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Electronic Panopticon or Techno-fetishism?

A Critical Look at Panoptic Theories of Policing.

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Introduction

Often tied to a discourse on "law and order", a heightened importance given to policing has become a marked political feature of advanced capitalist states over the last couple of decades. This is the case not simply in response to political protest, but also in the day-to-day experiences of many people in these countries, for whom policing is an all too common - and negative - feature in their lives. But while efforts have been made within the scholarly literature to examine contemporary policing from a critical perspective, most of the more critical-minded literature is severely hampered by a costly over-emphasis on the importance of what is sometimes referred to as at-a-distance forms of policing. This panoptic theory of policing, which is indebted to the notions of power, control and subjectification developed by Foucault in works like *Discipline and Punish*[1], whether or not its advocates openly declare their work to be carrying on the tradition of Foucault and poststructuralism, is situated prominently within the critical literature on contemporary policing. This has had serious consequences for the development of more meaningful analysis of this issue. For despite the extent of the panoptic writings, there nonetheless exists a considerable gap between the reality of contemporary policing and its portrayal in this literature. As a result, most critical evaluations of policing's goals, and the techniques used to pursue them, are severely limited in their insights, often glossing over if not downright ignoring many of its harsh realities.

It is incumbent upon scholars to challenge the panoptic view head-on. The absence of such a systematic dissection of panoptic policing theory has meant that, while some non-panoptic critical interrogations of contemporary policing have been advanced, often focusing on one particular city or one particular aspect of policing policy, panoptic theory is still a central, if not *the* central framework for understanding policing today. Even Neocleous's recent and very useful Marxian contribution to the theory of policing focuses on the historical development of modern policing rather than its contemporary manifestations[2], while Parenti's insightful analysis of policing in America engages the theoretical presuppositions of poststructuralism and panoptic theories of power in only a limited way, and even then does not focus so much on their expression in the literature on contemporary policing[4]. In an effort to advance our critical understanding of contemporary policing, then, this essay will engage head-on the central themes on the subject raised in the panoptic literature. It will measure the strength of panoptic policing analysis by situating that analysis alongside an exploration of some of the more salient features of policing today in Canada, Britain and the United States. Such a

comparative approach, drawing on studies from different communities and countries, enables us to highlight clearly and systematically the extent of the theoretical limitations of the panopticon literature, expressed in some very serious blind spots in its depiction of contemporary policing. These blindspots, it will be suggested, are rooted in what is referred to in this essay as the panopticon writing's techno-fetishism: methodologically obscuring the direct social relations between people at the heart of policing with its focus on modern surveillance technologies and the "docile bodies" supposedly caught in its gaze.

Panoptic Themes

Three central assumptions shape most of the panoptic literature on contemporary policing. Central policing practices today are done electronically and "at-a-distance" from the populations under surveillance; such electronic policing is a great equalizer, insofar as all of the population, regardless of class or racial background, can be caught in its web; and the state's role, to the extent that it has one, is narrowly circumscribed by the emergence of more local and autonomous forms of policing.

Ericson and Haggerty's *Policing the Risk Society* is an influential work in this body of literature, and neatly captures all three of those assumptions.[4] Similar to Foucault's *Discipline and Punish*, for example, the idea of policing or governing at-a-distance is central to their notion of policing in a "risk society". Contemporary policing, according to Ericson and Haggerty, is focused on the production of knowledge about risk. From the threat of natural disasters to that of different individuals or organizations, the potential risks to social security are omnipresent in the contemporary world. Risk, often expressed in the discourse of "deviance", is not so much about moral wrongdoing as it is about *contingency*. Potential risks reflect those individuals or events that deviate from societal or given institutional expectations and consequently threaten the stability of different individual or institutional concerns - the chance or uncertainties that cannot be so easily absorbed into the order of things. As knowledge about such risk is essential to the proper functioning of institutions today, whether they be private or public, it follows that "The main task of the police is to 'front load' ... the system with relevant knowledge that can later be sorted and distributed to interested institutional audiences."[5] The police, in this respect, are a link in a chain constituted by "a wide range of risk professions and their forms of expert knowledge,"[6] producing and disseminating knowledge to institutions about the prospects for, and ways of managing, risk.

As a link in the chain of risk expertise, the police deploy different technologies and communications formats to limit uncertainty. But as the risks identified constantly change and develop, reflecting for Ericson and Haggerty the ephemerality of a high tech. post-industrial world, so "do the

communication rules, formats, and technologies for dealing with them." Policing is a perpetual form of "panoptic sorting"[7], where electronic surveillance and new risk technologies are used to constantly classify, make predictable, and thus render manageable the population. Indeed, according to Ericson and Haggerty, "Most of this work does not involve face-to-face communication with the person subject to police activity. The police officer serves as a 'faceless bureaucrat' or 'iconocrat'." "This is", they maintain, "*policing by human absence.*"[8] Risk is thereby reduced, and chance and uncertainty tamed, via the constant electronic monitoring of the population, whether it be through criminal records or information gleaned from personal credit card or healthcare records, among other things.

This notion of "policing by human absence" is constant through the panoptic literature. What may change is simply the emphasis on a particular technology deployed in order to police populations "at-a-distance". Closed Circuit Television (CCTV), for example, garners a lot of attention. Coleman and Sim, for instance, look at its introduction in Liverpool, while Bannister, Fyfe and Kearns trace its growth across the United Kingdom.[9] What is constant through the writings on CCTV, however, is the way in which, as Norris and Armstrong argue, this form of technology "expands the capacity of visual monitoring in both space and time."[10] "With the development of modern CCTV systems and telecommunications networks in public spaces," McCahill argues, "the 'direct supervision' of the subject population is no longer confined to specific institutional locales, nor does it require the physical copresence of the observer."[11] The suggestion made here by McCahill and others that the electronic panopticon is more powerful and omnipresent than the bricks and mortar type described by Foucault is clear. Insofar as the camera is "continually watching and has the ability, when coupled with a video-recorder, to enable the scrutiny of past, as well as contemporaneous events" argue Norris and Armstrong, "it represents an extension of the architecture of disciplinary power encapsulated in Bentham's nineteenth century design for a new model prison with its central observation tower, allowing the guards to see everything without ever being seen themselves."[12]

Policing here is thus represented by the electronic gaze which can efficiently monitor risk without any contact with subject populations. CCTV allows watchers to "zoom in to reveal the smallest details and monitor every nuance of their [the subject's] facial expressions and gestures for clues to their intentions."[13] Moreover, the spatial dynamic of CCTV policing is not simply a matter of more cameras in use, but of the ability to rapidly transmit data and images of risk populations and "deviant identities" over long distances.[14] This is also the case for the so-called "hot files" kept by criminal law enforcement agencies in the United States, which are filtered through centralized communication networks.[15] In a form of inverse relationship, the greater the reach of electronic population surveillance the less the likelihood of the

monitors coming into contact with the monitored.

This at-a-distance policing, whether through CCTV or other forms of electronic surveillance, contributes to a form of governance premised on what Ericson and Haggerty, borrowing from Foucault, refer to as biopower. "Biopower is the power of biography, of constructing biographical profiles of human populations for risk management and security provision."[16] The result of such a subtle and efficient expression of power concern is not controlling people through forms of repression, but constituting populations in their particular risk categories. "Biopower makes people up, literally. The risk classification and management of populations is aimed at literally fabricating people into the social body." Populations are fabricated according to their prospects for deviance and the forms of deviance they present. The result of biopower, Ericson and Haggerty argue, is the encouragement of people "to construct their own self-regulated courses of action".[17] As people become aware of both their constitution as a potential risk factor and the increasing pervasiveness of electronic surveillance in their lives, they assume responsibility for the constraints electronic policing is trying to impose on their behaviour. Thus, as Norris and Armstrong suggest, surveillance "involves not only being watched but watching over one's self."[18] Biopower in this respect contributes to the production of "docile bodies".[19]

But who are these "docile bodies" constructed through the art of modern surveillance and risk management? Who is subject to the electronic gaze? For Ericson and Haggerty, risk management and electronic surveillance are equalizing in their effects. That is, the more economically affluent are just as policed as anyone else. They "are subjected to the state's taxation, education, licensing, social security, and health surveillance systems, as well as a plethora of private corporate systems concerned with credit, financial securities, frequent flyer points, and so on. Indeed, it is by no means clear that marginal populations are the ones most subject to surveillance."[20] While some commentators on CCTV note the support it receives from business associations involved in city centre redevelopment projects, where the removal of the homeless, panhandlers, and adolescents hanging out is a central aim, they also suggest it is not limited to those targets alone. With CCTV's growth anyone accessing public space, in city centres or elsewhere, is now likely subject to the gaze. But it may not simply be a public space issue; Bannister, Fyfe and Kearns argue that we are very near a situation wherein we are under almost constant surveillance the moment we step outside the home.[21] The gaze of the electronic panopticon is total; it effuses a power throughout society in which all subjects, irrespective of social class, racial or gender background are bound up, hopelessly embedded in the web of risk management.

It is a staple of this literature, furthermore, that the extension of the panoptic reach facilitated through modern forms of surveillance is seen to correspond to the declining importance of the role of the state in general and to

contemporary policing in particular. According to Ericson and Haggerty, to the extent that police work organized through the state does have a role, it is influenced by the knowledge needs of other institutions involved in risk management.[22] The public police, in this respect, are only one small, often subordinate part of a more complex chain of policing today. From insurance companies to provincial motor vehicle offices, public police as knowledge workers produce and distribute information that is severely circumscribed by the knowledge requirements of external institutions.

Indeed, for the panoptic theorists of contemporary policing the state is generally seen as fragmented and disunited rather than as a site of unified power in contemporary society.[23] Our attention is drawn to more "autonomous forms of expertise and localized technologies and mechanisms of rule".[24] Not centred anywhere, power and its concomitant forms of social control is diffused throughout society, reproduced via innumerable local sites and institutions. CCTV, as mentioned above, is one example of this, as are personal credit records or insurance profiles, among other things. CCTV, for example, has proliferated in certain jurisdictions through its deployment by private institutions, especially businesses. "[T]he private sector", Coleman and Sim argue, "has played a central role in constructing definitions of risk and danger in the city and who should be targeted."[25] To focus our attention on public police or on a state power strategically directing policing activity, as the argument goes, would simply lead us to miss the most central facets of policing today.

For Ericson and Haggerty and O'Malley and Palmer, the more fragmented and private character of policing is reflected in the emergence of community policing. It is the philosophical expression of policing in the political period where, as O'Malley and Palmer argue, the fragmented state "ceases to be the directive core attracting to itself a monopoly of functions, and, instead, begins to shed or share many activities and responsibilities."[26] Community policing is based on the notion of public or community responsibilization.[27] While still working with public police, local interests, reflecting community concerns, take the lead in developing and implementing policing strategies. Ericson and Haggerty take the argument another step, suggesting that community policing not only places importance on local communities in policing strategies but also "reconfigures the community into communications about risk in every conceivable aspect of life."[28] The notion of community here shifts; it is not "prediscursive" but is instead constituted through the complex interaction of policing and community institutions communicating knowledge about risk, and responses to it, to one another. Communities are thus formed (discursively for Ericson and Haggerty) in the process of their responsibilization, as the state recedes in importance over much of our public and private lives.

Rethinking the Electronic Panopticon

While, as we have seen, it is presently fashionable amongst many critical theorists of policing to suggest that it is primarily done at-a-distance, targets everyone equally, regardless of class or race, and is pursued largely through more local sites of power at the expense of a greater role for the state, when we look a little more closely at contemporary policing we in fact find a significant disjuncture between its reality and its portrayal in the policing-as-panopticon literature. In what follows we will interrogate the central tenets of Ericson and Haggerty et. al.. This will demonstrate the limits to their analysis and highlight for us the actual character of policing today.

At-a-distance or in-your-face?

One way of measuring the usefulness of the panopticon literature is to compare it to the practices of community and zero tolerance policing, which have had considerable influence on policing strategies in Canada, the United States and Britain over the last decade or more. Community policing, for instance, has become a guiding philosophy of policing in Canada, promoted by the Royal Canadian Mounted Police (RCMP), the Ontario Provincial Police (OPP), as well as numerous municipal police forces,[29] while for Ericson and Haggerty, as we have seen, community policing is considered an essential feature of policing the risk society. Zero tolerance forms of policing have also been promoted in many policing jurisdictions, including those that promote community policing. Even though community policing is often seen differently from zero tolerance, in reality that difference is rather grey. They both, for instance, are premised, as we will see, on putting more public police officers onto the streets, targeting specific neighbourhoods and focusing proactively on low-level public order issues like vagrancy, panhandling, loitering and so on. In fact, perhaps the clearest difference is that community policing, as the name suggests, places greater emphasis on community participation in policing, from strategy to focus to implementation. The reality, however, seldom comes close to matching the theory. Thus, this difference may be one mostly of veneer rather than substance, suggesting that drawing to fine a distinction between the two is not very helpful to our understanding of contemporary policing. Indeed, William Bratton, former New York City police chief, refers to New York's policing strategy adopted in the early 1990s as community policing, though it is seen by many other commentators as a classic example of zero tolerance policing.[30] It may be that Bratton's choice of terms here is to provide political gloss to his controversial policing strategy, but the easy substitution of one label for the other, given the character of the policing under his leadership, is suggestive. Moreover, for Wilson and Kelling,[31] whose theory has influenced Bratton and is seen by some observers as a cornerstone of zero tolerance,[32] part of the responsibility of the police in effectively fighting crime and disorder should in fact be (in theory at least) to maintain greater dialogue with neighbourhood residents, even if this is not formalized in public-police liaison committees in the way it is with some community policing initiatives. It is hard to avoid the conclusion that ideas of community-police dialogue have in many jurisdictions become an important mantra invoked to improve the police's image, greying the differences between community policing and zero tolerance even further. Even Pollard, who argues that zero tolerance strategies tend to be more explicitly harsh towards its targets than community policing ones, suggests nonetheless that the distinction between the two is really only one of nominal gradations along the same policing continuum.[33]

Underlying both community and zero tolerance policing strategies, then, is a similar orientation. One central facet of this orientation, as Crowther notes, is "they all rely heavily on a visible presence of police officers".[34] Indeed, this is stated explicitly by "Broken Windows" theorists Wilson and Kelling, whose writings have influenced contemporary policing practices, especially zero tolerance ones.[35] Greater police presence on the streets is the premise of their strategy of targeting signs of social disorder. The visible presence of police on the streets and in communities has clearly not declined or simply been eclipsed by modern surveillance. In the U. S., for example, the 1994 *Violent Crimes and Law Enforcement Act* doled out $8.8 billion in federal government grants to local law enforcement agencies in part for the hiring of 100,000 additional police officers (it was also used for upgrading weapons arsenals),[36] while the 1991 *Safe Streets* law had already expanded New York City's police force by 7000 officers.[37] While there has not been such a dramatic increase in Canada, it would certainly be misleading to suggest that the visible presence of police on the streets has been replaced by electronic surveillance. For example, although the public police-per-population ratio in fact declined through the 1990s until 1998, when it began to rise slightly again, it should be noted that the decrease was most noticeable in the senior ranks, "which has allowed the police forces to maintain the same level of constables 'on the street'."[38] Further, the premise of an initiative like the City of Toronto's "target policing" program (or Community Action Policing), first implemented in the summer of 1999 and then regularized in 2000, is to specifically place more police officers directly on the streets in so-called crime hotspot areas. For the initial program the City spent $1.8 million to place 680 additional officers on the street in each week of the eleven weeks it was run.[39] So while there is not much of an overall secular increase in the number of police on the streets in Canada, it may actually be the case that certain targeted neighbourhoods are now experiencing greater police presence.

The physical presence of police on the streets and in neighbourhoods cannot be ignored. In the case of community policing, for instance, the emphasis on community participation appears as little more than pretext to place more officers in and better penetrate certain communities with which police have previously not had good relations. Gordon argues, in the case of

Britain, that it amounts in practice to a strategy to win legitimacy from specific sectors of communities and thus mobilize support for harsher forms of policing.[40] Leighton argues, with respect to Canada, that notions of community participation are little more than rhetoric and "may be a diversionary device to defuse potential criticism from the community",[41] while Fischer's field research has found that police themselves see the promotion of community involvement as an important source of public legitimization even though they actively negate meaningful participation from the community in shaping policing practices.[42] Community policing liaison committees rarely have anything more than a symbolic role, as police ensure that their own autonomy is not compromised by public participation through control of financial resources directed towards community policing programs or direct control of the committees themselves.[43] For Fischer, in contradistinction to Ericson and Haggerty, "the 'community police' officer is a traditional 'police officer' with the mission and instruments to do traditional police work according to the traditional principles and practices."[44] Under the guise of greater public participation in policing, and thus of greater police accountability to communities, police effectively extend their physical presence in and reach over certain communities.

Such social control strategies are also a central feature of what is perhaps, following Pollard, the more blatantly aggressive approach of zero tolerance policing. In New York City, "now held up by many observers as the epitome of 'zero tolerance' policing", Bratton "unleashed patrol officers to stop and search citizens who were violating the most minor laws on the books, to run warrant checks on them, or just to bring them in for questioning about criminal activity in their neighbourhood."[45] Pollard, in turn, argues that regardless of the nature of reforms brought about in different jurisdictions under the guise of zero tolerance, "the *emotion* underlying them seems to be concentrated on aggression: on ruthlessness in dealing with low-level criminality and disorderliness".[46] The aggressive focus here on low-level criminality and public order is rooted, in part, in Wilson and Kelling's theory of "broken windows", where criminality and disorderliness are inextricably linked. Unless checked, Wilson and Kelling argue, signs of disorder such as graffiti, panhandling or minor vandalism will evolve into more serious forms of criminality, as disorderly people will think they can get away with greater criminal behaviour.[47] Thus, as the issue of crime became a hot button political issue in the 1980s and '90s in the U.S. and Canada, this more aggressive style of policing spread in influence.[48]

It should be noted, though, that public order concerns have been an explicit focus of community policing's social control strategies as well. Whatever the rhetoric, in practice community policing is no more concerned with violent crimes or higher-level criminality than zero tolerance policing.[49] Thus, whether under the guise of zero tolerance or community policing

strategies, a central feature of policing today is its proactive focus on public order through a more visible and often assertive police presence on the streets.

But not only can the physical presence of police on streets and in neighbourhoods not be ignored, neither can the increased militarization of policing accompanying it. The militarization of police forces in some jurisdictions nonetheless is striking, reinforcing the fact that the operation of police power is not as subtle as theorists of the electronic panopticon suggest. Interestingly, Ericson and Haggerty note the militarization of contemporary policing. But for them this process is expressed primarily in the police's adoption of military technologies used for data gathering and surveillance. While they do not deny the prospect of militarization based on the adoption of more directly coercive forms of technology, their emphasis is clearly on what they see as "the most distinctive attribute of the contemporary military establishment, its technoscientific structure as part of the information age."[50] Thus "[t]he military influence on police work", they argue, "does not necessarily arrived donned in helmets and jackboots but can appear clad in the more reassuring attire of lab-coat or business suit."[51]

Yet one of the most salient trends in policing today, as detailed by Parenti for the U.S., is the growth across that country of the paramilitary tactical units or Special Weapons and Tactics (SWAT) teams. Originally developed in response to inner city riots and political violence in the 1960s, by the 1990s, he observes, these paramilitary units, carrying the latest in high tech. weaponry, were being used increasingly for everyday policing. In some cities the "paramilitary police units are increasingly called out to execute petty warrants, conduct traffic stops, and round up non-violent suspects."[52] Furthermore, "the paramilitary policing units militarize the regular police by osmosis as the weaponry, training, and tactics of the police special forces are gradually passed on to the regular police."[53] And with the weaponry and training, he argues, comes a "militaristic set of social relations."[54] The fight against crime, the defense of public order, takes on the characteristic of a war, in which the experience of certain communities becomes literally one of living under armed occupation.

While the scholarly literature offers us little information on militarization in Canada, and police budgets generally do not disclose detailed information on their spending priorities, especially as it relates to weaponry, reports in the popular media do give us some limited insight. Although militarization does not appear to have grown nearly as rapidly in Canada as it has in the U.S., for instance, some reports do suggest that tactical units have become more common throughout the 1980s and '90s in Canada as well. Almost every Canadian police force with more than 100 officers now has one. There are at least sixty-five tactical squads across the country, twenty-six belonging to the RCMP alone. While part of this growth in more recent years can probably be seen as a response to the rise in political protest associated

with the global justice movement, the role of tactical units has been growing steadily from before this period. Furthermore, a RCMP "National Emergency Response Team" coordinator reportedly encourages police divisions to expand the mandate of their tactical teams, while in Edmonton the SWAT team, with its paramilitary uniforms and SWAT-identified vehicles, has been used for more routine policing, including traffic stops and responding to domestic calls.[55] The militarization of Canadian police forces has also notably occurred in response to aboriginal land claims struggles. After the Oka crisis, for example, the Suretée du Québec (SQ) spent $2.4 million on three armoured tanks,[56] while not long after the Gufstafsen Lake standoff the RCMP began taking steps towards the creation of a permanent fleet of armoured tanks. The RCMP set aside $8.5 million for this venture, apparently to avoid having to borrow from the military for future standoffs.[57]

The aggressive focus on low-level disorder and militarization has also contributed to a context in which violence and brutality are becoming a more common feature of contemporary policing. The brutal reality that comprises much of contemporary policing, though, is almost nowhere to be found in the policing-as-panopticon literature, with their emphasis on policing at-a-distance. As Neocleous remarks, "One searches high and low in Foucauldian texts for police officers themselves to appear and play a part in the exercise of power or the disciplinary project. For them, the police idea is emptied of the humiliations administered both on the street and in the police station, the thud of the truncheon and the gratuitous use of 'discretionary' force."[58] While the police extend their reach over certain communities, tales of brutality increase. In the U.S., for example, a survey of SWAT encounters found that the use of deadly force increased by thirty-four percent between 1995 and 1998, while Pugilese's report and other newspaper accounts detail a series of killings, both intentional and accidental, and shockingly botched raids by Canadian SWAT teams.[59]

But this represents only the most extreme example of the violence of contemporary policing. Behind it lies the daily forms of humiliation and aggression Neocleous is referring to. In New York City civil rights claims regarding police brutality increased by seventy-five percent in the first four years (1994 to 1998) of the implementation of Bratton's zero tolerance strategies, while "Amnesty International has reported that police brutality and unjustifiable use of force is a widespread problem".[60] And, as the aggressive focus on disorderliness and low-level criminality spread to other urban centres in the U.S., so too did the rapidly rising stories of police misconduct and brutality, as Parenti demonstrates.[61] But it is hard to trace police brutality through official data. In Canada, much of the officially recorded information is spotty and does not attempt to examine the issue in any meaningful way. This problem is exacerbated in situations where governments abolish even those public complaint agencies with some limited civilian oversight. This was the

case in Ontario, where the government cut the Office of the Police Complaints Commissioner in the mid-1990s. Whereas under the old system individuals could go to regional offices of the Complaints Commissioner to lodge a complaint, under the new Ontario Civilian Commission on Police Services complaints must initially be lodged and dealt with by the police stations out of which the officer involved works. In such a context, without meaningful civilian oversight to address concerns about police practices, it is not unreasonable to expect most potential complaints to go unrecorded.[62] Official statistics may very well be just a tip of the iceberg, then, not reflecting many of the harsh realities of a militarized policing aggressively focused on stamping out disorderliness. Statistics also generally do not reflect the more systematic practices of abuse exercised by police against specifically targeted groups - forms of abuse that have become widespread enough that they are given labels, sometimes by the victims, as a form of shorthand. By reference to the label itself, other victims or potential targets know the rest of the story without need of further explanation. In Toronto, for example, people living on the downtown streets, particularly squeegeers, have been known to refer to the "Cherry Beach Special", in which police take individuals to Cherry Beach, an abandoned industrial area on the city's waterfront, and beat them up.[63] A deadlier version of this is the "Starlight Tours" in Saskatoon. "Starlight Tours" came to public light in early 2000 after a young aboriginal man, Darrel Knight, filed a formal complaint that Saskatoon police dumped him outside of town on a winter night after taking his coat, and the bodies of two aboriginal men were found partially clad and frozen in the same area where Knight allegedly was dropped off. Knight's complaint and the discovery of the bodies of the two aboriginal men precipitated a wave of complaints from Saskatoon's aboriginal community about similar forms of police abuse.[64]

The omnipresence of policing today, in many communities, is expressed less by the cold, distant gaze of the camera or the personal records being kept by different public or private institutions than it is by the police officer working the beat surveying the landscape for signs of disorder. And the working of power, in this respect, is experienced by its subjects not in some abstract manner, subtly weaving its way through communities ever producing self-regulating "docile bodies", but materially through the hostile gazes and brute force of the police officer. None of this is to suggest, however, that forms of electronic surveillance should be simply ignored. It is to suggest, rather, that their importance in terms of contemporary policing has been greatly overstated. Even the rise of CCTV is not as ubiquitous as some writers suggest. Much of the literature on CCTV focuses on its growth in the U.K.. But in a major urban centre like Toronto, for example, CCTV's introduction in public spaces has been more uneven. Amid debates between police and City officials over who would fund video surveillance, plans to introduce it into particular so-called high crime areas have not taken off, suggesting it is not considered a

particularly high policing priority compared to other well-funded programs such as "targeted policing".[65] More problematic, though, is that electronic surveillance has been overstated at the expense of considering more directly coercive expressions of policing. This point is in fact acknowledged by Coleman and Sim, writing on the introduction of CCTV in Liverpool. Noting the "militarization of street life", they acknowledge that the focus on at-a-distance policing "is theoretically and politically compromised by its failure to deal with the materiality of violence and coercion in securing compliance."[66] Given the very direct and confrontational nature of contemporary policing, then, electronic surveillance might best be understood as playing a complementary or reinforcing role, with CCTV and "hot files" enhancing street policing's efficiency to monitor and intervene in communities.

Contemporary policing - the great equalizer?

The question that has not been directly addressed so far is, "who are the targets of contemporary policing?" Is everyone equally experiencing aggressive public order policing? The "Cherry Beach Special" and "Starlight Tours" are clearly not meted out equally across society. But this is the case with contemporary policing in general. Policing, in fact, is far from being class-, race- or gender-neutral. In its purposefully visible, often very aggressive and violent form, policing in Canada, the United States and Britain is targeted towards specific communities and groups of people.

Research on zero tolerance and community policing demonstrates this feature of contemporary policing. Indeed, Wilson and Kelling are as explicit on this aspect of policing in their theory of "Broken Windows" as they are on the need for a greater, more visible presence of police on the streets. "The unchecked panhandler", they argue, "is, in effect, the first broken window."[67] Vagrancy, especially when accompanied by soliciting for money, is clearly the disorder Wilson and Kelling are seeking to address, and has become a focal point for much of contemporary policing. While then newly-elected Mayor of New York City Rudolph Guiliani, and his new Chief of Police William Bratton, spoke of reclaiming the streets from crime, the first targets of their "pacification program" were squeegeers and the homeless, with sex trade workers not far behind.[68] Crowther and Burke both note a similar focus of zero tolerance policing in Britain, with Burke emphasizing zero tolerance forms of policing emerging in the context of the recessions of the 1980s and '90s and the concomitant escalation of poverty rates, especially amongst youth.[69] "[A]t times of major economic and social upheaval", Burke argues, "the authorities have always tended to favour some form of zero tolerance intervention in order to maintain social order."[70] Similarly, a report written on "targeted policing" in Toronto, which was based on interviews with its "targets", shows that the program is focused on areas with a high degree of poverty.[71]

Clairmont likewise notes community policing's focus on poverty,

especially panhandlers. Moreover, he suggests that there is some evidence in Canada of community policing being used to recommend tenant evictions, reflecting the extent to which contemporary policing has been able to insert itself into some neighbourhoods.[72] At the same time, though the police-community liaison committees' are largely symbolic, it is interesting to note that their composition usually reflects primarily the business interests in the communities they were supposed to be representing. According to Fischer, the police were in fact quite clear about excluding those they referred to as the "undesirables" from their notion of community. "Undesirables", they felt, are not "productive" to the community, therefore they are not, properly speaking, legitimate members of the community. Such people are to be removed, not consulted.

The focus on poverty and public order also intersects with the racialization of policing. According to Parenti people of colour have disproportionately been made the victims of aggressive public order policing in the United States, especially of its most militaristic and violent features. Much of this targeting has been nominally conducted under the rubric of the war on drugs, where entire communities come under virtual police occupation. Parenti cites the example of "Operation Hammer in which 14,000 people - mostly young black men - were arrested during a massive paramilitary occupation of south L.A.'s deindustrialized ghettos."[73] But, as Parenti demonstrates, "Operation Hammer" is just one egregious example; the targeting of black communities or black drivers outside of their communities is a staple of other police anti-drug programs across the U.S.[74]

This racial profiling - the selective police interventions in neighbourhoods or on roadways based on the racial background of the person being stopped - is very much a feature of policing in Canada as well. The issue of racial profiling served as background to a recent controversy in Toronto, when the *Toronto Star* published data collected by police that showed being black was a significant determinant of a person's likelihood to be stopped or arrested by police.[75] The *Toronto Star's* report, however, is really just an update on police practices that have been previously documented and experienced for some time by the city's black community. The *Commission on Systemic Racism in the Criminal Justice System in Ontario*, which published its findings in 1995, reported that black men are almost twice as likely to be stopped by police in Toronto than their white counterparts, with approximately forty-three percent of all black male respondents to the commission's inquiry reporting being stopped by police over a two year period. The inquiry also found that police stops of black people, whether in cars, on sidewalks, or at shopping malls, were often intrusive, intimidating and not based on any criminal law violation.[76] The effects of such experiences may in fact help explain the results of a recent City of Toronto study of youth in Toronto neighbourhoods with large black and immigrant populations, which found that the second most

commonly cited perceived threat to personal safety is the police.[77] Significant as well, commissions of inquiry in Manitoba and Alberta have also documented a rather similar pattern of policing directed towards aboriginal people.[78]

The special focus accorded to communities of colour and aboriginals suggests, then, that policing is deeply racialized. As policing is racialized, so too then are notions of disorderliness, the focus of much of policing today, and criminality, which as we have seen with respect to zero tolerance and community policing initiatives, is intimately connected to and derives from disorderliness. Ontario's *Commission on Systemic Racism* argues, "the police single out black men to display their authority and because they perceive the black men as warranting more scrutiny than other people."[79] Considering the findings of both the Manitoba and Alberta governments' studies on the relationship between aboriginals and the criminal justice system, as well as the institutionalized violence expressed in the "Starlight Tours", the same may be said for the police attitude towards aboriginals. Individuals are stopped and questioned in the police's fight against disorderliness and potential criminality precisely because they are black or aboriginal. Blacks and aboriginals are what Skolnick referred to as "symbolic assailants", criminal suspects until they prove they are not, suggesting again that policing is far from undifferentiated.[80]

Retreat of the state?

One of the most notable characteristics of the panoptic literature is the downplaying of the role of the state in both policing and political processes more generally today. In this respect it echoes much of the mainstream literature on neoliberalism, where there is general agreement among commentators that the role of the state today, in response to financial restraints and the internationalization of markets, is greatly diminished. Responding to this argument, Sears argues that while capitalist states have been engaged in very important processes of restructuring for the last decade or more this has not resulted in a reduction in state power. Instead, state power is being mobilized in different ways.[81] One of those ways has clearly been in the areas of policing and criminal law. Following De Lint, far from presupposing a reduced role for the state, the present period of political and economic deregulation and unfettered expressions of the market "appears to require ... a *more intensive* use of the criminal law as a tool of sovereignty in the penetration of public order."[82]

In the U.S., for example, a series of judicial decisions and crime bills, spanning the three decades from the late 1960s to the present, have significantly empowered the state and police at the expense of suspects and criminal defendants. The parade of "get tough on crime" legislation, which extended greater rights to police and courts for purposes of search and seizure of property, arrest, and detention, was backed up, as we have discussed, by increased funding for new police recruits and high powered, state of the art

weaponry. "[T]he story", Parenti argues, "is one of rapidly and insidiously escalating police power; the opening of a new stage in the development of an American-style, democratic police state."[83]

The consolidation of neoliberal restructuring under Margaret Thatcher in Britain, in turn, was accompanied by tough anti-crime legislation and the extensive strengthening of police powers.[84] Likewise, in Canada anti-vagrancy laws like the *Safe Streets Act* in Ontario, broad anti-gang legislation,[85] and the heavy-handed post-September 11 anti-terrorism legislation, which could disproportionately impact Arab and South Asian communities, all speak to the continued importance of the state in setting the law and order agenda and providing the tools to police agencies to pursue it. And even though the anti-terrorism legislation was passed in the wake of September 11, Trotter argues that "the manner in which the terrorist theme has been woven into the fabric of our criminal law will ensure the permanence of most of these provisions."[86] It is a difficult proposition to maintain, following this, that the state has withdrawn from policing and criminal law enforcement. If anything, its role has steadily become broader and more coercive.

It is indeed true that in constant dollars (adjusted for inflation) funding for public police and the police officer-per-population ratio in Canada both declined from the early to mid-1990s. It is also the case that private security has become a more regular feature in the lives of many individuals today, particularly poor people and people of colour. But neither of these things should be taken as evidence of the decline in importance of the state and public police officers. In the five years that the funding in constant dollars decreased, for instance, the most it did so in any given year was by 1.75%, while it has been increasing steadily by an average rate greater than that in constant dollars since 1997 and in current dollars since at least the mid-1980s.[87] In a major urban centre like Toronto, furthermore, police spending, easily the largest part of the City's budget, increased in current dollars by nineteen percent from 1996 to 2001 alone.[88] At the same time, as we have seen, the presence of public police officers on the streets has not declined but stayed fairly constant, and in fact has increased for certain neighbourhoods.

While private security has certainly grown in Canada, we must consider this fact in the context of the discussion above: private security guards have not increased at the expense of state power and the role of public police in exercising that power. Private security guards, if anything, are a complement to the leading role that public police officers play in an increasingly heavier policed society. For one thing, private security guards simply do not have the legal power and weaponry enforcing their power that police do. Directed by and empowered through the state, public police have much greater powers of search, arrest and detention than private security guards. A private security guard's ability to arrest or detain someone is simply that authority granted by the state to a regular citizen. A private security guard, furthermore, is generally

employed to guard a particular space - a store or a housing complex, for example - whereas a given public police officer working a beat is deployed much more broadly in a community and thus can gain a greater sense of its overall make up and rhythms. The greater powers and broader deployment accords public police an ability for proactive insertion into peoples' lives on streets, in cars, in parks and elsewhere in a neighbourhood, or for targeting individuals in a combination of these spaces, that private security simply does not have. Indeed, private security guards' role might best be seen as a sort of early warning system that removes some (though not all) of the grunt work for public police but brings them in when necessary. In this respect private policing represents less the privatization of policing than a reinforcement of public police. Moreover, it is also worth noting that public police in Canada, for example, make on average more than double what private security guards make, and must meet certain training requirements. With the exception of British Columbia and Newfoundland, there is no such requirement for private security guards in Canada. This suggests that the state is still very interested in a trained, organized and well paid police force it can rely on to maintain public order and whose powers and authority are clear to the public.[89]

Conclusion: The Panopticon Theory of Policing's Techno-Fetishism

The policing-as-panopticon literature largely ignores the very visible nature of policing, its class, racialized and gendered character, and the central role played by the state. It misses, in other words, the social dynamics policing expresses today, as discussed in this essay. In this respect, panopticon theories of policing are marked by a fetishistic view of their object of study.[90] In a classically fetishized understanding of the social phenomenon under observation, a relation between people becomes, in the panopticon texts, a relation between things: a relation between electronic forms of surveillance and self-regulating docile bodies. The focus on technologies and at-a-distance policing, in other words, substitutes for a clearer analysis of social relations that lie at the heart of policing.

In this respect, the panoptic approach, insofar as it tries to account for a broader trend in policing today and infer from this trend an overall theory of policing, leaves a broad chasm between its theory and the reality of policing. The reality of policing is much more direct and aggressive, and unevenly cut across the contours of our social and economic landscape, than the panopticon literature suggests. Thus when we move beyond surface appearances to the heart of policing the power being exercized appears far less metaphysical in character, issuing from various electronic nodal points to envelope docile bodies and direct them into seemingly unconscious routinized behaviour, than bluntly and violently forceful. Moreover, that much of policing today is so aggressive and militarized suggests, in fact, that its targets are not so docile. After all, why the recourse to such forms of policing if subjects are so placid

and self-regulating? But a fetishized perspective that substitutes emphasis on electronic surveillance and docile bodies for analysis of social relations expressed in policing today, is obviously not going to be very attentive to the experiences of those subjects and communities who warrant aggressive police attention in the eyes of the state.

Such a theory does a real disservice to policing's targets, the poor, women, people of colour and aboriginals who are subject to the aggressive mobilization of state power on a regular basis. On the one hand, it harmfully re-directs attention away from, and trivializes, their experiences. On the other, the notion invested in panoptic theories of power and policing that policing's targets are constantly caught in the web of, and molded by, electronic surveillance, denies these same targets any agency; and in denying them agency, it denies them the possibility of transforming this experience in a socially just manner.

Still dominated by panoptic theories, then, the critical literature on contemporary policing has some way to go to sharpen its insights and increase its relevancy to our understanding of policing and state power today. New theoretical interventions, drawing on the growing body of literature detailing aggressive police practices towards public disorder in local communities, is essential to this task, to steering us clear of the significant blindspots riddling the panoptic theory of policing. With such a development the critical literature on policing will be better situated to provide clearer analysis of the role of contemporary policing and, hopefully, to make a contribution to the creation of safer and more just communities for all their members.

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Capital et Pouvoir Dans La Pensée Économique; Exploration des Fondements Normatifs de La Théorie Économique

par Marc-André Gagnon

Tous s'entendent normalement pour dire que nous vivons dans une société capitaliste; il est toutefois surprenant de voir à quel point personne ne s'entend sur ce qu'est le capital. Même les économistes, qui ont pourtant monopolisé le concept, n'arrivent à aucun consensus: certains le définissent comme un fonds de salaire, un fonds de rente, un détour de production, des moyens de production, une relation sociale d'exploitation des travailleurs, des sommes d'investissements, la valeur actualisée de flux de revenus futurs, tout bien produit non-consommable, etc. Dans l'analyse économique contemporaine, le capital reste appréhendé par les "fonctions de production" où sa valeur comme facteur de production est déterminée par sa productivité marginale. Néanmoins, les controverses cambridgiennes dans les années 1960 entre Paul Samuelson et Joan Robinson [Voir Jorland, 1995; Harcourt, 1972] ont démontré l'impossibilité logique d'intégrer le facteur capital à la fonction de production de l'analyse néoclassique; la notion de capital reste donc indéterminée dans la théorie économique, encore aujourd'hui. Les économistes, qui n'en sont pas à un paradoxe près, sont donc incapables de rendre compte de la dynamique du capital et de son accumulation.

Mais la théorie économique ne brille pas seulement par son incapacité à rendre compte du capital, une autre notion lui semble absolument étrangère: le pouvoir. Pourtant, dans l'économie réelle, partout on retrouve l'aspect pouvoir: les relations propriétaires-managers, la conquête des parts de marchés, la domination des approvisionnements, les prises de contrôle boursier, la concentration verticale ou horizontale, le lobbying industriel, les conflits ouvriers ou encore le rôle omniprésent du pouvoir politique dans la sphère économique. Néanmoins, comme discipline, l'économie s'est constituée en neutralisant radicalement les rapports de pouvoir dans une volonté de construire une science de type physico-mécanique (économie politique classique) ou encore physico-mathématique (économie néoclassique). Les jeux de pouvoir sont considérés comme des frottements, exactement au sens des forces résiduelles que laisse de côté la mécanique pure. Ce n'est pas aux économistes à en rendre compte, on laisse plutôt la tâche aux politologues ou aux sociologues.

Capital et pouvoir, deux concepts énigmatiques. Nous croyons que seule une réflexion multi-disciplinaire pourrait apporter quelques lumières sur ces notions. Depuis trop longtemps, le concept de capital a été monopolisé par les économistes et les autres sciences sociales n'ont fait qu'en reprendre les