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# Just Police Violence: Liberal ideology and the critique of violence from Walter Benjamin to Black Lives Matter

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## Abstract

Policing is broadly legitimate – even while imperfect and in need of reform. This axiom of liberal political theory and practice is shaken by movements like Black Lives Matter, which confront and expose carceral violence as the routine, deadly edge of racial capitalism. Thinking with abolitionist currents within these movements, this paper engages critical theory to unpick the ideological discourses that legitimise police violence in ‘real existing liberalism’. I argue that justifications of policing replicate the ‘analytic atomism’ and mythologisation of law that Neu’s *Just Liberal Violence* identifies in defences of sweatshops, torture, and war. I bring together Benjamin’s classic excavation of sovereign power in the policing function with the experiences of today’s policed subjects to reveal the limitations of liberal appeals to ‘the rule of law’. The standard figuration of oppressive violence as exceptional, deviant, and unlawful, I argue, serves to legitimise the institutions in and through which that violence is normalised.

## Keywords

violence – liberalism – ideology – policing – Black Lives Matter – abolition – Walter Benjamin

## Introduction

All of us who argue about the rights and wrongs of war agree that justice in the strong sense, the sense that it has *in domestic society and everyday life*, is lost as soon as fighting begins. War is a zone of radical coercion, in which justice is always under a cloud. Still, sometimes we are right to *enter the zone*.

MICHAEL WALZER 2004, x–xi (cited in Neu 2017, 76; my emphasis)

Black people desire to determine their own destiny. As a result, they are constantly inflicted with brutality from the occupying army, embodied in the police department.

HUEY P. NEWTON 2019, 161

Almost a hundred years after Walter Benjamin's 'Critique of Violence' diagnosed 'something rotten' (2019, 286) in the institutions of law and police – which purport to keep the peace while enacting some of the most elaborate and systematic, if not sadistic, forms of violence ever devised – a meme appeared. It depicts a figure (white, middling age, undercut) repeated across the frame in postures of despair: he falls to his knees, head in his hands; he tears out his hair and gazes at the sand trickling through his fingers; he throws his arms back and cries out to heaven. The caption reads: 'when a liberal hears a window was broken'.

The performative abhorrence of 'violent' protest parodied in this image is a staple response to uprisings like Black Lives Matter (BLM).<sup>1</sup> It contrasts sharply with the indifference or active support (not all but) many liberals show towards violence in the service of the existing order, from imperialist bombing campaigns to 'extraordinary rendition' and deadly sweatshop conditions (Geuss 2006; Finlayson 2015; Neu 2017). It is towards these latter forms of violence, and the ideological manoeuvres that legitimise them, that Michael Neu's *Just Liberal Violence: Sweatshops, Torture, War* directs our attention. Neu's aim is not just to pick holes in particular liberal arguments, but 'to expose and undermine the terms on which defenders of [supposedly] just liberal violence enter the moral debate' (2017, 22). By identifying fallacious framings that structure the entire discourse, he shows how, contrary to liberalism's self-image as the political philosophy of the reasonable and peace-loving, 'liberal [state and corporate] violence is *mere* violence, violence without adequate justification'

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<sup>1</sup> For examples and critical discussion see Hudson (2021) and Lamble (2020).

(2017, 1). Likewise, and more effectively than any book<sup>2</sup>, movements like BLM work to expose and contest the (often normalised, always racialised) violence perpetrated and facilitated by 'liberal democratic' states in the name of security and justice.

The wager of this paper is that this constellation of interventions on the terrain of violence in 'real existing liberalism'<sup>3</sup> can be mutually illuminating. Their common refrain is that imagining violence as an exceptional 'zone', separable from 'everyday life' and liberal politics as usual, which 'we' can choose whether (and how handwringingly) to enter, is an ideological trap. Refusing to recognise violence as norm rather than exception legitimises the 'status-quo-affirming' (Neu 2017, 20) violence underpinning the oppressive, intertwined, and ecologically catastrophic systems of racial capitalism and hetero-patriarchy. While Neu does not address the violence of policing and carceral institutions – 'police violence' for short – I will argue that it is a paradigm case of 'just liberal violence'.

Global anti-police uprisings have rendered this violence increasingly visible and speakable in the mainstream (Purnell 2021). A growing abolitionist literature traces its contours and envisions its overcoming.<sup>4</sup> Yet policing remains marginal in discussions of liberal violence/nonviolence in political theory, compared with the violence of militaries, on the one hand ('just war' literature), and protest movements on the other (un/civil disobedience literature). Going back to Benjamin's account of law under capital as 'necessarily and intimately bound to [violence]' (295) can therefore reorient critical theory towards – and confront the political philosophical mainstream with – the emancipatory needs of the present.

This paper demands and contributes to this reorientation. Extending Neu's analysis and riffing on its Benjaminian resonances, I unpick two fallacious framings, analytic atomism (Section 2) and the mythologisation of law (Section 3), that pervade policing's justificatory discourses. This diagnosis allows us to see how positioning wrongful violence as the monstrous exception, the disruptive and disorderly moment – always the fault of 'criminal elements' or 'bad apples' – works to disavow the deep and non-accidental complicities of liberal institutions in the problems they ideologically legitimise their violence as responses to. This in turn (Section 4) unsettles the notions of 'rule of law', official 'accountability', and 'policing by consent' through which liberalism will seek to sidestep a reckoning with the violence at the heart of its programme.

2 For the importance of 'struggle as method' in Black radical thought, see Rosedale (2021a).

3 I take this term from Finlayson (2015); see Duff (2017).

4 Some key texts I will draw on are: Seigel 2018; Elliott-Cooper 2021; Davis et al. 2022; Walcott 2021; Spade 2012; Duff (ed.) 2021a; M4BL 2020; Wang 2018; McBean and Day 2022.

Before we get to the unpicking, though, it will be helpful to do some unpacking – that is, opening out and making accessible – of the core terms of this problematic.

## 1 Terminology is a minefield

[T]he most invasive forms of slavery's violence lie not in [...] exhibitions of "extreme" suffering or in what we see, but in what we don't. Shocking displays too easily obfuscate the more mundane and socially endurable forms of terror.

SAIDIYA HARTMAN 2022, 66

'Violence' is a term that may be applied to a dizzying array of happenings, from austerity policies that spell pre-mature death for thousands to the upending of a bin. Its meaning is also notoriously contextual and contested. The very 'same' action – cutting a person, say – might or might not be called 'violent' depending on whether it is performed by a surgeon, whether the person consents to be cut and for what reasons, how we understand consent, perhaps our perspectives on BDSM or structural injustice in healthcare, and indefinitely many other factors about which we may disagree.<sup>5</sup> That common-sense delineations of violence/nonviolence (along with related dyads like order/disorder and security/insecurity) tend to be classed, racialised, gendered, normatively abled, tied to regimes of compulsory heterosexuality, imperialism, the bourgeois family etc. – and therefore to reinforce these unjust social formations – is a familiar theme of radical criticism (Rossdale 2019; Wall 2022; Brown 1990). Movements and scholars can be seen to engage in 'ameliorative conceptual engineering'<sup>6</sup> when they push us to name as 'violence' what was previously trivialised as a lovers' tiff, or to name as 'creative non-violence' what was previously condemned as violent destruction of military property (Rossdale 2021b).

All this presents difficulties for clear discussion and even delineation of the topic. My approach to these difficulties will not, however, be to attempt to pin down a definition of 'violence'. '[O]nly something which has no history can be defined', said Nietzsche rather pithily (2006, 53); and while this does not rule out projects of ameliorative definition seeking to forge more emancipatory futures for the concepts stained and strewn by histories of power, my object of

<sup>5</sup> For further discussion on this point, see D'Arcy (2013) and Seigel (2018, 11).

<sup>6</sup> This term is especially associated with feminist philosopher Sally Haslanger; see Jenkins (2016).

study is precisely the concept of violence in its stained and strewn state. I am concerned with *what is done* by, and with, the often vague and contradictory notions of violence (and related concepts like threat, disorder, force, and harm) in circulation in real existing liberalism. I am interested in how discourses around violence serve ideologically to legitimise certain forms of violence (e.g. mass incarceration) and delegitimise others (e.g. burning police vans). In making such arguments I am, of course, myself deploying a concept of violence that draws on and takes a stand in ongoing social struggles; neutrality, as usual, is not an option (Young 1990). However, while not all uses of 'violence' are equal, refereeing the concept's boundaries and application will not be my focus.

The label 'violent' can be morally loaded to the point where its associations with 'wrong', 'evil', 'harmful' are so strong that it becomes simply a word for whatever the speaker dislikes, or some subset of that category. From most perspectives, nonetheless, it is possible to recognise something as violent and still go on to defend it – as just, necessary, or understandable (say, proportionate violence in self-defence), or even entertaining and enjoyable (consider violent sports).<sup>7</sup> Calling policing violent is therefore not equivalent to condemning it, obviously, since everybody agrees that police are at least sometimes violent. Bringing out the scale, targeting, and functions of policing's violence remains crucial to challenging it, however. This is because, as with the forms of liberal violence explored by Neu, police violence is ideologically legitimised *both* through disavowal and concealment of its violent character *and* through presenting its violence as just (criminals deserve it!), necessary (society would collapse!) understandable (police have such difficult jobs!), or even entertaining and enjoyable (consider the industrial-scale consumption of cop dramas and 'reality' shows).

Policing's essential feature is the authorised use of violence and the threat of violence to control a population – to enforce ('secure') existing forms of 'social order' or impose new ones (Neocleous 2000; 2008; 2014); police are 'violence workers', as Micol Seigel puts it, because they are 'people whose labors are enabled by the fact that at some point they are entitled to bring out the handcuffs' (2018, 11). What counts as securing 'order' is of course a contested matter. The visions of order and security upheld by policing have varied, but always involve some element of social stratification and hierarchy (Neocleous 2000, 38). Police keep people *in* order, some on top of others. Unsurprisingly, those at the bottom

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7 There is disagreement over whether (and if so, which) sports, consensually engaged in, should be seen as 'genuinely' violent, under what conditions engagement counts as consensual, ethical questions raised by participating in, viewing, funding, profiting from these sports, etc. My point is that someone can, quite coherently, believe a sport is violent without necessarily thinking it is a Bad Thing – a point not limited to sport.

are their most common targets. Policing also tends to involve the construction of any non-conformity with these orders as 'deviant, dangerous', or 'perverted', legitimising violence in their defence (Elliott-Cooper 2021, 88; Neocleous 2008, 132-4; see also Balani 2023; Chapman 2023). Without settling debates over how to theorise and delineate the hierarchical orders that policing imposes, my argument makes use of a plurality of vocabularies and is consistent with more. I gravitate towards the notion of 'racial capitalism' because it makes vivid the historical and ongoing co-constitution of white supremacy, colonialism, imperialism, and class domination (Bhattacharyya 2018). Policing also operates along other significant axes of social differentiation including gender, sexuality, disability, and neurodivergence, and enforces corresponding systems of oppression like hetero-patriarchy, ableism, etc. I understand all these orders, in their modern forms, as inseparable from, though not reducible to, racial capitalism.

We are now in a position to distinguish between 'the police' as the specific institution so named, and the broader array of institutions that (often working together) perform policing functions. These include prisons, border regimes, intelligence agencies, corporate security forces, militaries, and the industries that supply and profit from them (Rossdale 2021c). The overlapping operations of this 'carceral state-market assemblage' (Seigel 2018, 188) are concealed by a narrow view of police as merely local bobbies on the beat; as we see later, 'police regularly cross whatever lines we think separate civilian from military spheres, doggedly protect private interests or work for market employers, travel abroad, and operate at all levels of government' (Seigel 2018, 13). In certain contexts, a still broader set of institutions – from psychiatry, social work, and punitive 'benefits' regimes to education systems, media agencies, and families – have been identified as part of this policing nexus (Thompson 2021; Hartman 2019; Howell 2018; Duff 2023; Chapman 2023). The term 'carceral' is used to describe these institutions insofar as incarcerating people – restricting their movement and segregating them from the rest of society – is central to their operations (Richie and Martensen 2020; Wang 2018).

Since the 2014 police killing of 18-year-old Michael Brown in Ferguson sparked uprisings around the United States and beyond (Purnell 2021; Hooker 2016), movements challenging racial capitalism and state violence have coalesced around 'Black Lives Matter' as a hashtag and visionary principle. Through these uprisings, radical critiques of policing embodied in demands like 'Defund the Police' and 'Abolish the Police' have gained mainstream recognition, if not acceptance (Davis et al. 2022; McBean and Day 2022; Kemp et al. 2023). Participants and platforms resist homogenisation and continue to grow, diversify and connect; for instance, #MigrantLivesMatter and #SayHerName have been used to draw attention to border violence and to violence

against multiply-marginalised women (including women of colour and trans women) within a framework of opposition to carceral violence established by BLM (Crenshaw et al. 2015; Khaleeli 2016). I speak of ‘movements like BLM’ because adjudicating the boundaries of social movements is not on my agenda.

The Movement for Black Lives, as BLM is sometimes known (M4BL 2020), has been a global and highly mediatised phenomenon. However, its more visible moments have deep roots in traditions of anti-racist, feminist, and abolitionist organising, and cultures of day-to-day resistance, which are often regionally specific (Duff and Kemp 2020; Kemp et al. 2023). In the UK context, the impetus of BLM has drawn on decades of work by groups like the United Friends and Families Campaign fighting for truth and accountability for loved ones killed by police (Elliott-Cooper 2021, 74-8). It has flowed into protests and campaigns highlighting misogyny and sexual violence in policing following the cases of Sarah Everard, who was raped and murdered by a police officer, and ‘Child Q’, a Black schoolgirl who spoke out about being strip-searched (Duff and Jenkins 2021), as well as ‘Kill the Bill’ mobilisations against legislation extending police powers and targeting Gypsy, Roma, and Traveller (GRT) communities (NetPol 2021; Vickers 2021). In the US, Seigel warns against treating BLM as an unprecedented phenomenon:

The strikingly visible racial violence, great protest against it, and the gathering storm clouds of reaction recall not only the passage from Reconstruction to Redemption in the US South after the Civil War but also the 1960s and 1970s with their all-too-similar pattern of racist state violence rising to public view, protest and hopefulness about reform, and visceral, reactionary retrenchment.

2018, 1

Learning from these histories of failed reform by identifying some of the ideological obstacles that stymie more emancipatory transformations is a key aim of this paper.

Finally, by ‘ideology’ I mean: (a) false, misleading and distorted beliefs and ways of thinking that (b) function to prop up an oppressive status quo by (c) making it appear natural, just, legitimate, or unchangeable (Duff 2021b, 13; Geuss 1981, 12-22). As a work of ideology critique, Neu’s analysis of liberal violence is rooted firmly in the Frankfurt School tradition, which Benjamin helped inaugurate, so it is not coincidental that they have much in common. In tracing points of contact with Benjamin’s essay, however, my concern is not with intellectual history. Generating insights that resonate with contemporary struggles will be more important than thorough exegesis and evaluation of ei-

ther text. For this reason, too, the target of my critique will be mainstream liberal discourse, rather than the work of specific political philosophers. The violence-legitimising claims and arguments I identify will, I think, be familiar to readers once pointed out. My understanding of contemporary struggles and how I might contribute to them is shaped by my social location. My emphasis is on the flagship 'liberal democratic' states of Western Europe and their former white settler colonies; among these, the US looms large, thanks to its ongoing hegemony in Anglophone scholarly and cultural production, and the UK as the context with which I am most familiar.

Now, hopefully with some shared sense of the terrain's messiness and tools for communicating with each other as we navigate it, we can state the paper's argument more precisely.

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*Just Liberal Violence* (Neu 2017) details how, with varying mixtures of angst and zeal, liberal political philosophers have sought to justify shock-and-awe bombing as 'humanitarian intervention' (chaps. 2, 5), torture as a 'necessary evil' in response to the latest terrorist menace (chap. 4), and sweatshops as offering 'opportunities' to the global poor (chap. 3). One thing these exercises in casuistry have in common, Neu argues, is an 'analytic atomism' (2) that obscures the complicity of liberal states and corporate actors in producing the very evils (extreme poverty, non-state terrorism, and so on) that are then invoked to justify a violent response. A second, and related, theme that emerges is the mythologisation of law and lawfulness (67). This is the tendency of these liberal accounts to conceive legal and regulatory frameworks as magically self-enforcing bulwarks against abuse; in doing so, Neu suggests, they paper over the complex real-world consequences of institutionalising violent practices and powers (9).

In the next two sections I sketch how these phenomena – analytic atomism ('A Whack-A-Mole Conception of Evil') and the mythologisation of law ('How to Institutionalise Violence and Get Away With It') – feature in liberal legitimations of police violence. The figuration of unjust violence as always exceptional and deviant serves, in both cases, to legitimise the institutions in and through which that violence is normalised. In section 4 ('The Rule of Law and Other Violent Fantasies'), I respond to a likely objection to my approach. In 'liberal democracies', the objection goes, everyone including the powerful and the police themselves can (in principle) be held accountable to the law and to the public who (in principle) make that law. Strengthening the 'rule of law' to make policing *truly* law-enforcing is therefore (contra the abolitionists) essential – both to addressing the ills of 'really existing' policing and avoiding a helter-skelter into



authoritarianism. My response, drawing on Benjamin's 'Critique', is an immanent one. Rather than straightforwardly constraining state violence, I show how the legitimising myth of the rule of law (and concomitant notions of official accountability and policing by consent) can licence the very uses of violence – oppressive, authoritarian, obscene – against which it is standardly juxtaposed.

## 2 A Whack-A-Mole Conception of Evil

“We’re safer without armed, unaccountable patrols supported by the state hunting black people” – Black Vision Director Kandace Montgomery #Defund the police

ELIZABETH HINTON 2020

Radical critiques of policing begin ‘from the perspectives of those for whom policing means risk and violence, even death, rather than safety, security, and justice’ (Thompson 2021, 182). *But without police and prisons*, comes the response, *what would you do with the violent criminals?* A multitude of anti-violence and harm-reduction projects in constellation with an emerging abolitionist scholarship address this question theoretically and practically. I want to connect this literature with Neu’s concept of analytic atomism to bring out what is wrong with the framing of the question itself. ‘Analytic atomism’ describes a ‘neglect of interconnectedness’ (2017, 16) in the set-up of problems and debates that results in fallaciously circular defences of violence.<sup>8</sup> The ‘violent criminals’ question is atomising, I will argue, insofar as it deploys a decontextualised notion of ‘criminality’ that demonises policing’s targets while ignoring the role of ‘state-market violence’ (Seigel 2018, 188) in the construction and production of ‘crime’.

Neu shows how standard defences of interrogational torture ‘assume that we live in a world where evil lunatics keep popping up, placing virtuous liberals in a position where they *must* sometimes torture, lest a disaster occur’ (2017, 11). These whack-a-mole figurations of evil ‘artificially [isolate] the terrible calamities that are said to justify torture – specifically the phantasy of the ticking bomb [where torturing the bomber is *ex hypothesi* the only way to save thousands of innocents] – from the social structures and political context of their production’ (2017, 71). By zooming in on just one moment of moral decision (to torture or not to torture), and a highly stylised one at that, it obscures the complicity of liberal states and their paid torturers in reproducing the conditions that make our

<sup>8</sup> The concept could apply to debates about other things, but violence is our concern here.

world such an efficient school of violence in the first place. Global capitalism, neo-colonial domination, patriarchal masculinities, the complex sources of geopolitical conflict – all these are *naturalised* insofar as they are ignored, hence taken for granted, or otherwise presented as unchangeable. Violence (‘terror’) is exceptionalised – and heavily racially coded – as the work of ‘evil lunatics’, with torture the ‘lesser evil’ that ‘we’ (read: liberal states) must choose in response. The methodology is, as Neu puts it, a ‘status-quo-affirming trap’ (2017, 20).

We see analogous ‘atomising’ gestures in justifications of police and carceral violence. ‘Criminals’ and ‘criminality’ appear in these discourses as *sui generis* evils that keep popping up, again in racially coded and caricature form, requiring virtuous liberals to grant police ever more and greater mallets to squash them back down. ‘Crime – way too high. The charge rate – just 5% – never lower. A recipe for impunity, an invitation for criminals to do whatever they want, swanning around our communities’, runs a typical statement from Labour leader Keir Starmer, launching his party’s ‘national mission’ to ‘make our streets safe, and stop criminals getting away without punishment’ (Starmer 2023). Tactics from strip-searching of children to lethal force and indefinite detention emerge as the ‘lesser evil’ when framed against foils that – fallaciously – presuppose the validity of existing institutional imperatives (criminalisation of drugs, enforcing the property titles of landlords and multinationals, for instance) and naturalise social harms that criminalisation plays into (drug-trafficking-related violence, rough sleeping and survival theft).<sup>9</sup> I will now lay out the problems with this ideological manoeuvre in more detail.

To begin with, the power of the state to construct what counts as ‘crime’ makes it a poor choice of category for critics of the status quo to take at face value. As Seigel writes:

Criminologists point out that law and crime are deeply contingent, reflecting the biases of the time and the need to maintain social control, and challenge the unthinking equation of “harm” and “crime” by pointing out the intense harm done by actions never designated “crime” such as war, pollution, or systemic medical neglect.

2018, 6-7; see also Neocleous 2000, 79-84

The equivalence between crime and harm equally fails to hold in the other direction: the ‘violent criminals’ trope misses the fact that a great deal of what is criminalised is *not* violent, dangerous, or wrong. Not only may relatively innoc-

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<sup>9</sup> Tom Kemp and I show in detail elsewhere how analytic atomism features in the circular logics by which strip-searching practices are legitimised (Forthcoming).

uous activities be deemed criminal due to their association with marginalised groups, or tend to incur penalties only when engaged in by members of those groups. Law-breaking can also be a just response to broader oppressive conditions (Duff 2017; Delmas 2018). Indeed, any form of effective dissent against the existing apportionment of wealth and power in society will tend to fall foul of the law, and therefore be constructed as crime, whether it is violent or not (El-Enany 2014; Hooker 2016; Woodman 2018; Duff and Woodman 2022).

Policing also *produces* crime when the operations of the criminal punishment system make it more likely that (certain groups of) people will engage in criminalised activities. For instance, someone who has been in prison may subsequently be discriminated against in employment, education, and housing; this makes it more likely they will rely on informal or illegal economies for survival (Alexander 2011). The construction and production of crime are in practice often inextricable. Crises of human displacement produced through liberal states' behaviour as 'global policemen' may concomitantly be constructed as crises of illegal border-crossing by 'criminal aliens' through the intensified criminalisation of migrating-while-brown, for example (Genova 2018; 2013).

This is not to deny that police are currently positioned as the only available agency to call in many cases of real and serious harm. The point is that only analytic atomism can transform these cases into straightforward justifications for (more) policing. Interpersonal violence involving knives and guns; racist, homophobic, and transphobic attacks; far-right mobilisations; intimate partner violence, sexual assault, child sexual abuse: in our profoundly unequal and crisis-ridden social conditions, these and many other forms of violence are day-to-day occurrences, and marginalised communities are often the worst affected. The appeal of policing as the 'lesser evil' in the face of these harms is understandable. However, this appeal is deceptive if – zooming out from the artificially fixed choice between 'fighting crime' and 'letting criminals get away with it' – it turns out that criminalisation 'functions to structure and amplify violence' (Seigel 2018, 5) rather than reduce it. And this, on both a micro- and macro-level, is what we do find.

Police are often spectacularly, offensively ineffective at addressing the issues most often invoked to justify their existence, such as sexual violence (McBean and Day 2022; Duff 2018). Police officers and other state officials themselves routinely enact many of these forms of harm, using the impunity of the uniform to get away with it (Ritchie 2017; Moore 2023; Duff and Jenkins 2021). They also perpetuate the conditions within which these harms are reproduced. Incarceration shatters caring networks and diminishes life prospects (Alexander 2011; Spade 2012). Children and young people are denied a sense of safety and belonging through the quotidian violations of stop and search and arbitrary

strip-searching (Flacks 2020; Duff and Kemp Forthcoming). The law's enthusiastic enforcement of a patently unjust order of property generates legitimate anger as well as material deprivation (Walcott 2021; Duff 2017). Border policing enforces the vulnerability of workers with precarious immigration status to abuse by bosses, partners, and clients (Smith and Mac 2018; Shahvisi 2021). In these ways and more, policing damages the oppressed communities it targets. Then, apologists for penal violence point to that damage to legitimise ever more heavy-handed policing.

Familiarly, border enforcement, prisons and policing are offered by the proponents of neoliberal austerity as the 'solution' to social problems caused in large part by their own policies of abandonment and dispossession (Wacquant 2009; Wang 2018; Hudson 2021). Adam Elliot-Cooper builds on the classic work of Stuart Hall and the Birmingham School (Hall 1978) to detail how British authorities generated moral panics around 'mugging' and, more recently, 'knife crime' to surf their way out of crises of legitimacy and into an upgraded arsenal of repressive technologies and discretionary powers (Elliott-Cooper 2021, 151-5). Seigel treads well-worn but important ground in identifying 'the explosion of prisons and policing in the United States—the carceral boom' as 'both product and engine of the state-market refusal to share the mid-century's wealth through just distribution of resources' (Seigel 2018, 22).

It is important not to localise our critique of policing to its current, neoliberal moment, ignoring its longer trajectories of violence in the service of class, race, gender, sexuality, and (dis)ability construction and domination (Linebaugh 2006; Storch 1975; Chowdhury 2021; Balani 2023; Neocleous 2014; Chapman 2023). Nonetheless, it has been illuminating to focus on a period during which arguments for massive expansion of the state's repressive apparatus (police, military, borders, etc.) are prominent. The claims of the neoliberal package to deliver safety, for all but a wealthy elite, are ideological in precisely the sense Neu identifies. Analytic atomism permits the sale of state violence as a fix to, say, poverty-related harms (rough sleeping, substance addiction, 'anti-social behaviour', petty theft) while the investment in policing both directly and indirectly enforces that poverty and perpetuates those harms. We are caught once again in a status-quo-affirming – and worsening – trap.

### 3 How to Institutionalise Violence and Get Away With It

Terrible power conceals itself behind the consequential myths of the criminal justice system, beginning with "crime" but extending immediately to those myths that posit police violence as exceptional: "police mil-

itarization,” “paramilitarism,” “police racism,” “racial profiling,” “excessive use of force,” “police brutality,” [...]

MICOL SEIGEL 2018, 187

In 2013 I was strip-searched at a police station in London (Gayle 2022). I had been arrested after offering a ‘Know Your Rights’ legal advice card to a 15-year-old who was being subjected to a racist stop and search. During the search, I was pinned to the floor of a cell by three officers. I had my hands cuffed behind my back, my legs tied together, and officers cut off my clothes with scissors. What happened to me was not unusual – strip-searching is a normalised practice in British policing, disproportionately targeting young people of colour (Duff and Kemp Forthcoming; 4Front 2022). What was exceptional was that, almost nine years later, I received a (partial) apology from the police. The apology came after CCTV footage was made public of officers mocking my body hair and the smell of my knickers and debating whether my body was ‘rank’. The custody sergeant who ordered the strip-search is on camera telling officers: ‘treat her like a terrorist... I don’t care’ (Duff 2022).

I am telling this story for several reasons. It is an example of the kind of police violence many liberals would condemn, at least once they hear about it from a nice white lady-academic on the BBC. However, the ideological underpinnings of that violence are displayed in the ‘solutions’ they tend to propose when such cases come to light (Moore 2023; Kemp et al. 2023). More guidelines, training, and vetting; the sacking of ‘rogue’ officers; recruiting more women and ‘minorities’ into the police; more surveillance equipment like bodycams; more resources and powers for policing organisations to police themselves: these reform recommendations, recycled after every publicised outrage, display the stubborn exceptionalism about oppressive violence (‘bad apple’ thinking), and the fantastical faith in rules and guidelines to bend reality to their letter, that I want to theorise under Neu’s concept of ‘mythologizing lawfulness’ (2017, 67).

Neu argues that apologists for liberal violence are often deluded about how laws work in practice, imagining them to have an almost magical power to prevent abuses. The reality is that institutionalising torture or the capacity to wage war tends to produce cultures in which abuse is not the exception but the rule. He notes ‘the ease with which arguments that pretend that torture can exist in liberal society, but only as an exception, quickly lead to erecting a torture culture, a network of institutions and practices that regularize the exception and make it a standard operating procedure’ (Luban 2014, 73; cited in Neu 2017, 71; see also Neocleous 2008, 3-4, chap. 2). Attending to the real dynamics of institutionalisation – that is, to the complex set of technologies and practices that are indispensable to the application/enforcement of laws – is therefore

imperative. The ‘mythologisation of law’ is my term for the widespread failure by liberal theorists, identified by Neu, to attend to these dynamics of law-in-practice.

Likewise in the case of policing, rather than assuming that laws against ‘bad things’ are automatically ‘good things’, we must study the real-world effects of institutionalising capabilities to surveil, incarcerate, inflict calculated pain, deploy weaponry with varying degrees of lethality, etc. Then we might notice, as Michel Foucault famously did, that shifts over the past few centuries towards ever-increasing regulation and rationalisation of carceral institutions have not brought any straightforward diminution in the suffering or subjection of criminalised individuals and communities (1995). The widespread practice of solitary confinement, for example, which phenomenologist Lisa Guenther theorises as the (attempted) infliction of social death, ‘emerged as a standard technique of punishment with the establishment of the penitentiary system in the early nineteenth century’ (Guenther 2013, 3). The reach of criminal punishment systems has also increased dramatically. ‘More African Americans are under correctional control today—in prison or jail, on probation or parole—than were enslaved in 1850, a decade before the Civil War began,’ writes Michelle Alexander (2011, 175); furthermore, ‘a criminal freed from prison [today] has scarcely more rights, and arguably less respect, than a freed slave or a black person living “free” in Mississippi at the height of Jim Crow’ (2011, 138). In the UK, ‘between 1990 and 2013, one African, Caribbean or Asian person committed suicide in prison every month’ (Elliott-Cooper 2016, 7). Internationally, the sprawling apparatus of prison regulations has overseen less by way of improved conditions than huge expansions of carceral estates (Kemp and Tomczack 2023).

These trajectories illustrate the notorious phenomenon of function creep: powers and technologies officially justified for use in one type of ‘extreme’ scenario, once added to the arsenal, come to be routinely used in scenarios quite different from those that provided the original or stated rationale (Neocleous 2008, 61-66; Bell 2013; Fassin 2014). For instance, Seigel records that the number of heavily armed ‘no-knock’ SWAT [Special Weapons and Tactics] raids rose from just ‘a few hundred [...] annually in the United States’ in 1972 to 40,000 a year by 2001: ‘SWAT-style units’, she writes, ‘are now deployed not for the situations people cited to justify their creation, hostage taking and police standoffs, but simply to serve warrants, or even just to patrol’ (Seigel 2018, 184). The colonial boomerang effect – where methods of social control developed to suppress ‘natives’ dissenting from colonial rule are subsequently deployed against domestic populations (Chowdhury 2021; Schrader 2019; Woodman

2019) – might be seen as a archetypal form of this migration and normalisation of ‘exceptional’ police power.

Once a practice has been institutionalised its very mundanity, its integration into Walzer’s ‘domestic society and everyday life’ (2004, x), can make it *not* appear as violent, precisely because it is normalised. As noted earlier, violence is often only identified as such when it disrupts business as usual, when it is disorderly. The law does not recognise the normal as the problem. Feminist legal scholars and activists have made this point repeatedly about the law’s treatment of sexual and gendered violence – if it looks like ‘normal’ sex then it cannot be rape, but the problem is that we live in a rape culture where sexual violence is normalised (Manne 2017; Duff 2018). Someone can be a rapist *and* a regular dude (or a President). That a police officer is ‘only doing her job’, or ‘doing what any officer would have done in that situation’, is assumed to imply that she is not perpetrating oppressive, racist violence. What it means to live in a structurally racist society in which police are tasked with maintaining the status quo, however, is that both can be the case.

Far from counteracting each other, authoritarian function creep and the trajectories of liberal reform are often intensely entangled. Critical criminology thematises how ‘rights-led prison reform contributes to prison bureaucratisation and through this, transforms, extends, and legitimates, forms of penal control’ (Armstrong 2018). Rinaldo Walcott’s diagnosis of the failure of reforms to make policing ‘work for’ its perennial targets (while arguably working well for its own ends) is worth quoting at length:

What is often called police and prison reform does not and has never worked for Black people. Measures to stem police violence and other acts of harm toward Black people, like hiring more Black police officers, community policing, modernized surveillance techniques, placing police outposts in under-serviced and marginalized neighbourhoods, and starting sports camps run by police, among other programs, fail by their very nature because each is meant to further cement the position policing occupies in our lives. None of these reforms work because they do not replace the foundational imperative of modern policing: the management of Black people.

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To this we might add the management of other (often intersecting) oppressed groups, including the poor and working class, the disabled and neurodivergent, the gender and sexuality non-conforming, and other racialised populations such as, in the UK, South-Asian, GRT, and increasingly Eastern European communities.

This ‘foundational imperative’, while at odds with proclaimed liberal ideals, is also non-accidental since enforcement of the existing order of property is

an essential function of the state, according to most liberals (Duff 2017).<sup>10</sup> To fulfil that function, police, as manifestation of and cypher for the violence of the state (Seigel 2018) must direct their attentions primarily at the ‘have nots’ within that order of property. Walcott’s point is, the further cementing of policing into every free nook and cranny of its targets’ lives (that is, the function creep) and the ‘policing with a human face’ championed by liberal reformers are intertwined. Analytic atomism and the mythologisation of law are therefore not simply wrong on a theoretical level. When they fuel the incessant liberal prescription of more of the same – more laws, more guidelines, more vetting, more surveillance, more police – their wrongness becomes part of the violence-enacting and -perpetuating apparatus.

In his casual instruction, then, to ‘treat [me] like a terrorist’ – that is, as someone beyond the reach of apparently foundational liberal rights – that custody sergeant named (and took for granted his officers’ shared understanding of) a feature of policing that Benjamin grasped but liberals too often refuse to. For those targeted for disappearance behind the walls of police stations, prisons, and detention camps or centres, the ‘state of exception’ is far from exceptional. Famously articulated in his 1940 essay ‘On the Concept of History’, this insight is already present in the ‘Critique’. In an ‘emergency’, rights and protections can be suspended or reinterpreted at the will of whomever is in charge, and emergency is in the eyes of the order-givers. Day-to-day police power cannot be constrained by rules insofar as it is police who get to decide, on the ground, how to apply those rules and when circumstances ‘necessitate’ their suspension. They do, in practice, usually get to decide this because the institutions that purport to hold them accountable have as part of their mission ensuring that policing-as-usual can continue; and oppressive violence is essential to policing-as-usual in real existing liberalism. I develop this argument in the next section.

#### 4 The ‘Rule of Law’ and Other Violent Fantasies

The affective investment in the idea of the state, and the corresponding investment in the notion that a human-scale branch of state power could live up to its ideals and genuinely “keep us safe,” go very deep. [...]

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<sup>10</sup> For colonial entanglements of this imperative, see Bhandar (2018); for its neoliberal evolution into a global ‘neocoeconomics’ underpinned by ‘violent legality’, see Montesinos Coleman (2013). Importantly, however, this property-enforcing function is endorsed in some form even by more ‘progressive’ or social-democratic liberals.



No clear-cut misunderstanding underlies the inability to follow the trail of violence work but *a barrier beyond argument, nestled in the realm of dreams*.

MICOL SEIGEL 2018, 21; my emphasis

An objection to my account of policing as ‘just liberal violence’ runs as follows: police violence in liberal states might be, unfortunately, in our imperfect world, too often oppressive, harmful, and unjustified, but it is not fundamentally and irredeemably so. On the contrary, liberal states are committed to the very thing needed to remedy these problems: the (ideal of) the rule of law. This familiar response to criticisms or unsettling revelations of state violence works to position the ‘brute’ of police brutality as the opposite of the regulated, ordered, and rationalised, the sober and standardized, the disciplined, civilised, judicious and judicial – in short, the lawful. To close, I want to clarify and develop my position in response to this objection. Drawing on Benjamin’s excavation of sovereign power in the policing function, I highlight a principled limitation of reform projects that thus place their faith in the ‘rule of law’ and its trusty wingmen: official ‘accountability’ mechanisms and ‘policing by consent’. Insofar as liberal accounts of the legitimacy of state power rely on these concepts, my argument therefore contributes to its immanent critique.

I do not mean to say – and here begins the clarification – that rules and guidelines always have negative or negligible effects. Struggles to change these can be urgent and significant, with the distinction between ‘reformist reforms’ and ‘abolitionist steps’ providing a valuable heuristic (Kemp et al. 2023). Legal and regulatory instruments, what is more, show huge diversity and contextual specificity. Criminal law in Scotland is very different from civil law in the United States, which in turn is hardly equivalent to the PACE code regulating police conduct in England and Wales, various forms of international prison regulation, etc. The argument I am making, however, is worth considering across the board insofar as these rules are involved in (the regulation of) policing. My point is, firstly, that the effects of these technologies are far more complex than tend to be assumed by liberal legitimising discourses. Real-world effects cannot be inferred simply from the letter of the rules; nor can they be read off from the police’s accounts of their own operations. As Robert Reiner notes in the context of stop and search powers, guidelines that might sound nice on paper tend in practice to be ‘cynically interpreted as advice on how to complete acceptable records’ (2015, xii), shaping how officers write up incidents rather than constraining their behaviour. This brings us to the second, more substantive, point: the ability of rules and guidelines to

challenge the oppressive functioning of policing and carceral institutions is limited in principle.

Policing is, Benjamin argues, ‘a nowhere tangible, all-pervasive, ghostly presence in the life of civilized states’ (2019, 287). Police are ‘ghostly’ in part because their ‘all-pervasive’ effects can be difficult to perceive, a point I discuss elsewhere and will return to shortly (Duff 2021b). Police are also ghostly – and this was more Benjamin’s point – in their practically psychedelic relationship with the laws and rights on which liberal states pride themselves. Nothing is quite as it seems at the fun-fair of state-guaranteed freedoms, and the constant melting and congealing of theory into practice and back again can be dazzling or nauseating or both, depending on where in the ghost-train you’re riding (or if you have a seat at all). To put it more prosaically, the rights supposedly secured by ‘liberal democratic’ states – rights to strike, to protest, to speak freely, to not be summarily incarcerated or executed – tend to be granted only so long as the exercise of those rights does not impede the perpetuation of hierarchical orders (such as capitalism) in which these states are fundamentally invested. When, for instance, workers use the right to strike to seriously challenge the power of capitalists to control their workplaces, ‘the state will call this appeal [to the right to strike] an abuse, since the right to strike was not “so intended”, and take emergency measures’ (Benjamin 2019, 282; cf. Agamben 2005, 19). Cue anti-union legislation, minimum service requirements, police breaking up picket lines, strikers demonised in the state and corporate press, and so on. The myth of these rights’ existence serves to legitimise their very destruction, as – with a twist of the law-in-theory/police-in-practice kaleidoscope – the ontological goodness of liberal orders is taken to justify (what would otherwise be) rights-violating state violence in their defence.<sup>11</sup>

This air of a bad trip afflicting law in real existing liberalism is manifest not only in the Orwellian legislation pumped out by governments in our time as in Benjamin’s, under the banner of defending ‘our’ rights and freedoms from ‘il-liberal’ others; it is embedded in the quotidian practice of policing. Reflecting on the ‘degenerate’ violence of an institution that finds in every crisis the opportunity to extend its powers and discretion, Benjamin describes policing as a ‘spectral mixture’ in which ‘the separation of law-making and law-preserving violence is suspended’ (2019, 286). As Daniel Loick puts it:

Police, in their day-to-day interactions, function as ‘streetcorner politicians’ or ‘street-level bureaucrats’, giving them both the authority and

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<sup>11</sup> For more on this point, see Neocleous (2008, chap. 2, especially 70–2) and Montesinos Coleman (2023, chap. 1).

the opportunity to make far-reaching decisions on how to use the violent means the state has entrusted to them, thus structurally placing them at the margin between lawful and unlawful actions.

2021, 120

This is what Benjamin means when he says that, in a sense, the police *invent* the law – being authorised by the state to ‘intervene “for security reasons” in countless cases where no clear legal situation exists’ (2019, 287) – and therefore destroy the law even as they claim to enforce it (Khatib 2018).

Furthermore, this is a non-contingent feature of any law that is enforced through violence and the threat of violence – that is, through policing. In Jacques Derrida’s elaboration of Benjamin’s text, the point is spelled out:

No law without force, as Immanuel Kant recalled with the greatest rigor. Applicability, “enforceability”, is not an exterior or secondary possibility that may or may not be added as a supplement to law. [...] There are, to be sure, laws [*lois*] that are not enforced, but there is no law [*loi*] without enforceability and no applicability or enforceability of the law [*loi*] without force, whether this force be direct or indirect, physical or symbolic, exterior or interior, brutal or subtly discursive – even hermeneutic – coercive or regulative, and so forth.

1992, 233

We cannot say what a rule *means* without attending to its life within a practice of application. This is, in part, simply an abstract articulation of what Reiner observed more concretely. The enforcers of the rules cannot be bound by those rules insofar as it is them, and others like them – ex-cops, judges, other state officials and sitters on boards that are invested in the smooth running of existing institutions – who *get to decide* what counts as following those rules. Or to put this another way, their being ‘bound’ by those rules is hardly a bulwark against brutality, for the routine brutalisation of target populations can become the very meaning of the rule. This is one reason why the ‘rule of law’ in practice is so often the legitimising myth of the rule of police.

The idea that, aberrations like the Trump administration aside, arbitrary sovereign power has a vanishingly small place in ‘liberal democracies’, with their feted systems of checks and balances, is therefore overhasty. Historically, it would be more accurate to say that increasing regulation and bureaucratisation has brought with it a proliferation of petty sovereigns (Butler 2004, 56, 65) whose power to surveil, categorise, and control the potentially disobedient subject stretches into every crevice of her life – from the school teacher whose

labelling her 'disruptive' excludes her from the education system, to the parole board whose judgement that she has not shown the appropriate attitude towards her compulsory work placement determines that she will not be eligible for release, and the psychiatrist whose scribbled 'borderline personality disorder' on her notes determines that she will not be granted custody of her children (see e.g. Graham 2016; Annison and Condry 2022; Chandler 2018; Greer 2021; Chapman 2023). These petty sovereigns are, of course, themselves overseen and constrained by the imperatives of the institutional cultures within which they operate (Graeber 2016) – most directly, via the commands of those positioned above them in the institutional hierarchy, as well as through more diffuse processes of enculturation and self-policing.

What accountability to the norms of an institution does not translate into, however, with anything like the reliability assumed by liberals who defend these institutions, is accountability to the people over whom their considerable power is exercised (Lazar 2019; Whyte 2015; Gilmore and Tufail 2015). On the contrary, economic and social power's myriad mechanisms for translating itself into advantage within the legal, educational, media, and political systems of liberal states help to ensure that opportunities for accountability via institutional means remain unevenly distributed, beyond the reach of most of those affected (Duff 2022; 2023). Indeed, the multiplication of bureaucratic procedures supposed so ensure due process can exacerbate asymmetries of knowledge and power, as increasing levels of expertise are required to navigate the system (Graeber 2016).

Under these circumstances, rare cases where public challenge forces authorities to act against those 'bad apples' deemed responsible for wrongdoing have an ambivalent character vis-à-vis the goal of accountability to policed constituencies. On the one hand, they might plausibly exert some deterrent effect on officers. On the other, they can be leant into as propaganda opportunities for the restoration of floundering public trust, defusing accusations of impunity without addressing the factors that make bringing cases of abuse to light so difficult in the first place. In my own case, the police's crocodile dismay at how such an 'unacceptable' incident could have occurred served to present what happened as exceptional – even though, for eight years, officers and their 'watchdogs' at every level who looked at the case had concluded that my treatment was normal and necessary. Which arguably it was, within the existing imperatives of policing.

It might still be objected that I am mistaking the nature of law in 'liberal democracies'. Here, unlike in authoritarian regimes, policing is supposed to be 'by consent' and the true seat of sovereignty lies with the people. Therefore, it may be argued, police remain accountable to the public more broadly even

while official accountability mechanisms are inadequate. An assessment of just *how* utterly existing liberal states fail according to their own standards of democratic legitimacy – what I have elsewhere dubbed the ‘legitimation gap’ (Duff 2017) – is beyond the scope of this paper.<sup>12</sup> I can, however, explain *why* the notions of consent and public accountability, as they feature in legitimisations of policing, do not so easily counteract or transcend the oppressive logic of self-validating sovereign violence.

Police do not spend all their time doing ‘violence work’ – that is, policing. The fact that police at times perform valuable and non-violent social functions is not, however, completely unrelated to their role as violence workers; rather, it serves to legitimise the handcuffs which, ultimately, distinguish a police officer from a community conflict mediator, bereavement counsellor, or human sat nav. By generating positive images of policing institutions, it embeds them deeper into our lives and hearts. There is an analogy here with the methods of an abusive partner who beats you up one day and brings flowers the next. This pattern can be even more disturbing and difficult to escape than someone who is always hostile and aggressive. Love-bombing can convince you that the person harming you truly cares and has your best interests at heart. It can sustain your love for, and reliance on, them and hope for their transformation. It can convince you that the reason for your partner’s violence on each occasion must be something you did wrong (after all, they are so sweet at other times). This is an effective tactic of coercive control.

A difference between this scenario and policing is that the people getting the flowers and the people getting beaten up are not usually the same. Illan rua Wall observes how the ‘suspect communities’ targeted by police are often disjoint from ‘the public’ that police appeal to for legitimacy (Wall 2022). The *de jure* and *de facto* disenfranchisement and stigma associated with criminalisation effectively makes consent to the status quo a precondition of belonging to the constituency whose consent is taken to matter, as opposed to those whose ‘reluctant submission’ (as feminist legal theorist Katherine MacKinnon characterises the ‘normal sex’ assumed by rape law) may legitimately be obtained by force (Duff 2017; 2018; 2021b). Not only are meaningful options for dissent limited; even where consent is genuinely enthusiastic it is not necessarily informed. Many support the police while remaining ignorant about what police do – since they subsist largely on an epistemic diet of police accounts of their own activities (Duff 2023).

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<sup>12</sup> Arguments that they fail are also developed in Delmas 2018, Abizadeh 2008, and Young 2001.

The 'rule of law', 'accountability' through official channels, and 'policing by consent' are fantasies because policing and carceral institutions do not work in the ways they imagine; they are violent fantasies because imagining things *do* (or could with some tweaking) work in these ways is a powerful means of legitimising, hence perpetuating, state violence-as-usual. This is not to say that the un-consenting public have no place in politics, nor that accountability is always chimerical. Movements like BLM, which can be read as generalised refusals of the reluctant submission that passes for consent, and interventions in the ideological landscape that manufactures enthusiasm for police reality, turn the bursting of these liberal fantasies into a force of accountability. As Benjamin observes of the right to strike: '[The state] grants this right because it forestalls violent actions the state is afraid to oppose. Did not workers previously resort at once to sabotage and set fire to factories?' (2019, 190). The mistake is to treat laws and police as the guarantors of that right, rather than the popular resistance that forced the state's hand in the first place – and can hold the state to account so long as it retains the power and the willingness, not through rules but through its very unruliness, to do so again.

### Conclusion

I have identified two fallacious framings at work in standard justifications of police violence. First, they rely on a 'whack-a-mole' account of social harm that ignores the role of state-market violence in the construction and production of 'crime'. This analytic atomism facilitates a cycle of violence where further state-market violence can always be sold as the 'lesser evil' in response to its own disastrous consequences. Second, the mythologisation of rules and regulations obscures the persistent dynamics of function creep and petty sovereignty that characterise law's translation into practice. With policing as with torture and war-making more generally, the institutionalisation and regulation of violence can be mechanisms through which violence is not diminished but normalised. The essence of Neu's critique is that defenders of liberal violence refuse to admit just how much 'under a cloud' justice is. The choices as they are currently framed (sweatshop or rubbish dump, torture here or bombing there) often have no right answer; instead, they are complicit in the reproduction of the problem. To be 'anti-complicit' (Neu 2017, 5), we need to question the question, to radically change the conditions that systematically generate violence as the only 'rational choice'. All this, I have argued, applies to the case of policing.

This is unsurprising, in one sense, given that the line between carceral and martial violence has always existed more in ideology than reality (Seigel 2018; Neocleous 2014). From the inception of modern policing, the circulation between ‘civilian’ and ‘military’ institutions of weaponry, personnel, and techniques for the ‘pacification’ of unruly populations between colonies and metropole has been the norm not the exception (Chowdhury 2021; Rossdale 2021c). In recent decades, the ‘War on Terror’ under whose banner much of the state terror Neu addresses is enacted, has encompassed domestic ‘counter-terrorist’ policing. It has licensed increased powers to detain without charge, ramped-up border regimes and incarceration of migrants, and expansions of surveillance including the further entanglement of public institutions like schools and universities with policing through the ‘Prevent’ agenda – often targeting Muslims and other racialised ‘folk devils’ (Griffiths 2017; Shahvisi 2021; Fernandez 2018; Kundnani 2014). Declaration of war (on ‘drugs’, ‘crime’, ‘gangs’, etc.) have long been staples of ‘law and order’ policing, and ciphers for state repression of anti-racist, anti-war, and other emancipatory movements domestically and internationally (Karam 2019; Alexander 2011; Elliott-Cooper 2021).

Since policing and carceral violence is not a separate domain from the martial violence (war, torture) that Neu dissects, the extension of his analysis might seem obvious. However, the ideological binaries of war vs. policing, ‘exceptional’ torture vs. ‘normal’ criminal punishment, are hegemonic within a liberal framework, with the latter widely regarded as less violent and less problematic. While many liberals defend interrogational torture, there are others who would not; likewise, foreign wars are often controversial. It is much harder to find a liberal who does not take police and criminal punishment for granted, even if outraged at their (thanks to movements like BLM, increasingly publicised) ‘failings’ and ‘excesses’. For instance, the UK Labour party’s most left-wing leader in decades, Jeremy Corbyn, took a principled stance against military intervention in the Middle East, repeatedly calling attention to the role of British foreign policy in fuelling the instability, humanitarian crises, and ‘terrorism’ to which it purported to respond. We might describe Corbyn as a clear-sighted critic of analytic atomism, at least in these cases. Yet the party under his leadership maintained a broadly positive orientation towards the police, promising 20,000 more officers on the streets in its ‘radical’ 2019 election manifesto. This points to the foundational status that police violence and its presumed legitimacy occupy in liberal orders (Neocleous 2014).

This foundational status is shaken when uprisings make manifest the simultaneously law-defining and unaccountable character of policing’s normalised violence in service of the existing order. Taking Neu and Benjamin and Black Lives Matter seriously means recognising that we are *already* in a zone of rad-

ical coercion, not waiting outside deciding whether it is right to enter. There remains an intractable gap between the legitimising myths of liberal orders (rights, rule of law, accountability, consent) and the operations of real existing liberal states. This gap is not closed by the incessant prescription of more of the same: more police, more guidelines, more vetting procedures, more surveillance, more regulatory bodies, more petty sovereigns. Resisting the systems of oppression that police violence upholds means reckoning with emergency not as downpour but as climate, and justice not as the false promise of the law but as figured in the movements that seek to abolish it.

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