

## INTRODUCTION

# ON THE NATURE OF POLICE

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Police violence inaugurates law, and police officers are law's violence workers. It is the violence of police, according to the German social critic Walter Benjamin, that both makes *and* preserves law. This is not the establishment view of police as an institution. Across the political spectrum, cops are called crime fighters who serve and protect our communities. There is an enormous body of critical and radical scholarship on law but less so on police. Why is that? Perhaps police are too obvious or mundane a topic, with nothing available to theorize, so it is law, not police, that gets all the attention. Where and when the institution of police is taken seriously by scholars, it is rarely through a critical, much less radical, analysis. Often the focus centers on explaining racism or gentrification, for example, rather than theorizing how police are central to both race-making and place-making. Reformist approaches predominate, rooted in the premise that the institution of police is integral to democratic society. As a result, the *nature* of police is rarely considered, much less defined or analyzed. And this is because, according to this

establishment line of thinking, the institution of police is self-evident. It enforces law, protects and serves, and keeps us safe. What else is there to know?

The idea that the institution of police requires no explanation or, worse still, is essential for democracy is common across the political spectrum. Liberal political thinkers might be more willing to condemn police violence than politically conservative ones, but they rarely understand police violence as systemic. Instead, the killings of people like Breonna Taylor and George Floyd, to name just two, are condemned as unjust aberrations. The solution to the problem of police violence for most political thinkers is thus always more reform, never the abolition of police. The problem—when one is admitted to at all—is rarely considered to be a problem of the institution of policing itself. Since the institution is beyond criticism, it's always a problem of a bad apple cop. The solution is always the same: better training, new and more stringent standards for recruitment, more less-lethal weapons, lessons in cultural sensitivity, and more female officers and officers of color.

But surely the academic field of criminology takes police seriously? Not in our view. This book makes no effort to engage with or contribute to criminological studies of police and policing, a scholarly discipline Michel Foucault dismissed as “so vital for the working of the system that it does not even seek a theoretical justification for itself, or even simply a coherent framework.”<sup>1</sup>

Foucault is an important thinker for anyone interested in a radical theory of police. In his January 21, 1976, lecture at the



Collège de France, Foucault said,

War obviously presided over the birth of States: right, peace, and laws were born in the blood and mud of battles. This should not be taken to mean the ideal battles and rivalries dreamed up by philosophers or jurists: we are not talking about some theoretical savagery. The law is not born of nature, . . . the law was born in burning towns and ravaged fields. . . . War is the motor behind institutions and order. In the smallest of its cogs, peace is waging a secret war.<sup>2</sup>

Had Walter Benjamin been in the audience that afternoon, he might have raised a respectful hand during the Q&A and politely asked, “Who is waging this secret war on behalf of so-called law? Who is burning the towns and ravaging the fields?” We suspect Benjamin might have suggested the institution of police was an important part of the answer. In the United States, the slave patrol and the colonial militia served as one model for the modern institution of policing. As Marlese Durr has written, the slave patrol was the “first publicly funded police [department] in the American South.”<sup>3</sup> And the policing of Indigenous people has a long history in which, as Sherene Razack has described, the “relationship between police and Indigenous peoples is one of regular, intimate, and violent contact.”<sup>4</sup> And this conflict was inaugurated by the colonial militia and continues today via the institution of police. This book offers a view of police less inter-

ested in some abstract notion of law and more interested in the everyday, routine policing of our world—in the people and institutions charged with burning the towns and ravaging the fields, those institutions and agents committing the violence that brings law to life.

Law is to police, we might say, as electricity is to the Taser. To say that the nature of police is to enforce the law, and to leave it at that, is like saying the purpose of the Taser is to conduct electrical current along copper wire. The purpose—the *nature*—of police is to inflict pain or to threaten pain in the fabrication of order, just as the purpose of the Taser is to inflict pain in order to control another human being.

The radical view of police we offer in this book is one that begins with a rejection of the notion that the institution of police serves and protects. Police fabricate order.<sup>5</sup> The task is thus to identify whose interests that order serves and how it is brought into the world. The title of this book, *Violent Order: Essays on the Nature of Police*, refers to the multiple meanings of “the nature of police,” a phrase we think should be at the heart of any radical theory of police. First, when we talk about the nature of police, we are talking about order. When we refuse to take police for granted, a different view of police comes into focus, one that reveals police as the means through which order is conceived, administered, and fabricated. The bourgeois conception of order is synonymous with police. The *nature* of police is to establish the necessary conditions and relations for the accumulation of capital, as order. Consider it this way: the bourgeois social contract can usefully be thought of as a police conception of history. That



which is *human* emerges from a “state of nature,” a violent animalistic existence, only because the police powers secure the conditions for civil society—that is, a *human* society based on racial capitalist, colonial, social relations of private property, the wage relation, and accumulation. Humankind in the image of capital, brought to you by police.

Second, if capitalism is anything, it is a way of organizing nature. The nature that capitalism requires is one that must remain forever freely available as a *natural resource*. Capitalism requires a nature that arrives in capital’s image—ahistorical, taken-for-granted, abstract, a commodity. The nature that capitalism requires appears as a kind of second nature, one seemingly governed by immutable laws and intrinsically available for capitalist accumulation. Capital seeks a nature ready-made for its own destruction. The police demand for order is an order that requires not only cheap, reliable wage labor but also an equally cheap, equally durable bourgeois claim to nature as a natural resource. Capitalist property relations, after all, require more than racialized and gendered class relations. They require a nature transformed into commodities. It is police and the police powers that secure and harmonize this nature to the needs and dictates of capital. “What is a policeman?” Guy Debord asked. “The cop,” he wrote, “is the active servant of the commodity, the man in complete submission to the commodity, whose job it is to ensure that a given product of human labor remains a commodity.”<sup>6</sup> Police violence serves as a form of productive labor—it produces the conditions for the conversion of nature and human labor into a commodity for colonial and capitalist exploitation. Make no mistake, this is not some ancillary task

or role of police. From the pollution of the atmosphere via the police protecting the interests of large corporations to nature transformed into discrete categories marked by enforced property claims to the police role as the lifeblood of fossil capital to the policing of the environmental movement, policing is the dominant mode in the exploitation of nature. World making, brought to you by police.

Third, if policing plays a key role in the production and exploitation of capitalist nature, then a key aspect of the nature of police is the way police rely on discourses of nature, animality, and monstrosity to *naturalize* unequal, racialized relations of power and violence. Police power defines itself as synonymous with, and the prerequisite of, order through appeals to race and species. Consider the countless examples of cops referring to people who are not cops as animals or savages. A world full of predators and beasts and heathens. Or consider the naturalized discourse of policing as a form of hunting, which is common in police magazine editorials encouraging officers to go on hunting trips for deer and moose to sharpen their skills hunting humans in the urban jungle. The savage monster, subdued by police.

## POLICE AS ORDER

It doesn’t take much effort to locate the concept of order at the heart of police, if police had a heart. There is an entire stratum of social scientists, theorists, and administrators diligently elaborating and defending the exclusive police claim to order. Their work comes in many forms. Often it comes in the form of so-called scholarly research



by criminologists who seek to present police as a self-evident category essential to civilized, democratic society. Theirs is an intellectual mode of police legitimation that takes the nature of police for granted. It is a mode of police legitimation premised on three ideas: (1) the proposition that policing is inherently dangerous (it's not); (2) the idea that the world is dangerous without police (it ain't); and (3) the claim that police officers inhabit some unique, specialized, and professional authority (they don't). According to this mode of legitimation, cops are important, though admittedly minor functionaries, who inhabit a limited administrative realm within a larger, and more important, legal network.<sup>7</sup> Every now and then, however, the central role of police and the pervasive operation of the police powers in the fabrication of order escapes into plain view and requires theorization. Often this happens at crisis moments for police, such as at Standing Rock, in Ferguson, or, more recently, the police murders of George Floyd in Minneapolis and Breonna Taylor in Louisville. These are the moments when the beast in police goes berserk.<sup>8</sup> In these moments, when the *nature* of police comes ruthlessly into focus, it is clear to all that police violence serves no legitimate "legal" purpose. Police murdered George Floyd and Breonna Taylor as part of their role in patrolling a racial and class line essential to bourgeois order.

Outside of these so-called exceptional moments, however, police are, for the most part, of marginal interest to scholars.

As a result, reformers see police violence as always aberrant, as always distinct from the nature of police. Pay attention in these moments. You will find two modes of legitimation taking place, two stories reform tells about police. The first, loudest, and easiest to dismiss will be the familiar claim that we should not look at police at all. The problem is found in the criminal nature of the victims of police violence. They and their behavior explain their fate. Claims like this are often made by the police and are then quickly repeated by journalists—for example, the claim that George Floyd had "previous scrapes with the law."<sup>9</sup> This reformist mode is one that invites you to see the world as a cop sees the world. This is the mode that asks, What choice did police have? This is the mode that demands we empathize with police. What else could they have done? This is the mode that celebrates the bravery of police in a dangerous world. And after all, what alternative is there? This is the default mode of police legitimation. In the face of seemingly exceptional violence, however, such as in Ferguson or Standing Rock or Minneapolis, when the very nature of police suddenly and spectacularly splits open for all to see, another mode of legitimation bubbles up from the swamp where it hides. This is the more insidious mode of legitimation that positions police as the beating heart of a *naturalized* social order.

When we understand police as about order, not law, we place police in an older and broader conception of police as an unlimited drive of the modern state to fabricate order through the elimination of threats. The police powers operate ambiguously within the discretionary prerogative of state power and political administration. This is reflected in US



constitutional law when the police power is described as “the most essential, the most insistent, and always one of the least limitable of the powers of government.”<sup>10</sup> The *nature* of police, then, is a “peculiar nature,” as the German philosopher Johann Gottlieb Fichte called it in his *Science of Rights*.<sup>11</sup> Police power has a logic all its own, a logic that operates independently from a purely legal logic. Law only matters, in other words, if police insist it should.

### **POLICE AS A WAY OF ORGANIZING NATURE**

Police fabricate order through terror and murder, and more. Policing is, first and foremost, a mode of world making that relies on claims to nature and the natural in doing so. In the police imagination, ideas of nature provide the central rationale and legal basis for claims to authority. The order that police fabricate is one that police understand as a *natural* order. This is true in two ways. First, it must be understood as a key discursive claim to police authority as a natural authority over human nature. The language of police is one full of naturalized claims about a human nature run amok without police.

Second, and less obvious, is a claim over nature itself. The institution of police serves ruling-class interests and the requirements of capital accumulation via its claimed authority over labor and nature. The alchemy that transforms labor *and* nature into commodities is one that police accomplish, whether by policing the mobility of the working class or by

policing environmental movement challenges to capitalist uses of nature.

To say that the institution of police is a way of organizing nature is to say that it secures nature for capitalist accumulation. This idea is often only implicit in radical analyses of capitalist accumulation. The standard version goes something like this: A contradiction emerges when crises in profit realization lead to more and more power by capital over labor. As the rate of exploitation increases (mass layoffs, ever lower wages, longer hours, increased productivity demands, the sacrificing of workers to the factory floor amid a pandemic), so, too, does profit, at least in the short term, until at some future point consumption fails to keep up with production. The despised, immiserated worker is also the cherished, revered consumer. To this contradiction ecological Marxists have added another: nature. Capital stalks the earth for labor and markets, yes, but also nature. Capitalist enterprise impairs not only the social but also the natural relations and conditions on which it depends.

Capitalism, in other words, is a crisis-ridden and crisis-dependent system, designed to degrade and destroy all that it holds sacred. As Karl Polanyi argued, the idea of an unregulated capitalism is absurd, as it “could not exist for any length of time without annihilating the human and natural substance of society.”<sup>12</sup> But how does it manage the transformation of nature into commodity, and how does it resolve the resulting crises that the contradictions of treating nature as a commodity provokes? Enter police.

Capitalism is an economic system that requires human labor power and nature. Both must be cheap and reliable, and



cheaply and reliably available where and when needed. It turns out, however, that people and nonhuman nature are not all that inclined to make themselves available in this manner. As James O'Connor writes, "Precisely because [labor and nature] are not produced and reproduced capitalistically, yet are bought and sold and utilized as if they were, the conditions of supply (quantity and quality, place and time) *must be regulated by the state or capitals acting as if they are the state.*"<sup>13</sup> We do not have the capitalism we have if we do not have the police we have.

### **POLICE AS A SYNONYM FOR CIVILIZATION**

Civilization is a police invention. Civilization, in the bourgeois imagination, is a synonym for class domination, a way to naturalize an order based on economic and social domination. The primary way ruling-class interests manage the insecurities and anxieties that come with their class privilege is via police. In the logic of bourgeois order, to be policed is to be civilized. To be without police and the order that police bring is to live in a *state of nature*. The institution of police is the "thin blue line" between civilization and savagery. The mandate of police power, then, is a mandate not merely to protect an already existing civilization but to actively fabricate a different one, a "polite society" organized around private property, bourgeois decorum, and classed, gendered, and racial hierarchy. Police will keep you in your place. Consider the progressive reformer Rev. E. H. Chapin, who spoke of police in 1854 as the overseers of cities seized by a fear-

some savagery: "And no one needs to be told that there are savages in New York, as well as in the islands of the sea. Savages, not in gloomy forests, but under the strength of gas-light, and the eyes of policeman; with war-whoops and clubs very much the same, and garments as fantastic, and souls as brutal, as any of their kindred at the antipodes."<sup>14</sup> Police forever and everywhere confront a colonial insurgency and out of it make a "civilized" world. You can find the police-as-civilization logic at the heart of former New York Police Department chief William Bratton's 1994 "quality of life" report titled *Reclaiming the Public Spaces of New York*.<sup>15</sup> Bratton, famous for his "broken windows" approach to policing, described policing as the work of civilization building. According to him, "A decent society is a society of civility," and it is the task of the workaday cop to "uphold a uniform standard of civility and mutual respect in all the neighborhoods of the city." Police gift us a "civilized order," defined by bourgeois notions of "civility," "decency," and "politeness." Without police, without the workaday cop, we live in the jungle.

### **NATURAL POLICE**

Without police there is no private property and thus no enforceable claim to labor and nature. China Miéville calls property a form of "everyday sadism."<sup>16</sup> Property, in other words, is central to a sadistic order given life by the cruel violence or threat of violence by police. This is not the



accidental violence of a few “bad apples.” Police violence, as Mariame Kaba argues, is “inherent to policing.”<sup>17</sup> Thus, the radical theory of police elaborated in this book is one rooted in the everyday police violence essential to the fabrication of bourgeois order. It is a theory indebted to the insights, evidence, and arguments of many radical organizers and scholars who understand the police demand for order as a gendered, racialized, and patriarchal order.<sup>18</sup> One of those organizers and scholars to whom we are especially indebted wrote the foreword to this book. We share Rachel Herzing’s insistence that we confront the fantasy of police through solidarity, on-the-ground organizing, and political education. This confrontation requires new ways of thinking about police. Police is not the institution many criminologists claim it is. It is not an institution limited to armed individuals enforcing laws in the public interest. Policing is a mode of environment making, of world making, and thus the radical approach we take to police in this book is one that focuses on the role of police in making the world we live in. Police fabricate and defend capitalist order. Police construct and defend relations of environmental injustice. Police don’t just patrol the ghetto or the reservations of Native Nations; the thin blue line doesn’t just refer to a social order; police announce a general claim to domination—of all human labor and nonhuman nature.