INTRODUCTION

Policing the *Rechtsstaat*

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The legal doctrine of the police power does not have a high public profile, by comparison to such topics as emergency powers or same-sex marriage. On its part, the venerable tradition of police science, developed by publicly minded administrators and lawyers to justify and rationalize the exercise of the police power, is virtually unknown to nonspecialists. Every few years, however, a legislative or judicial pronouncement about the police power of the state manages to stir the general public out of its usual complacency about living in a free country.

A recent example is the U.S. Supreme Court decision in *Kelo v. City of New London*.[1] A lowly case about how a small town in Connecticut might improve its waterfront shook people up across the United States, caused numerous state legislatures to pass new laws restricting eminent domain powers, and even prompted the House of Representatives to enact a resolution disapproving of the decision.[2] Can the state condemn private property under eminent domain powers even beyond the already broad powers granted by the 1950s' nebulous term *blight*? Even if the state can condemn nonblighted property when public works are deemed necessary, is it really constitutional for states and through them municipalities to condemn nonblighted property—explicitly to sell the parcel to more desirable private owners? Is anyone's property safe?

The sharply split decision of the U.S. Supreme Court in *Kelo* has given rise to a vocal debate that is notable not only for the stridency of the property-rights lobby but also, and more pertinently for our purposes, for the unexpected alliance of strange bedfellows generated by the case. Ms. Susette Kelo was represented by the Institute for Justice, a libertarian public interest law firm that subsequently pushed for state laws tightening up the definition of eminent domain: but the justices who found for her included more progressive ones alongside libertarian ones. In the oral argument, the lawyer for the petitioner was very vigorously challenged first by Justice Ginsburg and then

by Justice Scalia, the two voices speaking in complete harmony about the validity of a city's efforts to enlist large capital in its revitalization efforts. As Ginsburg colloquially put it at oral argument, "the community had gone down and down and the town wanted to build it up."[3]

Since the decision, the battle to legislatively reverse the Supreme Court's expansive approach to public use has been led by right-wing property-rights activists. However, a hefty amicus curiae brief supporting Ms. Kelo was submitted by none other than the 1960s' new urbanism guru Jane Jacobs (who died soon after). Jacobs's brief stated that if the court deferred to the expansive definition of *public use* deployed by the city of New London, this would spell doom for small folk. The brief's conclusion that "only a categorical ban on economic development takings can prevent the Public Use Clause from becoming a nullity that can be circumvented any time local governments seek to benefit a politically connected private business"[4] was written in such a way as to command support from the libertarian absolute-property-rights movement—as well as from downtown liberals worried about global corporations with allies on city councils.

Nevertheless, Jacobs and her "new urbanist" successors are hardly opposed to the police power of the state as such. They favor height restrictions, zoning measures increasing density, and other conventional municipal regulatory strategies: they just oppose certain uses of the police power that, in their view, would be destructive of established (if somewhat impoverished) communities. Similarly, it is unlikely that those who oppose condemnations and expropriations as a matter of principle (the libertarian property-rights advocates with whom Jacobs uneasily allied in the *Kelo* case) would oppose other uses of the police power—panhandling ordinances, for instance. It could thus be said that all of the arguments swirling around inner city improvement strategies are purely internal to the police power, rather than arguments in favor or against.

Curiously, as a technical matter of constitutional law, *Kelo* was not even a police power case, at least not explicitly. On its face, it concerned an exercise of the power of eminent domain, which authorizes the sovereign to "take" private property for "public use" but also entitles the owner to "just compensation" for the taking.[5] By contrast, regulation—as opposed to taking—of property under the police power, again in the interest of the public welfare, requires no compensation. The distinction between takings and police power regulation of property, however, has eroded over time thanks to such doctrinal innovations as the oxymoronic "regulatory taking."[6] As the dissent in *Kelo* points out, rather meekly, the opinion relied on precedent that had come to "equat[e] the eminent domain power with the police power" and, more

specifically, had treated eminent domain's "public use" requirement as "coterminous with the scope of a sovereign's police powers," thereby "conflat[ing] these two categories."[7]

This conflation of eminent domain taking and police power regulation is significant because, by treating a takings question as a police question, the *Kelo* majority firmly locates the issue within the realm of virtually unlimited sovereign discretion. The dissent's point, then, is not that a doctrinal category mistake has been committed but that the majority was wrong to treat the takings issue in the case as a police power issue because doing so implies taking a radical laissez-faire attitude. In the end, then, the case is about the police power after all. Among all their sharp disagreements, majority and dissent are in complete agreement that the police power is essentially boundless and, as such, beyond meaningful constitutional scrutiny. *Kelo* joins the long line of cases, since *Lochner v. New York*,[8] that illustrate the police power's function in constitutional law as an "idiom of apologetics."[9]

The contradictions of inner city revitalization projects led by large capital and facilitated by cash-strapped municipal governments that are neither economically nor politically able to undertake major public works on their own are emblematic of urban governance in our neoliberal era.[10] But the legal powers used to summarily expropriate Ms. Kelo and her neighbors in favor of a large pharmaceutical company promising to further the public welfare (*salus populi*)[11] are very old—indeed, ancient. These powers are crucial not only to urban governance (in planning and zoning powers, loitering and panhandling ordinances, etc.) but to a whole range of other fields of state power. The phrase *eminent domain*, and the sweeping powers that it triggers, is widely understood to be apposite only when legislatures wave the wand of public use and general welfare: but numerous other legal (and policing) acts of state power are also based, more or less visibly, on the police power.

As *The New Police Science*,[12] our previous book on the subject, has made clear, the police power reaches far beyond the disputed terrain of urban renewal, or city government more generally. It is deeply rooted in constitutional rhetoric and law not only in the United States[13] but also throughout the former British Empire and, at least in the United States, is recognized as the black-letter foundation of criminal law. And while the police power has traditionally been defined in the common law as a—quite literally—domestic power, that is, patriarchal power of the sovereign to order his kingdom to ensure the health, welfare, and morals of the population, Teddy Roosevelt already envisioned an international police power to order the Western hemisphere as if it were the (or perhaps more accurately, his) domestic realm. The exercise of international police power over the entire globe as a megahousehold without a

householder as a matter of institutional form, if not of *Realpolitik*, has been the subject of much concern in the post-Yugoslavia and post-Rwanda era.[14]

In fact, the two areas of current legal debate that we mentioned at the outset as having a higher profile than the doctrine of police (emergency powers and same-sex marriage) are both rooted in other aspects of police. As for the first area, insofar as the power of police can be regarded as one aspect of the sovereign's power to order his kingdom, the control of boundaries and the management of threats to the internal security of the kingdom are closely related to (and even coterminous with) the police power.[15] As Chris Tomlins shows in Chapter 2, the late nineteenth-century cases regarding Indian nations and colonial possessions (the Insular Cases) have not been traditionally seen as at all related to the exercise of the police power, but doctrinally they are closely related—an observation with important implications for today's debates on emergency powers, especially in regard to noncitizens.[16] In regard to same-sex marriage, the 2003 Massachusetts case that first legalized same-sex marriage in the United States framed the issue not in terms of family law but in terms of the state's obligation to issue licenses to citizens on a basis of equality. Licensing, however, as Mariana Valverde's work has shown, is integral to police and policelike powers in the common law.[17] Moreover, the regulation of marriage as a social relation traditionally has fallen under the rubric of the police power.[18] For instance, the police power was invoked to justify the criminalization of interracial marriages in the United States.[19]

Spanning a wide variety of otherwise separate legal and political realms, the police power has tended to resist definition. It has been suggested that the core characteristic of police power is precisely its indefinability; insofar as one of its functions is to preclude efforts to constrain the discretion of the sovereign invoking it, any definition would be unwelcome.[20] At any rate, the police power is many things to many people. Nonetheless, some common themes can be traced through contemporary discussions of the police power, including those in *The New Police Science*. Before we go on to describe in more detail the individual contributions in this book, let us recapitulate some points of convergence on the meaning of police.

Police powers and policelike powers (such as the peace, order, and good government, or POGG, powers of the Canadian federal government[21]) act as a kind of hinge articulating the past-oriented punishment of wrongdoing with the future-oriented governance of risks and dangers. *Police* thus links the two temporalities of law—but without abolishing the tension between them. Those who contravene laws and ordinances that were passed to ensure the king's peace or the general welfare can be fined or in some cases imprisoned (not to mention executed) for acts committed in the past; but the police power

also underlies such future-oriented risk-management measures as environmental regulations, zoning ordinances, and rules and guidelines regarding security searches.

Police powers have often taken a rather despotic form, the *Kelo* case being a useful reminder that, according to the doctrine of police, all land in the kingdom is ultimately the king's. However, as Bill Novak's chapter shows, the police power was also crucial to the development of Progressive Era and New Deal measures to defend the "general welfare" of the community, including the working class, in the face of the power of capital. Thus, police can be a powerful tool of sovereign oppression; but it can also be deployed in a more communitarian direction. Indeed, some of today's examples of police-type measures (e.g., the UK's Anti-Social Behaviour Order and the gang congregation ordinances analyzed by Peter Ramsay and Ron Levi, respectively, in this book) have been criticized as deeply illiberal and discriminatory. Unlike older police measures such as vagrancy statutes, however, today's public order measures often are defended not from the standpoint of the security of the sovereign but rather from the more or less communitarian perspective that speaks about working-class communities defending themselves against disorder and fear.

Police powers are thus neither despotic nor democratic—they can be both, even at the same time. They also work simultaneously to punish and to prevent, although without eliminating that fundamental binary division of legal powers. One can thus begin to understand why a police power case like *Kelo* could reveal some surprisingly strong agreements among groups (and judges) on opposite sides of the political spectrum.

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Political and legal theory, at least in the Anglo-American world, tends to spend little time trying to capture, never mind to understand, the actual operation of government. Too tempting are deep questions about the principles and rules, the norms and the ideals, that frame state action through law. The mechanics of government, the inner workings of state control, largely escape theoretical investigation and instead are tagged for empirical studies, usually to be performed by specialist social scientists whose tabulations then can safely be ignored. Likewise, everyday participants in the institutions of state government are considered to be too far removed from the realm of theoretical inquiry, too wrapped up in their doctrines and their rituals, to produce useful insights.

This book is part of a broad interdisciplinary and international project to refocus scholarly attention through the lens of the police power on the scope

and functioning of government in its myriad manifestations, from the family to the prison to the workplace, from the city to the state to the international community, that first bore fruit in *The New Police Science*. *The New Police Science* recovered the age-old project of studying the police power (hence the "new police science"); *Police and the Liberal State* takes the further, and logical, steps of refining the conceptual apparatus of the police power project and applying the general approach to a more specific set of questions—notably in criminal law.

The book begins to move the police power project from the realm of theory and agenda and drives home the point that it provides a fruitful framework for research in several disciplines—in any discipline, in fact, that concerns itself with problems of government, including law. The more explicit focus on questions of criminal justice is important since criminal law in particular is in dire need of a sophisticated conceptual framework that connects it to research agendas in other disciplines, including criminology, criminal justice, political science, and history.

The chapters in this book approach the phenomenon of government in general, and of police government in particular, from a variety of disciplinary perspectives and tackle a wide range of topics. Police is a broad—some might say boundless—rationality of government that manifests itself in any number of formal and substantive ways, without regard to place or time, institution or academic division of labor. For that reason, it is both a formidable subject and one perfectly suited for the sort of interdisciplinary and international approach illustrated by these chapters.

Apart from their recurring interest in the multifaceted concept of police—police as sovereignty, police as welfare, police as uniformed constabulary, and so on—the chapters in this book also share a deep historical sensibility, without which inquiries into the police power must appear pointless. To think about the police power today is impossible without some historical digging; much of the recent history of the police power since the Enlightenment has been one of denial and displacement. It's no accident that the police power makes no appearance in *Kelo* until the O'Connor dissent. Once the frequent subject of constitutional analysis—if not necessarily scrutiny—the police power has fallen into desuetude as a category of U.S. constitutional law. It might have all but disappeared in name, but it survives in function, as a synonym for lax judicial oversight of the exercise of state power by the legislature and the executive. There is thus no need to invoke the police power, nor is there an occasion—cases that fall under the police power are by definition, or at least by universal consensus, inappropriate for judicial scrutiny. With its limited modern docket, the U.S. Supreme Court has no time for pointless

police power analysis. The only question that may arise is one of classification, and only in federal cases, where constitutional orthodoxy requires adherence to the fiction that only the states have police power. Although legal textbooks and court decisions continue to assert that in U.S. law the police power is wholly a state power, this claim ignores and erases the considerable police powers exercised by the federal government not only under the commerce clause but also through drug laws, border security, and other realms in which coercive measures are justified through appeals to "the general welfare."[22]

Anyone who looks beyond the absence of police power in contemporary black-letter law soon discovers a rich literature on police as a key ordering concept in the theory and practice of government, not only in the United States but elsewhere as well. One need not follow the thread of police government to the *oeconomics* of the Athenian householder to stumble across the police science that flourished in Europe (notably in France and Germany) in the seventeenth and eighteenth centuries, Adam Smith's Lectures on Justice, Police, Revenue and Arms, or the Blackstonian definition of police as "the due regulation and domestic order of the kingdom: whereby the individuals of the state, like members of a well-governed family, are bound to conform their general behaviour to the rules of propriety, good neighbourhood, and good manners: and to be decent, industrious, and inoffensive in their respective stations,"[23] quoted over and over again in U.S. texts and opinions as late as the 1960s.[24]

All of the chapters in this book thus take a broader, historical, view of their subject matter. The more explicitly historical, or rather genealogical, chapters appear at the beginning. The reference to genealogy is deliberate—Foucault made a significant contribution to the rediscovery of the concept of police in his searching inquiries into the genealogy of core concepts of power. No attempt to reinvigorate the concept of police for contemporary work on law and government can ignore Foucault's treatment of police, which attracted considerable interest in social and political theory, particularly within the broader context of his discussions of what he came to call "governmentality." It is only fitting, therefore, that the book begin with Mariana Valverde's analysis of Foucault's considered view on theories and practices of governance, based on a careful reading of Foucault's recently published College de France lectures. Valverde's chapter makes a significant contribution to our understanding of Foucault's thought on police and on police's relation to law and government in particular, which the lectures set out in a usefully concentrated form. Valverde develops an original argument about the importance of Foucault's analysis of modern state formation in a contribution that will

interest Foucault specialists, while at the same time providing an accessible introduction to the uninitiated. Valverde sounds several themes that will recur throughout the book, including the contrast but not incompatibility of liberal and police government (as illustrated not only by licensing schemes[25] but also by formal criminal police offenses[26]) and the connection between police government and the project of urbanization and even the very idea of a city (as exemplified, for instance, by Patrick Colquhoun's comprehensive program for the policing of early nineteenth-century London[27]).

Tomlins's chapter begins to shift focus from general theoretical approaches—a way of doing theory, rather than a theory itself—to history, and it expands the genealogy from selected French materials to U.S. constitutional law. In an influential earlier work, Tomlins highlighted the contested relationship between police and law in the early American Republic.[28] Now he traces U.S. constitutional history from its prerevolutionary origins through *Lochner* from the perspective of the police power. This approach locates American state sovereignty on a continuum of sovereignty transfers from one governmental entity to another, rather than as a revolutionary reinvention of political power. It also highlights and connects such apparently disparate—and often neglected—loci of American governance as the treatment of Indians, immigrants, and the new American colonies (most importantly, Puerto Rico), all of whom—or which—joined the great mass of the policed, the plebeian rubble that the American Revolution threatened to sweep into power, a thought that struck fear into the Founders once they turned to the business of governing the new republic.[29]

As Tomlins shows, the police power also played a central role in the constitutional structure of the American nation-state—with the police power ostensibly reserved for the states to mark their continued sovereignty, but de facto wielded by the nation under various headings (such as the commerce power).[30] The myth of the police-powerless federal government (and the nonexistence of a nation-state above and beyond "the States") became increasingly difficult to maintain as federal law and regulation continued to increase in heft and bite. Still, the U.S. Supreme Court continues to police the distinction between the (illegitimate) federal police power and the (explicit) federal commerce power with considerable vigor.[31]

The police power also figures prominently in the emergence of the modern U.S. administrative state (Tomlins's bureaucratic-administrative state of sovereign police), as Bill Novak argues in Chapter 3. Building on his groundbreaking study of the police power in nineteenth-century America, *The People's Welfare*, Novak chronicles the dramatic expansion of federal power in the name of public welfare during the late nineteenth and early twentieth

centuries, which drew on an unbounded conception of police power far beyond the vague, but still formally constrained, nuisance power familiar from English common law against which the police power was often defined in the early nineteenth century.[32] The police power became a tool for progressive reform on a grand, national, scale. Proponents of the police power stood for the public welfare, for rationality and modernity in government; its detractors sought to tie the hands of "the public" through their insistence on anachronistic formalities of process and definition and reactionary anxiety about the protection of private property in an active, progressive, modern state, epitomized by the tendentious, meddling, and ultimately anachronistic reading of the due process clause in *Lochner* steeped in passé eighteenth-century ideas of the social compact. The future belonged to the police power; and the future was the comprehensive national administrative state.

Beginning with Chapter 4, the book shifts focus from constitutional and administrative law to criminal law, where it will remain. This is a shift in focus only, from one manifestation of the police power to another. We've already noted that it is black-letter law in the United States that the state's power to criminalize is based on its power to police, that is, to protect the public welfare in all of its aspects. Though not explicitly framed in terms of police, Foucault's most influential book, *Discipline and Punish*, captured criminal punishment's transition from physical to psychological sanctions and the attendant replacement of violent public displays of sovereign power to the establishment of a carceral web, at the node of which was the correctional prison rather than the vindictive gallows. Nothing more vividly illustrates the police power's oppressive potential than the intentional interference with the property, liberty, and even the life of those whom the state deems to have committed an "offense" against its sovereignty.[33]

Mark Kann, in Chapter 4, presents a compelling account of the failure of American criminal law to rethink the patriarchal foundations of English criminal law in light of the liberal principles of the Revolution. Despite the Revolution's rights rhetoric, criminal law remained grounded in the state's sovereignty, with the public peace simply replacing the king's peace as the formal object of protection. The police power was the king's (and later the public's) patriarchal power to regulate, in Blackstone's words, "the individuals of the state, like members of a well-governed family." The king's power to keep the peace in turn traced itself back to the householder's peace of medieval law and, eventually, to the power of the Roman *paterfamilias* over his *familia* and the Athenian *oikonomikos* over his *oikos*. Prisons, which emerged as the predominant American penal sanction, were organized like households, under the discretionary authority of the warden-householder. Drawing on

prisoners' memoirs, among other sources, Kann powerfully evokes the experience of objects of penal police in the early Republic, placing the prison household within a structure of patriarchal government ranging from the family and the plantation, the workplace and the church, the military and the city, to the macro household of the (invisible) American state.

The police power has shaped not only the execution of penal sanctions in so-called correctional facilities but the American penal process in its entirety, Dubber argues in Chapter 5. As a police matter, American penal law never underwent the basic critique in light of the principles that ostensibly drove the American Revolution and that continue to shape American political self-understanding and ideology. While the Enlightenment (even in England, thanks to the efforts of Bentham and others) drew into question the very legitimacy of punishment in a state self-governed by autonomous persons, American political and legal thought largely perceived, and ignored, the problem of punishment as an administrative police issue.

Contemporary American penal law, then, appears as a police system—albeit a fairly primitive and inefficient one—for the identification and disposal of human threats, with little regard to hallowed principles like *actus reus* and *mens rea* that are little more than anachronistic remnants of the common law without any obvious connection to more fundamental questions of legitimacy. Focusing on what he takes to be the ultimate source of legitimacy in a modern democratic state and in the American Republic in particular—autonomy, or self-government—Dubber sharpens the features of this police model of the penal process by contrasting it with an alternative model that would submit itself to, rather than avert, the sort of legitimacy critique that a purported commitment to the protection of the "life, liberty, and property" of citizen-offenders in a *Rechtsstaat* would seem to demand.

David Sklansky, in Chapter 6, turns his attention to the application of norms of substantive criminal law to particular cases at the outset of the penal process rather than at its end, when sanctions imposed in court are inflicted (most notably in prisons). Sklansky, in other words, discusses the police as an institution, the limited sense in which the concept survives in common parlance, long after the comprehensive scope of the original notion of police has largely been forgotten (though even today "to police" means something else besides *to act as police* in the institutional sense). More specifically, Sklansky explores the connection between the government of American police departments and the ideal of democracy. The police, it turns out, is governed much like other quasi-familial institutions, including factories, the military, and—most interesting—prisons (as Kann shows in Chapter 4). In other words, the police itself is a prime locus of police; more pointedly, police officers manifest

the *subject* of police power, the state, in its interaction with the objects of its police power (qua police force or—less pointedly and more obscurely—arms of the law) and at the same time are themselves *objects* of police power on their side of the thin blue line, in their patriarchal departments, stations, units, squads. Ironically, police departments therefore resemble a prison, another patriarchal institution modeled after various households (family, military, factory, slave plantation). Bringing democracy to police departments, then, is a project not unlike once notorious—and long since abandoned—experiments in prisoner self-government in the United States, all of which ultimately failed in the face of the rigid patriarchal hierarchy characteristic of quasi-familial police institutions.[34] Sklansky's discussion suggests that attempts to institute internal police autonomy stand a better chance of success, apart from whatever effect these reforms might have on the legitimacy of the police's exercise of state power against "civilians" in the penal process.

Jacqueline Ross and Peter Ramsay broaden the book's approach along another, comparative, dimension beyond the historical one found throughout all the chapters. In Chapter 7, Ross contributes an original discussion of German police law (*Polizeirecht*), a branch of law explicitly devoted to the legalization of policing. Unlike Sklansky, Ross focuses on the regulation of police activities in the exercise of the police's official function, rather than on the internal government of police departments. The attempt in German law to place legal limits on police activities turns on a distinction between preventive functions (to prevent harm, whether criminal or not, of human origin or not) and repressive functions (to enforce provisions of criminal law). Preventive police acts are governed by police law, repressive acts by penal law (both procedural and substantive criminal law). Police law is state law, penal law is federal (national) law. (At the same time, intelligence agencies are prohibited, according to the principle of separation, from performing any repressive law enforcement functions and police departments are prohibited from gathering intelligence.)

Drawing on an extended empirical study of German undercover policing, Ross shows how the distinction between preventive and repressive policing—or between policing and law enforcing—has proved untenable in practice as police activities naturally and continuously shift from law enforcement to prevention. Police, in other words, tends to drive out law, as early intervention in the form of preventive incapacitation makes retrospective punishment for violations of criminal norms unnecessary.

Peter Ramsay, in Chapter 8, subjects the British Anti-Social Behaviour Order (ASBO) to a thoroughgoing analysis from the perspective of police. Placing the ASBO in historical perspective by exposing its similarities to

the age-old practice of binding over, Ramsay shows the ASBO to be firmly rooted in the traditional police power, "whereby," to quote Blackstone once again, "the individuals of the state, like members of a well-governed family, are bound to conform their general behaviour to the rules of propriety, good neighbourhood, and good manners: and to be decent, industrious, and inoffensive in their respective stations."[35] The ASBO, in fact, was specifically designed to overcome the apparent crudeness (and unconstitutionality) of the bind over as a police instrument. Much like possession offenses in the United States proliferated as traditional vagrancy statutes encountered constitutional difficulties (notably on vagueness grounds),[36] so the ASBO was to serve the bind over's policing function without wearing the potential for arbitrariness, oppression, and exclusion on its sleeve. Whether either attempt succeeds in legalizing a police project, instead of merely providing a formal or procedural cover for long-standing practices, is another question.

In the final chapter, Levi returns to, and expands on, some of the themes set out in Valverde's chapter at the beginning of the book while continuing Ramsay's inquiry into the special part of criminal law (dealing with specific offense definitions, rather than general principles of criminal liability). In particular, Levi turns his attention to the resurgence of vagrancy as a policing tool in American cities. Rather than rely only on a multitude of possession offenses (most importantly, drug and gun possession, with severe penalties, including in some cases, life imprisonment without the possibility of parole), Chicago in the early 1990s passed a revised vagrancy ordinance targeted at gang loitering. Analyzing the ordinance from the perspective of police, rather than as a matter of constitutional law, Levi reveals its operation as a tool for policing the city. As an urbanization measure, the ordinance concerned itself directly with the health of the city, rather than its inhabitants. It served to ensure proper circulation among the human resources that constitute the city household; idleness, on this view, interferes with city government's effort to maximize the city's welfare and for that reason is to be prevented and suppressed. As a liberal policing tool, the ordinance failed, where possession offenses, the ASBO, and licensing succeeded—it was struck down by the U.S. Supreme Court as unconstitutionally vague because it did not differ sufficiently from vagrancy, its inartful police predecessor.

In the end, the chapters in this book show police to be a rich and flexible concept that can elucidate the operation of governmental institutions and practices by placing them into a broader functional context. Police analysis can reveal connections across the history of government, across systems of government within a given state, and comparatively, across states and levels

of government, from the familial to the global. Its comprehensive scope and boundless ambition, the very characteristics that tend to endear it more to those who wield it than to those who are governed by it, make the police power a particularly useful platform for interdisciplinary and international inquiries into fundamental questions of government and law.