Reasonable force: the emergence of global policing power

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Abstract. This article introduces reasonable force as ontological to the performance of late modern police power. It argues that policing emerged through reasonable force as an innovation of military power and as a supplement to legal power. The article tracks the development of reasonable force in late modern policing through to its emergence as a vanguard strategy of post-Cold War global governance. Police power, the article finds, has transformed traditional sovereign power relations to incorporate governmental power. It finds policing power to be an expansive reforming force that exhibits a dynamic capacity to provide relational coherence to multi-layered policing constellations from the local to the global.

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Introduction

Police power, this article argues, is innovating in the international sphere, emerging to become a complex arterial force which flows through people and territory to secure the interstate system. This article explores the rise of police power as an emergent habitus of global governance. It traces this rise through an analysis of the practice of reasonable force, proposing reasonable force to be ontological to police power. This is to suggest that reasonable force inhabits the activity of policing. Broadly defined, reasonable force is encountered when an actor is confronted with the choice to succumb to reason or succumb to violence – to 'come quietly', as it were. It is treated here as a mode of persuasion where force stands as a defensive line behind the progress of a reasonable argument. The study thus contains an implicit assumption that police power is not solely derived from the institutions of law enforcement. Certainly, police power concerns the enforcement of law, but it also concerns the management of disorder. Therefore, police power is revealed whenever the reasonable force of administrative, legal, and military modalities of power is being brought to bear on a problem. This implies that policing as a mode of order produces relational power in the functional distribution of tasks found among a wide range of actors. At the micro level this might describe relations between the police officer, the social worker, the psychiatrist, the probation officer, and so on. Globally, police

power becomes ever more complex and multi-layered and is produced between coordinating actors involved in the pursuit of global security. These actors constellate a security architecture which engages with global disorder in a manner that is led by the strategies of domestic law enforcement. Thus, a policing rationality shapes and gives coherence to a constellation that includes states, international organisations, UN agencies, NGOs, academia and, arguably, global civil society.[1] The focus of this study is to identify these strategies of law enforcement and to scrutinise the rationality that promotes their increased deployment in the post-Cold War environment.

In its originary sense, police power expressed the sovereign activity of coordinating all aspects of order. It concerned maintaining a balance between the expansion of sovereign power and the maintenance of good order within the state. This understanding is the originary form of *polis*, the etymological source of the verb 'to police', and it referred to key tropes such as happiness, comfort, welfare, and hygiene.[2] In its late modern usage, police power is encountered as a constabulary body whose referent object of security is disorder and whose ends are preventative and developmental.[3] It is generally accepted that the emergence of Britain's New Police in the early nineteenth century introduced innovative practices to the historical understanding of police. New values, norms, and practices were introduced as police was redefined in terms of it describing a professional body concerned with crime and disorder.[4] While it is accepted that 'police' in early modern Europe had 'a completely different meaning to the one it has today',[5] it is plausible to suggest that the contemporary understanding of police emerged from the historical meaning.[6] New policing exhibited a break from and maintains continuity with earlier forms of police. In this sense the new emphasis on police as agents of law enforcement supplemented earlier patriarchal modes of police with a utilitarian liberal rationality.[7]

From this break and continuity, it will be argued, emerged the practice of reasonable force. As we shall see, reasonable force is constituted by a synthesis of elemental tactics associated with the shift between old and new police practices. One such element is military discipline. Thus, reasonable force is the site where late modern policing maintains its continuity with earlier more martial and authoritarian forms of power. Another element is the law. Police power operates sometimes beyond law in order to secure the norm; sometimes beyond norm to secure the law. This dynamism is the source of its political value, and particularly so when the norm being upheld is articulated as being progressive and reasonable. This attribute of police power has

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[1] Louise Amoore, and Paul Langley, 'Ambiguities of Global Civil Society', *Review of International Studies*, 30 (2004), pp. 89–110.

[2] Michel Foucault, *Security, Territory and Population*: *Lectures at the College de France 1977–78*, ed. Michel Senellart (Basingstoke, Hampshire: Palgrave, 2007), p. 312.

[3] Mitchell Dean, 'Military Intervention as "Police Action"?', in Markus D. Dubber and Marianna Valverde (eds), *The New Police Science: The Police Power in Domestic and International Governance* (Stanford: Stanford University Press, 2006), pp. 193–5.

[4] J. M. Beattie, *Policing and Punishment in London, 1660–1750* (Oxford: Oxford University Press, 2001).

[5] Foucault, *Security, Territory and Population*, p. 312.

[6] For studies of early modern understandings see Markus D. Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005); Pasquale Pasquino, Pasquale, 'Spiritual and Earthly Police: Theories of the State in Early Modern Europe', in Markus D. Dubber and Marianna Valverde (eds), *The New Police Science: The Police Power in Domestic and International Governance*, pp. 42–72.

[7] Mark Neocleous, *The Fabrication of Social Order: A Critical Theory of Police Power* (London: Pluto Press, 2000).

made it an elusive phenomenon to research. As a normative force, policing seemed to reveal itself everywhere, and nowhere. 'The police power' according to an early commentator, 'is the dark continent of our jurisprudence.'[8] Walter Benjamin described police power as something, 'formless, like it's nowhere tangible, all pervasive, ghostly presence in the life of civilized states'.[9] Benjamin's description, which might seem overstated, should not be dismissed. When Benjamin referred to its spectral quality he was alluding to the relationship between police and boundaries. Police, he was telling us, moves through boundaries as a ghost moves through walls. Policing, in other words, is something that cannot be confined. This insight informs us that policing cannot be confined by the law; that it is a limit unto itself, in many respects. Identifying reasonable force allows us therefore to give ontological form to a mode of power whose defining problematic has traditionally been the necessity of its formlessness.

Nowhere is the spectrality of police power more evident than in practices of global governance. Benjamin's description above reminds us that policing displays an intrinsic will to transcend limits. This means that police power cannot be simply understood as a derivative of sovereign power. Policing, it implies, in all of its formations is insatiably Universalist and expansive.[10] Policing is the force of reform. Operating as an equivalent force of reform to its domestic counterpart, the constellation that performs global governance is directed at increasing the power of the inter-state system while maintaining good order. Consequently, this article treats local law enforcement strategies and global governance as being symbiotically related.[11] Together they form what Dillon and Reid refer to as a 'relational order'. The analysis presents reasonable force as the 'generative principle of formation' of this relational order.[12] At issue is a set of practices, norms, beliefs, and structures around which reasonable force is a governing imperative. This moves us beyond a definition of police power and into an analysis of the operating conditions in which reasonable force targets turbulence to maintain and progress a sense of order.

Prior to introducing reasonable force, we first need to appreciate the productive dynamic that exists within the late modern conceptualisation of police. This dynamic is presented through an elucidatory example taken from one of numerous (inter-related) police reform projects that occurred in the Balkans after the dissolution of Yugoslavia. The example utilised its representative of the security-first approach to post-conflict management adopted by various international organisations and government agencies in the late 1990s. The security-first agenda meant that responsibility to shepherd post-socialist and post-Soviet states through to their liberal future was, by

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[8] John William Burgess cited by Cook, Walter, and Wheeler, 'What is Police Power?', *Columbia Law Review*, 5 (1907), pp. 322–36.

[9] Walter Benjamin, 'Critique of Violence', in Walter Benjamin (ed.), *One-Way Street* (London: Verso, 2006), p. 142.

[10] Mark Neocleous, 'The Police of Civilization: The War on Terror as a Civilizing Offensive' *International Political Sociology*, 5:2 (2011), pp. 144–59.

[11] Klaus Mladek, 'Exception Rules: Contemporary Political Theory and the Police', in Klaus Mladek (ed.), *Police Forces: A Cultural History of an Institution* (Basingstoke, Hampshire: Palgrave Macmillan, 2007), pp. 221–66.

[12] Michael Dillon and Julian Reid, *The Liberal Way of War: Killing to Make Life Live* (London: Routledge, 2009), p. 74.

and large, a policing chore.[13] The argument that the security-first doctrine animated the growth of police strategies can be found in the work of Mark Duffield.[14] It observes that as economic development became more biopolitical and focused upon premises such as good governance, its implementation required a more strategic deployment of force than previously. Duffield argues that international economic development, the epitome of reasonable progress, has become a matter of securing a population for the purposes of governance. This article suggests that this agenda has largely been delivered through policing practices that flow from the operationalisation of reasonable force.

Policing as limit and as link

At the turn of the twenty-first century, an ex-British police officer, working on behalf of the Organization for Security and Cooperation in Europe (OSCE), was dispatched to make recommendations that would lead to the liberalisation of internal security controls in the Federal Republic of Yugoslavia (FRY). The report he produced found that, post-Milošević, Serb 'police had become isolated from the community they serve'.[15] The report also found that the police lacked expertise to fight crime, in particular organised crime. The police required an intelligence network and needed to engage in community policing to build up contacts with civil society. Borders needed to be strengthened and it was recommended that a new Border Police Service be created to replace the existing military one. This had little to do with 'threats to sovereignty … and more to do with resisting trans-national crime and illegal immigration'.[16] Later on the report clarifies that the rationale behind this recommendation:

the principal threat to the security of Yugoslavia and for that matter from Yugoslavia to the rest of Europe is not incursion but crime – serious and substantial. The military do not deal with crime. The police do. It would therefore make more sense for the new border service to consist of a totally integrated police force. [17]

The irony here is ripe as FRY was in the process of recovering from what has been described as a policing intervention by NATO,[18] concerning the rights of ethnic Albanians to secede from the Federation. Nevertheless, the passage is quite revealing. Here, an ex-British police officer is radically redefining the meaning of FRY's state sovereignty. Borders no longer represent a legal limit, but a criminological one. The borders of Serbia for the OSCE are henceforth to be considered as objects of risk management and constitute a policing, or governance problem. Demilitarising the

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13 Barry J. Ryan, 'The EU's Emergent Security-First Agenda: Securing Albania and Montenegro', *Security Dialogue*, 40:3 (2009), pp. 311–31; Tor Tanke Holm, and Espen Barth Eide, 'Introduction', in Tor Tanke Holm and Espen Barth Eide (eds), *Peacebuilding and Police Reform* (London: Frank Cass, 2000), pp. 1–8.

14 Mark Duffield, *Development, Security and Unending War: Governing the World of Peoples* (Cambridge: Polity Press, 2007).

15 Richard Monk, *Study on Policing in the Federal Republic of Yugoslavia* (Belgrade: OSCE Mission to FRY, 2001), p. 5.

16 Ibid., p. 6.

17 Ibid., p. 28.

18 Howard Caygill, 'Perpetual Police; Kosovo and the Ellision of Police and Military Violence', *European Journal of Social Theory*, 4:1 (2001), pp. 73–80, at p. 77.

border is to detach it from the problem of sovereignty, to make it less an impenetrable fence or wall and more a dynamic and useful marker. As such, the function of the international border is turned inside-out. For the purposes of global governance the border does not face outwards as a physical line that protects those living within its confines from external threats. The border is now inward-facing; it protects the external environment by ensuring the problems of the state do not migrate beyond its confines. That which once afforded some protection from invaders and foreign occupation now serves to confine the population. The limit is permeable or 'dimorphous',[19] insofar as an effectively equipped border police will be capable of filtering the desirable from the undesirable.[20] The proposal for a 'totally integrated police force' meant that paramilitary police units would henceforth patrol FRYs borders. Policing power, having transgressed FRY's sovereignty in the form of NATO in order to uphold the human rights of Kosovars, therefore serves to transform the *limits* that uphold FRY's new post-sovereign order.

The other notable aspect of Monk's recommendations is the manner by which the police officer is repositioned from an agent of state power to an agent of societal power.[21] The report found that Serb police needed to integrate itself within the 'community', that it needed to rebuild legitimacy, and that it had to situate itself as a hub amidst an intelligence network.[22] Here we see the ex-British police officer reforming the strategy of internal controls so that police can operate as an arterial force, acting from society, rather than on society.[23] This is the strategy of consensus-oriented policing which was, as we shall see, developed in Britain in the nineteenth century. It taps into the potential for police to exercise relational power; to operate between bodies as a normative mediator. Positioned thus, the police may exercise normative power between individuals, communities, institutions, or states. Policing in this sense reforms, gains intelligence from and brings coherence to the lines which *links* all relations.

The capacity of policing to turn limits into links (and *vice versa*) enables us to understand the properties that transcend police from legal and military modes of operation. It shows that the reformation of limits is virtually indistinguishable from the reformation of links. In other words, performing as a border between states the police demarcate one category of population from another; while at the same time facilitating cooperation, information sharing, and consensus. Because police reform is a strategy that attempts to reconstitute a police so that it can produce power, this purposive limit and link is also found at the level of relations between individuals and communities. As Marenin has described it, 'The goal of reform is to have the people doing policing think, talk and act in specific ways, and the measure of success

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[19] Detlef Nogola, 'Policing Across a Dimorphous Border: Challenge and Innovation at the French-German Border', *European Journal of Crime, Criminal Law and Justice*, 9:2 (2001), pp. 130–43.

[20] Didier Bigo, 'Security and Immigration: Towards a Governmentality of Unease', *Alternatives, Global, Local, Political*, 27 (2002).

[21] Barry J. Ryan, 'What the Police is Supposed to Do: Contrasting Expectations of Community Policing in Serbia', *Policing and Society*, 17:1 (2007), pp. 1–20.

[22] Sonja Stojanović and Mark Downes, 'Policing in Serbia: Negotiating the Transition between Rhetoric and Reform', in Mercedes S. Hinton and Tim Newburn (eds), *Policing Developing Democracies* (Abingdon Oxon: Routledge, 2009), pp. 73–98.

[23] Mark Downes, *Police Reform in Serbia: Towards the Creation of a Modern and Accountable Police Service* (Belgrade: OSCE Mission to Serbia and Montenegro, 2004).

of reforms is whether they do or not.'[24] Reform aims at creating a unity of purpose, a common discourse of local and global security. This article seeks to reveal policing as an emergent strategy of global security wherein the goals of state and society, the community and individual are aligned and made coherent with a globalised *raison d'état*.

It is this curious interaction of limits and links that alerts us to the importance of Foucault's commentary on sovereignty and governmentality when analysing police power. Foucault's historical account of power argued that while sovereignty, the originary source of power, concerned protecting the rims of a ruler's territory, governmentality emerged in the eighteenth century as a power that concerned the welfare of the population within the confines of that territory. Governmentality is the rationalisation of administration. Through people and things, it exercises power through law, custom, force, and ethics to produce calculable, rational, governable subjects.[25] Whereas governmentality disciplined the *links* between men and things, sovereignty traditionally protected the *limits*. Foucault's analysis examines how an emphasis on population as a source of power tended to subordinate sovereignty. As Singer and Weir point out, 'The character of the sovereign, symbolized by the sword, is warlike in its defense of the realm; by contrast the character of the governmental ruler, variously symbolized, is patience and industry.'[26] Police, it goes without saying, has always been central to the emergence of governmental technologies of rule.[27]

The 'governmentalisation' of FRY's sovereignty was introduced with a security imperative through which wider police power could emerge centrifugally. Through a law and order discourse, the military sword that once protected the rims came to be replaced by the administrative force of a police agency. Thereafter, the sovereignty of FRY's borders became dependent upon its ability to regulate and rationalise the behaviour of its citizens. The emphasis on building links, incorporating societal and state actors into a common purpose internally, aimed to bring reasonableness to the space once occupied by the sovereign diktat of Slobodan Milošević. Externally the sovereign limits also served as a link, as points of cooperation in trade and security with other police agencies recently established along the borders that emerged from the break-up of Yugoslavia. Physical force, of course, persists in this strategy, but it is a force of last resort, an exceptional recourse to violence only utilisable in the name of protecting the new (globalised) *raison d'état*. Police reform seeks to admit a reasonable, calculable, and consensual sort of force.

This article builds on previous studies[28] of global police power by identifying reasonable force at the nexus of legal and military power. Moreover, it moves the

24 Otwin Marenin, 'Implementing Police Reforms: The Role of the Transnational Policy Community', in Andrew Goldsmith and James Sheptycki (eds), *Crafting Transnational Policing* (Oxford: Hart Publishing, 2007), pp. 177–201, at p. 181.
25 Michael Dillon, 'Sovereignty and Governmentality: From the Problematics of the "New World Order" to the Ethical Problematic of the World Order', *Alternatives*, 20:3 (1995), pp. 323–68, at p. 329.
26 Brian C. J. Singer and Lorna Weir, 'Politics and Sovereign Power: Considerations on Foucault', *European Journal of Social Theory*, 9:3 (2006), pp. 443–65, at p. 446.
27 Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage, 1999).
28 See, for example, Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass.: Harvard, 2000); Giorgio Agamben, 'The Sovereign Police', in Brian Massumi (ed.), *The Politics of Everyday Fear* (Minneapolis: University of Minnesota Press, 1993), pp. 61–5; Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford CA: Stanford University Press, 1998); Didier Bigo, 'Global (in)security: The field of the professionals of unease management and the Ban-opticon', in Jon Solomon and Sakai Naoki (eds), *Traces: A multilingual series of cultural theory*, 4 (Sovereign Police, Global Complicity) (Hong Kong: University of Hong Kong Press, 2004a).

empirical focus from Continental models of police power associated with Foucault. Instead it aims to isolate the singularity brought to police power by British liberalism to garner a greater understanding of the *rationale* behind its operation in the international sphere. At issue therefore is how the emergence of 'reasonable force' from nineteenth-century British liberalism can be understood to be a constituent attribute which now undergirds the global delivery of Anglo-American policing power. To capture the inherent shapelessness and the dynamism of police power, this article presents a conceptual genealogy of reasonable force. It presents this genealogy by utilising the most ubiquitous conceit in policing – the line. Lines are elemental to a policing discourse that draws on thin blue lines, police lines, lines of duty, and lines of enquiry to explain itself. It is thus through the line, and the capacity of the line to simultaneously bind and divide bodies, that we propose to critique reasonable force as a principle that generates global police power.[29]

Policing as reasonable force

The very evolution of reasonable force from military force is expressed in Anglo-American police mythology in terms of a line. The origins of the phrase 'thin blue line' illustrates the continuity between the traditional role of military power and new liberal police established in Dublin and London in the early 1820s. This phrase derives from a battle during the Crimean War when in 1854 an outnumbered British force successfully deterred a stronger Russian cavalry unit. By spreading itself out thin the British troops created an optical illusion of strength that fooled the Russians into retreat.[30] Termed the 'thin red line', this anecdote created a political metaphor denoting a small band of men outnumbered by an enemy, a force that would need to draw on strategy and illusion, a force whose mere presence could deter threat. Unlike the 93rd Highland regiment at Balaclava, an advancing police line does not seek to secure and hold territory. It aims instead to secure those it finds upon this territory. Policing arrives once the conditions for order have been violently established by the military so that the reason of state can be implemented. Policing is the continuation of military actions by other means. The emergent phenomenon of global policing and its colonisation of the space once inhabited by military forces points to a competitive interaction between military and police power. Evidentially, police has displayed itself as a more efficient and effective conduit through which state and societal power can merge.

The thin blue line metaphor imagines police to be an agent of reform, a civilising instrument of consensus through which policing binds (and separates) disparate phenomena; as a hyphen that seeks to mediate between 'I' and 'other', order and *dis-order*, rationality and *ir-rationality*. This attribute of linking and limiting materialises in the strategy of 'reasonable force', a quasi-legal construct that enables police to function as 'a mechanism for the distribution of situationally justified force'.[31] Reasonable force forms the distinctive technical-rational architecture of

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[29] Carl Schmitt identified linear thinking as a principle of modernist order. See Carl Schmitt, *The Nomos of the Earth in the International Law of Jus Publicum Europaeum* (New York: Telos Press, 2003), pp. 86–100.

[30] Philip Warner, Philip, *The Crimean War: A Reappraisal* (London: Arthur Barker Ltd., 1972), pp. 66–7.

[31] Egon Bittner, *The Functions of the Police in Modern Society* (Cambridge, Mass.: Oelgeschlager, Gunn & Hain, 1979).

decision-making for police. The phrase is given to the continuum that serves to map the process of reasoning which informs every decision a police officer must make during his or her daily duty. Commencing with the issuance of a firm request for the suspect to submit, it progresses through a sequence of reasonable methods of physical and psychological violence that culminate in the use of lethal force. Along a spectrum that begins with the officer identifying her authority and exhibiting her capacity to deploy force there is a range of intermediary tactics available prior to the use of deadly force. Kleinig lists but a few;

nightsticks, clubs, saps and batons, handcuffs and Velcro straps, hogtying, nets, armlocks, chokeholds, stun and Taser guns, tear gas and pepper spray, nutcrackers, nunchakus, water cannons, dogs, firearms and high speed pursuits.[32]

Those who write about the ethics of violence usually tend to concentrate on its direct application in an attempt to evaluate 'objectively' if its use was excessive or reasonable given 'the totality of circumstances'.[33] Violence however begins in the very arrival of an individual within whom the capacity to inflict death resides. It begins in the identification of authority as this authority is based upon threat. The existence of a continuum testifies to the inhabitance of the same reason in the issuance of a command as is present in the pulling of a trigger. Thus at issue is a spectrum of violence along which rationality and violence cohabitates, and in which Weberian violence is bound to Durkheim's view of the police officer as a moral-symbolic functionary.[34] Police use of violence has to be strategically deployed, regulated, and constantly legitimated if it is to function effectively. As one study suggests, the use of force forms the paradox of police governance.[35] Adopting the writings of Clausewitz, Salt and Smith present violence as a strategic technique, a calculation between 'what you want to do to the enemy as opposed to what you achieve by doing so'.[36] In this sense reasonable force is the governmentalisation of the sovereign use of force previously deployed by military power. What marks the police from the military is its moral and political capacity to combine such strategic reasoning with immediate violence, and to possess jurisdiction over both word and action. Reason is a phenomenon that traditionally did not concern the soldier (unless that soldier is performing a policing function). As Immanuel Kant once pointed out, military power is about obedience – soldiers are expected to act on command, not to question their orders or to argue with their superiors – 'do not argue (reason), obey'.[37] On other hand, policing gains its power by conferring upon the police officer the prerogative of discretion.

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32 John Kleinig, *The Ethics of Policing* (Cambridge: Cambridge University Press, 1996), p. 99.
33 Ibid., p. 99.
34 *Cf.* Emile Durkheim, *Professional Ethics and Civil Morals* (London: Routledge, 2001). For a discussion on the relationship between Weber and Durkheim see Jan Terpstra, 'Two Theories on the Police: The Relevance of Max Weber and Emile Durkheim to the Study of Police', *International Journal of Law, Crime and Justice*, 39:1 (2011), pp. 1–11.
35 James Salt and M. L. R. Smith, 'Reconciling Policing and Military Objectives: Can Clausewitzian Theory Assist the Police Use of Force in the United Kingdom?', *Democracy and Security*, 4 (2008), pp. 221–44.
36 Ibid., p. 225.
37 Immanuel Kant, 'Ideas For a Universal History With A Cosmopolitan Intent (1784), *Immanuel Kant, Perpetual Peace and Other Essays*, trans. Ted Humphrey (Indianapolis/Cambridge: Hackett Publishing Company, 1983), pp. 29–40, at p. 42.

The power exercised by police officers in conjunction with other actors not only represents an evolution from the practices of military power, it also creates a complex political affect which has proven impossible to be confined by the law.

Essentially an interpretative prerogative, political ambiguity surrounds the legality surrounding any decision as to what is reasonable to affect an arrest, prevent the escape of a detainee, or quell a riot or insurrection. Thus, distinguishing between what is reasonable and what is excessive has proven difficult to define. Numerous studies have wrestled with making objective the inherent subjectivity of reasonableness.[38] The question seems to rest on whether an officer can illustrate that she reasonably believed force was necessary.[39] As one US study of judicial decisions on reasonable force has concluded, 'what is reasonable has become what is necessary'.[40] Such a finding implies that reasonable force and necessary force are equivalent techniques of expressing state power in a manner that is framed as being principled.[41] More pertinent to this study, the ambiguity between reasonable and necessary force reminds us that the police power is more attuned to what is right and wrong than what is legal and illegal. It is this moral necessity – this need to secure and promote a specific version of order – that permits policing to slide along a cartography in which principle is mapped onto contingency.

Carl Schmitt assists us to understand the political relationship between necessary police power and legal power when he points out that all law is situational. Political order, Schmitt observes, must be established for juridical order to make sense.[42] In other words, police power can be deployed where legal power does not yet exist. Police action occurs on both sides of the thin blue line that divides order and disorder. It not only marks the limit of legal power but it links the legal jurisdiction with space that does not yet admit legal order. This distinction embedded within the law between what is rational and what is irrational is also drawn out in Giorgio Agamben's writings as being core to the relation between interiority and exteriority, *nomos* and *physis*.[43] The external 'other', which defies the rational order, is included by the law's tendency to suspend itself and condone violence so that order can be (re)established. When order is to be (re)established the law retreats only to assert itself once again when the new order requires legitimation. This potent ambiguity of law constitutes, for Agamben, the 'force of law' as embodied by 'the capacity of law to maintain itself in relation to exteriority'.[44] Law survives by allowing its (apparent) antithesis – violence – to subsist within it. Jacques Derrida deconstructed this problematic when he observed that the 'force of law' maintains 'a more internal, more

[38] William Terrill, 'Police Use of Force and Suspect Resistance: The Micro Process of the Police Suspect Encounter', *Police Quarterly*, 6 (2003), pp. 51–83; William Terrill, 'The Elusive Nature of Reasonableness', *Criminology and Public Policy*, 8:1 (2009), pp. 163–72; Kenneth J. Novak, 'Reasonable Officers, Public Perceptions and Policy Challenges', *Criminology and Public Policy*, 8:1 (2009), pp. 153–61.
[39] Nicholas De Roma, 'Justifiable Use of Deadly Force by the Police: A Statutory Survey', *William and Mary Law Review*, 12:1 (1970), pp. 67–85.
[40] Geoffrey P. Alpert and William C. Smith, 'How Reasonable is the Reasonable Man? Police and Excessive Force', *The Journal of Criminal Law and Criminology*, 85:2, (1994), p. 486.
[41] Geoffrey P. Alpert and Roger G. Dunham, *Understanding Police Use of Force: Officers, Suspects, and Reciprocity* (Cambridge: Cambridge University Press, 2004).
[42] Carl Schmitt, *Political Theology; Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 2005), p. 13.
[43] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford CA: Stanford University Press, 1998).
[44] Ibid., p. 18.

complex relation with what one calls force, power or violence'.[45] Derrida observed that the law cannot function without force, that the law is always an authorised force. Schmitt helps us to understand how this modern binding of authority, rationality, and force enables us to reconsider the 'age-old Aristotelian opposites of deliberation and action ... as two distinct forms', whereby the legal form is approached through deliberation while action is approached by technical formation.[46] By maintaining that violent action is inherent within the form of law, a sense of continuity is more readily evincible between reasoning and enforcing. And it is in this continuum between reason and force, embedded in governmental strategies of power, which this article illustrates as being foundational to strategies of global police power.

In order to account for the emergence of global police power we need to investigate the development of police from its origins in the domestic state. While Foucault has produced the most insightful account of this phenomenon, his analysis focused on continental Europe.[47] Britain however has played a key role in the evolution of police power. Elites in this liberal political economy displayed such great hostility to what was considered to be an illiberal, continental mode of rule that the cameralist, or welfare police state model was never fully developed.[48] Its first institutionalised modern police in London was established in 1829. The 'Peelers', as they were known, resulted from British antipathy to the existence of centralised armed body of men allied to the state.[49] The archetypical rule of law model of police force, British policing emerged from blueprints that by necessity required a police force that would be society rather than state oriented.[50] It was a police force that emerged as a liberal response to the military tradition of internal order and was founded on the premise that freedom was a form of security. Therefore, only by understanding the intentions behind the production of legitimation for the British bobby can we come closer to understanding how police power has expanded as a device to secure the globe.

The emergence of reasonable force

Reasonable force emerged as a technique to distribute power in the utilitarian blueprints of early British policing. The values of new policing shifted the modality of power from the sovereign right to decide over life and death towards a governmental distribution of power whose emphasis was on the 'value and utility' of human productivity.[51] Peel's London Metropolitan Police represents the culmination of a century of reform during which ideas about public order, moral order, crime prevention, and crime detection evolved into a new frame; policing understood narrowly, as law enforcement.[52] Colquhoun's 1796 *Treatise on the Police of the Metropolis* draws

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[45] Jacques Derrida, 'Force of Law: 'The Mystical Foundation of Authority', *Cardozo Law Review*, 11, trans. Mary Quaintance (1990), pp. 920–1045, at p. 941.

[46] Schmitt, *Political Theology*, p. 28.

[47] Michel Foucault, *Society Must be Defended*, trans. David Macey (London: Penguin Books, 2004); Foucault, *Security, Territory and Population*.

[48] Philip Rawlings, *Policing: A Short History* (Devon: Willan Publishing, 2002).

[49] Galen Broeker, 'Robert Peel and the Peace Preservation Force', *The Journal of Modern History*, 33:4 (1961), pp. 363–73.

[50] Clive Emsley, *The English Police: a political and social activity* (London: Longmans, 1996).

[51] Michel Foucault, *The History of Sexuality: Volume One* (London: Penguin, 1987), p. 144.

[52] Beattie, *Policing and Punishment*.

upon both meanings of the word police.[53] Moreover, Colquhoun explicitly links 'the correct administration of whatever is related to the morals of the people' to 'the prevention of crimes'.[54]

Police was presented to the resistant middle-classes in England as a vehicle to improve society by improving the behaviour of the poor. Peel pointed to the threat posed to the economy by a criminal organised underclass[55] and advocated for the regulation, inspection, and guardianship of society to be based on a preventative model funded by churches and businesses.[56] The police, as Ericson and Haggerty conclude, was to be a superintending agency of risk management, brokering and monitoring the policing efforts of all the agencies involved in maintaining order.[57] Moreover, the conceptualisation of policing as a preventative force added other values. As O'Malley and Hutchinson observed, the discourse of prevention bestowed upon policing a prescient reasoning, charging it with intelligence gathering and surveillance capacities.[58] The need to construct legitimacy for these experimental propositions more or less consigned police as a 'domestic missionary, charged with bringing civilization and decorum' to the moral turpitude of vagabonds, drunken women, and prostitutes.[59] The normative model of police as law enforcement was from the outset inspired by the tenets of *laissez-faire* and envisaged policing as a form of security which would be bound with human development. Police in this sense is associated with moral and cultural progress. As a force it not only maintains order but it improves order – it is an agent which gives coherence to reformist ambitions.

The capacity of a police to reform is however entirely dependent on its ability to construct societal legitimacy.[60] To wit, the strategy behind British policing was to produce security by positioning the police officer as a common citizen, integrated and at one with the community. The key to the success of the model is the manner by which police act in the relations between individuals as a *primus inter pares*, as a neutral expert and as a model moral citizen respectful to the law but cognisant that morality often exceeds the rule of law. Community and consent are core themes in its legitimating discourse. Being seen to act *from* society rather than *on* society is therefore critical for police to realise Whittaker's aspiration that 'a trusted policeman can be the chief human regulator of our adult conduct'.[61] Police was constructed as a positive force, an agency through which state and societal power was harnessed and directed in the name of progress. Reasonable force has never simply been a defence mechanism; it is a force for progression.

Police power in the United States in the nineteenth century, as Markus Dubber's survey exhibits, was a vague and arterial phenomenon that was concerned with the

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[53] Ibid., p. 78.
[54] Patrick Colquhoun, A *Treatise on the Police of the Metropolis* (1796), p. iii.
[55] Randall Williams, 'A State of Permanent Exception: The Birth Of Modern Policing In Colonial Capitalism', *Interventions*, 5:3 (2003), pp. 322–44, at p. 328.
[56] David Garland, 'The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society', *British Journal of Criminology*, 36:4 (1996), pp. 445–71.
[57] Richard V. Ericson and Kevin D. Haggerty, *Policing the Risk Society* (Toronto: University of Toronto Press, 1997).
[58] Pat O'Malley and Steven Hutchinson, 'Reinventing Prevention: Why Did "Crime Prevention" Develop So Late?', *British Journal of Criminology*, 47 (2007), pp. 373–89.
[59] Emsley, *The English Police*, p. 74.
[60] Andrew Goldsmith, 'Police Reform and the Problem of Trust', *Theoretical Criminology*, 9:4 (2005), pp. 443–70.
[61] Ben Whittaker, *The Police in Society* (London: Metheun, 1979).

administration of people and things with a view to the general welfare of the population.[62] The US was slow to abandon the early modern conceptualisation and the idea of police as a mode of governance which held a tense relationship to the law remained extant up until at least the 1930s, when it gave way to the narrower British understanding. The arrival of the narrower law enforcement understanding is associated with the direct importation of the police officer from the United Kingdom to the United States in the mid-nineteenth century.[63] Contemporary police power in the US is thus marked by the establishment of the New York police in 1844.[64] Histories of policing in the United States point to a continuous tension between radically different concepts of police – one Continental and cameralist and the other limited and British.[65]

Nevertheless, from its earliest inception, policing was both a domestic and an international technology of power. For Britain, it was Robert Peel's Peace Preservation Force, established to enforce the state of emergency declared in Ireland in 1814, which had first provided evidence of the worth of a civilian-military constabulary force. The Dublin Metropolitan Police, set up in 1796 to patrol the 'lawless city' paved the way for the establishment of the London Metropolitan Police. Once Ireland gained independence in 1922, Palestine became Britain's site of experimentation for police tactics that would, with some tinkering, eventually be brought to bear on its domestic population. It is perhaps valid to suggest that the capacity of British policing to utilise the entire continuum of reasonable force was gained in the colonies, in exceptional sites of policing practice. For the United States, it would seem that the inverse occurred. The effectiveness of policing the exceptional situations at home motivated its use as a tool of foreign policy.

While serving as president on the Board of Commissioners of the New York Police, Theodore Roosevelt came to see police power as a distinctly more effective way to achieve security than was presented by law. Roosevelt admired the continental police model of governance, seeing police power as necessary for a government to exercise its sovereignty.[66] Moreover he regarded police power as a means to influence and civilise regions within the United State's proximity that suffered from 'chronic wrongdoing' or from an 'impotent government'.[67]

Christopher Tomlins has keenly observed that Roosevelt 'stands at the point of convergence of domestic with international police discourse . . . and embodies police's ultimate seamlessness'.[68] Roosevelt's conceptualisation of international police also marks a continuity between historical and contemporary understandings of police. A declaration of interventionism as a last resort, Roosevelt's foreign policy was to 'speak softly and carry a big stick' – which is, as we have seen, the essence of the

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[62] Dubber, *The Police Power*, p. 81.

[63] J. J. Tobias, 'Police and Public in the United Kingdom', in George L. Mosse (ed.), *Police Forces in History* (Beverly Hills, CA: Sage Publications, 1977), pp. 95–115.

[64] R. I. Mawby, 'Variations on a Theme: The Development of Professional Police in the British Isles and North America', in R. I. Mawby (ed.), *Policing Across the World* (London: UCL Press, 1999), pp. 28–58, at p. 38.

[65] S. Walker, *A Critical History of Police Reform* (Toronto: Longman, 1977), p. 81.

[66] James Holmes, *Theodor Roosevelt and World Order: Police Power in International Relations* (Washington: Potomac Books, 2006).

[67] Roosevelt cited by Tom Lansford, *Theodore Roosevelt: In Perspective* (Haupauge, NY: Nova Science Books, 2005), p. 70.

[68] Christopher Tomlins, 'Necessities of State: Police, Sovereignty and the Constitution', *The Journal of Policy History*, 20:1 (2008), p. 54.

reasonable force tactic upon which policing distinguishes itself as a moral and just force for progress. Police strategies were viewed therefore as a means by which civilised nations could secure the welfare of foreign state, 'by ensuring that they are well orderly and well-administered in their domestic affairs'.[69] Roosevelt's imperialism was not of the European sort. In foreign policy, he eschewed amassing territory in favour of an approach that was based on regulating foreign populations. It was in the dispatch of police units to America's near abroad that we can see US sovereign power interacting with an early attempt to spread governmental rationality. Under Roosevelt, gendarmerie units were dispatched *inter alia* to Cuba, Panama, Haiti and the Dominican Republic to establish or reform internal security structures in a quest to create self-governing jurisdictions that were bound to a regional political economic order.[70]

Reasonable force and the Cold War

In Britain, by the middle of the twentieth century, police work had become a self-evident truth, an elemental aspect of the apparatus of state security. By pushing military power beyond the sovereign boundaries, the unarmed 'bobby' had gradually gained a monopoly on the legitimate use of force. This legitimacy had been primarily gained through a functional division of power. During the nineteenth century and up until the 1920s police operated through mainly reasonable methods while the military was called upon to violently confront striking workers.[71] By the 1950s, police authority had been assured, during the so-called golden age of legitimacy.[72] It was as this was occurring, and as the military role in domestic affairs was diminishing, that British police began gradually building its capacity to operate along the more forceful end of the spectrum of reasonable force.[73] As this was happening British policing power began to play a more important role in the management of Britain's colonies, which experienced a shift from a more coercive to a consensual based strategy at this time. Faced with the loss of territorial possessions, decolonisation effectively meant that colonial administrators had to ensure an order that was loyal and economically cordial to its former coloniser. A move towards the governmental mode – the notion that more reasonable methods of policing the 'other' assisted in the accumulation of necessary intelligence – alerted senior British police in the Palestine Mandate in the late 1940s that in the face of Arab-Jewish tension, 'while it was a police responsibility to fight … by an intensification of their normal procedure and operation … the intelligence gathering aspect of policing required the police to

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[69] Roosevelt cited in Ron Levi and John Hagan, 'International Police', in Markus D. Dubber and Marianna Valverde, Marianna (eds), *The New Police Science*, p. 213

[70] Robert M. Perito, *The American Experience with Police Operations* (Clemensport, Canada: The Canadian Peacekeeping Press, 2002).

[71] *cf.* Roger Geary, *Policing Industrial Disputes* (Cambridge: Cambridge University Press, 1985); Norman Baxter, *Policing the Line: the development of a theoretical model for the policing of conflict* (Dartmouth: Ashgate, 2001).

[72] Robert Reiner, *The Politics of the Police* (Oxford: Oxford University Press, 2000).

[73] Phil Scraton, 'Unreasonable Force: Policing Punishment and Marginalization', in Phil Scraton (ed.), *Law, Order and the Authoritarian State* (Oxford: Oxford University Press, 1987), pp. 145–89.

'establish friendly relations with the public'.[74] Transferring responsibility for internal security to the newly independent governments was seen to be the most important and sensitive of political issues affecting successful decolonisation. Once the transition to independence had been made, the colonial power maintained its influence by sending police 'advisors' whose task was to advise on police reform. Reform of the Cypriot police, for instance, was directed from London throughout the 1950s. One study of decolonisation in British Malay in the early 1950s outlines Britain's 'Operation Service', which aimed to transform the Malayan Police from a 'force' to a 'service' by winning the hearts and minds of the local inhabitants. 'Operation Service' initiated multiracial recruitment policies, improved the pay and conditions of officers, provided the police with equipment (armoured cars), and emphasised 'normal policing'.[75] 'Operation Service' ultimately failed to bring reason to the force of decolonisation due to the necessity to draw on exceptional powers to counter the Communist threat. Nonetheless, it is clear that the policing strategies to manage an orderly retreat from the colonies contained the germ of strategies that would be used to consolidate the expansion of liberal internationalism a few decades later.

Reasonable force as a form of international administration, as a global arterial power which secures the populace, the state and the interstate system, emerged from decolonisation. It was given form with the birth of the United Nations, the 'most ambitious organic entity ever created by states'.[76] Tellingly, Franklin D. Roosevelt's blueprint for the United Nations was premised on an extension of the 'good neighbor' policy that had been practiced by the US in Latin America during the 1930s.[77] Roosevelt envisaged world order being maintained by 'four policemen; the US, China, Britain and Russia'.[78] Imagining humanity to be 'one neighbourhood', Roosevelt placed great emphasis on the preventative role that would be played by the UN to ensure against the 'germs of another world war'.[79] To Debrix,[80] the UN acquired for itself a policing position, one which could induce on states a 'conscious and permanent visibility'.[81] Notably, the Charter that affirms the legal basis of the United Nations can be interpreted as a codification of reasonable force. According to its preamble, the UN deploys 'international machinery' that aims to unite reason and force for the common good of all humanity. The machinery operates around forming consensus against certain activities that are seen to be contrary to international security and peace. When faced with a deviant actor, Articles 39 to 42 outline

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[74] Charles Wickham cited by Georgina Sinclair, 'Get into a Crack Force and Earn £20 a Month and all Found . . . : The Influence of the Palestine Police on Colonial Policing 1922–1948', *European Review of History*, 13:1 (2006), pp. 49–65, at p. 54.

[75] A. J. Stockwell, 'Policing during the Malayan Emergency, 1948–1960: Communism, Communalism and Decolonisation', in David Anderson and David Killingray (eds), *Policing and Decolonisation* (Manchester: Manchester University Press, 1992), pp. 105–26, at p. 115.

[76] Thoman Franck and Faiza Patel, 'UN Police Action in Lieu of War: "The Old Order Changeth"', *The American Journal of International Law*, 85:1 (1991), pp. 63–74, at p. 73.

[77] Martha K. Huggins, *Political Policing: The United States and Latin America* (London: Duke University Press, 1998).

[78] Susan Butler, Susan, *My Dear Mr. Stalin: The Complete Correspondence of Franklin D. Roosevelt and Joseph V. Stalin* (New Haven, CT: Yale University Press, 2008). p. 73.

[79] Derek Chollet and James Goldgeir, *America Between the Wars: from 11/9 to 9/11* (New York: Public Affairs, 2008), p. 6.

[80] Francois Debrix, 'Space quest: Surveillance, governance, and the panoptic eye of the United Nations', *Alternatives: Global, Local, Political,* 24:3 (1999), pp. 269–95.

[81] Michel Foucault, *Discipline and Punish; The Birth of the Prison*, trans. Alan Sheridan (London: Penguin Books, 1991), p. 201.

how the actor's behaviour ought firstly to be criminalised, secondly arrested, and then reformed. The Charter commences by requiring the UN to produce a universal condemnation of actor's behaviour – this might be seen as the police officer exhibiting her authority. This institutionalises the deviancy of the act, and establishes it as criminal against a set of universal principles. The deviant actor is then isolated while the UN issues a command for the behaviour to cease. Upon non-compliance the UN will generate sanctions and embargoes prior to having recourse to more forceful means. The Charter gets more blurred and open to interpretation the further one travels along the spectrum, gradually distancing itself from legal certainty. Tellingly, it is from this zone that the 'moral wars', which came to define international police activity, emerged in the mid-1990s.

Throughout the Cold War (with one or two notably unsuccessful exceptions) the UN remained firmly at the lawful end on the spectrum reasonable force. The ideal was that of a watchful, politically neutral force that was ever-ready to intervene to prevent global instability. Impressed by the 'police action' undertaken by the US-led UN mission to Korea in 1950, Lestor Pearson with the support of UN Secretary General, Dag Hammarsköld, proposed peacekeeping as a solution to the Suez crisis in 1956.[82] Peacekeeping was from its inception articulated by Pearson as a policing activity based on the maintenance of global order.[83] Consequently, peacekeeping adopted a domestic model that was based on the core characteristics of the domestic British bobby: impartial, legitimate, lightly armed mediators and monitors. On the ground peacekeepers remained a transparent, consent-seeking force dutifully respectful of the international law of sovereignty. UN peacekeepers, generally, did not transcend the border. The horizon was long-term evidently, as a statement in 1963 by the Secretary General U. Thant explains;

I have no doubt that the world should eventually have an international police force which will be accepted as a part of life in the same way as national police forces are accepted. Meanwhile, we must ensure that developments are in the right direction.[84]

Writing in the same year as U. Thant spoke about his aspirations for an international police force, Hans Morgenthau opined that such a force was unlikely due to the 'lack of an automatic commitment to a particular legal order and political status quo'.[85] Thus, he argued, the requisite continuity of authority found in a domestic police force could not be replicated in the international sphere because global commitment needed to be reproduced for each security event. An international police would always be 'threatened with partial or total disintegration' as it would remain subject to fluctuating national interests.[86] Morgenthau, ever the theorist of sovereign power, was somewhat justified in his view that police legitimacy at the time rested on a coherency across time and space that transcends national interest towards a normative supranational order. Indicatively, during the Cold War international police activity was piecemeal and tenuous.

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[82] Lestor Pearson, *Peace in the Family of Man. The Reith Lectures 1968* (London: British Broadcasting Corporation, 1969), p. 78.

[83] Lestor Pearson, 'Force for UN', *Foreign Affairs*, 35:3 (1957), pp. 395–404.

[84] U. Thant cited in UN Police Magazine, 3 (July 2009), p. 9, available at: {http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag_03.pdf} accessed 1 Aug. 2011.

[85] Hans Morgenthau, 'The Political Conditions for an International Police Force', *International Organization*, 17:2 (1963), pp. 392–403, at p. 401.

[86] Ibid.

By the time the Berlin Wall collapsed police power had been consigned to a very marginal role in global politics. There were very few blue helmets on duty and only a handful of relatively symbolic missions. The use of law enforcement officers had all but vanished. In 1988, the year in which the Nobel Prize was awarded to UN Peace-keeping, there were only 34 UN police officers on global duty – all of whom were based in Cyprus.[87] Historical tensions within the United States, between a judicial and limited definition of police power and a political and expansive understanding, resulted in human rights activists successfully curtailing the use of US police power abroad in the mid-1970s. Section 660 of the 1974 Foreign Assistance Act prohibited (with certain exceptions) the provision of police training, advice or funding to foreign governments, or law enforcement agencies.[88] Prior to the passage of this Act the Truman and Kennedy administrations had made extensive use of police power through the Office of Public Safety (OPS).[89] Under the cover of liberalising, the internal security sectors of states susceptible to Communist influence, the Central Intelligence Agency was able to maintain the legitimacy of governments, provide intelligence, and suppress insurrection.[90] Operating along the entire spectrum of reasonable force, US ally police institutions were trained how to move seamlessly from normal operational policing through to paramilitary tactics to the use of torture and other extra-juridical tactics of order maintenance. US policing abroad promoted methods that were deemed *necessarily* reasonable in the existential war being waged against its irrational 'other'. The exception pertaining to the 1974 Act became normalised during the 1980s when the Communist threat in Central America and the Caribbean resurfaced during the Reagan's administration. An Anti-terrorism Assistance Programme was authorised to train foreign police in 1983, whereby foreign police were trained on US soil. In 1984, a waiver was granted that would pave the way for the creation of the International Criminal Investigative Training Assistance Program (ICITAP) when judicial reform projects were authorised for El Salvador. By 1985, the judicial reform project was looking at the need to improve criminal investigation techniques and the number of exemptions increased, as projects in Costa Rica, Honduras, and the Caribbean were added to the El Salvador project.[91] The project in El Salvador centred on investigating human rights abuses and led to the establishment of the El Salvador Commission of Investigation.[92] Hailed by the same human rights lobby which had tried to scupper the OPS, the project to liberalise El Salvador provided legitimacy to US international policing activity by aligning it firmly to judicial and limited police practices. In January 1986, ICITAP was created as a purely technical agency to improve criminal investigation techniques for human rights purposes.

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[87] Chuck Call and Michael Barnett, 'Looking for a Few Good Cops: Peacekeeping, Peacebuilding and CIVPOL', in Tor Tanke Holm and Espen Barth Eide (eds), *Peacebuilding and Police Reform* (London: Frank Cass Publishers, 2000), pp. 43–68, at p. 43.

[88] Perito, *The American Experience*, p. 18.

[89] Ethan Nadelmann, *Cops Across Borders* (Pennsylvania: Pennsylvania State University Press, 1993), p. 113.

[90] Perito, *The American Experience*, p. 15.

[91] Charles T. Call, 'Institutional Learning within ICITAP', in Robert B. Oakley; Michael J. Dziedzic, and Eliot M. Goldberg (eds), *Policing the New World Disorder* (Honolulu, Hawaii: University Press of the Pacific, 2002), pp. 315–98, at p. 319.

[92] Nadelmann, *Cops Across Borders*, p. 121.

Reasonable force after the Cold War

The re-emergence of US policing power through human rights discourse might be viewed as a harbinger for the birth of global police activity as an arterial and dominant form of power in the post-Cold War period. By restricting US activity to the legal end of the spectrum of reasonable force (and by precluding access to more forceful methods) police power was rejuvenated as a legitimate conduit through which would pass the primary themes of post-Cold War international politics. Henceforth all policing activity would occur to progress freedom. This trajectory was observable in the speech made in 1987 by Ronald Reagan at the Brandenburg Gates in Berlin. Telling Gorbachev to 'tear down the wall',

Reagan declared that in the West, 'we believe that freedom and security go together'.[93] For Reagan, the Berlin Wall symbolised a rigid sovereign barrier, a limit to progress. Once it fell all limits were open for contestation and the early nineteenth-century proposition of police power as a force of improvement was endowed with global meaning. From 1989, through borders suddenly permeable, police power steadily advanced into the populations of the former Soviet and socialist sphere. The year 1989 might therefore be understood as a critical juncture in the evolution of global police power. Starting with projects that aimed to reform the *modus operandi* of police institutions in the former Soviet or socialist sphere, police power expanded centrifugally, transforming institutions such as the EU, the OSCE, NATO, and the UN through which it passed. As we will see, police power affected the military and the legal practices of these organisations and gave coherence to the means by which they operated in the international sphere.

It was in 1989 that the US, during its invasion of Panama, realised the value of an international police force which could legitimately restore order following the military phase of intervention.[94] Consequently between 1991 and 1993, returning to its former sphere of interest in Guatemala and El Salvador, the US worked closely with the UN to construct human rights compliant, consent-oriented local police. The idea was that police force, if constructed around the discourse of freedom and human rights, could attain sufficient legitimacy to strengthen these states by transforming their modality of rule from military to civilian.[95] In Haiti operating within UNCIVPOL, 829 US police officers, armed with full executive authority and under martial law conditions, were tasked with recreating the Haitian police force. Between 1988 and 1992, the number of police officers on UN missions increased one hundred fold. While reconstituting state controls in Cambodia in 1992, UNCIVPOL awarded itself executive authority to conduct investigations and make arrests.[96] This, in effect, opened up to international police the full spectrum of reasonable force.

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93 This speech is available online at: {http://www.ronaldreagan.com/sp_11.html} accessed 29 July 2010.
94 Perito, *The American Experience*, p. 25.
95 William Stanley, 'International Tutelage and Domestic Political Will: Building a New Civilian Police Force in El Salvador', in Otwin Marenin (ed.), *Policing Change, Changing Police* (New York and London: Garland Publishing, Inc., 1996), pp. 37–77.
96 Michael Doyle, 'Authority and Elections in Cambodia', in Michael Doyle, Ian Johnstone, and Robert C. Orr (eds), *Keeping the Peace: Multi-dimensional UN Operations in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997), Pp. 134–64; Annika S. Hansen, 'Civil-Military Co-operation: the military, paramilitaries and civilian police in executive policing', *Executive Policing: Enforcing the Law in Peace Operations* (Oxford: Oxford University Press, 2002), pp. 67–84.

The Balkans, however, marks the birth site proper of international policing as an arterial power. The violent dissolution of Yugoslavia produced 5000km of new borders.[97] The ubiquitous discourse of ancient ethnic hatreds [98] meant that Yugoslavia would be interpreted as a place wherein an infinitude of 'interface' zones needed to be secured. As we saw with FRY, the approach was thus to construct antithesis forces (that is, 'services') by reducing the numbers of officers, decentralising operations, making police accountable to a reformed rule of law, instilling transparency and managerial accountability, and demilitarising their ethos while training and equipping new gendarmerie units.[99] The elevated moniker given to this process of embedding the methodology of reasonable force (through strategies of reasonable force) was that it was 'democratic policing'.[100]

In six years, between 1993 and 1999, the capacity of international actors to deliver this antithesis force increased at an exponential rate. Conceptually, this might be expressed as the incorporation of gendarmerie capacity to the reasonable expansion of human rights. When the UN first entered Eastern Slavonia in 1993 they were merely monitors who, alongside ICITAP, provided training in the ethical use of force. During the implementation of the Dayton Agreement post-1996 the UN together with SFOR (NATO Stabilisation Force in Bosnia-Hercegovina), ICITAP and the European Union were far more muscular in their approach to transformation. Military peacekeeping managed by NATO worked alongside the UN civilian administration together with a host of NGOs, state aid agencies, and human rights groups. Faced with a population slow to reform and intransigently tied to 'irrational' practices, a far more coercive approach is evincible in Bosnia than in previous missions.[101] Bosnian reform efforts were assisted by the introduction of international gendarmerie units called MSUs (multinational strategic units). Introduced by NATO ostensibly to protect international police as they travelled the territory, MSU's more importantly addressed the so-called 'enforcement gap'.[102] This problem related to the time it took to train local police to use force and the legitimacy problem created by the usage of military used in their stead. The identification of an 'enforcement gap' opened up military operations to police power. More than exhibiting a lacking in the capacity of law enforcement it highlighted the need for military operations to incorporate reasonable force, to seek license to use lethal force.

Looking back at the Bosnian mission the former EU High Representative Paddy Ashdown described the emergent strategy as being one where an internationalised *raison d'état* is firstly forged through military force and thereafter cemented by police power and the rule of law;

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[97] European Court of Auditors, *The Effectiveness of the Commission's Projects in the Area of Justice and Home Affairs in the Balkans; Special Report no. 12* (Luxemburg; European Court of Auditors, 2009), p. 12.

[98] Misha Glenny, *The Balkans 1804–1999* (London: Granta Books, 2000).

[99] M. Caparini, 'Police Reform: Issues and Experiences', paper presented to *Fifth International Security Forum*, Zurich (14–16 October 2002), p. 6.

[100] David H. Bayley, *Democratizing the Police Abroad: What to do and How to do it* (Washington: US Department of Justice Office Programs, 2001).

[101] Gemma Collantes Celador, 'Police Reform Through Democratic Policing?', *International Peacekeeping*, 12:3 (2005), pp. 364–76.

[102] M. J. Dziedzic and A. Bair, 'Introduction', in R. B. Oakley, M. J. Dziedzic, and E. M. Goldberg (eds), *Policing the New World Disorder: Peace Operations and Public Security* (Honolulu, HI: University Press of the Pacific), 2002.

So what this means is that your troops have to be fighting 'hot war' at one minute to midnight, and be part policeman, part aid worker, part community friend at one minute past midnight – and by the way be able to shift between one and the other until the police forces arrive. That may be weeks, it may even be months. But that is what they have to do . . . And then you have to bring in the rule of law. Unless you have the rule of law, you cannot have decent democracy, you cannot have a growing economy, you cannot give people security. So priority number one, day one, is security. Priority number 'one A', day one or day two, is bring in the rule of law as quickly as possible.[103]

Robert Mandel[104] has contextualised this strategy. He observes that contemporary victory provides the protagonist leverage to activate a 'normalisation' process. This means that a modern victory does not result in sustained occupation or the annexation of a defeated enemy. Instead it means that the adversary reasons in the manner desired by the victor. This is, as we saw, the strategy that Theodore Roosevelt had in mind at the turn of the twentieth century during US interventions in Latin America. The UN mission in Kosovo presents most clearly the strategic confluence of administrative, legal, and military force that produces the sort of reasonable force most conducive to persuading hearts and minds. From its inception, full executive authority was bestowed upon the international police who arrived in Kosovo. At the height of the mission the UN Special Representative, the sovereign authority in Kosovo had access to approximately 7,200 Kosovo Police, 16,300 NATO KFOR troops and 3,300 UNMiK police.[105] Support was delivered by 'a system-wide UN response' that 'subsumed various actors and approaches within an overall political-strategic crisis management framework'.[106] It was a security-oriented project described by its adherents to be 'a political project that changes relationships in a society'.[107] The very pursuit of policy coherence around the definition and application of these norms, marks not only the construction of a project called Kosovo, but the emergence of a constellation of governance that would project itself from the Balkans into the wider global security domain.

Brightest in this constellation of global governance, policing agencies such as the UN, the OSCE, and the EU can be found. Both the OSCE and the EU were entirely transformed by the principle of reasonable force as they worked to transform power relations in the Balkans. Merlingen has observed how the EU's failure to negotiate the siege of Sarajevo in the mid-1990s convinced EU policymakers that the Union's ability to exercise power in the international realm depended on its capacity to draw upon force as an *ultima ratio*.[108] By 2003, the role of policing in the civilian aspect of the Common Security and Defence Policy (CSDP) was affirmed when member states were requested to contribute to a police rapid reaction force. At subsequent summits further commitments were agreed that supplemented the Union's access to police

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[103] Foreign Affairs and International Trade Canada, 'Interview with Lord Paddy Ashdown, High Representative for Bosnia and Herzegovina until January 2006', recorded 14 February 2007, available at: {http://www.dfait-maeci.gc.ca/cip-pic/discussions} accessed 17 Nov. 2009.

[104] Robert Mandel, *The Meaning of Military Victory* (Boulder, CO: Lynne Rienner, 2007).

[105] Barry J. Ryan, 'Policing the State of Exception in Kosovo', in Aidan O'Hehir (ed.), *Kosovo, Intervention and Statebuilding* (London: Routledge, 2010), pp. 114–31.

[106] Espen Barth Eide, Anja Therese Kaspersen, Randolph Kent, Randolph and Karen von Hippel, *Report on Integrated Missions: Practical Perspectives and Recommendations* (Independent Study of the Expanded UN ECHA Core Group. Oslo: NUPI, 2005), p. 3.

[107] Renata Dwan (ed.), 'Conclusions', *Executive Policing: Enforcing the Law in Peace Operations* (Oxford: Oxford University Press, 2002), p. 126.

[108] Michael Merlingen and Rasa Ostrauskaitė, *European Union: Peacebuilding and Policing* (London: Routledge, 2008), p. 37.

officers with a European Gendarmerie force. These moves were made in the light of the European Security Strategy, published in 2003, which framed its conception of security on a correspondence between domestic and international law and order.[109] Police was more conducive to soft power and between 2003 and 2009 the EU launched 23 missions, all but four of which were policing and rule of law-led missions.[110] In 2004, missions were launched beyond the Balkans. It has established a presence in Georgia, Iraq, the Democratic Republic of Congo, and more recently it entered Afghanistan.[111]

Working alongside, within and sometimes in competition with the EU, the *raison d'etre* of the OSCE was also reinvigorated by the application of reasonable force during and after the Balkans conflict. Reinterpreting its Cold War mission as a neutral mediator between East and West, the OSCE pronounced itself in the early 1990s to be a soft power organisation committed to the spread of liberal norms.[112] By doing this the OSCE successfully redirected its skills in the macro politics of Cold War confidence building strategies towards the micropolitics of community building in south-eastern Europe.[113] As an unarmed global police officer, it relies on its voice of reason to persuade, while conscientiously building close partnerships with more force-oriented organisations such as NATO. This functional division of power that generates reasonable force was first established during the OSCE's Kosovo Verification Mission. While the OSCE undertook consensual surveillance and gauged compliance with UN resolutions, NATO waited in the wings, preparing itself for intervention.[114] As Bellamy and Griffin have pointed out, 'this mission should be viewed as a wider nexus of policy instruments used by states, one that acted as a tripwire for enforcement measures by other organizations'.[115] Here we see the classic community policing tactic at work with the deliberating, participatory ethos of the OSCE exhibiting itself as commensurable with the norm-enforcing violence of NATO.

And yet these organisations represent but one strata of global policing. Other international organisations, such as the International Organisation for Migration, the World Bank, the International Monetary Fund and the Inter-American Development Bank have also invested in the development of global police development programmes. Interspersed between these international organisations there moves a stratum of state actors which have come to identify policing as a focal aspect of foreign policy.[116] The United States for example, through the State Department, the Department for Homeland Security, the Drug Enforcement Administration, the Federal Bureau for Investigation, private security companies, and a multitude of other state agencies, intelligence networks, and liaison channels is the most dominant

[109] European Council, *EU Security Strategy: A Secure Europe in a Better World* (Brussels, 2003).
[110] Giovanni Grevi, Damien Helly, and Daniel Keohane (eds), *European Security and Defence Policy: The First Ten Years* (Paris: The European Institute of Strategic Studies).
[111] Luis Peral, 'EUPOL Afghanistan', in Giovanni Grevi, Damien Helly, and Daniel Keohane (eds), *European Security and Defence Policy: The First Ten Years*, pp. 325–38.
[112] David Galbreath, *The Organization for Security and Co-operation in Europe* (London: Routledge, 2007).
[113] Barry J. Ryan, *Police Reform and Statebulding: The Freedom of Security* (London: Routledge, 2011).
[114] Howard Caygill, 'Perpetual Police'.
[115] Alex Bellamy and Stuart Griffin, 'OSCE Peacekeeping: Lessons from the Kosovo Verification Mission', *European Security*, 11:1 (2002), p. 1.
[116] David H. Bayley, 'Police Reform as Foreign Policy', *The Australian and New Zealand Journal of Criminology*, 38:2 (2005), pp. 206–15.

bilateral provider of foreign police assistance.[117] The level of transnational policing activity emanating from the United States is incalculable – estimates of $750 million per year made by Bayley intuitively seem conservative.[118] Similarly, the United Kingdom through its Home Office, its Foreign and Commonwealth Office, and its state aid agency, DFID, funds reform, promotes values and dispatches trainers, advisors, and private consultants to various strategically important sites in all four continents. The state aid agencies of Norway, Sweden, Canada and Australia, to name but a few have also embedded security objectives within socioeconomic developmental aims and dispatched domestic police and security experts to implement foreign strategic security interests. Gravitating around this activity one can find a multitude of local and international non-governmental organisations and academic and policy research institutes. Constituting another stratum of the constellation, this transnational epistemic community, brings together bodies such as the Organization for Economic Cooperation and Development (OECD), UNDP, Saferworld, South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), Geneva Centre for the Democratic Control of Armed Forces (DCAF), the Rand Corporation, and the International Peace Institute. These global civil society organisations have specialised in producing knowledge, evaluating, and promoting the use of security-mediated development. They are according to Marenin, 'the link and liaison between transnational regimes and structural and operational reforms of policing at the local level; between theorizing about policing and governance and the craft of implementing good policing'.[119]

A shared ontology of reasonable force also structures policing activities that stem from the global war on terror. Moreover it has provided the constellation with a coherent imperative. In the performance of global security certain sites serve as hubs of risk around which the constellation tends to settle, constructing networks through which a myriad of international organisations, NGOs, and state agencies can channel police power. Typically, borders have become the primary interlocking site of practice through which global terrorism, migration, and organised crime can be managed through themes such as 'democratic policing' and good governance. The fascination with transforming limits into links, which we observed with the Monk Report in FRY, persists as a methodology to secure the expansion of global governance.

Notably, there is a tendency for policing power, having established its legitimacy through reason, to gradually move towards the more violent end of the spectrum upon which it operates. This tendency is discernible in contemporary practices of global policing. We view it in the increased use of gendarmerie in the northern hemisphere,[120] the training objectives of NATO in Afghanistan,[121] or the manner by which the UN has become increasingly reliant on the paramilitary capacities of

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[117] Nadelmann, *Cops Across Borders.*
[118] Bayley, 'Police Reform as Foreign Policy'.
[119] Marenin, 'Implementing Police Reforms ', p. 179.
[120] Derek Lutterbeck, 'Between Police and Military: the New Security Agenda and the Rise of Gendarmeries', *Cooperation and Conflict*, 39:1 (2004), pp. 45–68.
[121] *Cf.* Tonita Murray, 'Police-building in Afghanistan: A Case Study of Civil Security Reform', *International Peacekeeping*, 14:1 (2007), pp. 108–26; Robert M. Perito, 'The US Experience with Provincial Reconstruction Teams in Afghanistan: Lessons Identified, in the US Institute of Peace Special Report no. 152 (2005), available at: {www.usip.org} accessed 5 Aug. 2011.

Formed Police Units.[122] It is marked by the necessity of police power to enter zones more resistant, more exceptional, and thus less inclined to succumb to reasonable methods of persuasion. The necessity of progress would appear to be inscribed within the instrumental rationality that impels police force. Violence will always be necessary to a global order where, in the words of Dillon and Reid, the 'cry of unfair' must succumb to the reply, 'it works'.[123]

Conclusion

This article has presented reasonable force as an emergent governmental technique designed to produce power through reforms that are deemed necessary for global order. Tracing the development of reasonable force through the phenomenon of policing has allowed us explore how traditional practices of sovereign power have percolated through to the Universalist pretensions of global governance. Notwithstanding the productive tension evincible between the narrower legal and a wider political interpretation of police power, the key attributes of early British policing persist in the performance of global governance. The concept of police as a superintending agency whose monopoly of force coordinates and facilitates the policing actions of (reasonable) civil society actors in response to disorder persists. Moreover, so too does the monopoly of police to name this disorder – awarding policing power (prescient) dominion over public order, moral order, and the prevention of crime.

Fortified by a rationality which admits the necessary duress of progressive change, police power ultimately aims to produce coherent, self-governing rational actors who perform productively in what this article has termed a globalied *raison d'etat*. Reasonable force presents us with the calculus that binds this coherency. The quality of force exerted will always be derivative of the perceived irrationality of the 'other'. The force ought not to defeat the 'other', but should be sufficient to demonstrate that she has a stake in reforming. As a mediating force, police power forms a link and a limit with its object of improvement, binding otherness into an asymmetrical power relationship. Conversely, the actions of the 'other' will be measured along the spectrum of reason that forecloses any use of force. Police power holds the monopoly on the legitimate use of violence. The use of force by the 'other' will be always judged irrational or unreasonable. The greater the level of illegitimate force exerted against police, the more reasonable it is for police power to move up the scale of violence in its reaction.

Policing, with its will to reform, has from its inception sought to signify the boundary between things and people. Like a chain, policing is a series of links which forms a dynamic relational limit. It emerged by challenging boundaries. It challenged sovereign power by incorporating legal power and simultaneously challenged legal power by being more attuned to a contingent sense of what is right and wrong than what is legal and illegal. It challenged military power at the domestic and at the level of the international. Its reason seeped into military power and transformed the nature of modern victory by elevating the winning the hearts and minds of the subject

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[122] Seven of the eighteen UNPOL missions currently deployed draw upon the paramilitary force capabilities of Formed Police Units. The majority of missions on the African continent are led by these paramilitary units.

[123] Dillon and Reid, *The Liberal Way of War*, p. 38.

population above territorial conquest. One need only look at the doctrine of COIN adopted by US military as being illustrative of a new formation of military power that aims for an interagency approach that fuses military operations and intelligence gathering/sharing capabilities.[124] Military strategies that aim to integrate political, economic, and military force are essentially based upon networking techniques that underpin policing power. As the links between police and military actions are continually reinforced, the importance of distinguishing between the two is insisted upon. The boundaries of military and police are becoming undecidable.

The multilayered constellation of global policing actors cannot but return us to Benjamin's 'nowhere tangible, all pervasive, ghostly presence'. As a strategy that aims to strengthen the state system through society this constellation secures and reforms relationships, managing coherence between individuals, communities, institutions, and states. And yet, the emergence of late modern policing power reveals far more than simply the wax and wane of reason around purposeful violence. Dillon's description of modern power as something which moves productively and intrusively through space and time by synthesising and radically exceeding juridical and territorial modes of power is apposite to our understanding of police power.[125] It reveals reasonable force as a spectrum of action, a normative force for progress that is expansionary and instrumental, fluid and contingent, rather than principled and constant.

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[124] Colonel Dan Roper, 'Countering Insurgency in Complex Environments', presented at the Institute for Defense and Government Advancement (IDGA) Irregular Warfare Conference, Washington DC (May 2010), available at: {www.idga.org} accessed 1 Aug. 2011.
[125] Dillon, 'Sovereignty and Governmentality', p. 334.