Conceptualizing of Police

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Overview

Police as an institution cannot be said to have inspired in-depth conceptualization effortsfrom criminology and criminal justice so far. Scholars in this area show a clear preference for empirically exploring what individual police officers do or think, and the policing concept they most readily converge towards tends to hinge on the use of force, a notion developed by ethnomethodologist, Egon Bittner. This concept holds that what constitutes policing as such is "the distribution of non-negotiably coercive force". In another tradition, stemming from European political philosophy, police are heir to a dual dimension, i.e. its relationship to both knowledge and dogma.

However, numerous affinities between these two schools of thought – the Anglo-American sociological school, withits interactionistinclinations, and the European school of political philosophy – suggest that the concept of police should in fact be understood through a dualist epistemological approach. Both in legal and knowledge terms – two fundamental dimensions of policing –, police as an institution is highly idiosyncratic in that it concomitantly harbors both a) the rule of law and violence, and b) knowledge and ignorance.

Main Text

Fundamentals of the Police Concept

The concept of police currently used in social science has been derived mainly from the legacy of American ethnomethodologistEgon Bittner, who considered the use of physical force as the "core of the police role".

Egon Bittner and Non-NegotiableCoercive Force

From his field observations of policing patrols, Egon Bittner was able to characterize the police by their distinctive function:"The role of the police is best understood as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies" (Bittner 1974/1990:131). Situational exigencies are not defined in and of themselves, but are left to the appreciation of the police the field: "something-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now" (Bittner 1974/1990: 249).

Virtually all policing scholars today rely on this definition as their starting point. With it, the concept of police follows in the footsteps of early 20th century German social scientist Max Weber, who had defined the state as an organization that retained a "monopoly on the legitimate use of physical force".

This concept is currently known as the Police Use of Force Paradigm (PUFP), andhasseveral implications.First, whatever force is employed ought to be minimal, i.e. the exact amount of force required by the situational exigencies that are being dealt with, which should not be exceeded. Such a force is neither destructive orannihilative,as opposed to military force.

Besides all this, force is the natural, mechanical outcome of common-sense behavior in a critical situation. Bittner here still appeals to policemen's intuition: to deal with troubles, policemen, ordinary individuals in a pacified society, draw upon their intuitive perception of situations in order to anticipate what the community is expecting from them. Force, with PUFP, is thus located on the demand, instead of the supply, side: "citizen demand is a factor of extraordinary importance for the distribution of police service" (Bittner 1974/1990: 252).

It follows that PUFP, as a concept, pertains to police self-restraint, which gives sociological resonance to European legal theories on self-restraining state power. In this respect too, it is linked to the concept of legitimate violence introduced by Max Weber. The basic assumption, however, is that the police arethe institution that intervenes in situations where the ultimate capacity of the police to dominate is not in doubt, as opposed to circumstances of armed rebellion and warfare, where military force is necessary. To Bittner, policing rests on social consent, which is why he considers that the police should not be resorted to in civil war situations for instance, or even in the context of crowd control – a function that to him is devoted to military corps such as the gendarmeries in Europe or the National Guard in the USA.

Controversies on the PUFPModel

Canadian scholar Jean-Paul Brodeur has produced a powerful critique of the PUFP (Brodeur 2010: 103-128). He criticized Bittner for not discriminating between competence and performance. Indeed, empirical research has consistently shown that force is actually quite rarely resorted to by even the uniformed police patrolling the skid-row areas of large metropolises.Brodeurargued that a concept of police cannot be grounded in what the actual police rarely or never do: the concept should target what policing is, not what it may, or might, or might not be (assuming a situation where the police, for want of public consent, would be unable to resort to force…). To Brodeur, the key and actual feature of any police was "legal lawlessness" (Brodeur 2010: 6): "Policing agents are part of several connected organizations authorized to use in more or less controlled ways diverse means, generally prohibited by statute or regulation to the rest of the population, in order to enforce various types of rules and customs that promote a defined order in society, considered in its whole or in some of its parts" (Brodeur 2010: 130).This concept is by no means incompatible with the PUFP, in fact it proceeds from it: force,considered by Bittner to be the "core of the police role", here becomes one of the many means of expression of the "legal lawlessness"granted to the police.

Other authors, such asEnglish historian Robert Reiner, have voiced suspicion towards more normative aspects of the PUFP. Reiner considers such concepts as policing by consent and

demand-side force (Reiner 1992: 139-146) as delusive. Reiner's critique targets an entiretrend of thought in Anglo-American social science which, like Michael Banton for instance, concludes that: "The policeman on patrol is primarily a 'peace officer' rather than a 'law officer'. Relatively little of his time if spent enforcing the law in the sense of arresting offenders; far more is spent 'keeping the peace' by supervising the beat and responding to requests for assistance" (Banton 1964: 127).

Reiner, on the contrary, holds that if policing were done out of consent, there would be no need for resorting to force. Contemporary policing, however, is increasingly focusing on force and coercion. While most cases of domestic violence used to elicit mere verbal warnings, they are legally repressed today, and the police shall use coercion. Hence, to Reiner, the core of the police concept is not the potential capacity to use force, but "order maintenance", i.e. the capacity to prevail over individuals as well as crowds. In both the USA(Kraska&Kappeller 1997) and Europe (dellaPorta& Fillieule 2004), policing organizations appear to be increasingly militarized, especially for crowd control operations, as opposed to having their role restricted to social work and peacekeeping. Neither peace nor consent are a given; actually, they might be might be further removed today than ever before.

New Perspectives: Consent or Conflict?

In a series of interviews with Brodeur, Egon Bittner has elaborated upon his concept of police (Brodeur 2007).His approach was an etymological one, strongly associating the concept of "police" to the Greek etymology "*polis*", meaning "city". In this perspective, what the police are dealing with is "a 'polis' that already redefines the minimal state, where it literally consists of the organization of conditions of urban life". In this setting, "what then the state provides is "creating conditions for the orderly coexistence of strangers" (Bittner in Brodeur 2007: 111).

With such a definition, Bittner knows he is getting exposed to a conceptualization of the police that is not consensual but agonistic; i.e. a conception of policing that no longer rests on trust as a necessary preamble to any society, but on conflict understood as a key element of said society. In this perspective, policing could be said to be defined no longer by its means, but by its ends; and its primary end or finality is to maintain order, i.e. ensure the coexistence of social groups in the city, in other words to perpetuate the (social or economic) domination of a given group over minorities. This perspective is very much in line with minority threat theories, which are quite popular in the USA and have used econometric analysis to show a strong correlation between police strength and the presence of black minorities (Kent & Jacobs 2005). The notes published by African-American writer James Baldwin, in which the police patrolling in urban ghettos are compared to "an occupying soldier in a bitterly hostile country"are one in many testimonies of this (Baldwin, More Notes of Native Son, 1962, quoted by Sklansky 2005: 1772). In Europe, historical research usually focuses on the riot-control origins of policing organizations, whose primary goal was to control the urban proletariat on behalf of the "peace-loving propertied classes" mentioned by Silver (1967).

In this perspective, the concept of police is correlated to supply, i.e. the state as the organization that perpetuates the domination of a given group over the others. In Bittner's words: "the thorny question is whether police force can be justified on the supply side"–in Brodeur 2007: 118. It is in that spirit that Peter K. Manning, while still claiming to get his inspiration from a Bittner-inspired concept of police, offered the following conceptualization: "The police as an organization in Anglo-American societies, constituted of many diverse

agencies, are authoritatively coordinated, legitimate organizations (…). As such, they require compliance to command from lower personnel and citizens and the ability to proceed by exception." (Manning 2010: 68)Clearly, the order that the police are supposed to maintainis not just any order, or even the status quo, but a substantially defined one. In a nutshell, the police embody one order (the political order of the state) and defend another (the social order as is). Twice anointed, the police are "sacred": to Manning, "the police engage in a form of magic" (2010: 59), and do so by embodying a transcendental entity – public authority, the state, the collective – and deploying an imagery ofself-sacrificial symbolism (whose most visible expression is the ritualized death of a policeman – see Manning in this volume). To Loader and Mulcahy (2007), this political disposition translates into local culture-abiding behavior: social order is not createdthe police, but simply consolidated by them.

To perform these political functions, the police may resort to exception. This notion originates in the work of German jurist Carl Schmitt, a dissident disciple of Weber and a controversial as well as influential figure, given his full allegiance to the Nazi regime. The notion of exception is useful to get a proper grasp of the specific nature of the police –both inside and outside the law – and to explore the concept of police in greater depth (Jobard 2012). Because it is unequal, social order allows the deployment of unequal policing. In relegated social spaces, where demand for policing is strongest, not only is policing supply scarcest, it is also the least democratic of all: ruthless, biased, undisclosed, unfair. Most importantly, given the lack of resources and credibility of residents in these areas, police action is seldom likely to be challenged in court. In that sense – and barring exorbitant displays of police violence, or irrefutable evidence such as video footage (Skolnick & Fyfe 1993) – police in these areas may act without risk of being disciplined by public justice, i.e. in an exceptional legal space. Assummed up by Philipp Stenning,"while public police are theoretically accountable for excessive uses of force through the processes of the criminal and civil law, it is well known that in practice it is very difficult to obtain either criminal convictions or civil judgments against public police officers for such wrongdoings" (Stenning 2000: 337).

According to Schmitt, however, any entity that may behave this way in an exceptional situation is nothing short of the "sovereign", i.e. the owner of the political, who designs the political borders of a society, defines who the enemy is in this society, and who the friend (Schmitt 1932). Hence, exceptional actions – i.e. decisions made with no risk of punishment in exceptional circumstances or spaces –are the actions that, according to Schmitt, assert the political in our societies. In this perspective, assuming and recognizing that the police has a capacity to act in the context of exception, then the police can only be said to be the institution that brings to modern, rational, bureaucratic orders an irrational, passionate, untamed dimension, which is that of the political.

The Many Expressions of the Concept of Police

The way of the concept of police in social science has been a meandering one. Some contend that policing has more to do with social work than force nowadays. To others, force is just one element in the bigger picture, certainly not the whole picture, and policing action is characterized by its unpunished infringements on that element. What characterizes the police, then, is not coercive force, but legal lawlessness. To others still, the police have to do with a disposition to order maintenance. In this perspective, police as an institution is rooted in adversity against the dangerous classes and is in charge of protecting the dominant groups. In another acceptation, more grounded in political theory, the concept of police would not

bedistinct from that of political order: the police institution embodies and defends the political order and can even be said, more specifically, to embody the political and its own particular passion in modern, rational, disenchanted societies. The police, from this point the view, is an institution that, despite being laden with modernity, rationality, and technology, carries along a political essence that escapes the Weberian modernization and disenchantment of the world (Weber's "*Entzauberung der Welt*").

These various contemporary understandings are rooted in older, more European conceptions, those associated with policing sciences that started to develop in mainland Europe as early as the Renaissance.

The Police: History of a Polysemous Concept

We have been concerned so far with how social sciences may conceptualize policing as it occurs in contemporary societies. Academic usage would rather have had us describe the history and genesis of a concept before examining its most current developments.

Contemporary conceptualization of the police, however, is peculiar in that it has been developing as if detached from historical knowledge. There are two reasons for this. First, the field has been dominated by North American social scientists, whose policing institutions, as we will see, have cultivated some distance with their mainland Europe counterparts during their development. As a matter of fact, however, the latter are what the police concept has been drawing upon ever since the 17th-18th century. The second reason is the specific fields of said North American social scientists: being sociologists, ethnomethodologists, ethnologists, sometimes jurists, their concern has never been to anchor their conceptualizations in the history of political ideas. What was being favored was the conceptualization of whatever was immediately observable. Yet the concept of police does have a history, and this history helps to understand certain aspects of policing today, especially its relationship to the political.

Police Concept and Police Science

Among the seminal texts on the history of the concept of police is Michel Foucault's 1979 University of Stanford lecture, in which the French philosopher intended to describe "the rationality of state power (which) was formulated especially in two sets of doctrine: the *reason of state* and the *theory of police*" (Foucault 1981). For theoreticians of 17th and 18th century European police, "the police includes everything (…), sees to the living": "'Polizei' is a positive task: it has to foster both citizens' lives *and* the state's strength (…) Life is the object of the police: the indispensable, the useful, and the superfluous. That people survive, live, and even do better than just that, is what the police has to ensure" (Foucault 1981). Theoreticized a century later by Hegel, "policing"is this government competency that is used to improve the living conditions of the people, perpetuate the population and give it strength. Everything falls within the realm of the police: the trade of grain, ideas, and beauty, the movements of men, capital, and cattle, the increase of well-being, the decrease of child mortality, illness, or intemperance, security in the widest possible sense, and the "abolition of disorder" (Knemeyer 1980)… In such a context, policing knows no border. The police institution, as defined in "police science" textbooks, is totalitarian in that it aspires to take charge of the entire life of individuals as well as their interpersonal relationships. The policing project, the project of police science craftsmen, is to consider the population as an asset, and its growth as a goal. Therefore, in European absolutist states, "police" encompasses

repression and prevention, the mores, the culture, the well-being; "police" is anything related to what is referred to as "social policy" or "social control" (Pankoke 1986).

This is where the connection with the *reason of state* lies. The police are comprised of all the government institutions that contribute to state power towards the well-being of the population. However, the latter may quickly be relegated to the backdrop of the former. The object of policing is knowledge on things and people, the police is "the eye" that public authorities keep on society (L'Heuillet 2007). This is precisely where policing meets the *reason of state*: since the police contribute to the efficiency and profitability of governmental action, they are a reason of the state, supported by new knowledge such as statistics or accounting; since it conceives of no obstacle to the growth of the happiness of constituents, it stops at no means and may resort to force at any time.

From this huge but scattered pool of knowledge that fed "police science" handbooks, one area was particularly successful in its development, i.e. the branch dealing with the forecasting, management, or repression of disorders and irregularities. The mad, the sick, the vagrant, the young – unmarried, unattached – wereincreasingly targeted by scientists in these fields (Pasquino 1991). This branch of knowledge bridged the gap with "social policy" as a whole, and all along the 19th century, conquered its autonomy within policing knowledge as it is known today: knowledge on crime and its various forms; bolstered surveillance of specific social environments; focus on juvenile crime or prostitution, and later on foreigners; development of specific techniques for the tracking of individuals, from passports to physical descriptions through the spoken portrait, followed at the turn of the century, under the influence of Italian Lombroso and Frenchman Bertillon, by the development of various anthropometric techniques aiming to spot and arrest criminals and even "born criminals" (Piazza 2011).

The Shapes of Police Science in the Classical Age

The notion of police was born with the absolutist state. Starting from there, however, various versions of police science started to branch out, even leaving the Anglo-Saxon world aside.

The most significant version, in terms of both the sheer size of its knowledge legacy and its influence on subsequent political philosophy (including Hegel's, already mentioned) is that of German*Polizeiwissenschaften*, sometimes also referred to as "*Kameralwissenschaften*", or cameralism (named from the prince's 'chamber', his cabinet, which points at the secrecy of consultations with or by his advisors). Around the late 17th century, in German states, "cameralists" started to shape the body of knowledge that was to lead to modern-day governmentality – as described by Michel Foucault – as well as police science and its focus on maximizing the productivity of both the social body and the state(Wakefield 2009). German cameral science has bequeathed us a huge corpus: more than 3000 German language books on policing are known to have been published from 1600 to 1800 (Pasquino 1991, Stolleis 1996).

The French kingdom has also produced an impressive number of reports, which however were established by public agents who had more to do with the policing function in its modern sense. Indeed, as early as 1667, the French monarchy had established a police authorityin Paris, followed by a nationwide body of police commissioners and inspectors: the

reports and other written documents that constitute French policing science are in fact their correspondence. Nicolas Delamare, often mentioned byMichel Foucault, was one of them. "Policing science" may be an overstatement here, since – as opposed to what was going on in Prussia – this knowledge was neither formalized, nor academic. It was practical knowledge on specific urban areas, focusing less on the general economy of the nation than on public order in a given city. Already a motley network of informants was playing a substantial part in the manufacturing of this knowledge on the city and the street.

Strangely enough, policing science never reached the shores of Albion. While a few thinkers have used the term, thus testifying to the existence of a form of police science, they were quick to downplay its scope. Patrick Colquhoun, in his *Treatise on the Police of the Metropolis* (1795), for example, stated that "Police in this country may be considered as a new Science; the properties of which consist... in the Prevention and Detection of Crimes; and in those other Functions which relate to Internal Regulations for the well ordering and comfort of Civil Society". Similarly, here is how Edwin Chadwick introduced the police in the report he produced for Sir Robert Peel in 1929 on "preventive police":"the first great object of a Police, that to which every practical adoptionshould conduce, is to prevent the commission of crime. The second is, when crime has been committed, to detect and to bring to Conviction the perpetrators of it"(both quoted in Neocleous 1998, 440). In England, this rejection of policing as a state science is but the corollary of the rejection of continental mercantilism, and more broadly the notion that the development of society should be mediated by the inquisitive knowledge and unlimited power of the state. In the spirit of theeconomic"laissez-faire" doctrine, the Anglo-Saxon notion of policing was quickly reduced to institutionalized force.

Still, the linkage between police as an instituted force and police science – i.e. between ancient and modern conceptions of the police – is more than incidental. In our view, it is actually central.

Police Science and Modern Police Agencies

What is the actual kinship between this police of the whole, as conceptualized by classical age police science, and contemporary policemen – patrolling our streets and collecting samples from bloodstains in our TV shows (as they also do in real life, only less frequently)? Both a conceptual link and an institutional historical process exist.

First, let us explore the institutional process. The entire body of knowledge collected by police science, as well as knowledge tools such as accounting or statistics, all contributed to the birth of bureaucracy, this multifaceted government body overseeingwhatever pertains to the knowledge required to ensure the prosperity of the state and its constituents. Alongside bureaucracy, the police pursued its development, but did so as an institution that had specialized in one function, that of preventing: preventing disorder, preventing crime, and helping justice elucidate crimes. It follows that the police is not a branch of the bureaucracy: while bureaucracy belongs to the sphere of dogma, policing is circumstantial; and while bureaucracy is a vector of Weberian modernization, policing retains an *ancien* regime flavor, grounded in secrecy, dissimulation, and the general techniques of absolute power.

France is a case in point. The French Revolution had no choice but to retain the police force established in 1667 by the absolute monarchy, with its urban brand of policing based on the surveillance of the territory and its dwellers, hinging on secrecy and malice, shielded from the

institutions of control that the bureaucracy was starting to implement on its side. The point is that the police, in the minds of the 1789 revolutionaries (the decree on municipal police was promulgated on 14 December 1789), is a preamble to liberty: only enforced public tranquility makes it possible for a Constitution (understood as a solemn break from absolutism) to be respected. Tranquility conditions liberty, and proper policing is a practical requirement for implementing a future Constitution. Policing is thus circumstantial, paving the way for the rule of law, and therefore preceding it. This is a decisive point, as it establishes the link between *Policey*etmodern police, between classical age concepts and contemporary conceptualizations.

The Police and the Legal Order

The reader may remember Bittner quoted as saying that the police realm of competence begins when something crops up "that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now". A few centuries earlier, French philosopher Montesquieu contended that "the business of the Police consists in affairs which arise every instant, and are commonly of a trifling nature: there is then but little need of formalities" (The Spirit of Laws, 1748: §25). Certainly the classical age understanding of policing and the function of the police as it is conceived of in contemporary sociology are related. Continuity here is best expressed in urgency and the imperiousness of action (in §25, Book 26, Montesquieu gets more specific: "The actions of the Police are quick; they are exercised over things which return every day").

By so doing, with regards to the legal order, policing gets characterized by a singularity: police action cannot be entirely prescribed by the rule of law. Obviously, in contemporary democratic regimes, policing increasingly tends to be framed by legal standards; however, its fundamental characteristic is that it always eludes the law – otherwise the police would be powerless. Prudence is the name of the game (and prudence is one of the most constant traits theoreticians have been associating the police with, ever since the 17th century). With prudence, certainly, but also, as dictated by the circumstances, without restraint.
As French MP Limodinput itwhile discussing some bill of law on policing in 1795: "policing implies, if I may say so, bordering on the arbitrary" (quoted in Napoli 2003: 220).

Policing power thus appears to have been born in a legal interstice, namely the "measure" (Napoli 2005, 2009).The measure is a legal text that does not really belong in the pyramid of standards; it is the form chosen by the government to regulate theminutest details in the lives of citizens. The measure aligns, regulates, administrates first and foremost what can be exchanged; in particular, it governs public roads and squares, as well as marketplaces. It will thwart whatever prevents exchanges and trade (crime as well as fraud or swindling – e.g. bad scale calibration or inaccurate bills), and then, once the predators have been neutralized, will attempt to foster trade, increasing produced and consumed wealth.

This precedence of policing over the rule of law, and – to a stronger degree even – the subordination of the very existence of liberty to a policed order is what has prompted German philosopher Walter Benjamin to formulate an "ignominious" concept of police – which although it hasn't been very popular with social scientists, has reached fame in philosophy: "(…) two forms of violence are present in aninstitution of the modern state, the police. True, this is violence for legal ends (it includes the right of disposition), but with the simultaneous authority to decide these ends itself within wide limits (it includes the right of decree). The

ignominy of such an authority (…) lies in the fact that in this authority the separation of lawmaking and law-preserving violence is suspended (…). It is lawmaking, because its characteristic function is not the promulgation of laws but the assertion of legal claims for any decree, and law-preserving, because it is at the disposal of these ends. The assertion that the ends of police violence are always identical of even connected to those of general law is entirely untrue. Rather, the 'law' of the police really marks the point at which the state, whether from impotence or because of the immanent connections within any legal system, can no longer guarantee through the legal system the empirical ends that it desires at any price to attain (…). Its power is formless, like its nowhere-tangible, all-pervasive, ghostly presence in the life of civilized states" (Benjamin 1921/1996: 242-243).

Such a bifid and paradoxical disposition, which consists in making use of violence within the rule of law, but also in making possible the very existence of the rule of law by resorting to violence, has always proved terribly challenging to reformers in their attempts to establish democratic forms of policing. Though the police, by necessity, resist the imposition of external rules, they still have to yield to the rule of law, otherwise policing becomes pure violence, governed only by the arbitrary, and tips the political regime scale to the side of the police state. In this tension between emancipation and domestication, the relationship between policing and knowledge becomes a key issue.

Police and Knowledge: Knowledge and Culture

The police are a dual institution, harboring both the rule of law and violence. Its relationship with knowledge is of a similar nature. Knowledge and the rule of law – as well as their opposites, ignorance and violence – are constitutive elements of the concept of police.

First, it should be noted that the police institution is also heir to classical age policy in that one of its tasks is to have knowledge of the society so as to anticipate whatever may threaten it. As early as the 17th and 18th centuries, surveillance activities have led policing apparatuses to produce considerable amounts of knowledge. Surveillance does not pertain exclusively to "high policing", i.e. the political police. It trickles down to all levels of policing action, such as that of the patrolman engaged in a community policing program, who does his best to get a grasp of the life and people in the area. Knowledge on others is thus a prominent policing skill, so much so that some contemporary sociologists actually consider the police to be "knowledge workers" (Ericson & Haggerty 1997), because of their specific relationship to prevention, and thus to the forecasting, detection, and knowledge of the various risks that threaten society.

As can be seen, the rule of law/violence pair is not the only one at stake in the conception of policing: knowledge also plays a significant part. If the notion of knowledge is to be expanded to a wider dimension – e.g. the cognitive dimension of policing – thenthe concept of police should include the notion of policing culture and give it prominence. This includes not only surveillance-produced knowledge, but also the cognitive environment surrounding policing institutions.

The creation of a judicial police body was debated in Parliament during the French Revolution. The discussions partly hinged on whether this force should be autonomous or, on the contrary, subordinate to judicial power. One of the MPs, although a conservative, once declared that police action should not be restrained by the law, and saw no other conceivable boundaries to policing power than the civic mindedness of the police themselves: "Be wise in

picking up your police officers, and then let them enjoy the latitude without which their functions are void." (Bon-Albert Briois de Baumetz, quoted in Napoli 2009). Powerlessness in codifying policing with external regulations is answered by the necessary "wisdom" of the agent. This resignation of policymakers when confronted with the police question exactly echoes the following remark by Anglo-Saxons police sociologists, reporting the very words of the police they had been observing: "you can't police by book" or, as stated by a veteran police officer from the city observed in John Van Maanen's seminal study on learning the trade:"There's only two things you gotta know around here. First, forget everything you've learned in the academy 'cause the street's where you'll learn to be a cop; and second, being first don't mean shit around here" (Van Maanen 1978: 306).

The French MP from 1791 considered the policeman's civic mindedness as the only conceivable guarantee that civil rights would be respected by the police institution; the Union City veteran police observed by Van Maanen in the 1970s established that a good policeman must remain impervious to external ideas, and in particular those taught at the Academy. This is the birth of a central notion, namely police culture. More than institutional arrangements or legal prescriptions, what defines the police and their institution, in a system where "police discretion" is both necessary and feared, is the culture (Wilson 1968). As a consequence, one of the most insightful concepts for explaining the use of deadly force by US police has been that of "administrative climate", the local culture that actually determines which brand of policing is at work (Sherman 1980). Contrary to what happens with other, more tightly regulated institutions, the occupational environment is not a tempering element of policing: it is a *key* element of policing.

Thus, after having attempted to make urban police forces more democratic by playing either on their technical equipment, the relationship between their top management and elected officials, or their organizational systems, US reformers have thought it more relevant to consider, following in the footsteps of the French revolutionary MP, that the "police officer is the agent of change", and to design police reform "in order to embrace police discretion and to find ways to make its exercise more informed, methodical, and collectively self-reflective, rather than to control discretion from above or from outside (the idea behind judicial oversight and civilian review boards)" (Sklansky 2005: 1776-77). The fact that these attempts have all failed – beyond demonstrating the power of police unions, whose explicit purposes include protecting the immunity of policing agents – clearly shows that the question of knowledge aporetically converges towards the question of the rule of law. In the words of Napoli: "Ignoring legal texts is (…) the ultimate resource of the policing measure. At the end of the day, police action is based on an instance of non-knowledge" (Napoli 2009: 166).

To put this into perspective and relate it to the wider picture, policing could be said to entertain a two-pronged relationship to knowledge. Knowledge is among its key modes of action, one that, ever since the conceptualizations of the 17th and 18th centuries, has turned the police into a formidable surveillance institution. However, policing has also been known to rely on its occupational, or even vocational culture to counter all external regulatory attempts. The policemen's intuition, flair, or common sense are, in their own and their leadership's eyes, their core knowledge asset.

Conclusion :a Dual Concept of Policing

Policing certainly ranks as one of the most challengingsocial objects to conceptualize.This resistance, of course, owes a lot the secrecy opposed by the police institution to the external gaze. It owes even more, however, to its dual nature. Dualism, a philosophical movement whose early proponents included Descartes and Leibniz, has established that certain phenomena consist in the reunion or coexistence of two irreducible and irreconcilable components. In this perspective, policing is the reunion of two pairs of opposites:in it coexist the rule of law and violence, as well as knowledge and ignorance. What most consistently shapes the concept of police is precisely this irreducible duality.

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