

IS THIS WHAT DEMOCRACY LOOKS LIKE?

“We received notice from the owners of Zuccotti Park,” went the incantatory call on the People’s Mic in the predawn darkness of October 14, 2011. We—we thousands—repeated the phrase in unison, without hesitation. “That they are postponing their cleaning.” ¹ Few repeated that phrase. Instead, we shouted and screamed, whooped and whistled, clapped and hugged. It remains unclear why the initial threat to evict Occupy Wall Street (OWS), in the name of cleaning the site, did not occur. Whatever the explanation, as we rallied and learned that no eviction would occur, it felt like anything—winning, even—was possible. Within a month, however, the outlines of how the movement’s destruction would occur began to take shape. Internal squabbles and disorganization would play some role. But the chief cause would be brutal repression by militarized police forces across the United States. ²

Anger over police overreaction had mobilized large numbers of protesters in October of 2011, even before the November 15 witching-hour eviction of the New York encampment and the evictions of other encampments across the country. Flagrant and excessive police action took many forms: Deputy Inspector Anthony Bologna’s use of pepper spray on your female protesters, the mass arrest of seven hundred or so protesters on the Brooklyn Bridge, and the critical head injury an Oakland protester, the result of getting shot with a still-unidentified “police projectile.” Despite widespread repudiation this type of police action among supporters of the movement, police sympathy for OWS rather than police abuse of it was a major topic of conversation among those trying to predict next steps for the movement after its initial emergence. ³ It was not until after the eviction, and particularly after the revelation that a private professional organization, the Police Executive Research Forum (PERF), had helped to coordinate the eviction of occupations in multiple cities, that policing as such became a focus of commentary. Indeed, Chuck Wexler, executive director of PERF, who had first admitted to the coordination of evictions on *Democracy Now!*, later told the *Washington Post*, “What keeps police chiefs up at night is that somehow the purpose of the movement will become about actions that the police have taken.” ⁴ In other words, Wexler feared the vaunted neutrality of the police would be called into question.

In this article, I assess the reactions of various police officials to the Occupy movement and to the underlying conditions state fiscal austerity that themselves motivated a large proportion of Occupy protesters. I also analyze the framework several commentators used to discuss the relationship of the police to the “1%” and thus to the movement; I characterize this relationship as “instrumentalist” to indicate that the police were seen to be working at the behest of the ultra-rich. More explicitly, the framework assumes that the capitalist class, perceiving the first large-scale radical and anticapitalist movement in some time as a threat to their rule, deployed the vehicle of state power to crush the movement. In contrast, argue that the period of increasing austerity makes plausible the instrumentalist conception of the relationship of capitalist class power and police power, particularly in the context of political protest. I suggest that the appearance of instrumentalism is better understood as an effect of the structure of state power in the present moment of austerity, which offers some hope for Occupy’s vision. Yet because it is nonetheless true that the state did crush the movement, I use this foundation to pose provocations—these emerge from questions I think are not asked by the movement’s own understanding of the conjuncture—about what the movement revealed about the emergent political and economic situation and the post-Occupy future.

Policing Austerely

In the same heady days that saw the first major protest outside NYPD (New York Police Department) headquarters, itself a response to the Bologna pepper-spraying, and the Brooklyn Bridge mass arrest, JPMorgan Chase was reported to have

donated \$4.6 million to the New York City Police Foundation. ⁵ Yves Smith of the “Naked Capitalism” blog asked in response whether the banking giant was getting a good return on its investment. ⁶ Smith attempts to contextualize the donation by referring to the history of fiscal austerity in New York City, whereby private donations are necessary to make up for shortfalls in tax revenue. Such private donations, he claims, came into prominence after the increase in crime rate attendant to cutbacks in city services following the mid-1970s fiscal crisis. Smith writes, “So while this effort to suppleme taxpayer funding has a certain logic, it raises the nasty specter of favoritism, that if private funding were to become a significant part of the Police Department’s total budget, it would understandably give priority to its patrons.” It is certainly true that across the United States police forces have been turning to private patrons to meet basic expenses.

In a PERF publication entitled *Labor-Management Relations in Policing: Looking to the Future and Finding Common Ground*, released soon after the JPMorgan Chase donation was reported, Boston Police Commissioner Ed Davis remark “We have always looked at our business as a tax-payer-based business. But . . . I’ve recognized that there are other sources of funding.” ⁷ In addition to federal grants and other aid for law enforcement, he notes that he has “had a lot of good luck in bringing in funding through foundations. We have the Boston Police Foundation, which is flourishing right now. Our Police Athletic League has also done an enormous amount of fundraising. . . These private funds are available if you access them properly.”

Davis was not alone in recommending that police departments become active in ensuring that their agencies remain well funded in an age of austerity. A few months after the Occupy movement’s emergence, the first published comment about by the International Association of Chiefs of Police (IACP), a 110-year-old organization, was not about policing tactics, black blocs, or crime. Instead, it was about cash. Or, more precisely, it concerned budgetary constraints affecting police work, which had been thrown into relief by the movement. In the January 2012 issue of *The Police Chief* magazine, the IACP’s President, Walter A. McNeil, remarked on the wave of government cost-cutting:

These cutbacks come at a time when our departments are facing new and unique challenges. In addition to addressing traditional issues of crime and violence, police agencies also are being asked to respond to large-scale protests and act of civil disobedience. These events often inject law enforcement personnel directly into charged, confrontational environments with the various citizens they are sworn to protect. This causes a strain both on departmental resources and on the vital police-community relationship.

In response, McNeil suggested that police executives should become “actively involved in speaking out”: “It is imperative that we address not only our communities but our leaders as well.” ⁸ McNeil advocated a simple and well-recognized liberal response: get politically engaged.

As if aware of the risks of encouraging political engagement given the tight yoking of “law and order” politics and the defunding of the public sector since the 1960s, in the PERF *Labor-Management Relations in Policing* publication, Dave Mutchler, President of a Fraternal Order of Police Lodge in Kentucky, warns, “Often we make the mistake of supporting politicians who don’t work for us, because we personally think like they do, even though their political views are bad for labor.” What he means is that the tough-on-crime, right-leaning candidates who tend to appeal to conservative, small-government voters, including many cops, cannot be counted on to save police officers, with their large pension obligations, comparatively high salaries, and union-based contracts, from the budgetary axe. What is more, for such voters the mark is imagined as the best provider of services, and cops are not immune, even though these “market forces” may put them out of work. On the competition between police and private security firms, Boston’s Commissioner Davis remarked in the PERF *Labor-Management Forum*:

There are about 600,000 cops in the United States. In the 1960s, there were few private security people. Now there are over two million security people in the United States. So there is now business money being dedicated to our field. We’ve been losing ‘market share’ over the last 20 years, even though we are the best people to do these types of jobs.

As small cities across the United States face bankruptcy, private armed guards are replacing police, who respond only to calls involving violent crime. ⁹

After the evictions, a flurry of argument, conspiracy theory, and confusion resulted from the revelation that more than a dozen police chiefs were sharing tips and coordinating their responses to occupations around the country, via PERF. Oakland's Mayor Jean Quan fueled the fire by noting that she had participated in conference calls for similar purposes. ¹⁰ Journalist Naomi Wolf argued that Congress and the White House were actively involved in suppressing the movement because they had so much to lose if the movement won some of what she interpreted as its "demands," such as restoration of the Glass-Steagall Act. ¹¹ She explained,

for the DHS [Department of Homeland Security] to be on a call with mayors, the logic of its chain of command and accountability implies that congressional overseers, with the blessing of the White House, told the DHS to authorize mayors to order their police forces—pumped up with millions of dollars of hardware and training from the DHS—to make war on peaceful citizens. ¹²

Although the participation of DHS in these calls would likely come as no surprise to many, the idea that the President, implicitly in collusion with some key members of the 1%, decides how municipal policing tactics should unfold is beneath even B-movie screenwriters—but not, apparently, some left-liberal journalists.

Beyond isolated whispers of concurrence with aspects of the polyvocal OWS message, however, the only example of organized protest by the NYPD during the Zuccotti occupation was a nasty, openly racist rally a borough away, in the Bronx. This NYPD rally tells us more about the relationship of everyday policing and the different scales of government than it does Wolf's paranoia about the DHS. The protest was aimed at the African American Bronx District Attorney's indictment of mostly white officers for ticket-fixing; it also included a detour in which cops harassed people visiting a welfare benefits office by chanting "E. B. T.," the acronym for "electronic benefit transfer," New York State's method of distributing food stamps. Beyond the bigotry of such a sordid scene—what is shocking here is not that cops would be bigots but that they would seem to forget it is no longer acceptable, unabashedly reminding readers of that day's morning news reports of the bigotry—of note is the target here. Rather than attacking "criminals" or even necessarily the "welfare cheats" of conservative racial fantasy, the cops here attack those thought to be taking from the state's limited pot, the size of which is of keen interest to those employed by the state.

Rather than seeing this strange protest as a diversion from cops' typical activities, instead it is better to see it as consonant with them. What these protesting cops seem to understand—and what, as legal theorist Markus Dirk Dubber points out, much scholarship on criminal justice has forgotten—is that the historical essence of what Dubber calls "the police power" is its limitlessness. ¹³ The police power in this sense has historically concerned many aspects of rule, not just crime, but as the state reduces its capacities to rule without coercion, the older sense of the police power comes further and further under the purview of the municipal police. This protest was not against job cuts or curtailment of benefits; it was against limitations on cops' discretion. It is true that discretion is the watchword of street policing, as recognized by critical theorists like Dubber or practical theorists of law and order like James Q. Wilson and George Kelling, authors of the famous 1982 *Atlantic Monthly* article "Broken Windows." McNeil of the IACP notes that policing large-scale "civil disobedience" can cut into municipal budgets, which suggests how discretion, in addition to bigotry, links the Bronx protest and its sideshow of the "E. B. T." chant: just as the District Attorney indicted the cops thought to have expressed their prerogative in unseemly or beyond-acceptable ways, undeserved cuts in state funding have the same effect of limiting what cops can do on the street. When cops are operating on a shoestring budget, as in towns now declaring bankruptcy, they are in a defensive position, triaging their responses. Loss of funding can mean loss of the autonomy that allows them to exercise discretion. They become bound by fiscal constraints above all. Checks from Uncle Sam, not furtive calls from Congressmen, control how cops patrol the streets.

Instrumentalist Explanations

Do the comments of police executives McNeil, Mutchler, and Davis on the dangers police officers face due to ideologies of austerity and budget-slashing elected officials square with Smith's take—that policing of OWS was harsh because big banks donated cash to the NYPD? For Smith, the reliance of police forces on private benefactors means that they might play favorites, choosing to defend the interests of the donors who allow them to make up their budgetary shortfalls—rather than those protesting against those same budgetary cuts in the first place. It is unclear why the police would, given such choice, necessarily choose that alignment, particularly given that their ranks are almost entirely populated by people from the laboring classes. (It needs to be considered that becoming a cop offers to those with little advanced education or other job prospects fairly stable employment, good benefits including a pension, and an early retirement age—something absent from the private security jobs that, according to Commissioner Davis, threaten to displace them.) In my own experience, during the massive Times Square protest on October 15, 2011, across-a-barricade banter with an exhausted cop who just wanted to get home to watch the hockey game included his asking a group of protesters, “Where were you guys a few years ago when we were protesting outside City Hall for a contract?” Clearly, for this officer, the exhortation to get politically engaged, as voiced by the IACP's President, was reasonable enough. Soon thereafter, when OWS protested outside Sotheby's in solidarity with locked-out Teamsters, one older officer nodded in resignation in response to shouts to the ultra-rich art buyers inside the auction house whom the cops were ostensibly protecting and serving would love to take away their union contract and their pensions, as he nevertheless continued to shove us backward.

Although the JPMorgan donation is seen to epitomize the measures the 1% would take to ensure the police department's fealty, the need for the donation—chronic budgetary shortfalls—equally would have to be attributed to the political wishes of the 1%. Therefore, I find insufficient Smith's interpretation, not to mention Wolf's, and the myriad variations on both I encountered during the past year of protest. Such arguments frequently slide into the voluntarist world of conspiracy theories where interests, means, and ends are clearly delineated for a few (far less than the actual numbers comprising the 1%). This take might also be seen as a variant of an “instrumentalist” theory of the capitalist state, which understands the state as a subject that uses its own power on behalf of capital. Here capital is easily able to convince state managers to act in its interests, with the present-day fillip that the police become the chief enforcers for these so-convinced managers. There are many sound reasons to attribute the decisions of bureaucrats, lawmakers, and elected officials to the will of the 1%. It is surely important to account for the effects of the “revolving door” between FIRE (finance, insurance, real estate), petrochemical, military matériel, and other industry boardrooms; lobbying firms; and the government agencies putatively designed to regulate them, as well as the preponderance of corporate cash in campaign coffers.

Yet I see major problems with these ideas. First, a surfeit of critiques of instrumentalist theories has been mounted. Crucial to these are the so-called “structuralist” interpretations, in which “relative autonomy” is the keyword to describe the relationship of the economic and the political, meaning at the very least that no one-to-one correspondence between the two occurs. ¹⁴ Moreover, “intentionalist” interpretations of class actors—wherein class is simply a socioeconomic stratum with corresponding intentions—tend to reify those actors as such, rather than understanding class as specific congeries of social processes and sets of relations. Stepping out of intentionalist interpretations of class enables us to develop ways to understand intraclass disputes and their resolution, as well as contradictory strains of ideology, at which the instrumental theory falters. Instrumentalist rule depends on intentionality; with so little empirical evidence of capitalist class consciousness, this approach must be dismissed.

With these critiques in mind, as I reflect on the experience of OWS and in light of these police executives' worries about the politics of austerity, not only is a different sort of theory required, but it is necessary to explain why this theory (or perhaps it is better called folk wisdom) of instrumentalism became so palatable and widespread when it did. Indeed, the early iterations of what has come to be understood as instrumentalist state theory emerged on the cusp of the crisis of the

Fordist-Keynesian so-called “Golden Age” of capitalist profitability at the end of the 1960s. That moment also marked the cresting of working-class, rank-and-file, feminist, anticolonial, and black freedom struggles, which seems, in retrospect, to have been one of a decrement in the ability of the purported ruling class to rule in its own favor. Today, in contrast, excluding OWS and several of its relatively isolated precursors scattered among the activist efforts of unions, immigrant environmental justice organizations, and incarcerated people, the United States has seen the apparent success of the 1%’s utopia, with the state fashioned in its image. In many ways, this utopia, structured by the deregulation of capital and unleashed financial speculation, erosion of worker and environmental protections, privatization or marketization of previously market-insulated aspects of social life, and state fiscal austerity, is a direct response to the state of the late 1960s, when instrumentalist theory was first enunciated. ¹⁵ The state of the late 1960s offered many more supports for workers and poor people, though they were admittedly modest and unjust in implementation, than does today’s state.

The emergence of instrumentalist theory at that time signaled the faltering of Cold War consensus thinking, which excluded Marxist, anticolonial, Pan-Africanist, and other strains of thought that pushed racial and class conflict to the center of social theory. It gained acolytes precisely because the common understanding of conflict as a result of differing individual values could not explain the collective eruptions in the streets, on the shop floors, and in the rice paddies at the end of the 1960s. ¹⁶ Yet it seems that instrumentalism’s time did not really come until 2008, when the very FIRE elites who destroyed the global financial system were rescued by Brobdingnagian state action. But their ideological principles disdained state intervention in markets, which reminds us how uncertain and conflicted this apparent instrumental rule is. We must therefore construct an understanding that accommodates at the level of theory, on one hand, such contradictions, and on the other, the possibility of historical transformations in the relationship of the economic and the political, or of capital and the state, over time as a result of political struggle in the streets, on the shop floor, at home, and in the voting booth. And we should historicize social theory accordingly, even if embedded within it are attempts at timeless explanations. I am therefore in agreement with some of the empirical findings of OWS’s instrumental take on the capitalist state, but I disagree at the level of theory and explanation.

The state is not a thing wielded by capital. Instead, it is shaped and constrained by relations of the power of capital, the power of workers, and the ever-growing numbers of unemployed as they continuously contest one another for control over social life and the reproduction of capitalist social relations. This struggle is waged in and through the medium of the state with the outcome shaped or deformed by the balance of forces and their internal contradictions at a given moment. The imprint of past struggles is long-lasting. When conservatives proclaim that they want to return to a time before the Progressive Era, they know of what they speak. The state’s contours continue to be shaped by long-past struggles against monopoly and for women’s rights, as well as by contestation of the imperialist turn of the late 1890s and concomitant recrudescence of antiblack racism, the scourge of lynching, and deeply racialized efforts at poor relief. Today, the moment of OWS is one of a deep imbalance in forces, but it is also one in which the auguries of a shift in that balance are estimable. One of the keys to this historicizing perspective on the state as malleable medium is fiscal austerity itself.

Extending Market Rule

Even if it appears in a hyperbolic and paranoid format in Naomi Wolf’s claims, to dismiss the instrumentalist theory of the state as quackery would be a mistake. Although there is no conspiracy to have us believing in conspiracies, such understandings of the joining up of state and capital are widespread and similar. Why they are so widespread must be the object of explanation. To that end, I propose that the instrumentalist theory appears plausible because of shifts in state power and transformations in state financing attendant to the creative destruction associated with neoliberalization, many of which came to a head in 2011. A key result perforce is increased direct interaction of police and poor people, whereas other agents might have been available before to mediate. These transformations are too multifarious to catalog, but in the present context, speaking in highly general terms, it is important to highlight on the one hand the “roll-back” of state

provisioning for social welfare and related modes of governance not disciplined by the market in the first instance, particularly related to working and poor people. These are combined with, on the other hand, the tendential “roll-out” of privatized, competition-oriented opportunities for employment and highly punitive approaches to noncompliance with these programs, to informal-sector work and its particular usages of public space, and to all manner of other coping strategies in an insecure age. ¹⁷ Areas of social life once protected from the market have thus become exposed to it, if not in its thrall “The habits and assumptions of the private sector became embedded in the state itself,” argues Stuart Hall. ¹⁸

If this hollowing out of the state’s welfarist aspects was part of a strategy to entice capital investment by presenting a particular locality—municipality, county, State, or even the United States as a whole—as competitive, lean, and efficient, also had the effect of increasing what could in many cases be considered visible disorder, such as homelessness. A further justification for hollowing out and enticement to capital was decreased levels of taxation, necessitated by preexisting unevenness of taxation levels and, in turn, the tendency of fleet-footed capital to take advantage of its mobility in a sort of place-based arbitrage, by relocating to more hospitable regulatory, tax, and labor climates. Given decreased revenues, particularly in locales where enticements were unsuccessful in attracting new investment, the ability of many city halls to pay the bills grew uncertain, while at the same time economic insecurity gripped ever-greater numbers of people. The creation of capital-intensive policing approaches that emphasized zero tolerance for disorder meant that new hardware and software were needed. Unable to turn to tax revenue to cover the costs, as Boston’s Police Commissioner noted, many agencies turned to philanthropy, foundations, and private donations to make ends meet, even (or especially) in large, relatively fiscally sound cities. The foundation that received JPMorgan’s donation, for example, has paid for expensive hardware, including body armor and computers.

After the global economic crisis erupted in 2008, and particularly after the debate over increasing the federal debt ceiling in summer 2011, budgetary shortfalls have come to seem inevitable. It is under these circumstances that municipalities are forced to seek other sources of revenue. The instrumentalist accusation understands transactions like the JPMorgan donation as not only symbolizing, but actually constituting, the relationship of capital and the state, and it proclaims that the police are enrolled in the management of that relationship, both on the streets and at the level of symbolism. It does not, however, look at the conditions that give rise to such transactions. Although a full explanation is beyond the parameters of this work, the theory I am using—the state as a social relation, the subject-object of changing relations of forces—suggests that austerity itself has taken on a modified purpose since 2008. In the utopianism of neoliberal ideology, austerity holds a three-fold function. It is meant to confer competitive advantage upon a given jurisdiction, as against others, in the market for mobile capital. (When all territories are austere, however, no such advantage is available.) Austerity removes the state from the scene as an employer and provider of services, thus righting what is perceived as an imbalance or unfair advantage in market competition (in actuality this righting is a masking of the imbalanced power relations of market transactions ¹⁹). Austerity further ensures not only that the tax burden on the wealthy and corporations is minimized through cuts in the social wage but additionally that any tax benefits accrue upward through subsidy, incentives, and other forms of preferential treatment for corporate interests. With almost every State in the United States required by law to balance its annual budget, there is a direct correlation between decreased revenues and decreased expenditures. Shortfalls have historically been addressed at State and municipal levels with federal aid; for this reason, the fight over austerity tends to play out on the federal stage. But it has taken a particular form since the 2008 economic crisis, with revenues already down on the whole for States due to economic contraction.

Enter the debt-ceiling debate of the past couple years. What is typically a technocratic and nonpolitical procedure became the site of partisan brinksmanship. Why? One explanation is that controlling the amount of debt issued means controlling the amount of aid that can trickle down to States, where the austerity rubber hits the road of suffering. And it is unquestionable that this suffering is justified through racially invidious constructions of the deserving and undeserving. But then the question arises: why now? It is true that alignments in Congress have shifted in favor of austerity ideologues (Austrian economics?). Yet I interpret the effort to halt the issuance of new debt not as proof of the strength of the 1% a

its infinite power over the state, but instead as evidence of its anxieties. Discussions of deficit reduction and the debt ceiling couched in terms of the future, of our grandchildren, should be read not as simply about the undue burdens future generations will face. Rather, these pleas should be read as evidence that capital does not trust that the shape of the state in 2012 is durable. It is tractable, and capital does not expect that the state will continue to look as it does today; capital anticipates that popular struggles will likely gather strength as penury and immiseration grow.

The unruliness of future generations weighs like a nightmare on the brains of the living. A Greece-style “haircut” for holders of US debt could occur in time, and investors know it. Insatiable as they are for the relative safety of US debt in an uncertain world economy—starved as it is for effective demand by state retrenchment, credit tightening, unemployment, and wage compression—perhaps the only way US debtholders can imagine to protect themselves is to limit the supply because they admit their voracity knows no limits. Bondholders’ (e.g., pension funds, hedge funds, proprietary trading desks of investment banks, other countries’ sovereign wealth funds, etc.) fear resides in their cognizance that they do not exert permanent instrumental rule, even over technocratic fiscal and monetary policy. These two are furrows in the strategic field of the state plowed by contending forces in struggle. The 1%’s plow blades are dulling, its oxen restive. ²⁰

Medium-Term Futures

Yet these long-term anxieties and hopes tell us little about what to expect in the coming months and years, as the anniversaries of OWS will come and go, and on those days forward-looking police action will extend to us its gloved hand and truncheon on the streets. Critical analysis of neoliberalization focuses on the down-streaming or down-scaling of risk entailed by the creative-destructive transformations and retrenchment of the admittedly paltry Cold War US welfare state. Risk here comprises relatively predictable susceptibility to harm and danger up to and including premature death. ²¹ With the notion of down-streaming risk, analysts highlight the way municipalities, neighborhoods, communities, households, and individuals become responsible for the management and absorption of risks that had until the 1980s fallen within the purview of more well-positioned entities, chiefly the national state. The need of governments, and particularly police forces to manage budgetary risks through philanthropic means—an unsure risk-management strategy, given its dependence on bullish economic conditions and corporate munificence, which are liable to be directly correlated—therefore shares affinities with the on-your-own conditions facing many individuals and families who have few places to turn for assistance and aid, other than charity. This insecurity can be understood as produced in part by techniques of roll-back neoliberalization, with the self-actualizing entrepreneurial response expected of individuals in labor markets paralleled by similar expectations for state agencies, exemplified in the Boston’s Commissioner’s advice that funds are available, if or police agencies do the work of finding and securing them. OWS’s post-austerity plenitude in its provision of social services previously eliminated by retrenchment (admittedly without professional training in most cases) as well as others, like seemingly infinite supplies of dry socks, was intended to prefigure a different model of social organization. Its reliance on charitable giving and an entrepreneurial, can-do spirit among the already overworked and the underemployed, however, admits conditions of emergence within the neoliberal frame. Too few commentators have asked whether we really do aim for a prefiguration that looks back in many ways to a prior period, that of capitalism’s pre-1970s-crisis successes.

Police officers themselves are aware how keenly this down-streaming of risk puts individuals in positions in which they are likely to interact with police, given that the state now lacks a retinue of social-service providers. Baltimore’s Police Commissioner Fred Bealefeld intones, “Baltimore is reducing drug addict treatment, reentry programs, jobs programs for teenagers, funding to reduce teenage pregnancy. . . . We learned hard lessons in the 1990s and built programs to help us out of some of these social problems. And now these programs are first on the chopping block. I’m afraid we’ll be seeing the results of all this in the next few years.” ²² At the same time, the police themselves are not immune from the very same set of structural circumstances. Therefore, donations and philanthropy seem to tilt the preferences of police departments toward monied interests, but in more widespread fashion it is the case that the simple fact of being poor, or struggling to

make ends meet, places individuals and families in situations in which they are responsible for managing and absorbing risk. (See Margaret Thatcher's great performative utterance: "There is no such thing as society." 23) That more well-off people frequently can avoid such situations, even if consumer credit is what keeps them relatively more secure, creates the imbalance of police interacting almost entirely with the poor—and even working against them, particularly in the case of political protests against poverty.

Many uncertainties and openings are on the table in considering the possibilities for resurgent protest. I raise only a few, roughly in order of temporal horizon. First is the Presidential election. Its outcome will not, in contrast to the conspiratorial interpretations, fundamentally affect the policing of political protest. But whether it saps or emboldens what in Europe is called "extraparliamentary" protest cannot be easily predicted now. Once the front pages were cleared of election talk, a vacuum to be filled by OWS awaited. After Hurricane Sandy, recovery efforts spearheaded by OWS, which could mobilize far more quickly than relief agencies, have put the movement back in the spotlight. Second is the near-term economic situation, three aspects of which ring out: the Eurozone crisis, the student-debt bubble, and the lack of ideas about how to jumpstart the economy. The Eurozone is not yet out of the woods, and, should it fail, the knock-on effects would be massive. The student-debt bubble is the result of despicable but largely unknown legislation of 2005 that made it all-but-impossible to discharge student-debt obligations through bankruptcy. This issue is paramount in the United States; it is a key focus within some parts of OWS and has increasingly become a unifier of the disparate affinity groups that splintered off after May 1, 2011. More broadly, there is a paucity of ideas on how to reignite the economy. Some would attribute current woes to the so-called rising organic composition of capital, for which no reliable end is in sight. The reality of climate change, seemingly a specter only a few years ago, is not proving a "job creator." Instead, it is as it was pessimistically predicted to be: bringer, not simply harbinger, of death and destruction. All of these occur against the backdrop of grinding fiscal austerity, which continues to present itself as a new idea. What is new is that this tactic has become the panacea for a set of capitalist class actors bereft of ways to ensure the expanded reproduction of capital within the inherited, unevenly developed, global matrix of waning US hegemony. Beyond such nominal, self-cannibalizing innovations as high-frequency trading, all that can be imagined is to keep the revolving door spinning, lobby lavishly, and hope against hope that nothing upsets the balance.

My prediction, therefore, of the future is that the police will remain within the austerity trap. The only way out is through a realignment of forces cross-cutting the field of the state. For this realignment to occur, mass protest will have to occur and sustain itself. Its "mass" character need not be constituted by massive numbers but rather by an appeal to the structural situation of economic dislocation that is faced by massive numbers of people today, as Occupy has. The Occupy movement has proven, most surprisingly, that a relatively small number of people in the streets can have a great, ramified impact on politics. The chief impediment to such protest being sustained is, of course, the police. The result, for the police is continued austerity. Yet the fact of this austerity and the consternation that results for police executives suggests that direct confrontation with the police is not the only route of struggle. Instead, to notice how the police themselves analyze their contradictory situation is to observe that, like the other apparatuses of the state, they are "traversed by the struggle of the popular masses." 24 In the age of austerity, the state continues to reduce itself to core, elementary administrative-law functions that ensure the expanded reproduction of capital in multifarious ways—and that effect repression of the dislocated as a key aspect of this activity. State retrenchment means that its repressive apparatuses proportionally become most of what remains of the state apparatuses. It is in this situation that the state, as a strategic field plowed by intersectional struggles, becomes more deserving of the frequently misapplied term "police state," but also becomes increasingly vulnerable to and deformed by strong popular struggles, precisely because the apparatuses that conferred legitimacy upon it during the Golden Age of its Keynesian heyday have been evacuated from it. All that remains: repression. How the explosion of private security forces both reflects and problematizes this contradictory position should become a focus of activism. And if history provides any guidance, repression might beget resistance. If after its one-year anniversary Occupy exits from the scene, there is no cause for despair. It has created the conditions for its own reemergence down the line, though in new forms. The 1% will be expecting us. As will the police and private security. For

the next round, we will know to expect, and thus resist, the stage direction: “Exit, pursued by cops.”

Acknowledgments: For the wonderful and inspiring advice and conversation on these and other issues thank you to A. J. Bauer, Nikhil Pal Singh, David Wachsmuth, and Christy Thornton. Special thanks also to other comrades in NYU4OWS.

Footnotes:

1. The assembly, and the mechanics of the People’s Mic, the human-powered system of amplification, can be viewed here: <http://www.youtube.com/watch?v=Q2lynRYMczA>. ↩
2. With David Wachsmuth, I have written about police tactics and OWS elsewhere: Stuart Schrader and David Wachsmuth, “Reflections on Occupy Wall Street, the State, and Space,” *City: Analysis of Urban Trends, Culture, Theory, Policy, Action* 16, no. 1–2 (2012): 243–248. ↩
3. Former police officer and current social scientist Peter Moskos analyzed the behavior of police from a procedural standpoint in an article published immediately prior to the eviction. For him, the behavior of police is explained by their particular workplace conditions rather than a political point of view or the structural relationship between capital and the state: “If we accept that Occupy protests, like all large public gatherings, need to be policed, there are guidelines of protest behavior that can mitigate police unpleasantness: 1) don’t hurt yourself or others, 2) don’t shut down the city, 3) don’t antagonize the police, and 4) no surprises. If these simple rules are followed, police will gladly stand around and collect overtime while others chant and rally.” He goes on to note, “when break-out groups of protesters disrupt the city, police have to react, and they won’t be in a good mood,” for the simple reason that “Police work is not about sympathy but getting the job done, pleasing the boss, and going home in one piece.” “Break-out” protests interfere, or potentially interfere, with these essential aspects of the job. Peter Moskos, “Which Side Are They On?” *Slate*, November 14, 2011, http://www.slate.com/articles/news_and_politics/politics/2011/11/occupy_wall_street_and_the_cops_do_the_police_support_the_protests_.html. ↩
4. See Theola Labbé-DeBose, “Local Police Want to Stay out of Occupy Story” *Washington Post*, November 22, 2011, http://www.washingtonpost.com/local/police-want-to-stay-out-of-occupy-story/2011/11/22/gIQAjy8MzN_story.html. ↩
5. The bank made the donation (announced here: <http://www.jpmorganchase.com/corporate/Home/article/ny-13.htm>), the largest in the foundation’s history, months earlier, but it was not reported in the media until October 2011. JPMorgan Chase was not alone, however. Alternet reported that in 2009–2010, “Goldman Sachs, Barclays Capital, investment bank Jeffries and Co., investor Carl Icahn, and investment firm The Renco Group each gave over \$100,000 to the foundation, putting them in the top tier of donors, according to the foundation’s website. Bank of America also gave over \$75,000 that year.” Justin Elliott, “Wall St. Has Poured Millions into the NYPD — Are They Getting Their Pay Back Now?” *Alternet* (blog), October 7, 2011, http://www.alternet.org/story/152655/wall_st_has_poured_millions_into_the_nypd_-_are_they_getting_their_pay_back_now. The widespread view that the police were working for the 1% was inescapable during actual protests, whether represented on signs or in chants, such as “Who do you serve? Who do you protect?” ↩
6. Yves Smith, “Is JPMorgan Getting a Good Return on \$4.6 Million Gift to NYC Police (Like Special Protection from Occupy Wall Street)?”, *Naked Capitalism* (blog), October 2, 2011, <http://www.nakedcapitalism.com/2011/10/is-jp-morgan-getting-a-good-return-on-4-6-million-gift-to-nyc-police-like-special-protection-from-occupywallstreet.html>. Smith’s article is one of many to make this argument. In addition to the above-cited Alternet article, see greggp, “JP Morgan buys NYPD for \$4.6 million” *DailyKos* (blog), October 2, 2011, <http://www.dailykos.com/story/2011/10/02/1022031/-JP-Morgan-buys-NYPD-for-4-6-million>; No author, “JP Morgan Funded NYPD Mass Arrests Over 700 Peaceful Occupy Wall Street Protesters” *The IntelHub* (blog),

- October 1, 2011, <http://theintelhub.com/2011/10/01/jp-morgan-funded-nypd-mass-arrests-over-700-peaceful-occupy-wall-street-protesters/>; Bob Hennelly, "Critics Take Aim at NYPD Foundation" *WNYC*, November 4, 2011, <http://www.wnyc.org/articles/wnyc-news/2011/nov/04/nypd-foundation/>. ↩
7. PERF, *Labor-Management Relations in Policing: Looking to the Future and Finding Common Ground* (Washington, DC: Police Executive Research Forum, 2011), http://policeforum.org/library/critical-issues-in-policing-series/Unions_full.pdf. ↩
 8. Walter A. McNeil, "Chiefs: Make Your Voices Heard," *The Police Chief* 79 (January 2012), 6, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2571&issue_id=12012. ↩
 9. Malia Woolan, "Years of Unraveling, Then Bankruptcy for a City," *New York Times*, June 19, 2012, <http://www.nytimes.com/2012/07/19/us/years-of-unraveling-then-bankruptcy-for-a-city.html>. ↩
 10. Jason Cherkis, "Occupy Wall Street Monitored By U.S. Conference Of Mayors, Emails Show" *Huffington Post* (blog), January 25, 2012, http://www.huffingtonpost.com/2012/01/25/occupy-wall-street-us-conference-of-mayors_n_1232080.html. The US Conference of Mayors, under whose aegis the coordination occurred, would soon approve a resolution opposing *Citizens United*, the Supreme Court ruling allowing unlimited corporate money in elections, also opposed by much of the Occupy movement. Mayors bear the brunt of austerity at higher scales of government, as discussed below. ↩
 11. A keystone of reforms after the Great Depression, the Glass-Steagall Act of 1932 put a "wall" between consumer banks and investment banks so that financial speculation could not wipe out consumers' deposits in the event of a crisis. The legislation was repealed late in the 1990s; some consider its repeal to have enabled the speculative excesses that led to the 2008 crisis. ↩
 12. Naomi Wolf, "The Shocking Truth about the Crackdown on Occupy" *The Guardian*, November 25, 2011, <http://www.guardian.co.uk/commentisfree/cifamerica/2011/nov/25/shocking-truth-about-crackdown-occupy>. Others argued that there was no such coordination: Karoli, "How Bullshit Magically Turns into Fact" *Odd Time Signatures* (blog), November 25, 2011, <http://www.drumsnwhistles.com/2011/11/25/how-bullshit-magically-turns-into-fact/>; Joshua Holland, "Are Federal Officials Pushing a Nationwide Crackdown on the Occupy Wall Street Movement?" *Alternet* (blog), November 16, 2011, http://www.alternet.org/story/153104/are_federal_officials_pushing_a_nationwide_crackdown_on_the_occupy_wall_street_movement; and Corey Robin, "Why Naomi Wolf Got it Wrong" *Al Jazeera*, November 29, 2011, <http://www.aljazeera.com/indepth/opinion/2011/11/20111129151234836584.html>. ↩
 13. Markus Dirk Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005). ↩
 14. The 1970s division of state theory into instrumentalist and structuralist camps is by now taken to be somewhat of a caricature. It was based on the debate between Ralph Miliband and Nicos Poulantzas, who were seen to represent each camp, respectively. See the essays by Clyde Barrow and Leo Panitch, particularly, in *Paradigm Lost: State Theory Reconsidered*, eds. Stanley Aronowitz and Peter Bratsis (Minneapolis, MN.: University of Minnesota Press, 2002), as well as Bob Jessop, "Miliband-Poulantzas Debate," in *Encyclopedia of Power*, ed. Keith Dowding (Thousand Oaks, CA: SAGE Publications, 2011), 417–18. Whether these terms are applicable to those theorists is of less interest here than the way OWS and its sympathizers have tended to replicate, many surely without knowing the sources, some of the features of the instrumentalist perspective, particularly insofar as the focus on attitudes, motivations, and interpersonal relations is paramount in explaining how smoothly the state acts on behalf of capital. In my approach here, I argue that, rather than the caricatured structuralist approach of the early Poulantzas, his later work on the state as a strategic social relation, or more precisely, as the contested material condensation of a set of relationships of class and other social forces, can help us understand transformations in state power such that the instrumentalist theory *appears* more applicable in 2012 than it did in his own lifetime. See Nicos Poulantzas, *State, Power, Socialism*, trans. Patrick Camiller (New York: Verso, 2000).

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15. Or, it was the first enunciation since Lenin. The true first enunciation came from Marx and Engels in 1848: "The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie." "The Communist Manifesto," *Marx/Engels Selected Works*, Vol. 1 (Moscow: Progress Publishers, 1969). ↩
16. See Howard Winant, "The Dark Side of the Force: One Hundred Years of the Sociology of Race" in *Sociology in America*, ed. Craig Calhoun (Chicago: University of Chicago Press, 2007), 535–571. ↩
17. I am inspired here by Jamie Peck and Adam Tickell, "Neoliberalizing Space," and Neil Brenner and Nik Theodore, "Cities and the Geographies of 'Actually Existing Neoliberalism'" in *Spaces of Neoliberalism: Urban Restructuring in North America and Western Europe*, eds. Neil Brenner and Nik Theodore. (Malden, MA: Blackwell, 2002), 33–57 and 2–32 ("roll-out" and "roll-back" are in Peck and Tickell); Jamie Peck, "Geography and Public Policy: Mapping the Penal State," *Progress in Human Geography* 23 no. 2 (2003): 222–232; Jamie Peck, "Zombie Neoliberalism and the Ambidextrous State," *Theoretical Criminology* 14 no. 1 (2010), 104–110; Neil Brenner, Jamie Peck, and Nik Theodore, "After Neoliberalization?", *Globalizations* 7 no. 3 (2010), 327–345; Jamie Peck, Nik Theodore, and Neil Brenner, "Neoliberalism Resurgent? Market Rule After the Great Recession," *South Atlantic Quarterly* 111 no. 2(2012), 266–288; Loïc J. D. Wacquant, *Urban Outcasts: A Comparative Sociology of Advanced Marginality* (Malden, MA: Polity, 2008). ↩
18. Stuart Hall, "The Neoliberal Revolution," *Soundings* 48 (2011): 21. ↩
19. Hall, "The Neoliberal Revolution." ↩
20. The original notion of the state as a strategic field plowed by class struggle comes from Poulantzas, *State, Power, Socialism*, 119. In this paragraph, I have drawn on insights of Karl Beitel, "The Crisis, The Deficit, and The Dollar: Resisting the Public Sector's Devaluation," *Socialist Register* 47 (2011), 260–282. ↩
21. I draw here on Ruth Wilson Gilmore's definition of racism, as the "state-sanctioned and/or extralegal production and exploitation of group-differentiated vulnerability to premature death," in *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley, CA: University of California Press, 2007), 247. ↩
22. PERF, *Is the Economic Downturn Fundamentally Changing How We Police?* (Washington DC, Police Executive Research Forum, 2010), 18, <http://members.policeforum.org/library/critical-issues-in-policing-series/Econdownturnaffectpolicing12.10.pdf>. ↩
23. Margaret Thatcher made this statement in an interview for *Women's Own* magazine in 1987. Transcript available here: <http://www.margaretthatcher.org/document/106689>. ↩
24. Poulantzas, *State, Power, Socialism*, 259. ↩