century saw the substantial development of most modern police forces across Europe (Emsley 1996, 39).

Historically, at some symbolic level, these police forces were often integral to the forging of the link between national cultural identity and the state for their respective nation-states (Walker 2002, 314).

Indeed, in Britain at least, the powerful idea of the 'community police officer' has often served as a cultural stand in and 'flag waver' for a somewhat romanticised notion of a past national identity (Storry and Childs 1997; Reiner 1992, 269). In reminding us of how the nineteenth century invention of 'the nation' by respective European states served as a means to concretely bond citizen to state, historian Eric

Hobsbawm would also recognise how this was carried out via the mundane routines and practices of everyday life in which the modern police played a significant part: "Governments now reached down directly to each citizen on their territory in everyday life, through modest but omnipresent agents, from postmen and policemen to teachers and (in many countries) railway employees" (Hobsbawm 1994, 149).

Yet as Robert Reiner continues to argue, the end product of police reform (in the UK at least) cannot be the reinstatement of the police as symbols of national pride (Reiner 2000a, 215). To be sure, given the undeniably multicultural and transnational ('post-national' even) nature of Europe's plural societies today, the police as an expression of past nationhood on the part of the state would surely be problematic to say the least. A well documented history of troubled, murderous even (Holdaway 1996, 123), police race-relations in Britain throughout the 20th century would surely *concur* – one at potential risk of some continued repetition, albeit in new form, today. What may be required, and what the vision of a Europe forged from the post-war European Convention on Human Rights lends us, is a larger frame of common ideological reference into which a plural and civic society can be more comfortably accommodated while actively rejecting religious, racial or political extremism.

Culturally though, 'national identity' is said to drive the public authority associated with policing within nation-state boundaries and consequently the police exist as an institution capable of generating highly charged emotional levels of identification among citizens (Walker 2002, 308-313). We should alert ourselves to both the danger and potential of this. For as Neil Walker further argues, the contemporary development of a supranational level of polic-

VOCABULARY:

guise:
Erscheinung, Verkleidung

to concur:
zusammentreffen, beitragen,
übereinstimmen

ing across the European Union challenges these traditional cultural links between policing and the nation-state (Walker 2002, 308). In this vein, most police leaders and academics would recognise the highly symbolic work of policing (Mawby 1995; Walker 1996; Loader 1997; Reiner 2000b). Indeed, many see it as a most important, if not the real function, of the police as far as uniform street patrolling is concerned (Waddington 1999, 30; Wright 2002, 23; Newburn 2003, 710). And to the extent that public policing symbolises the assertion of state authority (Newburn 2003, 719) and thereby the desired social values by which to galvanise its citizenry, we might ask how a common police oath explicitly centred on upholding European Convention Rights might serve the better building of a shared European identity that transcends ethnic, racial, national or even religious diversity or division.

The UK, of course, is not alone in including a commitment to human rights within the terms of its police oath of office as part of its reforms. The oath sworn to by all Finnish police officers, for example, requires them to respect the rights of every individual. The second statement of its eight line ethical oath (as revised 15th April 2003) reads: *Kunnioitan jokaisen ihmisarvoa ja oikeuksia* (SMPO 2000). This translates as I respect everyone's human worth/dignity and rights. The 'rights' spoken of, however, are not explicitly stated as human rights but are understood as a reference to the civil rights guaranteed by the Finnish Constitution (revised in June 1999, in force since 1st of March 2000). Even so, a path can be readily traced to the 1948 UN Declaration via Finland's ratification of the European Convention Rights on the 10th May 1990 (Kainulainen 2002) and their reflection in the basic rights and liberties laid out in chapter two of the country's new Constitution (OM 1999).

The eight statements of the full Finnish police oath, informally translated, basically amount to the following promises or declarations:

- To behave in accordance with the dignity of the police.
- To respect human dignity and rights.
- To use police powers in accordance with the law.
- To obey the orders of superiors and face the dangers of police duties.
- To be open, truthful and *conciliatory*.
- To be honest, helpful and work to strengthen professional solidarity.
- To be fair, just and act in the best interest of the whole work community.
- To want to serve as a police officer in this way.

Yet while the Finnish Police oath has been ceremonially sworn by all graduating police recruits since 1st October 2000 it is not legally binding by virtue of an Act of parliament. Nor does it appear to be a public declaration by virtue of being sworn to a democratically appointed representative of the people of the Finnish republic. It is, instead, collectively sworn internally to the Supreme Police Commander under an internal directive issued by the Ministry of Interior's Police Department (SMPO 2000). Its purpose, though, is genuinely described as a frame to express police officers' responsibilities and more clearly realise the ethical values they are expected to work by (Poliisi 2001).

One can only speculate as to the ideological reach, over time, the making of the oath might have over the operational activity of the officers making it.

That is, how the police might come to regard the symbolic nature of their every-

VOCABULARY:

conciliatory:
versöhnlich, vermittelnd

day community level police work with respect to a wider project based upon linking a 21st century citizenry with the state in a multicultural Europe.

In further contrast, and by way of another country's example, the oath taken by the Austrian Bundespolizei (Federal Police) is different yet still. As I understand from liaison with research staff at Austria's Sicherheitsakademie, the Austrian Police Academy, the Austrian police (which recently amalgamated its Gendarmerie and Federal Police as one under a new uniform and new national police emblem in July 2005) swear the same oath as all other civil servants in Austria (Weiss 2006): "Ich gelobe, dass ich die Gesetze der Republik Österreich befolgen und alle mit meinem Amte verbundenen Pflichten treu und gewissenhaft erfüllen werde." "I solemnly promise that I shall observe all the laws of the Republic of Austria and shall fulfill my duty to the best of my knowledge and belief."

Similar to the UK oath, this is a solemn promise to carry out one's police duties in accordance with the law. This is something similarly reflected in the third statement of the Finnish police oath.

One of the differences between the Austrian and both the UK and Finnish oath, however, is that it is not exclusively a police oath but one common to all civil servants.

On the other hand, in common with the UK oath but unlike the Finnish oath, it is one that is legally required as a condition of public office and (presumably) made in some public context (ie to an appointed representative of the people to be served). Subject to further research, these, at least, are my initial observations.

But what of any reference to the protection of human rights as a primary police purpose? One could say that in as far as it is an oath to observe the laws of the Republic of Austria and in as far as the Republic of Austria has ratified the European Convention Rights then it is an obligation to uphold them just as the UK and Finnish oaths are. But this is far from explicit. Nor is it a direct reference.

CONCLUSION – A COMMON POINT OF ETHICAL REFERENCE

Space only allows for a cursory examination of other country's police oaths of office. And I must apologise here for any mistakes in translation, interpretation or understanding of their constitutional positions. The point to be made is simply that they can be found to differ in a number of respects (eg legally required or internally directed, made publicly or privately, police specific or generic to the civil service). It would be the task of a more comprehensive study to systematically compare the separate oaths sworn by each of the EU's member states' police, the provenance of their development and respective national histories to which they are tied, in order to tease out common areas of meaning for future development. But this would be a worthwhile project.

For what should be remembered is that in the 21st century the basic rights and freedoms enshrined in the thirty articles of the 1948 UN Declaration represent not only the minimum common values of the EU's member states at constitutional level but are derived precisely from the shared European experience of modernity within their 19th and 20th century developments as nationstates. That is, to draw upon commentary in relation to the UK's 1998 Human Rights Act (Wadham & Mountfield 1999), the experience of naked capitalism and its alienating condition of poverty;

VOCABULARY:

cursory :
 flüchtig, oberflächlich

provenance :
 Herkunft, Ursprung

to derive from :
 *herleiten (von),
 zurückführen (auf), verdanken*

to alienate :
 abschrecken, entfremden

individual liberalism and its facilitation of popular prejudices; nationalist fascism and the horrors of its racisms; communism and its debilitating condition of state dependency. Besides these lay fears of tyranny by monarchy, popular majority or powerful minority, as well as fears of dictatorship by either self appointed leaders or, most profoundly, any future democratically elected Parliament.

***Such are the high ideals of
the European project to work
against these recognised
social ills in any of their new
manifestations.***

Such, therefore, as potentially shaping the unifying social role and distinguishing purpose in public office, should be the sworn values of its member state's police officers as primary ideological references to both guard and assert across the common geo-political space of the EU. For it is a sobering thought to consider that what is said to 'globally unite' all police officers, as some renowned academics have forcibly concluded, is 'their willingness to kill fellow citizens if necessary' (Waddington 1999, 112). So what does it mean to change an oath? It would seem quite a lot since it may shape (or at least affirm) the very realm of ideas that influence the higher cause to which ultimate force is used or, for that matter, the ultimate sacrifice is made.

It is one thing to be governed by an obligation to be compliant with human rights in policy and practice, as all public police forces and their officers in Europe are. It is quite another to be an active instrument of their assertion through those policies and practices and have that requirement enshrined in the oath sworn to by the police as holders of public office. But this, in conclusion, is what the changes to the UK

police oath under its 2002 Police Reform Act seem to mean. And to the extent that human rights legitimately reflect a continuum of European history within its shared experience of modernity, they also depart from a continuum with a feudal era of antiquity and any discreet ideas of ethnic serfdom and nationalistic sovereignty they might otherwise engender.

To this end, could the development of a common police oath, explicitly centred on upholding fundamental human rights and according equal respect to all people, not be a common project for European police leaders to pursue? Legally mandated, publicly sworn before an appointed representative and perhaps even renewed annually in local open ceremony in order to ingrain its democratic credibility and local social meaning in terms of mixed community police relations, could this not be a common point of ethical reference given the supra-national level of policing already observed in contemporary policing across Europe?

VOCABULARY:

debilitating:
hemmend, hinderlich

unifying:
verbindend

to engender:
erzeugen

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