

Introduction to the Special Issue: A Critical Theory of Police Power in the Twenty-First Century

Anti-security Collective*

BARELY A DAY GOES BY WITHOUT THE POLICE BEING IN THE NEWS. In part this is because of the profound impact of campaigns such as Black Lives Matter, United Friends and Families, the Campaign Opposing Police Surveillance, Police Spies Out of Lives, the *Guardian* newspaper's ongoing report called "Counting the Dead," and the meticulous work of organizations such as the Network for Police Monitoring and Inquest. The work of these groups and bodies has in recent years opened the police institution to intense scrutiny and sustained public criticism. In that sense, it might appear that we live in a time of profound crisis for the police institution, a turning point in police history which might see the kind of police reforms many have been demanding.

A quick glance at the history books tells us otherwise. Open any history of policing and one finds the same stories over and over again. Police brutality? Police torture? Police killings? Police discrimination? Police corruption? Far from being recent developments, these have been integral to the police power since its inception; they are what the police do. Far from being the outcome of a few "bad apples," as the liberal press would have us believe, they are the very nature of the orchard. Because of this, the same history books tell us time and time again of crisis after crisis, where the police come under the kind of scrutiny and criticism which makes it feel like a turning point. And yet what happens follows a pattern: a reform here, an adjustment there, a pruning of the most rotten of the apples, and on we go, round and round, with more of the same, so that each and every crisis turns out to be a historical turning point where history forgets to turn. It is abundantly clear that the kind of police reform demanded by some is not

* THE ANTI-SECURITY COLLECTIVE is a group of scholar-activists whose work aims to critique and challenge the hegemonic and pacifying nature of security in all its guises.

the solution. It may sometimes be a solution to a particular local problem, but will never be the solution.

Our starting point in this special issue lies elsewhere. It also puts us at odds with the way police power is discussed in police science and criminology departments, the usual home for such discussion. The massive expansion of university departments, institutes, and research centers devoted to research and teaching in policing is truly dizzying, as is the plethora of journals, books, conferences and courses generated by them. Less dizzying is the range of laughably predictable questions that they ask: what increases police efficiency, what are the right police numbers, what makes for police professionalism, what will improve police performance, how might the police best relate to the public, how might we reduce police violence, how many bobbies on the beat? Each question leads in its own way to what is, for police science and criminology, the ultimate question: how can we make the police work best? The necessity of the police power is taken for granted; all that remains is for a doffing of scholarly caps and an offering of the very support and knowledge on which the police power insists. Any criticism of the police power, as far as criticism is permitted, is always already liberal and always already at pains to defend the existence of the police power as such. It is for this very reason that those departments, institutes, and centers are generally welcomed by the police themselves. How better to verify the need for the police power's very existence than to have all those academics thinking through that power's minor difficulties?

The questions that guide our thinking here are somewhat different. They are questions that attempt to think outside and against that dreary cycle of "professional engagement" and "academic impact," but they are also attached to a political analysis that demands that we think beyond police reform. They are questions that essentially boil down to one definitive question: why does the police power exist at all? The question is simple, the answer less so, because to ask this question is to ask after the state as a whole, its nature and its power, and to ask after the state is to ask after capital. A critical theory of police power, then, has much to say about the police, but by always returning to this one definitive question seeks to maintain a position that considers police power as part and parcel of state and capital.

This was what was attempted 20 years ago by Mark Neocleous (2000) in *The Fabrication of Social Order: A Critical Theory of Police Power* and the newly reissued *A Critical Theory of Police Power* (2021). Rather than start where most work in police studies and criminology begins, with the growth of the new police embodied in the uniformed forces of the nineteenth century,

Neocleous sought to recover the original meaning of police as it emerged with the collapse of feudalism and which subsequently became the logic around which a whole plethora of powers and practices could be organized to achieve something called order. This approach immediately forces us to think of crime as simply one dimension of the whole issue of police power and, more to the point, to destroy the myth that the police are society's one true defense against crime, disorder, or chaos. Crime control is a technology of police rule. This approach also forces us to consider the expansive web of institutions through which policing takes place and the ways in which they are entangled with professional police forces. What emerges from this analysis is an expanded concept of police and a way of grasping this web of power. More than anything, it means that when we do consider how the police engage with human beings on the street, whether to stop and search them, question them, kettle them, batter them, or kill them, we do not slip into the banalities of criminology. The critique of police power remains always outside, beyond, and against criminology, even—and especially—its so-called critical wing.

Some of these arguments have been developed in a series of interventions since the first publication of *The Fabrication of Social Order*, and they have segued into a developing body of work under the label anti-security and the critical appropriation of the concept of pacification. These works include, *inter alia*, Mark Neocleous's (2008) *Critique of Security* and (2014) *War Power, Police Power*; Guillermina Seri's (2012) *Seguridad: Crime, Police Power, and Democracy in Argentina*; Jeff Halper's (2015) *War against the People: Israel, the Palestinians and Global Pacification*; Travis Linnemann's (2016) *Meth Wars: Police, Media, Power*; George Rigakos's (2016) *Security/Capital: A General Theory of Pacification*; Tyler Wall and David Correia's (2018) *Police: A Field Guide*; Stuart Schrader's (2019) *Badges without Borders: How Global Counterinsurgency Transformed American Policing*; and Brendan McQuade's (2019) *Pacifying the Homeland: Intelligence Fusion and Mass Supervision*. Also likely to someday be used in evidence against us are a number of edited volumes: Mark Neocleous and George Rigakos's (2011) *Anti-Security*; Neocleous et al.'s (2013) special issue of *Socialist Studies/Études Socialistes* ("On Pacification"); Wall, Saberi, and Jackson's (2017) *Destroy, Build, Secure: Readings on Pacification*; and this issue of *Social Justice*.

In light of this work and the new edition of Neocleous's book, the articles that appear in this special issue of *Social Justice* seek to both engage with that book and to think through some of the issues raised by the critical theory of police power in general. The range of the articles here thus

moves necessarily between an ambitiously broad agenda and the minutiae of police operations. “What do we talk about when we talk about police power?” as Neocleous asks in the opening article, is a question designed to move us beyond some of the remarkably narrow and decidedly liberal assumptions that dominate debates about police. From one of these, the police militarization thesis, Neocleous goes back to his original arguments to explore what he calls, using the phrase of one police lawyer, the original, absolute, and infeasible nature of the police power. This salutary phrase is one which we should always keep in mind when asking how it is that, for example, police officers can strangle a poor Black man to death on the street in broad daylight. That such an act is evidence of police racism and thuggery is obvious. But if we stop our analysis there, we fail to see that such an act is fundamental to the original police remit of fabricating order in a capitalist society. Connecting such acts of violence with the wider fabrication of order requires grasping what Fichte, in his *Science of Rights*, called the peculiar nature of police power, and it requires grasping this peculiarity in light of the observations of Fichte’s contemporary, Friedrich Schiller, that man is always regarded by the police as a species of wild animal. So long as we fail to understand this peculiar nature, so long as we fail to understand that in the eyes of the police power we are wild animals that need to be domesticated, and so long as we fail to understand that we need to be domesticated into being *working animals*, we will never understand why it is that the police on the street get away with murder and, moreover, why it is that such acts of violence are integral to the ability of capital to just go rolling on and on.

From there, the articles spiral out in different directions. Some begin with seemingly minor events. Wall and Linnemann, for example, begin with a single arrest in April 2018, which appears to have taken place because two police officers conducted a coin flip as to whether or not to arrest a person for reckless driving. Taking up this chance arrest for a relatively minor offense, Wall and Linnemann come to treat discretion as the very heart of the police power. In his book, Neocleous treats discretion as the key to enabling the police to operate as an administrative power rather than simply as law enforcement, but Wall and Linnemann focus instead on discretion and violence, placing this violence at the very heart of the analysis of police. In this way, the critical theory of police power is better placed to understand the litany of deaths at the hands of police.

In contrast to Wall and Linnemann’s focus on the very particular moment of discretion, the articles here from Seri, McQuade, Brucato, and Jackson expand the focus by taking as their point of departure the idea that we need

to think of the police power as the fabrication by the state of the order of capital. Seri situates the concept of police within wider debates about the state within Marxism. If we treat the police power as an activity rather than an institution and as a function rather than an entity, we can begin to understand police power as fluid, amorphous, alegal, and multifaceted, moving through institutions, forms of agency, rules, and, of course, as Wall and Linnemann show, those fundamentally discretionary exercises of power by police officers on the street. This fluid activity has to be understood as a facet of capital as a social relation and the permanent war to produce wage labor. This demands that we think through the Marxist theory of the state, because such a theory is, after all, the very thing on which any critical theory of police power depends. To this end, Seri considers Neocleous's argument alongside state derivation arguments, interrogating the place of the state in Marx's *Capital*.

In similar fashion, although via an engagement with Poulantzas rather than state derivation theory, McQuade situates the police war within the wider social war of capital. To understand this police war is the task of pacification theory as we have sought to develop it within the anti-security framework. McQuade here considers the prose of police power, showing that the prose in question moves from the police institution to the broader operations of what goes by the name of social policy, but which can and should be understood as social police. The prose in question thus appears in the language of police on the street and the language of social policy, and both have the making of the working class as their goal. As with the other articles here, McQuade's approach presents the critical theory of police power as a radical and more historically grounded conception of the discourses and practices animating and organizing political power than alternatives such as governmentality.

The historical grounding offered by McQuade is paralleled and reinforced in Brucato's longer historical view, bringing the critical theory of police power into dialogue with the Black Marxist account of racial capitalism and the abolitionist politics of race. Taking his cue from the mandate provided to slave patrols in colonial America and the antebellum South, Brucato analyzes the racial power of white citizens to police the black population and hence exercise a form of racial domination as well as exploitation. Through the original slave patrols, the police power came into being in a co-constitutive relationship with capitalism. The impact this had on the concept of citizenship is what gets played out time and again on the streets of contemporary America.

The salience of race highlighted in Brucato's article is also a key feature of Zhandarka Kurti's discussion of Black Lives Matter and Will Jackson's account of the policing of gangs in the United Kingdom. Kurti considers how the analytic of police power engages with the dilemmas confronting abolitionist movements today, following the rise of Black Lives Matter, and asks how the analytic of police power helps connect the anti-capitalist and abolitionist imagination. Jackson likewise opens up broader questions than are found in the usual analyses of gangs, asking instead key questions of the critical theory of police power: How is order fabricated? Whose order is it anyway? What follows from such questions is the need to critique the idea of the disorderly, which is, after all, one of the most fundamental categories of the prose of police power. For Jackson, the questions so beloved by police science and criminology come down to little more than expressions of their own horror at the possibility of disorder, which is precisely how academia helps make the bourgeois cry of "Disorder!" unanswerable.

From these ideas of law and order and the disorderly we arrive at the obvious challenge put to us by the editors of this journal in the form of that perennial question: what is to be done? One response to such a question is obvious: to point out that the very question is designed to push police abolitionism into police reformism. It implies that whatever analysis of police we make, some proposal about what is to be done must follow. This is the kind of question that pushes books arguing for the end of policing into a series of reform measures; the slip from ending to reforming in Alex Vitale's book, *The End of Policing*, for example, means that the book has been treated by the UK Police Foundation as "a welcome effort" to help tackle the problem of "overstretched police services." The initial response to the "what is to be done?" question, then, is to refuse its premises. The question is a reformist trap that we seek to avoid. What is to be done? No comment.

The second answer, however, runs in the opposite direction. "What Is to Be Done?" is the title of a pamphlet written by V.I. Lenin over a century ago. As cited by Neocleous in his article here, Lenin argued for a single picture of police violence and capitalist exploitation. In that sense, far from refusing to answer the question, what we are doing here is precisely what needs to be done: a single picture of police violence and capitalist exploitation allows us to see that police violence is not an aberration but is integral to the nature of police, and it is integral to police because violence is integral to the nature of capitalist exploitation. This violence is the social war through which the working class is reproduced. In this picture, police violence and capitalist exploitation are unified. The task of a critical theory of police power is to

grasp and theorize the unity of the violence meted out by police officers on the “wild animals” they encounter on the street and the dull compulsion of economic force through which we are compelled like domesticated working animals to reproduce the very conditions of our alienated being.

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