

POLICE ABUSE IN CONTEMPORARY DEMOCRACIES

Edited by

Michelle D. Bonner, Guillermina Seri,
Mary Rose Kubal, and Michael Kempa



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Editors

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Editors

Michelle D. Bonner
University of Victoria
Victoria, BC, Canada

Mary Rose Kubal
St. Bonaventure University
St. Bonaventure, NY, USA

Guillermina Seri
Union College
Schenectady, NY, USA

Michael Kempa
University of Ottawa
Ottawa, ON, Canada

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CONTENTS

1	Introduction	1
	Michelle D. Bonner, Michael Kempa, Mary Rose Kubal and Guillermina Seri	
 Part I Citizenship		
2	Police Abuse and the Racialized Boundaries of Citizenship in France	31
	Cathy Lisa Schneider	
3	Police as State: Governing Citizenship Through Violence	55
	Guillermina Seri and Jinee Lokaneeta	
4	Development of the Concept of “Political Profiling”: Citizenship and Police Repression of Protest in Quebec	81
	Francis Dupuis-Déri	
 Part II Accountability		
5	Holding Police Abuse to Account: The Challenge of Institutional Legitimacy, a Chilean Case Study	113
	Michelle D. Bonner	

6	Police Abuse and Democratic Accountability: Agonistic Surveillance of the Administrative State	135
	Rosa Squillacote and Leonard Feldman	
7	Protest and Police Abuse: Racial Limits on Perceived Accountability	165
	Christian Davenport, Rose McDermott and David Armstrong	
Part III Socioeconomic (In)Equality		
8	Supporting the “Elite” Transition in South Africa: Policing in a Violent, Neoliberal Democracy	195
	Marlea Clarke	
9	Policing as Pacification: Postcolonial Legacies, Transnational Connections, and the Militarization of Urban Security in Democratic Brazil	221
	Markus-Michael Müller	
Part IV Conclusion		
10	Conclusion: Rethinking Police Abuse in Contemporary Democracies	251
	Michelle D. Bonner	
	Appendix A	257
	Appendix B	265
	Appendix C	267
	Index	269

EDITORS AND CONTRIBUTORS

About the Editors

Michelle D. Bonner is an Associate Professor of Political Science at the University of Victoria (Canada). She is the author of *Policing Protest in Argentina and Chile* (First Forum/Lynne Rienner, 2014) and *Sustaining Human Rights: Women and Argentine Human Rights Organizations* (Penn State, 2007), as well as many articles. Her book *Policing Protest in Argentina and Chile* was awarded the Canadian Political Science Association's 2015–2016 Comparative Politics Book Prize. She has been writing and publishing on issues pertaining to democracy and police violence for many years through the lens of protest policing, punitive populism, media, transitional justice, and discourse.

Guillermina Seri is an Associate Professor in the Department of Political Science at Union College, Schenectady, New York (USA), where she teaches courses in political theory and Latin American Politics. Seri is the author of *Seguridad: Crime, Police Power, and Democracy in Argentina* (Continuum, 2012; Bloomsbury, 2013), she has published book chapters and articles exploring the tensions between policing, citizenship rights, and democracy, and she is working on a book manuscript on the persistence of unlawful governance in democracies.

Mary Rose Kubal is an Associate Professor of Political Science at St. Bonaventure University (USA). She is currently finishing a book

manuscript looking at the international diffusion of public security policy: *Importing Security? The Transnational Politics of Citizen Security Policy in Argentina and Chile*. Her chapter “Transnational Policy Networks and Public Security Policy in Argentina and Chile,” was published in *Comparative Public Policy in Latin America* (University of Toronto Press, 2012). And she has a forthcoming article in the *Journal of Latin American Studies* (with Guillermina Seri) on democratic security in Argentina.

Michael Kempa is an Associate Professor in Criminology at the University of Ottawa (Canada). He holds a Ph.D. in Law from the Australian National University. His program of research draws upon Political Science, International Relations, and Sociological theory to address the ways in which states and non-state organizations variously conceive of and attempt to institutionalize “police power” in such domains as the economy, new forms of urban communal space, and international security.

Contributors

David Armstrong is an Associate Professor and Canada Research Chair in Political Methodology with appointments in the Department of Political Science and, by courtesy, in the Department of Statistics and Actuarial Sciences at Western University (Canada). He is the coauthor of *Analyzing Spatial Models of Choice and Judgment in R* (CRC Press, 2014) along with several articles that focus on measurement, published in outlets like the *American Journal of Political Science*, the *Journal of Peace Research and Electoral Studies*. His current research interests lie at the intersections of Machine/Statistical learning and hypothesis testing.

Marlea Clarke is an Associate Professor of Political Science at the University of Victoria (Canada), and a research associate with the Labour and Enterprise Policy Research Group at the University of Cape Town (South Africa). Her work focuses on democratic transitions in southern Africa, and employment and labour market restructuring from a comparative and feminist political economy perspective. In addition to journalist articles, she is coauthor of *Working Without Commitments* (with Wayne Lewchuk and Alice de Wolff) and coeditor (with Carolyn Bassett) of two special issues of the *Journal of Contemporary African Studies* on issues of democratization in Southern Africa.

Christian Davenport is a Professor of Political Science at the University of Michigan (USA) as well as a Faculty Associate at the Center for Political Studies and Research Professor at the Peace Research Institute Oslo. He is the author of six books, including: *How Social Movements Die: Repression and Demobilization* (2015, Cambridge University Press). His primary research interests include political conflict (e.g., human rights violations, genocide/politicide, torture, political surveillance, civil war, and social movements), measurement, racism, and popular culture.

Francis Dupuis-Déri is a Professor of Political Science at Université du Québec à Montréal (Canada), and a member of the Observatoire sur les profilages racial, social et politique (OSP) and of the Collectif de recherche interdisciplinaire sur la contestation (CRIC). He is the author of several books, including *À qui la rue?: Répression policière et mouvements sociaux* (2013, Who's Street? Police Repression and Social Movements) and *Who's Afraid of the Black Blocs?* (2013). He was one of the commissars of the Commission populaire sur la répression politique (CPRP, Popular Commission on Political Repression), and one of the authors of its report.

Leonard Feldman is an Associate Professor of Political Science at Hunter College and the Graduate Center, CUNY (USA). He is the author of *Citizens Without Shelter: Homelessness, Democracy, and Political Exclusion* (Cornell University Press, 2004), which examines the criminalization of homelessness using the resources of critical and democratic theory. He has published many articles on topics including police emergencies and emergency powers, the political and legal discourses of necessity, political criminology, and Locke's theory of executive prerogative and popular political judgment. From 2015 to 2020 he is the Associate Editor for Political Theory of *Polity*.

Jinee Lokaneeta is an Associate Professor in Political Science and International Relations at Drew University (USA). Her areas of interest include Law and Violence, Political Theory, and Interdisciplinary Legal Studies. In addition to numerous articles, she is the author of *Transnational Torture: Law, Violence, and State Power in the United States and India* (NYU Press, 2011). She is currently completing a book manuscript titled *The Truth Machines: Policing, Violence, and Scientific Interrogations in India* that theorizes the relationship between state power and legal violence by focusing on the intersection of law, science, and policing through a study of forensic techniques.

Rose McDermott is the David and Mariana Fisher University Professor of International Relations at Brown University (USA) and a Fellow in the American Academy of Arts and Sciences. She is the author of five books, coeditor of two, and author of over two hundred academic articles across a wide variety of disciplines encompassing topics such as experimentation, emotion and decision making, and the biological and genetic bases of political behavior. Her most recent books include: *Intelligence, Successes and Failure: The Human Factor* (Oxford University Press, 2017, with Uri Bar-Joseph) and *Evils of Polygyny* (Cornell University Press, 2018, with Kristen Monroe).

Markus-Michael Müller is an Assistant Professor of Political Science at the ZI Lateinamerika-Institut, Freie Universität Berlin (Germany). His work focuses on violence and security governance with a regional focus on the Americas. In addition to many articles, he is the author of *The Punitive City. Privatized Policing and Protection in Neoliberal Mexico* (2016, Zed Books), *Public Security in the Negotiated State. Policing in Latin America and Beyond* (2012, Palgrave Macmillan) and coeditor of *The Global Making of Policing. Postcolonial Perspectives* (2016, Routledge) as well as *Reconfiguring Intervention: Complexity, Resilience and the "Local Turn" in Counterinsurgent Warfare* (2017, Palgrave Macmillan).

Cathy Lisa Schneider is an Associate Professor in American University's School of International Service (USA), and holds a Ph.D. from Cornell University. She is the author of *Police Power and Race Riots: Urban Unrest in Paris and New York* (University of Pennsylvania Press, 2014, 2017 pbk) and *Shantytown Protest in Pinochet's Chile* (Temple University Press, 1995) and coeditor of *Collective Violence, Contentious Politics and Social Change: A Charles Tilly Reader* (Routledge, 2017).

Rosa Squillacote is a Ph.D. candidate in Political Science at the Graduate Center, City University of New York (USA), where she is studying American Politics and Political Theory. She holds a J.D. from UC Berkeley School of Law, where she worked on reentry employment policy, and drafted legislation signed into law making it easier for formerly incarcerated individuals to have misdemeanor convictions expunged from their records in California. Prior to returning to graduate school, she cofounded the Police Reform Organizing Project, an organization that seeks to end abusive NYPD practices such as Stop-and-Frisk and surveillance of Muslim communities.

LIST OF FIGURES

Fig. 3.1	Judicial independence in Argentina and India (<i>Source</i> CIRI Dataset, Cingranelli et al. 2014)	72
Fig. 3.2	Physical violence index for Argentina and India (<i>Source</i> Varieties of Democracy (V-Dem) [Coppedge et al. 2017])	75

LIST OF TABLES

Table 7.1	Protester, police, and observer identity combinations	175
Table 7.2	Race of respondents by experimental treatment	178
Table 7.3	Conditional distributions of responses	180
Table 7.4	Multinomial logistic regression results	182
Table 7.5	Difference in predicted probability between white and black observers	183
Table 7.6	Probability of protester blame	184
Table 7.7	Probability of police blame	185



Introduction

Police Abuse in Contemporary Democracies

*Michelle D. Bonner, Michael Kempa, Mary Rose Kubal and
Guillermina Seri*

On August 9, 2014, 18-year-old Michael Brown was fatally shot by a police officer in Ferguson, Missouri. He was suspected of petty theft but was unarmed. A subsequent trial found the officer's actions to be justified as self-defense. Despite the institutions of democracy working as they are designed, large protests (themselves met with a significant police response, including repression, and arrests) registered profound public disagreement with the outcome. For many protesters this was one example, among numerous others, of police abuse aimed at African Americans that undermines their inclusion in American democracy.

M. D. Bonner (✉)
University of Victoria, Victoria, BC, Canada

M. Kempa
University of Ottawa, Ottawa, ON, Canada

M. R. Kubal
St. Bonaventure University, St. Bonaventure, NY, USA

G. Seri
Union College, Schenectady, NY, USA

That is, what constitutes police abuse and its relationship with democracy was contested.

Such powerful disagreements are not unique to democracy in the United States. Abuse of police authority happens in all democracies. It can include arbitrary arrest, selective surveillance and crowd control, harassment, sexual assault, torture, killings, or even disappearances. In newer democracies, police abuse is likely to be considered by political scientists as a legacy of previous authoritarian regimes or civil war. Its persistence is understood to reflect weak democratic institutions (the primary focus of political scientists) and poorly functioning police institutions (a more common focus for criminologists).

Certainly, the field of political science counts with seminal contributions and a tradition of research scrutinizing the impact of police power on the government such as: the various governing roles of the police exposed by Michael Lipsky's study of "street-level bureaucrats" (Lipsky 1980), William Ker Muir, Jr.'s study of the police as "street-corner politicians" (Muir 1977), or Otwin Marenin's (1985) work on the police's "political economy of ruling" and its impact on democracy, not to mention Michel Foucault's (1977) thorough genealogy of police, or Mark Neocleous' (2000) research showing the role of police in *fabricating* modern social order. Yet, students of democratization and theorists alike have largely ignored this scholarship. Most political scientist research stubbornly keeps treating policing as law enforcement.

Along these lines, in established democracies, police abuse is often treated in political science and popular accounts as an aberration, an act that has little to no bearing on democracy and that is adequately addressed by existing or tweaked mechanisms of institutional accountability. This is in part the reason why police abuse has received more attention in newer than in established democracies and from criminologists rather than political scientists, gaps that concerning trends call to address.

As the introduction to a recent *Perspectives on Politics* volume on the politics of policing and incarceration admonished, "it is now clear that a truly general, comparative, and nonparochial political science must account for the fact that the topics of policing, police brutality, incarceration, and repression more generally are not limited to authoritarian regimes" (Isaac 2015, p. 610). Here we take this agenda a step further asking, is police abuse best understood as deviance that requires a technical institutional fix? or should its pervasiveness fundamentally alter our

understanding of democracy? This book argues that police abuse challenges political scientists—especially—to rethink the concept of democracy in a manner that forefronts policing.

Rather than merely one of many bureaucratic bodies subordinated to democratic politics, police are the only institution with the legitimate right to use deadly violence against citizens. The boundaries of this violence are ideally defined by respect for human rights. However, in practice, these boundaries are found at the point of connection between police discretion, police ability to justify their actions, and state and society's willingness to accept such justifications. For example, as seen in the Michael Brown case, police powers include homicide, as long as the officer can justify the action as necessary for the fulfillment of police duties or for the safety of the officer(s) and that state officials and society accept the justification the officer provides as valid. Judges, courts, and oversight and governance bodies are often lenient toward the police, achieving little effective accountability (see Bonner, Chapter 5; Squillacote and Feldman, Chapter 6; Davenport et al., Chapter 7).

In many cases, established inequalities in a society determine if some forms of police abuse even need to be justified or are instead accepted as “normal” by the affected community, police, political leaders, or society at large. Poor or marginalized youth may experience police harassment and beatings as a regular part of their interactions with the police. Society at large, whose opinion is often filtered through the mass media, may accept such action on the part of the police as necessary due to these communities being perceived as “violent” or “criminal.” Reciprocally, influential police reformers within government often advocate for targeting what they see as the most dangerous classes—typically those that threaten the stability of the political and economic order. In these cases, police abuse may not even be perceived as such. This is as true in established democracies such as France (e.g., in relation to Algerians) or the United States (e.g., in relation to African American communities), as it is in newer democracies such as Argentina or South Africa (e.g., in relation to youth living in economically poorer neighborhoods) (see Schneider, Chapter 2; Seri and Lokaneeta, Chapter 3; Squillacote and Feldman, Chapter 6; Davenport et al., Chapter 7; Clarke, Chapter 8).

Thus similar to “police repression” or “police violence,” we define police abuse as police actions that may or may not be “illegal” but severely limit selective citizens’ rights, receive minimal punishment (limited

accountability), and may play a role in maintaining (or promoting) particular political and economic objectives. That is, we use the term “police abuse” in this book, not as a term to denote when police have overstepped the law, but rather in terms of how police actions may be perceived by those affected, or by those unfamiliar with or unaccepting of the justifications, or both. Other terms, such as “police excesses” or “unnecessary violence” suggest that the only problematic actions by police are those that exceed legal boundaries or cannot be justified according to dominant societal norms. As we have explained here, legal boundaries are often intentionally blurry and dominant social norms may discriminate against marginalized communities or be accepting of high levels of police violence.

The chapters that follow primarily concentrate on acts of police abuse that pertain to physical violence (e.g., beatings, torture, forced disappearance, and homicide), as well as the surveillance, arrest, or “stop and frisk” of people targeted based on class, race, political orientation, etc. We chose these because their dramatic nature highlights the tensions between policing and democracy. Of course, the types of police abuse examined in this volume are not exhaustive of all its forms. Police abuse can also include corruption, white-collar crime, political policing, spying, and gender-based violence, to name only a few important additional areas of inquiry. We aim for the themes explored in this book to be a useful starting point for debate and exploration on a wider range of police abuses and their relationship to democracy.

Though far from the drama of military coups, persistent police abuses of all forms can corrode a democratic regime and reinforce its internal borders—creating a neo-feudal type landscape of privileged spaces of democratic inclusion and surrounding badlands of democratic exclusion. This book contends that police abuse is a structural and conceptual dimension of extant democracies, not an exceptional occurrence or aberration, and by doing so draws our attention to the part it plays in the persistence of hybrid democracies, the uneven quality of democracy within nations, and in the overall decline of democracy (Puddington 2015). Policing is thus of great consequence for the quality of experience of democracy.

Of course, the degree of police abuse (both in form and quantity) varies over time, as well as between countries and citizens. The chapters that comprise this volume, which span ten countries and five continents, explore a number of causal factors for this variation including: racism, classism, political biases, political economy, and the relative (in)ability of

liberal democratic institutions to act as a check on the impact of these factors on policing. That is, reducing police abuse is not limited to holding individual officers to account, but also addressing more systemic problems linked to the manner in which democracy is conceptualized.

We begin this chapter by presenting the place of police abuse in democracy and its overlooked importance to discussions on the recent decline of democracy. We then explore the implications of police abuse for democracy through three key dimensions that make the impact of policing apparent: citizenship, accountability, and socioeconomic (in)equality. Unlike assessments of “democratic policing” that start with the institutional structures of the police or the criminal justice system, our analysis draws attention to how the structure and concept of democracy itself shapes choices about policing. In turn, we consider the impacts for political science of centering policing in the study of democracy.

POLICE ABUSE, DEMOCRACY, AND THE DECLINE OF DEMOCRACY

In political science, liberal democracy defines the contours of the dominant literature. Liberal democracy is assumed to be a politically neutral set of institutions and the benchmark upon which new and established democracies are measured (Schmitter and Karl 1991, p. 77; Plattner 2015). With these conceptual assumptions, the “democratic policing” model has been promoted internationally as part of the liberal democratic package, and political theorists and comparativists have worked to improve the conceptual quality and robustness of these institutions. This, despite the fact that these very premises are contested, that there is no clarity about the meaning of “democratic policing,” and that democratization is undergoing a crisis and seeming reversal in the so-called “donor” or “seigniorial” countries that export their ideals and actual practices.

The most recent, historical, “third wave” of democratization started with the end of the Salazar dictatorship in Portugal in 1974 and then expanded through Southern Europe, South America, Eastern Europe, South Asia, and Africa through the 1980s and the 1990s (Huntington 1996). Especially since the 1990s, this process led to conceptual and empirical comparative studies that sought to contribute to the project of establishing and consolidating democracy around the world. The expansion of elections, democratic principles, and institutions brought the largest number of electoral democracies ever into existence, which rose

from around 40 in the mid-1970s to 69 in 1989 to a peak of 123 in 2005–2006. The extension of the democratic universe brought nuances and questions of how to distinguish between gradients among these regimes and improve the quality of democracy in countries around the world. To this day, the appropriate indicators of democracy remain contested, though the field is advancing with projects such as *Varieties of Democracy* (e.g., Munck 2009; Levitsky and Way 2015; Diamond 2015; Bermeo 2016; Coppedge et al. 2017).

Moving beyond Joseph Schumpeter's (1943) very minimal definition of democracy as competitive elections, many studies draw on Robert Dahl's (1971) concept of "polyarchy." Minimally, scholars note, democracies must: enforce the rule of law (including the protection of civil rights); hold regular, free, fair, and competitive elections; ensure those elected the power to control government policy (without the interference of unelected officials, e.g., military veto); and citizens the right to run for office, freedom of speech, freedom of association, and freedom of information (Schmitter and Karl 1991, pp. 81–82; Linz and Stepan 1996, pp. 3–7; Fukuyama 2015, p. 12). In turn, scholars developing a robust procedural definition of democracy bring together electoral politics with the design and implementation of policies coherent with the electorate's choices. These scholars note that the democratic rights needed to participate across the political process, thus defined, encompass access to electoral participation as much as a certain level of income, socioeconomic equality, and legal and political inclusion (Munck 2007, p. 32; Munck 2009; O'Donnell 1994).

Free, competitive elections are crucial, yet individual rights and freedoms are no less fundamental to the democratic enterprise (Møller and Skaaning 2013, p. 84). These rights and freedoms are ideally protected by the rule of law and form the basis for equal and inclusive citizenship. Generally emphasizing first-generation civil and political rights, scholars of democracy often assume that fine-tuned constitutions and courts, along with political commitment to and public trust in liberal democracy, are the means for improving their delivery. Empirical studies also indicate that democracies respect human rights more than nondemocratic regimes due to: the political costs of repression in democratic settings; the consistency between democratic values and individual freedoms; and, evidence gathered through comparative studies (Møller and Skaaning 2013, p. 87; Clark 2014, p. 396).

It was in this context of “third wave” democratization and democracy promotion that a number of scholars, experts, and practitioners contributed to the literature with studies and insight on how to democratize policing, especially in newly democratized or “transitional” societies. Since criminologists author many of these studies, it is not surprising to find that the problems and solutions of policing in democracy are most often located within the police institution itself (or closely related institutions).

For example, David H. Bayley (2006, pp. 19–20) argues that there are four fundamental features that characterize “democratic policing:” police must be accountable to the law (not to the government); police must protect human rights; police must be accountable to people outside their organization; and, police must give service priority to individual citizens and private groups (not government) (for similar lists see Jones et al. 1994, pp. 43–44; Hinton and Newburn 2009, pp. 4–5). Mark Ungar (2011), a political scientist, provides an equally technical definition, which links democratic policing to a particular approach to crime control called “problem-oriented policing.” In this approach, police identify a “problem,” collect data on it, design an appropriate response, and assess the response (Ungar 2011, p. 6). The various institutional changes proposed by these studies are then adopted into international police reform programs as a politically neutral technical fix that ideally, it is assumed, will further democracy through reducing crime and police violence, and in turn strengthen the rule of law.

Yet policing, and police abuse in particular, plays a more fundamental role in democracy than merely another weak institution that requires fixing. Different definitions of democracy hold different expectations for police and policing, which are understood by police and society at large, and often supersede the structures that define police institutions and their actions (Chan 1996; della Porta 1998; Sklansky 2008). Indeed democracy nests, and has always precariously nested, within particular forms of policing. For example, Athenian democracy, enjoyed by free male heads of households, coexisted with a form of citizen-based policing predicated upon the nondemocratic management of household members (wife, children, daughters, servants, slaves, chattel, and inanimate objects) by the householder (autonomous free male) (Hunter 1994; Dubber 2005). If contributing to prevent violence in the city, within the limits of household economics, the householder defined and

executed policing powers within his household with little to no restrictions; he established that which was considered wrongdoing, the corresponding punishment, and its application (Dubber 2005). Over time, kings and later states (now represented by police institutions) assumed responsibility for these inherently discretionary policing powers.

Historically, policing stood at the center of the study of political economy and politics generally. Distinctively, the study of political economy brings back the central place that police had earlier in the study of government and that in modern political science was lost. The concept of “police” was at one stage synonymous with the field of study and policy of luminary political economists. The programs for peaceful and prosperous nation states that they inspired considered that policing *was* the blended science and art of “political oeconomy” (Dubber 2005). Under mercantilism, “acts of police” were understood as exercises of state power in pursuit of market growth, in turn conducive to the greatness of the kingdom. Police, it was believed, would expand the market and the tax base, which, in turn, would keep the sovereign strong and capable of maintaining order throughout the polity and staving off foreign invasion.

Yet, as the rise of liberal capitalism redirected markets away from serving the sovereign and focused on rewarding the industry of individual citizens, the concept of “police” became conceptually, and, later, institutionally divorced from market intervention. Mark Neocleous (1998), in his genealogies of early modern policing, identifies both streams of thinking in early and later career Adam Smith, as he shifted to his more fully developed program for liberal capitalist political economy in the *Wealth of Nations*. This shift gave rise to the classic liberal “night watchman” state—which protected the honest, industrious citizens, who deserved full admission to the rights of democracy, and the protection of their property from the depredation of criminals (Neocleous 1998).

In this context, it became possible to begin to think of “policing” as the professional enforcement of law and maintenance of disciplinary surveillance in public space by uniformed professionals. Both mercantilist and liberal capitalist notions of policing shared a preoccupation with the underclass: “feckless citizens” who either could not, or would not be persuaded to work for a wage and thus had to be controlled through surveillance and coercion. The movement and leisure activities of such groups have always been at the heart of the political economy of modern policing. Randall Williams (2003), for example, notes the harsh approach to paramilitary policing developed in Britain’s “first colony” of Ireland,

deemed necessary to impose order upon the working classes that Britain needed to maintain the pace of its own engines of production. In parallel, Daleiden (2006) emphasizes that policing in the south of the United States has its roots in limiting the flight of slaves to protect the antebellum economy.

Controlling the “dangerous classes” has been the flipside of policing in democracy judged necessary by notable political economists and policing reformers such as Patrick Colquhoun, Adam Smith, Jeremy Bentham, and John Stuart Mill in the eighteenth and nineteenth centuries, through to such “professional” policing reformers of the twentieth century as August Vollmer and O.W. Wilson. As such, police abuse of authority and selective application of police power has been tolerated by classic, (neo)liberal, and critical political economists as an art of government to be perfected, in the first case, as the enforcement of the law supporting the market-driven order, in the second, and, as a problem to be eradicated by redefining a more just political economy, in the latter. Thus choices related to political economy play an important role in how policing and police abuse shape democratic citizenship and when mechanisms of accountability will be activated. In collaboration with various other forms of policing, including private guards, the modern state police have had a daily impact on citizens’ lives (Clarke, Chapter 8; Müller, Chapter 9). To date, however, police powers remain discretionary and vaguely defined. They hold a unique and complicated, yet underexplored, relationship with democracy.

At the same time that this rich and nuanced history of police and politics has been largely neglected in the political science literature on democracy, concerns that democratization has stalled and may be reversing have gained ground (Diamond 1997, 2015; Cooley 2015; Fukuyama 2015; Puddington 2015). Over the last decade, there has been a net loss both in the number of such regimes and in the quality of democracy. Scholars in comparative politics emphasize the weaknesses of liberal democracy in practice (e.g., Plattner 2015). Adjectives such as “delegative,” “low-intensity,” “illiberal,” “semi-,” “incomplete,” etc., draw attention to liberal democratic deficits (e.g., O’Donnell 1994; McSherry 1997). In other cases, electoral democracies are simply removed from the category of democratic and relabeled as “competitive authoritarian” (Levitsky and Way 2002; Puddington 2015). If concerning signs were acknowledged earlier, the accumulation of negative trends in recent years has triggered alarm.

Puzzlingly, democratization in practice has revealed more complex dynamics and a convoluted progression. While electoral democracies have expanded, rights and liberties have suffered in recent years. Major indicators of human rights, freedom, and the state of democracy show consistent losses over the last decade (Puddington 2015; Clark 2014). A similar crisis affects democratic values and institutions. “Acceptance of democracy as the world’s dominant form of government—and of an international system built on democratic ideals—is under greater threat than at any point in the last 25 years,” asserts a recent Freedom House report (Puddington 2015). More specifically, one scholar notes that there is “a genuine crisis of liberal democracy” in both new democracies as well as Europe and the United States (Krastev 2016, p. 36).

Recent comparative studies of the global course of democratization, liberties, and human rights offer a nuanced, unsettling perspective. Amidst rising state security measures (often undermining fundamental guarantees), in parallel with expanding nationalisms, liberal democracy has been described as undergoing a “normative retreat” and “an international backlash” (Cooley 2015). Restrictions on freedom of expression and movement, increased state surveillance and violations of privacy, attacks on internet freedom, and the return of traditional forms of media censorship around the world, epitomize a decline of democracy giving rise to a debate on a reverse wave. No handful of new electoral democracies can compensate for the significant decline of political and civil rights around the world over the last decade, as shown by Freedom House, among others. For every country that records improvements in the quality of democracy, two others show signs in the opposite direction (Puddington 2015).

As democracies lose substance and exhibit cracks in matters of rights and freedoms, leaders in authoritarian regimes, such as Russian president Vladimir Putin, show scorn for liberal democracy and denounce it as “a cover for U.S. and Western geopolitical interests” (Puddington 2015; Cooley 2015, p. 50). Governments that at the peak of democratization used to at least keep a semblance of civil rights, “now resort to violent police tactics, sham trials, and severe sentences as they seek to annihilate political opposition” (Puddington 2015).

Accompanying a resurgence of coups and involvement of the military in politics, a still unfolding global War on Terror allows governments to justify abuses (Puddington 2015). Thus, while research and reports about the decay of democracy or about the “reverse wave” are not

specifically about the police, policing lies at the center of these processes as a main medium through which the state imposes order and governs the population's access to rights.

At the same time, evidence on the decay of democracy has led political scientists to interrogate the links between democracy, freedom, and human rights. Along these lines, drawing on ratings on governance, human rights, and political and civil liberties from the Freedom House, Polity IV, the Political Terror Scale and the Cingranelli-Richards Index, Clark (2014) revisits the relation between democracy and human rights over the period 1981–2010. Comparing the worldwide yearly average ratings for each of the four indexes, the study shows that over the three decades “democracy ratings have risen” but human rights scores have gone down (Clark 2014, p. 403). Since the 1980s, democracy rapidly expanded and democratic performance improved across regions, as reflected in a 20–25% rise in average Freedom House ratings and in 45–60% rise in Polity IV scores worldwide (Clark 2014, p. 400). Significant gaps between established and newer democracies notwithstanding, democracy ratings show analogous patterns and trends. Yet, regardless of how formally “democratic” countries may be, human rights practices tend to diverge in distinct ways across countries and regions, Clark notes, and governments’ respect for human rights shows signs of decay even in established democracies (Clark 2014, pp. 404, 407). Overall deterioration is shown by data on state abuses of physical integrity, as measured by the Political Terror Scale, and on 15 fundamental human rights including physical integrity, freedom of speech and movement, or electoral self-determination assessed by the Cingranelli-Richards index, with net losses of 7.5% in the former and 10.8% in the latter between 1981 and 2010 (Clark 2014, p. 401).

Democracy has spread globally at the same time that human rights protection has declined and become less uniform, a trend that puts into question the widespread assumption that democratization would bring improvements in terms of human rights. While positively related, “democracy ratings and human rights ratings are clearly distinct,” Clark concludes (2014, p. 399). Other researchers claim that human rights and the quality of democracy have not been eroded in older democracies, only in new ones (Møller and Skaaning 2013, p. 98). Yet, while older democracies are more respectful of civil liberties generally, there is significant reason for concern as regards specific freedoms, such as “freedom of expression and the freedom of assembly/association” (Møller

and Skaaning 2013, p. 83). More research is needed about the bonds between democracy and rights and the meaning and prospects of signs of democratic decay. Yet, given the central role of the police in citizens' experience of rights, it is important that policing be a part of this research.

All in all, two decades after Diamond questioned whether the wave of democratization was starting to face “death by a thousand subtractions” (Diamond 1997, p. 40), seemingly far from these concerns, the literature on police democratization remains mostly unchanged. It continues to rely on generic premises and assumptions that seem at best ungrounded, and problematic—if not flawed—at worst. Not only has the literature assumed the existence of models of democratic policing, taking for granted that policing in established democracies *is* by definition democratic, but it also advocates for transferring such models to other countries (Müller, Chapter 9). In this we agree with Krastev's (2016, p. 36) critique of some of the democratization literature, which, he argues, assumes “consolidated democracy cannot backslide and that at the heart of the current crisis is a failure of liberal pedagogy.” Instead, we need to better conceptualize the relationship between democracy and the police.

Police abuse is defined and constrained by particular conceptions of democracy. Without taking this connection seriously we risk widening the gap between theories of democracy and people's lived experience. This gap can best be mended not merely by convincing marginalized communities to trust in liberal democratic institutions or tweaking their procedures, but by integrating policing and police abuse into the concept and structures of democracy as a whole. Across political science subfields, the inclusion of policing into studies of democracy can build more robust understandings of inclusion, rights, participation, procedures, and institutions. In the next section, we look more closely at how this can be achieved.

RETHINKING DEMOCRACY WITH POLICE ABUSE IN MIND

When police abuse is introduced to studies of democracy in political science a richer analysis of democracy is possible. With this reinterpretation of democracy we are in a better position to understand both the persistence of hybrid democracies as well as the global decline in democracy (Plattner 2015). For example, the erosion of democratic rights can be more precisely linked to the structural role of police in particular and

shifting concepts of democracy. In what follows we consider how police abuse affects three key concepts of democracy—citizenship, accountability, and socioeconomic (in)equality—and draw attention to the questions that emerge that require more rigorous academic debate. While these elements overlap and are interdependent, the two former relate to process—how is membership in the democratic community determined and how are democratic rights and duties exercised and protected—while the latter, tied to questions of political economy, concerns the substantive outcomes of democratic processes.

Citizenship

Expanding the franchise and guaranteeing fundamental protections to life, equality, and freedom of expression have been staples of ideal citizenship under liberal democracy. In turn, theorists of participatory democracy have emphasized the intrinsic value of citizen involvement and deliberation (Pateman 1970). Only active participation and the protection of rights, it is the consensus, can prevent democracy from undermining itself (Schwartzberg 2014). However, participation requires admission and the recognition of political membership.

Citizenship involves full membership in a political community, with duties and entitlements to participate in decisions determining a people's fate (Bellamy 2008, p. 3). Definitions of who counts as a polity's full member lie at the heart of the citizenship puzzle, one that continues to be given contingent, "pragmatic" solutions (Dahl 1990, p. 45). While a necessary condition, the formal recognition of citizenship is not sufficient for the effective exercise of its duties and entitlements, as myriad obstacles make it difficult for the poor, or members of religious or ethnic minorities, or people with certain political perspectives to have their voices respected (see Schneider, Chapter 2; Seri and Lokaneeta, Chapter 3; Dupuis-Déri, Chapter 4). Theorists have promoted alternative mechanisms to make representative democracy more inclusive of minorities (Kymlicka 1995). Still, as in the experience of countless black, Latino, and native American victims of police abuse in the US attests, racism, structural inequalities, and the provision of public order by the police stand in the way of participating in politics and fully enjoying the legal protections of citizenship (see Davenport et al., Chapter 7).

The study of expressions of citizenship in political science tends to encompass legal traditions and classical forms of political

participation—from street protests to voting. For students of the police, it is easy to see the preeminent role that policing plays in alternatively protecting or undermining people’s rights, voices, and lives, and their access to citizenship and political participation, democracy’s foundational elements.

Often the first point of contact between citizens and the judicial system, police officers make discretionary decisions by distinguishing between citizens deserving protection and others perceived as suspect and as a threat to the former (Waddington 1999). The poor, members of indigenous, ethnic and religious minorities, or transgender citizens often find themselves dismissed, criminalized, or subjected to violence, as police considerations of worth and dangerousness mirror society’s stereotypes. Police categorizing stands as the final, street line recognition of rights and political membership. On a one-to-one basis, police agents define who counts as a full citizen and the proper spaces and modalities through which citizens can express their grievances (della Porta 1998; Hall et al. 1978).

The concept of citizenship meaningfully links the macro structures of government to governing practices shaping individuals’ daily lives and access to rights. Police practices constantly delimit and redefine the internal and external borders of the polity in distinct ways by allowing and restricting the exercise of rights. While mainstream political science tends to see the rule of law as a binary category (it exists or does not on the national and/or subnational levels), when police governance is considered, questions of unequal citizenship are raised that go beyond formal legal exclusions. In Chapter 3, Seri and Lokaneeta argue that police governance in India and Argentina results in violent exclusions from and hierarchies of citizenship based on ascriptive categories such as race, caste, religion, class, and gender. By comparing these otherwise very different countries, they reveal many similar practices, including police use of torture and extrajudicial and custodial killings, which in both cases disproportionately affect those from lower socioeconomic classes and marginalized communities. Such practices benefit from other state actors’ acceptance of police explanations and, consequently, impunity. These practices exist in tension with other democratic gains.

In Chapter 4, Dupuis-Déri reveals that, in addition to identity, police abuse can also define the boundaries of citizens’ rights based on political orientation—even in established democracies. He identifies the emergence of the concept of “political profiling” of social movements

actors in public spaces in Montréal, Québec and how the term has highlighted the limits this police practice places on selective citizens' freedom of assembly and expression. He argues that police use arrests and mass arrests, both preemptively and during protests, to silence political perspectives they perceive as illegitimate or criminal. This police repression, he shows, corresponds with the protesters' political perspectives, not their tactics. It has disproportionately affected anarchist and alter-globalization protesters.

In addition to the policing of certain categories of citizens, with the number of world migrants and refugees at its global historical peak, liberal democracies now host millions of foreign residents, many without a legally recognized status, excluded from the protection of the law. Intertwined with domestic forms of exclusion, visible and invisible barriers target immigrants and refugees or those deemed to be "immigrants." Whether it is Mexicans in the United States, or North Africans in Europe, racialization and criminalization keep many in a legally hybrid territory or directly outside the law.

In Chapter 2, Schneider examines this "policing of racial boundaries" in France. Her chapter reveals the colonial and racialized roots of police abuse aimed at "immigrants," particularly (but not exclusively) Algerians. She traces the shifting legal status and policing practices aimed at these communities through the colonial period, World War Two, the post-war/Algerian independence period, to the present day politics of anti-immigration and insecurity. The police abuse she finds includes examples of torture, arbitrary beatings and killings, and racialized incarceration, all of which have involved significant impunity for the police. Through this history she shows how police abuse defines the form of citizenship and democracy experienced by those communities deemed "immigrant" (even if born in France) and, referencing recent terrorist attacks, potentially for many other people in France.

As Schneider's chapter shows, states have perfected legal and policing mechanisms that lead to the criminalization of asylum seekers and refugees, despite the progressive recognition of their rights by international law, excluding millions of people from basic legal protections. As millions survive in a legal no man's land, at the mercy of police, border patrol, or military agents, the "inadequacy" of current conceptions and policies regarding citizenship come to the forefront (Arnold 2007), as do the challenges of political membership and "the rights of others," as they relate to migrants and refugees (Benhabib 2004). As the nuanced access