

## **A Philosophical History of Police Power.**

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The question of police power cannot be adequately answered through the lens of sociohistorical analysis, social control, or property protection because, as Lamb's work makes plain, police are required to make cohere the social formation of the modern world. It is important, in this light, to read Lamb's work as providing corrective to the anxiously prophylactic caricaturing of attempts to understand policing through political ontology; particularly those under the (seemingly capacious) banner of Afro-pessimism. This is not to say that policing and incarceration are not infrastructures for anti-Black violence within the colonial present, nor also that circulations of police and control have reverberated across colony and metropole, centering how policing has been a constant variable in violence perpetuated in white capitalist society. But, here, Lamb clearly articulates how sociological and historical approaches to policing cannot but stop short of explaining how it is embedded and entrenched to the extent that, as Rinaldo Walcott puts it, 'deaths at the hands of police and other state actors and substate actors are so frequent and so numerous as to be a normal part of Black life' (2021: 12).

When it comes to anti-Black police violence and its repetition across different times and different spaces, tracing the colonial origins of police is not to critique police power because it does not answer the question of why acts of police violence are repeated in the present. Neither is this a matter of explanatory generalisation – there is rather a constitutive incapacity at work here that itself explicates the operations of police power. Typical, for instance, of these accounts, is a centring on the so-called colonial boomerang – an often-dubious misuse of Aimé Césaire that figures police violence as colonial exception that rebounds to the liberal metropole (or the internal colony). But, to emphasise the exception – with police as simply enforcing the sovereign decision (usually understood as emanating from state-backed capitalist interests) to protect against incursion – cannot explain the perdurance and foundational role that the mythology of incursion plays in forming police and sovereign in the first place.

Against this grain, Lamb asks, what if police power is constitutive of the social formation itself? Further still, what if the transcendent sovereignty that was supposedly dissolved into the immanence of liberal government does not merely resurface in the logic of the exception (contra Schmitt), but police power is the groundless-ground that holds both together?

The emergence of liberal forms of government relies on its citizens being self-determining whilst also bound by the law. If the absolutist sovereign is replaced by a liberal non-interventionism which simply facilitates the flourishing of natural order, then our immanent and contingent activity must give rise to the laws by which we are bound without reference to transcendent order. But self-legislation cannot be a matter of simply choosing the rules to which we are bound because we need to think about how this capacity can be actualised within specific social relations. With the (supposed) dispersal of power across citizens comes the requirement that the state is required to insure against possible incursion and to ensure that we are collectively bound by universally binding rules for how we act. We sit, then, within an oscillation between the actions of our subjective will (freedom) and the imposition of universal law (determination). Police power mediates these poles through the mythic projection of a chaos – the state of

nature— that is ever-present at the edges of the polity, but also the potential for lawlessness within.

Then, for Lamb, in distinction to standard theories of sovereignty that only superficially deal with the problem of police – as technical function, or law’s execution – this brings policing into the heart of norm, law, and liberal rule. Police mediate the relationship between immanence and transcendence because ‘the state of nature is a construction that cannot be considered ‘external’ to sovereign and police power and thus we cannot be content with a formulation of police power that sees it as becoming excessive in an “elsewhere”’ (p.18). Herein lies the shortcoming of Schmittian accounts of sovereignty. These rightly foreground the role of unbound power in binding society by ‘providing closure against a chaotic, irrational outside and making distinct an orderly inside’ (p.99). But the instability inherent in this auto-instituting yet order-producing sovereign act is repeated in the heart of the modern subject.

This aporetic trap – being outside of the law whilst nothing is outside of the law, as Agamben suggests – also contains the free citizen as self-determining and yet bound by universal validity of the law. There is, necessarily, an excessive force required to mediate in the interstices between contingent act and universal law whose form is police power. It is in the heart of the polis, rather than only at its exceptional boundary, that police are a founding power concerned with the production and management of (dis)order. The activity of sovereign power legitimated in the will of the people whilst exceeding that will in its necessary excess – of incalculable power without constraint – is embodied in the police as “force-of-law”: ‘that is, they suspend the law while bearing its force, and it is here that the contiguity between the state of exception and police power reveals itself’ (p.167).

The tensions between immanence and transcendence are *managed* rather than resolved by a police power that is not contingently “racist”, then, but rather necessarily invested in the (re)production of racial formation. Liberalism’s supposed ‘triumph of “immanence” and the gradual excision of transcendence’ (p.167) is reliant on an unbounded force-of-law given the omnipresent potential for the “natural” order to be steered off-course by those without the natural capacity to act in its accord. This latter is embodied by the racialised measure of our capacity to internalise and act according to the norms, rules, and laws to which we are bound. In positioning police violence as external to law’s universality, its ‘immanent coherence’ is thereby maintained ‘with some people simply “excluded”’ from it (p.140).

Thinking with Denise Ferreira da Silva, Lamb articulates how the liberal governmentality coalesced around the myth of nature’s exteriorisation as prior to state and law, conceived as ‘the site of violence but also where violence is naturalized in the sense that it is coupled with *necessity*’ (p.152). This state of nature emerges in the heart of sovereign power in the form of Blackness. Blackness is called upon to articulate a state of natural unsovereignty – of necessity – that is both synonymous with nature as state of violence *and* demanding of the infinite excesses of unbound power. Black people are not criminalised, then, but rather are positioned ‘in a condition that precedes the distinction between criminal and non-criminal’ (p.153). Sovereignty’s negative ground relies, that is, on Blackness to index a negation of sovereignty, which, as Fanon suggested, is then ‘rooted at the core of a universe from which [it] must be extricated’ (1986: 8).

Police, can then ‘claim to act in the name of ‘the *public*’ for the sake of ‘order’, which has no content other than a projected legitimacy which, it can claim, founds its own power’ (p.132).

Importantly then, there is no possibility latent in the promise of law’s universality, nor of policing’s divestment from arbitrary violence. But also, Lamb troubles how we might consider the abolition of police power. If police are foundational for the binding of the social, who is the “we” that might abolish the police? Moreover, if the articulations of liberalism are reliant on management of the tensions between transcendence and immanence, then will simply emphasising freedom not always invigorate domination? The trajectory of abolitionism then lies in tracing the unsovereign – not in flattening policing into social power, but in fiercely articulating the transcendence immanent to the forces that sustain it – or, as Jared Sexton writes,

[...] the perverse affirmation of deracination, an uprooting of the natal, the nation, and the notion, preventing any order of determination from taking root, a politics without claim, without demand even [...] No ground for identity, no ground to stand (on) (2020: 109).

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#### References

- Fanon, Frantz, 1986. *Black Skin, White Masks*. trans. Charles L. Markmann. London: Pluto Press.
- Sexton, Jared 2020. ‘The *Vel* of Slavery: Tracking the Figure of the Unsovereign’. In *Otherwise Worlds: Against Settler Colonialism and Anti-Blackness*, eds. Tiffany Lethabo King, Jenell Navarro, Andrea Smith. Durham, NC: Duke University Press.
- Walcott, Rinaldo, 2021. *The Long Emancipation: Moving toward Black Freedom*. Durham, NC: Duke University Press.