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CHAPTER ONE

Theoretical Foundations of the "New Police Science"

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The concept of police has had a peculiar history. Where it once occupied a central place in the work of major thinkers on the grounds that policing was so obviously a central part of state power and thus integral to civilized life, for the bulk of the twentieth century the concept was relegated to the backwater of a very narrowly conceived "police studies." Within this backwater it suffered the fate of being transformed beyond anything recognizable to earlier writers on police powers, being reduced to the study of crime and law enforcement and thus absorbed into the discipline of criminology. Stuck in the discipline of criminology, most research on the police eschewed any attempt to make sense of the concept itself or to explore the possible diversity of police powers in terms of either their historical origins or political diversity.

On the other hand, recent years have seen the emergence and steady growth of what might now be called a new body of work on the police idea. Although much of this work has been developed by individuals working

more or less in isolation, one of its common features is the desire and willingness to do more than simply replicate the empirical mode and policy-oriented focus of what has passed as "police studies." Taken together and thought of as a body, this work has led some to suggest that we can indeed begin to speak of a "new police science"—as the workshop that forms the basis of this volume suggested. For reasons that will become clear, I have a slight concern about the term "new police science," preferring instead to think of the work in question as a new and productive approach to the police idea and thus a critical interrogation of police power rather than a new police science. But whatever it is called, an obvious question arises: what are the theoretical foundations of this body of work? In this chapter I aim to suggest a number of possible dimensions that in my view ought to constitute the foundations of this new approach to police powers.

I take as a guiding assumption that the impetus behind this critical analysis of police powers is a desire to circumvent—or perhaps even undermine—the narrow, commonsensical, and essentially liberal notion of police in which it is taken to refer to a (mostly uniformed) body designed to prevent, detect, and solve crime, out of which emerges a set of debates concerning "reform." Rather, part of the *raison d'être* of this work is the need to explore the connections between police and a complex of related terms and technologies of power: law, order, "lawandorder," security, discipline, governance, welfare, state. This means navigating a way through not only the comparative organizational structures, methods for dealing with crime, role in stratified societies, and so on. It also means stepping back a little from the contemporary and aiming to unearth and explore the idea of police science in its original form. In effect, this drives the new police science toward unearthing and exploring (1) the broad powers and remit of police, (2) its essentially nonliberal connotations, and (3) its mode of functioning through a complex network of institutions. From the perspective of contemporary criminology this unearthing will make any new police science appear anachronistic, taking it back to ideas about police in the "first" police science and prior to the emergence of professional—that is, "proper"—policing as it emerged in the nineteenth century. I suggest that on this score we will have to have the courage of our anachronisms.

Before I begin, however, I want to mention four important issues that are hinted at by the anachronism in question, issues that are important

because they will remain central to debates about police powers for some years to come.

The first issue concerns the question of disciplinarity. A personal comment is apposite here. My own attempt to develop a critical theory of police power has been influenced by and developed through a critique of three sources: Marx, Foucault, and Hegel. I have then tried to use these sources to interrogate writers I think important or interesting to the development of the police idea, such as Patrick Colquhoun and Adam Smith. This is, of course, a diverse bunch. But one thing they have in common is that they share what we might call a "predisciplinary" attitude. None of them sought to write a history or sociology or political theory or legal account, or whatever, of police powers. In this they are also at one with the original police science of the eighteenth century. What I suggest is that such predisciplinarity needs to be embraced, albeit in what is sometimes claimed to be a postdisciplinary world. The approach to police powers being developed in this book might well be described as predisciplinary in its historical inspiration and postdisciplinary in its current intellectual implications. Either way, to be coherent and effective it will have to be as far removed from the university-sponsored imposition of bourgeois "disciplinarity" as possible. (I prefer "predisciplinarity" to "interdisciplinarity" on the grounds that the latter presupposes the appropriateness and acceptability of the divisions in question and then aims to somehow link them. The former, however, simply sees no division in the first place. This approach might be thought of as relying on the concept of a social totality. It might also be thought of as another anachronism, which of course in some ways it is.) Part of the reason for the need to distance this project from disciplinarity will be obvious to anyone who has even started thinking about police: police powers are *so* general that they necessarily take us beyond any disciplinary limits. To think otherwise is to fall into either the trap of twentieth-century criminology, which tries to think of policing in isolation from other practices of power, or the trap of political science, which barely ever discusses police.

This in turn raises the second issue, concerning the specificity of the police idea. It is now well established that in its concern with "order" police originally held an incredibly broad compass, overseeing and administering a necessarily large and heterogeneous range of affairs. In some sense police power was without parameters, extending to the minutia of social life

and including such a vast range of concerns as to make an explanation of "police" sound like the Borgesian Chinese encyclopedia entry for "animals" with which Foucault begins *The Order of Things*: the police oversee means of comfort; public health; food and wine adulteration; the production or distribution of key commodities; expenses at christenings, weddings, and funerals; the wearing of extravagant clothing; the behavior of citizens at church or during festivities; the maintenance of roads, bridges, and town buildings; public security; the regulation of the provision of goods and services; the performance of trades and occupations; moral questions such as Sunday observance, blasphemy, cursing, and perjury; the behavior of servants and domestics toward their masters; rules for the bringing up of children; sumptuary regulations; the status of Jews; overseeing educational institutions; and attention to families and their domestic problems ranging from unruly children to love triangles. This dimension of the origin of police powers draws attention to the idea that police powers were originally by their very nature both inevitable and limitless. This idea is a central part of the impetus driving the new police science and underpins much of the recent excellent work in this area. But if police powers are discussed as limitless—if police is absolutely everywhere—then as a conceptual tool "police" is in danger of looking like nothing more than a twenty-first-century version of "social control," "hegemony," or "discipline." Part of the problem with these concepts as they came to the fore in social sciences and political debate in the 1970s, 1980s, and 1990s was a lack of specificity. In each case the concept very quickly came to look as though it was being made to work in a catchall way, where any new social policy, institutional reform, or legal innovation could be read as contributing to the "control" of the lower orders, the "hegemony" of the ruling powers, or as a "disciplinary" technology. This lack of specificity—of either a conceptual or historical kind—therefore meant that each and every social, economic, or political institution could in some way be interpreted as an agency of social control/hegemony/discipline, with the result that the terms became used so broadly and loosely that they lost any real intellectual or political weight. I sense a similar danger within the attempt to develop a new police science. The danger can perhaps be seen in recent work on the sociology and politics of sexuality (for example, Watney 1997; Lees 1997; Cain 1989; Steinberg, Epstein, and Johnsen 1997), which uses the idea of police to make sense of some of the power struggles around

sexuality—to explore, that is, the way sexuality is "policed." The problem is that the term is so taken for granted that no real explication of the concept ever takes place. It then becomes difficult if not impossible to distinguish between the practices of power through which, say, the state regulates ("polices") sexuality and the practices of power exercised in the school playground. My own view, not shared by all the authors of the chapters in this book, is that it is necessary to try and identify some kind of limit to the way we use the concept. For me, police as an institution has been central to the historically massive operation on the part of the state to consolidate the social power of capital and the wage form: the police mandate was to fabricate an order of wage labor and administer the class of poverty thereafter. "Police" is therefore an important conceptual tool in grappling with the way the state administers civil society in general and the working class in particular. I will develop the outline of this argument later, but for the moment it is worth registering that this tension over how and why we use the police idea draws attention to our third issue and a much wider problem: do we need a new police science at all?

The term "new police science" is a conscious echo of the original police science. But there is for me something uncomfortable about this echo. The original police science was a project designed to sustain, defend, and "improve" the powers of the state in ordering social life. Texts on police powers were rather like handbooks for princes but written for the bureaucrats of the modern state as much as for the prince himself. They were, to put it crudely, *on the side* of police powers. The "new" police science, however, has been launched with a much more *critical* frame of mind, seeking to *unearth* the mechanisms through which police powers operate rather than to offer guidelines on how to improve them. My own work, for example, has been an attempt to place the concept of police at the heart of critical social and political theory; others have used the police idea in critical genealogies of sumptuary laws, licensing procedures, patriarchal power, welfare, the civilizing process, and so on. To my mind this critical frame is what makes the new approach to police so interesting. But it also seems to make this new work much less a new police science and much more a body of work that seeks to use the notion of police to gauge and assess the production and reproduction of the processes and technologies through which the social world is perpetually ordered and transformed. The term "new police science" is therefore,

to me at least, a discomforting one, failing to fully register on the critical dimension of the political scale and running the danger of making us sound more like advisors to police forces than intellectuals critically engaged in an examination of police power. (I realize that other authors in this volume do not share my unease, and I will, having made this comment, continue on occasion to use the phrase "new police science.") This takes us to the fourth preliminary issue: the question of politics.

One reason for the predisciplinary nature of the work of those thinkers or traditions originally interested in police powers was that what they had to say about police was driven by what they saw as the political issues inherent in or lying behind the police idea. That their own politics was wildly divergent—think of Smith's move away from a cameralist conception of police or Marx's critique of Hegel—is of less importance than the fact that they saw in police powers the key political question: the constitution of political order in the modern world. They recognized, in other words, that dealing with police powers and using the police idea is a deeply political act. I raise this issue here to highlight the reason this chapter finishes on a more explicit political note.

Having raised some of the general issues that animate some of the work in this volume, let me sketch out what I consider some of the key foundations of the developing new approach to the police idea and analysis of police powers.

Work: The First Principle of Police

From the late fifteenth century, political discourse in Europe centered very much around the concept of police. Originating in French-Burgundian *policie* in the fifteenth century, the word "police" spread across Continental Europe. Though the spelling of the word varied, the meaning remained constant, denoting the legislative and administrative regulation of the internal life of a community to promote general welfare and the condition of good order and the regimenting of social life. The instructions and activities considered necessary for the management of good order gave rise to the *Polizeistaat*; they referred, in effect, to the "well-ordered police state" (Raeff 1983).

In being directed to the idea of good order, police powers extended to the minutiae of social and economic life, overseeing the range of concerns I previously identified. One task for any new police science must be to excavate any coherence both in this mishmash of concerns and in the idea of "good order." It is clear from the other chapters in this book and from the discussion at the workshop from which it arose that three possible subjects suggest themselves: work, the city, and the colony. (I think of the latter as including the household [Dubber 2005] and as able to incorporate more recent work on the camp as the *nomos* of the modern [Agamben 1998].) Christopher Tomlins takes up the overlap between the three in his attempt to "frame the fragments" of this volume. I want to focus here on the question of work, which was integral to the original police project and, I suggest, needs to remain central to any new police science.

Historically, one of the fundamental concerns of policing was with the state of prosperity: the wealth of nations. Police theorists quickly came to argue that the state should secure a flourishing trade and devote its power to the preservation and increase of resources—of individuals and the state of prosperity in general—by overseeing the foundations of commerce. Even a writer such as Adam Smith, whose later rethinking of the police ideal would help impose a decidedly liberal reading on the police idea, was happy to describe police as "the proper means of introducing plenty and abundance into the country" (Smith 1982, 333). In this sense, it is clear that police powers were historically central to "the properly channeled growth of wealth" (Foucault 1980, 170) or the "maximization of resources" (Dubber 2005, 90). But such terms need some consideration. Behind such terms, and behind the concept of order as a whole, lies work. For prosperity could never be divorced from the concomitant concern with subsistence in general and the question of poverty. Behind the police of the state of prosperity as the basis of order was a more specific concern over the place of the poor and the potential threat posed by the new "class" of poverty to the emerging structures of private property. In other words, the administration of poverty was (and is) at the heart of the police project. Even genealogies of police that identify an alternative source and focus of police power, such as the patriarchal household (Dubber 2005), often highlight the importance of work and poverty (for example, via analyses of vagrancy as a threat to social order). This

is perhaps unsurprising, given the intimate connection between the police of poverty and the policing of the family (see Dean 1991; Donzelot 1979). It is for this reason that the poor were present in text after text on police, from the most mundane handbooks for bureaucrats to the more philosophically demanding texts such as Hegel's *Philosophy of Right*. By virtue of its concern with the production of wealth, policing meant policing the class of poverty. The police of poverty was regarded as a necessity because of the perceived connection between poverty and "disorderly" behavior, such as begging, crime, gambling, and drinking—all understood as a threat to public propriety and the common good. Police came to rely on a distinction between groups according to the degree of danger they appeared to pose to the common good—domestic laborers, prostitutes, the young, religious, and political groups. But the most significant part of this enemy was the growing class of poverty and its social cousin, the "class" of vagrants.

Where poverty, vagrancy, and crime meet in police texts, there one will ultimately find the question of work. The ostensible concern over vagrancy and begging was a concern that those persons engaged in such activities were more likely to engage in criminal activity. Yet in some sense the greatest "crime" was thought to be idleness itself; "disorderly" is more often than not a euphemism for "workless." Though the police theorists invariably lacked a political economy finely tuned enough to pinpoint the precise nature of the relationship between poverty and wealth, they nonetheless knew what the broad connection was: when they looked at beggars and vagrants, they saw able-bodied (but lazy, ignorant, and potentially rebellious) workers withholding their labor and thus not producing wealth. This is why Blackstone regards vagrancy as the ultimate police problem. The solution to such a problem was clear: "the philosopher's stone, so long sought after, has been found—it is work" (Abbé Malvaux, cited in McStay Adams 1990, 240).

It might therefore be said the founding principle of police is the idea that every citizen-subject *ought to work*; or, more explicitly, that every citizen-subject ought *to be put to work*. Foucault (1967, 46) picks up on this:

> Police is the totality of measures that make work possible and necessary for all those who could not live without it; the question Voltaire would soon formulate, Colbert's contemporaries had already asked: "Since you have established yourselves as a people, have you not yet discovered the secret of forcing all the rich to make all the poor work? Are you still ignorant of the first principles of the police?"

This means that while, broadly speaking, the object of police powers might be order, such a concept might be refined a little—given a little specificity—by pointing to the centrality of work to the idea of order and, concomitantly, the place of the class of poverty within that idea.

Two caveats. First, the argument might appear a little reductionist. It might be pointed out that the limitless reach of police powers means that police is concerned with all sorts of things that are in no way about work. I would suggest that the argument is not reductionist but that it is, however, essentialist. I am suggesting that part of the *essence* of the object of police is the working class. While police powers engage with many things that are a long way from work, these are not essential to their existence. For example, the fact that a great deal of police time is spent acting as a juridical-administrative arm of the insurance industry obscures the fact that police would continue to exist even if the insurance industry found an alternative means of verifying claims. The second caveat is to point out that this is not to fall into a version of the "repressive hypothesis." Rather, and to use a Foucauldian phrase, we need an approach that recognizes the *productive* nature of police powers. Let me sketch the contours of such an argument, developing as we go the idea that work is central to police; these contours will also help show how the idea of police powers can be used as a critical political tool.

Fabricating a Well-Ordered Civil Society

Historically, the project of the abolition of disorder shifted as policing developed in conjunction with the shifts in the nature of both state power and the transformation from feudalism to capitalism. One might divide the history of police into three stages. The first two are separated by the Thirty Years' War (1618–1648), while the third stage emerges in the late eighteenth century and is consolidated in the nineteenth century. The "stages" therefore parallel stages of state formation (crudely: early modern, absolutist, representative) and the rise and consolidation of a system of bourgeois rule. In its first stage, policing was characterized by ad hoc reactive measures. The

police project was to maintain the structure of manners threatened by the decay of the existing estates and the crisis provoked by the Reformation. Because the major activity of policing in this phase was formed through a reaction to emerging social problems and crises it might be thought of as an early form of "emergency legislation," passed without breaking with legal tradition or usurping the power of the estates. Police legislation was thus "negative"—though this is not an entirely satisfactory term—in that unsatisfactory conditions and violations of existing laws were "corrected" to restore the normal and proper order. In its second stage policing changed from being an improvised set of legislative and administrative emergency responses to a more active and conscious interventionist form of social regulation grounded on the principle of good order and in search of the "general welfare" or "common good" of the population. In the course of the seventeenth and into the eighteenth centuries, then, police legislation and ordinances acquired a "positive"—again, a far from satisfactory term—cast. The aim was less to restore or correct abuses or defects and more to bring about changes, introduce innovations, and create new conditions of order. In other words, in its second stage police was less concerned with *re*-forming a social body of increasingly obsolete social estates and much more concerned with actively *shaping* the social body according to certain ends—the ends of the state and the production of the increasingly dominant new forms of wealth. This would pick up and develop Raeff's comment (1983, 50, 149) that the "positive" nature of this process is captured in the German notion of *Beste*, which has connotations of a hypothetical state to be pursued and a goal to be actively worked for, or what Christopher Tomlins (1993, 54) has identified as the important similarity between the language of *improvement* and the language of police.

If we accept this idea, then what becomes apparent is that police powers were increasingly aimed not just at the maintenance or reproduction of order but to its *fabrication*. The *Oxford English Dictionary* tells us that the use of fabrication to describe "the action or process of fabricating; construction, fashioning" is now rare. If we are indeed to have the courage of our anachronisms it might be especially appropriate to use this rare term. For the term helps in that it treats police power as a far more *productive* or *creative* force than many assume, pointing to policing as an *activity* rather than an institution, shaping order rather than passively responding to disorder: the

fabrication of order (Neocleous 2000). I would suggest that writers and thinkers who grasped the importance of the police power also recognized this dimension. It is a theme that runs through cameralism, for example, and is central to Hegel's account of police. It is also this dimension, I suggest, that sustains Foucault's interest in police. In other words, I am suggesting that as well as work being one of its main objects, a "new police science" might also be founded on the idea that policing involves a process whereby society is shaped and order is fabricated. In this sense, I am suggesting that one way of maintaining a degree of specificity in the idea of police is to use it to grapple with the way the state administers civil society—where "administer" captures the processes and technologies through which the state fabricates order, fashions the market, generates new forms of subjectivity, and subsumes struggles.

To mention state and civil society in this way may make some people uncomfortable. Unnecessarily so, I think, but let me get at the problem in a slightly roundabout way, because any new police science will need some reflection on this conceptual pairing.

In *Commonwealth v. Alger* (1851), perhaps the most influential legal discussion and decision on the police power in the U.S. context, Chief Justice Shaw suggests three possible origins of the police power: royal prerogative, the Massachusetts constitution, and "the nature of well ordered civil society." William Novak (1996, 25) has pointed out that Shaw refers to the "well ordered" six times in one page, and it is easy for those of us writing about police powers to get carried away with such an idea. After all, was not "order" the animating idea of the original police theorists? But also present here is the idea of civil society, that problematic "other" of the state. Why problematic? It is notable that the original police science followed political thought in seeing state and civil society as interchangeable terms, identifying the welfare of the ruler, the state, and the subjects as one and the same. This identification is understandable, given the range of functions that fell under the label of "police" and the fact that state and civil society had yet to be drawn apart within political philosophy.

Now, this might be seen as good grounds for any new police science to reject the state-civil society couplet. Foucault, such an important figure in the recent work on police, might be called on here. In trying to move discussions of power "beyond the state," Foucault treats the state-civil society

distinction as obsolete, on the grounds that it is neither intellectually pertinent nor politically fruitful. The opposition was essentially a product of the late eighteenth century, the role of which was to assist liberalism in limiting the state's sphere of action. Having served that historical and political purpose it now merely functions as a way of afflicting the notion of "state" with a pejorative connotation while idealizing "society" as a good, living, warm whole (Foucault 1991, 163–64; 1988, 67–68). Thus "rather than embrace the distinction between state and civil society as an historical and political universal . . . one can attempt to see a form of schematization proper to the particular technology of government" (Foucault 1981, 355). I think this is one of the reasons for Foucault's interest in the cameralists and early police science: that such work was not troubled by such "liberal" terminology. In one sense Foucault might have been on to something. For civil society has become something of a Left-liberal fetish in recent years—since 1989 in fact. It might be thought that the crass liberalism that underpins most of the recent work on civil society and that mythologizes this domain in its search for, variously, a postsocialist alternative to traditional socialism, a communitarian response to neoliberalism, a (neo?)liberal response to statism, and so on, combined with Foucault's encouragement in this regard, should steer us away from the conceptual couplet.

But there is no inherent reason an expanded concept of police requires a rejection of the state-civil society distinction. The lesson here might well be Hegel. Hegel's concept of police functions as a moment within civil society, within a greater totality of the state; its main aim is the integration of the individual economic agent into a wider network of social and political ties and bonds in order that the isolation suffered by the individual does not lead to the breakdown of the system. It is certainly the case that Hegel has a little mythologizing of his own here—as the young Marx was right to ask, since when is the police power the power *of* civil society? But disregarding this, Hegel is on to something important. Hegel senses that civil society is not, *pace* the eighteenth-century liberals, a self-generating sphere. He is much closer to Sir James Steuart than Smith in this regard. Civil society needs to be managed and organized: it needs a not-so-hidden hand to keep it from collapse. Most importantly, it needs the class of poverty to be kept in order. In other words: it needs policing. Police thus comes to figure for Hegel as the mechanism whereby the state administers civil society and the class of poverty. Using the state-civil society distinction, in other words, does not

have to be within the confines of a contemporary liberal fetish. Hegel's—and, I should add, Marx's—use of the conceptual couplet illustrates that the state-civil society distinction can be used to grapple with the ways the state fabricates order within civil society.

The Making of the Working Class

If police involves the fabrication of order, however, then I would add that we need to also recognize that it is fabricating a social order of wage labor. Here I would push the specificity a little further. This fabrication of wage labor might be thought of in terms of sheer coercion, in the way that, for example, the declining peasantry was "forcibly expropriated from the soil, driven from their homes, turned into vagabonds, and then whipped, branded and tortured by grotesquely terroristic laws into accepting the discipline necessary for the system of wage-labor" (Marx 1976, 899). But it can also take the far more mundane form of everyday political administration that comes to the fore in the nineteenth century. Either way, we need to address and work on the centrality of the historically massive police operation on the part of the state to the consolidation of the social power of capital and the wage form: as order became increasingly based on the bourgeois mode of production, so the police mandate was to fabricate an order of wage labor and administer the class of poverty. Having emerged as a response to the fear of "masterless men," police helped *transform* these masterless men into rational calculating individuals in pursuit of clearly defined economic goals. Its concern for the prosperity of the state meant that it had to encourage wealth production, and thus the productivity of labor, as the foundational activity of modern society. It therefore prioritized productive activity in the material and economic sphere. That is, its mobilizing work was the mobilization *of* work.

Employing the idea of a fabricatory or productive role for police powers might enable a creative rethinking of some of the key police categories. Let me use as an extended example an idea central to police—*prevention*—and one of the key early police theorists in Britain—Patrick Colquhoun—to illustrate the point. The idea of good police as "crime prevention" trips easily off the tongue these days. It also has a long history. Many of the ideas and arguments around prevention have their roots in late eighteenth-century debates about crime and the function of the criminal law. Unearthing these

through the work of Colquhoun helps illustrate the pivotal role of police powers in the fabrication of an order of wage labor.

Colquhoun's starting point is the insecurity of property. Estimating that in 1795 there were some 150 offenses on the statute books with execution as their punishment, Colquhoun notes that the rationale for this is prevention, yet this is precisely what severe punishment *fails* to achieve. The main way to reduce crime, Colquhoun argues, is less through the style of punishment and more through the prevention of crimes in the first place. Thus "security [of property] does not proceed from *severe punishments*, for in very few countries are they more sanguinary than in England. It is to be attributed to a more correct and energetic system of Police." At its core is the belief that society needs not just sensible laws but also a police system to prevent crimes occurring in the first place. Wise legislatures know that it is better to prevent rather than punish crimes: "the prevention of crimes and misdemeanors is the true essence of Police" (1796, vi, 3–6, 14, 18, 45–47, 94, 95, 188, 259). Colquhoun works this problem of prevention into the much broader definition of police:

> Police in this country may be considered as a *new Science*; the properties of which consist not in the Judicial Powers which lead to *Punishment*, and which belong to Magistrates alone; but in the PREVENTION AND DETECTION OF CRIMES, and in those other Functions which relate to INTERNAL REGULATIONS for the well ordering and comfort of Civil Society. (1806a, preface)

The emphases are significant here. Civil society is something to be ordered. This ordering is the project of the "Criminal Police" on the one hand and the "Municipal Police" on the other, with the latter incorporating the usual mishmash of police concerns: paving, watching, lighting, removing nuisances, dealing with building regulations, dealing with fires, regulating coaches, carts, and other carriages, and so on. The crux of the conjunction between criminal police, municipal police, and the idea of prevention lies in the connection Colquhoun makes between crime, indigence, and poverty:

> *Poverty* is that state and condition in society where the individual has no surplus labor in store, and, consequently, no property but what is derived from the constant exercise of industry in the various occupations of life; or, in other words, it is the state of every one who must labor for subsistence. . . . *Poverty* is therefore a most necessary and indispensable ingredient of society, without which nations and communities could not exist in a state of civilization. It is the lot of man—it is the source of *wealth*. . . . *Indigence* therefore, and not *poverty*, is the evil. . . . It is the state of any one who is destitute of the means of subsistence, and is unable to labor to procure it to the extent nature requires. The natural source of subsistence is the labor of the individual; while that remains with him he is denominated *poor*; when it fails in whole or in part he becomes *indigent*. (1806b, 7–8)

The key to Colquhoun's science of police is that the Criminal Police deals with the criminal "underclass"—those who have fallen from indigence into crime. The Municipal Police is there to prevent the class of poverty from falling into indigence. The *essence* of the police project is to identify and implement the mechanisms necessary to prevent the poverty-stricken class from falling into indigence and from there into crime. "The great desideratum, therefore, is to prop up *poverty* by judicious arrangements at those critical periods when it is in danger of descending into indigence. The barrier between these two conditions in society is often slender, and the public interest requires that it should be narrowly guarded" (1806b, 8–9). The key to prevention is thus not directly preventing crime, but preventing the class of poverty from falling into indigence (1799, 5, 8; 1806a, 95; 1806b, 43–49).

What this means, in effect, is that the main object and concern of police is the poor. The heart of the system of police is thus to "relieve the indigent requiring assistance [and] to prop up the industrious poor ready to descend into indigence." This is not an optional extra of police but its very essence, for it would have the effect of "returning to police its genuine character, unmixed with those judicial powers which lead to punishment, and properly belong to magistracy alone" (1799, 12–15; 1806b, 69, 82, 87, 90, 94, 109). Colquhoun thought he had shown the power of indigence as a cause of crime and disorder. In this sense the poor law (or *social security*) becomes a form of municipal police.

For Colquhoun, then, the major police problem is the tendency to idleness, immorality, and depravity among the indigent working class. The task of police is thus to employ a whole panoply of measures and techniques to

manage idleness, extending well beyond the administration of relief into the morality, profligacy, and propriety of the working class. The working class needs to be taught the morality of work and thus the immorality of idleness, through what might be described as a moral economy of labor. The range of mechanisms subsumed under the police project—limiting, regulating, and persistently checking public houses; restricting gambling; introducing a moral code to be implemented in pawn shops; disseminating via the Police Gazette essays, articles, and selections from the moral sections of statutes to teach a strong sense of virtue, loyalty, and love of country; and using the educational system to teach the poor about good order and morality—are thus consciously rethought as methods for preventing the poor from falling into indigence and from there into crime. They are designed to put the poor to labor—to make the working class work.

Significant here is Colquhoun's first practical success in introducing a police for the Thames in the late 1790s and the role of this institution in consolidating the money wage as the form of subsistence for the workers in question. In the eighteenth century the worker was not yet fully tied to the money wage. Many workers during this period were paid partly in money wages and partly in kind, often in terms of "ancient entitlements": the thresher was partly paid with part of the harvest, the coal worker by part of the coal he handled. In the docks, carpenters were entitled to some of the spare timber, coal hewers and coal meters received an allowance of fuel, the mates of the West Indiamen had a right to the sweepings of sugar and coffee from the hold of the ship, gangsmen and coopers established a claim to the spilled sugar and molasses, and laborers in the corn ships believed themselves to be entitled to the grain that had been removed as samples. Though not a part of the actual wage, such customary rights formed an important part of a laborer's income and meant that it was more or less impossible to draw a line between "established right" and straightforward theft when workers appeared to be making sure that such "extras" were in plentiful supply.

Toward the end of the eighteenth century, however, and despite (or, rather, "against") the deeply embedded notion of customary right, employers began a more concerted attempt to enforce the moral sanction against such perks and to ensure that such activities were properly criminalized. The increasingly dominant bourgeois class felt that the activities in question jarred with the fundamental purpose of labor, which was to earn a wage and be paid in

money. The thefts in general raised a fundamental question: are those who labor entitled to appropriate the products of their own labor other than through the wage? The answer given by capital was increasingly a firm no. Thus the increased prosecution for such "thefts" in the nineteenth century was explicitly designed to eliminate popular ideas about the legitimate taking of property, which the bourgeois class now wanted to be clearly defined as unlawful and liable to be punished.

In this context Colquhoun's arguments about "prevention"—and the police project more generally—became even more important. Colquhoun believed that the major task of the new preventive police was not just to halt losses to capital, but also to break the notion that the appropriation of goods on which workers labor was "sanctioned by custom." "The transition from innocence to acts of turpitude . . . is easy and obvious," he notes:

> An indulgent Master, at first, grants the privilege of a few samples or a trifling quantity of foul Corn, on the solicitation of an industrious servant, under the pretence of feeding a pig, or a few poultry. The stock of poultry or pigs is increased, and additional quantities of grain become necessary. The indulgence of the Master in a few instances is, at length, construed into a sanction to appropriate Sweepings of foul Grain. These Sweepings are presently increased by previous concert among the Laborers. Corn becomes foul, which might have been preserved in a clean and merchantable state. (1800, 80)

This process is then extended to other commodities and industries. For this reason, Colquhoun argues, workers agreed to work without wages because they knew this would provide them with opportunities for taking what they considered to be justifiably theirs: they would agree "to be admitted to work . . . without any pay, trusting to the chance of Plunder for remuneration" (1800, 63). In other words, they would prefer crime to the wage. A police for the Thames and its docks would therefore mean that not only would commodities being transported be better secured, but the improvement in the security of property would also have the deliberate effect of reducing "wastage" and "loss." More tellingly: the wage form could be consolidated. Thus 1798 saw the issuing of a new Marine Police Establishment by the West India merchants, charged with controlling dock labor. Eight

hundred twenty lumpers were enlisted to perform their duties in accordance with instructions issued by the Marine Police, while "master lumpers" were appointed to restrain the others from pillage and willful breakage and to regularly search the lumpers with the help of other police. The Marine Police not only oversaw the unloading of ships, but also set rates of pay. Thus a force designed to protect property was also at the heart of imposing the money wage on the working class and of enforcing the discipline of labor on the same group.

I have been exploring Colquhoun's ideas about prevention to illustrate how a rethinking of some traditional "police categories" might bring out the active role of police powers in fabricating order rather than merely preventing—in the "negative" sense—crime or disorder. And this role, going back to the earlier points, is centrally concerned with work. The net effect of the first real instance of "preventive police" in England was the commodification of labor and the consolidation of the money wage. In this sense, police powers were at the heart of nothing less than the making of the English working class.

Police/Policy/Security

To talk of police powers in terms of their role in administering the class of poverty and the conditions of prosperity makes policing sound less like what is usually thought of as police and more like what might be called social policy. This idea can be pushed quite a bit further, in a number of ways.

I noted earlier that the term "police" appears to have originated in French-Burgundian *policie* in the fifteenth century. In spreading across Continental Europe it generated a range of words adopted from the French-Burgundian: "Policei," "Pollicei," "Policey," "Pollicey," "Pollizey," "Pollizei," "Politzey," "Pollucey," and "Pullucey." Though the spelling of the word varied, the meaning remained constant. It is sometimes said that the idea of "police" was long alien to British political discourse, a claim that often runs hand in hand with the suggestion that the interest in police is a quirk of the Continental mind (and that explains why modern "police states" are a European phenomenon). But in fact many of the practices associated with "police" were captured in an English equivalent, "policy," which also derives from

the old French *policie*. "Police" and "policy" were thus used in rather undifferentiated but broadly parallel ways across Europe into the sixteenth century and after.

Noting this link between "police" and "policy" helps clarify something important about the nature of police powers and one of the foundations of the new police science. It captures, for example, the extent to which the original "police states" historically functioned as early "welfare states." Reinhold August Dorwart, in *The Prussian Welfare State before 1740*, suggests that the only reason we do not equate *Polizeistaat* with *Wohlfahrtsstaat* is because we are captives of twentieth-century definitions of police state and welfare state (1971, 4, 14, 310–11; also see Raeff 1983; Liang 1992; Dyson 1980). It is clear from its range of functions and powers, and its connotations of good order and security, that it would not be unreasonable to think of *Polizei* as synonymous with *Wohlfahrt*. Given that the twentieth-century "welfare state" is also characterized by and understood in terms of its wide-ranging *social policy*, it makes as much sense to think of the policing of the "common good" or "general welfare" as a form of policy, and to think of *Polizeistaat* as "policy state." The eighteenth-century "police states" might then be seen as the historical precursor to the nineteenth-century "administrative state" and the twentieth-century welfare state. (The term *Polizeistaat*, usually translated as "police state," came into general English usage in the 1930s as a means of conceptualizing the emerging totalitarian regimes and has many connotations that are probably inappropriate for the original "police states." That historical problem is compounded by a political one: underlying the modern term "police state" is a whole host of liberal assumptions about the supposedly "correct" limits on police powers, assumptions that do little to help our understanding of police and much to mythologize the nature of states in general and policing in particular.)

It strikes me that part of the basis of the new approach to police powers is an attempt to retain this link between police and policy as a feature of working with an extended concept of police. For it is clear that major figures in the field of police science were as concerned with what we now call "social policy" as they were concerned with what passes under the label "police." Retaining such a link suggests that those figures that emerged following the "birth of the welfare state" and that became central to *social policy*—poor-law and social security officers, social workers, probation officers, and the

"official" administrators of policy—are on this view as much a part of the policing of the system as uniformed police officers; the "left hand" of police powers complementing the "right hand" wielding the weapons of state coercion. It also suggests that the new research on police powers recognizes the importance of policing as a form of political administration as much as a form of law-enforcement. If nothing else, this helps make sense of the definitive transformation in policing in the nineteenth century, which might then be read less as the century when the police found its "true vocation" focused on crime prevention and law enforcement, as police mythology has it, and more as the century in which policing was divided into a body that focused on crime and another much more varied set of institutions focused on the working class in its more mundane everyday existence—as workers administered through "social police." In this sense, policing and social security can be drawn together in a telling and compelling way: social security can be seen as a form of policing, but, conversely, policing might be read as the project of *social security*.

As well as pointing us in the direction of the relationship between police and policy, this connection also points us in the direction of security more generally. Let me, by way of finishing, turn to the question of security and make a more political suggestion about police powers in the current political climate.

Security is the supreme concept of civil society. This is truer now than when Marx first pointed it out in 1843 (Marx 1975, 230). We are constantly told that we live in insecure times: that the world is facing a huge calamitous threat from global terrorism and that the only possible response is to step up "security." Moreover, in recent years everything from AIDS to the environment, from migration to food production, has somehow become a security issue under the rubric of "societal security." Any argument concerning police powers now is surely compelled to deal with the question of security. A preoccupation with security was a founding principle of the first police science and core to principles such as the state of prosperity (Gordon 1991, 19). It remained central to accounts of police powers thereafter, from Hegel's claim that police exists to secure the livelihood and welfare of individuals through to Foucault's constant return to questions of security in his arguments about police. And Marx's full comment runs, "*Security* is the supreme concept of civil society, the concept of *police*." But the reason we need to take seriously the idea of security is not purely one of origin. Security discourse is now more than ever central to the way the state is transforming civil society, leading to the development of something like a fortress mentality, in both social and political terms.

Socially, the current obsession with security functions partly on an entirely individual level within the language of neoliberalism, as we are encouraged further into our privatized (but secure) universes. "Security" has become a positional good defined by income and access to private protective services, a prestige symbol concerned less with dealing with the social causes of insecurity and more with one's own private safety and personal insulation. This has helped sustain neoliberal assumptions about individual subjectivity and autonomy. Much of the contemporary sociological discourse on security, for example, assumes that its achievement can be found in a more productive relation to the self as a condition for liberty, requiring active participation in the schemes and plans put forward by those institutions of corporate finance that have come to replace the more traditional mechanisms of "social security." Thus "insecurity" comes to be used as an ideological strategy for encouraging investment in private health care schemes, private pensions, and the commodities that are said to make us more secure, turning us into consumers of the products of finance capital and the security industry; (in)security is nothing if not big business.

Politically, however, security discourse is also helping transform civil society through the intensification of surveillance programs. Such programs rely heavily on the search for absolute knowledge. I have elsewhere (Neocleous 2002, 2003) shown the integral link between security and knowledge, in the sense that security functions as knowledge, relies on knowledge, produces knowledge, and uses its claim to knowledge as license to render all aspects of life transparent to the state. Knowledge thus becomes the fulcrum around which security and police meet. Witness, to give just one recent example, the comment from Sir John Stevens, Commissioner of the Metropolitan Police in London, justifying the need for national ID cards in Britain: "we don't actually know who is in London at the moment" (cited in Johnston 2004). On these grounds the search for absolute knowledge becomes the grounds for infringing civil liberties: just imagine a system that allowed the state, police, and security services to know exactly who was in London at any one time.

It might therefore be argued that as part of the coinage of power, "security" has become a fundamental ideological tool not only of international relations, but also of internal political repression and social domination. The "securitization" of contemporary political discourse and practice is thus little more than a technique for grounding and legitimating the political regime, equating the political status quo with the desirable order and giving the state virtually carte blanche powers to protect it. It is now well-known that identifying acts of governance as an exercise of "police power" has long been a way to insulate such acts and powers from serious constitutional and legal scrutiny; the same point is also true of the way certain acts and powers are now identified as "security" measures. Securitizing questions of social and political power has the debilitating effect of allowing the state to subsume genuinely political action concerning the issues in question, consolidating the power of the existing forms of social domination, and justifying the short-circuiting of even the most minimal liberal democratic procedures. And I wonder whether we might not say *exactly the same about the concept of "police."* If, after all, police powers are thought to create the possibility of infringing civil liberties and acting beyond the law, then is this not also because police operate according to the security mandate? Security, after all, is always said to be achievable only through more and more police.

Mitchell Dean in chapter 7 and Ron Levi and John Hagan in chapter 8 have pointed to the difficulties and dangers of reading as "police action" the military intervention by one state on another, and I share their concerns—the lack of a genuine international police force is because there is no world state (regardless of all the talk of a new world order). Nonetheless, one of the features of security discourse is that like police it constantly elides the differences between the internal and external, domestic and foreign, inside and outside. And in that sense whatever one might think about using the concept of police to describe relations *between* states, it is clear that international military actions of all sorts always fold over into the domestic security realm—the realm of police. This may give some weight to Lindsay Farmer's suggestion (chapter 5) that the police project be thought of through the idea of a jurisprudence of security. But one might also make the converse point: that given that the U.S. Patriot Act and the U.K. Anti-Terrorism, Crime and Security Act (2001) are concerned with internal affairs—and thus with "police powers"—perhaps we need to start thinking of the project of national security in general

and the "war on terror" in particular as police projects. And, of course, like all the other "wars" in which police powers have been mobilized—the war on drugs, the war on poverty, the war on crime, and so on—this is yet another mythic war that the state has no chance of winning. It is, however, a war in which the state is given the chance of transforming civil society in the interests of certain powers. And it is, of course, through the war against the mythic enemy that *all* of a society's institutions are expected to be mobilized.

I would therefore argue that any new police science has to not only address this connection between police and security, but to do so in a mode that is critical of the climate of fear generated by the political manufacture of insecurity. Otherwise any new police science would be seen as little more than another academic exercise. A critical engagement with the question of security, then, would help revive the original political dimension to debates about police powers, and would reinforce the critical project underpinning the "new police science."

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