

# **Slave Patrols and Civil Servants**

**A History of Policing in Two Modes**

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# Contents

Two Moments of Policing . . . . .	3
South Carolina, 1819. . . . .	3
St. Peter’s Field, Manchester, Great Britain, August 16, 1819. . . . .	4
Signatures of Policing . . . . .	4
Slavery in the New World: Exclusion, Surveillance, and Social Death . . . . .	5
Counter-insurgency in Europe: The Creation of White Civil Society . . . . .	7
Two Modes of Policing . . . . .	9

The police are the absolute enemy. Grounded in slave patrols in the early American South, the institution has an unbroken history of protecting and upholding white supremacy. Recent movements in the United States have clarified this lineage of racist violence, beginning with slave patrols and culminating in indiscriminate police killings of black bodies. But white supremacy is not the only function of the police: the history of British policing is one of capturing and controlling unruly workers—of the creation of “white working class” subjects through a process of inclusion, discipline, and education. The police have a dual history: one of violent exclusion, one of insidious inclusion. If our opposition to the police rests only on their heritage of racism or class oppression, then we risk attacking a symptom instead of uprooting the whole. We are against the police not only for their clubs and their guns, but also for the ways they infiltrate our minds, making us citizen-cops and unwitting accomplices.

Therefore, instead of tracing the history of policing from start to finish, I offer here a metaphysical history of the police, a history that takes place on both sides of the Atlantic Ocean, in Britain and the British colonies in America. From two exemplary moments we can trace separate but entangled logics of policing—two signatures, inseparable from the origins of policing and from its current manifestations. The first is a story of slave patrols, of anti-Blackness and the foundations of slavery that underpin white civil society. The second is a story of inclusion, of certain bodies being incorporated into civil society, granted certain privileges while being educated and disciplined into new subjects. Absolute violence and contingent violence; punishment and discipline; racism and cybernetics; slave patrols and crowd control: these are some of the binaries that continue in contemporary policing. Separate but sharing a common body, these continuing stories are like the two hands of the state: one offers a friendly hand shake, the other extends only a gun.

We begin our tale in 1819.

## Two Moments of Policing

### South Carolina, 1819.

Cotton plantations formed the backbone of the economy. The black population outnumbered whites, and white fear of slave insurrection was rampant. The South Carolina General Assembly enacted a law requiring all white men over the age of 18 to participate in slave patrols, punishable by a fine of \$2.00 and 10% of the offenders’ last taxes.<sup>1</sup> Slave patrols in South Carolina, while ongoing since 1671, transformed in this moment from the responsibility of slave owners to the responsibility of all white society. Patrols rode through the countryside and the cities, terrorizing any black person found outside after dark, checking passes, and raiding homes in search of weapons or plans of revolt. The new law followed two attempted insurrections, and reflected a growing fear among propertied whites of widespread slave rebellions. This law served to deputize all of white society against black slaves and freedmen.

“Slave patrols had full power and authority to enter any plantation and break open Negro houses or other places when slaves were suspected of keeping arms; to punish runaways or slaves found outside their plantations without a pass; to whip any slave who should affront or

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<sup>1</sup> H.M. Henry, *The Police Control of the Slave in South Carolina* (Vanderbilt, 1914), 36

abuse them in the execution of their duties; and to apprehend and take any slave suspected of stealing or other criminal offense, and bring him to the nearest magistrate.”<sup>2</sup>

These slave patrols gradually became more professionalized and institutionalized, until evolving directly into the modern American police force.

### **St. Peter’s Field, Manchester, Great Britain, August 16, 1819.**

Sun shone down on a mass meeting of working men demanding parliamentary reforms and suffrage in St. Peter’s Field. Dressed in their Sunday best, with strict orders to remain peaceful and respectable, 60,000 workers gathered in formation to hear speeches and make plans to demand, by legal means, parliamentary reforms. Fearing insurrection, a combination of militias peopled by shop-keepers and privileged tradesmen, as well as multiple military forces and cavalries, gathered to “keep the peace.” As soon as Henry Hunt began his speech, the Yeomanry militias charged; a survivor describes it thus:

“On the cavalry drawing up they were received with a shout of good-will, as I understood it, They shouted again, waving their sabres over their heads; and then, slackening rein, and striking spur into their steeds, they dashed forward and began cutting the people. ‘Stand fast,’ I said, ‘they are riding upon us; stand fast.’ And there was a general cry in our quarter of ‘Stand fast.’ The cavalry were in confusion: they evidently could not, with all the weight of man and horse, penetrate that compact mass of human beings; and their sabres were plied to hew a way through naked held-up hands and defenceless heads; and then chopped limbs and wound-gaping skulls were seen; and groans and cries were mingled with the din of that horrid confusion. ‘Ah! Ah!’ ‘for shame! for shame!’ was shouted. Then, ‘Break! break! they are killing them in front, and they cannot get away’; and there was a general cry of ‘break! break!’ For a moment the crowd held back as in a pause; then was a rush, heavy and resistless as a headlong sea, and a sound like low thunder, with screams, prayers, and imprecations from the crowd moiled and sabre-doomed who could not escape.”<sup>3</sup>

The event was later titled “the Peterloo Massacre,” a tongue-in-cheek reference to the Battle of Waterloo, four years prior. Fifteen people were killed and hundreds more wounded by the sabres and horses of the militias. The immediate consequence was a nationwide crackdown on dissent, but there was also a public opinion backlash. Even the petit bourgeoisie present, political opponents of the working class Republicans, were horrified by the indiscriminate violence. The state and the capitalists required the working class; they must be controlled, but not eradicated. New techniques were needed to govern unruly crowds, to control them and integrate them into civil society. The British government cited the Peterloo Massacre, and the need for “less-lethal” forms of crowd control, for the formation of the London Metropolitan Police by Robert Peel.

## **Signatures of Policing**

Different as they are, these two moments are inextricable. From the Peterloo Massacre and subsequent British police reform we can trace disciplinary society, the foundations of liberalism, and

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<sup>2</sup> P.S. Foner *History of Black Americans from Africa to the Emergence of the Cotton*

<sup>3</sup> *Kingdoms* (Westport: Greenwood, 1975), 206; Humphrey Jennings, *Pandaemonium, 1660–1886: The Coming of the Machine as Seen by Contemporary Observers* (New York: The Free Press, 1985), 151

the seeds of cybernetic and neoliberal social control: subjects must be identified, educated and incorporated into society. But liberal Western society, with its good citizens, its Fordist workers, its neoliberal entrepreneurs of the self, cannot exist without the slave patrols and what Frank B. Wilderson, III calls the “paradigmatic violence” that suffuses Black existence. This is a violence that can be issued at any time, without cause: not as a punishment for transgression, but as a punishment for one’s existence. If the response to the Peterloo Massacre represents one side of policing, concerned with civilizing and managing white society, the moment of slave patrols and the conscription of all white men into policing black bodies represents the other.

A metaphysical history of the police takes these two elements of policing, these two beacons, and shines a light through history towards them. If the light is bright enough, and tightly focused on the right places, it might also obliquely illuminate other hidden reefs, those submarine counterrevolutions that lurk just below the surface in every radical program.

This history does not seek to be causal, or linear, but instead highlights signatures that shine with particular clarity. The first signature of the police is slave patrols: the requirement of black social death for white civil society, and the indiscriminate racist police violence that continues today. The second signature is the management of civil society. Starting from two different contexts—the antebellum American South and industrializing Britain—these signatures carry through to the present until they combine in the dual function of the modern police: management and exclusion; contingent violence against transgressors, and absolute violence against racialized bodies. The techniques required by these motives bleed into one another, while the originary split remains. We see this in the everyday harassing and targeting of black bodies (in police shootings, stop and frisk policies, and more), as much as in the friendly police presence accompanying the recent Women’s Marches across the country.

## **Slavery in the New World: Exclusion, Surveillance, and Social Death**

Slave patrols did not begin in 19<sup>th</sup> century South Carolina, though they may have reached their symbolic apotheosis there. Beginning in the 1500s in the newly colonized Americas, colonizers began using slaves, either imported from Africa or captured from local indigenous populations. And, consequently, some slaves tried to escape, and the first seeds of slave patrols emerged, militias organized to hunt down runaway slaves, punish them, and bring them back. One of the first formal organizations was founded in the 1530s in Cuba, called the Santa Hermandad or the Holy Brotherhood. But, for the most part, these arrangements tend to be casual and extra-legal, composed of volunteers or hired thugs.

In 1661, the Barbados Slave Code was written, one of the first legal frameworks for managing slaves. The Slave Code codified the treatment of slaves, and in particular specified the responsibilities of white men and indentured servants in managing and tracking them. The need for a formal arrangement, and for the ability to inflict direct relations of force, was highlighted by the British governor of Barbados, Willoughby:

“Though there be no enemy abroad, the keeping of slaves in subjection must still be provided for.”

The need to manage and violently control slaves led, ultimately, to the importation of 2000 British soldiers between 1692 and 1702, who were tasked explicitly with controlling slaves. It's worth noting that Barbados never experienced significant, successful slave revolts. Haiti, on the other hand, which lacked as intense a counterinsurgency apparatus, saw the largest successful slave rebellion in history in 1791.

These forces are the precursors of slave patrols in the American South, and, subsequently, of the police. They were concerned with tracking and managing certain, racialized, people, with preventing insurgencies and uprisings, with protecting private property and violently enforcing an arrangement that turned certain humans into property. Slave patrols went through a variety of iterations, regionally and historically, before we reach 1819, and the mandatory conscription of white men. This is the example par excellence of the logic that Frank Wilderson, III describes: "white people's signifying presence is manifested by the fact that they are, if only by default, deputized against those who do magnetize bullets. In short, white people are not simply "protected" by the police, they are—in their very corporeality—the police."

This logic is extended with the introduction of slave passes in the rapidly industrializing South and lantern laws in New York City. Unlike Britain, with its uprooted proletariat, stripped of their means of subsistence through enclosure and sent wandering into the cities looking for work, and unlike the American North, with its interminable supply of immigrants sent over from Europe as a result of starvation, criminalization, or persecution, the South was particularly devoid of free, landless laborers. As a consequence, slave owners begin renting their slaves out to industrial capitalists. (This practice, incidentally, never ended, but today takes the form of prison labor being rented out to various factories, corporations, and agricultural operations.) The increasing mobility of slaves, traveling on their own to factories, with passes from their plantations, led to an increased need to police public urban spaces. Increasing mobility also required newer, more complex technologies for tracking and identifying bodies. At first there was the handwritten pass, and then, in various states and at various times, there were printed forms, metal badges, and other early forms of identification; the precursors to passports and state IDs that we all carry today.<sup>4</sup>

Likewise, in New York City, "lantern laws" introduced in the 18<sup>th</sup> century after failed slave insurrections required all slaves to carry a lantern when traveling in the city after dark; Simone Browne describes the lantern as "a prosthesis made mandatory after dark, a technology that made it possible for the black body to be constantly illuminated from dusk to dawn, made knowable, locatable, and contained within the city."<sup>5</sup> Subsequent additions to the law also forbade "assembly, the carrying of weapons, riding on horseback through the city by 'trotting fast' or in some other disorderly fashion, gaming and gambling, along with other regulations to the racialized body in the city."<sup>6</sup> We can see here the creation not only of "public order" laws that have always been racist, but of conditions in which black bodies can be found guilty at any time. We have only to look at Eric Garner's murder by New York Police for the crime of selling untaxed cigarettes to see that this logic, with its violent and racist consequences, continues today. Likewise, lantern laws continue today in the form of floodlights installed in overwhelmingly Black and Latinx housing projects. The lights pour into apartments, flooding the interior with light and ensuring that the

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<sup>4</sup> Christian Parenti, *The Soft Cage: Surveillance in America from Slavery to the War on Terror* (New York: Basic Books, 2003), 13–19

<sup>5</sup> Simone Browne, *Dark Matters: On the Surveillance of Blackness*. (Durham: Duke University Press, 2015) 79

<sup>6</sup> Browne, 80

racist history of light as a disciplinary apparatus continues to this day. These technologies, and their uses, continue to render black bodies exceptional, remarkable, and notable: always subject to police violence, white paranoia, and constant surveillance.

Passports and urban illumination alike share these racist roots, but have extended far past their original intent. On the other side of the Atlantic, in France, Alphonse Bertillon created his own system of biometric measurement and control to catch recidivist criminals. And now, we all carry these markers of our identity, mandated by the state. Through this process, the state uses pseudo-scientific methods to justify existing oppression, by identifying certain physical markers, linking them to race and deviance, and creating the appearance of a neutral social order. But biometric identification, while beginning in excluded populations, quickly spreads to encompass all of society. As the policing of cybernetic management and the policing of violent white supremacy share tactics, they begin to bleed into one another. Individuals benefitting from white supremacy suddenly find themselves subject to some of the same mechanisms of control. This explains in part the angry white libertarian, who can in the same breath denounce police for enforcing government regulations and the “criminal protesters” who fight them, or the “blue lives matter” supporter who is also in an anti-government militia.

## **Counter-insurgency in Europe: The Creation of White Civil Society**

Ten years after the Peterloo Massacre, London still lacked a formalized police force. In contrast to the French gendarmerie—military police, directly involved in counter-insurgency efforts—London’s policing apparatuses were scattered and unprofessional, consisting of (often drunk) night-watches, tax-collectors, thief-takers, and detectives. The public backlash from the Peterloo Massacre, and a desire to appear different from the obviously repressive function of the gendarmerie, led the British Parliament to create the London Metropolitan Police in 1829. This police force—professional, uniformed, and unarmed—was largely inspired by Robert Peel’s Royal Irish Constabulary, a police force established in occupied Ireland. As usual, mechanisms of control and repression begin in the management of specific excluded populations—colonies, slaves, criminals, etc.—and then gradually expand to incorporate the entirety of a population. This is a process that continues today, as repressive techniques developed by the US military in Iraq against popular insurgencies are brought home to manage mass protests, or when the Oakland police received training from the Bahraini military in counter-insurgency and crowd-control techniques during the Occupy movement.

Despite their repressive function, the London Metropolitan Police were, from the start, intended to be part of the working class. Robert Peel emphatically believed that police work should be “performed by working-class men, supervised by working-class men.”<sup>7</sup> While their function was primarily one of crowd control, they participated in daily patrols designed to familiarize themselves with neighborhoods and communities—a precursor to today’s “community policing” model. David Whitehouse sums up the division neatly: “When the London police were not concentrated into squads for crowd control, they were dispersed out into the city to police the daily life of the poor and working class. That sums up the distinctive dual function of modern police:

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<sup>7</sup> Clive Emsley, *Crime, Police, & Penal Policy: European Experiences 1750–1940* (Oxford: Oxford University Press, 2007), 109

There is the dispersed form of surveillance and intimidation that's done in the name of fighting crime; and then there's the concentrated form of activity to take on strikes, riots, and major demonstrations."

The policing of daily life is of particular interest here. With the new concentration of large populations in London came new attempts to use outdoor and public space for collective needs. Workers lived in miserable, cramped conditions, and many people who came to cities didn't have work. People began to use public spaces for assembling, for informal markets, for selling stolen goods, and for entertainment. Police patrols enforced "public order" laws that were directed towards the poor and the working class, and an intensely patriarchal Victorian morality, specifically regulating and controlling the movement and activity of women's bodies in public.

While there is certainly some similarity here with the racialized "public order" policing in New York City, there is an important difference. Slave patrols in the American South, and public order policing in Northern cities, were based on an explicitly racial order: it was the duty of white men and citizens to apprehend and punish slaves or freed Black people who were found violating these ordinances. In London, however, while the laws being enforced were clearly based on class and gender divisions, those doing the enforcing were also of the working class. Absolute violence, justified by real or imaginary transgressions, was not an option; the police exercised contingent violence, in a process of class self-management. The backlash from the Peterloo Massacre demonstrated that the state could not treat citizens as dispensable. Instead, civil society depended on an educated, civilized, and managed working class.

On the rainy spring day of April 10, 1848, the Chartists planned a mass demonstration in Kennington Common. In many ways, the demonstration had similar goals, though more progressed, to that in St. Peter's Field in 1819. As in 1819, the government was fearful of the crowd—revolutions swept Europe in that year, shaking the feudal system to its core. As in 1819, there was a large military presence, prepared to squash dissent. And, as in 1819, the demands of the crowd were essentially democratic and reformist—male suffrage, the elimination of property requirements for members of Parliament, and so on. It was a demonstration of a part of the working class, clamoring for participation in the institutions and structures that constituted civil society.

Unlike in 1819, however, the London Metropolitan Police were present, including Robert Peel. Armed with truncheons, organized into disciplined battalions, the police were prepared to disperse the crowd if necessary. But there was no cavalry charge this time, no slashing of sabres or blood spilled in the rain. The crowd was smaller than anticipated, and their plan to march on Parliament was foiled by the police cordon blocking a bridge—an early kettle. The London Police Commissioner quickly targeted one of the leaders of the Chartists and informed him that they would not be allowed to cross the bridge; the leader returned and spoke to the crowd, which dispersed shortly afterward. In this moment, just as in the massacre of 1819 and the mandatory slave patrols in South Carolina, lies a crystallized moment of policing—the birth of soft policing. All of the elements were present in their early forms: the threat of overwhelming force; the calm, uniformed, and disciplined police; and the strategy of enlisting political leaders to help manage and de-escalate the crowd. The goal of the police was not to eradicate the crowd, or to punish them for assembling, but to pacify the crowd, to ensure that their assembly was rendered respectable and toothless.

What is notable here is the invention of a new type of policing, one that can claim alliance with the idea of liberty. The British cited their aversion to the political and military police of the French gendarmerie in their creation of a professional, and public, police force. But this rhetoric



of liberty and self-management still relied on a racist global regime of slavery and colonization. The “liberty” of the British, defended by philosophers like John Stuart Mill, required colonial subjects as examples to contrast with the “free” British ones, as well as institutions, disciplines, and, of course, the police, to create a civic sphere in which “freedom” could be exercised. The Western idea of liberty was conceived of in the shadow of slavery and colonization.<sup>8</sup>

## Two Modes of Policing

So far we’ve contrasted a simple binary of police origins: slave patrols in the American South, and working class discipline in England. From the former, we can trace a lineage of social death, of paradigmatic violence, of a universal justification for violence against black bodies. From the latter, we can trace a police which, while repressive, and while always violently on the side of property and bosses, claims to be part of a working class community. Not too long ago, liberals were claiming that the police, too, were part of the 99%, and therefore not the enemy of the Occupy movement.

In the white imaginary, the idea remains that one can appeal to the government and reform the police, that we can improve our lot in society.

The Chartists sought the vote for themselves, while ignoring the violent colonial structures that supported their lives. In this framing, the police might exist as a limit to push against, but not as an existential threat. Frank Wilderson sums up this relation neatly in his condemnation of socialist coalition politics, which are “able to imagine the subject that transforms itself into a mass of antagonistic identity formations, formations that can precipitate a crisis in wage slavery, exploitation, and hegemony, but...are asleep at the wheel when asked to provide enabling antagonisms toward unwaged slavery, despotism, and terror.”

This willingness of white people to accept the regulations of the police in exchange for some benefits and privileges explains why anti-police movements primarily erupt in black communities and communities of color. The Black Lives Matter movement has popularized the idea that the police evolved from slave patrols in the South. This is an important evolution and opens up new space for anti-police movements to grab hold in the mainstream. At the same time, an analysis of the police that understands them only as evolved from slave patrols, and primarily as a tool of white supremacy, leaves us with a partial story. It is a narrative that is particularly conducive to ally politics: if the police are primarily bad because they are racist, then the only role for white people is as allies. Anti-police work then easily becomes limited by a moral imperative of charity rather than a strategic and ethical linkage of struggles. It becomes impossible for white people to fight the police on their own terms, and for us all to find strength together, fighting because our causes are linked.

At the same time, analyses of social control as an array of cybernetic management techniques often ignore the very real, and very brutal, violence that defines policing of communities of color. When Deleuze and Tiquun speak of “soft policing” or the ways that social media dulls our senses and restricts our political imagination, they erase the jackboots on the ground of the police in communities of color or resistance.

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<sup>8</sup> Also in the shadow of commodities and democracy.

If we understand policing as a spectrum of tactics and techniques drawn from both slave patrols and civil servants, then we begin to see that policing adapts itself to what is socially permissible. That is, they use the violence they can get away with.

This modulation of violence flies in the face of the idea that we are all equal before the law. The problem is not that the law is applied unfairly and needs to be reformed, but that law and policing require this differentiation. John Stuart Mill realized this from the start, and built it into his own framework of civilized liberty. Liberty was to be reserved for those who were responsible and had been fully integrated into self-management. As Lisa Lowe puts it, this formulation “justified, in Mill’s writings, the despotism of colonial rule for those ‘unfit’ for representative government.”<sup>9</sup> We see this logic at play every single time politicians and police condemn Black communities for rioting, every time Trump talks about the “carnage” in Chicago or Baltimore as justification for sending in federal agents, every time right-wing trolls call for the police to use live ammunition against “savage” protestors.

A better understanding of policing and control allows us to develop a more nuanced critique of social control, civil society, and white supremacy, and to discover more ways to intervene in and disrupt mechanisms of control.

Opposition to the police must not come from an abstract morality, in which the privileged recognize their unjust impact on other communities, but from our shared needs and desires—the police stand between all of us and a free world.

Seeking the moral high ground in anti-police struggles will only lead to respectability politics or to minor reforms that integrate some privileged few more fully into whiteness and civil society. Instead of symbolic protest, we should disrupt their ability to police. We can sabotage the soft management and surveillance enabled by social media, the jail cells and police cars that form the backbone of their coercive power, and the weapons factories that supply them. A free world requires the destruction of policing.

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<sup>9</sup> Lisa Lowe, *The Intimacies of Four Continents* (Durham: Duke University Press, 2015), 113

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