Policing the Edge: An Historical Analysis supporting a Liminal Perspective on Policing

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'*What apparent cause of any riots may be, the real one is want of happiness.'* -Thomas Paine

Key Words

Perspectives on Policing; Policing of Dissent; A Liminal Perspective on Policing; Policing the Edge; Public Disorder, Social Democracy.

Abstract

Dissent is the edge of society. It is where the contours of society are negotiated and drawn. The paper argues that this is where policing finds its primary purpose. An extensive range of examples, and a coordinated set of techniques deployed in the repression of dissent through policing, are explored. Taking the three perspectives conceptualised by Reiner (2010) in *The Politics of Policing* as the basis of analysis, the paper develops a fourth perspective, a liminal approach which explores the thesis that policing is primarily, though not self-consciously, focused on the edge of the social field. Through an historical analysis of the origins of policing, the paper adduces extensive evidence in support of a liminal perspective on policing. It postulates further, that it is on the edge, that policing fragments into shards of political difference.

Introduction

Whatever the time or place, all societies exist in relation to the conditions of possibility for their own negation, for their own transcendence. The continuation of the present, rests upon the exclusion of possible futures. Whether expressed in civil unrest or repressed into silence, the potential for class confrontation that could revolutionise social reality, transforming the way we treat one another, is ever present. Whether proximate or distant, the possibility of revolution is the final horizon of all societies. Social organisation has transformed through forms of society including Primitive Communism, Slavery, Feudalism and currently takes the predominant form of Capitalism and significantly, these formations shape the humans they produce (Graeber, 2006). A future where the productive and creative potential of all, finds democratic expression, is in waiting (Shantz & Macdonald, 2013; Albert, 2004, Albert & Hahnel, 1991a,b; Graeber, 2011, 2013; Wolff, 2012; Kelly & Howard, 2019).

It is these socially conscious, and psychologically unconscious, forces of concurrence and dissent, that shape the present and the potential future. Social reproduction encompasses a spectrum from engineering consent through 'bread and circuses' to enforcing compliance through handcuffs and prison bars. Whether imperialistically exploiting or exploited, social control in both types of society turns on the relationship between economics and politics, on what resources people can access and what powers these resources confer.

Penality constrains the future. It is where societies reach the liminal, the edge, when the possibility of growth and transition beckons, that the role of policing fragments, responding to calls from the past, and calls for possible futures. For a society to meet a future that transcends its past, it must first cast off its means of control, the mechanisms that bind it to what it already is.

The work of this paper is to argue that policing is about defining and negotiating the edge, the contours of the social, in time and place. In the context of an examination of the emergence of professional policing, the paper demonstrates that the orthodox, revisionist and post-revisionist

perspectives on policing, conceptualised by Reiner (2010) can be further developed to encompass a liminal approach. In so doing, the contradictory nature of policing is thrown into relief.

What is Policing?

Traditionally, the police have been defined in terms of functions or processes (Reiner, 2010). The roles of maintaining order, crime investigation, reduction and control, peacekeeping, State security, social service and emergency response have been seen as defining characteristics of the police (Davies, Croall & Tyrer, 2005: 142). Viewed in terms of process, the police are also an arm of the executive branch of the state vested with the power to enforce laws within a given territory (Reiner, 2010). The monopoly on the use of legitimate force claimed by the state is expressed by both the military and policing arms of the state. It is the claim to a legitimate monopoly in the use of force against the domestic population, that distinguishes police from other organisations. As Reiner explains, the "distinctiveness of the police lies not in their performance of a specific social function, but in being the specialist repositories for the state's monopolization of legitimate force in its territory" (Reiman, 2010: 8). In the words of Bittner, "The policeman, and the policeman alone, is equipped, entitled and required to deal with every exigency in which force may have to be used' (Bittner, 1974 in Reiner, 2010: 144).

Policing is the hard end of the continuum of social control. The softer end of the continuum includes mechanisms such as persuasion, ridicule, mimicry, satire and gossip (Earl, 2011; Ferree, 2004; Bassil-Morozow, 2014; Emsley & Spierenberg, 2004). Between the two ends, are mechanisms of social exclusion of varying degrees of harshness. The mid-range would include Blacklists, loss of employment and the withholding of opportunities.

Allusion to the existence of the continuum is present in the colloquial term 'soft cop', though too often, populist debates resort to punitive solutions to problems without showing an awareness of the broader range of options. This 'punitive turn or reflex,' has resulted in over-criminalisation of social problems (Pratt, *et al* 2011; Snacken, & Dumortier, 2012; Muncie, 2000; De Haan, 2003; Hulsman, 2002). However, the caveat should be noted regarding proactive [or preventative] work, that it need not rest on force and may be considered to be more effective in terms of actual crime prevention than the reactive use of force (Reiner, 2010: 8).

The distinction is made between police and policing because not all police functions are fulfilled by the official police (Westmarland, 2011). Policing functions are now carried out by a diversity of agencies including for example, Customs & Revenue, The Border Agency, Social Services, Health Inspection, RSPCA, Local Authority Intelligence units and welfare benefit fraud investigation units. With bracket creep, the separation of roles between policing and spying has blurred, given that there is extensive overlap of methodology around surveillance and investigation.

There is also a blurring of the separation between policing functions and military functions. The New York Police Department is the seventh biggest standing army in the world (Ford, 2020). Militarily equipped police stalk the urban environs of class warfare against domestic civilian populations. Contemporaneously, domestic police may need to pursue criminal suspects into war zones and military police may need to pursue suspects into the domestic sphere, meaning that jurisdictional lines loose clarity. It can be very difficult to distinguish a military dictatorship from a police state given that a plethora of organisations meeting the

characteristics of either or both, have arisen in the period since the Second World War. An example of an organisation meeting the characteristics of both police and military, arises in the case of Japan's police force. Induced by the Treaty of Surrender after World War two, Japan was prohibited by Article 9 of its constitution from remilitarising; it does however have an extensive naval wing to its police force. Related to this overlap is that there is serious difficulty in distinguishing killing in war from criminal murder and from war crimes. Also, there has been the confusion of jurisdiction since 9/11, as to whether terrorism and it's related offences fall under the criminal jurisdiction with its related protections of civil rights or the military jurisdiction with its related protections under the Geneva convention. George W. Bush set up Guantanamo Bay in an arena entirely outside all legal jurisdiction and hence outside the rule of law, with all the dangers that entails. Since then, an exploitable confusion surrounds the question of whether the criminal jurisdiction or the rules of war apply to terrorism and terrorists.

Perspectives on Policing

The history of policing has been examined from three perspectives: the orthodox, the revisionist and the post-revisionist points of view (Reiner, 2010). The orthodox narrative has been characterised as the 'cop sided' view of history. In the orthodox view, professional policing created an effective source of protection for the citizens. Those who are critical of this view are known as revisionist criminologists. The revisionist perspective is influenced by Marxism, viewing policing as an arm of the capitalist state, serving the interests of the ruling class and responsible for securing the conditions for the reproduction of capitalism. Revisionism criticises the orthodox approach for fetishising the police, analysing them as apart from concrete socio-economic relationships. The post- revisionist standpoint builds on the revisionist critique of orthodoxy, but criticises revisionism for underestimating the interactions between the police as a repressive apparatus of the state and the ideological apparatuses that contribute to the legitimating processes which manufacture consent to policing.

Taking this typology of perspectives on policing as the basis for an analysis of some of the historical contextual detail of the emergence of policing, this paper will demonstrate that the perception of policing may usefully focus on the social edge, where policing and dissent engage, the place where social relations may change. It is here, that policing clearly goes beyond its stated purposes, this is where policing expresses its covert, unwavering fixation.

The place of fun, the seductive power of risk experience is conceptualised in edgework, (Lyng, 2005). These elements of 'the inviting edge' play through the experience of transgression. However, the edge we are concerned with here, is viewed from a different and more distant angle, a place closer to the point of arrival in an expanded democracy that provides for human fulfilment. The interest explored in this paper is in the material and non-material edge of the social, which offers a future that travels differently from the present, to a place more preferred.

The Origins of the Police

Prior to the advent of the modern professional police force, early policing developed to guard trade routes on which the development of civilisations depended. Early trade routes in the Middle East provided guards for the protection of pilgrims and traders (Maraqten, 1996; Hopkins, 2008). There were similar initiatives in the posting of guards throughout the Persian empire to protect trade routes and later under the Chinese Empire along the Silk Road (Beckwith, 2009; Torr, 2018). European knights guarded pilgrims to 'the Holy Land,' opening

up trade, banking and financial ventures, performing a policing role that overlapped their military role (Greenberg & Park, 2017).

Enforcing the power of rulers was also a central function of policing. In the Roman Empire, the 'Vigiles,' a watchmen force had a public order function (Fuhrmann, 2012). The last years of the Roman Empire saw extensive activity by a force of secret police, the 'Agentes in Rebus,' who were employed in spying abroad and in preventing conspiracies against the Imperial throne (Hussey, 1957).

In Britain, modern police grew out of the Night Watchmen. Local Parishes had previously tithed parishioners to fund Parish constables and city states had commissioned Night Watchmen. There were early rudimentary policing initiatives in London such as the 'Thief-takers' and the 'Bow Street runners.' The reputation of these earlier policing initiatives in Britain was often a subject of humour and disrespect, to the point that they were overtly regarded as corrupt (Reiner, 2010: 41, 71).

The political and economic role of policing can be clearly discerned, as well as the connection to social reproduction. During and after the French Revolution, Joseph Fouché, the French Head of Intelligence and Minister of Police, epitomises the political machinations and fragmentary nature of policing on the edge, by drastically changing allegiances within his own period of office (Deacon, 1990).

The fact that arises consistently, is the close connection of policing, to protest and civil unrest (Reiner, 2010: 50; Lewis & Evans, 2013; Saito, 2002; Boykoff, 2006; Davis-Cohen, 2019; Beare, Rosiers & Deshman, 2015; Shantz, 2011, 2012; Schultz & Schultz, 2001; Wilkins & Clark, 1973; Fernandez, 2008; and Wolf, 2001). There is a clear connection throughout the history of policing in different times and places, to revolution, in the attempt to prevent it, to infiltrate it, to control it, to defend it, to protect the rights of protesters, and to suppress protest. The history of protesting and rioting has been intimately connected to criminal justice.

The criminal justice system has been imposed against considerable resistance by the populace (Reiner, 2010: 39, 65; Haywood & Seed, 2012). The Westminster Police Bill of 1785 was defeated against concerns that establishing a police force would imperil liberty (Jones, & Johnstone, 2011:231). Prisons have been filled by policing, and emptied by the populace. The liberation of prisoners by People's riots is well known in the *Storming of the Bastille* that is emblematic of the *French Revolution*, but traces back to at least 1361, when the advanced guard of the *Peasant Rebellion* broke into two prisons in Southwark, those of the Marshalsea and King's Bench, and freed the prisoners (Stubbs, 1880: 456; Barker, 2014a,b: 221-227). Marshalsea prison was regularly attacked thereafter in 1504, 1505, 1539,1592 and in 1639, including in the freeing of prisoners in *Cade's Rebellion* in 1450 (Stubbs, 1880: 456; Barker, 2014a,b).

In London, Lambeth Palace was attacked on 11 May in 1640, and a few days later Southark prison was attacked and the prisoners awaiting trial for attack on Lambeth Palace were released (Stubbs, 1880: 456; London Radical Histories, 2016; Lindley, 2013: 43). Prisons were burnt down and prisoners released during the *Bristol Riots* of 1831 and the *Great Liberty Riot* of 1780 also known as the *Gordon Riots* (Haywood & Seed, 2012; Davis, McCalman & Parolin, 2005; Ball, 2012; Carrington & Hampden Jackson, 1932; Walpole, 1890; Faron, 2010). The sacking of Newgate prison during the Gordon riots has become iconic (Balch-Lindsay, 1998), partly due to its place in the Dickens novel *Barnaby Rudge* and is often seen as Britain's

Bastille, though the effects were more modest (Haywood & Seed, 2012: 6). Prisoners released from Newgate prison were taken to Blacksmiths to have their chains removed (Bard, 2012). The rioters then proceeded to burn down the New Prison, Clerkenwell, King's Bench and the Fleet, releasing all the prisoners and providing the liberated prisoners with financial support (Haywood & Seed, 2012: 6). Many of the Christian Saints were sanctified for releasing prisoners from incarceration and kindness to prisoners was a religious duty in all three Abrahamic religions. In the mid 16th Century, Roman citizens released prisoners including sex slaves from the Inquisition prisons (Rule, 1868; Davie, 1851: 286) and the Inquisition itself was attacked in Avignonet in May, 1242 by a troop of Faydits knights led by Ramon d'Alfaro, after whom rue Pharaon in Toulouse is named (Costagliola, 2015).

Too often, dissent and public unrest tend to be seen as problems to be repressed, but there are numerous examples throughout history of how the expression of public unrest has pushed society forward in a more humanitarian direction, though it is well recognised in the literature that humane reforms may take time (Clement, 2016). Dissent is an essential aspect of progress (Banks, 2008). Public uprisings in Florence "were instrumental in changing the attitudes of the Florentine ruling class: the city began to see its own self-interest as intertwined with that of its region and the welfare of its rural subjects at the beginning of the fifteenth century" (Cohn, 1999). As a consequence of the fairer taxation system that was then introduced, a sufficient surplus was created to fuel the Renaissance (Cohn, 1999). The Pirenne revolts were vital to the growth of democracy and the Peasants revolt of 1381 in England played a significant role in opposing unfair taxation, fighting fiscal and judicial corruption and in expanding the franchise in London from 1196 to the mid fifteenth century (Cohn, 2015: 424; Hilton, 2004). Throughout, the expansion of the voting franchise has been achieved through public uprisings.

Britain's first professional police force was institutionalised in the early part of the 19th century in the context of, and presumably in response to, the upturn in nationwide protests that emerged in the context of early capitalism. Both the revisionist and the orthodox account, accept that increasing public disorder provided the immediate motives for establishing the new police (Reiner, 2010: 50). The Gordon Riots provide a significant background influence (German, & Rees, 2012: 9; Balch-Lindsay, 1998). The demands for the creation of a professional police force, eventually became irresistible for those determined to preserve the existing social order, after the French Revolution had demonstrated to all Ruling Classes, that their positions were fragile. Police were given an 'omnibus mandate' aimed at stabilizing relations between conflicting social classes ((Storch 1975: 88; Neocleous 2000a, 2000b in Reiner, 2010: 51).

The birth of a professional police force is a contemporary modern development, emerging in the latter part of C18th to the early part of the C19th, in the context of the historical changes from feudalism to capitalism; agriculture to industrialisation; rural society to urbanisation; religious hegemony to the Enlightenment; science and the Age of Reason. Crucially though, contemporary policing "is embedded in a social order that is riven by structured bases of conflict, not fundamental integration" (Reiner, 2010: 66). With the advent of capitalism, collective disorder ceased to be "mutually understood as a means by which the politically unrepresented masses communicated grievances to the ruling elite—'bargaining by riot'" and was perceived "not as a form of protodemocracy but as a fundamental threat to the social and political order" (Hobsbawm, 1959: 116, in Reiner, 2010: 48).

Contemporary policing is connected to the emergence of the Liberal Democratic State. Given that the Liberal Democratic State developed as a revolutionary response to mediaeval despotism, expressed perhaps most famously in the American Revolution and French

Revolution, and gave life to the humanist aspirations in *The Declaration of Independence* and *The Declaration of the Rights of Man and the Citizen,* of liberty, fraternity and the pursuit of happiness which were then encoded in the *Constitution of the United States of America,* it is perhaps surprising to see that organised national policing emerged at this time. How this apparent contradiction is explained differs significantly depending on whether an orthodox, revisionist, post revisionist or other explanatory framework is applied.

The form of policing specific to capitalism is the professional police force, which takes on much of the policing role previously played by the military and militias. Uprisings by slaves in Ancient Rome for example were crushed by armies, as were many uprisings throughout Medieval Europe. In *The Fabrication of Social Order: A Critical Theory of Police Power,* Neocleous (2000) argues that the police force emerged to fabricate a social order predicated on exploitative wage labour, managing the disorders that accompanied the transition from Feudalism to Capitalism. The administration of the consequence of working class poverty was central to the role of modern policing.

In the imperialist countries, the origins of the police can be traced to the repression of insurgency against colonialism (Eck, 2021). Globally though, the spread of policing should not be seen through a Eurocentric lens as emerging entirely from Europe (Brogden, 1987). Rather, it grows from multiple poles of colonial interactions, that are shaped as much by the interests in seeing states fail in order to provide fertile ground for super-exploitation as by local collaborations with post-colonial domination (Hönke & Müller, 2016). Moreover counterinsurgency in imperialised nations has shaped police practice in the metropolis (Schrader, 2019). Overall though, the direction of travel of the entrepreneurialism of policing has been from North to South of the globe (Ellison & Pino, 2012; Bradford, *et al* 2016).

In an ironic turn, in the late 20th century, given that professional policing was a response to public disorder, policing has become a significant trigger of rioting. There is widespread evidence that the riots across Britain in the 1980s were triggered by police misconduct particularly in the form of ‘agriculture’ or ‘grassing up’ which involved the planting of samples of marijuana on innocent members of the public (The Scarman report, 1982; Scraton, 1985; Holdaway & Benyon, 1985; Frost & Phillips, 2011; Phillips, Frost, & Singleton, 2013; Gifford, Brown, & Bundey,1989; Cooper, 1985; CARF (Campaign Against Racism and Fascism) Collective 1981). A series of social change initiatives were stimulated in response to these events since British cities were literally being set alight. Concern that miscarriages of justice were affecting the legitimacy of the entire criminal justice system, not just of police, stimulated a *Royal Commission on Criminal Justice, 1991-1993,* chaired by Viscount Runciman of Doxford. Ultimately this history resulted in the PACE reforms aimed at protecting the public against perceived police misconduct and to reduce the incidence of miscarriages of justice. In Los Angeles, the Watts Riots occurred in August 1965, after an African American driver and his stepbrother were involved in a police traffic stop (Hassett-Walker, 2021). Riots broke out again in Los Angeles in 1992, triggered by the police beating of Rodney King (Rissman, 2014) and the 2011 riots in Britain were triggered by the police shooting of Mark Duggan (Clement, 2016: 10-11; Banakar, & Phillips, 2016). Policing has triggered exactly what it was intended to suppress, public disorder.

The Birth of a Professional Police Force in Europe

The fragmentation of policing is evidenced from the very beginning of the emergence of the professional forces in Europe. In France, the creation of contemporary policing was part of the

extensive revolutionary reforms that were institutionalised as part of the Napoleonic era that spread throughout Europe. The revolution is known as the French Revolution, but the Enlightenment ideals were spread across Europe by the Napoleonic campaigns (Churchill, 2015). It is worth outlining what was at stake for the continent, to understand the competing roles played by the different police in the context of revolution.

The revolution emblazoned the principles of *Liberté, Égalité, Fraternité* which became the French national motto: liberty meaning the right of citizens to behave in any way that they see fit provided that it does not infringe on the liberty of others, equality is the notion that citizens have the right not to be discriminated against on the basis of inappropriate criteria such as skin colour and fraternity meaning social solidarity.

The revolution was organised around the principle of the institutionalisation of meritocracy to supersede the ideology of the ancient regime which had been organised around assumptions of natural inequality which claimed that some people were superior to others by birth, and thereby entitled to special privileges (Conner, 2012). Meritocracy and the abolition of feudal privileges were central revolutionary themes (Thoral, 2010).

The first French Republic "based on popular sovereignty was the first Democratic Republic in modern history" (Edelstein, 2014: 259). At that point, the French Revolution was the largest democratic experiment in world history (Edelstein, 2014:1). Between four and six million people were enfranchised (Edelstein, 2014:1). The revolution established the beginning of modern electoral democracy (Crook, 1996; Edelstein, 2014) in Europe.

Additionally, the French Revolution marks a critical departure in the history of slavery and colonialism, Geggus, 1989), creating the "world's first examples of colonial representation in a metropolitan assembly, of racial equality in an American colony, of wholesale emancipation in a major slaveholding society…" All of these significant events occurred during the revolutionary years of 1789 to 1794 (Geggus, 1989:1291).

The *Declaration of the Rights of Man and the Citizen*, meant that slavery must inevitably be questioned. Though Napoleon's role was internally conflictual (Gaspar & Geggus, 1997; Girard, 2011), the French revolution was a major catalyst for the Haitian revolution which would eventually end slavery in Haiti (James, 2001; Edelstein, 2014). The revolution enabled the slave revolt that ultimately led to the establishment of the first independent black Republic in Haiti in 1804 (James, 2001). Slavery was also abolished in Malta when the island was taken into French territory during the Napoleonic campaigns (Herold, 2016). One of the finest achievements of the revolution is the abolition of slavery in French territories in 1792, and hence the pivotal role of the revolution in the movement against slavery world-wide, yet it is hugely understated (Geggus, 1989: 1290).

Popkin (2010) argues for the important contribution of both the French Revolution and the organised rebellion by the slaves themselves in the abolition of slavery in the French Caribbean colony of Saint Domingue (Haiti) in 1793 and in revolutionary France in 1794. These events "were the first dramatic blows against an institution that had shaped the Atlantic world for three centuries and affected the lives of millions of people" Popkin (2010: 1). He attributes the abolition of slavery to the "complex and often paradoxical political struggles on both sides of the Atlantic."

The reforms included emancipation of the Jews from second-class citizenship. Napoleon insisted on liberation of the Jews right from the beginning. He ordered that the notorious yellow armbands be removed, granted citizenship to Jews, decreed that they may live wherever they wished, opposed ghettoization of Jews and closed the Jewish ghetto in Warsaw (Cronin, 1972; Roberts, 2016; Spalding, 2000; Broers, 2018).

The practical progressive reforms that the French Revolution inaugurated were impressive and extensive. The transformation of hospitals from warehouses of the poor, into institutions for medical treatment (Frangos, 1997) and the emergence of the modern welfare state to replace the ideological and practical shortcomings of charities (Woloch, 1986; DiCaprio, 2007), were major achievements. The Bank of France was established (Roberts, 2016). The institutionalisation of science and the application of mathematics as statistics (Glas, 2002; Burke, 2009), were other achievements. A single system of weights and measures was introduced (Thoral, 2010). A more rational system of public administration began with the use of experts to inform government policy, aimed at replacing the nepotism of the old regime with a techno-meritocracy (Alder, 2010). Departments to protect France's forests and rivers were established (Cronin, 1972). Paris's first professional fire brigade was formed (Cronin, 1972). Town planning, clean water and sanitation in Paris were other accomplishments (Kahn, 2009:16). There was an extensive public infrastructure program that built bridges, canals, thousands of kilometres of roads, and public monuments such as the *Arche de Triomphe* (Cronin, 1972; Englund, 2010). The founding of the Louvre instantiated a new artistic awakening (McClellan, 1999).

Legal reforms included the right to divorce, public trials, trial by jury, a new regime of inheritance that protected the equal rights of all children within the family and modern notions of property law (Cronin, 1972; Donovan, 2014; Roberts, 2016; Blaufarb, 2016). France legalised many previously criminalised sexual acts between consenting adults, so long as they did not occur in public and became the first state in the western world to decriminalise homosexuality (Anderson, 2007: 234). The *Code Napoleon* provided a unified institutional legal system of rights and responsibilities (Lobingier, 1918) that has now extended to over 40 different countries and is a progenitor of EU law (Roberts, 2016; Maher, 2007; Broers, 2018).

Punishment became more rational (Foucault, 1977). Napoleon abolished flogging in his army, stating: "Whatever debases a man cannot be serviceable . What sense of honour can a man have who is flogged before his comrades?" (Abbot, 1883: 123). In the context of a new post-revolutionary social order dedicated to rationalism, the ideals of liberty and expanded state power, a new police force was created with the intention that it would protect these reforms benefiting French citizens in France and all peoples living within the Napoleonic sphere of influence, against the considerable counterrevolutionary forces (Cronin, 1972; Roberts, 2016).

Though Napoleonic policing has been debated (Sibalis, 2002; Hicks, 2009), the Napoleonic police force developed an organised and efficient model that was used as the basis for numerous other police forces established across Europe (Johnstone, 2015: 43-5). Robert Peel who is credited with the creation of modern policing in Britain, was heavily influenced by the Napoleonic model (Johnstone, 2015: 43-45). Though there was much resistance in Britain to the creation of a modern professional police force, with the population fearing that it would lead to a suppression of traditional British liberties, the Police Bill was finally passed in Britain in 1829 (Johnstone, 2015: 43-45; Jones, & Johnstone, 2011:231; Reiner, 2010: 39, 65).

One of the extraordinary historical ironies amongst the many contradictions, is that the creation of the British police force was strongly influenced by the Napoleonic police force, particularly in the model adopted for the Royal Irish Constabulary, developed by Robert Peel (Johnstone, 2015: 43-45). The Napoleonic model was meant to defend the revolution against international opposition that was coordinated by the British government, and British government policing was also complicit in sending undercover police into France to assassinate Napoleon and destroy the revolution (Clayton, 2018; North, 2019).

We can clearly see that police forces were on both sides of revolutionary progress. In France, police were charged with the responsibility of spreading enlightenment Human Rights that were expressed in the *Code Napoleon*, against the counterrevolution, whereas in Britain the police were implicated in the counter revolutionary attacks on Revolutionary France (Clayton, 2018; Cronin, 1972; Roberts, 2016).

As explained, the question of whether this new nationwide state organised approach to policing was necessary and effective, or has been justified and idealised retrospectively, is viewed differently by orthodox, revisionist and postrevisionist criminologists. The contradiction and irony that arises in policing suggests a degree of complexity that escapes categorisation into orthodoxy, revisionism or postrevisionism, and pushes analysis into an awareness of the edge, of the beyond.

The Birth of a Professional Police Force in America

In the US, the American Bar Association, (ABA) has presented a detailed history of how policing in America got to where it is today, namely a situation where Afro-Americans are routinely criminalised and killed by police (Hassett-Walker, 2021). The ABA exhibits important and revealing research by Robinson (2017) proving that current Criminal Justice practice in the United States was shaped by the Black Codes and Slave Patrols because that is where it originated. Slave Patrols enforced Black Codes that permitted the torture and killing of slaves based on the legally imposed fiction that they were property and not people (Stansbury, 2016), morphed into the police in America in the 1830s-1840s. Emancipation of American slaves was coupled with immediate mass arrests and imprisonment of former slaves (Lichtenstein, 1999: 195 in Wacquant, 2002: 53), often for actions that would not be criminal if performed by whites, and 'convict leasing' commenced. Overnight, one form of slavery was replaced by another.

There is a clear line of coherence from the slave patrols which acted as the enforcement arm of slavery in early American history and contemporary policing which drives Afro-Americans into mass slavery through incarceration (Wacquant, 2002, 2011; Hassett-Walker, 2021; Robinson, 2017 Turner, Giacopassi & Vandiver, 2006; Kappeler, 2014). Later, the Jim Crow laws exerted further extreme racist influence (Hassett-Walker, 2021; Alexander, 2010, 2012) ghettoising Afro-Americans where they were vulnerable to the criminalisation that came to be exploited through mass incarceration. Websdale, 2001 has demonstrated how community policing far from being a benevolent alternative, allows policing to penetrate more deeply into black communities exerting an even more destructive disruption of families and communities. Now, 29% of Black Americans experience incarceration (Bonczar & Beck, 1997 in Wacquant, 2002). As Foucault (1977) realised, capitalism does not solve social problems, it exploits them.

Thus Wacquant (2002: 41-42) identifies slavery and mass incarceration as two of the significant 'peculiar institutions' that that have controlled the lives of black people in America.

He asserts that slavery and mass imprisonment are "genealogically linked" in that the imposition of mass incarceration with all its attendant harms is logically inexplicable without reference to the racial domination implicit in slavery "as historic starting point and functional analogue." Slavery obliterated recognizable national affiliations and consequently so completely stripped Afro Americans of any ethnic honour that they were not even the bottom of the status hierarchy, they were excluded from it entirely (Wacquant (2002: 44). It is the complete debasement, dehumanisation and normalisation of brutality that set the precedent for the subsequent horrors of mass incarceration and police killings. The apartheid enforced through the Jim Crow laws and subsequent ghettoization provided the bridge between slavery and mass incarceration. The overcriminalisation and the laws obstructing rehabilitation cited earlier, entrapped Black Americans into the slavery of the prison society as surely as the Slave Patrols and Black Codes imposed slavery on earlier generations (Wacquant, 2002:59). All this, in a context of the punishment of poverty creating the initiative where poverty and unemployment become fertile ground for exploitation as a business through the prison (Wacquant, 2009a, b, c; Ashton, 2011). This is further elaborated by the oft cited detail that the police killings of unarmed black men operate as a further iteration of lynching (Ogletree & Sarat, 2006).

Police killing of unarmed black men is perhaps the most visible aspect of contemporary policing in America. Robinson (2017) reports that the actual number of civilians killed by US police is unknown, as only 3% of the nation's 18,000 police departments voluntarily submit the information for national tabulation, though there have been many calls for national coordination in this area. ProPublica's analysis (Gabrielson, Jones & Sagara, 2014) though welcome, is certainly an underestimation of the extent of the problem. Statista (2021a) puts the number of civilians killed by US police at just under a thousand a year in the years 2017-2020 and demonstrates a racially biased incidence (2021b). The Guardian Database 2015-2016 presents an interactive database which provides photographs and some information about each individual. The Unity Multicultural Education Center (UMEC) at Gonzaga University (2009), hosts an online Memorial to each individual who is known about, providing the date of their death and how they died. The list is not comprehensive. The site acknowledges, "There is no comprehensive government data on the topic of police brutality leading to the death of American citizens. There is no real accountability."

Fryer's research (2017, 2018, 2019) has been particularly contentious since it claimed that although the application of force in police encounters which did not result in the death of the civilian were racially biased, those which involved killing did not demonstrate racial bias. The work by Fryer has been roundly criticised on the grounds that it relied heavily on the police narratives which are likely to also be biased (Knox, Lowe & Mummola, 2020; Jones, 2018) and the statistical calculations undertaken by Fryer have been found to be invalid (Ross, Winterhalder, & McElreath, 2018; Knox, Lowe & Mummola, 2020).

Robinson's purpose therefore is to establish the extent of police killings of unarmed Afro-Americans in the US, using one of the few means available, those being cross tabulated reports in newspapers. Her secondary purpose is to empirically interrogate the thesis that the killing of black men by police is historically traceable and explicable in terms of the origins of policing in the historical role of the enforcement of slavery (2017).

Robinson's data establish that "unarmed African American men are being killed by police at a rate of almost 5 times that of unarmed White men." Also startling, is the finding that the two states that originated the Slave Codes (Wadman & Allison, 2004, cited in Robinson, 2017)

have the highest percentage of unarmed Blacks killed by police of all formerly slave states in the US, at 83% and 75%. Next in incidence of police killings of unarmed Afro-American men is Florida at 43%, which had the harshest Black Codes (Richardson, 1969 in Robinson, 2017). Fourth is Texas at 38%, a state in which 30%, of the population were former slaves at the end of the Civil War (Campbell, 2016, cited in Robinson, 2017). This strong correlation between police killing of unarmed black men and historical complicity with the enforcement of slavery provides confirmation of the thesis that the killing of black men by police is historically traceable and explicable in terms of the origins of policing in the historical role of the enforcement of slavery.

The extent to which police are aware of the history of policing is variable. Collaboration between academia and police has contributed to the raising of awareness, for example the Executive Session on Policing developed and administered by the Kennedy School's Program in Criminal Justice Policy and Management at Harvard University and funded by the National Institute of Justice and private sources, provided a forum for ideas to be exchanged. One of the papers specifically addressed the history of American policing in the Slave Patrols and Black Codes in a paper presented by Williams & Murphy back in 1999, though at that stage it was still viewed as a minority perspective.

Fragmentation of policing on the edge is clearly demonstrated in contemporary US policing. The stark political contrast of the brutality of the policing of the *Black Lives Matter* Movement and the inflicting of Black Deaths, to the 'kid gloves' approach shown by some officers to the belligerents who stormed the US Capitol Building on the 6th of January, has been widely observed (Knox, 2021), but what is also worth accounting into analysis, is the contrasting behaviour of the police *within* each of these settings. What is thrown into relief here, is evidence of the fragmenting of policing that occurs on the edge. While some police are engaged in racially biased killing of black men and women (Robinson, 2017; Ross, Winterhalder, & McElreath, 2018; Gabrielson, Jones & Sagara, 2014), others are taking the knee to demonstrate fraternity with their fellow humans (Golgowski, 2020; Janner, 2020; Voytco, 2020). While there were some tragic failures to rise to the demand to protect democracy (*Committee on Homeland Security and Government Affairs, and Committee on Rules and Administration*, 2021; US Senate 2021) and some police are accused of forming the ranks of the white supremacists who sought to end democratic governance (Hauck, 2021; Bates, 2021; Beer, 2021; Kindy, K. et al 2021; BBC 2021), others demonstrated bravery and commitment to the highest of democratic ideals (*Congressional Record*, 2021). Tragically, two police who defended democracy on the 6th of January died, and four ostensibly committed suicide (Lowell, 2021).

It is not to ignore structures of bias in and around penality, to remark that Progressive and Reactionary police are present at the edge. A report *by Her Majesty's Inspector of Constabulary* (2021) examined issues around the policing of protest, in the context of emerging highly controversial legislation in Britain and in some states in America to curtail the rights of protesters (Home Office, 2021; Epstein & Mazzei 2021; Allegretti & Wolf-Robinson 2021; Brown & Mead 2021). The full story of the storming of the US Capital is yet to emerge, but it is nevertheless clear that police 'were on both sides of the barricades'.

Policing the Social Edge is Political

Policing is political (Reiner, 2010), not in a narrowly party political sense, but in the way of power. Policing is the power to impose a given type of social order on the population as a

whole. There is an extensive body of relevant literature publishing the empirical evidence that policing is primarily political, that it is principally concerned with the imposition of social order (Irvine, 2021b).

As an integral part of capitalism, the Criminal Justice System polices the imposition of capital accumulation by the minority through wage labour by the majority (Foucault:1977:25-6; Graeber, 2011, 2013). In the early stages of capitalism, the prison was foundational, providing training and discipline to transform the rural peasantry into an urban industrial working class (Foucault, 1977). In late capitalism, the focus is on managing surplus populations, dangerous populations, the precariat and other threats to the accumulation of capital (Shelden & Vasiliev, 2000, 2017; Story, 2015; Standing; 2016; Wacquant, 2009a,b,c). The relations of force expressed through policing, correlate with the relations of exploitation, mediated by the expression of competing class interests (Letelier, 1976). Different societies produce different penalities (Wacquant, 2001, 2009, 2011; De Giorgio, 2006, 2007; Emsley & Spierenberg, 2004), different systems of punishment, but they all have in common, the requirement to reproduce the society as it is, and to draw the contours of permissible social change into a different future.

The political nature of the Criminal Justice System is extensively covered in the literature . Some examples would include Barkow (2019), Saito (2002), Foucault (1979), Reiner (2010), Boykoff (2006), Holies (1975), Schultz & Schultz (2001), Strang (2019), Wilkins & Clark (1973), Fernandez (2008) and Wolf (2001). Penality is "Far from being fixed, or defined by legal criteria," it responds to perceived political dangers, particularly from the plebeian masses. (Head, 2016: 21). Given the high levels of recidivist and secondary or iatrogenic criminality engendered by the Criminal Justice System (Foucault (1979), Armstrong & Barton, 2012; Ministry of Justice, 2012; Marx, 1974; Lemert, 1967), crime control is self-evidently not the aim. If harmful 'unintended' consequences are tolerated over multiple decades, they can no longer be seriously regarded as unintentional. Crime, far from being minimised by governance, has become a means of governing (Simon, 2007).

Lemert concludes that social control, is the cause of crime and deviance (Marx, 1981). As Hulsman (2002) has argued, 'Crime is not the object of the criminal justice system (cjs), it is the product.' Foucault explicates: the prison specifically, inevitably produces delinquency on an industrial scale, with scientific precision. Delinquency operates as a political observatory, to police the entire social field (1977: 262-281). This criminality is exploited for profit by the private prisons (Herivel & Wright, 2007; Bell, 2017) and as slave labour by capitalist enterprises (Gilna, 2014; Wu & Brady, 2019). Additionally, a privatised criminal justice system incentivises recidivism, to provide a ready supply of business opportunities. Rehabilitation is lost profit. (*International Council on Human Rights Policy,* 2010; Ashton, 2011; Selman & Leighton, 2010; Monbiot, 2009) and is therefore sabotaged. Policies that prevent the return into society of former detainees, and thereby subvert rehabilitation, include preventing access to welfare, education, drivers licences and political participation (Alexander, 2010, 2012). The *Work Opportunity and Personal Responsibility Act of 1996* in the United States prevents most ex-convicts from receiving Veterans Benefits, Medicaid, public housing, housing subsidies and related assistance (Wacquant, 2002: 57-58; Alexander, 2010, 2012). Triple exclusion of Black Americans who have become enmeshed in the penal system, from cultural capital, from public aid and from political participation, extensively sabotages rehabilitation, retaining exploitability, protecting profitability (Wacquant, 2002, 2011).

Ideologically and politically, the concept of the criminal is a "paradigmatic category," that is particularly potent in the disenfranchment and disentitlement of surplus populations, because it responsiblises individuals for their criminalised behaviours, all the more so when it is racialised (Story, 2015: 7). Those with the least power, are accorded the greatest responsibility. They are shamed, blamed, punished and exploited by the very social institutions responsible for their plight.

Punishment is a political tactic (Foucault, 1977:23-4) transforming individuals into subjugated, useful and exploitable bodies. Social problems are 'invisibilised' (Scott, 2020) and social policy responses to social problems are substituted with criminalisation even at the costs of increasing the crime rate and ballooning costs overall (Downes & Hansen, 2006; Rodger, 2008; Wacquant, 2010; 74). Social problems such as homelessness, drug use, mental health and poverty are reterritorialized as matters to be addressed by policing, where they can only be punished and cannot possibly be solved (*International Council on Human Rights Policy,* 2010). Penality creates the punitive society, as punitive tactics developed in the prison, are mirrored onto institutional formations across the entire social field (Foucault, 1977, 2015). Ultimately, we all experience the punishing techniques developed in the prison.

On the Edge

The freedom to economically exploit, relies upon the repression of resistance to exploitation (Letelier, 1976). It also relies upon forced concealment of the economically exploitative relations themselves and the consequences of exploitation. These are the covert roles of policing that are obviated by the legitimating pretexts of crime prevention, peace making and public protection. These are the constants of policing under capitalism. The variance of methods and approaches of the police according to historical and geographical contingency can be explained in terms of the relative power of competing classes and factions. When the clenched fist of force emerges from the velvet glove of manufacturing consent, it is because the capacity of dissent to further its agenda is weakened, whilst simultaneously, the occlusion of revolutionary potential has shifted to reveal the edge of Revolution.

This edge, the edge we now face, is one that offers a future that we have learned is possible, through the progress under capitalism. We have learned that human cooperation can deliver on democratic ideals, yet it is glaringly absent in the centre of productivity, in the workplace. We have learned that one segment of the population can take from the remainder, its power, creativity and potential, stifling it's yearning for freedom, preventing democracy where the factory, the farm, the school, the hospital and the building site commence (Shantz & Macdonald, 2013; Albert, 2004, Albert & Hahnel, 1991a,b; Graeber, 2011, 2013;Wolff, 2012; Kelly & Howard, 2019). One minority has seized for itself, the benefits from progress, excluding the majority from real democratic participation.

One minority, enabled by policing, decides what will be produced, how it will be produced, and who will benefit. The majority is held in a stagnant authoritarianism, their consent is merely engineered, not freely given from a generosity of spirit committed to expression of the full potential of their humanity. We remain a bonsai people, a people in suspended animation, until democracy achieves its full expression, and we are able to become the human beings we are capable of becoming.

Democracy is rare, and is currently in great danger of being overthrown (Berman, 2021). One hundred Scholars of Democracy, signatories to the New America 2021 *Statement of Concern:*

The Threats to American Democracy and the Need for National Voting and Election Administration Standards, are sounding the alarm. To defend it, we must extend it, otherwise the extreme political inequality that results from extreme economic inequality (Picketty, 2017) will result in democracy being overturned entirely.

Policing will either permit a future of expanded democracy, governance by the people, for the people, or it will kettle the present in authoritarian stagnation. Policing will play a significant role in deciding whether and when our fully democratic future will be born.

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Filmography

Battle in Seattle, Directed by Stuart Townsend. Screenplay by Stuart Townsend. Produced by Stuart Townsend *et al.* Production Houses: Hyde Park Entertainment, Remstar Productions, Insight Film Studios.

Bettie Page Reveals All, Directed by Mark Mori. Screenplay by Mark Mori & Doug Miller. Produced by Mark Mori & Thorpe Mori. Production House: Single Spark Pictures.

Chicago 7, Directed by Aaron Sorkin. Screenplay by Aaron Sorkin. Produced by Stuart M. Besser et al. Production Houses: Paramount Pictures, DreamWorks Pictures, Cross Creek Pictures, Marc Platt Productions, ShivHans Pictures.

Ferguson: A Report from Occupied Territory, Directed by Orlando De Guzman, Production House: Fusion Media.

Judas and the Black Messiah, Directed by Shaka King. Screenplay by Shaka King & Will Berson. Produced by Shaka King, Ryan Coogler & Charles King. Production Houses: MACRO, Participant, Bron Creative, Proximity.

Mangrove film in the *Small Axe Anthology,* Directed by Steve McQueen. Screenplay by Steve McQueen and Alastair Siddons. Produced by Michael Elliott & Anita Overland, Turbine

Studios & Lammas Park in association with Small Axe Films and Emu Films. Screened on BBC1 in November 2020.

MLK/FBI, Directed by Sam Pollard. Screenplay by Benjamin Hedin & Laura Tomasell. Production Houses: Benjamin Hedin, Depth of Vision, Tradecraft Films, Play/Action Pictures.

Neruda, Directed by Pablo Larrain. Screenplay by Guillermo Calderón. Produced by Renan Artukmac et al. Production Houses: AZ Films, Casting del Sur Fabula, Funny Balloons, Participant Media, Reborn Production, Stembro Cine and Televisión Federal.

Peterloo, Directed Mike Lee. Screenplay by Mike Leigh. Produced by Georgina Lowe. Production Houses: Film4 Productions; and Thin Man Films. Supported by a grant from the British Film Institute,

Seberg, Directed by Benedict Andrews. Screenplay by Joe Shrapnel and Anna Waterhouse. Produced by Marina Acton*, et al.* Production House: Universal Pictures.

Stay Woke: The Black Lives Matter Movement documentary, Directed by Laurens Grant. Produced by Jessie Williams. Production House: Far World.

Takeover, Directed by Emma Francis-Snyder. Screenplay by Emma Francis-Snyder and Francisco Bella. Produced by Luis A. Miranda, Jr. Lynn Nottage and Tony Gerber*, et al.* Production House: Market Road Films. In association with Just Films| Ford Foundation, Open Society Foundations, Miranda Family Fund, The National Museum of Puerto Rican Arts and Culture, Gotham Independent Filmmaker Project New True Stories Initiative.

The United States vs. Billie Holiday, Directed by Lee Daniels. Screenplay by Suzan-Lori Parks. Produced by Lee Daniels *et al*. Production Houses: Lee Daniels Entertainment and New Slate Ventures.

Z, Directed by Costa-Gavras. Screenplay by Costa-Gavras, Jorge Semprin and based on a novel by Vassili Vassilikos. Produced by Jacques Perrin Ahmed Rachedi. Production Houses: Reggane Films and Valoria Film. Supported by the Office National pour le Commerce et l'Industrie Cinématographique,