When George W. Bush came to town for the Republican National Convention in 2004, the New York City Police Department had to manage thousands of protesters day after day in giant dragnets using plastic netting, even though the vast majority of the protesters were doing nothing illegal. The protesters were “processed” in chemically polluted “holding cells” hastily set up on Pier 57 by the Hudson River, known now as Guantánamo-on-the-Hudson—a procedure that normally should take at the most a few hours. Many developed alarming skin rashes from the chemical waste on the floors on which they had to sleep. Others acquired systemic bodily disturbances. But the streets of New York City were maintained free of protest for the duration of the convention.

**Keywords:** Republican National Convention, NYPD, protesters, Hudson River, Guantánamo

When George W. Bush came to town for the Republican National Convention in 2004, the New York City Police Department—known as the NYPD, or “New York’s Finest (and now, Bravest)”—swept thousands of protesters off the streets day after day in giant
dragnets using plastic netting even thought the vast majority of the protesters were doing nothing illegal. This has been further confirmed by extensive video evidence, some of which was tampered with by the police or the prosecutor’s office. The protesters were “processed” in chemically polluted “holding cells” hastily set up on Pier 57 by the Hudson River, known now as Guantánamo-on-the-Hudson, a procedure that normally should take at the most a few hours. Instead for most of the 1,800 arrested it took up to three days with little food and water. Many developed alarming skin rashes from the chemical waste on the floors on which they had to sleep. Others acquired systemic bodily disturbances. But the streets of New York City were maintained free of protest for the duration of the convention. That was the point. New York had been converted into a Potemkin Village, like a stage set, a fake place with happy smiling people greeting their gun-toting liberators with roses, as had been expected earlier when they rode into Baghdad.

(p.176) These Potemkin Villages are created wherever the forty-third president and his cavalcade descend on a third world city. New York was no exception. Policing is not only a question of material force but of what the novelist J. M. Coetzee, in a story about CIA activity in the Vietnam War, referred to as “mythological warfare.” Such warfare comes easily to the police, suggested the young Walter Benjamin in Germany in 1920, because of their ghostly being, a suspended sort of violent nothingness.

What Benjamin meant was that the police occupied a sort of no-man’s-land indispensable to the maintenance of law. The “law” of the police, he said, is independent of the rest of the law. It “really marks the point at which the state ... can no longer guarantee through the legal system the empirical ends it desires at any price to attain.” This terrifying assertion means that the people we pay to maintain the law are free of it so as to be able get on with their job. In a time of Homeland Security could this be any clearer, now that the exception is so blatantly the rule, now when people are tortured and left to rot in holding cells in sites such as Guantánamo Bay in Cuba (a country reviled by the United States for its lack of democracy), and when evidence is withheld on the grounds of “national security.” Lest one thinks this state of exception is post 9/11, let us examine the record prior to that event, remembering that Benjamin wrote down his ideas on policing a decade before the Nazis took power.

From Benjamin’s perspective as well as the record of the NYPD, it appears that no matter how much we may want to weed out corruption among the police, we do so with a certain “optimism of the will, pessimism of the intellect,” understanding our task as endless in its necessity. As for our task, what exactly is it? Are we not in our way trying to police the police? Or, mindful of that trap, should we police ourselves as well? Perhaps there is a third alternative, that of a critique that succumbs to its own critique as a source of wisdom.

Policing the police concerns what since Benjamin’s time has been referred to as “human rights,” the monitors of which form a cultural and bureaucratic movement across the globe, especially in third world countries. It is hard to imagine human rights being raised in New York City or in the United States in general, although that does increasingly
occur. What distinguishes Benjamin's analysis of the police from such organizations, however, as from liberalism in general, is his argument that the police are not and never can be subject to law.4 What, then, are they subject to? With this question in mind, Coetzee’s notion of “mythological warfare” takes on unsuspected power when hauled back from wars executed in poor, third world countries such as Vietnam or Iraq and applied right here in the homeland.

(p.177) “Tough Cops, Not Brutal Cops,” appealed a New York Times editorial around the time when I first drafted these thoughts, an editorial that, in trying to separate toughness from brutality, found itself awash in contradictions, reduced to pious finger-wagging in lieu of reasoned argument. The police commissioner of New York is cited as saying that “police officers are ‘between a rock and hard place’ because there is no way they can attempt to reclaim drug-ridden neighborhoods without being tough.” “True,” continues the editorial writer, “but as the Commissioner also notes, there is a ‘right way to do it and a wrong way to do it’ [and] no police officer worthy of his or her shield can fail to know the difference between aggressive policing and brutality.”5 The point however is that the difference is illusory, the contradiction insuperable, same as with notions like “unnecessary violence” or “irrational violence.” And this is why the editorial writer follows in the rhetorical wake of commissioner, invoking in conclusion the magical talisman of the shield, that is, the shield-shaped police badge.

Let me recall the scene-of-the-shield several years back in the NYPD’s Thirtieth Precinct in northwest Harlem, New York City, an area which my university, Columbia, is about to acquire in one of the more spectacular displacements of black people in the history of the city of New York. Several years ago in that precinct, police accused of corruption had their shields solemnly removed by the commissioner in a deft enactment of castration and beheading of one George Nova who, ever since he was a little boy, so they say, had wanted to be a cop. Here was a superb police officer. “It’s mind-boggling how someone could be so good. He just had the knack,” said a supervisor at the Thirtieth Precinct. Nova had an uncanny sense of crime. But at the same time, now it is revealed, he turns out to have been the most crooked of the lot. The best was the worst. Such are the ways of policing. Be it noted that throughout his brilliant career, until apprehended, he had but one “command discipline,” a minor infraction—lending his shield to a friend to use with a Halloween costume.6 Then one remembers not the policeman who became a thief but the thief who became not only one of France’s great writers but also a saint, Saint Jean Genet, crushed at the bar by Bernadino’s huskiness and self-assurance: “I was excited chiefly by the invisible presence of his inspector’s badge. The metal object had for me the power of a cigarette lighter in the fingers of a workman, or the buckle of an army belt, of a switchblade, of a caliper, objects in which the quality of males is violently concentrated. Had I been alone with him in a dark corner, I might have been bold enough to graze the cloth, to slip my hand under the lapel where cops usually wear the badge, and I would have trembled just as if I had been opening his fly.”7

It seems paradoxical that this thief could be so enamored of cops, their badges (p.178) and their dicks. But maybe that’s the point—the straining of contradiction within the what-
we-all-know-anyway. It's not that cops are thieves, too. No! I insist on the difference! If they're thieves, then they're “cop-thieves,” double-men as Elias Canetti refers to werewolves and magically endowed persons mystically identified with their totems. The point is that that cops and thieves are erotically intertwined and that the thin blue line separating them is more like a veil in a striptease. Perhaps it's bad sex, when all is said and done, and perhaps Genet has a problem here, but that's another discussion. What should hold us are the curious properties of the distinction uniting the criminal with the policeman, something Nietzsche, for one, made clear when he argued that the police are worse than the criminal because they do the same things, but in the name of Law.

“All's fair in love and war.” A 1994 New Yorker essay on the U.S. Attorney’s Office, Northern District of Illinois, and its prosecution of the Blackstone Rangers brings this out in a startling manner. Drawing attention to a so-called “modern” trend in law enforcement toward prosecution of entire criminal organizations such as gangs and Mafia families in place of individuals, the article notes that this trend relies heavily on an alliance between prosecutors and turncoats from such organizations. Fraught with hazards, however, the greatest danger to such reliance “is not that what seems to be polar opposites—prosecutors and criminals—might never find a way to work together,” maintains the author. “Rather it is just the reverse—that the good guys and the bad guys may fall in love.”

Now, “falling in love” is one of those metaphorically capacious expressions perfect for the theatrical world of cops and crims—“good guys and bad guys”—where passion no less than ambivalence oozes from every pore. To fall—from the heights of law into the pit, into the desires of the criminal, into unholiness—is here preordained as in ancient mythology despite the “modernity” of it all, fax machines, automatic weapons, and tape recorders included. At one point a tape recording was secretly made of a telephone call between the chief prosecutor's assistant and one of the “turncoats” in jail, a nice example of the police policing the police. The tape was played in court as evidence against the prosecutor. It was, to say the least, embarrassing: a matter of phone sex on the line between the federal prosecutor's office in downtown Chicago and the Metropolitan Correctional Center and nobody able to say who was sexing whom, the prosecutor's assistant or the admitted murderer.

She laughed. “Ten minutes in a locked room. That’s all it would take.” “All right, Rindy,” Hunter said, changing the subject. “We done had enough business for the day. You have to tell me bedtime stories for the night.”


“And you help me release my tension.” “I don't know, Eugene,” Luchetta said. “Oh, let me see, what kind of story can I tell you ... What would you have me do first?” “I just want to look.” “Look but don't touch,” Luchetta said. “I don't think so.” And so it went on, in gathering waves of telephonic tumescence binding captor to
prisoner, prosecutor to murderer cum informant.

The courtroom was very quiet when this tape was played. "Actually," comments the author, "it is not clear precisely what rule if any was broken by this conversation ... It was inappropriate, bizarre, and embarrassing, but not, perhaps, illegal." The erotic and spectral effect of the ambiguity is reinforced by the author's choice of figurative language with his surmise that, for the presiding judge, this taped conversation must have been the last straw, the final and clear indication that the prosecution and the criminals had "ceased operating at some distance from one another and that their alliance was an unholy one." Genet would be the first to testify to the inherent necessity, let alone unholliness, of this alliance.

In their demand for a "sacred sociology" of the modern world after the death of God, Georges Bataille and Michel Leiris had summed up just such an unholy alliance as is here presented between criminals and police. Searching for a notion of the sacred in a profane world, Leiris suggested it was anything characterized by ambiguity, danger, excitement, and prohibition. Bataille added disgust, fear, and attraction. Even more defining was the flip-flop between the negative and positive poles of the sacred in a profane world, there being every reason to include the diabolical, the nasty, and evil itself as no less sacred than the nice things we prefer to designate with that label. The modern world had drained holiness of this other fearsome meaning and had done its best to sanitize the church, repressing the unwholesome nature of religious power. But primitive societies knew better, and so do the police.

No less spectral is the elaborate charade played out between the cops and the courts, policing in the rough and tumble of the streets, on one side, and the calm adjudication of justice before the bench, on the other. Where does one end and the other begin? Where does the law of force give way to the force of law? What is one to make of the "emperor's new clothes" type of situation in which judges and prosecutors in New York City, for instance, give tacit approval to cops perjuring themselves in court? The head of the Legal Aid Society of New York's criminal defense division is cited recently as saying that "the police regularly invent witnesses, (p.180) tailor their testimony to meet constitutional objections, and alter arrest records." What's more, "prosecutors and judges wink at it." Theatrical performance is crucial to the success of this public secret, which sets the stage for the recurring drama of force and fraud at the heart of the U.S. system of justice. The courtroom serves as the play within the play. As was said at the trial for perjury of a police officer, John Rossi, who beat up a prisoner named Luis Mora in order to force a false confession that would exonerate the officer from having committed a minor infraction: "This perjury is monstrous because the lie seems like the truth. Luis Mora looked guilty to John Rossi. He dressed guilty. He had a record of guilt. Luis Mora is the perfect fall guy. John Rossi knew after all those years of working with assistant district attorneys, of testifying before a grand jury, testifying before judges, that he would have no trouble selling a guy like Luis Mora up the river." But to the police community, the prosecution of Officer Rossi was "wrongheaded and overzealous." It failed to take into
account the dangers and difficulties of policing.

Strangest of all, to Officer Rossi it didn’t seem to have happened at all. He didn’t even believe the case had been brought against him. “From the second I realized they were going to prosecute me to this second right now,” he said after being sentenced, “it’s been beyond me. It seems fictional.”

And well he might be dazed at the hallucinatory haze at work on his fictions. After all, an attorney writing a month before this news report stated that in her sixteen years working in the city she had neither seen nor heard of a New York City prosecutor bringing a cop to court for perjury. What’s more, she says that while it’s routine in court to hear police give evidence that would strain the credulity of a seven-year-old, judges rarely reject such testimony as false.

But does not the very same system let us know of its corruption? Is this not its saving grace? Yet what if these confessions change nothing, as seems likely? More than likely. How can we understand this? Is this then the ultimate in theater and ritual—confessions and commissions of inquiry, witnesses in black ski masks and a whole supporting cast performing a public ritual of purgation undertaken with each new mayor or every decade, a forced confession to the gods of the city? Farewell to the land of absolutes no less than absolusion; the best you can hope for is a “minimal level” of badness achieved through frequent and regular reamings, like cleaning the toilet bowl. Is this the ultimate sign of the divine, revealing how scarce, indeed how miraculous, justice is?

Here’s one such reaming. The Commission on Corruption is told ... Two policemen ride the patrol car cruising the Thirtieth Precinct in northwest Harlem. (p.181) The report reads that “a drug crazed individual” was firing at another man. The two policemen “scrambled” out of their cars as other drug dealers joined in. “It was like Vietnam out there,” a police officer said. Officer Vasquez shot one man down but as he was reloading, the downed man staggered to his knees, despite severe wounds, aiming his gun at Vasquez. Without hesitation Vasquez’s partner, Jorge Alvarez, dived in front of him and killed the would-be killer. A few months later, as in a Greek tragedy, Alvarez turned in his partner for corruption as a way of mitigating his own involvement in crime. Yes! Maybe it was like Vietnam “out there.” Alvarez’s heroism haunted the minds of the other officers. “You have to look back and wonder whether Jorge did Vasquez a favor or not,” commented one officer. “Maybe the best thing would have been if Vasquez had died right there. He would have been a hero. His family would have received a pension. Now his family is disgraced. The man is looking at life in prison. Who would want to be him?”

Investigators policing the police “remain uncertain of just when and why any went bad.” It is pointed out that the best cover is to do your job not just well but extremely well. The best way to be the worst is to be the best. The report speaks of cops “being like the beach”—what a strange metaphor!—subject to continuous erosion by the temptations thrown their way by crime. You can see the waves pounding in from the surging sea, waves of money, waves of drugs, waves of secrets rolling in from the polluted ocean.

The report speaks of men unraveling, overwhelmed by the size of the monthly mortgage
payments; the unpaid taxes; the Datsun they own with over 200,000 miles on it; the house foreclosed; separations; divorces; the deprived backgrounds. Then there are the brown paper bags picked up at the bodega with tens of thousands of dollars. Who could resist?

But would any of that explain diving in front of your partner to save his life?

The drama is plain and absorbing: honest men slowly sucked into not just crime but treason. After all, they are police and for them to stoop to crime is to double the crime. Not thieves, but "cop-thieves." Double-men. The art of transformation: might there not be seduction in just that? Is this not Genet's pleasure of betrayal, the "eternal return" of the first of the great transgressions as the path to sanctity? And the report speaks of gaining a partial understanding of "the road to the dark side of the law." We stand appalled—yet intrigued—by the horrendous inevitability invoked by the notion here of a "road" to the storming depths. What road is this? Spellbound by the human drama, however, the report fails to follow up on this insight—that the law itself no less than human beings depends on, yet must deny, this "dark side" as part of its very being.

(p.182) As policing strides along the "road to the dark side," so it creates a hierarchy of invisible layers of other police—perhaps "better" and more "noble" police—whose function it is to police the police. Note the time-honored practice of using a thief to catch a thief as with the now-routine practice of "the wire" in which a cop is wired to a tape recorder by a tiny microphone, like an animal of prey, trapping a fellow cop into an incriminating chat at the Policeman's Benevolent Society's barbecue. This practice has led to the further practice of police now secretly wearing wire detectors available at "spy shops" in New York City. Let us not forget the role of the FBI in conducting "sting" operations with patience and guile over many months, involving (once again) these notorious brown paper bags with $10,000 in them on kitchen countertops under the surveillance of a hidden video camera set to capture the police who are unable to resist the bait as they search apartments for drugs. All of which leads to other questions concerning mythological warfare, which, as with spy thrillers in art and real life, entails worlds within worlds of mutual suspicion, disguise, and deception. Can the law be dependent on something as fluid and eerie as policing through infinite regress? Who polices the police policing the police? It's like the shamans as Plato describes them in Ion, as I discerned them in the southwest of Colombia, each one dependent on a more powerful one—and the one at the end, at the headwaters of the river lost in the forest, what would he look like? What language would he speak? Who could he turn to in his moments of insight and weakness? It's said that the infamous head of the FBI, J. Edgar Hoover, had thirty-five file drawers and six filing cabinets that nobody but his personal secretary had access to, with dirt on presidents and important politicians and officials (including FBI officials). Is that the end point? When he died it caused a panic. His secretary, Helen Gandy, had to hide the files in Hoover's home and then destroyed an unspecified number of them. But did she destroy all? And why is this mysterious lode of dirt on the rich and powerful referred to sometimes as "gold" and other times as "a bucket of worms"?17
But the most intriguing feature in the theater of visibility and invisibility is the frequent attention paid in the press to the off-duty cop out of uniform who apprehends a criminal—as in a hairdressing salon or in a speeding car. These stories never fail to impress me although I am not sure why. Is it because that policing—as with the ministry of religion or a medical doctor, for instance—is more than just a job, so that even off duty one is still on duty? Is it because you are made suddenly to realize that you never know if the person beside you is an off-duty cop and that the line between the police and the public is not uniformly well defined when all along you thought it was and should be? Is it because there is something almost supernatural and certainly Hollywoodesque about the quicksilver transformation from the Clark Kent figure into Superman? Or is it because of the joy one feels that the tables were so unexpectedly turned on a criminal unexpectedly taking advantage of an unsuspecting public?

Here I cannot stop from wondering about the rather pathetic displays of rebellion involved in my switching back and forth from police to cop. This word cop, no less than police, seems to have the wondrous ambivalent power of those strange “primal” words that Freud brought to our attention. But the term cop is doubly curious in that as the underside or left-handed term, not only does it have its official counterpart in police, but it has crept into if not the official then certainly the quasi-official and respectable U.S. lexicon. Its usage conveys not only critical distance from the “police” but a peculiar mix of insult and endearment, and much the same applies to the litany of cop appellations such as dick, fuzz, flat-foot, sleuth, gumshoe, and so forth. (It should be a cause for concern that the proliferation of such names seems to be tapering off. Perhaps they are too playful? Perhaps there is no longer the mythic space for such names and the police have achieved the ultimate perfection which is namelessness.)

If the swinging back and forth between cop and police provides linguistic evidence as to the doubleness at the heart of policing, the folkloric observation of the “good cop, bad cop” routine, offers testimony (now I too find the language of law irresistible!) to the fact that policing so easily lends itself to theatrical representation. This point is that the threat posed by the “bad cop” is even less important than the shocking duplicity of the “good cop.” It is also testimony (!) to the sacred-making ambivalence of an authority whose corruption manifests a specific constellation of attraction and equally great repulsion.

Let us emphasize at this point, therefore, Freud’s rendition of extant ethnography and classical reference where he noted the following salient features of the taboo. “The meaning of ‘taboo’ as we see it,” he wrote (in 1913), “diverges in two contrary directions. To us it means, on the one hand, ‘sacred,’ ‘consecrated,’ and on the other ‘uncanny,’ ‘dangerous,’ ‘forbidden,’ ‘unclean.’” Moreover, contact with the tabooed person or object, he noted (as the strangest fact of all), leads to contagion by the same power such that that person in turn acquires the property of being tabooed.

It is this very same sacred purity-and-impurity of policing that seems to me to underlie Benjamin’s figure of police-as-ghosts. Sure, the magical power of the dead is a well-nigh universal phenomenon. But for Benjamin this magical power (p.184) is greatly enhanced by a disturbing decay, an effervescent rottenness, at the heart of policing. Let me explain.
Their power is formless, Benjamin wrote of the police, like their “nowhere tangible, all-pervasive, ghostly presence in the life of civilized states.”21 In an age of revolution and counter-revolution rife with the implications violence holds for reason, no less than for law, Benjamin (all of twenty-eight years old) strove in 1920 to define rights of violence—as in the proletarian general strike, and with what he called the “divine justice of destruction,” which was opposed to the “mythic violence that founds law.”22 He was especially interested in phenomena destabilizing the boundary between might and right, and he singled out capital punishment, for instance, as that act of law preservation which, through its exercising the highest violence possible within the legal system, the power over life and death, irresistibly brings forth the violent origins of law at the same time as it acts to maintain law and hence reveals what he called “rottenness” within the law. “Rottenness” meant the mystifications separating but also joining violence to reason—nowhere more so than in the role fulfilled by the police who, through violence or the threat of violence, daily make law as much as they maintain it. Policing goes beyond the “rottenness” implicated by capital punishment, to what Benjamin sees as “ignominy,” a “far more monstrous combination” of law-preserving and law-founding violence.

This unabashed disgust exhibited by Benjamin toward our boys in blue strikes me as strange in what is otherwise an essay remarkable for its lofty and somber tone poised on the edge of incantation. It’s as if the mixture of categories upsets him more than the violent reality it is meant to illuminate. Hence, in his attempts to pin down what is at the core of policing, he uses a variety of terms in quick succession, moving from the rottenness within the law as revealed by capital punishment to the far more unnatural and monstrous combination, the spectral mixture, the ignominy that arises from the suspension of the separation, and finally to the emancipation from conditions of both law making and law maintaining.23

My point is simple. It is the word rottenness that makes me sit up. As with Bataille:

What is sacred undoubtedly corresponds to the object of horror I have spoken of, a fetid, sticky object without boundaries, which teem with life and yet is a sign of death. It is nature at the point where its effervescence closely joins life and death, where it is death gorging life with decomposed substance.24

(p.185) What then binds “rottenness” and “monstrous combinations” to “spectrality”? And if it is this magnified rottenness of the police that accounts for the spectral nature of policing haunting democratic states, then it not only behooves us to consider to what degree and in what ways the violence founding law in any particular society may continue to “inhabit” contemporary law keeping, but what else this monstrosity might signify other than the “monstrous combination” of ends and means, law making and law maintaining.

Here Benjamin’s effort to theologically frame the discussion of police violence in democracies can be restaged by taking into account the sacred sociology of taboo and transgression, it being understood that the spectral nature of police is due not to unclear boundaries but to the incessant demand for transgression by the boundary itself.25 Let
us not forget that it's the police who "man" this thin blue line. They are the line. It does not exist independent of them, and it turns out to be not a line at all but porous and exists only in so far as it is transgressed. In the final analysis—but of course there never is one—the ethnography is clear: for the police, life is a beach.

Between earth and water, the beach is the prehistoric zone where life began. This prehistoricity—so Benjamin could be seen as arguing in his essay on Kafka—\(^{26}\) is reactivated by the modern state, and the police are foremost in this primordial endeavor. Where might this put Thomas Hobbes's theory of power, Hobbes the materialist, with his mystical theory of the "awe" intrinsic to that infamous sword "without which covenants are but words"? Where does this put Leviathan, crawling out of the mud onto the very same beach?

The sword, which upholds the power of words, lies outside the circle of words. Its "meaning" draws on quite other realms of reference and bodies of feeling. These are not easy to talk about. Words are lacking. In this very otherness in the object world of bodies and weapons, the awe of Hobbes's sword allows for the mystical perfection of Leviathan—the point being that the awe, as the force necessary for law, is a mystical product of defilement; the radiance created when the aloof nobility of the law stoops to brutality. This is the movement. This is the moment. Leviathan, that mortal god, is a monster, after all, the great enemy of God, whose sublime status rests upon the metamorphosis of brutality into sacred force.

Added to this sacred quality of brutality is the sheer inexplicability that must define terror—especially the terror that underpins reason as a world historical mythological movement. Consider the prevalence and importance of violence to which Benjamin's essay alerts us in the law-founding acts and mythologies of modern states. We have already hinted at Freud's allegory of patricide at the formation (p.186) of (the incest) taboo, hence law, but let us note also the law-founding violence in the great bourgeois as much as the great communist revolution. Consider also the violence in so many of the great anticolonial struggles. Finally, consider these Western mythologies: the expulsion from the Garden of Eden (I can see the angel with her fiery sword as I write); the violence necessary to rescue the enchained in Plato's cave dragging them kicking and screaming to the beauty of the sun's fiery light and therewith the founding of the Republic based on pure Law; Hegel's mysterious violence that out of nowhere kicks off the phenomenology with the life-and-death struggle of master and slave—"Therefore," writes Kojève with reference to the phenomenology, "to speak of the 'origin' of Self-Consciousness it is necessary to speak of a fight to the death for 'recognition.'" In this scheme "it is in the Terror that the State is realized."\(^ {27}\) What is so unnerving with all this is that the terror is what paves the way for the rule of reason yet lies beyond reason. It is a given, an absolute of some sort, where explanation ceases. It belongs to the gods.

In a move that coincided with a general shift of interest in social science toward culture and symbols, Louis Althusser turned what he considered a vulgar marxism on its head, teaching that the state was a cultural force and not simply a "body of armed men." Yet what seems overlooked here is precisely the culture of armed men, meaning the culture
of force, brute force and uncontained violence with meaning none other than itself.\textsuperscript{28} Althusser's break into culture was predicated on what now must surely seem a woefully impoverished vision of culture as a constraining, external force of ritual that he also called “material practises,” but it was one of his students, Nicos Poulantzas who, not too long before killing himself, set forth the theory of the theatrical nature of state violence, thus combining the “materialism” of his master, at least as regards the human body and the technology of weapons, with the fantastic—theatrical—figures and emotional surges accompanying violence. It was like a confession about a vague something that had always been present yet denied, in that vast system of modern sociology and political theory but that now, thanks to May •68 and the Vietnam War, kindled an appreciation of statecraft as stagecraft. “Repression,” he wrote, “is never pure negativity, and it is not exhausted either in the actual exercise of physical violence or in its internalization. There is something else to repression, something about which people seldom talk; namely the mechanisms of fear.” I have referred to these mechanisms, he continues, “as the theatrics of that truly Kafkaesque castle of the modern state. They are inscribed in the labyrinths where modern law becomes a practical reality.”\textsuperscript{29}

\textbf{(p.187)} What is fascinating is the lack of talk that Poulantzas strives to talk to, and what such silence concerning the mechanisms of fear implies with regards to the theatrical power of the castle as, with alarming vigor, the call went out when I first wrote this essay in 1995 here in New York, as elsewhere, for more police, more prisons, and more capital punishment. How innocent even that appears now, post 9/11, where the fear of which Poulantzas speaks, and the “impure sacred” of policing, which I address, has become so apparent yet at the same time so silencing.

For where the silence finds an outlet is in that decidedly other theater, the “negative sacred” fantasy theater par excellence of the underworld, the Mafia, the street gangs, the child molesters, the crack dealers, the Oklahoma bombers and now “the enemy” ever vigilant on all sides and in all homes whose name is terrorist. On this desperate image of evil the castle sustains itself. And while the theater of the castle needs this other theater, and vice versa, such that the mystical powers of the one are transformed into the mystical powers of the other, it would seem that it is always the negative sacred—hell and the underworld—that provides the most compelling scenario and performative power for the mystical foundations of authority. This is why the fear that \textit{can} be spoken is displaced elsewhere.

Benjamin felt that the prehistoricity of the state world in Kafka was incomparably older than the world of myth. He felt that redemption—for we cannot conclude these pessimistic ruminations on the inevitability of corruption without at least a nod in that direction—could be imagined, if not sought, somewhere between myth and fairy tale. And surely it is the living theater of kitsch where the mythology of the sacred, pure or evil, is suddenly evacuated from policing and the Three Stooges take over as in Kafka's trial in the always possible comic displacement of the tragic that is crime. The truly corrupt policeman is not the one who, beachlike, is eroded by the waves of crime washing over him. Rather, he is the one who maladroitly stands in the way of the smooth functioning of
the taboo and instead of allowing free passage for the conversion of crime into righteousness, lends his badge for a Halloween party. (p.188)

Notes:
An earlier version of this chapter was published as “The Injustice of Policing” in Austin Sarat and Thomas R. Kearns, eds., Justice and Injustice in Law and Legal Theory (Ann Arbor: University of Michigan Press, 1996).


(4) He writes that the police are suspended from both the law-making and law-founding forms of violence.


(10) Toobin, “Capone’s Revenge,” 55.


(22) Of importance here was Georges Sorel’s eclectic and fascinating work, Reflections on Violence, first published in 1915. Sorel has separate chapters on “The Proletarian Strike” and “The Political General Strike.” His disposition to see “the big picture,” to see violence no less than the general strike in terms of apocalyptic Christian mythology, makes this essay germane to Benjamin’s similarly philosophical and religious concerns with violence. Furthermore, it seems to me that this work of Sorel’s is the basis of Benjamin’s strange gestures toward “pessimism” at the end of the latter’s essay on surrealism—a pessimism that fuses eloquently with Benjamin’s refiguration of Blanqui.


(24) Bataille, Accursed Share, 2: 95.


