

Police Power and Disorder: Understanding Policing in the 21st Century

Will Jackson

Abstract

This article considers how critical scholars and activists should understand policing in the 21st century. Challenging the disciplinary enclosure of the concept of police in ‘police studies’, the article aims to contribute to the development of a critical theory of police power. By considering the policing of populations marked as ‘disorderly’ in the UK, the article suggests that for those on the left seeking to understand and challenge the violence of police power, replacing liberal definitions with an understanding of the general function of police is vital. To do this, the analysis draws upon, and seeks to develop the account of police power provided in Mark Neocleous’ *The Fabrication of Social Order* (2000). The article demonstrates that this work forces us to rethink many of the demands made of police, including from the left, and to start imagining a post-police future as central to a wider project of social and political transformation.

Introduction

How we understand the function of police in the 21st century depends in large part on how we approach our object of study. In the last two decades, the discipline of police studies has expanded exponentially, and this has had a significant influence on the academic study of policing as well as on public debates about what police do and if, and how, this could change. Criminology, the disciplinary home of police studies in the contemporary university, has continued to grow at a phenomenal rate in the 21st century as it has kept pace with expanding criminal justice systems around the world, providing them with both a vital source of legitimacy and a steady supply of labour. In the last twenty years though, we have seen ‘a dizzying expansion in the number of institutes, posts, publications, conferences, courses and academic and quasi-academic journals devoted to research and teaching in policing’ (Loader 2011, 449). In the UK, universities have consolidated their position as centres for police training and this is set to continue as all police recruits in England and Wales will require a degree by 2020. Police studies here has advanced the model of ‘criminology as industry’ (Hillyard et al 2004, 384) within which academic labour is openly employed in the service of the state, helping to ‘professionalize’ the institution and produce the next generation of disciplined workers.

Even if contemporary police studies is in reality just another branch of administrative criminology, its establishment as a specific discipline – marked by its own courses, departments, journals etc. – illustrates the further intensification of the ‘university-sponsored imposition of bourgeois “disciplinarity”’ (Neocleous 2006, 19). This was already reflected in twentieth-century criminology, as it sought to isolate the study of the policing from the examination of other exercises of power, but contemporary police studies pushes this separation to its end point. Here the police institution exists in glorious isolation, detached from

any wider concept of policing or recognition of the exercise of power. The nature and scale of its expansion in recent years reveals much about the enduring importance of liberal police science to the state.

Much of the work in police studies is ‘mirror work’ (Manning 2005, 39) that reflects the priorities of government, and ‘mimics rather than challenges police-centred visions of order’ (Loader 2011, 451) but this is not a failing of policing scholars, as has been suggested. It is an essential function of the discipline, and why its expansion has been so vociferously supported by the state. Police studies supplies police with the “useable knowledge” (Bradley & Nixon 2009, 427) they require and an institutional framework has been constructed within and between UK universities as well as at a national level (notably through the College of Policing, a new professional body for police in England and Wales established in 2013) to help academics be more useful. Research *with* rather than *on* police (Goode & Lumsden 2016, 76; Jackson 2019) is prioritized and this has intensified the development of a sociology *for* rather than *of* the police (Manning 2005). Despite calls for piecemeal reform, the scholars of modern police studies are, like the original police scientists, firmly ‘*on the side of police powers*’ (Neocleous 2006, 21 original emphasis) defending the institution in scholarly and public debate.

Positioning police as ‘co-producers’ of research – rather than understanding them in the achingly old-fashioned way as an object of study – has produced a discipline which is ‘embarrassingly eager to study any currently fashionable question without theorizing it’ (Manning in Loader 2011, 450). Theorising police is not attempted in any substantive way because this is ultimately unnecessary and unhelpful to the discipline. As Foucault noted of criminology, the value of police studies to the functioning of the system relieves it of any need to seek a theoretical justification. The utility of academic research is measured by its ability to produce evidence of ‘what works’ in policing; a commitment to ‘evidence based practice’ (Sherman 1998) – within which research produces evidence that subsequently guides policy and practice – has made the relationship between researchers and the institution even more important in the last twenty years. ‘Scientific’ research begets ‘scientific’ policing, and the positivism of police science and administrative criminology provides a vital source of legitimacy in this context.

Such research seeks, through incremental reforms, to enhance efficiency in police practice, and academic inquiry plays a key role in maintaining a facade of openness, responsiveness and accountability. Critical examination is neither desired nor attempted; in reality, it is not possible. Just as criminology cannot deconstruct crime (Smart in Hillyard et al 2004, 374), police studies cannot deconstruct police. The priorities of police studies as a discipline (as well as its blind spots) reflect the demands of the institution. The closeness of the discipline and its object of study mean that they are now largely indistinguishable; exchanges of personnel make this most explicit, with the academic-cop and the cop-academic a growing presence in the corridors of both the university and the police station. The function of police studies is thus to reinforce the liberal concept of police and, as a result, to limit the perception of what policing is and what can be done in response to the exercise of police power.

Focusing on the UK, this article considers the implications of the disciplinary enclosure of the concept of police. The aim is to demonstrate how, as a result of this framing, limited and misleading understandings of policing continue to define our debates about what police do and what we, in our attempts to resist the exercise of police power, might do in response. By considering the policing of populations marked as ‘disorderly’ in the current era, the article suggests that for those on the left seeking to understand and challenge the violence of police power around the world, replacing liberal definitions with an understanding of the general function of police is vital. To do this, the following analysis draws upon, and seeks to develop the account of police power provided in Mark Neocleous’ *The Fabrication of Social Order* (2000). In this text Neocleous provides a theoretical foundation from which to challenge contemporary ideas about police. By unpicking the liberal myths that underpin the orthodox history and outlining the historical continuities in the function of police, Neocleous provides us with a radically different viewpoint that challenges the vast majority of current work on policing, including much of what passes as ‘critical’ in police studies and criminology.

To understand the policing of ‘disorderly’ populations we have to understand the wider relationship between police and order and here Neocleous’ work provides an essential guide. Perhaps because it disturbs so much of current thinking on police, the book has been given limited attention in the policing literature, but *The Fabrication of Social Order* remains an essential guide for critical scholars and activists seeking to make sense of policing. This approach forces us to rethink many of the demands made of police, including from the left, and, as Neocleous argues in this issue, to think very differently about the question of police power. As some recent contributions have suggested (Correia and Wall 2018; Vitale 2017), this approach is vital for the left if it is to move beyond demands for ‘better’, ‘more humane’, ‘less racist’ policing and start imagining a post-police future as central to a wider project of social and political transformation.

In challenging orthodox accounts of police history, Neocleous has demonstrated that the primary emphasis of police lies with *order*. Dismantling the argument that police are primarily concerned with, and involved in, the response to crime, *The Fabrication of Social Order* demonstrates that the focus of the institutions of policing has, in fact, been consistently on ‘those who challenge the order of capital and the state’ (Neocleous 2000, 115). The text therefore offers us a way to make sense of policing in the 21st century by helping to expose the continuities that link contemporary police policy and practice with the with the historical function of the institution. Recognising the central role police play in the production and reproduction of bourgeois order remains as important now as it was at the time of publication; without dismantling the liberal myths that legitimize police, our responses are inevitably limited to demands for reform that leave the central function undisturbed.

In the UK in recent years, campaigns such as *Black Lives Matter*, *Campaign Opposing Police Surveillance*, *Police Spies Out of Lives*, *United Friends and Families*, along with organisations like *The Network for Police Monitoring* and *Inquest*, have opened the police institution to public criticism in a way not seen before. However, while these groups have undoubtedly exacerbated a crisis of legitimacy for police, the discussion of police in public activist and scholarly conversations rarely moves beyond specific dynamics of policing, failing to confront

the general function of police under capitalism. Drawing upon *The Fabrication of Social Order*, this article seeks to offer a way to join up lines of critique through time and space, to link campaigns, and to move beyond demands for reform.

Defining disorder

Through the work of these campaigns, much has been revealed in the UK in recent years about the emphasis of police on the activities of social movements. These revelations, ultimately about the nature and scale of the policing of dissent, have shocked many, including those on the left. The undercover policing of political activists – including environmental campaigners, trade unionists, and justice campaigns – have been shown to be a central component of national policing in the UK, beginning in its current form in the late 1960s (Evans & Lewis 2013). The picture of historic and contemporary policing produced by these revelations is one starkly at odds with the official account (shored up by legions of academic partners) of policing underpinned by democratic principles and a commitment to the rule of law and human rights. The surveillance of those campaigning for justice – including the parents of murdered black teenager Stephen Lawrence and families of those who have died in police custody – was shown to be driven by a desire to undermine any attempt to hold police to account. The exposure of the systematic process by which male undercover officers duped women activists into sexual relations (Evans & Lewis 2013), including in some cases fathering children before disappearing, further challenged popular perceptions of police ethics. Furthermore, the disclosure of the role police and security services played in colluding with major construction firms in the UK to produce and administer a blacklist of trade union activists (Smith & Chamberlain 2015) laid bare the fallacy of the police as an apolitical, independent institution whose sole concern is upholding the law.

While the exposure of covert police tactics has been illuminating in this period, the police response to social movements on the streets has exposed the hollow nature of recent reforms as well as the important role that police studies has played in shoring up the public image of the institutions of policing. Since major changes were made to public order policing tactics in England and Wales in 2009, academics have been lining up to evidence the much vaunted shift from the repressive approach that defined the latter part of the twentieth century toward a modern, human rights led response to protest, fit for the modern era. A commitment to human rights principles was offered by police as a response to high profile failures in public order policing, including most notably police involvement in the death of newspaper vendor Ian Tomlinson at protests against the G20 in London in 2009. The idea that human rights awareness has infused a new police approach to facilitating protest was evidenced in a series of academic studies produced in most cases through collaboration with police (Jackson, Gilmore & Monk 2018). Academics who have worked in partnership with police have been all too willing to evidence the universal transformation in police practice. However, the experiences for those protest groups who seek to question and disrupt the status quo, and see protest as something that must move beyond a symbolic register of opposition, has demonstrated that very little has changed (Gilmore, Jackson & Monk 2017; see also Starr et al 2011). These groups, often (dis)regarded as ‘transgressive’, ‘militant’, or ‘anti-systemic’ due to their commitment to direct action tactics, are largely ignored in police studies researchⁱ. By excluding these groups,

evidence of reform is reproduced in multiple studies and academics have reiterated the police line that repression is reserved only for those who break the law. In reality, human rights principles have provided police with a new discourse through which to justify the repression of certain political protests that are considered to be a threat to order; there has been no substantive effect on policing on the streets for those groups who seek to be disruptive.

While police have been forced to apologise for some of the more egregious examples of undercover policing, the practice of policing social movements and campaigns, including those that are committed to peaceful, legal means of political activism, continues, albeit under the guise of a response to ‘domestic extremism’ (Gilmore 2010; Jackson 2013). The construction of ‘extremism’ as a national security threat has been central to the extension of police powers in the last two decades and this has enabled the intensified surveillance of those communities marked out as a threat to order (Kundnani 2015). Recent research has illustrated how police, supported by security experts and academics, have mobilised the concept of extremism – secured in the public imagination through the racialized discourse of the ‘war on terror’ – to divide respectable political activists from those who seek to be disruptive in physical or ideological terms (Kundnani 2012; Jackson 2011; Neocleous 2008). In the UK in recent years, police chiefs and their allies in the College of Policing, have sought to refine the definitions of ‘protest’ and ‘activism’ in such a way to draw distinctions between acceptable and unacceptable forms of political expression (Jackson et al 2018). Such definitions of ‘unreasonable’ forms of activism are reinforced by academic work on protest that excludes any real reflection on the motivations and experiences of ‘transgressive protesters’. The distinction drawn up by police is based not on the use of violence, or even in clear relation to the law, but to the focus and form that political activism can take. Ultimately, the line drawn relates to the willingness of activists to mount a substantive challenge to state and capital.

The role police play in determining what constitutes legitimate political activity (and catering responses to suit) is a reflection of the role discretion plays in the exercise of police power. Police responses to protest, and political activity more generally, are determined by both the discretion of individual officers and the decisions made by the institution at a force and national level, rather than in direct reference to the law. This reflects the general operation of police and the relation to the law:

To say that ‘the police enforce the law’ fails to recognize the enormous range of police discretion which, far more than legal codes, shapes the way the police behave (Neocleous 2000, 100).

The recent changes to public order policing policy in the UK were considered necessary because of an apparent lack of discretionary powers afforded to police. The argument here was that the repressive approaches to protest seen in the twentieth century were the result of previous policies that did not afford the officers on the ground sufficient discretion to decide how protests should be responded to. Denis O’Connor, the then chief inspector of constabulary, argued in 2009 that improvements could be introduced by ‘providing officers on the ground with greater discretion to allow peaceful protesters and bystanders more freedom of movement’ (Lewis et al 2009). However, police have historically exercised significant discretion in the response to public order situations and, rather than being restricted in their capacity to exercise

discretion, there is in fact an ‘extraordinary level of discretionary powers conferred to the police in public order situations’ (Gilmore 2010) as is the case throughout the police role. It would be foolish to assume that a permissive approach would follow from the extension of discretionary powers; these powers simply enable the police further capacity to determine what is and isn’t possible for political protesters on the streets. As Wall and Linnemann argue in this volume, discretion has always been central to the violence of police power and it is absurd to suggest that further discretion afforded to police would *limit* violence. Recognising this should reinforce the view that the legal regulation of protest policing, whilst important in specific isolated events, cannot effectively challenge police responses to those forms of political activism that are identified as a threat to order.

Neocleous’ text helps us to understand contemporary policing by plotting links between contemporary policy and practice and the historical practices of police institutions. The historical critique in *The Fabrication of Social Order* shows us that the division of good and bad protesters is simply a continuation of the police drive to separate out the ‘criminal class’ from the respectable classes. In the UK in the 21st century, the police continue to orchestrate this process of classification, and they are directly involved in determining who and what is placed outside of the parameters for acceptable political expression. This is not new. The history of the policing of political opposition in the UK is long (Bunyan 1977) and the genealogy of current police policy and practice leads us back through the history of police powers developed and extended in the service of bourgeois order. Critics of police would do well to start from realising that the foundational myth that police are ‘concerned first and foremost with crime’ is, as Neocleous argues, ‘a self-serving and convenient obfuscation’ (2000, 92). Through recent revelations, the politics of police have been laid bare, but in our quest to understand and challenge this, an emphasis on the *productive* function of police power pushes us beyond standard critiques of police repression. Research into contemporary policing, conducted without the ‘benefits’ of collaborative relationships with police, can provide ample evidence that the iron fist of policing remains as central in the 21st century as ever before, but we have to understand this as one dimension of police power always accompanied by a velvet glove actively employed in the production and re-organization of the ideal citizen-subjects required under capitalism. Rather than echoing concerns, voiced by many on the left, that the policing of dissent undermines our democracy, *The Fabrication of Social Order* helps us understand that the policing of those who challenge the order of capital and the state has always been central to the exercise of state power in a liberal democracy.

The policing of dissent is thus not peripheral to police work but lies at the heart of a police project that involves a range of state institutions including, as Neocleous argues in this volume, agencies that are not *the police*. It reveals the powers of classification at the heart of police power and while it is important to recognise the function of the police intellectual in reifying these categories – including that of the ‘extremist’ – we have to recognise that police institutions are not simply reactive; they have always been, and continue to be, actively involved in their production. This form of categorisation is facilitated and legitimised by what Brendan McQuade, in this volume, refers to as the prose of police power and pacification. ‘Copspeak’ (Correia and Wall 2018) – the language of policing – presents police power as inevitable and indispensable; it is through this language we learn to *need* police. Copspeak is

central to the process of marking out and dividing the objects of police whilst crucially obscuring the function policing plays in (re)producing the current social order.

It is critical that we recognise that police work is not simply based on a vision of what is unacceptable in the current social order – what constitutes *disorder* – but is driven by a clear vision of what is desirable, necessary and orderly. *The Fabrication of Social Order* demonstrates that this vision of order has always been at the core of police power. The infiltration of campaign groups, the blacklisting of trade unionists and the restriction of protest rights are part of the attempt to produce the ideal citizen-subject. Through the development of work on pacification in the last ten years, Neocleous has influenced an emerging body of work that has sought to develop this analysis of the productive dimension of police power (Rigakos 2016; Neocleous 2010, 2011; Neocleous, Rigakos & Wall 2013; Wall et al 2017). This work makes clear that the police response to dissent in the UK, as elsewhere, needs to be confronted not as an aberration that can be reformed away, but as an illustrative example of the essential nature of policing.

Racialising disorder

In foregrounding this productive dimension, *The Fabrication of Social Order* provides us with the means to understand other dimensions of contemporary policing and to plot links between ostensibly distinct areas of policy and practice. Another key area in which it can make a much needed contribution to our understanding is ‘gang’ policing. While public and police concern about gangs is not new, in the last twenty years there has been growing panic in the UK and across Europe about the nature and scale of the gang problem (Hallsworth & Young 2009). This gang problem has occupied significant police time and resources and continues to be the source of an academic debate which largely avoids any real consideration of the place of gang policing in relation to the general function of police.

A concern with the criminal gang has long occupied police and their intellectual allies. Indeed, the concern with ‘gangs’ is reflected in the history of criminology and remains a core focus of the contemporary discipline (Hallsworth 2013, 2014; Linnemann & McClanahan 2017). But this concern has escalated in the last twenty years in the UK and the gang, reportedly now a problem of epidemic proportion, is a central concern of police and the industry of police studies. Gang research, developed in the US from the 1970s, has become an increasingly important strand of academic work in the UK as criminologists and police studies scholars collaborate with police to tackle the problem. These ‘gang talkers’ have an important function in supporting a gang industry that is led by police with criminology and police studies providing a vital source of labour in terms of both academic expertise and in legions of graduates ready to work in the field:

The (gang) industry is sustained by a growing bank of ‘gang experts’ and criminologists, insulated in their Higher Education departments, who are complicit in ‘gang’ knowledge production and evidence-making, faithfully serving the industry (Williams 2015, 32).

Without disputing that gangs have long been a feature of working class culture, the modern vision of the gang is a ‘reflection of the fantasy lives of gang talkers’ (Hallsworth 2014, 38)

but a very powerful fantasy that reflects the state's fear of disorder. The gang needs to be understood as a heuristic device – a key example of copspeak – which is (re)produced through gang talk to justify the continuation of racialized policing. Simon Hallsworth has explained that modern 'gang talk' is in reality a 'paranoiac discourse predicated on the assumption that new subterranean hordes are mobilising against the good society' (2014, 39). Exploring the contemporary police concern with, and response to, the gang, reveals much about the way in which disorder is imagined by the state and highlights the salience of race in this context.

In the UK, the gang label is applied almost exclusively to Black and Asian youth. Recent studies in Manchester, England, for example, have highlighted that while three-quarters of those convicted of youth violence are white, 90 per cent of those on police gang-lists were black or minority ethnic (Clarke 2018; see also Willams 2015). The use of gang databases to survey black and minority ethnic communities to assess the 'risk' of gang activity and justify the further intensification of police incursions into these communities is reflected in the US (Vitale 2017) and demonstrates the influence of US approaches in the UKⁱⁱ. Under the guise of tackling serious youth violence, the gang is deployed as a device that facilitates and legitimises the policing of Black and Asian communities. Black communities have long been constructed as synonymous with crime and disorder (Gilroy 1987) and the gang narrative is reproduced by police and their academic partners to legitimise the continued intrusion of police power into these communities (Hallsworth 2014; Linnemann and McClanahan 2017; Willams 2015). The police role as 'definers of crime' (Williams 2015, 30) is reflected in their role in shaping the definition of the gang in much the same way as they are actively involved in shaping the definition of the extremist.

In *The Fabrication of Social Order*, Neocleous explained the policing of black communities as a reflection of the police concern with wage labour:

What has ever since been presented as a problem of 'black crime' is in some sense a problem of 'black wagelessness'; black 'resistance' is understood, first and foremost, as a refusal of the wage. As such the tensions between black youth and the police can be thought of in terms of the historical origins of the police more generally, namely, as tensions arising from the attempt to bring the wageless back into wage labour (Neocleous 2000, 143-144 fn44).

Black communities are classified as always potentially criminal by virtue of this historical association rooted in the post-war history of immigration in the UK. It is clear to see how this construction of Black wagelessness as a threat to a social order based on wage labour has informed police interactions with Black and Asian communities. The emphasis on wagelessness is still clear in the gang narratives reproduced by contemporary 'gang talkers'. It is widely reported in the UK that the highest prevalence of gangs are found in areas with high levels of deprivation, unemployment and lone parent families (de Castella and McClatchey 2011). The fact that gangs are "found" in areas of high unemployment is a reflection of the emphasis in gang policing and the wider use of police discretion. Becky Clarke's recent study in the UK has noted that "the labelling of young men, sometimes boys, almost exclusively from the black community, as "gang nominals" is often based on a hunch or feeling" (Clarke 2018). The perception of who is involved in gangs is a product of long established ideas about black

criminality and the decisions about where to focus police attention are determined through the exercise of discretion. Neocleous has explained that ‘by definition the exercise of police discretion defines who is deviant in any social context and how that deviance is controlled’ (Neocleous 2000, 99). Black and Asian communities are the focus of gang policing for the same reason that counter-extremism policing identifies certain groups as politically dangerous; these are the groups who are seen to be disorderly in the eyes of the police and this vision is reinforced through the police response. Workless black youth are prime targets for gang policing in much the same way that working class youth have always been the targets of the police drive to ‘bring the wageless back into wage labour’ (Neocleous 2000, 144 fn44).

This construction of the gang member also fits perfectly with the right’s demonization of the welfare claimant and the enduring depiction of ‘those inner cities’ where urban gangs reside. For Ian Duncan Smith, former Secretary of State for Work and Pensions, and chairman of the right-wing lobby group The Centre for Social Justice [CSJ], gangs are “most commonly found in areas of high family breakdown, addiction, unemployment and worklessness” (in Antrobus 2009, 9). In extolling the virtues of work, the CSJ has explained that “it is no coincidence the highest prevalence of gangs is found in areas with the highest levels of general worklessness and youth unemployment: the gang as an alternative to mainstream employment, offering the same advantages” (Antrobus 2009, 26). The emphasis on black crime, and the gang, cuts to the heart of the police project: the gang offers an alternative to wage labour, and thus must be eradicated. The power of the gang label lies in its ability to define, in a manner intelligible in the public imagination, the threat to order posed by those ‘reluctant to succumb to the discipline of wage labour’ (Neocleous 2000, 114). The emphasis on black communities in gang policing is a continuation of the post-war obsession with black wagelessness and this itself is a continuation of the police concern with any means of subsistence that exists outside of the wage system. Neocleous’ analysis helps us understand the problem of the gang in relation to the general function of police, avoiding the trap, highlighted by Correia and Wall (2018) of seeing specific practices – such as gang lists, stop and search powers, or indeed protest policing – as things that can be isolated, critiqued and reformed. Unlike most work in this context, *The Fabrication of Social Order* connects contemporary policing back to the origins of the institution, exposing continuities in emphasis and practice that require us to abandon calls for piecemeal reform. As Correia and Wall (2018) argue, we need to see racial profiling as normal, and racialized policing as systemic and fundamental to police power. But this recognition does require us to examine the criminalisation of Blackness in more depth than it is afforded in *The Fabrication of Social Order*.

Contemporary racialized gang narratives on both sides of the Atlantic draw upon, and reproduce, long established ideas about the dysfunctional nature of the black family and the criminogenic character of black culture more generally. As Paul Gilroy (1982) has argued, this construction of black culture as pathological justifies the location of black communities on the wrong side of the ideological divide between the criminal and the respectable classes. For Gilroy, the contrast between the order defended by and reflected in the police officer and the disorder inherent in black communities is “clearly expressed in the latter's culture of criminality and inbred inability to cope with that highest achievement of civilisation – the rule of law” (Gilroy 1987, 47). The construction of black culture as a source of disorder is reflected

throughout police practice, but in the UK it is perhaps rendered most explicit in the Metropolitan Police's [MET] recently withdrawn use of the Form 696 which was employed to assess the risk of disorder associated with particular music events. The policing of cultural events through the use of this form predominantly identified black music events as most risky but as Talbot has explained, "what is interesting with Form 696 is the way in which, for the first time, the connections in the MET's perception between disorder and 'black cultural events' have been expressed on paper and rendered visible" (Talbot 2011, 89). Form 696 was widely condemned for its open discrimination against black communities but it serves as only one of the more explicit examples of the racialisation of disorder that underpins contemporary police practice. These constructions are not limited to specific individuals, behaviours or events as Gilroy has argued:

These images (of black criminality), and the conceptualisation of black cultures which power them, have been established at the heart of police practice. Their effects are felt by whole communities (1982, 147).

The gang narrative remains largely unchanged in its contemporary emphasis on the link between black culture and disorder. The gang label comes unstuck under any real scrutiny (Hallsworth 2014; Linnemann & McClanahan 2017) but its power lies not in its empirical grounding but in its ideological function. It serves to reproduce existing categories through which policing is legitimated and race is pivotal to the vision of (dis)order. This process of classification is, as Linnemann and McClanahan (2017, 310) argue, 'primarily an exercise of cultural politics' through which threats to order are distinguished.

While the emphasis on black wagelessness remains central to the criminalisation of black culture, police responses to Black and Asian communities in the UK have to be understood in relation to the place of race as a central ordering principle for capitalism (Seigel 2018). The police dream of order is one in which everyone knows their place, and a classed, racialized and gendered social order is threatened by those who refuse the position assigned to them within these structures. Racial disparities in the experiences of policing exist because Blackness is always a sign of disorder in a social order based on white supremacy; as Brucato argues in this volume, the 'good order' fabricated by police has always been racialized and this is not adequately explored by Neocleous. The historical roots of the association of blackness and disorder are affected by particular colonial histories and histories of slavery but the centrality of race in contemporary capitalism is not a product of contemporary responses to immigration or 'race relations'; 'race has been fundamental to capitalism from the first' (Seigel 2018, 24). In recognition of this, following Brucato's argument, Neocleous' analysis of the simultaneous emergence of capitalism and police needs to be revised to centralize the place of race in this history.

Whilst accepting these limitations, it is still possible to argue that, in drawing out the central relationship between police and order, *The Fabrication of Social Order* provides a framework through which we can understand the historical and contemporary policing of those populations marked as disorderly. Women's experience of police power for example has always been, and continues to be, affected by the place of gender in the vision of order pursued by police. Disorderly women have always had a distinct experience of police power and those women

who are unable or unwilling to conform to expected standards of femininity have long been marked as a threat to orderⁱⁱⁱ. The identification of certain women as a threat is underpinned by the intersection of gender with race and class (Chigwada 1991), and evidence would suggest that experiences of police violence are concentrated among women from historically oppressed populations (Ritchie 2017). As Mogul et al (2011, 51) have argued ‘gender and sex policing are not only important weapons of policing race and class, but also critical independent functions of law enforcement’. Women’s experiences of police violence, including of rape and sexual violence, reflects the fact that police power is a patriarchal power central to the (re)production of a gendered social order. The ideal citizen-subject produced through police power is always gendered and women’s experiences of police power are a reflection of the idealized version of femininity that underpins the vision of good order (Monk et al 2019). The prevalence of sexual violence perpetrated by police is a reflection of the social function of sexual violence against women which is deployed to keep women in their place. Rape and sexual violence perpetrated by police are thus ‘a form of terror that emerges out of the routine operation of police power’ (Correia & Wall 2018, 47) in the (re)production of order. In England and Wales, Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services warned in 2017 that hundreds of police officers were being accused of sexually abusing victims and suspects in what has been described as “the most serious corruption issue facing the service” (Grierson 2017). But this is not a form of corruption and it is not a new phenomenon; it is one form that police power takes in a gendered social order.

The experiences of LGBT communities further reflect the importance of gender and sex policing as independent functions in the (re)production of order. Historically, queerness has been constructed as a threat to normalcy, and homosexuality and gender non-conformity have been persistently melded with concepts of ‘danger, degeneracy, disorder, deception, disease, contagion, sexual predation, depravity, subversion, encroachment, treachery and violence’ (Mogul et al 2011, 23) in such a way to legitimate the regulation of queer lives. The law operates to normalize certain sexualities and gender expressions, rendering others ‘deviant’ and this process is perhaps most explicit in relation to transgender people who are dehumanized as ‘the law makes his or her identity so impossible, invisible and monstrous as to be outside of the laws of protection’ (Lloyd 2005, 152). Rendering transgender identities as monstrous positions them firmly as police property as the monster is the ultimate symbol of disorder (Neocleous 2014), and past and present police responses to LGBT communities have to be understood in relation to this construction of queerness as disorderly. But again, this construction is not uniform; the construction of queer criminal archetypes intersects with the criminalisation of poor, racialized and immigrant populations, and class, race and gender determine which groups experience the brunt of police violence. The disorder identified by police – including its location in specific places and populations – directly reflects the social order that they seek to reproduce.

Rethinking police

In the UK, the Labour party, under socialist leader Jeremy Corbyn, has presented a vision of ‘safer communities’ that is based on an increase of 10,000 more police officers, 3000 more prison officers, and 500 new border guards (Sarkar 2018). That the Labour party, even under

new socialist leadership, is unable or unwilling to challenge the dominance of criminal justice and the place of police is perhaps not too surprising. However, this is not just a failure of political will, but of a failure to recognize and challenge the function of police, which is key to any project of political and economic transformation that is underpinned by principles of social justice. The importance of *The Fabrication of Social Order* lies in its challenge to the liberal myths that underpin dominant ideas about the role of police. These myths are actively promoted by the police institution, but police studies and criminology also play a central role. The ideological alignment and physical proximity of the police institution and the discipline of police studies means that myths are preserved, difficult questions avoided and reform positioned as our only possible goal. From this perspective, Corbyn's reforms can be presented as a progressive response to the problems associated with contemporary policing in England and Wales.

The Fabrication of Social Order provides us instead with an indispensable guide to understand the relationship between police, state power and the (re)reproduction of order but this perspective continues to be drowned out by the noise of criminology and police studies in public debates. Recognising this, leads us to the conclusion drawn by Correia and Wall (2018, 273) that 'the work of abolishing police and prisons might require that we first abolish criminology'. We cannot begin to work toward a future without police if we are unable to challenge the dominant way of thinking about the institutions that exercise police power. Police studies and criminology continue to prop-up the basic categories that underpin policing and in doing so, provide a vital source of legitimacy to the institutions of police. The examples above of political activism and gangs demonstrate how definitions of disorder, and its association with specific communities, are reproduced through police-academic partnerships. By shoring up the legitimacy of police, this work ultimately guarantees that for 'disorderly' communities in the UK, as elsewhere, things remain the same.

In contrast, by contesting the official history, and the status of crime prevention as the *raison d'être* of police, we challenge the common-sense of police studies. This must inform on-going work to develop, and apply, a critical theory of police power to enable us to adequately understand, and then challenge, contemporary policing. As Guillermina Seri argues in this volume, this approach shows us that "police should be considered a constituting dimension of capital" and crucially, one that makes clear the central place of violence in the reproduction of capitalist social relations. This moves our critique beyond a conceptualisation of police violence as exceptional. Following Neocleous (this volume), we need to recognize that 'police violence is policing; policing is violence'. If we seek to resist and imagine an alternative social order, we have to begin from a recognition of the general function of police. *The Fabrication of Social Order* makes clear that the police concept is crucial to social and political thought and provides a (re)politicized view of police that is vital for those grappling with the question of state power in the twenty-first century.

References

Antrobus, Simon

2009 *Dying to Belong: an in-depth review of street gangs in Britain*. London: Centre for Social Justice.

Bradley, David and Christine Nixon

2009 "Ending the 'dialogue of the deaf': evidence and policing policies and practices. An Australian case study." *Police Practice and Research: An International Journal* 10(5): 423-435.

Bunyan, Tony

1977 *The History and Practice of the Political Police in Britain*. London: Quartet Books.

Chigwada, Ruth

1991 "Policing of Black Women." In *Out of Order?: Policing of Black People*, edited by Ellis Cashmore and Eugene McLaughlin, 134-150. Abingdon: Routledge.

Clarke, Becky

2018 "Ban police gang lists - they are racist and unjust." *The Guardian*, May 9. At <https://www.theguardian.com/commentisfree/2018/may/09/police-gang-lists-racist-black-matrix>

Correia, David and Tyler Wall

2018 *Police: A Field Guide*, London: Verso.

Cunneen, Chris

2003 *Conflict, Politics and Crime: Aboriginal Communities and Police*, Sydney: Allen and Unwin.

de Castella, Tom and Caroline McClatchey

2011 "Gangs in the UK: How big a problem are they?", *BBC News Magazine*, October 12 At <https://www.bbc.co.uk/news/magazine-15238377>

Evans, Rob and Paul Lewis

2013 *Undercover: The True Story of Britain's Secret Police*, London: Faber and Faber.

Gilmore, Joanna

2010 "Policing protest: An authoritarian consensus." *Criminal Justice Matters* 82(1): 21-23.

Gilmore, Joanna, Will Jackson and Helen Monk,

2017 “‘That is not facilitating peaceful protest. That is dismantling the protest’: anti-fracking protesters’ experiences of dialogue policing and mass arrest.” *Policing and Society* 29(1): 36-51.

Gilroy, Paul

1982 “Police and Thieves.” In *Empire Strikes Back: Race and Racism in 1970s Britain*, edited by Centre for Contemporary Cultural Studies, 143–182. London: Hutchinson.

1987 “The Myth of Black Criminality”, *Socialist Register* 19(1): 7-56.

Goode, Jackie and Karen Lumsden

2018 “The McDonaldization of Police-Academic Partnerships: Organisational and Cultural Barriers. Encountered in Moving from Research *on* Police to Research *with* Police.” *Policing & Society* 28(1): 75-89.

Grierson, Jamie

2017 “Police must do more to stop sexual abuse by officers, says watchdog”, *The Guardian*, October 5. At <https://www.theguardian.com/uk-news/2017/oct/05/police-sexual-abuse-officers-watchdog>

Hallsworth, Simon

2013 *The Gang and Beyond: Interpreting Violent Street Worlds*, Basingstoke: Palgrave Macmillan.

2014 “Gang talking criminologists: a rejoinder to John Pitts.” *Youth and Policy* 112(1):35-43.

Hallsworth, Simon and Tara Young

2008 “Gang Talk and Gang Talkers: A Critique.” *Crime Media Culture* 4(2): 175-195.

Hillyard, Paddy, Joe Sim, Steve Tombs and Dave Whyte

2004 “Leaving a ‘Stain Upon the Silence’: contemporary criminology and the politics of dissent.” *The British Journal of Criminology* 44(3): 369-390.

Jackson, Will

2011 “Liberal Intellectuals and the Politics of Security.” In *Anti-Security*, edited by Mark Neocleous and George Rigakos, 165-190. Ottawa: Red Quill Press.

2013 “Securitisation as Depoliticisation: Depoliticisation as Pacification.” *Socialist Studies/Études socialistes* 9(2): 146-166.

2019 “Researching the policed: critical ethnography and the study of protest policing.” *Policing & Society* doi: 10.1080/10439463.2019.1593982

Jackson, Will, Joanna Gilmore and Helen Monk

2018 “Policing unacceptable protest in England and Wales: A case study of the policing of anti-fracking protests.” *Critical Social Policy* 39(1): 23-43.

Kundnani, Arun

2012 “Radicalisation: The Journey of a Concept.” *Race and Class* 54(2): 3-25.

2015 *The Muslims Are Coming*, London: Verso.

Lewis, Paul, Sandra Laville and Peter Walker

2009 “Police handling of protests 'needs national overhaul'.” *The Guardian*, July 7. At

<https://www.theguardian.com/politics/2009/jul/07/police-protests-g20-review>

Linnemann, Travis and Bill McClanahan

2017 “From 'filth' and 'insanity' to 'peaceful moral watchdogs': Police, news media, and the gang label.” *Crime Media Culture* 13(3): 295 –313.

Lloyd, Abigail W

2005 “Defining the Human: Are Transgender People Strangers to the Law.” *Berkeley Journal of Gender, Law and Justice* 20(1): 150-195.

Loader, Ian

2011 “Where is Policing Studies?.” *The British Journal of Criminology* 51(2): 449-458.

Manning, Peter

2005 “The study of policing.” *Police Quarterly* 8(1): 23-43.

Mogul, Joey L, Andrea J. Ritchie and Kay Whitlock

2011 *Queer (In)justice: The criminalization of LGBT people in the United States*, Boston: Beacon Press.

Monk, Helen, Joanna Gilmore and Will Jackson

2019 forthcoming, “Gendering Pacification: Policing Women and Girls at Anti-Fracking Protests”, *Feminist Review*.

Neocleous, Mark

2000 *The Fabrication of Social Order: A Critical Theory of Police Power*. London: Pluto Press.

2006 “Theoretical Foundations of the “New Police Science.”” In *The New Police Science. The Police Power in Domestic and International Governance*, edited by Markus Dubber and Mariana Valverde, 17-41. Stanford: Stanford University Press.

2008 *Critique of Security*. Montreal: McGill-Queen’s University Press.

2010 “War as peace, peace as pacification.” *Radical Philosophy* 159(1): 8-17

2011 ““A Brighter and Nicer New Life”: Security as Pacification.” *Social Legal Studies* 20(2): 191-208

2014 “The Monster and the Police: Dexter to Hobbes.” *Radical Philosophy* 185(1): 8-18.

Neocleous, Mark, George Rigakos, and Tyler Wall

2013 “On pacification: Introduction to the special issue.” *Socialist Studies/Études Socialistes* 9 (2): 1–6.

Rigakos, George

2016. *Security/Capital: A General Theory of Pacification*. Edinburgh: Edinburgh University Press.

Ritchie, Andrea J

2017. *Invisible No More: Police violence against black women and women of color*. Boston: Beacon Press.

Sarkar, Ash,

2018. “More bobbies on the beat? Labour can do much better than that on crime.” *The Guardian*, January 26. At <https://www.theguardian.com/commentisfree/2018/jan/26/bobbies-on-beat-labour-police-officers-social-measures>

Seigel, Micol,

2018. “Violence work: policing and power”, *Race and Class* 59(4): 15-33.

Sherman, Lawrence W

1998 *Evidence-based policing. Ideas in American Policing*. Washington, DC: Police Foundation.

Smith, Dave and Paul Chamberlain,

2015 *Blacklisted: The secret war between big business and union activists*. Oxford: New Internationalist Publications.

Starr, Amory, Luis Fernandez and Christian Scholl

2011 *Shutting Down the Streets: Political Violence and Social Control in the Global Era*. New York: New York University Press.

Swaine, Jon, and James Kirkup

2011 “UK riots: young thugs 'should fear the police', says David Cameron's new crime adviser”, *The Telegraph*, August 12. At <https://www.telegraph.co.uk/news/uknews/crime/8699145/UK-riots-young-thugs-should-fear-the-police-says-David-Camerons-new-crime-adviser.html>

Talbot, Deborah

2011 “The juridification of nightlife and alternative culture: two UK case studies.” *International Journal of Cultural Policy* 17(1): 81-93.

Vitale, Alex S

2017 *The End of Policing*. London: Verso.

Wall, Tyler, Parastou Saberi and Will Jackson

2017 *Destroy, Build, Secure: Readings on Pacification*. Ottawa: Red Quill Press.

Williams, Patrick

2015. "Criminalising the Other: challenging the race–gang nexus", *Race & Class* 56(3): 18-35.

Notes

ⁱ These groups often see the academic-cop as indistinguishable from police and thus are as unwilling to engage in research that is considered to be part of the policing of protest. As a result these groups are conveniently excluded from samples in much research on public order policing (see, Jackson 2019; Jackson et al, 2018).

ⁱⁱ The UK has looked to the US for ideas on tackling gangs and American gang researchers have established collaborative link with researchers in Europe to help understand the problem of gangs. The exchange of ideas between academics is mirrored in a process of policy transfer between police and government with the then UK Prime Minister, David Cameron, draw upon the expertise of US 'supercop' Bill Bratton in the aftermath of the 2011 English riots. Bratton's expertise in tackling gangs stems from his faithful implementation of Broken Windows policing but while his short lived public intervention made for good government PR, it was not welcomed by police and did not disturb the practice of racial profiling that has underpinned UK policing for decades (see, Swaine & Kirkup 2011).

ⁱⁱⁱ The experiences of women under the conditions of colonialism and slavery reflect the gendered form that policing has always taken in the drive to (re)produce order (see, Correia & Wall 2018; Cunneen 2003).