

# “I’m Making the Streets Safer Ma’am”: Race, Coloniality, and the Redemptive Theologies of Pastoral Police Power

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## Abstract

A number of scholarly studies have focused upon mapping the relationship between race, police power, and the sovereign capacity of law onto the coordinates of repressive force. No doubt, the racialized circuits of police violence, underpinned by the mystical foundation of sovereign authority, constitute a coercive apparatus that is marshaled by risk and security. However, rather than reduce mythic police violence to the singular vector of repression, I suggest that the propensity to punish the racialized body and make it suffer through police practices of the *confessional* and *pastoral power* imbricate with the pre-liberal Christian theology of redemption and atonement. Upon consideration of decolonial and theological-political concepts, I suggest pastoral forms of racialized police power have been articulated to utilitarian secular-liberal democratic justifications to increase community safety, suppress crime, and reify social and political solidarity through the appropriate dispensation of suffering, and, potentially death.

## Keywords

race, police, law, sovereignty, Derrida, colonialism, racial profiling, secular, pastoral power

## I. Introduction

*Why did you refuse to answer?*

*You just have to answer their questions ... all of them.*

The above statements represent the usual concluding remarks offered to me after I tell the story of being assaulted by the police – from family and friends to lawyers. I nod

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slightly and protest the advice, “But I didn’t do anything ... I was already guilty.” I have been stopped for years around my neighborhood and what is salient about each of the encounters with police as well as the advice I get from others is the connection to a powerful event: the confessional. By confessional, I mean that I have had to continually abandon myself to the power of law and express, in both verbal and somatic form, the “truth” of a pre-determined ontological suspicion inscribed upon my racialized body.

A number of scholarly studies have focused upon mapping the sovereign capacity of law and police power onto the coordinates of repressive force. No doubt, the racialized circuits of police violence, underpinned by the mystical foundation of sovereign authority, constitute a coercive apparatus that is marshaled by risk and security. And yet, I remained troubled by the statement of the former Toronto Police Service (TPS) Chief of police Bill Blair upon release of the “Police Encounters with People in Crisis” report produced by retired Supreme Court Justice Frank Iacobucci following the killing of 18-year-old, Syrian-born Sammy Yatim by TPS. Yatim was hit by eight shots and then tasered as he lay dying by TPS officers who were responding to the call regarding the distressed teen who was armed with a small pocketknife in a Toronto streetcar.<sup>1</sup> The killing was recorded and footage was disseminated to the public sparking outrage across Canada and prompting the report.

For Iacobucci and Blair, the central message of the report was a shift in police culture away from the idea that violence and death are inevitable parts of police practice, Blair stated: “Members of the Toronto Police Service are committed to preserving the lives of people in crisis if reasonably possible. Our goal is the safety of every citizen, and we aspire to preserve every life.”<sup>2</sup> Blair’s overall message focused upon humanitarian and compassionate role of police as front-line community oriented officers that intervene through acts of force in order to redeem, preserve, and protect life and safety through a patently race-neutral discourse.

To be sure, the tragic killing of Yatim, and various acts of police violence directed toward racialized people across the city have their own particular contexts and circumstances. However, what remains a consistent pattern is the relationship between the racialization of police power and how these violent practices entwine with redemptive acts of benevolence. What police Chief Blair’s appeal to the Toronto community suggests, in part, is that while the materiality of police violence can be expressed through repressive procedures that can bruise flesh, break bones, and potentially kill; it also articulates itself to the benevolent desire to consolidate public safety through the appropriate use of pain and cruelty.<sup>3</sup>

Utilizing my personal experiences concerning the repetition of being stopped, questioned, and in one moment being physically beaten by the police, I illustrate the

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1. Wendy Gillis, “Iacobucci Report Calls for ‘Zero Deaths Police’ Culture,” *Toronto Star*, July 24, 2014, [http://www.thestar.com/news/crime/2014/07/24/give\\_toronto\\_police\\_body\\_cameras\\_and\\_tasers\\_use\\_of\\_force\\_report\\_recommends.html](http://www.thestar.com/news/crime/2014/07/24/give_toronto_police_body_cameras_and_tasers_use_of_force_report_recommends.html).

2. *Ibid.*

3. Talal Asad, “Thinking about the Secular Body, Pain, and Liberal Politics,” *Cultural Anthropology* 26(4) (2001), 660.

persistent practice of being drawn into the event of the confessional as an expression of the juridico-political power of the police. Upon reflection of these experiences I have asked myself: how are certain bodies already constituted as guilty before being stopped and having to confess? Why is there the seeming need to confess to the police in order to “pass through” the police checkpoint? What does one need to confess to the police in hopes of “passing through”? Finally, what is the purpose of confessing to the police if one is already constituted as guilty?

I will seek to address the above questions through three interconnected frames of analysis that bring together deconstructive, decolonial, and post-secular approaches. The first section argues that law is underpinned by a self-founding mystical authority that exceeds the parameters of democratic governance and reproduces itself through the coercive capacity of police power. Through this deconstructive approach, I show that the police are characterized by law preserving and law making power that has a spectral and delocalized quality. In the second, I turn to decolonial thought to argue that guilt is not simply produced at the moment of being hailed by the figure of the police via the Althusserian concept of interpellation. Instead, I argue guilt emerges as an ontological and embodied category produced through the colonial episteme of misanthropic skepticism and the disavowal of transcendental self-consciousness. For the third section, I turn to post-secular theory to suggest that the fluid police checkpoint acts as a ritual of performing and inscribing the mystical self-founding power of law upon already suspicious bodies. In doing so, the police’s law conserving and founding violence corporeally instantiate guilt through the confessional. While the confessional event of police power is indexed by forms of coercive force, I suggest it is not reducible to the singular vector of repressive violence. Rather, the confessional is entwined with benevolent discourses of increasing social utility.

I examine the theological filiations of racialized forms of police violence in order to elucidate how forms of exclusionary power are co-contaminated with theological citations of salvation and compassion. I suggest that the propensity to punish the body and make it suffer through police practices entangle with the pre-liberal Christian theology of redemption and atonement. With this, I trace the lineage of pastoral forms of police power that have been articulated to utilitarian liberal democratic justifications to increase community safety, suppress crime and reify social and political solidarity through the appropriate dispensation of suffering, and, potentially death.<sup>4</sup> Drawing attention to the co-constituted domains of compassion and atonement that index the theological traces and processes of racialized forms of police power further illuminates the vexing humanization of violent techniques of community policing that (re)produce racialized social and political hierarchies.

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4. Talal Asad, “Reflections on Violence, Law, and Humanitarianism,” *Critical Inquiry* Winter(41) (2015), 427; Asad, “Thinking about the Secular Body,” 660; Michel Foucault, *On The Government of the Living: Lectures at the Collège de France, 1979–1980* (New York: Palgrave Macmillan, ([1980] 2014).

## II. The Mystical Self-Founding Violence of Law, and the Spectral Power of the Police

Jacques Derrida, in his seminal essay “Force of Law: The ‘Mystical Foundation of Authority’” suggests that to understand the coercive theological valence of police power, it is necessary to elucidate the violence inscribed within the juridical registers of sovereignty. For him, force and groundless division are structural features of the establishment of law and its enforcement. Significantly, the very foundation of the legal justice system is made possible by and dependent upon a self-founding power that exceeds the “democratic” authorization of those ruled over.<sup>5</sup> He states, “Since the origin of authority, the founding or grounding [*la foundation ou le fondement*], the positing of law [*loi*] cannot by definition rest on anything but themselves, they are themselves a violence without ground [*sans fondement*].”<sup>6</sup> For Derrida, the calculable prescriptions of law authorize itself upon a groundless abyss of force, and fails to journey toward the incalculable horizon of justice.

While it is tempting to simply read Derrida as suggesting that law is underpinned by violence, and, therefore, is without any rational justification or basis, his deconstruction of law offers a more nuanced diagram of its genesis. His announcement concerning the *mystical* foundation of authority directs attention to the onto-theological filiations of sovereignty. The very founding of law, for Derrida, is grounded by a performative force and authority that rests upon itself, and cannot be extinguished by any preexisting law or anchorage point. Consequently, law is not merely operating to facilitate the hegemony of an exterior actor, or dominant entity. Rather, Derrida draws attention to the aporetic internal relation of power and antagonism in which law authorizes itself upon the event of non-law, that is, it suspends established legal foundations in order to found another law.<sup>7</sup>

Because law is founded upon the groundless *topoi* of a “mystical foundation” it requires the constant reenactment of its self-founding authority. This reproduction of the originary power of law is characterized by a structure of “iterability,” or repetition that is primarily enforced by the figure of the police. Drawing from Walter Benjamin, Derrida suggests that police practice is characterized by what he calls a “spectral” capacity, or a spiritual type of authority in which they (re)establish the power of law through a structure of violent iterability. Consequently, the police are necessarily contaminated with a tradition of force in which the conservation of the absent groundings of self-founding law is produced through coercive punishment and death. Constant reminders of finitude, the police operate as floating envoys of the death penalty.<sup>8</sup> However, as I will discuss in further detail below, this economy of mythic violence is organized by the racialized logics of coloniality and operates through pastoral forms of policing power. Understood in this light, pastoral police techniques and practices that seek to preserve and protect life

5. Jacques Derrida, “Force of Law: ‘The Mystical Foundation of Authority’,” in *Acts of Religion*, Gil Anidjar (tr. and ed.) (New York and London: Routledge, [2001] 2010), p. 241.

6. *Ibid.*, p. 242.

7. Jacques de Ville, “Desire and Language in Derrida’s ‘Force of Law’,” *Archives for Philosophy of Law and Social Philosophy* 95(4) (2009), 456–60; Jacques Derrida, “Force of Law,” p. 241.

8. Jacques Derrida, “Force of Law,” pp. 277–81.

index the delocalized police checkpoint that can coercively intervene everywhere through the iterable ratio of law conserving/founding violence.

While the police are meant to operate within the bounds of democratic principles, and only enforce law through the separation of executive and legislative powers, they are endowed with the capacity to produce internal protocols that exceed established jurisprudence. In doing so, police practices are not only articulated to the lineage of conserving law (*die rechtserhaltende Gewalt*), but also found and create law (*die rechsetzende Gewalt*).<sup>9</sup> This contamination of law conserving and founding power allows the police to simultaneously function inside and outside the law with modern technologies of violence and delocalized phantom-like coercive capacity.

Derrida, on the one hand, is suggesting that the police cannot be reduced to lawless sovereigns that have disarticulated their power from the mystical foundation of sovereign power.<sup>10</sup> In short, the police are not completely autonomous. On the other hand, for Derrida, the police do not simply act as institutional extensions of sovereign power that act to maintain the mystical foundation of law. In effect, the law-making authority of the police contaminates the autoimmune democratic system of justice with an originary unhinged spectral power as well as institutional and technological forms of independence.<sup>11</sup> Consequently, the police power of conserving and founding law is co-contaminated and indistinguishable.

Giorgio Agamben similarly argues that sovereign power does not simply produce spaces where the legal order is present and in operation as well as spaces where the law is not present and suspended. Instead, through the “zone of exception” the power of the state is dispersed into the unlocalizable. In effect, indistinction characterizes a subject’s relationship to the law through its coercive cadence. Through producing and maintaining the unlocalizable violence of law, police form a relation of force with abject bodies, “we find the figure of the police, with their distinct mix of violence and law, repeatedly breaking to the surface, agents of guilt and abjection authorizing real and imagined spaces of

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9. *Ibid.*, p. 264.

10. For example, theorists such as Markus Dubber argue that police function according to unique set of practices and operating schemas than can be distinguished from the law. In this view, the police and law express different articulations of governance as opposed to the vectors of law co-producing forms of police conduct and discretion that the latter contravenes. For further reading see, Leonard C. Feldman, “Police Violence and the Legal Temporalities of Immunity,” *Theory & Event* 20(2) (April 2017), 329–50; Markus Dubber and Mariana Valverde (eds), *Police and the Liberal State* (Palo Alto, CA: Stanford University Press, 2008); Markus Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005).

11. Derrida aligns this notion to the immune system that attacks the very body it is meant to protect and preserve. Autoimmunity characterizes the internal structure of democracy – and other concepts – that is undermined by its own logic of dissemination and self-preservation. This congenital, self-destructive feature of democracy is important for his notion of justice and democracy “to come.” For further reading see, Jacques Derrida, *Rogues: Two Essays on Reason*. Meridian: Crossing Aesthetics (Pascale Anne-Brault and Michael Nass, tr.) (Stanford, CA: Stanford University Press, 2005); de Ville, “Desire and Language,” 463–4.

lawlessness.”<sup>12</sup> The state of exception for Agamben is not a unique condition within the modern state. Instead, as mentioned above, the very nature of sovereignty is that it functions outside the boundaries of its own law. Consequently, the state of exception is not particular to any location. Rather, these processes can be understood as the tradition of the oppressed.<sup>13</sup>

To be sure, the spatial diagram of sovereign power in which the state of exception or emergency exists *outside* the law has been challenged by those who argue that these suspensions can exist *within* the law.<sup>14</sup> Challenging the inside/outside spatial schema of juridical power indexes the co-constitutive character of legality and illegality whereby the law itself establishes and sanctions particular technologies of police violence. In this regard, governmentality (the knowledges, practices, and techniques used to organize society) and pastoral forms of power produce a juridical “grey hole.”<sup>15</sup> Existing *within* the law, the “grey hole” shapes the articulation of police conserving/founding violence. This approach stands in contrast to a spatial notion of sovereign exception as an exterior lawless “black hole” devoid of historically produced norms, “in a lawless void, it is also a normless void.”<sup>16</sup> Foregrounding the role of norms that are historically generated indexes the techniques of police power that are directed toward the production of guilt.

Drawing from Derrida and Agamben, guilt does not require an act of transgression. Instead, one is already constituted as a subject of suspicion and guilt without having to engage in illegal activity.<sup>17</sup> Similarly, Michel Foucault states, “punishment is directed above all at others, at all the potentially guilty.”<sup>18</sup> The potentially guilty, however, are not simply an *undifferentiated* group, but those that fit within a predetermined grid of suspicion. The police checkpoint and circuits of guilt that are produced by the juridical registers of state power are marshaled through an elemental distinction rather than an undifferentiated humanity as is largely assumed by Derrida, Agamben and Foucault. With this, we can examine the materiality of police power vis-à-vis politicized conceptions of the human and move beyond debates that fixate upon locating the police as either

12. Anna J. Secor, “An Unrecognizable Condition Has Arrived,” in *Violent Geographies: Fear, Terror, and Political Violence* (Derek Gregory and Allan Pred, eds) (London and New York: Routledge, 2007), p. 40.

13. *Ibid.*, pp. 40–42, in Walter Benjamin, “Thesis on the Philosophy of History,” in *Illuminations* (New York: Schocken Books, 1968), p. 257.

14. Leonard C. Feldman, “The Banality of Emergency: On the Time and Space of ‘Political Necessity,’” in *Sovereignty, Emergency, Legality* (Austin Sarat, ed.) (New York: Cambridge University Press, 2010), p. 143; also see David Dyzenhaus, *The Constitution of Law: Legality in a Time of Emergency* (Cambridge: Cambridge University Press, 2006).

15. *Ibid.*, p. 150; Leonard C. Feldman, “Police Violence and the Legal Temporalities of Immunity,” *Theory & Event* 20(2) (April 2017), 332.

16. Leonard C. Feldman, “The Banality of Emergency,” p. 152.

17. Anna J. Secor, “An Unrecognizable Condition Has Arrived,” 42, from Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: University Press, 1998), p. 27; Jacques Derrida, “Force of Law,” pp. 276–81.

18. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books [1977] 1995), p. 108.

lawless sovereigns, state proxies, or indistinguishable agents of the juridical-political order.

The materiality of the spectral police capacity corresponds to an epistemic form of differentiation that traces its lineage to coloniality vis-à-vis racialized bodies *already* produced as not belonging, suspicious and guilty. In this regard, I examine the racialized epistemic registers that contaminate the mystical self-founding authority of sovereign capacity and delocalized police power. Leaving aside the debate concerning Agamben and Foucault regarding whether modern sovereign power is a recent turn through the vectors of the biopolitical, or congenital to law from an earlier period, I situate their theories of police enforcement in relation to an analysis that is attentive to coloniality and concomitant racialized forms of human difference.<sup>19</sup>

For the potentially guilty, passing through the police checkpoint would seemingly dissolve criminal suspicion and the ascription of culpability. The police have the power to ostensibly purify one's passage and movement through the ritual demand for identification and proof of residence via stop-and-frisk, or carding practices. However, as I will argue, passage through the dispersed and delocalized police checkpoint has the effect of further polluting the subject with suspect status and thereby guilt. As a result, "Guilt is not relieved by the passage allowed, but instead is instantiated in the checkpoint. The subject is not purified, but instead is called forward as *an already marked subject of guilt, of law.*"<sup>20</sup> Therefore, the unlocalizable fluid police checkpoint constitutes an already guilty subject by being drawn into the event of law conserving and constituting violence. Moreover, passing through the checkpoint serves the purpose of reifying one's guilt, which moves us to a discussion regarding the techniques of identifying the pre-established culpable figure of suspicion.

The figure of the "stranger" – that we can connect with the suspicious guilty body – is not simply *any-body* that one does not know or recognize. Instead, the figure of the stranger is *some-body* that has been previously constituted in the moment that they are seen as a stranger, "The stranger is then not simply the one whom we have not yet encountered, but the one whom we have already encountered ... The stranger comes to be faced as a

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19. It is important to note that processes and experiences of racialization and police violence are historically contingent, spatially bounded, and mediated by intersections related to class, gender, sexuality, religion, disability, caste, and so forth. In effect, drawing from postcolonial and subaltern studies, there is not a singular and universal racialized experience of police coercion, and, as a result, the contingency of interpellation by sovereign power exists within particular social and historical contexts. With this, the experiences of subjection of potentially guilty black, Muslim, immigrant, and Indigenous peoples for instance – in addition to the overlapping hierarchies that exist within them – to state authority is irreducible. However, drawing from the Black Consciousness tradition of Steve Biko and other decolonial thinkers, the conceptual deployment of the categories "black" and "racialized" used throughout this article indexes the similar patterns of subjection and ascription of guilt that various racial groups experience vis-à-vis the police checkpoint. Additionally, foregrounding the shared experiences of racialized police violence highlights the possibilities for forms of cross-community decolonial praxis, solidarities, support, and love.

20. Anna J. Secor, "An Unrecognizable Condition Has Arrived," 43.



form of recognition: we recognize somebody *as a stranger*, rather than simply failing to recognize them.”<sup>21</sup> The body of the stranger, therefore, is already constituted as not belonging and being out of place because this figure has already been encountered.

There are various modalities through which to recognize the figure of the stranger as well as the figure that belongs – space is central to the production of recognition of abject bodies. As a result of this predetermined recognition of strange and guilty bodies are the production of the border and the parameters of enforcement: a bounded space that requires some-body who must be expelled from the imagined space of the nation, the community, the neighborhood, and so on.<sup>22</sup>

It is the enforcement of the boundaries of the imagined neighborhood, through the bodies of those already recognized as being out of place – even if one resides there – that creates the conditions for the boundary to be erected and maintained.<sup>23</sup> In other words, the neighborhood requires bodies marked with guilt, as not belonging, to produce itself as integrated, homogenous and sealed.<sup>24</sup> That being the case then, we are witness to a resurgent production of precincts expressed through bounded neighborhoods and walled national borders. This is being achieved, counterintuitively, through the disarticulation of sovereignty from the nation-state through the logic of neoliberal globalization.<sup>25</sup> Wendy Brown writes,

Thus, one irony of late modern walling is that a structure taken to mark and enforce an inside/outside distinction – a boundary between “us” and “them” and between friend and enemy – appears as precisely the opposite when grasped as part of a complex of eroding lines between the police and the military, subject and *patria*, vigilante and state, law and lawlessness.<sup>26</sup>

In other words, the proliferation of policing checkpoints and blockading indexes the current landscape of ungovernability unleashed by the forces of neoliberal globalization and late modern colonization. Significantly, this neoliberal propagation of fluid police power and blockading is tied to a genealogy of coloniality, theology, and attendant forms of racialized differentiation.

The figure rendered guilty and processed through the police checkpoint is already known, or overdetermined as being guilty. Consequently, this constitutes bounded space that is enforced by the police through violent relations with already guilty bodies by the delocalized state of exception enacted through the mystical foundation of the law’s self-founded authority. In order to proceed with this argument of the already known guilty stranger subject, and its relationship to race, one must address a popular theory of subject formation: Louis Althusser’s concept of interpellation.

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21. Sarah Ahmed, *Strange Encounters: Embodied Others in Post-Coloniality* (London and New York: Routledge, 2000), p. 21.

22. *Ibid.*, p. 25.

23. *Ibid.*, p. 26.

24. Paradoxically, this creates a relation of autoimmunity, because in order for the neighborhood to imagine itself as bounded, it requires that which must be expelled to exist – as a result the neighborhood requires its own negation to constitute itself.

25. Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone Books, 2014), p. 24.

26. *Ibid.*, p. 25.



Althusser's notion of subjectivity is characterized by the ideological mechanism of interpellation. His theory of subjectification presupposes that a person becomes differentiated at the moment of being hailed forth. However, in light of the production of the preexisting figure of the stranger, the reoccurring process of interpellation is linked with the association of guilt, law and subjectivity: "Held in the gaze of the police, she who is hailed and turns both becomes interpellated as the subject of law and, in that act, condemned to guilt."<sup>27</sup> Through this rendering of interpellation, the construction of the guilty subject is not merely produced at the moment of being hailed. Instead, the guilty subject is already constituted as suspicious, and moving through the checkpoint via interpellation does not have the effect of purification, but further reifies guilt.

The theory of subject formation through Althusser's theory, therefore, presupposes that a subject becomes individuated at the moment of being interpellated.<sup>28</sup> In effect, "Given the way in which the recognition of strangers operates to produce who 'we' are, we can see that strangers already 'fit' within the 'cognitive moral or aesthetic map of the world.'"<sup>29</sup> Therefore, if guilt is produced through techniques of those *already* recognized then the processes of subject formation precedes or transcends the event of interpellation.

Below I examine how the overdetermined recognition of strangers as already suspicious is organized by the cognitive-social category of race. However, rather than simply restating the banal observation that social relations are structured by racial hierarchies, I examine the contingent and historically bounded character of colonial forms of anthropological difference that fortified these conditions and their effects. In doing so, I trace the lineage of racialization to colonial productions of human variation based upon the particular register of misanthropic skepticism and the capacity for transcendental self-consciousness. This discussion, regarding the production and organization of racial differentiation is, I believe, at the heart of the aforementioned conceptual diagram of the already guilty and suspicious subject, and signals the colonial vectors of the self-founding authority and iterable structure of mythic police power and law.

### **III. Already-Guilty Bodies, Racialization and Coloniality: Misanthropic Skepticism and the Disavowal of Transcendental Self-Consciousness**

In this section, I argue that the above mentioned "cognitive moral or aesthetic schema of the world" is inscribed with colonial forms of human difference. This historical analysis of coloniality and the register of race illustrate the manner in which blackness and the racialized body are constituted as always already guilty and marked with an attitude of suspicion.

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27. Anna J. Secor, "An Unrecognizable Condition Has Arrived," 45.

28. Sarah Ahmed, *Strange Encounters*, p. 23.

29. *Ibid.*, p. 24.

As various decolonial thinkers have argued,<sup>30</sup> the genealogy of race can be traced to the *long durée* of over five centuries with Euro-Christian colonial expansion, characterized as the coloniality of power, from the fifteenth and sixteenth centuries.<sup>31</sup> European imperialism in the fifteenth century produced complex classificatory schemas based upon European and non-European Others that entwined with territorial expansion, resource extraction and labor exploitation. Consequently, some identities were associated with superiority over others based upon the degree of humanity via theologically inscribed forms of difference, indexed, initially, via Iberian discourses of blood purity.<sup>32</sup> While the idea of “race” has transformed throughout the centuries, culminating in nineteenth century scientific conceptions of physiognomic racial taxonomies, what unites this modern notion of biological race with earlier expressions is an underlying attitude of *permanent suspicion vis-à-vis* colonized subjects.<sup>33</sup>

The constitutive colonial underside of René Descartes’s ego cogito, regarding the definitive self as a thinking substance, stands Hernan Cortez’s ego conquiro: the

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30. See Ramón Grosfoguel, “The Structure of Knowledge in Westernized Universities: Epistemic Racism/Sexism and the Four Genocides/Epistemicides of the Long 16th Century,” *Human Architecture: Journal of the Sociology of Self-Knowledge* 11(1) (2013), 73–90; Ramón Grosfoguel, “World-Systems Analysis in the Context of Transmodernity, Border Thinking, and Global Coloniality,” *Review: Fernand Braudel Centre* 29(2) (2006), 167–88; Walter Mignolo, *The Darker Side of Western Modernity: Global Futures, Decolonial Options* (Durham, NC: Duke University Press, 2011); Walter Mignolo, *The Idea of Latin America* (Malden, MA: Blackwell, 2005); María Lugones, “Toward a Decolonial Feminism,” *Hypatia* 25(4) (2010), 742–59; Nelson Maldonado-Torres, “On the Coloniality of Being: Contributions to the Development of a Concept,” *Cultural Studies* 21(2–3) (2007), 240–70; Anibal Quijano, “Coloniality of Power, Ethnocentrism, and Latin America,” *NEPANTLA* 1(3) (2000), 533–80; Anibal Quijano, “La Colonialidad del poder y la Experiencia Cultural Latinoamericana,” in *Pueblo, Epoca y Desarrollo: La Sociología de América Latina* (R. Briceno-Leon and H.R. Sonntag (eds) (Caracas: Nueva Sociedad, 1998), pp. 139–55; Enrique Dussel, *The Invention of the Americas* (New York: Continuum, 1995); Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza* (San Francisco, CA: Spinsters/Aunt Lute, 1987).
31. Initially articulated by Peruvian scholar Anibal Quijano (1998; 2000) this concept refers to the heterogeneous and interwoven colonial-capitalist global system of power that is inseparable from modernity. This approach emphasizes the colonization of the Americas that structure the relationship between capitalist accumulation and processes of racialization. The coloniality of power also highlights the complex epistemic hierarchies that privilege Western knowledge, and cosmology above non-Western knowledge, and cosmology.
32. See Ramón Grosfoguel, “The Structure of Knowledge in Westernized Universities: Epistemic Racism/Sexism and the Four Genocides/Epistemicides of the Long 16th Century,” *Human Architecture: Journal of the Sociology of Self-Knowledge* 11(1) (2013), 73–90; Nelson Maldonado-Torres, “On the Coloniality of Being: Contributions to the Development of a Concept,” *Cultural Studies* 21(2–3) (2007), 240–70; Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation – An Argument,” *The New Centennial Review* 3(3) (2003), 257–337; Bikrum Gill, *Race, Nature, and Accumulation*, Phd Dissertation, York University.
33. Nelson Maldonado-Torres, “On the Coloniality of Being,” 244.

unquestioned modern subjectivity of the self as conqueror.<sup>34</sup> The conquering self of Cortez co-contaminates the abstracted thinking substance of Descartes; they are mutually reinforcing poles in which certainty provides the grounding for an unquestioned European modern subjectivity, “The ego conquiro is not questioned, but rather provides the ground for the articulation of the ego cogito.”<sup>35</sup> The indubitable certainty of the ego conquiro that underpinned the tasks, missions and practices of colonial expansion provided the context for the methodic doubt of Cartesian reflection upon subjectivity, reason and self-consciousness.<sup>36</sup> While modern European subject status was contingent upon an unquestioned certainty, conversely, its underside was the non-European self that was marked with uncertainty, doubt and skepticism. As Nelson Maldonado-Torres states, “Skepticism becomes the means to reach certainty and provide a solid foundation to the self. The role of skepticism is central for European modernity.”<sup>37</sup> Cartesian universal doubt, therefore, is not simply a skeptical attitude regarding the existence of reality, empirical knowledge, or arithmetic. Rather, it extends toward the locus of self-existence and the human status of colonized peoples indexed in part by their capacity for reason and transcendental self-consciousness. Descartes’s separation between *res cogitans* and *res extensa*, that is, consciousness and matter that correlate to the divide between the mind and body, and human and nature, expresses itself through an elemental anthropological difference.<sup>38</sup> This variance is characterized by the rational self-conscious European subject capable of abstract thought. On the other hand, the irrational colonized subject is held to be largely incapable of abstract modes of inquiry and more closely aligned to corporeal instincts and customary authority.

The definitive status of the European ego conquiro and ego cogito is based upon a foundational relation of suspicion, or “Manichean misanthropic skepticism” vis-à-vis non-European peoples. This misanthropic skepticism unites earlier forms of racialization with modern biological articulations, and defines the contours of racist/imperial attitudes toward colonized peoples.<sup>39</sup> Significantly, those rendered already guilty and suspicious, going back to our above discussion, are not an undifferentiated humanity that enter into the general event of mystical self-founding authority of the juridico-political order and attendant law constituting and preserving police violence. Instead, sovereign power is contingent upon the aporetic void of groundlessness that is expressed through an economy of guilt and violence organized by the racialized domains of misanthropic skepticism.

In this reading, misanthropic skepticism is contingent upon the production and typological ordering of racialized forms of human difference and is integral to the power configuration of coloniality that links place of origin, bodies and consciousness, or what Denise Ferreira da Silva names “the analytics of raciality.”<sup>40</sup> As I will discuss in the final

34. Ibid.; Ramón Grosfoguel, “The Structure of Knowledge in Westernized Universities,” 75–8.

35. Nelson Maldonado-Torres, “On the Coloniality of Being,” 245.

36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid., 246.

40. Denise Ferreira da Silva, “Towards a Critique of the Socio-Logos of Justice: The Analytics of Raciality and the Production of Universality,” *Social Identities* 7(23) (2001), 422.

section, examining the theological and colonial filiations of the analytics of raciality draws our attention to the historical aesthetic-political structures of police brutality that organizes violence as redemptive acts of force.

The analytics of raciality, as a strategy of power and knowledge, locates Europe as the origin for beings that actualize as the fundamental agents of historical progress through the indubitable self-conscious reason of the ego conquire and ego cogito. In effect, European man emerged as the primary sovereign “knowing subject” endowed with the unique capacity of rational, abstract thought.<sup>41</sup> Accordingly, the non-European subject is constituted as unable to achieve pure individuated self-consciousness, and, hence, unable to remake the self into a rational individual who can fully actualize as a subject of civil political community. Consequently, the non-European, racialized subject is not simply excluded from modern, liberal conceptions of the universal individual, rather they are constitutive of it – the colonized enter into the contested terrain of the politicization of the human, and are collapsed into the event of the mystical, self-founding force of the juridical order.

Further epistemological shifts introduce the body as an important site of inscribing transcendental self-consciousness. Consequently, white bodies originating from Europe – civilized man – are the only capable beings of self-actualizing and being capable of reason and of conceptualizing the universal.<sup>42</sup> Significantly, the historical genesis of these Eurocentric productions of universalism was produced as a practice, that is, they were constituted in the zones of colonial territorial expansion, slavery and other relations of coloniality. In this regard, the suspicious body, or already guilty body is known because strangers already “fit” within the analytics of raciality whereby a cognitive moral or aesthetic map of the world is punctuated by misanthropic skepticism.

The analytics of raciality further reveals that the bestial underside of transcendental self-consciousness is the colonized subject. Ultimately, the inability to disarticulate consciousness from one’s body locates the colonized as the dehumanized pediment of the fully human sovereign subject. In effect, the animal does not have the ability to consciously conceive of itself from the external world. The animal can gain a notion of self, but not self-consciousness.<sup>43</sup> Achille Mbembe writes,

Incapable of transcending itself as body and as organ, the animal “does not rise above itself in order to come back toward itself; it has no distance with respect to itself in order to contemplate itself.” At the root of colonial violence, there thus lies an extremism of quite a special type, with origins that must be sought within Western cosmology itself.<sup>44</sup>

The animal and the black body come to inhabit the same space, that is, the constitutive underside of the abstract, rational self-consciousness of the white body.<sup>45</sup>

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41. *Ibid.*, 428.

42. *Ibid.*, 429.

43. Achille Mbembe, *On the Postcolony* (Berkeley, CA: University of California Press, 2001), p. 191.

44. *Ibid.*, p. 190.

45. See da Silva, “Towards a Critique of the Socio-Logos of Justice”; Radhika Mohanram, *Black Body: Women, Colonialism and Space* (Minneapolis, MN: University of Minnesota Press, 1999).

The significance of this discussion of rational self-consciousness in relation to the predetermined guilt of the racialized subject and police brutality is that subject differentiation is not reducible to the moment of interpellation. Rather, an ontology of guilt emerges through misanthropic skepticism and the epistemological production of human transcendental self-consciousness that is historically contingent upon locating the racialized body in the zone of non-being. To be sure, this attitude of predetermined guilt and suspicion is not produced outside of an otherwise “peaceful” and just secular liberal democratic order. Instead, the guilty racialized body is drawn into the “grey hole” of – autoimmune – liberal universalism. That is, *within* the law and violent epistemological registers of human transcendental self-consciousness. As a result, the “cognitive moral and aesthetic map of the world” articulates itself as a “truth” through the unmarked character of whiteness. In the next section, I will examine the materiality of misanthropic skepticism through the spectral law founding and conserving violence of police power. Significantly, however, I suggest that this configuration of racialized police violence expresses itself through the theological-pastoral assemblages of compassion and redemption.

#### **IV. “What Are You Doing Here? Where do you Live?”: State Ritual of the Confessional**

I would like to go back to the suggestion that guilt is not removed by passage through the police checkpoint – as noted, an attitude of predetermined suspicion is produced through the colonial epistemic codices of misanthropic doubt. To pass through the checkpoint does not purify and spontaneously inaugurate the process of transcendental self-consciousness. There is no expiation in the form of Benjaminian Divine violence for instance; instead, *guilt is instantiated*.

How is guilt instantiated exactly? Is it through the police asking for identification, for stopping one’s movement, for being handcuffed and beaten ... shot dead? I would like to suggest that a key modality of instantiating guilt by the police checkpoint via the nexus of law founding and preserving violence is through the ritual of demand of confession. In this section I argue that the already constituted racialized guilty body becomes the site of national rituals of performing state power and corporeally inscribing the mythic power of law. The confessional, as an expression of police power, is organized by the hierarchical economy of guilt through the analytics of raciality.

While the confessional is made possible by co-constitutive pre-liberal Christian sensibilities of violence and salvation, they have been reconfigured and displaced into modern secular liberal regimes of rule. As a result, racialized forms of police violence punctuates the complex entanglement between cruelty and compassion vis-à-vis the shifting technologies, knowledges, and practices of white supremacist coercive state power. In this reading, antagonistic actions toward communities of color are not moments of failure or departures from police safety engagement strategies. Rather, I suggest that the racialized vectors of police violence have been reorganized through benevolent color-blind discourses of community focused law enforcement. In shifting attention to police power as compassionate acts of force, I situate the theological-political with race in order to elucidate how self-authorizing state sovereign capacity, expressed through the

juridical registers of policing techniques, have entangled with theologically inscribed redemptive constellations of pastoral power.

I have attempted to illustrate above that an ontology of guilt is produced through the denial of transcendental self-consciousness vis-à-vis racialized people – the ability to attain truth through abstract rational thought is generated through its constitutive underside that is not *self*-conscious and is therefore located in the domain of bestial non-being. How does the state, by the power of the police, use the confessional to instantiate this racialized “truth” of misanthropic doubt and guilt? What does this tell us about the power of the police to act as a delocalized specter of juridical power? Further, what is the effect of the state instantiating this racialized “truth,” how does the guilty body become a site to perform and inscribe the power of the mystical foundation of authority through the confessional? I will attempt to tie these elements to my own experience of about two and a half decades within the iterable structure of violent confessional moments with the police as well as my most recent refusal of this state ritual and some of its corporeal effects.

I will provide a brief genealogical sketch of the confessional and its location within the pre-liberal Western Christian tradition. As an effect of power and violence, the confessional has remained a constitutive feature of secular modes of rule. Despite discursive shifts regarding the way in which the confession has been deployed as a technique of producing truth, I suggest that the ritual of confession still actualizes itself with contemporary police power. As a result, I argue that the domains of death, violence, pain and exclusion assumed to be historical artifacts of an imagined ecclesiastical past are constitutive features of present secular liberal notions of tenderness, compassion and tolerance.<sup>46</sup>

While largely neglected, Foucault’s (albeit undertheorized) study of ecclesiastical authority reveal the theological-political vectors of modern governmentality. In the 1977–1978 lectures “Security, Territory, Population,” Foucault traces the genealogy of modern forms of governmentality to the Christian pastorate. For him, theological forms of power, such as the confessional, index pre-liberal techniques of population management. In effect, pastoral power prefigures Foucault’s study on liberal and neoliberal political rationalities that crest in his 1979 lectures on biopolitics.<sup>47</sup>

Foucault suggests that one of the central rituals of producing truth in the West, going back to the Middle Ages, has been the confessional. As a result of increased innovation in the techniques of interrogation and inquest, as well as the increased penetration of state administrations into the prosecution process, the confessional emerged as a key feature of civil and religious power.<sup>48</sup> As Gil Anidjar suggests, Foucault was reticent to

46. Talal Asad, “Response to Gil Anidjar.” *Interventions* 11(3) (2009), 395.

47. Leonard C. Feldman, “The Banality of Emergency,” p. 150. As mentioned in my discussion of race and colonialism, it must be noted that Foucault’s discussion of pastoral power and the biopolitical is entwined and underpinned by processes of coloniality. For further reading see, Walter Dignolo, *The Darker Side of Western Modernity: Global Futures, Decolonial Options* (Durham, NC and London: Duke University Press, 2011).

48. Michel Foucault, *On The Government of the Living*, pp. 102–103.



explicitly name *Christianity*; however, he was forthright in his portrayal concerning the various fractures and displacements of Christian forms of pastoral power over time,

A religion that claims in that manner to a daily government of men in their real life [*dans leur vie réelle*] under the pretext of their salvation and on the scale of humanity as a whole, that is the Church and we have no other such example in the history of societies ... The Christian religion as the Christian Church, this pastoral power was no doubt transformed over the course of fifteen centuries of history. No doubt it was displaced, dislocated, transformed and integrated into different shapes, but at bottom it was never truly abolished.<sup>49</sup>

We can trace the genealogy of the pastoral power of the confessional to the Fourth Lateran Council of the Roman Catholic Church in 1215. Lateran IV made the annual confession an obligatory act as well as erected an inquisition for heresy. As a result, the confession emerged through the conditions of both moral cleansing as well as moral discipline. In effect, it functions to atone and to control, and, significantly, its traces remain a constitutive feature of the hegemonic juridical order.<sup>50</sup>

Foucault suggests that the confession became one of the most valued modalities of constructing truth in the West. He further argues that the confessional has diffused into the everyday life of individual expression: within the family, intimate relationships, the classroom and legal regimes.<sup>51</sup> Therefore, has this procedure of individualization by power left us? Or, has it shifted and dispersed into state practice, functioning as a central ritual of the law founding and preserving violence of the autoimmune secular democratic liberal state, and as a moment within the *theological* constellations of coloniality and the analytics of raciality?

Talal Asad locates the importance of various Christian sensibilities and behaviors that bring together violence and kindness in ways that find expression within the ruling structures of the secular liberal state. Drawing attention to the Christian theology of atonement, he highlights the axial post-Christian body that has been drawn into contemporary retributive forms of regulation and punishment. He states,

Punishing the captive body is still regarded as necessary even if it isn't justified in theological terms, and its utilitarian justifications (prevention and suppression of crime, reaffirmation of social and political solidarity, rehabilitation of criminals) cover up a strong desire to witness the "proper" infliction of suffering.<sup>52</sup>

Punishment, as a central category of power, promises salvation and authorizes various projects of control through the production of threats that require exclusion: one can be

49. Gil Anidjar, "The Meaning of Life," *Critical Inquiry* 37 (4) (2011), 716, from Michel Foucault, *Sécurité, territoire, population: Cours au Collège de France, 1977–1978* (2004) (Gil Anidjar (Paris), pp. 151–2.

50. Peter Brooks, *Troubling Confessions: Speaking Guilt in Law and Literature* (Chicago, IL: The University of Chicago Press, 2000), pp. 1–2.

51. Michel Foucault, *The History of Sexuality: An Introduction, Volume 1* (New York: Vintage Books [1978] 1990), p. 59.

52. Talal Asad, "Thinking about the Secular Body, Pain, and Liberal Politics," *Cultural Anthropology* 26(4) (2011), 660.



redeemed from the threat, or one can redeem the threat. This is not to suggest that there is an inherent logic of domination with the category of redemption, or any other Christian sensibility. Rather, the point remains that the nation mobilizes the possibilities of redemption in order to rule.<sup>53</sup> For Asad, these elemental Christian categories have produced co-constitutive sensibilities of cruelty and compassion that are “nurtured” in contemporary secular liberal modes of ruling,

I want to suggest that the cult of sacrifice, blood, and death that secular liberals find so repellent in pre-liberal Christianity is a part of the genealogy of modern liberalism itself, in which violence and tenderness go together. This is encountered in many places in our modern culture.<sup>54</sup>

Similarly, the confessional, as Foucault argues, has since the Middle Ages always been accompanied by torture. He illustrates some historical features of the confessional, “Since the Middle Ages, torture has accompanied it like a shadow, and supported it when it could go no further ... The most defenseless tenderness and the bloodiest of powers have a similar need of confession. Western man has become a confessing animal.”<sup>55</sup> As a result, one can conceptualize the ritual of confession as bringing together knowledges, sensibilities and behaviors from the domains of violence and tenderness that emerge through the Christian tradition of penance as well as secular liberal regimes of rule.

My aim here is to examine the technique of the confessional as an expression of police constituting and conserving juridical power that is organized by the racialized vectors of misanthropic skepticism. Viewed with an attitude of permanent suspicion, blackness signifies an ontological guilt that is not dissolved by passing through the police checkpoint, rather the “truth” of this guilt is reinscribed by the power of the confessional. The mystical self-founding authority of law that is (re)produced by the figure of the police is not simply articulated to an undifferentiated humanity, but is organized by the analytics of raciality. Significantly, however, I argue that while the police checkpoint reinstatiates guilt upon racialized bodies, the theological valence of the confessional casts this violence as redemptive acts of atonement. To administer punishment and pain, even death, through the confessional is not translated within the dominant narratives of state power as forms of police terror. Rather, the force of law organized through the power of race articulates police brutality to utilitarian liberal justifications of increasing public safety, reconfirming Durkheimian forms of public and social solidarity, rehabilitating felons, and upholding justice by spectacular acts of violent atonement.

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53. Talal Asad, “Thinking about the Secular Body”; Talal Asad, “Responses,” in *Powers of the Secular Modern: Talal Asad and his Interlocutors* (Charles Hirschkind and David Scott, eds) (Stanford, CA: Stanford University Press, 2006); George Shulman, “Redemption, Secularization, and Politics,” in *Powers of the Secular Modern: Talal Asad and his Interlocutors* (Charles Hirschkind and David Scott, eds) (Stanford, CA: Stanford University Press, 2006), 156–7; Talal Asad, *Formations of the Secular: Christianity, Islam and Modernity* (Stanford, CA: Stanford University Press, 2003).

54. Talal Asad, “Thinking about the Secular Body,” 397.

55. Michel Foucault, *The History of Sexuality*, p. 59.

As a result of this genealogy and normalization, the confessional has become an obligation that people no longer conceptualize as an effect of power that constrains.<sup>56</sup> Instead, as mentioned above, part of the confessions governing logic is its promise of redemption, Foucault states, “it exonerates, redeems, and purifies him; it unburdens him of his wrongs, liberates him, and promises him salvation.”<sup>57</sup> That said, the confessional’s production of redemption enunciates itself through a relationship of power with another subject.

The confession produces a relation of power between the one confessing and the other who listens and interprets its truth. Indeed, this listener takes multiple forms: for instance, a priest, doctor, judge, or police officer. The confession is constituted within a relation of power with a figure of authority. The police, in this case, operate as the hermeneutic function of one’s confession in relation to the imagined nation, community, and neighborhood. Foucault states,

The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile.<sup>58</sup>

Confessions require the self-identification of that which will be renounced. Foucault suggests that the speaking subject is at once the subject of the statement, which establishes a process of self-renunciation. As a result, to exist within the confessional – as the subject that speaks that is also the subject of the statement – requires the reiteration of self-renunciation, or self-abandonment in the presence of an authority.<sup>59</sup> What does this mean for the already guilty body, what must be confessed? What is the purpose of the confession if one is already rendered guilty?

The confessional, I suggest, serves as a state ritual of confirming the “truth” of colonial epistemological productions of misanthropic skepticism and guilt within the established power relationship with the police as a figure of sovereign juridico-political power. If the racialized body is already guilty, then the techniques of the police interrogation emerge from this position and function to suggest that only the confession to this “truth” of ontological suspicion and guilt will bring the interrogation to an end. Hence, paradoxically, the racialized body must *affirm* the “truth” of their own misanthropic doubt through self-renunciation. Or, to put it another way, the racialized body must *affirm* the *disavowal* of transcendental self-consciousness to the police – this becomes a normalized ritual of performing state power upon already guilty bodies. Brooks makes a similar argument,

The interrogator thus seeks to pattern the unfolding narrative according to a preconceived story ... Above all the good interrogator maintains control of the storytelling, so that the suspect is

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56. *Ibid.*, p. 60.

57. *Ibid.*, p. 62.

58. *Ibid.*, pp. 61–2.

59. Peter Brooks, *Troubling Confessions*, p. 2.

put in a position of denying or affirming – often affirming through denials ... the unfolding narrative that, one notes, is largely of the interrogator's own making, his "monologue."<sup>60</sup>

To be sure, we can situate Brooks' discussion within the processes of racialization and state power. For the racialized body, the interrogator's "monologue" emerges through the unmarked universalism of whiteness. As a result, we can capture the ritual of confession as a moment within the analytics of raciality, which is the racial power configuration that links place of origin, bodies and consciousness. Hence, a significant feature of police spatial power is their ability to function as a delocalized specter, performing and inscribing state power upon already suspicious bodies through the ritual of confession.

This affirmation of guilt through self-renunciation is an insidious feature of the police confessional that I will attempt to capture with my experiences of being an already guilty body that inhabits the imagined and autoimmune neighborhood. The spatial power of the police was produced even before the verbal demand of admission of guilt. Being stopped continually, I can recall in the past, and upon reflection of the most recent event of being thrown to the ground and physically beaten, that the confession starts well before the verbal command of the police. The cruiser that approached my body inaugurated this process. While the confession is typically understood as a speech act, I suggest the body is central to its production.

How can the body confess? The body must be transformed into a submissive site; this requires that I affirm my racialized guilt through subtle muscular contortions, through my entire muscular rhythm in proximity to the police. Consequently, the tilt of my head in relation to the sky as well as the delicate muscles in my eyes and brow ridge must renounce their tension; the positions of my hands as well as the calibration of my clinch must be precisely relaxed and made visible. My entire body must confess through a submissive corporeal logic – total obedience – to the truth of my predetermined guilt in hopes of "passing through" – albeit further marked.

The cruiser then stopped and the police officer then jumped out of the cruiser and started the verbal ritual of confession, "What are you doing here ... Where do you live?" Spectral like, the delocalized floating police checkpoint emerges to aggressively intervene in one of the most mundane practices of everyday life: a conversation between two friends. My friend immediately confessed, both in body and in statement, pointing to my house directly behind us, abandoning himself to the site of pastoral police power. As Brooks argues, the confession "can be a strange performance of shame, guilt, self-exposure, self-punishment whose reference to fact may be troubled, even delusional."<sup>61</sup> As a strange performance, the confessional demand offers the ostensible promise of redemption and purification; indeed, I have abandoned myself to the "truth" of my predetermined guilt for years, my body and verbal confession used to reify this guilt and continually conserve the power of the state over body and space. In my recent encounter with the police, I attempted to refuse this violent structure of iterability in which the mystical foundation of authority is repetitively enforced.

60. Ibid., p. 36.

61. Peter Brooks, "The Future of Confession," *Law, Culture and the Humanities* 1(1) (2005), 69.

I attempted to deny its corporeal dimensions and kept my body defiant with years of muscular tension in which encountering the same violent ritual of state power lodged itself into my somatic memory. My head did not tilt toward the concrete with the dead weight of guilt, my eyes and brow ridge communicating disgust. My fists remained clinched with tension within my jacket pocket. Denying the corporeal confession, I attempted to deny the verbal ritual with a demand of my own and I demanded a confession from the police officer through a powerful single syllable: “Why?”

However, despite my attempts at refusal, I am already drawn into the confessional logic through the relation of power. Foucault argues, “One confesses – or is forced to confess. When it is not spontaneous or dictated by some internal imperative, the confession is wrung from a person by violence or threat; it is driven from its hiding place in the soul, or extracted from the body.”<sup>62</sup> Asking the officer what offense I had committed, I attempted to rehearse my legally sanctioned right to refuse any questions unless I was in breach of the law or was being detained – my muscles tensed further. Responding with a sense of disbelief that I would offer a question instead of the confession, the officer was animated with a blend of anger and confusion. Without legal grounding, he has the capacity to create one, thereby exposing the exceptional law making power of the police. Significantly, as I have remarked above, the confessional’s violent pastoral vectors of power are entwined with a positive discourse of redemption.

This is a crucial point, because when the police officer demanded I lay on the ground while pointing his baton at my face, my mother had already arrived on scene and asked what purpose this served. Outwardly perplexed, the officer remarked genuinely: “I’m making the streets safer ma’am.” Simultaneously operating inside and outside the law, the officer’s ability to stop, question and violently coerce a confession indexes the entanglement between violence, redemption and compassion through community policing techniques. I can possibly redeem myself through lying upon the concrete and totally submitting, corporeally confessing, to the police officer. Reifying the “truth” of my guilt through my sprawled body also offers the neighborhood the ability to witness the redemption from the threat that I embody. Several officers arrive on scene to manage the threat that two young racialized men and an elderly mother pose to the imagined bounded neighborhood.

My somatic and verbal attempts at refusal would lead to the direct physical inscriptions. Punched in the body and head by about four officers, I was thrown to the ground, and two officers mounted my body: a knee on my head and a knee on my back. With the tiny pieces of pavement embedded within the flesh of my face, the police forced the confession of my ontological guilt through the total submission of my body. In an attempt to come to my aid, my mother was physically lifted and flung to the concrete – her glasses shattered off her face as her head met the ground before she too was subdued by an officer. My mother’s broken bones in her wrist and elbow, and swelled purple bruises corporeally inscribed the ritual instantiation of our already guilty bodies through the law conserving and founding violence of the police. I do not want to rehearse every moment of this encounter with the police ritual of confession and my attempt to disrupt it through refusals.

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62. Michel Foucault, *The History of Sexuality*, p. 59.

I have argued that the predetermined guilty body becomes a site to perform and inscribe the self-grounding foundation of authority through the mythic violence of law and the pastoral power of the spectral police envoy. I do not want to simply suggest, however, that the body is a discursive or textual space. Rather, I am attempting to illustrate the “fleshy materiality” of the body. Bibi Bakare-Yusuf states, “It is not enough to show the body as a discursive entity without addressing how different material practices are interwoven with the discursive to affect and shape the materiality of the body.”<sup>63</sup> The ritual confession that instantiates guilt is an affirmation of state power inscribed through the scrapes and bruises upon my flesh; my subsequent muscular tension that seeks to be released when I gaze upon a signifier of the police; the broken bones of my mother, and the subdued body of my friend – these are interwoven as a moment within the theological-analytics of raciality in addition to secular liberal democratic modes of pastoral power and rule.

## V. Conclusions

In this article I have attempted to make sense of my own experiences of repeated encounters with the police spanning over about two and a half decades. I have attempted to make sense of the fact that I am not rendered suspicious, or guilty in the moment of being identified by the police. Instead, I attempted to dig a little deeper into historical processes of racialization. Consequently, through coloniality and the analytics of raciality, guilt emerges as an ontological and embodied category that is linked to colonial constructions regarding misanthropic skepticism and the denial of transcendental self-consciousness.

Further, when I reflect upon my recent interaction with the police, I feel that perhaps I would have “passed through” the checkpoint if I had confirmed the “truth” of my ontological guilt through verbal and corporeal confessions. Of course, the violence of the state would still have been ritualized through my body, just through different corporeal routes. As a result, the police, understood as functioning at the frontier of state power, are able to function as a floating ritual of performing and inscribing pastoral forms of state power upon racialized guilty-bodies through the confessional.

Finally, I attempted to illustrate that police violence is not a deviation from an otherwise peaceful, race-neutral secular liberal space. The normalized ritual of confession, which is a constitutive feature of police practice, is made possible by sensibilities, techniques and knowledges that secular liberals assume are located within pre-liberal Christian domains. I wanted to illustrate that the confessional can offer insight into the workings of secular liberal regimes of rule that necessarily deploy the co-constitutive logic of violence and redemption.

After thinking through this article, I am able to make more sense of the disgust and tension I feel when I gaze upon a signifier of the police. Borrowing from Frantz Fanon’s insights, I would like to end with a consideration of how colonial violence embeds itself within the recesses of muscular memory. Fanon states, “... the colonized’s affectivity is

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63. Bibi Bakare-Yusuf, “The Economy of Violence: Black Bodies and the Unspeakable Terror,” in *Feminist Theory and the Body: A Reader* (Janet Price and Margrit Shildrick, eds) (New York: Routledge 1999), p. 313.

kept on edge like a running sore flinching from a caustic agent. And the psyche retracts, is obliterated, and finds an outlet through muscular spasms that have caused many experts to classify the colonized as hysterical.”<sup>64</sup> I can still clearly recall the officer remarking with the utmost sincerity, “Do you have an anger management problem?”

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64. Frantz Fanon, *The Wretched of the Earth* (Richard Philcox, tr.) (New York: Grove Press [1963] 2004), p. 19.