

Monday, March 20, 2023

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**“Law & Order: The American Pursuit of a Liberal Police
State”**

Fifteen plus years after Marie Gottschalk (2006) called for historians, political scientists and criminologists to take crime control seriously as a framework for American Political Development and I (2007) urged critics of the war on crime to recognize its grip as a “governmentality” on American law and society, political and intellectual developments compel a reassessment of law and order in American law and politics. A wave of new abolitionist activism, carried to vast new audiences by social media and smartphone videography, has made it possible to question our governmental reliance on police and prisons to a degree unseen since the early years of the 20th century. Stimulated largely by this activism, a wave of new histories have laid out in great detail how law and order campaigns have operated across history, and at every level of the fragmented structure of American government, to build and sustain a punitive infrastructure and capacity to punish that reformers from Beccaria on could not have dreamt of, and to expand the security state beyond the formal limits of legal punishment through high carceral forms of immigration, national security, and mental health policy. Reading across these recent studies, this paper offers a theoretical conceptualization of law and order as an ongoing and always incomplete attempt to wed a liberal legal system to a police state (that is a public form of coercive order management) (Dubber & Valverde 2003). In this unstable structure, law and order exists in an unresolvable tension with its “other,”--- the threat of “lawlessness”. If “law and order” is the project of erasing “lawlessness,” it cannot be completed, and is likely to continue a pattern of disrupted upward trending equilibrium, because lawlessness as a social fact is primarily defined neither by reference to law or order, but by a history of racialized othering.

PLACE 2240 Piedmont Ave., UC Berkeley
TIME 12:45 – 2:00pm.
INFO <https://www.csls.berkeley.edu>

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