

Article

Policía beyond the police

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Abstract

This article develops and extends the critical theory of police power by applying it to Colombia. Scholarship on police in Colombia has been undermined by a focus on the kind of creation myth that one finds in most histories of police: that policing only properly begins in a key foundational year. In Colombia, that year is 1891. This approach overlooks or downplays the importance of the concept of *policía*. This is the original and far more expansive police concept through which social order in Colombia was fabricated. By paying attention to the continued importance of *policía*, this article drastically transforms our understanding of police power and state formation in Colombia, and extends the critical theory of police power.

Keywords

Colombian National Police, critical theory of police power, police power, *policía*, policing, policing in Colombia

The police intervene ‘for security reasons’ in countless cases where no clear legal situation exists. ... A consideration of the police institution encounters nothing essential at all. Its power is formless, like its nowhere-tangible, all-pervasive, ghostly presence in the life of civilized states.

(Benjamin, 1996 [1921]: 243)

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Among the many myths surrounding policing, none has greater attraction than what we might call the creation myth. This is 'The Story of Police Year Zero', and it goes something like this: once upon a time, before the modern world began, there was no real policing, just a cluster of offices, processes, laws and regulations. No one quite knew what policing was or should be. There was a 'science of police', but it was not very scientific, did not have a clearly defined object of study and assumed that policing involved governing the whole of human life. To overcome this, sensible people invented a new institution that they called *The Police*. This institution was professionally organized, a key part of the democratic state and working for the people. Because this 'new police' was focused on law enforcement and crime prevention, all the old, ambiguous and seemingly endless powers, said by the old police science to be essential to policing, were given up. Policing was modernized. This *new* police was the *real* police.

In the telling of this story, every nation state has its Year Zero and many of those years are in the 19th century. The archetype is 1829 in England and the creation of the Metropolitan Police for London, but other cities and countries quickly followed: 1833 in Sydney; 1835 in Toronto; 1844 in New York, quickly followed by Chicago (1851), New Orleans (1853), Philadelphia (1855), Lebanon (1861), Tokyo (1874), and the one which interests us here, 1891 in Colombia. Like all myths, this one performs a notable ideological function. Like all ideology, this function is complex and not always easy to decipher. If we take England as the paradigmatic case, we find that histories of policing tend to treat forms of police that existed prior to the creation of the Metropolitan Police of London in 1829 in a rather cursory fashion. The analyses of police found within criminology, police studies and socio-legal studies, tend to take as a starting point what they see as the essentially *modern* role for the police achieved in 1829. If these studies turn to the years before 1829 at all, it is to identify 'by the ruse of historical juxtaposition' (Zedner, 2006: 83) the 18th-century antecedents of the modern police force, wherein offices, bodies and organizations that fulfilled seemingly similar roles in previous centuries are pointed to simply as predecessors to the 'new' (and 'real') police officer of 1829 (e.g. Auten, 1981; Critchley, 1919: 1; Reiner, 2010: 5; Zedner, 2006: 82–83). The insinuation is always that pre-institutional police was 'merely a defective prologue to the modern police' (Rawlings, 2008: 47) and that police power only really comes to life with the invention of a specific institution created in a specific year. The implication being that 'old' police are 'not-new' police and therefore, somehow, not really 'police' at all.

This Year Zero logic plays a second ideological role, which is to suggest that these 'old' forms of police are too broad, ill-defined and confused to require much further analysis when it comes to understanding *modern* police. Only 19th- and post-19th-century forms of police, so the argument goes, are worthy of attention, since it is not until these modern forces emerge that we find the narrower, more focused and institutionalized bodies that we recognize as 'real police', the responsibility of which is crime control and law enforcement. And herein lies the real ideological issue: that such ways of thinking about police circumvent the critical theory of police power. In this article we unravel some of the misapprehensions that have emerged from reading police history through an exclusively institutional lens and, in so doing, propose an alternative but more

historically accurate account that can be gleaned from studying police in the light of critical theory of police power.

The critical theory of police power (Neocleous, 2000, 2014, 2021) resists the common claim that the pre-institutional history of the police was an ineffective precursor of 'real' policing. Rather, the theory makes several claims to which we subscribe and which we seek to develop here. First, it takes as its starting point a broader and expansive notion of police that can be found in accounts of policing prior to the 19th century. Central to the original (that is, pre-'Year Zero') police mandate was 'good order' in the broadest possible sense, and so police power was exercised through a range of institutions and its concern extended far beyond crime. Though some police scholars have dedicated a paragraph or two to acknowledge that the word 'police' had a much wider meaning before the late-18th century, apart from a few important exceptions (Dubber, 2005; Novack, 1996; Raeff, 1983; Tomlins, 1993), they rarely discuss in detail the importance of this conceptual history to the current understanding of police. In contrast, the critical theory of police power has the general idea of social *order* at the centre of its analyses, and so the wider, pre-institutional concept of police is central to the theory. The *fabrication of social order* (Neocleous, 2000, 2021) requires a broad police power and not simply an institutionalized professional police force.

Second, the reason the critical theory of police power places the expansive concept of police at its core lies in the fact that such a concept of police has never been relinquished by the state, regardless of the fact that police, politicians and many academics continue to insist otherwise. Although the institutional form of policing was transformed during the 19th century under pressure from a new hegemonic liberalism working from a variety of different positions, ranging from Adam Smith's political economy to Patrick Colquhoun's police reforms for the Thames, the *raison d'être* of the original police function, in all its breadth and depth, remained in place for the state. For this reason, the critical theory of police power resists the push to attach the idea of policing to *the* police in its institutional form and instead insists on the need to focus on police *power* (Neocleous, 2014, 2021). This much is captured by an observation of Walter Benjamin (1996 [1921]), cited as the epigraph to this article, that consideration of the police institution turns out to be a consideration of something intangible, formless and all-pervasive. And this, it seems, remains the case regardless of the 'revolutionary' changes of Year Zero.

Third, the reason that this police power has never been relinquished by the state is because it is integral to the ways in which it administers civil society (Neocleous, 1996) and, more to the point, administers it in a way that facilitates dispossession, exploitation and expropriation. This means that the critical theory of police power is part and parcel of a theory about the state's centrality in the fabrication not just of social order, but of *capitalist* order. It is a keen understanding of the state's appropriation of a pre-institutional and wider concept of 'police' that allows us to see the police power not as an institution but as an expression of state formation and capitalist exploitation.

One aim of this article, then, is to extend the critical theory of police power. We do so by thinking through some of the issues in relation to a state that is not one of the 'standard examples' in studies of policing in English language scholarship (including the critical theory being developed here), which tend to focus on the UK, the USA and

Continental Europe, namely Colombia. At the same time, the article overturns the bulk of scholarship that has thus far been produced about the Colombian police by analysing historical legislation in light of the expanded concept of police power.

The year 1891 looms large in the historical, legal and criminological analyses of Colombian policing. Yet focusing solely on 1891 leads to several pitfalls. For a start, the creation of the Colombian National Police (CNP) in 1891 was in fact merely one step in a process of institutional consolidation that had begun in the 1840s and which would not be entirely completed until the mid-1960s (Gutiérrez Gómez, 2021; Llorente, 1999). Even within the questionable Year Zero logic, presenting the year 1891 as the foundational year of the CNP is sorely inadequate, as we shall see. Furthermore, and more relevant to our argument, we maintain that to grasp the nature of police power in Colombia properly—by which we mean *critically*—we must see it in the context of 19th-century Colombian state formation. In this, the Colombian state's idea of *policía* entailed an expansive concept of police power, inherited from the colonial period and thus from the police ideology of the early modern European state system. Despite undergoing the very same professionalization and institutionalization of policing found elsewhere, the Colombian state, like most modern states, has inherited the practice—central to pre-19th-century ideas of police—of always falling back on a wider notion of police, what we are calling *policía* beyond the police.

To make this case we pay due attention to the conceptual development of *policía*, situating the origin of the CNP within this wider concept. Identifying ways in which the concept was deployed in the fabrication of social order, we draw on a semantically sensitive understanding of *policía* to identify some of the various police bodies, mechanisms and processes that preceded the CNP and out of which that police institution developed. Throughout, we resist the common claim that the pre-institutional existence of police in Colombia was a collection of ill-conceived, scattered practices and occupations and insist, rather, that it was an important process of conceptualization and refinement that tells us much about the spirit that informed the creation of the modern police corps. Most importantly, we argue that although *policía* was conceptually associated with the modern-day institution known as *the* police, namely the CNP, a broader *policía* nonetheless continued (and continues) to fulfil an important role in the organization, unification and consolidation of state power. This is police power as state formation and fabrication of social order, nothing less than the realization of *policía* in the modern state.

***Policía* in Colombia**

To understand the development and transformation of the term *policía* in Colombia, we must first discuss the way the term was used in Europe, as it was through the process of invasion and colonization that *police* materialized in Colombia. In the early modern period, the connotations of terms such as police and *policía* were closely related to burgeoning European ideas about the progress of society, and such conceptualizations made their way into the context of Colombia.

Before it became associated with an institutional body, the word 'police' ('Policei', 'Policey', 'Pollizei', 'Politzey') signified something rather different. In the early modern period, these terms referred not to a body but to a cluster of more abstract

notions. The term 'police' connoted the state's responsibility for promoting public well-being and a well-ordered society, and it was closely related to the concepts of civilization and improvement. 'Police' denoted the practice of enforcing 'good order' through the legislative and administrative regulation of the internal life of a community. The term was thus understood as the 'science of governing men' (*la ciencia de gobernar los hombres*). As Pasquale Pasquino (1991) observes, the general 'science of police' was a 'science of government'.

We find compelling evidence of this conceptualization in the writings of police scientists. To take just one example, Johann Heinrich Gottlob Von Justi (1717–1771) saw police first and foremost as a concept designed to maintain state order. For Von Justi, the aim of police was to guide the lives of individuals in such a way as to consolidate and strengthen the power of the state. In his '*Grundsätze der Policey-Wissenschaft*' (1909), he suggested that 'the purpose of *Policey* is ... to preserve and increase the general "means" of the state', and these means 'include not merely the goods but also the talents and skill of all persons belonging to the republic': 'In the narrower sense we understand by *Policey* everything which is requisite for the good ordering of civic life, and especially the maintenance of good discipline and order' (1909: 440–441). We also find evidence of this conceptualization of police in European dictionaries of the time. In its most simple definition, the French word *police* meant 'the order or regulation that can be observed in a state, a republic, or a city', as *Le Dictionnaire de l'Académie Française* defined it in 1694. As the science of governing men, the Spanish *policía* referred to things such as public salubrity, the upkeep of streets, the safety of goods and people, regulations regarding agriculture, commerce and industry, as well as education (De Foronda, 1801). Such measures had the dual effect of improvement of land and labour; 'before all things the lands of the republic must be cultivated and improved' (Von Justi, 1909: 442). Such improvement is *through* police but also *as* police.

The semantic purview of police as the administration of a nation was further deepened and widened by the concept's association with the idea of civilization. As writers such as Lucien Febvre (1930), Norbert Elias (1939) and Émile Benveniste (1971) have noted, the effort to produce individuals who could willingly observe the increasingly bourgeois rules of decency and propriety came to be denoted by the term 'civilization'. This word was a gradual renaming of a process that had previously gone by the name of *police*. Despite their different etymological origins (one Latin, one Greek), the words police and civilization were strongly associated in common parlance, and related words came to occupy similar semantic grounds. This very same association existed in *policía* (Álvarez de Miranda, 1992; García Monerris and García Monerris, 2008). A Spanish dictionary entry of 1604 states that the word *policía* is equivalent to the French *netteté* and *poliffement*, words which, according to a French–English dictionary of 1611, mean, respectively, 'neatness, cleanliness, integrity, honesty', and 'polishing, burnishing, brightening, smoothing, sleeking'. A dictionary from 1607 contains similar definitions, but also adds several more: 'civilité', 'humanité', 'courtesie', 'modestie', 'quietness of disposition', 'fashion' and '*gouvernement de ville*'. Richelet's 1680 *Dictionnaire* provided six definitions for the verb *polir* [to polish], three literal ('to clean', 'to

polish', 'to sharpen') and three figurative ('to civilise', 'to make one's speech more correct/polished' and 'to make oneself more perfect') (Starobinski, 1993: 12).

These definitions alert us to the conceptual and material role of police as a mode of governing life in a civilized polity. In its all-encompassing power, police power was harnessed to strengthen the state by means of conditioning collective as well as individual behaviour. Police power dictated the norms for 'proper order' for all aspects of life in society and exhorted compliance from the population; thus, it required the mobilization of all of the state's bodies and resources, not just one institution in particular. We argue that this expansive concept of police power as it manifested in the 17th century, far from disappearing with the rise of representative state power and consolidation of capitalist modernity in the late-18th century, gets tweaked and twisted into a form suitable for such modern regimes. Instead of shrinking its domain and narrowing its scope, police power is fine-tuned to consolidate and reproduce an economic order organized around the extraction of value from the working class (Neocleous, 2021: 53–66).

This is how police power developed in Europe. The process unfolded in a similar way in Colombia, through the enforcing of a colonial order built to mirror the European social structures.

One of the main paradigms undergirding the colonial order in Latin America was a linear understanding of progress and civilization inherited from the European tradition. As an imperial power, Spain was presented as the epitome of order and civilization against the disorder and barbarism of the colonized territories and Indigenous peoples (Alzate Echeverri, 2007; Quijano, 2000). In line with the colonial ideology of other European powers, the Spanish conceived of the colonized spaces as empty, devoid of culture and thus in need of civilizing measures (Robledo Gómez and Rodríguez Santana, 2008: 27). One key measure was *policía*. As we have discussed, police, as it was emerging in Europe, was a means to condition collective and individual behaviour in order to buttress a particular socio-economic order. For a society to conform to police, certain rules were considered necessary ranging from seemingly trivial practices, such as etiquette, through to far heftier structural socio-economic arrangements such as the administration of land and labour. As such, the police power was an essential tool for colonial exploitation and expansion.

The city, the original site and focus of all police (as intimated in the Greek *polis*) was the starting point. The territorial demarcation of Spanish-designed towns and cities was a pillar of the new colonial order, in that they were specifically designed to take over and exploit the so-called New World (Stolker, 2017). Originally constructed as forts for the newly arrived *conquistadores*, the development of towns and cities gave colonizers power over formerly dispersed Native communities, control over natural resources and strengthened their economic position by connecting commercial routes (Romero, 1999). This practice was central to the project of installing a civilized society, and it was intimately connected to the notion of *improvement*, a word that originally referred to making money, in the sense that to improve the land was to cultivate it for profit, but which was also one of the key concepts of the police power (Neocleous, 2014: 60–74).

The full enjoyment of life in the colonial town was reserved for the Spanish elites. The 'undesirable', 'uncivilised', Indigenous and Black peoples were included in society only

in ways that facilitated their ‘improvement’, which was to come through the mechanisms of forced labour, coercive discipline and racial segregation (Gutiérrez Rocha, 2014: 73). This vision of colonial social order thus brought Spanish, Black and Indigenous populations together and, at the same time, sedimented the perceived difference between them (Robledo Gómez and Rodríguez Santana, 2008: 27). The order established by and through *policía* was founded on the expropriation, dispossession, exploitation and subjugation of Indigenous and Black people. *Policía* as civilizing improvement was the strategy for the regulation of cultural expression, the organization of social life and the political consolidation of the colonial state. This was *policía* as a means and measure to establish and maintain social order.

The lens of the critical theory of police power therefore reveals the many ways in which police before *the* police was already fulfilling a crucial role in state making, shaping and ordering civil society in Europe as well as in colonized territories. But we now need to follow the development of *policía* in Colombia more carefully, addressing two main issues. The first is the historical development of the concept and its place in the administration and regulation of life in Colombia through the 19th century. The second issue is the extent to which the literature on police history has been undermined by its focus on an anachronistic notion of *the* police as opposed to the expansive concept of *policía*. To do so, we focus on the key historical documents of *policía* as the debate about its nature develops through the 19th century, especially concerning Colombia’s Year Zero.

From *policía* to ‘police’: Writing police history

Before the legal foundation of the National Police, various responsibilities and roles existed that would eventually come under the purview of what emerged as *the* police force. These police tasks and roles are identifiable in 19th-century legislation and constitute the ground on which the National Police would eventually be institutionally consolidated. However, these aspects were but a relatively modest part of what was understood as *policía* at the time. To explore the expansive conceptualization of *policía* in Colombia and how it developed in time, we will highlight important dimensions of Colombian law from 1821, two years after independence, until the legal consolidation of the National Police in 1891, as well as examine other historical texts that will provide us with important insights.

During the 19th century, the colonial-inherited notion of *policía* was mobilized as a means to protect a particular form of state order. We will illustrate this with specific examples showing what this meant in the context of Colombia. Alzate Echeverri (2007: 159) quotes a text written in 1803 by the *oidor visitador* [visiting judge] to Antioquia, who complains about the lack of *policía* in the province:

I noticed little cleanliness and tidiness of streets, even in the larger settlements. ... The absolute absence of buildings that pointed to the civilisation of the inhabitants; because there was no council, no hospitals, no butchers, nor anything that displayed a trace of culture. ... Not initiating these constructions mean[s] continuing in disarray and barbarism.

The judge disparaged Antioquia’s disorderliness, dirtiness, absence of public buildings and complete lack of a thriving commercial market. The province was uncivilized.

Life in Antioquia was tantamount to barbarism. As the judge astutely observed: 'The lack of *policía* was noticeable.' A province that did not meet the standards of *policía* in the form of *proper* urban order, *propriety* in the forms of life and *property* circulating in the public sphere, was evidence that the state was failing to fulfil its *productive* role in the creation of order.

In addition to having a well-equipped urban centre with public buildings, clean streets and busy markets, life under *policía* required that the city be rid of undesirable people. A passage from an 1831 decree issued by the prefect Rufino Cuervo is an illustrative example: 'Due to the disarray [*desarreglo*] of the police of order [*policía de orden*], this capital has turned into an asylum for all those who are not tolerated in other places.' To overcome this, the decree sought to subsume life under *policía* through one of the most fundamental police operations: the use of legal and administrative power against vagrancy. Announcing in Article 1 that each area will have 'a watchman to maintain order, cleanliness and public tranquility', Article 4 goes on to outline their functions and responsibilities:

The obligations of the watchmen ... are: 1st to guard against idleness, laziness [*holgazanería*], scandalous immorality, and the circulation of news, papers and letters that corrupt or lead the people's opinion astray. 2nd to collect the vagrants who are able to work, the foreign youths who are fleeing and without purpose, the local youths who are begging due to parental neglect or because they are orphans, and those who are wandering the streets after hours 3rd to bring those who leave their place frequently before the head of police 5th to guard against houses for gambling or prostitution 7th to put together a population census 8th to look after the cleaning of the streets.

As shown in this excerpt, there were several kinds of people and activities that were said to be in conflict with the social order desired by the ruling elites and to have no place in civilized society. In listing these people living without *policía*, the decree provides an insight into what a state-endorsed *policía* was expected to look like in the first half of the 19th century. *Policía* entailed the pacification of subjects through a range of police practices: concentrating and counting subjects (population census); making sure that the subjects were contributing to the economy (penalizing slothfulness, idleness and joblessness); preventing the proliferation of unacceptable values (guarding against prostitution, gambling and scandalous immorality); getting rid of unseemly sights (dirty streets and begging orphans); and preventing any challenge to the political order (by managing the circulation of news and opinions).

At the beginning of the 19th century, the general idea of the governance of the nation was often broken down in legislation into different types of *policía*. For instance, *policía rural* referred to the governance of rural areas, while *policía de salubridad* referred to the maintenance of public health. Some other sub-categories of *policía* to be found in 19th-century laws include urban *policía*, *policía* of cleanliness, *policía* of urban beautification, *policía* of abundance, *policía* of customs and *policía* of comfort. The legal definition of these different types of *policía*, however, is neither methodical nor systematic, but, rather, is a series of somewhat uncoordinated attempts to organize political administration into discrete units for the purposes of producing and reproducing a specific

form of order. This is illustrated by the fact that *policía* could be categorized according to the type of tasks that were associated to it—e.g. *policía* of public health and *policía* of amenities—but also into geographical categories, mainly *policía rural* and *policía urbana*. For example, according to *Ley de 11 de Marzo de 1825* municipalities were in charge of everything relating to *policía de salubridad* [police of public health] and *policía de comodidad* [police of amenities], including fixing of weights and balances; maintenance of streets; and the beautification of public places (Article 88). In turn, *policía rural* and *urbana* covered broadly the same tasks of *policía* as outlined above, such as keeping the streets clean and undertaking beautification projects (Articles 17, 89, 15), but their classification indicated whether the *policía* was happening in urban or rural areas.

As we can see, these categories of *policía* were not well defined, often overlapped and tended to vary over time, which meant that tasks and measures relating to *policía* are found scattered all over the legislation. The fact that *policía* can be found in so many contexts in the law gives us further evidence of the wide-encompassing reach of this powerful concept. We repeatedly find the word *policía* associated with tasks related to things such as infrastructure (e.g. *Decreto de 5 de Abril de 1825*, Article 13: cleaning, repairing or erecting new public buildings such as schools and prisons; *Decreto de 24 de Agosto de 1827*, preamble; *Ley de 11 de Marzo de 1825*, Article 88: cleaning, repairing, improving and constructing new public roads, paths, sidewalks and docks); fostering and maintaining of good standards of sanitation and public well-being (e.g. *Ley de 11 de Marzo de 1825*, Article 87: diverting dirty waters, building cemeteries and checking the quality of foodstuffs); monitoring good practice in commercial settings (e.g. *Ley de 11 de Marzo de 1825*, Article 88: balancing market scales); as well as effecting moral policing (e.g. *Decreto de 22 de Diciembre de 1827*, Articles 20 and 22: guarding against prostitution and gambling houses, and censoring the circulation of ‘undesirable’ images and publications); and overseeing ‘law-and-order’ (e.g. *Decreto de 12 de Noviembre de 1930*: responsible for the persecution of lawbreakers; *Ley de 18 de Mayo de 1841*, Article 18: eradicating vagrancy). The evidence found in 19th-century legislation thus allows us to assert that the purview of *policía* is social life itself—an expansive conceptualization that could never quite be shaken off as, to this day, there is always *policía* beyond the police. However, this has not always been recognized by those writing about the history of police in Colombia, which has led to the sedimentation of a questionable narrative that we seek to contest.

In an article published in the CNP’s own journal of police history, Pulido Barrantes (2012: 60) claims that it is difficult to pinpoint the precise meaning of the concept of *policía* as understood from 1719 to 1845 because ‘neither the government nor the society had a clear understanding of the real scope and meaning of the concept of police, which they easily mixed up with judicial, administrative or commercial activities’. In fact, and contra such a claim, the conceptual confusion regarding the definition of *policía* pre-1891 comes not from a lack of understanding on the part of the government or society of that time but, rather, from the widespread anachronistic reading of historical material by contemporary scholars. Through such a reading, they have failed to see the richness of the concept of *policía* and its importance in understanding state formation in Colombia. Some scholars have acknowledged the wider meaning of *policía*

(Acevedo Tarazona and Puentes Cala, 2014: 166, note 4; Hering Torres, 2018: 24; Nieto, 1976), and others have noted that it is a thorny and complicated term (Aparicio Barrera, 2019; Martínez, 1998), yet there is little analysis of the broader conceptual issues at stake. Consequently, the significance of thinking about *policía* as *police power beyond the police* has been missed.

The most widely cited book on the history of Colombian police is Álvaro Castaño Castillo's *La Policía: Su Origen y Su Destino* (1947) where he developed a historical narrative grounded on a partial and frequently imprecise reading of post-independence legislation. Apart from very few exceptions (Martínez, 1998; Nieto, 1976), no in-depth studies of the pre-1891 police have been developed since, and, as a consequence, Castaño Castillo's book has endured as a foundational work and shaped most of the literature on the history of the Colombian police to date. Following the train of thought laid down by Castaño Castillo, most scholars who have addressed the history of *policía* in Colombia in the pre-1891 period (such as Becerra, 2010; Blair Trujillo, 1993; Gilibert, 2002; Pulido Barrantes, 2005, 2012; Saldarriaga Vélez, 2012), have developed their analyses on the assumption that references to the term *policía* in early Colombian legal texts imply the existence of a body or institution. However, as we have shown, *policía* as used in early- to mid-19th-century texts and legislation rarely referred to a police body, and even less to an institutionalized force. The 'police force' in the early-19th century, thus, turns out to be little other than a phantom of modern scholarship. Let us explore some of the key misconceptions advanced by this literature.

In his book, Castaño Castillo (1947: 62) introduced the discussion of the origins of the CNP by suggesting that very few institutions in Colombia were granted their own ruling statute:

The *policía* [understood as an institution] was not amongst those few and, because of this, the first efforts toward creating a police force are, as it were, hidden in some articles in Law of the 8th of October 1821, and of the 11th of March 1825.

The assumption in such a claim is that *policía* referred to an institution as far back as the 1820s. This misconception led him to conclude that the police force was not the subject of its own ruling statute in the early 1800s, not because no such body existed but because very few institutions were given their own piece of legislation. This assumption allowed him to see the creation of a police force 'hidden' in certain articles of legislation. The articles that, according to him, were 'hiding' the existence of *the* police are found in the law of 'the 8th of October 1821, and of the 11th of March 1825' (1947: 62). However, the '*Ley de 8 de Octubre*' does not match with any in the legal records, and it is probably the case that Castaño Castillo was thinking of Article 47 and 48 of *Ley de 2 Octubre de 1821*, which he quotes as follows:

Article 47: the tasks of the cabildos [administrative councils] are:

1st: the *Policía* of salubrity, cleanliness and comfort.

2nd: to help the judges in anything pertaining the safety of the people and the neighbours' goods and the maintenance of public order.

...

Article 48: The mayors ... are in charge of the *Policía*, order and tranquility in their *cantones* and *parroquias* [territorial divisions].

(Castaño Castillo, 1947: 62)

According to Castaño Castillo (1947: 62), these articles represent the attempted creation of a police body, an attempt that was frustrated because of 'the special circumstances of the time, the war taking place in Perú at that moment, and the general mood'. The problem here lies in the assumption that the word *policía* referred to an institution. That his assumption is untenable is further demonstrated in the very law that he is making reference to—*Ley de 2 Octubre de 1821*—though he either did not realize this or chose to ignore the evidence. If we go beyond the partial account that Castaño Castillo gives of this legislation and, instead, read all the provisions of the *Ley de 2 Octubre de 1821*, it is clear that *all* of the political heads of the territorial divisions of Colombia were in fact in charge of *policía*. *Intendentes* (the political rulers of large territorial jurisdictions called *departamentos*) had powers in matters of *policía* (Article 5), as did governors in their provinces (Articles 21, 22), 'political judges' in their *cantones* (Article 33), and, finally, *cabildos* and mayors (Articles 47, 48). An analysis that takes into account the entirety of the provisions of this law, therefore, cannot avoid the conclusion that *policía* refers not to an institution but to what we have already identified as a wider state power with a more ambitious task: nothing less than the fabrication of social order and the political administration of the nation.

Scholarship in this field has replicated the distorting effects of Castaño Castillo's argument. Becerra (2010: 146), for instance, states that Article 3 of *Ley de 11 de Marzo de 1825* gave municipal mayors the power to 'command the police body in towns and cities'. In fact, Article 3 refers not to a police body but to *policía* in the broader sense, requiring that mayors 'safeguard the tranquility, good order, security of inhabitants and their goods, execute the laws and orders of the Executive Power, and deal with *everything related to the policía and prosperity of the department*' (emphases added). Likewise, Pulido Barrantes (2005: 15) states that Francisco de Paula Santander (vice-president of Colombia at the time) 'issued a decree in November 1819 reorganising the police service in order to "strive for public security and the well-being of the country", while also creating a secret police'. No reference is provided for the law he is quoting, but it is likely that he is referring to two decrees: *Decreto 39 de 9 de Noviembre de 1819* on the Secret Police *Ad Honorem*; and *Decreto 49 de 17 de Diciembre de 1819 Acordado Sobre Policía*. Yet neither of these decrees suggest any reorganization of a police corps. Moreover, although the decree of 9 November did indeed see the creation of a secret police *ad honorem*, the decree of 17 December has no relation to public security or to a police body. Again, to restate our point, *policía* in

this decree concerned *the wider task of political administration and the project of civilizing the nation*. Take, for example, the decree's preamble:

'Public wellbeing [is] one of the main objectives of the government and unsustainable without good *policía* that provides for the cleaning of streets, plazas, sewers, construction of roads and maintenance of bridges and sidewalks.'

The decree has little to do with reorganizing the police force, as suggested by Pulido Barrantes, and is in fact a decree for civilizing social order through good *policía*.

We can extend this argument by focusing on one role often referred to in pre-1891 legislation that has compounded the distorted analyses in modern scholarship, namely the *jefe de policía* ('chief of police'). An assumption that *policía* refers to a body or institution has led some authors (Becerra, 2010; Gilibert, 2002) to assume that the *jefes de policía* were something equivalent to what we would now call *Directores de la Policía*, in charge of commanding the police corps. In fact, it is quite clear from the legislation that these *jefes de policía* were not police chiefs, but state officials who, as part of their job, exercised *policía* to govern people and social life. Certainly, this seems to have been the case at least until the 1840s, when the first *cueros de policía* (police bodies) began to appear. An important clue that alerts us to this distinction between *jefe de policía* and the head of a *cuero de policía*, is found in Article 64 of *Decreto de 22 de Diciembre de 1827*, which advises that 'the *jefes de policía* ... will ask for help ... from the armed forces and militias' and that 'the *jefes del cuerpo* [*jefes* of the body] will provide help without any hesitation'. The *cuero* here is a clear reference to an armed force, but there is no indication that the *jefe de policía* is the commander of any such body. Rather, *jefes de policía* were state officials who, lacking a *cuero*, might in certain situations be aided by armed forces. The role of *jefe de policía* was one entrusted to administrative and political officers, such as governors (e.g. *Decreto de 23 de Diciembre de 1828*, Article 9), who were in charge of overseeing all matters regarding *policía* as the political administration of the state. However, an official need not have been a *jefe de policía* in order to have engaged in this administration. For example, in Article 3 of *Decreto de 23 de Diciembre de 1828*, it is the *prefects* who are expected to supervise *policía* in all the territory of their jurisdiction, enforce regulations and dictate measures to perfect *policía* and ensure 'the tranquility of the State'. In Article 19 of *Ley de 11 de Mayo de 1830*, the *municipal councils* were given this responsibility, whereas in Article 89 of *Ley de 19 de Mayo de 1834*, the *mayors* were charged with the task. It is clear, then, that a variety of different administrative and political officers—some *jefes*, some not—were charged with maintaining *policía* in the first decades of the 1800s.

We are by no means suggesting that there was *nothing* in these laws and decrees that resonates with the modern National Police force. Quite the opposite, in fact. Article 5 of the 1827 decree on *policía general* states that the *jefes de policía* must look after public security and the life, honour and goods of citizens, while Article 6 tasks them with maintaining public tranquillity and security and grants them powers to investigate crimes, break up fights, mass gatherings and public disturbances, and foil plots against the state. Article 17 authorizes *jefes de policía* to pursue and apprehend murderers, robbers, thieves, deserters and other criminals. Thus, bearing in mind the fact that

there existed no police *institution*, it is still possible to identify certain tasks related to *policía* in the first half of the 19th century that resonate with the idea of 'police' in its narrower sense. Although the *jefes de policía* were not 'police chiefs' as such, there were undoubtedly some tasks and responsibilities associated with the role that we might recognize as characteristic of their modern-day counterparts.

Although the expansive and seemingly endless array of tasks associated with *policía* is still very much visible in legislation such as a decree of 22 December 1827 (carrying out censuses, overseeing charity houses for the homeless, the poor and the sick, building dykes and canals in order to prevent floods, numbering houses, shops and streets, maintaining streets and public ways, and making sure dead bodies are buried deep enough), soon we would start to see the emergence of *cuervos de policía* created to undertake many of these tasks. In this context, we can begin to trace the emergence of the National Police in the decades preceding its legal foundation in 1891.

We first find the word *policía* deployed in relation to a specific group in charge of security in *Decreto de 30 de Mayo de 1838*. This decree authorized the establishment of a body of *resguardos de policía y seguridad* (guards of *policía* and security) to protect, as it states in the Preamble, 'the safety of the towns of the province of Casanare, due to the incursions of the savage indigenous tribes that surround them'. As well as reminding us of the very intimate link between the racist, marginalizing, brutal colonial order and *policía*, what the decree also highlights is *policía* as a more general policing of class power and political order. This much is clear in other decrees such as *Decreto de 13 de Septiembre de 1838*, which entrusts these police groups to repress rebellion and insubordination; persecute lawbreakers; defend people from perceived threats; maintain order and security; support public officers in the exercise of their jobs; persecute escaped convicts, 'evildoers' and deserters; guard against tax fraud and persecute contrabandists; transport convicts, prisoners, deserters; escort war material; patrol paths and places; and assist the employees of the judicial and financial branches. As can be seen from this list, even as the term *policía* begins to refer to specific groups such as the *resguardo de policía y seguridad*, it retains the logic of 'civilization' and 'good order' at its core. Which is to say, even as it becomes increasingly 'institutionalized', the police power is still, always already, a generalized class power.

The *resguardos* that appeared at the end of the 1830s seem to be precursors to what the law on 'general *policía*' (*Ley de 18 de Mayo de 1841*) calls '*cuervos de policía*'. This law dictated that every province would have one such group with a maximum of 60 *comisarios* under the direct orders of inspectors who would be subordinated to *jefes de policía*. These bodies would be armed by the state and have as their responsibilities the kinds of activities with which 'modern' police forces tend to be associated, as itemized for the *resguardos de policía y seguridad* of Casanare. Following this, several *cuervos de policía* were established in the 1840s (in Popayán in 1843, Ambalema in 1845, Casanare in 1845 and Bogotá in 1846). The model of identifiable groups in charge of these particular tasks of *policía* is one that places emphasis on the definition of *policía* as a body in charge of regulating public life, particularly in matters of security, and, in this sense at least, points to the similarities between the responsibilities of those

cuerpos and current police corps. These *cuerpos*, then, set the stage for the emergence of the CNP in 1891.

The myth of Year Zero

By the 1870s, *policía* is being increasingly used in relation to security and guarding. For example, we have *Ley de 22 de Abril de 1870 'sobre policía de fronteras'*, on border *policía*, and *Ley 84 de 10 de Junio de 1871 'sobre policía de los puertos marítimos y fluviales'*, on the *policía* of maritime and river ports to ensure the safety of the vessels along with the maintenance of order. It follows that by the 1870s we have *policía* as attached to the *cuerpos de policía* now operating in several territories, and the occasional use of the word in laws such as the two mentioned above, to signify something that comes increasingly close to the current definition of policing. A noteworthy development appears in *Ley 22 de 7 de Junio de 1883*, Article 2 of which requests an addition to the national budget 'to increase the salary of *el policía* in charge of correspondence'. Thus, we find the word *policía* referring to the person who is part of a body of police: a police officer. Similarly, *Ley 40 de 10 de Octubre de 1883* requests a sum from the national budget to be allocated to 'pay Justo Villa the salaries owed to him as a *policía* of the national territory of San Andrés and San Luis de Providencia'. This use of the word *policía* is identical to the modern use of 'police officer'.

In the decade prior to Year Zero, then, we find police bodies and police officers already in place, but no National Police corps. In fact, though the year 1891 is lauded as being *the* police's Year Zero, a fully nationalized institution would not be consolidated until the mid-1960s (Gutiérrez Gómez, 2021; Llorente, 1999). By examining the history of *policía* in Colombia through the lens of critical theory of police power we can therefore appreciate the complex conceptual development surrounding the police power in the decades leading up to 1891, while avoiding the temptation to find a police corps where none existed. What this means is that a critical approach to police power constitutes a radical departure from the existing literature on policing in Colombia, as it relies on an understanding of the complexity of the concept of *policía* and/as police, and, further still, recognizing *policía* beyond the police. This type of analysis shows that, as with police power in general—that is, as it operates in and through different national cultures—the existence of something called a police force and a police officer has never really been able to reduce the police concept to those institutions or figures. As with all such Years Zero, the idea that the CNP was created in 1891 suggests that something new was created: a police force that is professional, institutional and narrowly focused on 'real' police work, thereby breaking with the earlier and supposedly ill-defined, wider concept of police. As with all such Years Zero, this supposed foundational date is yet another form of police mythology.

Moreover, in Colombia as elsewhere, the broader sense of *policía* remains—both within the CNP and throughout the state. Five years prior to the creation of the CNP, Colombia's new constitution of 1886 permitted municipal assemblies to 'rule on everything to do with local *policía* as long as it has not been regulated by law' (Article 187). This was reinforced with the new provisions for a state of siege, allowing rule by emergency powers in the name of public order. But we might make the case more coherently if we take the most liberal of all the Colombian constitutions, the current one, agreed in

1991. Modelled on the German Constitution of 1948 and the Spanish constitution of 1978, this constitution has been widely held up as bringing Colombia into line with 'advanced' liberal democratic states. Its core concept is a Social Rule of Law (*Estado social de derecho*), and it embraces equality, diversity, rights and participatory democracy. Its statements about the police could be taken from any other modern liberal constitution. And yet as much as it speaks of police authorities and police offices, so the constitution retains *policía* as a reference to matters of general administration and the organization of state power in the name of good order (e.g. Article 135), grants police powers to non-police officials (Article 315), charges the National Police with the task of ensuring that 'the inhabitants of Colombia live together in peace' (Article 218), and points to policing 'beyond the use of ordinary police powers' (Article 213). Article 300 grants to the territorial 'Departmental Assemblies' the power to 'dictate *normas de policía* on everything that is not specified by law'. Just as the 1991 constitution was intended to end the permanent 'state of siege' under which Colombians had been governed for decades, and yet continues to allow such states to be declared, requiring powers beyond 'ordinary' police powers, so *policía* is required, over and again. This is reflected, and detailed more thoroughly, in the current Colombian police code, in which three different aspects of *policía* can be identified: *policía* as *poder*, *policía* as *función* and *policía* as *actividad de policía*. In other words, as well as police as capacity/role/duty (the *función* of police officers and bodies), we find *policía* also imagined as a *power* and an *activity*. Article 11 of the Police Code defines police power as the ability of Congress to define the norms of *policía*, understood as being of 'a general, impersonal and abstract nature'. It reinforces the constitutional position that Departmental Assemblies 'exercise subsidiary police power to dictate norms in matters that are not reserved for the law'. The Code defines the capacity of *policía* as 'the ability to enforce rules established in the exercise of police power, through the issuing of general regulations and appropriate actions to guarantee [peaceful] coexistence'. This is the very reason that *policía* still falls under the purview of different actors, including the President, Congress, councils, mayors and the military (*Ley 1801 de 29 de Julio de 2016*).

All of which is to say that while it is certainly the case that there is now more conceptual finesse and specificity regarding who the police authorities are and the extent of their powers, certainly compared with the structures of police power that were in place before the CNP was consolidated, it is still the case that the breadth of *policía* extends so widely that it covers life itself. The reason the broad sense of *policía* will not go away is a stark reminder that the state needs such a general, catch-all and abstract concept in order to continually reproduce the order it imagines as civilized and good. To put that another way, the state can only ever imagine life under *policía*, and insists that we share this imagination. For this reason, *policía* retains a sense of formlessness, intangibility and all-pervasiveness. *Policía* through the police, of course, but also and always *policía* beyond the police.


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References

- Acevedo Tarazona A and Puentes Cala M (2014) Orden y Autoridad en los Orígenes del Proyecto Político de la Regeneración (1885–1899). *Historia y Espacio* 10(42): 163–185.
- Álvarez de Miranda P (1992) *Palabras e ideas: El Léxico de la Ilustración Temprana en España (1680–1760)*. Madrid: Real Academia Española.
- Alzate Echeverri AM (2007) *Suciedad y Orden: Reformas Sanitarias Borbónicas en la Nueva Granada, 1760–1810*. Bogotá: Editorial Universidad de El Rosario.
- Aparicio Barrera J (2019) *La Ideología de la Policía Nacional de Colombia en los Años 60 y 70*. Bogotá: Grupo Editorial Ibañez.
- Auten JA (1981) The paramilitary model of police and police professionalism. *International Review of Police Development* 4(2): 67–78.
- Becerra D (2010) Historia de la Policía y del Ejercicio del Control Social en Colombia. *Prolegómenos: Derechos y Valores* 13(26): 143–162.
- Benjamin W (1996 [1921]) Critique of violence. In: *Walter Benjamin Selected Writings, Vol. 1: 1913–1926*. Cambridge, MA: Harvard University Press, 236–252.
- Benveniste E (1971) *Problems in General Linguistics*. Miami, FL: University of Miami Press.
- Blair Trujillo E (1993) *Las Fuerzas Armadas: Una Mirada Civil*. Bogotá: Cinep.
- Castaño Castillo A (1947) *La Policía: Su Origen y Su Destino*. Bogotá: Cahur.
- Critchley TA (1919) *A History of Police in England and Wales*. Montclair, NJ: Patterson Smith.
- De Foronda V (1801) *Cartas Sobre la Policía*. Madrid: La Imprenta de Cano.
- Dubber MD (2005) *The Police Power: Patriarchy and the Foundations of American Government*. New York: Columbia University Press.
- Elias N (1939) *The Civilizing Process*. Oxford: Blackwell.
- Febvre L (1930) Civilisation: Evolution of a word and a group of ideas. In: Burke P (ed.) *A New Kind of History*. London: Routledge and Kegan Paul, 160–190.
- García Moneris C and García Moneris E (2008) ‘Civilidad’ y ‘buen gobierno’. *Saitabi* 58: 393–422.
- Gilibert LE (2002) *Historias Desconocidas de la Policía 1791–1891*. Bogotá: Intermedio Editores.
- Gutiérrez Gómez L (2021) *Institutional development, police practice and gender politics in the Colombian National Police*. PhD thesis, University of Cambridge, UK.
- Gutiérrez Rocha RF (2014) Segregación Urbana en Bogotá: Crítica al Ordenamiento y Control Urbanístico en Materia de Construcción. *Cuadernos de Vivienda y Urbanismo* 7(13): 68–83.
- Hering Torres MS (2018) *1892: Un Año Insignificante: Orden Policial y Desorden Social en la Bogotá de Fin de Siglo*. Bogotá: Editorial Planeta.
- Llorente MV (1999) Perfil de la Policía. In: Llorente MV and Deas M (eds) *Reconocer la Guerra Para Construir La Paz*. Bogotá: Ediciones Uniandes, 391–473.
- Martínez F (1998) Las desilusiones del Orden público: los comienzos de la policía nacional en Colombia. In: Posada-Carbó E (ed.) *Search of a New Order: Essays on the Politics and Society of Nineteenth-Century Latin America*. London: University of London, 153–177.

- Mejía Pavony GR (2000) *Los Años del Cambio: Historia Urbana de Bogotá, 1820–1900*. Bogotá: CEJA.
- Neocleous M (1996) *Administering Civil Society: Towards a Theory of State Power*. London: Macmillan.
- Neocleous M (2000) *The Fabrication of Social Order: A Critical Theory of Police Power*. London: Pluto.
- Neocleous M (2014) *War Power, Police Power*. Edinburgh: Edinburgh University Press.
- Neocleous M (2021) *A Critical Theory of Police Power*. London: Verso.
- Nieto A (1976) Algunas precisiones sobre el concepto de policía. *Revista de Administración Pública* 81: 35–75.
- Novack WJ (1996) *The People's Welfare: Law and Regulation in Nineteenth-Century America*. Chapel Hill, NC: University of North Carolina Press.
- Pasquino P (1991) Theatrum politicum: The genealogy of capital—police and the state of prosperity. In: Burchell G, Gordon C and Miller P (eds) *The Foucault Effect*. Chicago, IL: University of Chicago Press, 105–118.
- Pulido Barrantes CA (2005) La Policía a Través de la Historia. *Cuaderno Histórico de la Policía* 11: 12–40.
- Pulido Barrantes CA (2012) Evolución del Concepto de Policía Dentro del Virreinato e Iniciación de la Independencia. *Cuaderno Histórico de la Policía* 18: 55–76.
- Quijano A (2000) Coloniality of power and eurocentrism in Latin America. *International Sociology* 15(2): 533–580.
- Raeff M (1983) *The Well-Ordered Police State: Social and Institutional Change through Law in the Germanies and Russia, 1600–1800*. New Haven, CT: Yale University Press.
- Rawlings P (2008) Policing Before the Police. In: Newburn T (ed.) *Handbook of Policing*. London: Routledge, 47–71.
- Reiner R (2010) *The Politics of the Police*. Oxford: Oxford University Press.
- Robledo Gómez AM and Rodríguez Santana P (2008) *Emergencia del Sujeto Excluido*. Bogotá: Editorial Javeriana.
- Romero JL (1999) *Latin America: Its Cities and Ideas*. Washington, DC: Interamer Collection.
- Saldarriaga Vélez OJ (2012) Bogotá, la regeneración y la policía: 1880–1990. *Cuaderno Histórico de la Policía* 18: 26–54.
- Starobinski J (1993) *Blessings in Disguise, Or, The Morality of Evil*. Cambridge, MA: Harvard University Press.
- Stolker R (2017) La modernidad y la ciudad colonial como patrimonio cultural en América Latina. *Revista Estudios de Políticas Públicas* 3(2): 90–105.
- Tomlins C (1993) *Law, Labor, and Ideology in the Early American Republic*. Cambridge: Cambridge University Press.
- Von Justi JHG (1909) Grundsätze der Policey-Wissenschaft. In: Small A (ed.) *The Cameralists: The Pioneers of German Social Polity*. Chicago, IL: University of Chicago Press, 437–442.
- Zedner L (2006) Policing before and after the police: The historical antecedents of contemporary crime control. *British Journal of Criminology* 46(1): 78–96.

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