

# MAKING SENSE OF REPRESSION IN POLICE STUDIES: WHITHER THEORIZING IN THE DESCENT TOWARD FASCISM

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The ongoing chatter about the police in terms of their juridic roles as rule enforcers within a criminal “justice” system mystifies, trivializes and distracts from much needed public consciousness and debate (McCormick and Visano 1992, xii).

What does the future hold for policing? In a sense, the past is the present, and the future is now (Forcese 2002, 125).

[I]n an unjust and exploitative society, no matter how “humane” agents of social control are, their actions necessarily result in repression (Liazos 1972, 117).

When the subject population has had enough of being studied, researched, analyzed, and tabulated and actively demands instead to be fed, housed, clothed, schooled, served, alive, and sovereign, then the sponsors of research shift their assets toward the sponsorship of a

different science, an alternate profession...the police profession (Nicolaus 1969, 384).

...all these aesthetic expressions of respect for the established order serve to create around the exploited person an atmosphere of submission and inhibitions which lightens the task of the police considerably (Fanon 1963, 38).

“What is the role of the police” is an enduring question. Capably addressed by others (Balko 2013; Gordon 2006; Kelley 2000; K. Williams 2007; Websdale 2001), my concern is not with policing *per se*, but how what is said about police/ing is made possible from varying theoretical orientations. The two are of course related. It seems to me, however, to see policing more clearly for what it is, one must critically assess the framing of experts who constitute knowledge about the policing apparatus in relation to the state and *society*<sup>1</sup> through a counter-colonial (Agozino 2003; Tauri 2012; Kitossa 2012) and Marxist sociology of knowledge. This amounts, in effect, to a culturology of academic epistemologies of police/ing. This combined approach is vital since around the world, as neo-liberal economies descends into the politics of authoritarianism and fascism, the *potential* for repressive violence by the state *qua* the

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<sup>1</sup> In quite a different way from Margaret Thatcher who argued there is no such thing as society rather only individuals, for Coulson and Riddell (1980) “society” is a rhetorical shorthand for hegemonic *interests* that are constituted as a social totality within a given social formation. Such a view has resonance with Benedict Anderson’s (1983) concept of the “imagined community,” where literature plays the role of constituting ruling class hegemony.

police is *actual* in the most naked of ways (Harvey 2011; Martinot 2008). Indeed, this fact is being made manifest by the growing awareness if not the actual growth of police extrajudicial murders of civilians. Normally mobilized against society's "social junk" and "social dynamite" (Spitzer 1975) as a way of generating consent against the perceived forces of disorder (Crichlow 2014; Hall 1973; Nunn 2002), repressive force, convergent and sometimes on a parallel track with the surveillance of both mundane and political life (Parenti 2003; Whitaker, Kealey and Parnaby 2013), is being unleashed against a broad spectrum of dissent occurring even within the limits of liberal democratic "tolerance."

Over the past 40 years, the courts and politicians have simultaneously slackened legal constraints against the police, enlarged its authority for force and surveillance, deepened its cult of secrecy and insulated it against the transformative possibilities of meaningful civilian review (Kelley 2000). The results, even by the standards of liberal democratic contractarian social theory of the European Enlightenment philosophes, is bearing poisoned fruit in the flowering of a fascistic social order overseen by its domestic militarized shock troops: the police. There is little governments can or want to do, after all, as Charles Reardon astutely notes: "[t]he state must obviously protect its protectors" (1974, 270). The examples are legion, wide-ranging and not limited to any country or jurisdiction, though of course the extent to which force is a default seems to correlate with histo-

ries of colonialism and imperialism and the cultural dimensions of state formation.<sup>2</sup> Yet, the bald exercise of repressive force cannot be separated from the crisis nature of capitalism (Harvey 2011; M. Smith 2010), its devolution toward neo-feudalism (Zafirovski 2007) and the commensurate indications of fascism most evident in militarized and repressive state control (Hedges 2010; Kraska 2007; Martinot 2008; Morrison 1995; Robinson 2009).

What has policing studies to say of all this? Aside from critical analyses advanced by those outside the academy or those marginalized scholars within, it is not that policing studies has nothing to contribute. It is that *what* and *how* it is said are matters of power, and that the embeddedness of an inherently conservative standpoint within the clerisy of social control—criminology—serves both to constrain radical epistemology while throwing up Consensus-Pluralistic obfuscations that, presumably, serve as explanation. The effect is to impoverish the

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<sup>2</sup> Examples include: gunning down Native Canadian, Dudley George at the Ipperwash reclamation of Stoney Point; corralling, mass arresting, blasting with sound canons and using agents provocateur at the neoliberal summits—“Battle of Seattle,” Montebello (Quebec), Toronto and Philadelphia; gunning down 38 striking miners in South Africa (CBC News 2012); forcing pepper spray into eyes of peaceful student demonstrators in California (CBC News 2011); brutalizing “Occupy protesters” in the US; killing an unarmed African American senior, who did not need their “help,” in his home in White Plains New York (Democracy Now 2012a); to beating and killing Latinos, Mexican-Americans and Mexican-American migrants (Democracy Now 2012b); wreaking havoc in militarist prosecution of the war *for* drugs (Meeks 2006); spying and wiretapping Muslim-Americans in the North East (Democracy Now 2012c); sport hunting civilians (see US Department of Justice 2011; van Natta 2011) *inter alia*.

culture of public debate about policing in (liberal democratic) society, since what is radical is marginalized and that which affirms the status quo is lauded. This essay is an explicitly counter-colonial (Agozino 2003; Kitossa 2012; Tuari 2012) and materialist sociology of knowledge as it concerns policing studies. Through an assessment of selective major works, the aim is to examine the belief that policing studies is in crisis, especially since there appears to be agreement between what I will loosely describe as Consensus-Pluralist and Conflict-Marxian police theorists that this is in fact so. I suggest that when the claim of a crisis in police studies is examined closely, one sees nothing of the sort. To demonstrate this point, I will critically examine the work of Peter K. Manning (2010), Michael Raphael (2010) and Jean-Paul Brodeur (2010) on one hand with that of Sidney Harring and Gerda Lerner (1993) and Todd Gordon (2006) on the other.

Viewed from both a counter-colonial and materialist sociology of knowledge, what we have is really a lament from the left that the repressive apparatus has grown in power, and, from the “mainstream” and the slight left-of-center, intellectual contortions that confound their complicity with the status quo through obfuscations such as “democratic policing.” On the contrary, there is every reason to believe that policing studies, at least from activist-scholars on the left, civil libertarians, hip-hop, reggae and folk-protest music, is as robust in its theory and empirical observations as it has ever been. I suggest that while new technologies (e.g. drones,

sound cannons and other military hardware and software) and political autonomy have moved policing in a direction parallel with 20<sup>th</sup> century fascism, these are just that, the resonance of prior practices now concealed by bourgeois obfuscations such as “democratic policing.” To make sense of this “new” reality of policing, I suggest institutionalized policing studies must fully develop theory that draws on counter-colonial critiques of state repression<sup>3</sup> as well as Conflict-Marxian studies of policing that situate policing within the matrix of state and society (see Brogden 1982). Through this *re-vision* and appreciation of critical consciousness articulated by, for example, the Black Panther Party (Heiner 2007), Marxist frames of knowledge production (Cornforth 1977) and Marxian accounts of state formation and monopolization of violence (Tilly 1985), we find insights that reveal the outlines of neo-liberal society and a capitalist world order fitted for fascistic policing.<sup>4</sup> While policing studies has always

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<sup>3</sup> I opt for “repression” over “coercion,” because the monopolization of force is a political act intended for specific purposes rather than an end in itself.

<sup>4</sup> In emphasizing repressive power, I am not unmindful of the Gramscian equation - force of persuasion and persuasion of force - elaborated by Stuart Hall’s (1979) emphasis on the ideological dimensions of policing. What must be conceded, however, is that while this is a dialectic in the last instance, it did not begin as such - indicating the possibility the equation is problematic. I believe Charles Tilly, drawing on Arthur Stinchcombe, suggests the plausibility of this critique: “Legitimacy...depends rather little on abstract principles or assent of the governed: ‘The person over whom power is exercised is not usually as important as other power-holders’” (1985, 171). It is for this reason that concessions to inchoate mobs and organized rebellions are generally conceded on two grounds: one, brief periodic concession to keep the “trains

been dominated by Consensus-Pluralist thinkers, decolonization practitioners and theorists and academic Conflict-Marxian theorists (however few, embattled and marginal they are), more accurately apprehend the ultimate uses of the policing institution in the matrix of maintaining power in the rush toward fascism.

### THE DEBATE

Of what use and whose interests the police serve are questions raised at the instantiation of the triumph of the bourgeois revolution (Storch 1975). These questions are still being asked, but in full view of the conflict and tensions in the society they represent. The answers therefore differ, depending on one's relationship to those tensions and conflicts. Those on the front lines of dissent, those who are surveilled and infiltrated, live in occupied spaces or experience police coercion and repression, or are "organic" intellectuals representing the interests of the dispossessed produce critical inquiries that are in touch with the fundamental reality of policing in capitalist/colonialist society and the neo-liberal universe (Balko 2013; Della Porta and Reiter 1998; Headley 1994; Lovell 2009; Sewell 2010; K. Williams 2007; C. Williams 2005; Websdale 2001; Nelson 2000; Pedicelli 1998). But in academic research on policing there is a debate about the state and health of policing studies. Indeed, in their mutual dissatisfaction with the

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moving on time" and two, where there are sympathizers among the ruling class (Fox-Piven 2008). The question of theorizing enduring change, given the tortuous career of any social problem (Blumer 1971), is not within the scope of this paper.

state of policing studies, there appears to be a bridge between Consensual-Pluralist (Loader 2011; Brodeur 2010; Manning 2010) and Conflict-Marxian theoreticians (T. Gordon 2006; Harring and Ray 1999).<sup>5</sup> While there is no denying the import of empirical work and those that address the “scientific” elements of policing and its management, the concern among these theorists is that policing studies has taken a deeply “correctionalist”<sup>6</sup> turn. The result, it is argued, is that reflection and research on policing is a satellite of the policing apparatus’ knowledge needs and this, consequentially, adds little to our understanding of institutional adaptations and practices to “changing” circumstances.

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<sup>5</sup> There are those who assert, as José Dos Santos (2004), that it is policing itself that is in crisis. Interestingly, while Dos Santos admits the crisis of policing is traceable to neo-liberal generated social decay, he fails to explore this issue as a crisis of the state and that it is from this that both repressive policing and police crisis of legitimacy arise. Policing studies may, then, appear to be moribund precisely because policing and the state are in crisis and require forms of knowledge that seek to regain their ideological legitimacy. Christopher Murphy’s (1999) perspective on the problems with policing studies suggests that as goes the state’s interest in policing research so goes academics’ access to funding and a willing subject. Murphy is concerned with the implications of government and police foreclosure on research for efficiency, public policy and public education. Yet, an important preoccupation is the belief that the academic research cohort will decrease significantly from its already low number. Totally ignored by Murphy are academic Conflict-Marxian formulations as well as a counter-colonial critique.

<sup>6</sup> David Matza (1969, Chapter 2) offers “correctionalism” as a moniker for a discourse that is hegemonic in institutional and scholarly approaches to “deviance.” Its dimensions include: “crime” and “criminality” as objectively real, the assumptions that these have definite foundation in individual psychopathology or derelict social settings and relations and that deviance/crime can be gotten rid of.



There are two reasons for this “correctionalism,” though the weight given by the theorists just noted differ, and, as I will suggest shortly, this fact has quite serious implications for whether and how policing studies can be imagined to stand apart from the state and its semi-autonomous repressive apparatus. The aim of knowledge generated at a distance from the inner sanctum of institutionalized policing and the funding priorities of the state is to produce meanings that are analytically independent. Be it criminology, penology or policing studies, the subject matter is defined by the state—law, “crime” and its management. The struggle, from a Critical-Marxian perspective, has been to generate theory and research that treats the state’s definition of reality as itself an object of critical study (Cohen 2007a; Hillyard and Tombs 2004; Agozino 2003; Visano 1998). With the foregoing in mind, the first epistemic problem is that policing is explored as an institutional form as though it can be abstracted from antagonistic social and political forces. Second, the broader function of policing as moral and social regulator, in terms of social and material conditions, and what this *means* for the emergence of certain policies, practices and the maintenance of social order is largely ignored by mainstream empirical and theoretical work. In sum, research that ignores these epistemic concerns is not concerned with policing as a social institution but with what can ensure that policing works “better.”

In other words, the chief problem with detailing police management and organizational

problems, “internationalization of policing,” police functions and efficiency and use of force etc., is that the examination of these objects is not fully sociological. In most bourgeois empirical studies of policing, the nature of the state, political economy and historical materialist analyses of social formations<sup>7</sup> is emaciated. The point is not that there isn’t theory in the “correctionalist” approach, it is that undeclared “correctionalism” is both a theoretical framework and an object for “improvement.” How can one take as theory and one’s theoretical start point the operations of the thing one wishes to “improve?” Naturally, such an approach will be rich in detail but what *meanings* it offers vis-à-vis a greater understanding of policing, state and society and how such detail can be meaningful toward economic and social democratization is difficult to approach. “Correctionalism” may find here and there improvements to be made, but it already presumes society is substantively democratic, as it does with institutional policing, and that there are only minor institutional defects in need of reform (see Cohen 2007b, 262). It is not implied by this criticism that “correctionalist” policing studies or reformism should be dismissed. Rather, my assertion, stated in a slightly different and more focused form than the complaints about institutionalized police studies, is that the “correctionalist” study of policing should itself be an object of study vis-à-vis forms of knowledge in bu-

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<sup>7</sup> “Social formations” is a Marxist concept that comprises the totality of economy, culture and ideology and the state and other things that make life possible and which shape the quality of human experience (see Greenberg 1993, 16).

reaucratic, class-based societies relative to ruling relations (D. Smith 1987) such as class, gender, race, sexuality and colonialism and imperialism. Another concern, long noted by insurgent sociology (Ladner 1973; Gouldner 1970; Mills 1948) and the emergent radical criminology of the early 1970s, is that “correctionalist” policing studies blur the lines between academicians, policy makers and practitioners (Manning 2010). The concern here is less about academic freedom, though this is an issue, and more about the ways “correctionalism” draws in and circumscribes scholarly inquiry to the concerns and needs of the police apparatus. Bill Fanell and Larry Koch, interestingly, suggest the issue is not merely “correctionalism” capturing academia, the process works also in reverse (1995).

While, analytically speaking, there appears to be agreement on the “problem” (“correctionalism” in policing studies), such consonance is superficial. At the start what must be avoided is the tendency to misperceive that where and when opposing theoretical perspectives are consonant in identifying a “problem,” there can be a bridging of opposing theoretical approaches. For example, a unified theory of criminology (see Felices-Luna 2010; Huey and Pare 2010) that is value-neutral (Case and Farrell 1995) requires a sanitization of the relationship between contested epistemologies and the opposing social values and politics that underlies conflicts over knowledge, its production and the material basis of social organization. Thus there are serious limits to the view that oppos-

ing view-points, especially when demystified vis-à-vis their relationship to ruling relations such as class, gender, colonialism/imperialism, racism and sexuality are or can be congruent. We see that from critical examinations in the sociology of science, “science” is not the ground where uninterested and emotionally and materially uninvested truth-seekers mash together facts to arrive at true (consensual) knowledge (see Shapin and Shaffer 1985; Kuhn 1970). Science is heavily driven by politics (and culture), politics by economics and, historically, political economy by dominant social interests and the latter by a society’s mode of production and cosmological view (Cornforth 1977). Another limit, but not for Conflict-Marxian theorists, is that the “correctionalist” view is not seen as *a* view, and the dominant one at that. Finally failure to appreciate that neutral views are not in fact so, abstract the researcher, knowledge and knowledge production from their embeddedness in prevailing social relations. Against claims that the researcher is outside it all, in the context of a society that reproduces capitalism, colonialism, homophobia, imperialism and patriarchy, proclamations of distance offer tacit complicity with extant social relations.

The point was made in another way by Howard Becker (1967) who asked “whose side are we on?”. For Alvin Gouldner the answer, uncomfortable for many, went beyond “taking sides.” The nature of institutions, he suggests, makes the point moot: institutions exist to maintain extant social relations and as such, so do the people in them (1979; 1970). This in-

cludes knowledge workers (a.k.a: academics, state institution researchers, journalists, novelists etc). To the extent the means of production are not socialized and bureaucracy is captured by an elitist cadre in defence of privileged allocations and ownership of productive property, the distinction is not between capitalism and socialism in ideal terms, but in the practical reality and contradiction of ownership and privilege in bureaucratic societies that exploit the masses of people (Chambliss 1993a, 30-32; Djilas 1973). The point is that forms of consciousness are structured by the interplay between social and material conditions and that some forms of consciousness—aware of itself, of social conditions and guided by robust theory—can more acutely see through conditions of existence and make transformative steps beyond reform. Others, whether conscious or unconscious of their allegiance to extant social relations, seek to conceal the structure of reality and the operation of order protecting institutions because of their embeddedness in the material conditions that produce a “hierarchy of credibility” (Becker 1967, 241; see also Sumner 1979). The nature of this embeddedness is the tendency and necessity of mystifying moves that treat reform as an end. Forms of knowledge that challenge hegemonic institutions, if they cannot be absorbed, are accommodated, marginalized, ridiculed, tolerated or structurally excluded as the case may be. But, since ideas are not independent of the people, classes, history, social and material conditions that produce them, it stands to reason that to take a stand against “correctionalism” in policing stud-

ies is also to self-consciously articulate a normative social theory that contributes to the struggle against ruling relations.

### A NOTE ON THEORY

As to studies of policing, state and society, I suggest social theory and its attendant values fall into two rough-hewn categories: Consensus-Pluralism and Conflict-Marxianism. As I have shown, the former constitutes the predominant mode of thought in liberal democratic social orders. What I suggest now is that the Conflict-Marxian approach is far more robust in demystifying reality than Consensus-Pluralism. Indeed, vital to Conflict-Marxian theory is to account for contradictions that inhere in the class conflict between the producers of wealth and the owners of the means of production and the role of ideology as a cultural and political force (Greenberg 1993). This fundamental distinction suggests these two approaches to epistemology agree differently on the nature of the problem regarding policing studies and thus what counts is their explanation of the problem identified. At the outset, we are confronted with the paradox that “correctionalism” is a cul-de-sac created by this approach itself. Conflict-Marxian theoreticians are not burdened by the latent necessity of explaining away contradictions inherent in social theory and the material conditions that sustain a “correctionalist” viewpoint.

Now, none of this precludes slippages in the Conflict-Marxianist approach, to wit one may find, here and there, consensual-pluralism

seeping into its epistemology. For example, in accounting for theoretical accounts of coercive laws that are presumably inimical to the interests of the ruling class and assorted elites, Ron Hepburn shows that Willem Bongers, an early Marxian theoretician of capitalist law and its enforcement, unacceptably commits himself to "...reliance upon a certain degree of pluralism..." (1978, 78). Bongers's error was that he assumed the socially powerless occasionally gain proscriptive power to curtail ruling class practices incommensurate with the interests of the oppressed. This is not all surprising given, as Marx and Engels argue, the dominant mode of thought in any age is consistent with the interests of the ruling class—hence, the conception of bourgeois society. This means that ideology is more than the effort of the ruling class to indoctrinate subordinate classes. It is rather that in the very rhythm of life in a capitalist society, thought and action are constrained by forms of consciousness deemed permissible by the logos of bourgeois society. It is for this reason "bourgeois society" accurately describes the dominance of ideas that sustain the ruling class independently of their concerted efforts at indoctrination (Mepham 1979). Thus the power of the oppressed as "consumers, voters and members of voluntary associations" claimed by Bongers, to push the state to pass laws consistent with the interests of the oppressed, negates the fact that "solidarity" of sympathetic elites are required and that such laws themselves are either provisional or "gifts"<sup>8</sup> which negate and undermine

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<sup>8</sup> See Manning's (2010) mystifying conception of "democratic" police "service" as "gift giving." Used variously throughout his

the necessity of more fundamental and on-going transformations (Hepburn 1978; Fox-Piven 1976). The central point is that without revolutionary and self-reproductive transformation, equilibrium-seeking actions taken by the state, ruling class and elites restore and conceal the fundamental conditions that generated moral outrage in the first instance (see Moore 1978). Theory must, therefore, be coherent, logically consistent with historical specificities, and, following Lenin's dicta, as "radical as reality itself" (see M. Smith 2003) in providing explanations of facts brought into question (Greenberg 1993; Segal 1971; Cabral 1966).

### CONSENSUAL-PLURALISM

What follows hereafter is not a thorough going critique and representation of Patrick Manning (2010) and Jean-Paul Brodeur's (2010) career summative works and less so of their prior scholarship.<sup>9</sup> One may turn to a cogent and just

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text, "democracy" receives no thoroughgoing theorization. Any discussion of "democracy" must concede there are variants in both theory and practice and one particular meaning as opposed to others cannot be taken-for-granted but must be explicated (see MacPherson 1992).

<sup>9</sup> The prior scholarship of both authors differ in theoretical orientation. Manning's scholarship, while having a tendency toward conflict sociology, especially in the symbolic interactionist tradition, was also strongly pluralist in nature. While Brodeur's prior work on the other hand, in view of its more clear-headed conflict structuralist orientation, though very much in the domain of civil libertarianism, was uncompromising in its critique of the repressive power of the liberal state. To a large extent, therefore, Manning's position remains logically consistent, but Brodeur, perplexingly, seems to have modified considerably by moving toward an (uncertain) encounter with post-structuralism.



as problematically Consensual-Pluralist review of their work by Ian Loader (2011). (Nor following this will I engage in a full elaboration of Conflict-Marxian approaches to policing, state and society—this is a full and extensive literature I make no pretense of summarizing.) My purpose for this essay is restricted to stating manifest epistemological concerns and latent values that promote the demystification of institutionalized policing studies and the general “correctionalist” orientation toward it. It is hoped my brief but condensed remarks will not tend toward caricature but will suggest the Consensus-Pluralist statement of the problem of epistemology is inconsistent with its capacity to resolve the problem it identifies.

The Consensus-Pluralist approach is a continuum of theories that presume social contractarianism is the foundation for civil society. At one extreme lies the Durkheimian *conscience collective* which assumes fundamental and unmediated social agreement among atomistic individuals who “naturally,” as though by some spontaneous creationist imperative arrive at agreement about morality and law.<sup>10</sup> By Durkheim’s logic criminal and civil law are not the manifestation of social relations of production or dominant groups capturing legal legitimacy through a moral code consistent with

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<sup>10</sup> To be fair, particularly in *The Rules of Sociological Method*, Durkheim’s thought on law and morality opens toward a perspective more conducive to a conflict orientation. Yet, his consensualism was never divorced. On balance, Durkheim’s more developed analysis, because of his rejection of Marxism, contained a hidden contradiction “resolved” by the dominance of consensualism.

their class interests. According to this view, both forms of law reflect pre-political moral awareness that sanctions are “doubly institutionalized,” first by the *conscience collective* and then by the state.<sup>11</sup> The distinction that arises between criminal and civil law presumes that the former reflects what is most harmful and about which there is little disagreement in society. By this view, crime arises from moral failings and some groups seeking to opt out of the social contract to “take” what is not “theirs.” Why this might be the case is never explored because it would undermine both the theory and its normative claims.<sup>12</sup> William Chambliss (1993a) demon-

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<sup>11</sup> For a concise discussion of how the nexus between capitalist morality, law and the manufacture of consensus constitute and seek to impose habituations of (bourgeois) consciousness and action see Hepburn (1978), Moore (1978), Brogden (1982), Hall et al., (1979), Humphries and Greenberg (1993) and Spitzer (1993). All these work suggest that in class-based societies, consensus and morality are political rather than metaphysical in their constitution and playing out. Murder, rape and kidnapping are, for example, constituted, defined and enforced in ways consistent with certifying capitalist morality, private property and accumulation. Unless of course committed by state agents in service of those interests. As a notoriously sadistic CIA agent, George White, chirped: “I toiled wholeheartedly in the vineyards because it was fun, fun, fun. Where else could a red-blooded American boy lie, kill, cheat, steal, rape ad pillage with the sanction and bidding of the All-highest” (Cockburn and St. Clair, 1999).

<sup>12</sup> Making a similar point about the Classicism of the pan-European *Enlightenment* (i.e., Beccaria, Locke, Kant *inter alia*), Taylor, Walton and Young (1973: 4-5) demonstrate that this theory exhausted itself on the grounds of its own social and material conditions. For instance, founded on the economic theory of rational action, Beccaria admits, logically, that theft by the dispossessed can be accounted for rationally:

He who endeavours to enrich himself with the property of another, should be deprived of part of his own. But

strates that Durkheim's conceptualization is complicit with bourgeois ideas. In essence, Durkheim ignored the fact that "political society is built on a foundation of repressive force" (Hepburn 1978, 72) where consensus is manufactured. To this end, one finds that in policing studies, Durkheimians such as Egon Bittner and James Q. Wilson *inter alia* (see Takagi 1979) are the theoretical substrate upon which pluralistic policing studies rest (see Manning 2010, accounting for his indebtedness to Bittner).

At the other extreme, Pluralists shed some of the empirically untenable aspects of European *Enlightenment* contractarian metaphysics by dabbling with conflict theory. Adopting the contours of a moderate left posture, they smuggle social conflict into their theorizing of criminal law without ever letting go of Durkheim's false dichotomy. This Pluralist view, then, admits conflict in society and that this is mirrored in the criminal law. Pluralists hold that society is

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this crime, alas! is commonly the effect of misery and despair; the crime of that unhappy part of mankind, to whom the right of exclusive property (a terrible and perhaps unnecessary right) has left but bare existence."

While Beccaria sheds crocodile tears at the consequence of the "right of exclusive property", he accepts the double deprivation of those that would be punished by material loss, and pending none, their freedom by imprisonment. It is consequential for the sanitization of repression in consensus-pluralist policing studies that neither Beccaria *inter alia*, nor Taylor, Walton and Young for that matter, approach the issue of those whose person and labour was the property of others (i.e., chattel slavery) and so running away constituted theft, or those whose land was stolen from them (i.e., colonialism) under the specious logic of equality which admitted the colonial Other was less equal and thus any counter-colonial resistance justified punishment by, at the extreme, genocide (see Charles Mills 2006; Agozino 2003; Eze 1995).

composed of equally empowered and opposing groups and that the rationality of their claims determines their impact on law-making (Chambliss 1993a; Hepburn 1978). As articulated by Mike Brogden, with the state as the central node of its articulation, Pluralism regards the state as a "...citadel to be captured, or at least held and persuaded to favour sectional interests. Its power to make decisions is a prize to be striven for" (1982, 6). Law, then, is constituted by way of European *Enlightenment* reasoning as the end product of rational forces winning the day. Having then admitted conflict safely into its precincts, Pluralists take a more agnostic stand toward the "criminal." As asserted by David Gordon (1973) of liberals, Pluralists argue that the failure of some individuals/groups to achieve the material ideals of bourgeois society is a combination of their moral failings (criminogenicity and/or social disorganization) amplified by minor but adjustable defects in liberal democratic society.

Both Brodeur (2010), Manning (2010) and Michael Raphael's (2010) work can be located on the Pluralist end of the consensus-pluralism spectrum. Hence, their specific concern regarding the production of knowledge about policing, as noted by Loader (approvingly), concentrates on the fact "...that police research and policy are today in grave danger of forgetting the hard-won lessons of police sociology" (2011, 454). This notion begs from whom did police sociology win these hard-won lessons and what was the nature of the struggle? And since when was police sociology a monolith? It is instructive

that in Manning and Raphael and Brodeur (and Loader) the insights of Conflict-Marxian social theorists and theory are nowhere to be found. This absence is important, since by this exclusion, Pluralism signifies itself as the theoretical counter-weight to hegemonic knowledge forms and presumes itself to be the basis for social struggle against institutionalized policing and thus takes credit for modest reforms (which were hard won by counter-hegemonic forces).

### I: MANNING AND RAPHAEL

The foregoing is surprising since the Pluralist theorists give no account of their contradictions regarding the semi-autonomy of the police, the state's dominant role as force monopolizer toward sustaining capitalist social relations of production, and, of course the state's role in generating a surplus of ideology. Indeed, drawing on John Rawl's liberalism—the *veil of ignorance*, *justice* and *fairness*—Manning's vaguely defined conception of “democracy” obviates a historical materialist reading of struggles in liberal democratic society as well as self-conscious agency in demanding reforms of policing in lieu of a more finely articulated consciousness and action calculated to transform oppressive relations. He writes, “[r]eform efforts directed toward policing in the aftermath of the riots in the late 1960's, seeking to reduce social distance and to co-opt minorities into “partnerships,” were visible and important, but they were never designed to alter the pattern of inequality” (2010, 244). The implicit assumption that reformism and the aspiration for social inclusion

derives from relative deprivation (African Americans are jealous of Euro-Americans) is condemned by William Ryan as *blaming the victim* (1976) and by Robert Allen (1970) and Sidney Willhelm (1971; 1982) as subterfuge concealing the transformative nature of the rebellions against oppression. More explicitly, the rebellions, not “riots,” were a rational response to African American exclusion from even the most meager benefits of capitalism and liberal democracy. And more to the point, the brutal repression by the police and National Guard, confirmed their usefulness as a surplus population generated by outsourcing and the mechanization of capitalist accumulation (Bell 2000; Brand 1994; Kelley 2000; Willhelm 1971).

The post-rebellion *quiet* could not have been achieved without federal, state and local police, military complicity and political surveillance that assassinated radical and civil libertarian leaders; judicial complicity in framing and discrediting leaders that were not killed; the infiltration and disruption of labour, revolutionary, peace, social justice and reformist groups alike through spies and *agents provocateur*; and through the general practice of repression legitimated by the “law and order” complicity between the White political elite and racist police who operate as an occupying force in the lives of “redundant” African, Native, Latino and Mexican Americans (Daniels 2000; Kelley 2000; Churchill and vander Wall 2002; Greenberg 1993). Thus in view of the racist and violent police repression and their commitment to reproducing ruling relations, Manning’s (2010, 248)

recitations of police work as dramaturgy is de-contextualized and therefore depoliticized:

[policing]...by many...features and practices... must of necessity remain backstage and out of sight. These are the practices that enable front-stage work and team work to go forward with *the public* (Goffman 1956). The police are *feelings* oriented in spite of their protestations—they enact poetic and aesthetic actions... They enact *poetry*. [italics added]

It is the cruelest of jokes to suggest there is anything “poetic,” “backstage” or “out of sight” about the bodies of poor, immigrant, people “of colour” and students being bludgeoned, choked, maced, tased, shot and surveilled.

In view of the racist history of policing, its patrolling and surveillance practices connected with slavery (Parenti 2008; Bell 2000; Kelley 2000; Hawkins and Thomas 1994), colonialism (T. Gordon 2004; Fanon 1967; Anderson and Killingray 1991; Enloe 1980), internal colonialist containment (Wacquant 2008; Carmichael and Hamilton 1972; Staples 1975), militarization (Chambliss 1995b; Kraska 2007; Meeks 2006; Klare 1974) and past and current social control of the US/Mexican border (Parenti 2008), Manning at best mystifies the brutal and murderous repression enacted by the police against the poor, immigrants and an assortment of “surplus people” and other “undesirables.” Moreover, to suggest that repression of targeted groups is no longer a central objective of “democratic policing” in post-industrial society and that “trust,” “mutual obligation and reciprocity” arise between police and the governed wherein the po-

lice are Maussian “gift givers,” grossly distorts reality at best and at worst is complicit with manufacturing consent. Clearly because he offers no theory of the state, Manning does not distinguish between the impossibility of “democratic policing” versus policing in a liberal democracy. Accordingly, power and violence are merely *significations* of police authority (Manning 2010, 249) rather than the reality of perceived “threatening” persons, groups and classes who are set upon by the state’s repressive apparatus. Despite the obvious facts contradicting it, Manning (249) asserts the

...police give more than they receive, they resist provocation, and the response of the other cannot always be anticipated. Yet, a gift by the police, in this sense tolerance and patience in the face of uncertainty, creates an obligation to reciprocate (Mauss 1990). However, it is a problematic pattern of exchange and reciprocity because the gift is invisible.<sup>13</sup>

The choked and pock marked bodies of Mike Brown, Eric Garner, Philando Castile, Alton Ellis, Rekia Boyd<sup>14</sup> and so many others are hardly *invisible*, unless of course one accepts Ralph El-

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<sup>13</sup> Given state authority and the personality of the police become merged in a uniform that manifests and symbolizes state monopoly on force in the maintenance of extant order, the police are “L’état, c’est moi.” The practical result of the investiture of state power sets in place a prefiguring interactional dynamic in which the police regard both protest and *untermenschen* citizens/persons as threat to the state and social order. With this fact recognized, as Manning himself appears to do elsewhere (Terrill, Paoline and Manning 2003), risks concealing the dynamics of repression with talk of “gift giving.” The ultimate danger of this approach, however, is that in individualizing the response of police to whatever context we lose the fact that the unalloyed function of policing is repression.



lison's proposition that African Americans are not worthy of sight, much less the right to exist. However troubling, it would be an error to dismiss these ideas as nonsensical, especially given Mannings' prior work that was critical in nature though it tended toward Pluralism (1971).

As with his earlier work there is certainly value in examining policing from a symbolic interactionist standpoint. Doing so, however, requires a theoretical framework that connects policing ideology (consensus making), moral regulation, social control and compulsion of the oppressed toward wage labour (T. Gordon 2006). The merit of a materialist approach is that it gives serious treatment to the state and society in ways that appreciate the relationship between resistance and social contradictions. It is little good, then, to seek as does Michael Raphael (2010, 255-258), Manning's protégé, the transformation of policing through semiotic tactics, as though by this Hegelian method of supposing ideas stand apart and are not determined by, though dialectical with, in the first instance, materialism. It is assumed that by changing the nomenclature of "policing" to "patrolling," the police apparatus it signifies is presumed to also change in reality<sup>15</sup>. Nor is it

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<sup>14</sup> Kimberlè Crenshaw demonstrates that amidst the concerns over the police murder of African American men, African American women's experience of savagely equitable likelihood of being killed by police ought not to be diminished by its comparatively less prevalence (2015).

<sup>15</sup> Manning (2010) in general but Raphael (2010) in particular, suggest the "police" is a signifier too semiotically limited to make sense of policing in the post-modern context. In that context it is argued

meaningful to sustain undue faith in *Posse Comitatus*<sup>16</sup>, as does Manning (2010) and Raphael (2010), when border militarization and the internationalization of the “war on terror” facilitates, through the Patriot Act for example, domestic policing by the military, the development of paramilitary/gendarmerie (e.g., rapid

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...it is theoretically negligent to continue such significations. Thus, one must declare, by the power vested in the historically developed nature of semiotics and the English language, that from this forward, ‘police’ and its officers shall be referred to as agencies and agents, respectively, because they are agents of the people and their authority derives from the consent of the people governed and nowhere else. (24-25)

As I have been harping in this introduction there is much that is problematic about such statements in terms of its commitment to pluralism. Yet, my concern here is that this semiotic sleight of hand, intended to drain policing studies of the full spectrum of repressive practices from surveillance to truncheons and bullets in fact doubles on itself to reveal the very facts that are attempted to be concealed. Should then, Raphael seek to claim order is “patrolled” rather than “policed”, then it would do well to remember that modern policing did not emerge merely from Peel’s preoccupation with manufacturing consent. It emerged also from the fact that slavery was maintained by a patrol system that deputized the totality of all able-bodied white males of age and that it was regulated through a system of surveillance, metrics of biopower and homicidal brutality. Indeed, the emergence of modern policing in the US is intimately connected with the racist program of the state, capital and White hegemonic society. It is vital to remember that the first forms of organized policing in the US were slave patrols and subsequently inclusive of the KKK terror campaigns which tightly forged classism and racism with capitalism and state brutality (see Hadden 2001; Bell 2000; Kelley 2000; Hawkins and Thomas, 1994). Moreover, a materially abstracted semiotics ignores that the police-patrol nexus are flip-sides of the same practice in the signal role policing had and continues to play in colonialism and imperialism (Anderson and Killingray 1991; Kelley 2000).

<sup>16</sup> The past decades in the US have seen the growth of private contract policing—basically mercenary soldiers. More relevant to

deployment units) and a whole range of military-police collaborations (Gillison, Turse and Syed 2016; Kelly et al. 2009; Parenti 2008; Kraska 2007; Lutterbeck 2004). Manning and Raphael's sanguine views can be counted as political naïveté, but a more rigorous explanation would be that they do not see the state in terms of class or colonial (and race) oppression but as a neutral arbitrator between factions defined by party rather than identity and interests. As a force in class warfare, always siding with the rights of the bureaucratic (in the case of social-ist states) and capitalist class as the case may be, the state is not a politically neutral entity. So why then are police required? For William Ryan, the answer is classic, elegant and simple: "Presumably we hire them to do what they, in fact, do: arrest black people and poor people. In functional terms, it is hard to evade the conclusion that the major task we give our police is to control potentially disruptive or troublesome groups in the population" (1976, 208); basically, to seek, label and generate fear, isolate and destroy in the name and sake of protecting "society" (J. Miller 2011; R. Miller 1996).

Indeed as far as "crime" control and prevention goes the police may solemnly lament they can do anything at all about "crime." Yet to the extent criminal legislation continues to expand as do police on the streets in uniform and undercover, many hands make for light work of suppressing dissent, occupying ghetto commu-

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the issue of *Posse Comitatus*, George W. Bush signed into law the Defense Authorization Act which grants the president executive authority to deploy the national guard and military, without consent of states, to quell civil disturbances (Morales 2006).

nities and stuffing prisons beyond their capacity. To the extent the neoliberal state is not a social democracy and in which citizens suffer forms of “social death,” the state is deeply implicated in maintaining organized chaos through what David MacGregor calls “Machiavellian state terror” (2006). That is, through its ontology as a political-economic enterprise of exploitation and oppression, the “deep politics” of the state mandates the normalization of “evil” (MacGregor 2002) acts toward its citizens, and, in the case of imperialist states, upon the citizens of conquered and subordinated nations. Beyond state terror tactics, through the controlling practices implicated in the biopolitics of social “services,” and many other methods of its repressive apparatus, the state regards its citizens as the enemy to be controlled and suppressed (Tilly 1985). Given the nature of ideology perpetrated by socializing agencies, at a deeper level by the Machiavellian state’s pyrotechnics of “terrorism” and produced by the ontological facts of existence in a capitalist society, the state seeks to normalize “full spectrum dominance”; though, of course, not without resistance, even if inchoate. Thus, Alfred McCoy reminds us that in 2008 the Pentagon created Domestic Consequences Management Response Force (2010), the goal of which is to train and work with FEMA, the FBI and local law enforcement to anticipate civil unrest and crowd control. Finally, it is not feasible to claim as does Manning (2010) and Raphael (2010) that the police are not pawns of politics even as they are themselves political actors whose semi-autonomy, within definable limits, is conceded by

plutocrats (Harring and Ray 1993; Johnson 1992).

## II: JEAN-PAUL BRODEUR

Jean-Paul Brodeur's statement of the normative principles concerning the current state of policing studies is no less abstract than Manning and Raphael's. Its distinction, however, being more theoretically rigorous, is that toward identifying under-addressed areas and practices of institutionalized policing (2010, 185-6) the aim is to develop what Brodeur calls a "complete" theory of the institution of policing (8). For Brodeur, "...a theory of policing should strive to be descriptively complete, for only then can it aim for explanatory adequacy" (2010, 3).<sup>17</sup> Brodeur offers a theory of policing which views the policing institution and its fractious parts as a web. This theory, he argues, aspires to be all-encompassing, inclusive of the over-studied uniformed police and reforms directed almost exclusively toward it. While, ostensibly, looking at all dimensions of policing Brodeur claims his theory will be rigorously directed toward the dynamics and processes of criminal investigation. His approach claims to be mindful of how "innovations" from "...community policing to evidence-based policing...increased the gap between patrol and investigative units" (3) and it remedies organizational short-comings vis-à-vis the "...collection and analysis of criminal and security intelligence"

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<sup>17</sup> By definition, theory aims to explain what is described. From the very inception then, the contradiction I describe that suffuses Brodeur's project is implicit from the very start.

(Ibid) manifested in “high” versus “low policing” (223). Brodeur, however, specifies there are boundaries to a complete descriptive theory. Importantly, this boundary is not determined by the postmodern attack on “grand narratives”—a problem in itself since postmodernism also constitutes a grand narrative (Sardar 1999, 48). Rather, the boundary to a theory of policing is determined by the magnitude of “...what makes a society secure and orderly...” (Brodeur 2010, 4). Since the question is, by Brodeur’s admission, too large or possibly monolithic to be encompassed by a single theory of policing, the degree of the theory’s completeness is determined by the object it encounters. That is, a descriptive theory of policing must satisfy itself with describing the elements that comprise the *web* or *assemblage* of policing. Given “the various components of the policing apparatus do not form an integrated whole and generally operate independently from one another, with few coordinating mechanisms” (4), theory is determined by the facts *as they appear*. There are four problems with theorizing policing in this way: epistemological, ideological, normative and explanatory rigor.

First, for Brodeur, theory apparently extends no further than what is visible. Taking presentation at face-value, theory is little more than a camera image of reality and not itself an intervention on reality that not only describes but also provides meaning. There are of course various meanings to theory (R. Williams 1983, 316), but in terms of the social disciplines I am concerned with the ways theoreticians account for

their practice or ways of seeing the world. This fact is consistent with the most common meaning of theory, which is to provide, dialectically, an explanation of practice and to account for the way practice is informed by a philosophical worldview. To this end in developing a general account, the labour of the theoretician must not only explain practice vis-à-vis how human practices are organized, it must also account for the forms of consciousness and ideas that give direction to social experience. Social theory must therefore model the dialectical relationship between material conditions (thus the institutions that maintain these conditions) and forms of consciousness (both hegemonic and counter-hegemonic).

In the context of a social formation where the motive force of history *becomes* rather than *is* class conflict (Cabral 1966), a theory of policing that is not contextualized in terms of a more general model of “society,” which is historically specific, is in fact not theory in the sense I have described it. Of course practice does of its own produce theory but this is not at all self-conscious theory; rather, it is ideology in the sense of obfuscation. As far as “theory” goes, Brodeur appears to elaborate a correctionalist perspective calculated to examine police practices for the purpose of increasing efficiency and/or to raise problematiques insofar as liberal democracy allows. Theorizing by this method, knowingly or not, makes the theorist complicit with the normalizing ideology generated by the state and its repressive apparatus.

Second, the ideological structure thrown up by liberal democracy, assuming “security” and “order” are synonymous with policing, ignores how policing itself generates insecurity and disorder and how capitalism (be it liberal democratic or state capitalism) does the same. The assumption that police are necessary ignores some basic facts that are historically and socially specific and which are suggestive of the manufacturing of consent. These are that: a) policing is *naturalized* rather than natural; b) the naturalization of repressive force requires the ideology that the police, as the state’s sole executioner of civil use of force, are neutral of capitalist, colonial and imperial, racial and patriarchal interests; and c) that repressive force is necessary to maintain control, conformity and order in society (Pedicelli 1998, 13; see also Kelley 2000, 51).<sup>18</sup> Basically, structurally excluded from Brodeur’s theory is that police are embedded in the social structure of capitalism, and, their *modus vivendi* is determined by that social structure even when their *modus operandi* modify over time. Given that “criminality,” corruption and a broad range of other vices are constitutional to the enterprise of policing (even by law as noted by Brodeur 2010; see also Stamper 2005; Juarez 2004; Hibbert 1963), provided excesses are periodically investigated and ritually condemned, failure to imagine a world without police, hence the Westphalian state, is to fail to

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<sup>18</sup> Both Pedicelli (1998) and Kelley (2000) argue the reasons for the failure of police reform is that this effort has been only to reform policing through public policy means within the context of the present social order. Given the role of police is to defend capitalist social relations, policing will not change without structural change toward social democracy in the least.



develop a social theory that is not determined by appearances.

Third, whereas the descriptive and methodological goals of Brodeur's theory of a policing web are clearly stated, its normative dimensions are not. One reason for this absence is that, presumably, the researcher stands apart from the object being researched. Taking this value neutral position, Brodeur claims theory has two objectives. First in a vernacular sense, theory is intended to give a "factual account of the whole range of the phenomenon" (4). Second, related to the facts of the phenomenon in question, by way of hypotheses, theory aims to identify the distinctive characteristics of the object of study and to explain its behaviour (4). This seems a classic statement of the scientific method. The chief problem here is that Brodeur ignores serious and unanswered criticisms against the European *Enlightenment's* tradition of generating and organizing knowledge as though the scientific method is amendable to moral philosophy (Douglas 1971; C. Wright Mills 2000).

Finally, based on the criticisms of social "science," there are serious limits to Brodeur's method, conception of theory, and, of course the explanatory rigor of his theorization. The notion of the researcher as distanced but through the scientific method made a priest of esoteric knowledge sequesters the researcher, their experiences and relationship from both institutional and societal policing: in effect the researcher is above it all. This then takes for granted the implication of consciousness being informed by history and the dialectic interplay

between political economy and the ideological and cultural forms it makes possible. If the researcher is neutral, then so too is the theory, method and explanation they espouse an objective statement on reality. This is important because Brodeur's approach to theory implicitly sets parameters on what can be studied, how, as well as the broad range of economic relations and the forms through which authority and legitimacy are historically articulated and modified. For Brodeur, theory is open ended. It is basically an endless loop that explores the means of institutions but not ends. This is quite a serious contradiction: means but no ends! Claiming to follow Weber (minus confirming citations), Brodeur argues that as far as policing goes "...the state can only be defined by its means—coercion—since defining it by its ends would be a self-defeating task" (336).<sup>19</sup> What for Brodeur makes theory that takes *ends* as seriously as it would *means* a cul-de-sac is that a broad range of pressures within and without the police institution compel antinomies.<sup>20</sup> For example, as guaranteed by s25.1(2) of the Criminal Code of Canada, the police have a positive mandate to

<sup>19</sup> By delinking a critical inquiry of the ends-means connection, one would have to assume the state's *ends* are unproblematic and that what is needed, if anything at all, is reform of coercive tactics. But if we follow Weber's contention that it is "[n]ot ideas, but material and ideal interests, [that] directly govern men's conduct" (cited in Gouldner, 1975-76: 3), then the *ends* interested parties seek are precisely what should be made visible and assessed.

<sup>20</sup> That Brodeur elects to use a term that implies moral equivalency between the state breaking the law to uphold it is obviously a studied avoidance of the Marxist term "contradictions." A choice that legitimates the obfuscations of pluralistic theory and which presumably avoids the problem of choosing the side of one principle versus another reflects the hegemony of liberalism.

break the law to uphold it, provided, of all things, it is “in the public interest”; this is not merely because of capriciousness but because the criminal code establishes this practice as a right constitutive of “democratic policing” (6).<sup>21</sup>

The Canadian state is more circumspect in regulating its repressive apparatus in this regard than the US. For cultural and historical reasons having to do with state and capital formation rather than ethics, it allows on average two such operations in each province per year between municipal and provincial police forces. The issue, however, is not how many times the police legally break the law, but that they can do so at all. Rather than such a fact being “self-defeating” or a dead-end as theory goes, Brodeur neglects the first principle of the police: to defend the state that defends dominant class interests. The *quid pro quo* for playing this buffer role is that “[t]he state must obviously protect its protectors” (Reasons 1974, 270). Given that as John Hepburn argues “political society is built on a foundation of repressive force” (1979, 72), this is pretty straight forward since the least thing police are capable of doing is to prevent or solve state-defined crime; and, if so, it is not without massive information subsidies from an accommodating public. As a wedge between the colonized, immigrants, workers, students and oth-

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<sup>21</sup> Other “antinomies” include “high and low policing”, private vs public policing. The problem is that Brodeur provides no theory of society in which to ground these institutions and their practices. It is merely assumed and accepted that (liberal) democracy, hence capitalist democracy and its social organization vis-à-vis the repressive apparatus, do not need to be accounted for in its basic dimensions.

ers, the state creates a space of lawlessness to achieve its aims of defending extant relations of ruling class and elite domination by whatever means necessary (Agozino 2003; Liazos 1972; Ryan 1976).<sup>22</sup>

Indicating the limits of a Pluralist-Consensus theory respecting “antinomies,” Brodeur gives no account of why the state would create law only to have its enforcers break it. By this convenience, the *ends* of the state escape theorizing not to mention confirming historical evidence. Moreover, giving lie to the myth that the purpose of the police is to prevent and solve “crime,” the state, be it from the 16<sup>th</sup> to the 21<sup>st</sup> century, when not using its own agents, has routinely deputized proxy “criminals,” “criminal organizations” and “terrorists” to flout the law by way of piracy, smuggling, drug trafficking, assassination and murder and “terrorist” attacks (Chambliss 1993b; Cockburn and St. Clair 1999; Naylor 1999; Tilly 1985). Eloquent testimony of the state’s exceptionality to the law it creates by

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<sup>22</sup> In the wake of retribution killings of police by African American army veterans in July 2016 for the police gangland-style execution of African Americans, the political establishment has called for solidarity between citizens and the police. Others, instead, have called for an explicit recognition of the fundamentally antagonistic relationship between the police and non-elite citizens (Van Westen, 2016). To this end, the UAW has called for the expulsion of the fifth columnist International Association of Police Unions from the AFL-CIO. Grounds?

Historically and contemporarily, police unions serve the interests of police forces as an arm of the state, and not the interests of police as laborers. Instead, their “unionization” allows police to masquerade as members of the working-class and obfuscates their role in enforcing racism, capitalism, colonialism, and the oppression of the working-class. (UAW Local 265 2016)

inviting “criminal” proxies can be found in revelations that in 2011 and 2012 the FBI allowed its proxies to violate the criminal law, including murder, at least 5,658 and 5,939 times respectively (Reilly 2013). More spectacularly, not only do the DEA and ATF not track how many times its proxies break the law (Heath and Johnson 2012), the ATF ran—deadly for the Mexican and US public and one US customs agent in 2010—two Key Stone cops interdiction/surveillance US to Mexico gun smuggling operations between 2009-2011: “Wide Receiver” and “Fast and Furious.” Not only did the ATF not follow up on credible indictable information or allow other agencies with more resources to assist in investigations, its field operatives, with knowledge of office command, induced gun smuggling to continue and failed to trace the guns or make substantive effort to set-up sting arrests (Office of the Inspector General 2012). Under these circumstances, how can one presume the ontological reality of “crime” and “criminality”—the apparent *modus vivendi* for the existence of police—to remain stable in social consciousness and institutional practice without recourse to a theory of “society” in which policing emerged and continues to defend inequities of power and private ownership of the means of production.<sup>23</sup>

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<sup>23</sup> It may be tempting to regard “Wide Receiver” and “Fast and Furious” to be massive institutional failures, chalked up to the conflicting results of incompetence, agent careerism and/or inter-agency conflict etc. These are explanations that have validity, yet they must be subordinated to the wider context of a theory of capitalism and the state. Thus, gun manufacturers are complicit in the illegal trade of guns, just as tobacco companies and big pharma are complicit in the respective illicit trades of their

For Brodeur, the more obscure concept of “antinomies” is preferable to the more well-founded and rigorous Marxist conception of *contradictions*. For Brodeur, “antinomies” are built into the structure of policing in liberal democratic society; theory, therefore, cannot itself be unified because reality is discordant. Hence, theory based on the recognition of “antinomies” is “...unquiet and, at times, equivocal...” (2010, 8). The reason a theory of policing equivocates (and this is presumably a good thing) is because it is “affected by conceptual disturbances, unruliness, and pockets of ambiguousness that cannot be reduced to insignificance” (8). With such convolution, Brodeur claims his aspiration is to be *critical* rather than merely *unquiet*, since the former aims at “substantial reform of what it is critical of” (8). So deeply mired in confusion is Brodeur’s approach to theory, however, that he seeks to rescue his “complete theory” from its incapacity to fully explain “antinomies.” To do so, he concocts what he calls “self-discordant” theory (13).

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products, because so doing is essential to the profit motive in the face of a crisis of profitability. Yet, taking MacGregor’s (2006) theory of the Machiavellian state seriously, none of this is inconsistent with the state’s complicity in failing to prevent mass gun killings in theatres and schools, as a pyrotechnic to justify a gun control strategy that would disarm its citizens. History is replete with the fact that where the “primary contradiction” is between the state and its citizens, feudal-fascistic regimes have always sought to disarm citizens who, if their consciousness becomes organized to create economic democracy, will sweep away the capitalistic state in favour of full democracy. As per note 17, the obverse is also true: that capitalistic states, as in the case of the 2nd US Constitutional Amendment’s right to bear arms, was enshrined to protect the plantocratic regime of racial slavery, even at the expense of and with the consent of White labour.

The virtue of such a theory in which “antinomy” is embedded is that since policing is “ambivalent”, theory cannot be “one-sided” because policing is too complex for this (13). Going back on his word that a theory of policing which is simultaneously “discordant” must aim toward criticality, we are told he eschews the very mode that enables reform because most of the time “... critical theory...is as dogmatic as what it purports to criticize” (14). So then, Brodeur eviscerates policing studies of the one possibility he claims it has to make reforms—criticality. At no point does Brodeur explicitly state what “critical” means. Hence to reject what is not defined compounds the problematic admission that his theory lacks the ability to explain “antinomies.” One must, in the final analysis, wonder whether the so-called crisis of policing studies hinted at by Brodeur is not in fact deepened by “discordant” theory he proposes.

### CONFLICT-MARXIAN PERSPECTIVE

Conflict-Marxian theoreticians are just as concerned about the “correctionalist” state of policing studies as are Consensus-Pluralists. Given the steady march of neo-conservative reclamation of public policy since the 1960s (Klein 2007; Harvey 2005), Conflict-Marxian theorists of policing have more to complain about. The error has been to assume that both the Soviet Union and China were indeed ideal manifestations of socialist theory. With their respective demise and capitulation to the liberal form of capitalism, left politics and theorizing has been thrown into disarray and (in general)

capitulated to neo-liberalism (Proyekt 2007; Petras 2001), though resistance abounds (Harvey 2011).<sup>24</sup> Concern about these facts, nevertheless, indicate the nature of Conflict-Marxian theorists' discontent with the state of policing studies is far from that of their Consensual-Pluralist counterparts. At the core of this distinction is that in substantive terms, Conflict-Marxian theories of society describe reality and articulate norms in ways that, among other things, do not take for granted the exclusion of knowledge production from social relations. The production of knowledge is, then, inherently material and political in nature. "Value neutrality" is, thus, not a possibility nor is it desirable. Theorizing policing, then, depends on a coherent theory of "society" rather than abstractification of the policing institution and its operations *from* the state and social formation that contain it. Indeed from this perspective, to the extent policing practices, ideology and branches of operation are modified, these are not only a function of the internal dynamics of policing but are relational to and informed by what is taking place in society.

From the vantage point of categorization, Conflict-Marxian theories of policing encapsulate a broad range of perspectives from Millsian "elite power" theory (a combination of Marxist and Weberian theory) through to a range of

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<sup>24</sup> That the BRICS (Brazil, Russia, India, China, South Africa) have rushed toward neoliberalism as both development and counter-balance to the tendency of the rate of profit to fall, their intensive competition for geo-space and resources has intensified Western efforts to dominate and subordinate them.



more orthodox Marxist accounts.<sup>25</sup> For the purpose of this essay the disputations within this continuum are not relevant. Whatever their differences, which are not insignificant, there is also an external phenomenon that enables their categorization as a continuum in a unified conceptual field. That is, as a marginalized and often delegitimized epistemology relative to bourgeois knowledge, Conflict-Marxian theory is a knowledge form that through its descriptiveness and norm articulation, demystifies hegemonic social constructions of reality and offers a transformative vision toward a just and equitable world. It does so through concepts that emphasize: a) historically specific conflict (among classes or groups) arising from, b) structural contradictions (incompatible interests in the ways classes and groups economically reproduce themselves) which are, c) articulated through the interaction between economy, ideology and the state.

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<sup>25</sup> Orthodox Marxism should not be confused with “vulgar Marxism”—economic determinism (see Greenberg 1993, 15). Indeed, Cutler et al., argue that while Marx and Engels did not fully elaborate “non-class forces” such as parties and bureaucracy, orthodox Marxist accounts indicate Weberian conceptualizations of “non-class forces” were already anticipated by Marxist practitioners such as Lenin. Yet, the role of the economy in the final instance is not set aside; rather, it is that the idea of “non-class forces” as “representing” class interests is in error since, “...political practice...constitutes the interests which it represents” (Cutler et al. 1977, 237; see generally 231-238). This idea might enable Marxism to explain racism *if* racism is not merely a manifestation of capitalism but also exists as a cultural and non-economic force in which the White working class imagines itself and demands inclusion into a racial hegemony in which it concedes to class domination (see Charles Mills 2006; Willhelm 1980).

Though speaking expressly of Marxists, David Greenberg's observation punctuates my point: "...it is in the realm of *interpreting* research findings that Marxists will often find grounds for disagreeing with the work of their non-Marxian colleagues" [original italics] (1993, 20). Thus, the crucial point is not the pedestrian observation that there is something *really* wrong with policing studies because there is agreement from opposing viewpoints. It is, rather, the interpretation which is given to explain the "problem" of "correctionalism" in policing studies. Because of its internal contradictions, I have suggested the Consensual-Pluralist interpretation lacks both capacity and credibility to explain the nature of the problem it identifies. I will now sketch the Conflict-Marxian perspectives' statement of concern. Again, because this is not an exhaustive review, I will identify two representative complainants: Sidney Harring and Gerda Ray (1993) and Todd Gordon (2006)<sup>26</sup>.

Harring and Ray (1993) recapitulate the history of Conflict-Marxian policing studies, its theory and empirical results—which are notably ignored by Brodeur (2010), Manning (2010) and Loader (2010)—and the social justice politics and manifestations of repression from which it articulates its normative claims. Importantly, Harring and Ray (1999) connect the production of ideas about policing to a sociological account of knowledge rooted in the Marxist conception of "social formation" (econ-

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<sup>26</sup> Gordon's work neatly summarizes the radical left's concerns about policing studies.

omy, culture and ideology and the state). They note that despite critical interventions by an assortment of Marxian theorists and those involved in revolutionary struggles to end capitalist and state sponsored police repression, extrajudicial assassinations, spying, lying, *agents provocateur* and cycles and practices of corruption, research on the "...policing institution is bankrupt" (64). More to the point, they suggest, contemporary academic policing studies remain hopelessly mired in the evasiveness and equivocation of liberalism. The tendency toward mystification is inherited from the collusion between mainstream academia and the law and order judicial and political elite (63). Harring and Ray suggest that from Richard Nixon and his ilk through to Bill Clinton, Janet Reno and William H. Renquist, policing studies is dominated by the "law and order" agenda (63). The importance of their observation is that it alludes to the impact post-1960s neo-liberalism had on intellectual thought about the state and policing.

Significantly, Harring and Ray (1999) note, it was both against the inherent conservatism in policing studies and toward a critical research agenda that a fully sociological Conflict-Marxian perspective emerged (63).<sup>27</sup> Thus while Patrick Manning correctly observes that "[t]he systematic study of police by social scientists is

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<sup>27</sup> The epistemic move toward Conflict-Marxian studies of the police was part of a general upsurge all over the Western world that derived its impetus from deinstitutionalization, prison abolitionism, radical criminology and radical grass-roots identity politics movements (see Cohen 2007a; Greenberg 1993; Lynch and Michalowski 2006; Inciardi 1980; Taylor, Walton and Young 1973).

a twentieth-century phenomenon...[that] indicates a coalescence of pragmatism and public policy and to a lesser extent the internal dynamics of academic life and university politics” (2010, 85), his error is one of over-generalization. Equally problematic is Brodeur’s reliance on the U.S. National Research Council research review that claims “the least researched in the field of police studies were human rights, riot control, police discretion, the use of firearms and deadly force, and, finally criminal investigation” (2010, 185). Aside from being objectively incorrect, if one factors in Conflict-Marxian studies of policing, the point is that issues such as criminal investigation, by the nature of police secrecy and proclamations of expertise, limit scholarly research, and, especially from the prying eyes of Conflict-Marxian researchers. The very structure of policing and the mid-20<sup>th</sup> century emergence of its semi-autonomy from the state, political elite and the citizenry, not only militates against critical examination of its routine practices, it gives Consensus-Pluralist complaints a ring of hollowness.

The complaint that policing studies is in moribund condition is all the more ironic since, as Haring and Ray point out, “[p]olice work may be more aggressively proactive now than it was in the 1970s because the legal culture encourages aggressive police work” (1999, 78). At the very time there should be robust theorizing on policing and mass public protest about its

dominance in our lives, there is a chill wind.<sup>28</sup> Given the protective cover by the US Supreme Court and political elite's indifference when not collusion, the profligacy of the classist and racist character of abusive and death inducing police conduct ensures "...the bad policing work of the 1960s and 1970s became the good policing of the 1990s" (79). Interestingly, especially since the seemingly asymmetrical attacks on the US in September 1, 2001, the sundry wars on crime, drugs and immigration have metastasized into the war on "terror." Policing is now not only violently intrusive into citizens' private lives (Balko 2013) it has brought forward the state's concerns in the 1960s that urban spaces are war zones and must be policed as such (Kristian 2007). Harring and Ray (2010) suggest the violent nature of modern policing is traceable to prior preoccupations with the repression of labour (63). Hence, classism and racism are mutually reinforced in police practice and in the identification of problem populations (74). To what end? Harring and Ray suggest the objective of modern aggressive policing is to perpetuate extant and devolving class and racial inequality, especially through the discourse of moral hygiene (80).

Where Harring and Ray, however, do not fully explicate the relationship between policing studies, police practices and capitalism, at least in the paper cited, Todd Gordon extends this

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<sup>28</sup> The sudden emergence of massive protests beginning with the slayings of Mike Brown, Eric Garner and Trayvon Martin and which have given life to the Black Lives Matter movement, suggest the dispossessed's tolerance for police impunity has fully broken.

analysis following the propositions of the Open Marxist School (2006, 30). This is a position that explicitly locates theoretical and empirical work on policing vis-à-vis state power and capitalism's contradictory dependence on (living) labour and theft of the surplus profit it generates (T. Gordon 2006, 30). Within this context, Gordon completely ignores the pseudo-complaints of Consensus-Pluralists and instead debates conflict theorists whose analyses are approached from a non-materialist perspective. Gordon's central concern is that much of contemporary scholarship on policing assumes private policing and surveillance, instead of repression of labour and prospective "social dynamite," are the *sine qua non* of modern policing (and as such, is the proper preoccupation of policing studies). By ignoring the ways in which "surveillance" is itself a practice generated by the state, as though *agents provocateur*, brutality and repression etc are either minor defects of efficiency or are incompatible with what Brodeur calls "low policing" (2010), Gordon suggests critical scholars unwittingly commit to a pluralist view-point. The logical conclusion of these preoccupations gives the impression that repression is less manifestly required because there is general societal concordance that obviates the necessity for "low policing." Foucauldian and Eurocentric conceptions of the "post-modern," "post-industrial" and "post-traditional" alarm Gordon. He suggests the contemporary preoccupation with private policing tends to leave the impression that the objective of state repression, which for Gordon is inclusive of surveillance and the incorporation/sub-

ordination of private policing, is either not significant or where it arises, is surprising (Gordon 2006).

Gordon suggests Consensus-Plural policing studies is victim of its own success. It is a “servant of power” and as such, like bourgeois criminology more generally, lacks the ability to objectively examine the substance of its own enterprise. Quite specifically, by appealing to the Foucauldian discourse of *biopower* and a general preoccupation with surveillance as the new frontier of policing, Gordon suggests even critical police theorists have taken too seriously the notion that the state is in retreat or disempowered vis-à-vis capital. To the contrary, the state has abandoned both corporate regulation *and* modest defence of civil society while reinforcing its repressive capacities through the discourse of law and order, mass incarceration and the militarization of law enforcement (Chunn and Gavigan 2004; Harvey 2011; Klein 2007; Parenti 2008; Wacquant 2008). In practical terms, the legitimation of repression through the criminalization of protest and of alternative and non-wage forms of labour serve to force the working class back to the diminishing returns and discipline of the capitalist labour market (T. Gordon, 2006, Chapter 2).

There are, however, three related qualifications to the Open Marxist approach I believe are necessary for developing a rounded theory of policing, state and society. Todd Gordon is to be commended for taking gender and race seriously. While drawing on the Open Marxist approach, he admits it treats colonialism, gender,

racism as relatively inert forces in capitalism and the operation of the state.<sup>29</sup> Yet, as he points out and seeks to elaborate, in colonialist, formerly chattel slave, immigrant exploitative and patriarchal capitalist societies, these ruling relations are essential pivots of state power (2003, 29-30). Especially regarding race, like Haring and Ray (1993, 74), Gordon avoids the familiar trap that racism is an ideology propagated by capitalists and the state; although to be sure, capitalists and the state do foment white supremacy. But Marxist labour theory exhausts itself when confronted with the historical continuity of colonial and racist discourse and prac-

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<sup>29</sup> This does not of course deny that at points in 18<sup>th</sup>-19<sup>th</sup> century in Europe itself, *race* constituted *class* and vice versa (see Diop 1991, 128). Even for those on the left, such as Marx and Engels, this interpolation took on a character little different from European *Enlightenment* thinkers of the conservative persuasion. Marx was as dismissive of the “lumpen” as he was the racial Other, at least when the latter did not suit his morality or formulation of the “worker” (Avinery 1968; Moore 1974-75). When dealing with Others who were marked by colour and national-cultural differences, Marx’s ideas too were shaped by: the supremacist imperialistic ethos of the age (Ani 1994) and the Eurocentric preoccupation with science as the mark of civilization, cultural superiority and “progress” (Sardar 1999). No doubt Marxist doctrinaires will balk at these ideas, as though Marx somehow managed to transcend the bourgeois order in which his ideas were framed and articulated. As noted by Joseph Schumpeter, “...there is no paradox in saying that Marxism [read: Marx’s ideas] is essentially a product of the bourgeois mind” (2008, 6). The derivative difficulties of Marxist analysis with racism, this was not an anomalously unique to Marx’s time—it is structural to the Eurocentrism of Marx’s ideas and the school of thought following him (see Charles Mills 2006; Charles Mills 2003: Chapter 5; Cabral 1966; Fanon 1963, 40). This does not of course reject the essential insights of Marxist theory, but it does suggest both Marx’s framing and those who have elaborated his theory were themselves constituted by the ideology of a capitalist, colonialist and racist society.



tice among the European working class as much as among the elite (Charles Mills 2006; Robinson 2000; Wilderson 2003; Willhelm 1980).<sup>30</sup> Moreover, Westphalian states, from capitalist to Marxist-Leninist, depend on expunging indigenous peoples *qua* indigenous peoples precisely because their historic methods of accumulation are pejoratively represented as either primitive capitalism or backward hunter gathering, and, because they must be made into elements within the discourse of “labour for itself” (Churchill 1992). Yet the point is not to deny the

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<sup>30</sup> W. E. B. Du Bois, points out that “vanguard” White labour exhibited racist and pro-capitalist tendencies which were consequential for state formation and policing: “[White] revolt against the domination of the planters over the poor Whites... called for a class struggle to destroy planters, this was nullified by deep-rooted antagonism to the Negro, whether slave or free. If black labor could be expelled from the United States or exterminated, then the fight against the planter could take place. But the poor whites and their leaders could not for a moment contemplate a fight of united white and black labor against the exploiters. Indeed, the natural leaders of the poor whites, the small farmer, the merchant, the professional and the white mechanic and slave overseer, were bound to the planters and repelled from the slaves and even from the mass of white laborers in two ways: first, *they constituted the police patrol* who could ride with planters and now and then exercise unlimited force upon racalicitrant or runaway slaves; and then, too, there was always a chance that they themselves might also become planters...” [italics added] (1935, 27). Mirroring Du Bois, vis-à-vis the racism and militarism of contemporary policing, Chinweizu argues that as the West confronts serious challenge to its global dominance its

...ruling classes...[will]...rally their lower classes to defend [the Western order]. Their lower classes, who will in normal times be kept from full enjoyment of the fruits of the [capitalist] arrangement, will nevertheless be rallied through appeals to their racism, appeals asking them to defend *their* western civilization, *their* prosperity, and the superiority of *their* white race over all others. [original italics] (1974, 487)

salience of social class, but rather that race (whatever form it takes) and class are dialectical articulations of domination. The police themselves admit (without seeing it as problematic) that classism and racism are twinned. Racist stop and searches can be, and are, justified in class, gender and racial terms. So, inasmuch as Gordon recognizes the parallel and overlapping tracks of relations of ruling, there are three immediate problems and these affect how policing is studied from a Marxist perspective.

First, there is an apparent element of instrumentalism in the Open Marxist School's conceptualization of the state, or at least as it is suggested by Gordon. As shown by Ralph Miliband (1987, 10) the state has a semi-autonomous character from the ruling class and so at times it might oppose some fractions of that class to preserve its legitimacy and that of the capitalist system. Related to this, institutionalized policing also, though its mandate is structured by the state, operates semi-autonomously from the state, elites and the capitalist ruling class.

Second, the Open Marxist approach assumes the centrality of the category of the "working class." But, what happens, as has been the case for most indigenous people, who to this day, largely remain outside the class structure; or, African descended peoples in the Americas whose ancestors were "liberated" to join the wage economy but who technology and white supremacy precluded from equal inclusion in the "working class" (Gibson 2006; Willhelm 1970); or increasingly the White working class

in the US who face disutility as they are disgorge from the class structure (Edsall 2012); or “Third World” peoples too poor to engage in consumerism or are simply “taking up space” on prime mineral concessions (Flanders 2012)? The basic question is whether the Marxist category of “working class” has the requisite analytical capacity to account for the economic disutility of large and increasing swaths of the so-called lumpen proletariat (Bauman 2004).<sup>31</sup> Can class theory, in view of overproduction, declining profitability, technification of production, off-shoring and massive disgorgement of people from the labour market contemplate the logic of genocide inherent to capitalism?<sup>32</sup> (see

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<sup>31</sup> Ironically, following Adam Smith and David Ricardo, Marx’s labour theory of value recognizes that capitalism tends to declining profitability made up, in part, by technological innovations in “constant capital” that aim to increase to redress the profitability crisis by making living labour redundant (see Huberman, 1963).

<sup>32</sup> Eloquent statements indicating the necessity of genocide come, not from the fringe but, from well-respected segments of the Western political elite. Zbigniew Brzezinski (2007), acknowledging the challenges to maintaining US global hegemony, recently argued among other things:

*For the first time in human history almost all of humanity is politically activated, politically conscious and politically interactive... The resulting global political activism is generating a surge in the quest for personal dignity, cultural respect and economic opportunity in a world painfully scarred by memories of centuries-long alien colonial or imperial domination. [emphasis added] (53)*

Without offering objection, he next argues that the

major world powers [Western], new and old, also face a novel reality: while the lethality of their military might be greater than ever, their capacity to impose control over the politically awakened masses of the world is at a historic low. To put it bluntly: in earlier times, it was ▶▶

Ford 2010; Gibson 2006; Leech 2012; Willhelm 1971).

Third, the preoccupation with “wage-labour” ignores that there are other social movements besides, but often related to, the working class struggle which threaten the state. As such, initiatives and organizations for civil liberties, the environment, peace, racial and social justice (especially against police brutality) are subject to a broad array of violent and disruption practices aimed at crushing political opposition rather than propagating compulsion back to wage-labour.

Finally, it is true the capitalist state has an imperative to criminalize alternate and underground forms of enterprise, thereby pushing social outcasts back toward wage labour and, by this means, depressing wages generally. Yet, the relationship between policing and the wage-

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▸ easier to control one million people than to physically kill one million people; today, it is infinitely easier to kill one million people than to control one million people.” (54)

Western powers already took this practical step before this speech in 2008. Henry Kissinger long anticipated the necessity for genocide in 1974:

Populations with a high proportion of growth. The young people, who are in much higher proportions in many LDCs, are likely to be more volatile, unstable, prone to extremes, alienation and violence than an older population. These young people can more readily be persuaded to attack the legal institutions of the government or real property of the “establishment,” “imperialists,” multinational corporations, or other—often foreign—influences blamed for their troubles. (58)

Anxiety, fear and loathing continue as US military planners prepare to deal with a “youth bulge” as it prepares for the next 40 years of resource wars (see Clonan 2008).

labour thesis may not be all there is given the underground economy is necessary to neo-liberal capitalism even as it is criminalized and appropriated by the state (Neuwirth, 2011; Chen, 2007; Ruggiero 2000; Chambliss 1993b; Cox 1984). Criminalization of a subordinated illicit economy, broad though it may be and inclusive of a range of enterprises and services, enables the state to contain, selectively target and repress those populations surplus to the needs of a post-industrial capitalist society. Relatedly, the state itself strategically makes use of subordinated and illicit enterprises and services. This can be seen from state agencies' direct involvement in "criminal" activities such as narcotics, weapons and other forms of smuggling (Blum 2005; Web 1998; Chambliss 1993b). Or yet, when British, Dutch, French and US colonial governments contracted out to buccaneers the pirating of their competitors' ships, to the US government contracting mob hits on Fidel Castro, to the US giving the Cosa Nostra a free hand in post-World War II Italy as a bulwark against socialism (see Chambliss 1993b; Hamm 1993; Blum 2005), to the US training and setting loose Muslim "freedom fighters" (Al Qaeda) in Albania and Afghanistan, or to the equipping and training of paramilitary forces in East Timor and throughout Latin America. The "legitimate" law breaking by the police and their dependency on "criminals" also indicate the prosecution of "crime" is selective and strategic, even if the regulation of labour is consequential for maintaining extant relations.

None of the foregoing undermines the primary contentions of the Open Marxist perspective or Conflict-Marxian approaches more generally. It does, however, suggest the expressive and instrumental purposes of policing, toward maintaining the state and extant economic and social relations ought not to be limited to one manifestation: class control. It is not likely that any one study can say all there needs to be said; but, certainly, explicating particular dimensions or aspects of policing within the context of a Conflict-Marxist theory of society and state can reveal the characteristics of particular practices that are taken-for-granted. At the same time, whatever the limitations of Conflict-Marxian theories regarding policing and a historical materialist interpretation of the state and society, it generates knowledge about policing that is, to paraphrase Lenin, as radical as reality itself.

## CONCLUSION

The limits of the Consensus-Pluralist view of policing are its mystification of and servitude to the state and its repressive apparatus. To this end the consciousness and interests of the researcher are informed by the nature of her/his epistemic enterprise—to provide a justifiatory framework for state repression. As such, Consensus-Pluralists are unable to be reflexive about their consciousness and practices as servants of the state. Relatedly, Consensus-Pluralists have themselves engaged in bureaucratic capture of the repressive state. Critical-Marxists policing studies suffer no such defects; those they have, from my view are of a different sort.

While the latter's emphasis is on the police and its repressive-surveillance tactics of maintaining order, their focus is not only on the "master institutions that produce...suffering" (Gouldner 1968), it is also on the bases of existence through which consciousness, practice, theory, classes and other sites of conflict and liberation are dialogic and come into being.

To a significant extent, what passes for the "crisis" of policing studies is not an absence of critical analysis and interpretation. There is an unbroken line of radical scholarship that extends the radical left analysis that burst forth in the late 1960's and early 1970's. Such analysis continues to explicitly chart the militarism of policing, the police-military blurring, crisis of the neo-liberal state and its blind defence of authoritarian capitalism and state power against the masses as directly relational to police activities such as: *agents provocateur*, surveillance and disruption tactics and, of course, repressive violence against dissenting social forces. Much is made of new technologies for repression such as police departments' use of drones or the appropriation of information technologies such as Facebook to track and surveil, but these technologies only enhance the reach of the state to target and discredit dissenters and terrorize the rest of the population. These are only new durable technologies toward the objectives of state repression (Austin 2013; Parenti 2008; Whitaker et al. 2013).

By way of concluding, a note of caution for the Conflict-Marxian side of the policing debate. Whether it is broadly theoretical in nature

or emphasizes close grain analysis of police practices such as crowd control, “criminal” investigation or tendencies toward legitimate and extrajudicial repression, a good deal of quite excellent work on policing is impoverished by its *presentism*. The impression is created of “new Columbuses,” as Stanislav Andreski (1973) and Pitirim Sorokin (1965) would call them, absent any sense of tradition, venturing boldly to the edge of epistemology within the five year citation cycle, despite the extensive volume of critical work beginning in the 1960’s and 1970’s that either details these issues, or at the very least anticipated them (one example is Platt and Cooper, 1974). In addition, a fulsome engagement with counter-colonial approaches to policing and the conception of “deep politics,” would round out Conflict-Marxian epistemology of policing in historical terms.

Ultimately, the perceived crisis of policing studies is more than the sum of the parts thus discussed. The “problem” of policing studies in my view is at its core a problem for the sociology of knowledge. But here, knowledge is not an abstract exercise in pursuit of value neutrality. It is the pursuit of objective knowledge in social context. Thus any discussion about policing must not only be inclusive of the state and society, it should be guided by questions of political philosophy: what is the ethical and moral role of the police in a society where liberal democracy was stillborn the moment hegemonic forces brought it into being. In other words, what does it mean to police in a society where equality of opportunity is mandated by



law when there is no room for equality of condition; but also, what does policing mean when the discourse of equality *is* the basis for uneven ownership of property, distribution of wealth and circulation of goods?

These moral-philosophical questions are especially urgent given that most criminologists and policing experts, unlike their leftist counter-parts (Shantz 2012), are not intimately connected to protest and social justice movements but are embedded within and wedded to “correctionalist” institutional settings. Overwhelmingly then, the “correctionalism” of policing studies bears the imprint of the social location of academics. But, as the police prepare to unleash a war of “full spectrum dominance” for which they have been preparing and quietly waging the last 40 years<sup>33</sup> on the discon-

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<sup>33</sup> Since the early 1970s, RAND and other military research institutes have made policing a top priority in anticipating urban civil discontent and urban guerilla warfare. Contrary to the notion that the military and the police are distinct enterprises, military research and experimentation with social control suggests that in view of maintaining capitalism and the state, both military and police will play collaborative strategic roles within a whole. For example, a 2007 RAND research paper on counter-insurgency noted:

Building strong police forces is also important—usually much more important than aiding the military. Police typically are far better suited to defeating small groups, because they know the communities well and are trained to use force discriminately... Not only must the police be strong and numerous, the laws they enforce must be suited for counterinsurgency... (Byman 2007, 28)

While Byman claims that US offers of training and assistance to foreign police forces have been historically weak (Ibid), assuming some optimal limit has yet to be reached, as early as 1974, Michael Klare (1974a; 1974b) and Joe Stork (1974) show this to be otherwise. The appearance of discontinuity and the supposed ▶

tented, displaced, “disemployed” and politically mobilized citizens of their nations, it is clear that Consensual-Pluralistic police studies will be as mired in ethico-moral malaise and mystification as it has always been. There is much work to be done as neo-liberalism moves forward and growing resistance along with it. But, along the way, it is important to recover and remember what the struggle for critical consciousness has already brought us in policing studies since there is nothing certain or inevitable about the present social arrangement.

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▸ weakness of (urban) counter-insurgency training, preparation and cross-fertilization within and outside global hegemony is an obfuscation of reality. The US military, as that country devolves fully into neo-feudalism (Zafirovski 2007), is sanguine about the issue. Mike Davis (2007) cites Major Ralph Peters, author of the 1996 article “Our soldiers, Their Cities” written in Army War College journal *Parameters*, as follows:

The future warfare lies in the streets, sewers, highrise buildings, and sprawl of houses that form the broken cities of the world...Our recent military history is punctuated with city names—Tuzla, Mogadishu, Los Angeles, Beirut, Panama City, Hue, Saigon, Santo Domingo—but these encounters have been but a prologue, with the real drama still to come. (cited in Davis 2007, 202)

Despite the willingness of Consensual-Pluralists to maintain the mythic separation between the police and the military and their faith in *Posse Comitatus* being inviolable, the facts are to the contrary (Army 2005; Morales 2000).

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