2. Producing Capitalist Order: Police, Class, Race and Gender

That much of policing today is very direct and aggressive suggests that police targets are not as submissive as writers have portrayed them. If surveillance methods can transform people into self-regulating docile bodies, then why would the police, often carrying an arsenal of weapons, need to go into certain neighbourhoods? Such a strategy reflects resistance on the part of the residents to the state's attempt to impose forms of order on them, not their self-regulation.

Policing must be understood, then, in terms of people's agency, not docility. This is not to imply that people act completely outside of any constraints, however. Power structures like the state and police do shape people's behaviour in important ways. But the order they seek to impose is not automatic and never final; it is mediated by processes of struggle. To properly understand contemporary policing, then, we need a more nuanced theory of power, particularly of state power, through which much of policing is organized. In this theory the structures and struggles should not be seen as external to one another. By focusing on the struggles surrounding policing, we can shed light on the kind of social order being pursued by the state and resisted by the targets of policing.

This chapter will briefly explore the Open Marxist theories of state power, which, in their refusal to artificially separate structure from struggle, provide a useful spring board to look at the historical role of police in capitalist societies. The study of policing in this chapter will also make good use of the work of the Marxist writer Mark Neocleous. His work on the development of modern policing helps to clarify some of the dynamics in contemporary policing discussed in the previous chapter. This enables us to situate the dynamics in a broader context: the role policing has played historically in capitalist societies. However, I will deepen these theories of state power in general, and Neocleous's theory of policing in particular, by analyzing the way in which state power and policing interact with the processes of racialization and gendering. Although both are integral to the mobilization of state and
police power, they receive scant attention in the writings of Neocleous and Marxists in general. This is a significant limitation in the works that must be addressed.

**State Power and Class Struggle**

In the Open Marxist theories of the capitalist state, state power is understood to both shape and be shaped by human practice. Structure and struggle are connected internally to one another. The state does not exist independently of struggle or human actions, nor is the struggle outside the realm of capital or the state. This creates a useful perspective for understanding the history of modern policing, as well as the development of contemporary law-and-order policing. We will look at the latter in the next chapter.

Policing is closely linked with the struggles of working people against the wage-labour relation. It is shaped by such struggle, and in turn affects the struggle. This framework thus provides a more nuanced understanding of both past and current developments of policing. It avoids reducing policing to either a mechanically understood repressive function or to the aspirations of specific institutional actors. As the condition — or “form,” as these Marxists might articulate it — of capitalist state power is struggle, so too is that of policing. Like the state, policing takes on a general form in capitalist society. This form expresses the class dynamics of capitalist accumulation.

We will look more closely at policing in a moment. First, let us briefly look at how Open Marxists analyze the state. One of the central theorists in this group is Werner Bonefeld. His theory is based on the internal relationship between structure and class struggle. Bonefeld argues that the capitalist state is the political form, or mode of existence, of the contradictory nature of capital: capital’s dependence on wage labour (Bonefeld, 1993: 15). To survive in the marketplace, capital must revolutionize the productive power of labour to make greater profits and accumulate more capital. Profit, is based on the ability of capital to limit “necessary labour” in order to produce more “surplus labour,” i.e., surplus value.

Such strategies are affected by the ability of workers to struggle for better wages, fairer health and safety conditions, or control over the labour process and length of the working day. There may even be a struggle against the central relationship between wages and labour. Labour exists contradictorily “in and against capital”; it is both the source of wealth and a barrier to its creation (Bonefeld, 1993: 17). Capitalist accumulation, therefore, is a process in which capital must struggle to constitute labour on a basis necessary for the reproduction of social relations. In other words, labour’s “disruptive power to resist managerial strategies to set [it] in motion” must be contained within the limits of the capitalist form (Bonefeld, 1993: 40). Indeed, the existence of a class of wage labourers from the onset is not “an accomplished fact” (1993: 24–25). It must be formed, or recomposed, again and again. The existence of wage labour is a product of struggle, and it is through this struggle that the capitalist state form develops.

According to Bonefeld, the capitalist state is not created simply because the top brass of the civil service consists of wealthy individuals who act in the interests of their class. Nor is it formed by its own internal logic — reflecting the dynamics of accumulation — which exists before human struggles occur. Instead, the state develops in and through the historical movement of the class struggle. It assumes a specific form that expresses politically the contradictory nature of capitalist social relations, just as the production process expresses the relations economically. The disruptive presence of “labour in and against capital,” is the “material constitution of the state form” (Bonefeld, 1993: 50). The contradiction of capital and the struggles deriving from it both shape and are, in turn, shaped by the development of the state.

The formation of a class of wage labourers is both the historical basis for the state to develop and the result of its development. The working class did not present itself to capital ready-made. It was in response to workers’ struggles against the wage form that the state arrogated to itself, among other powers contributing to the social conditions necessary for capitalist accumulation, the power to decompose class relations on the basis of the market. Through the imposition of capitalist law, in which the right of property was enforced over society, the state established the contradictory and unequal relationship between capital and labour as a legally bounded market relationship between formally free and equal property owners. In so doing, the state effectively “imposes the rationality and equality of the right of property over society in the attempt to contain the social antagonism of capital and labour by the force of law” (Bonefeld, 1993: 47). The establishment of property rights in law for capitalists is crucial. It means that whoever owns property (in the broad sense of the word) can protect it legally.

If working people try to take over or threaten its property, for example, owners have legal recourse to prevent such a threat. Part of the state’s role is to keep this from happening, and thereby do owners safeguard their means of production and their ability to make profits and accumulate wealth. As guarantor of the right of property, then, the state is a “distinct moment in the class antagonism between capital and labour, a moment within which the contradictory unity of surplus value production exists as a political relation, complementing the economic” (Bonefeld, 1993: 50). In this respect, Bonefeld notes, the state is engaged in class struggle through its historic role of enforcing capitalist reproduction.

But the imposition of capitalist law is not the only means by which the state enforces the reproduction of capitalist social relations. According to Bonefeld, the state also regulates the reproduction of the working class through its forms of administration. This point is developed by Neocleous
(1996), who argues that the political administration of the working class must be made central to our understanding of capitalist state power. Like Foucault, Neocleous bases his theory on the way in which individuals have historically become the objects of political administration and how such mechanisms operate to constitute subjectivities. But Foucault conflates the state and law with repression. Thus, in developing his positive theory of power, he refuses to question the central role played by the state in the constitution of subjectivities. For Neocleous, however, the working of power expressed in forms of political administration cannot be separated from our understanding of the capitalist state and the material dynamics it expresses. Foucault’s failure to theorize state power means that he does not address the material constitution of the state’s form. Not surprisingly, we find the limitations to his work—compounded by “his deep structuralist neglect of the question of agency” (Neocleous, 1996: 58). For Neocleous, the development of state administrative mechanisms is crucial to the establishment of bourgeois society. But Neocleous’s recognition of the importance of administration within the context of state power means he does not adopt Foucault’s artificial distinction between juridico-legal and administrative power as two historically separate forms of power, where the state and law, with their focus according to Foucault merely on the repression of subjects, are seen as historically outmoded. Law and administration both exist, often in interrelated fashion, along the same continuum of state power. Law cannot be said to be simply repressive in its operation. Legal documents that mark people’s citizenship are “a policing mechanism of the most modern kind.” However, they do not merely register citizens, they also help constitute them as citizens” (Neocleous, 1996: 89). Legal power can provide a basis by which the working class is made an object of administration. By taking legal form as citizens, “human individuals could become both subjects of rights and objects of administration, a process rooted in the constitutive power of the state and its role in fashioning and policing bourgeois society” (Neocleous, 1996: 89).

In its historical struggle with the state for rights — to vote, get welfare or form unions — the working class is transformed into and constituted as a collective object of administration. Struggles that threaten to go beyond the capitalist state are in turn subsumed by it, and the working class is reconsti-

tuted on a suitable basis for capitalist accumulation. In the case of England, the making of the working class “was simultaneously its incorporation” into the state (Neocleous, 1996: 90). But the other moment of its formation was the remaking of the state. Structure and struggle are understood by Neocleous as internal rather than external to one another: “Structures are a mode of class antagonism and thus both the result and the premise of class struggle” (Neocleous, 1996: 105). As an active historical agent, the working class in its struggles forced the emergence of new state structures — of political administration — and through these a reordering, far more fundamental than that forced by the bourgeoisie in its struggle, of the relation between state and civil society. (Neocleous, 1996: 105)

In Britain, working-class struggles against poverty and unemployment, for instance, during the nineteenth and early twentieth centuries led to new legislation of the Poor Laws and other social benefit schemes. These were in turn used by the state to consolidate a class of wage labourers. The British state, on the one hand, organized a centralized welfare system. On the other, it used this system to set up a more centralized approach to monitor the poor. Benefit payments were harder to get and workhouse conditions harsher than what had been offered previously. They increased dependency on wage labour for more workers (Neocleous, 1996: 157 ff.).

Race, Gender and State Power

Neocleous’s emphasis on the role of citizenship highlights an important omission in Marxist scholarship: its race- and gender-blind character. Certain peoples, because they have been racialized or gendered in a specific way, have been excluded from full citizenship rights. But the very process of racialization and gendering has in fact been central to capitalist accumulation and state formation, particularly in a white settler state like Canada. To understand the power dynamics, then, we must also pay careful attention to the way in which that power is both racial and gendered.

For Satszewich and Wotherspoon (1993), for instance, the development of industrial capitalism and the capitalist state in Canada was bound up with the appropriating of Aboriginal land by means of military conquest and treaties, and the subsequent attempts to force Aboriginals into wage labour. Traditional forms of Aboriginal social organization proved useful to European colonizers during the period of the fur trade, and such social relations and the land used by Aboriginals for traditional subsistence were given some legal protection by Britain in the Royal Proclamation of 1763. This traditional form of social organization eventually proved a barrier to capitalist development as the fur trade declined. It was at this point that a more systematic and racialized domination of Aboriginal peoples began.
But Aboriginals have not simply been objects of conquest; they have also resisted the policies of the Canadian state. Land expropriation, as historians have noted, has at times been met with armed struggle.

One of the better-known examples was the Métis-led national liberation struggle during the 1860s to the 1880s. The defeat of this struggle cleared the way for capitalist expansion west of Ontario. A century later, the revolts at Oka, Gufstafsen Lake and Burnt Church remind us of the continued importance of armed resistance to defend the land and natural resources for Aboriginals.

Aboriginal resistance has also taken more subtle forms. Aboriginal wage labour was crucial to capitalist expansion in many parts of the country from the late nineteenth century to the Second World War. Wage labour in turn became a very important source of income for Aboriginals during that same period. However, Aboriginals consistently resisted becoming solely dependent on it for survival. They have held on to traditional forms of subsistence, such as hunting, fishing and trapping. Indeed, for many Aboriginals, working was a means of supplementing traditional forms of subsistence (Simmons, 1999; High, 1996).

Thus the Canadian state has been shaped by Aboriginal struggle: it sought to contain that struggle in order to recast the groups on a basis conducive to capitalist development. In the twentieth century, the struggle has led to a steady increase in the level of militarization in the effort to eliminate resistance to land expropriation. In the nineteenth century, the Royal Northwest Mounted Police (a forerunner to the RCMP), was created explicitly to deal with unrest in the then Northwest Territories. This trend has continued to this day with respect to the SQ after Oka and the RCMP after Gufstafsen Lake.

On the other hand, the Canadian state has also established, through the Indian Act (1876) and successive Indian Affairs ministries “a totalitarian ‘cradle-to-grave’ set of rules, regulations and directives to manage Native lives” (Stasiulis and Jhappan, 1995:114). The Canadian government granted “special status” and reserve land to Aboriginal nations, but it did so in such a way as to undermine Aboriginal self-sufficiency and provide an opportunity for closer surveillance of their communities. The Indian Act was premised upon the racist ideological notion that Aboriginals were uncivilized and in need of guardianship by white people. Through it, the government arrogated to itself total political authority over the reserves. It imposed the band-council governing system to replace traditional governing structures. (To this day the Minister of Indian Affairs has the authority to overturn decisions of band councils.)

Special “Indian Agents” were charged with closely monitoring reserve communities and using the Pass Laws to inhibit Aboriginal movement off the reserves (Stasiulis and Jhappan, 1995:115). But from the late nineteenth century to the Second World War, many people were working at jobs off the reserves in many parts of the country. The Pass Laws aimed to keep the Aboriginals from pursuing traditional forms of subsistence off reserve land — even if that land could not support an entire community, as was usually the case. At the same time, gift-giving festivals that promoted economic redistribution and traditional Aboriginal leadership structures, such as the Potlatch, were outlawed from 1880 to 1951 (Stasiulis and Jhappan, 1995:115). Moral training was also pursued: wives of missionaries trained Aboriginal women and girls in housekeeping and cooking. Children were forcibly removed from their homes and placed in white residential schools.

Such policies were geared towards what the state and missionaries saw as the civilizing of Aboriginals. They were to be made, in other words, more like white Europeans. But, as Satzewich and Wotherspoon argue, to be civilized for Aboriginal peoples meant something specific; these policies emerged within the context of capitalist social relations. The State’s “aim was not simply to transform Indian people into Christian ‘Europeans,’ but into Christian Europeans... who would work for someone else for wages” (Satzewich and Wotherspoon, 1993:29).

The fact that Aboriginals have never totally acquiesced to the “civilizing” process has meant that they have never been fully assimilated; they remain, to borrow a phrase from Bannerga, “an ambiguous presence” in the Canadian state (2000:91) and therefore in need of close monitoring. Their constitutionally granted special status thus highlights their struggle for self-determination and the desire of the state to contain that struggle and turn them into administrative entities. The racist and gendered practices to control Aboriginal peoples have become deeply embedded in the institutions of the Canadian state both at federal and provincial levels. As such, it is impossible to discuss state power in Canada without accounting for this fact.

Immigration policy is also another area in which the racialized and gendered character of state power is clearly expressed. For nearly a century after the formation of the country, the Canadian state pursued an official “white Canada” policy (Jakubowski, 1999:98; Stasiulis and Jhappan, 1995:98). With respect to immigration, emphasis was placed on the preferred white immigrant, who was considered to be of “superior stock” (Jakubowski, 1999:100) and would be able to promote British values (Stasiulis and Jhappan, 1995:98). But this policy was complicated by the labour demands of rapid industrial expansion.

By the 1880s Canada was recruiting immigrants who departed from the ideal British type. As Stasiulis and Jhappan argue: “Non-European would-be immigrants would be excluded unless their cheap labour was needed, in which case they would be granted lesser access to settlers’ and citizens’ rights” (1995:98). At a time when immigrants of colour were entering Canada to meet the labour needs of a rapidly expanding economy, race became an important issue in immigration policies. From the 1880s onwards a series of
explicitly racist laws were passed: they targeted Chinese, South Asian and Black workers, making it more difficult for them (or their families) to get into the country. The laws also limited their legal rights once they had entered. The laws were adopted in a context of growing anti-immigrant backlash among white workers, especially in the west. But, significantly, these policies did not stop the inflow of immigrants. As McNally (2002: 137) argues with respect to current immigration policy in Canada, the United States and Europe, that the state and employers indeed wanted the immigrant labour, they just wanted it on their own terms: “frightened, oppressed, vulnerable” (2002: 137).

Most of the writing on immigration policy notes the concern federal authorities had about the country’s ability to assimilate non-British, particularly non-European, immigrants. But they clearly also sought to promote the visibly and culturally different character of these immigrants as workers best suited to the most poorly paid and dangerous forms of work. The aim of assimilation, in this respect, was ‘partial. In order to maintain the new immigrants’ status as a cheap and highly exploitable form of wage labour, it was crucial to emphasize their non-white character and systematically deny them citizenship rights (Stasiulis and Jhappan, 1995: 112). Assimilation did not extend much beyond the need to fill the demand for a cheap and reliable labour force to build the railroads, open mines, etc.

Such a policy is not without its contradictions for state policy-makers, however. Brutal forms of exploitation are not met simply with obedience on the part of immigrant workers; they are, rather, fiercely contested. The fear policy-makers invoked by this challenge was compounded by the presence of the non-British, not-fully assimilated immigrant Other, whose place in the nation posed a constant threat to the health and well-being of “white Canada” and its British values. Thus the presence of the not-fully compliant or partially assimilated immigrant labourers required several state measures to control them as a reliable class of wage labourers. By the turn of the century, the state was engaged in greater policing and the systematic medical inspection of new immigrants; by the 1930s it began using deportations more frequently as a weapon against both radicals and the unemployed — with some immigrants being both those things (Stasiulis and Jhappan, 1995: 116; Sears, 1990).

Although changes to immigration legislation in the 1960s, such as the adoption of the points system in 1967, ended official racial discrimination, “issues of race remain just below the surface of current concerns about immigration” (Satzewich and Zong, 1996: 279). International immigration offices are selectively located: there are a few in under-developed countries of the Global South. According to Jakubowski, their location suggests a continued preference for white European immigrants (1999: 11). The wide discretion given to officers under the points system still allows for potentially discriminatory decisions. For many immigrants of colour who are allowed to enter, though, such as Filippina women, citizenship rights are strictly curtailed through a “temporary status” residency provision and the requirement that they live with their employer. They can only enter Canada to work as domestic. Their precarious legal situation leaves them extremely dependent on their employer and thus open to greater exploitation (Arat-Koc, 1999a: 148).

Recent changes to refugee legislation are also very racialized. Humanitarian concerns are being downplayed by the state, and refugees are being turned into “simply another category of immigrants to be managed” (Jakubowski, 1999: 119). The “Safe Country” provision — in which status can be denied to refugees who arrived in Canada via a third country that was prepared to grant status (similar to the “Continuous Journey” stipulation of 1908) — will significantly reduce the number of refugees. Most come from the Third World, from where it is nearly impossible to travel by direct air routes to Canada.

The ultimate effect of the legislation, then, without ever mentioning the word race, is to control a particular dimension of the refugee population — developing world refugees, the majority of whom the government classifies as visible minorities. (Jakubowski, 1999: 120)

Since September 11, 2001, the situation has only worsened for immigrants and refugees, especially those of Middle Eastern background. But, again, as McNally (2002: 137) points out, the aim is not to stop the inflow of immigrants or refugees. The aim is to control it in such a way as benefits employers. Immigration policy today is just as much a tool of labour-force management as it was a hundred years ago.

For Bannerji, the ongoing racialized control exacted by the state over immigrants, refugees and people of colour is also deeply rooted in the politics of official multiculturalism: “We demanded some genuine reforms,” she remarks, “and instead we got ‘multiculturalism.’... [As] the state came deeper into our lives — extending its political, economic and moral regulation, its police violence and surveillance — we simultaneously officialized ourselves” (2000: 89–90). According to Bannerji, multiculturalism is a contemporary example of the way the state has both been shaped by the struggles of immigrants, and in turn reshaped those very same struggles. It has absorbed or co-opted them. In so doing the state effaces people’s varied histories, languages and cultures, reducing them to more abstract and easier-to-manage categories such as “visible minority,” “immigrant,” “ethnic” or “new Canadian.” In the process, it is able to gloss over historically embedded power relations that mark peoples’ lives, thus neutralizing this experience in official discourse (Bannerji, 2000: 96).

At the same time, such categories express people’s difference from English and French Canada. The term “visible minority,” for example, sug-
suggests that some people are more visible than others, and it is towards this "peculiarity" that the state draws our attention. But it can only mark this peculiarity by measuring it against an average, a mode of appearance that is itself made invisible by the state's determination of it as the norm. What is the norm then? It is the concept of "whiteness" that is rooted in colonialist history and the policies that attend the aspirations for building a nation based on British values. It is the pivot around which categories like "visible minority" or "ethnic" constellate. Together, the concepts of whiteness and other terms form a binary relationship: you are either black or white, visible or invisible, ethnic or native. Multiculturalism, then, highlights the distance from the norm. Such groups are at the margins of Canadian society, politically marking them for special attention.

Unfortunately, there are few extensive studies on the racial and gendered character of state power in Canada. The task requires more serious and systematic attention than can be provided here. How we view state power, however, is crucial to how we look at policing. Class formation in capitalist societies does not occur separately from the historical processes of racialization and gendering (see McNally, 2002; Kelley, 1997; and Clarke, 1991) Classes are always raced and gendered. Since the state, as we have seen, is both presupposition and the result of class struggle, constituted by and in turn constituting classes in motion, then its power must be understood as materialized specifically through the processes of racialization and gendering. Such a comprehensive view of state power will allow us to develop a much richer understanding of policing and its particular role in society.

Policing and Class Struggle

In The Fabrication of Social Order, Neocleous argues that a central feature of state power is the police. The state has a constitutive power over the working class, expressed through a range of mechanisms he refers to as political administration. The police in their day-to-day interactions with the public need to be understood as exercising that power of political administration. In its historical development in the first half of the nineteenth century, the modern police came "to play a crucial role in the fabrication of a new order of bourgeois rule." This has remained its main task (2000: 65).

Neocleous is not the first Marxist commentator to link the development of modern police with the development of capitalist society. But much of previous Marxist analysis suffers from functionalist limitations, viewing police simply as a repressive institution charged with guarding private property. A good example is provided by Harring's (1993) analysis of the historical development of the modern police in the United States. He traces their origin to the role police played in repressing strikes in the last third of the nineteenth century. The police "were solidly in the hands of local commercial and industrial elites, who often administered them directly through the police commissions on which they sat" (1993: 551). Functionalist views such as Harring's tend to mistakenly rely on the class background of the individuals who oversee police and who make policy decisions to explain police behaviour. The police, however, cannot be seen as central to the creation of bourgeois order simply because they have been controlled by elites or because they have put down strikes or riots. If we accepted this, how would we explain policing in contemporary Toronto? No members of the commercial or industrial elite sit on the police services board, nor have there recently been riots and mass working-class upheaval.

Clearly the manner in which police exercise power is not simply a matter of the class background of the specific individuals in charge or the presence of more explosive forms of unrest. (In the latter instance, the army can be called in). The issue for Neocleous is the form policing takes, as a feature of state power and political administration, in capitalist society. As we will see, in its day-to-day functioning, policing is aimed not merely at the repression of the working class but at the "fabrication of order." This order is more than the simple absence of upheaval. Policing has evolved historically into the key means by which the state produces the working class and responds to its day-to-day struggles against the social order.

To explain how police developed in capitalist society, Neocleous draws our attention to its historical focus on the poor.

So central was the question of poverty in discussions surrounding the emergence and development of the police forces in nineteenth century Europe, that it would be no exaggeration to say that the forces were for the most part seen as an extension for the emerging machinery for managing the poor. (2000: 67)

In Britain, for instance, the leading administrators of the new poor law and the police force were in fact engaged in a symbiotic relationship with one another, exchanging ideas and information: The degree to which this was the case was expressed in official reports written by both institutions, at the heart of which were conscious attempts to dissociate poverty from indigence or pauperism and criminality. The goal was to separate the respectable from the unrespectable poor. Poverty was to be left alone, as it was not considered a social problem. Indigence was the problem because it was linked to crime. The indigent were defined as those unrespectable poor individuals who refused or failed to gain subsistence through the wage and thus participate in the market. 11

What is especially important for Neocleous here is not only the common focus on the poor and the distinction between poverty and indigence, but their emergence (which is not a coincidence) within the context of the constitution of new industrial capitalist order. To develop successfully, it required the creation of a working class conducive to that order. That process — the creation of a class of wage labourers, workers separated from the ownership of the means of production and therefore dependent on the wage
for subsistence — entailed “a massive police operation.” Thus, grounded in an obsessive focus on pauperism and the poor:

the ultimate aim of the police project was the commodification of labour through the consolidation of the wage form. As such, the project of social police has historically been central to the function of political administration in fashioning the market. (Neocleous, 2000: 69)

The aim of the New Poor Laws, Neocleous argues, was to enforce the dependence on paid work for subsistence. They did this by limiting relief outside the workhouse to only the most destitute and by making the conditions in the workhouse worse than those found in the most exploitative jobs. In so doing, it separated the indigent, or the paupers, from the rest of the poor, bringing them under the domain of the Poor Laws. In turn, it reinforced the notion that, “as the labouring class the poor were expected of the poor a class of wage labourers.

To obtain subsistence through the market and the wage” (Neocleous, 2000: 70). In the eighteenth century, workers were still often partly remunerated in kind. Under the customary system of ancient entitlements, it was understood that coal workers could appropriate some of the coal they handled; or dock workers, the commodities that were spilled. As a result, workers were not fully bound to their salaries. Private property was still somewhat “indeterminate in character,” not yet fully consolidated in the hands of capital.

In order to make workers completely dependent on a wage and hence the market to survive, employers sought to recast these non-monetary forms of payment as crimes and bring them under the domain of criminal law. (This also meant the sanctity of private property was extended.) The customary rights of labour were deeply entrenched, however, and led to strong resistance. A massive police operation was required. For the new police theorist Patrick Colquhoun, a primary goal of police was to “break workers’ notion that the appropriation of goods on which they laboured was ‘sanctioned by custom’” (Neocleous, 2000: 73). Police were organized by Patrick Colquhoun to oversee and regularly inspect labourers at their workplaces to physically ensure they could no longer appropriate goods (see also McMullan, 1998 on Colquhoun). Complementing this strategy, the marine police on the River Thames in London were even given the responsibility of setting workers’ pay.

The net effect of the first preventative police system was thus not just a defense of property, but the creation of a social order founded

This preventative aim helps to clarify the historical focus of policing on the streets. Early in the mandate of the new police, a series of laws were enacted that provided officers with a broad range of legal powers to control the streets and target specific persons and forms of behaviour. The various laws were used against anyone in public spaces or obstructing walkways whom the police deemed to be suspicious: specifically beggars, sex-trade workers and people selling various items or simply sleeping. These laws included the Vagrancy Act (1824), the Highways Act (1835) and the Metropolitan Police Act (1839), which provided officers with a broad range of legal powers to control the streets and target specific persons and forms of behaviour.

For Neocleous, this reflected the state’s effort to criminalize a range of activities, which centred on the street, “the proletarian public sphere” (2000: 75). Such activities were recreational or provided people with the chance to eke out a living outside the formal market. Street policing, in other words, extended the strategy to eliminate alternatives to the paid job:

The attack on the non-monetary form of the wage and its transformation into a fully-fledged money form meant criminalizing a range of traditional working-class activities... a project designed to stamp the authority of private property over the living conditions of the majority of the population and confirm the power of capital as the new master. (Neocleous, 2000: 76)

Like workplaces, the streets and other public spaces would be ordered by police to facilitate the subordination of the labouring class to the demands of capitalist accumulation.

Similar strategies were also adopted in Canadian cities with the development of municipal police forces in the nineteenth century. Empowered by city bylaws and anti-vagrancy statutes, Canadian police systematically targeted the same kinds of behaviour that Neocleous describes with respect to Britain. Public drunkenness, disorderly conduct, gaming, prostitution and begging were overwhelmingly the principal targets of police attention.

Vagrancy statutes and public order charges such as “disturbing the peace” gave police a wide scope of proactive opportunities to target people they felt were likely to breach public order. Like in Britain, the Canadian state criminalized a range of street-based working-class activities that were carried out either for pleasure or as an alternative to gainful employment (Boritch and Hagan, 1987; Marquis, 1994). To this day, the police still focus on a range of public order offences and thus the criminalization of a series of activities centred on the street. Even the police's own statistics suggest public order offences rather than criminal law violations garner most of the police's attention (Canadian Centre for Justice Statistics, 2001).
The degree to which policing has been concerned about the constitution of the wage-labour relation is also expressed by the way the state has historically understood crime. Up to the present, the solution to crime has been work. Official documents in Britain, Neocleous notes, have repeatedly stressed that crimes against property (such as theft) are met more severely by the state than crimes against persons, because they make survival possible outside the formal job market. This helps explain the new police's identification of crime with indigence rather than poverty. Poverty, Colquhoun stressed, is the condition that forces workers to rely on a wage to survive. Indigence, on the other hand, is the state of the able-bodied poor attempting to avoid such reliance. This is why the able-bodied claimant was prescribed such harsh treatment under the New Poor Laws, and indigence is conflated with criminality. The pauper is either engaged in or potentially pursuing activities in order to eke out a living beyond the formal market and the discipline of gainful employment. Hence, for the state and moral reformers whatever instills a good work ethic diminishes crime (Neocleous, 2000: 76–77).

Even today, a person who holds a job is far more likely to be released from state custody than an unemployed person. Work has supposedly shaped character, making the individual trustworthy and able to stay out of trouble. The person who works and so avoids idleness is thought to be less likely to fall prey to moral vices. For how else, in the eyes of the state, could one obtain an income outside of work? Thus all those activities historically targeted by the state and moral reformers are ones that offer alterations to working activities in order to eke out a living beyond the formal market and the discipline of gainful employment. Here lies the focus of police work.

The creation of a criminal class, then, has historically been important to the making of the working class. The state and police have facilitated the formation of the latter by playing up the division between the respectable poor, who are willing to enter the market, and those who don't. The benefits claimant, the beggar, the sex-trade worker all represent a threat to private property, the failure to accept the capital-labour relation. The harsh punishments serve as a constant reminder to the rest of the working class about the consequences of not respecting the order of things. But the more intense the criminalization of one section of the working class is in contrast to the other, the more likely the criminalization will be projected onto the entire class (Neocleous, 2000: 82). The categories begin to blend together.

This is an important point to note in considering the historical evolution of policing and notions of criminality. Individuals can move from one segment of the working class into the other ― from a benefits claimant at one moment to a gainfully employed worker the next. Thus the risk is ever present that all workers might be infected with moral vices and criminal behaviour.

In this respect the entire working class, in the eyes of the state, is viewed as potentially criminal. This observation helps us make sense of the fact that police, in their putative fight against crime, seldom actually target individuals engaged in criminal activity but, instead, are told to look for a set of appearances and behaviours. In his study of the early development of municipal police forces in Canada, Marquis (1994) notes that police viewed criminality more as a lifestyle than a particular act. In looking for a lifestyle it is much harder for police to discern the individual person violating a specific criminal or public-order offence from the rest of the class to which they belong. The same point is made by Ericson in his field research on police patrol work. Police routinely are looking not for particular legal infractions but for "things and people out of order" in a particular locale. Typically, they stop young men of lower socio-economic backgrounds on the assumption they may be committing a number of violations (Ericson, 1982: 78–79). Police here are not targeting individuals or specific actions as much as they are a class. Indeed, the extent to which criminal behaviour is in fact linked to the working class is demonstrated by the way crimes committed by capital, which result in a much higher cost in human, financial and ecological terms, are pursued a lot less earnestly than are crimes against property (Neocleous, 2000: 82–84).

Another significant point about the history of policing is that, as the criminalization of the working class extended in its scope, so too did the original police mandate in Britain, as well as Canada. The early police forces monitored workplaces and streets and worked closely with the institutions set up by the New Poor Laws. They also took responsibility for health and hygiene matters in cities (in some cases for clearing refuse), inspection of drinking establishments, and sheltering and providing emergency services to transients and the homeless (Neocleous, 2000: 84–90; Marquis, 1994: 32). These responsibilities were understood as part of the broader project of ordering all facets of working-class life. Much of the work that social workers and health inspectors do today, then, was traditionally done by the police, in the absence of other state agencies to carry out the tasks. Thus the narrowing of the contemporary role of the police should not be seen as a narrowing of policing per se, but as the evolution of a more specialized division of labour, which occurred over the twentieth century. Indeed, the policing-inspired disciplinary role of social workers assigned to welfare casework has in fact become more prominent under neoliberalism in Canada (see, for example, Riches, 1989: 117). Police still maintain a close working relationship with other institutions representing public order, such as various social-work and welfare agencies, as they did with the institutions of the New Poor Laws in the nineteenth century (Neocleous, 2000: 93).

What should be clear by now is how broad the police mandate is and how little in actual fact it has to do with criminal-law enforcement. This aspect of policing is worth stressing here, given the pervasive belief in Canada,
promoted by the media, politicians of all stripes and police themselves, that the police are first and foremost crime-fighters. The criminalization of the working class, and its most impoverished sections in particular, entails control over very specific forms of behaviour that rarely fall under the purview of criminal law. As both Boritch and Hagan (1987: 316) and Marquis (1994: 32) note with respect to nineteenth- and early twentieth-century Canada, police directed very few of their energies towards fighting criminal-law violations. The overwhelming majority of arrests were for public order matters rather than offences against persons or property.

As noted above, Ericson’s field research on Canadian police uncovers a similar pattern: police regularly initiate encounters with individuals who seldom have anything to do with any perceived violations. The focus of the police, Ericson argues, is public order and the perceived threats to it, the “suspicious persons/circumstances” police go looking for on the beat (Ericson, 1982: 79). There is in fact:

a mass of research on the police which has shown that criminal law enforcement is something that most police officers do with the frequency located somewhere between virtually never and very rarely. (Neocleous, 2000: 93)

For example, most calls for police assistance are “service” requests, while less than 10 percent of police time is actually devoted to traditional criminal-law concerns (Neocleous, 2000: 93). It would therefore be a serious mistake to suggest, as many do, that police, as the frontline in an ongoing war on crime, merely enforce the law. The so-called “thin blue line” is a buffer not from a world of lawlessness, but from one of state-defined disorder.

The historical prominence given to order in the police agenda is also demonstrated by the way in which law is in fact subordinated to this end. The relationship of law to order is expressed in a few important ways. They relate to both the law’s role for police as one means of combating disorder, and to the way in which its use intersects with the discretionary power allotted to officers. As most commentators note, police power is shaped by the central role that discretion plays in the work. Discretion affords the officers a range of alternatives not only about which situations to respond to, but also about how to respond. So police tend to focus on specific matters, such as signs of public disorder, rather than on other matters, such as white-collar crime. They can employ a variety of means to fabricate order in a given situation: laying criminal charges, invoking city bylaws (which entail fines), issuing warnings about the use of criminal charges or bylaws, conducting stop-and-searches, showing aggression and intimidation, or any combination thereof. The police toolkit is varied. Criminal law is but one of the tools employed.

Indeed, research suggests that police seldom even resort to the criminal law to restore order (Neocleous, 2000: 93).

Significantly, even the law, when utilized, is used very flexibly by po-

lice. It is manipulated to assist them in achieving the desired outcome in a given situation (Ericson, 1982: 14). This is perhaps best exemplified by such open-ended discretionary powers existing in Canadian law like “reasonable suspicion” or “breach of peace.” Although they are not criminal offences per se, they are designed to give the police the leeway in managing particular situations. Individuals can be held for up to twenty-four hours for a breach of peace. The phrase is vague enough that it can be imposed in a number of different contexts to restore order (see Esmonde, 2002a).

When it comes to arrest, police have a great deal of discretionary power over a suspect. They have the power to decide whether to conduct a strip search; whether to allow the suspect to contact a lawyer; whether to keep someone in custody for the maximum twenty-four hours before their release or before they are brought before a justice of the peace; and whether to recommend pre-trial custody to a justice of the peace. In short they can greatly influence the pre-text treatment of suspects.12

There are procedural guidelines police must consider when dealing with the public, but the discretionary authority described here suggests that “the power resides almost entirely with the state and is exercised through the body of the police” (Neocleous, 2000: 101). Even judicial rulings in cases in which the police have been found to have acted outside their legally constituted mandate can be used by police to reinforce the role of discretion and the flexible use of law in policing. In Canada, for example, a judicial decision clearly delineating the procedural guidelines for strip searches has been used by Toronto police to expand their power to conduct a broad use of strip searches. Toronto police have established a form on which they can summarily check off all the procedural rules demanded by the court during a strip search to “demonstrate” proper procedure, whether or not it has been followed.

In this regard, police power, deriving from the authority of the state, is organized so that it faces only limited constraint by any rule of law. Instead, law is a tactic used and shaped by police, and subordinated to the end goal of producing order. The law is not used to govern police too closely. This view may seem to fly in the face of conventional wisdom concerning the much vaunted rule of law in liberal democracies; it is worth entertaining, if we see the police as an administrative form of state power rather than a mere legal arm. Indeed, as a social practice, policing operates on a different — and much less abstract — level than does the law. This very fact makes it difficult to regulate policing, to the extent that the state wishes to do so. It is accorded wide room to manoeuvre:

• The police can use the law flexibly as a means to produce public order.
• Officers are rarely charged with or found guilty of misconduct in situations where there is strong evidence that they acted in a manner that much of the public would consider inappropriate.
On rare occasions when officers are found guilty of an offence, they typically receive lenient sentences.

Civilian bodies have limited oversight of police budgets or practices.

A wide range of options and a great deal of power, in other words, has historically been vested in the state, and its police agents, in the pursuit of order. Police are less “a form of juridical power” than “street-level” state officials who exercise a form of political administration (Neocleous, 2000: 102). Police are front and centre not in a war on crime but in the state’s effort to contain and manage the struggles of the working classes.

Policing, Race and Gender

Like its theorization of the state, the Open Marxist theory of policing does not address policing’s racialized and gendered dynamic. This is a serious gap, given, as we noted in the first chapter, how intense this dynamic is. Any theory of policing must be able to account for the role that race and gender play in police work.

As we have seen, capitalist state power is itself systematically racialized and gendered. Class composition and re-composition in capitalist society are embedded within, and thus inseparable from, the historical processes of racialization and gendering. The state’s efforts to contain struggles from below and administer the working class (efforts in class re-composition) are invariably intertwined within these dynamics. Given its role in “street-level administration,” as Neocleous puts it, we can see how policing is intimately bound up with these processes. Situating police within the context of state administration highlights the way in which these dynamics are rooted in the heart of policing itself, rather than simply a feature of individual racist or sexist police officers. If the police, in its struggle for order, focuses most of its attention on working class and poorer communities, and if women, people of colour, immigrants and Aboriginals in Canada, facing systemic discrimination, are disproportionately represented in these groups, they are likely to receive a disproportionate amount of police attention. But the police do not merely respond to these groups after they have been classed, racialized or gendered in a particular way. The location and experiences of these oppressed groups are not static; they emerge out of the ongoing struggles for better wages, citizenship status, equality, land and so on, and the state’s efforts to contain these struggles. The police are part of this process. By targeting these groups because of their social location, police reinforce their marginalized status. The policing of women, people of colour, immigrants and Aboriginals is therefore both a precondition and result of their location.

These groups, as we have seen, are also the unassimilable. Their labour and land might be central to the building of Canada, yet the need to keep to them vulnerable and highly exploitable precludes the possibility of full assimilation into the nation. This precarious relationship to the Canadian nation is compounded by their struggles against oppression and land expropriation. As Bannerji has so succinctly stated: “We remain an ambiguous presence, our existence a question mark in the side of the nation” (2000: 91). This ambiguity highlights the uncertainty as to how they fit into the order of white Canada, as it is formed along class, racial and gender hierarchies, but also to the potential ruptures that visibly lie at the heart of that order.

Thus the criminalization of the working class and the poor in Canada has a virulent side for women, people of colour, immigrants and Aboriginals. Skolnick’s (1966) argument that in the United States young male African Americans are “symbolic assailants” pertains to groups in Canada as well (it can be extended to the experiences of immigrants and Aboriginals). Symbolic assailants are criminals until proven otherwise. It is not simply that they meet some of the characteristics of the criminal; but that they have come to define the criminal. Hence the inordinate amount of attention, documented time and again in Canada, that police give to the young Black or Aboriginal male drivers. It is not the actions they perform, but merely their presence that signals criminality.

These observations also help us to make sense of why researchers find that Black Canadians of higher status are still much more likely than whites from a similar socio-economic background to be stopped by police. While higher-income Blacks are less likely to be stopped by police than lower-income Blacks, that likelihood declines much less for them than it does for higher-income whites (Ontario, 1995: 335). Such targeting shows how deeply rooted the anxiety, on the part of the state and its administrators, is over the presence and perceived dangers of Blacks. Despite some socio-economic advancements, they face great difficulty being fully assimilated into a country whose history was shaped by a racial hierarchy centred on the idealization of whiteness and British values.

At the heart of the criminalization of women, people of colour, immigrants and Aboriginals also lies an anxiety that extends beyond the mere uncertainty as to how they fit into the Canada nation. The fear of their negative impact on social order shapes state policy and police practices towards these groups. Central to racist psychology is, on the one hand, the attempt to attain whiteness and respectability by intensifying “the internal psychic repression that is part of industrial capitalism — the subordination of desires for recreation, drink, festivity, sex and social celebration to employers’ demands for a sober, industrious and disciplined workforce”; and, on the other, the projection of these very same desires onto other social groups who themselves have not achieved whiteness and respectability (McNally, 2002: 122). In post-Civil War America, for example, the Irish, in their efforts to attain whiteness and respectability:

projected onto Blacks the very characteristics they strove to repress.
Racist projection expresses both the aspiration to fulfill the (very bodily) desires sacrificed in order to achieve respectability and the distancing of oneself from those very desires and the primitive or uncivilized Other who has come to embody them.

A central dynamic of racism is thus the fear whites harbour of their desires being known and of being identified with the uncivilized Other. This manifests itself in an anxiety around the body itself: its smell, its dirt, its different “physical productions” (Neocleous, 2000: 86; McNally, 2002: 123). The more the imperial reach of Europe and its settler states stretched over various non-white peoples (and likely the more the labour of these peoples was relied on at home), the more intense this fear of the Other, the “body-peoples,” became (McNally, 2002: 123). In this context, which also includes bourgeois anxieties about white “body-peoples,” there developed extremely compulsive attitudes towards cleansing the body and the surrounding physical environment (McNally, 2002: 123). “Social technologies” like the fork or handkerchief were increasingly employed to “mediate between the physical productions of the body and interactions with others” (Neocleous, 2000: 86). By seeking to sanitize interactions with such people or eradicating physical traces of bodily expression by which one could be identified with them, these behaviours serve as a means of social differentiation, as Neocleous (2000: 86) suggests. They are also aimed at mitigating the threat of contamination the uncivilized Others pose to bourgeois society.

Not surprisingly, we find that the new police were very occupied with issues of sanitation and cleanliness. It was during the period of the new police that “the metaphors of pollution and moral contagion became the standard form of expression of social commentary” (Neocleous, 2000: 85). For social reformers and new police theorists, there was a very clear, intimate connection between property, order and cleanliness, on the one hand, and poverty, dirt, disease and crime on the other. While they were concerned with sanitation in heavily populated working-class areas, the dirt and refuse also denoted something about the class that lived in those conditions. Identification was made between the state of the working class and the sanitary condition of the neighbourhoods, expressed in the usage of words like “refuse” or “offal,” which referred to both “the sewage waste that constituted the sanitary problem and the human waste that constituted the social problem” (Neocleous, 2000: 86). Police jargon today is still marked by the identification of the poor/potential criminal with dirt and refuse through terms like “scum” or “pukes” (Neocleous, 2000: 87; Ericson, 1982: 79). Prone to disorder and criminality, the workers, through the “miasmas” they exhaled as much as through the dirty and unsanitary conditions in which they lived, were identified as the most dangerous agents of infection to bourgeois order. Thus the task of police was to clean the streets not only physically but morally as well. Sanitation strategies tried to instill discipline and order in working-class lives through rituals designed to enhance cleanliness and health (thereby creating, it was hoped, a more reliable labour force) and reduce the perceived possibilities that people might transmit contagions to the rest of bourgeois society. Valvev (1991) offers a similar history of the movement for moral reform, and its relationship to issues of working-class cleanliness and order, in Canada in the late nineteenth and early twentieth centuries.

Neocleous identifies the new police’s focus on sanitation with a concern with the working class more generally, without citing any racial or gender dynamic to it; and, indeed, McNally (2002: 123) notes that the anxieties surrounding bodies and cleanliness in bourgeois culture are often extended to the entire working class. Nevertheless, he is clear that such anxieties were very much racialized and gendered. It would be short-sighted to ignore the way in which a racially and gendered-influenced concern over bodies, sanitation and moral contagion, and the threat they pose to bourgeois civilization, have shaped policing practices. We have observed this already with respect to the state’s practice of medical inspections and close monitoring of immigrants developed early in the twentieth century. It is also expressed in police’s targeting of women’s sexuality. According to McNally, the fear of bodies, dirt and moral contagion has been deeply bound up with fears over the physical powers of the working class and colonized women and overwhelming sexual instabilities. Their role in particularly physical labour (such as in the mines, or in hunting and agriculture for many Aboriginal women) and their sexuality were seen by early social reformers and the bourgeois as exhibiting a potentially destabilizing force over the supposedly natural bourgeois order, at the apex of which is the western bourgeois male (McNally, 2002: 124). Their proclivity towards sexual promiscuity has been identified by state officials with the flouting of necessary paternal authority figures in their lives. Thus, on the one hand, the state made a concerted effort, particularly with respect to Aboriginals in Canada, to remove women from more exacting forms of physical labour and to feminize and domesticate them (McNally, 2002: 124; Satzewich and Wotherspoon, 1993: 117ff.) and, on the other, to closely police their sexual activities. The latter point partly explains the systematic targeting by police of sex-trade workers in Canada, often through vagrancy statutes, as well as the targeting of supposedly promiscuous women via the Female Refugee Act until 1960 (Sangster, 2002) and truancy laws until the 1970s (Reitsma-Street, 2000: 223). While truancy laws have been repealed in Canada, similar police practices aimed at imposing paternal authority over “truant” women continue today through “failure to comply” offences, which are disproportionately applied against young women.

Their land and labour were desperately needed, but they stood outside
the white ideal and were never fully obesiant to domination. Working-class women, the colonized and immigrant workers thus do not fit so neatly into Canada's bourgeois order. Their uneasy presence remains a cause of anxiety, a potential rupture (both physically and socially) within the order of things. Following Bannerji (2000: 91), they are a "question mark in the side of the nation," a reminder, perhaps, of the potentially transitory nature of bourgeois society. Their presence, then, demands careful scrutiny and the constant reminder, expressed through the mobilization of state and police power, of their place in the bourgeois order and of who retains authority in their lives.

Conclusion

The focus of contemporary policing on public order is not new. As we have seen, this has historically been the central focus of policing. But the order being sought, and resisted, is fairly particular. Police power has been mobilized to criminalize a series of street-based activities that either provide people with an opportunity to survive outside market relations or serve as distractions from waged work. In the process, policing has worked to constitute a class of labourers dependent on the wage for subsistence and thereby a bourgeois order rooted in the authority of private property and the subordination of working people to the imperatives of capital accumulation. Rather than focusing on fighting crime or some abstract notion of order imposed at a distance, policing, as part of the state strategy for administering the working class, is historically a very confrontational strategy and driven by a moral discourse on the importance of work and the discipline of the wage in shaping a person's character. These processes are also shaped by the racialized and gendered character of a capitalist white settler society such as Canada. The assertion of authority over women, the colonized and immigrant communities by relentlessly targeting any signs of irreverence toward state-defined modes of appropriate behaviour is given high policing priority.

Situated within this historical context, the meaning and significance of the dynamics of contemporary policing, especially under the banner of law and order, are illuminated much more clearly. It is to law-and-order policing, then, as it has emerged in much of the so-called advanced capitalist world since the 1980s that we now return.

Notes

1. See the three-volume series, *Open Marxism* (1992 [Bonefeld, Gunn and Psychopedis], 1992 [Bonefeld, Gunn and Psychopedis], 1995 [Bonefeld, Gunn, Psychopedis and Holloway]), where most of the heterodox Marxists, though not all, can be found.
2. "Necessary labour" is the amount of time in a work day it takes a worker to produce as much value in the work process as the employer pays her in wages and benefits (i.e., an amount equal to her labour power). Any work done beyond that time is "surplus labour" and represents profit for the employer.
3. Functionalists in the tradition of Ralph Miliband argue this interpretation.
4. Claus Offe and Alain Lipietz promote the capital logic and regulation school approaches, respectively.
5. See Bonefeld (1993: 46).
6. See Bonefeld on the constitution of money as an abstract social equivalent, mediating inequality between those owners with property and those without.
7. The Oka Revolt began in the spring of 1990 in Québec. The local Oka municipal government (situated outside Montreal) sought to appropriate land containing burial grounds from the Mohawk community of Kanesatake in order to build an extension for a country club golf course. Members of the Mohawk Warrior Society took up arms to defend the land. A gun battle ensued after the Sûreté du Québec (SQ) officers invaded the land, and an SQ officer was killed. An armed standoff ensured between the SQ and the Mohawk Warriors. The SQ was eventually replaced by the Canadian army later in the summer. The armed standoff ended in the fall of 1996, approximately six months after it began. The golf course was never built.

The Gustafsen standoff began in June of 1995. It involved an occupation of sacred sundance lands at Ts'Peten by members of the Shuswap Nation. The land had been leased to an American rancher. Four hundred paramilitary RCMP officers were mobilized, armed with machine guns, armoured vehicles and land mines. The RCMP and B.C. government engaged in a massive disinformation campaign portraying the indigenous defenders as violently irrational and without legitimate claim to their land. The standoff ended in September, and thirteen Shuswap Nation members were subsequently sentenced to jail for defending their land.

8. On Aboriginals and wage labour, see Laliberte and Satzewich (1999); Simmons (1999); High (1996); Knight (1996) and Elias (1988).
10. See also Jock Young (1979: 13–16) on the functionalism of what he refers to as the left idealism that emerged in criminology in the 1960s and 1970s.
11. The use of "indigence" here is based on Mark Neocleous's study of the writings of nineteenth-century police theorists like Patrick Colquhoun and the designers of the New Poor Laws (2000: 52–54, 68–70). While "indigence" has been used to refer to the aged and infirm, who cannot physically obtain their own means of subsistence; it was also used by police theorists and designers of the New Poor Laws, along with "pauperism," to demarcate the able-bodied employed poor from the able-bodied poor who avoided work. Neocleous cites the use of the term as an important expression of the move beyond undifferentiated notions of poverty in the early nineteenth century as the British state was actively trying to establish a labour market. In some of these writings, Neocleous argues (2000: 55) that "Indigence" is merely coda for the attempt to avoid wage labour, to refuse exploitation." It is in this respect that the term is employed in this book.
13. Sex-trade work also represents, as noted above, a potential means of subsistence outside the formal wage economy.