Staring Down the State: Police Power, Visual Economies, and the “War on Cameras”

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Abstract
This paper considers how the politics of security and order are also a politics of aesthetics encompassing practical struggles over the authority and regulation of ways of looking and knowing. To do this, the paper considers the visual economies of police power in the United States by engaging what has been called the “war on cameras”, or the police crackdown on citizen photographers who “shoot back” or “stare down” police. Despite US law generally endorsing the right for citizens to film or photograph on-duty public police officers, in recent years hundreds of cases have been documented where police have confiscated or smashed cameras, deleted film, or intimidated and threatened those wielding an unauthorized camera. For us, this crackdown on the unauthorized stare is a theoretically and politically insightful case study—a diagnostic moment—for engaging more openly and starkly the assumptions underpinning police power more generally, particularly the ways police power aims to actively fabricate social order by eradicating anything it deems a threat in the name of security. Ultimately, we argue that the violence holstered, literally and figuratively, on the hip of modern policing is inseparable from an attendant politics of staring and visuality that further extends and perpetuates state power’s aim of pacification.

Keywords
authority, pacification, police power, visual economies, visuality

Police at the station  
And they don’t look friendly  
Well they don’t look friendly

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Well they don’t look friendly
Police at the station
And they don’t look friendly
They don’t look friendly well
They don’t

Tom Waits, *Cold Water*

**Introduction**

The politics of security and order are also a politics of aesthetics encompassing practical struggles over the authority and regulation of ways of looking and knowing. This is also to say that security projects aiming to fabricate social order by pacifying populations, such as with military occupations and domestic policing (see Herbert, 1996; Neocleous, 2011; Neocleous and Rigakos, 2011) are bolstered and haunted by geographies of visibility and invisibility. In the United States, the visual politics of state power are particularly evident when amateur and professional photographers are confronted and treated as “suspicious” threats by state agents (see Simon, 2012). The security state, whose existence is dependent on coercive looking practices—surveillance, routine patrol and observation, intelligence gathering and interrogation—is undoubtedly, in the words of a few political geographers, “strangely camera shy” (MacDonald, Hughes and Dodds, 2010: 1). The shyness elicited by an unauthorized camera often sets in motion a politics of staring, where authorities aim to order the aesthetic and social fields, by which we mean the parameters of what is perceptible and knowable, with coercion and violence, political posturing, and discursive and technological ruses.

The politics of staring down the state increasingly plays out most powerfully when an unauthorized gaze photographically “shoots back”, so to speak, directly at uniformed police agents with cellphone cameras and other visual prosthetics. Some describe tensions generated by attempts to capture misconduct and even banal police activities as a “war on photography” (see Simon, 2012) or a “war on cameras” (see Balko, 2010a). For instance, the libertarian-leaning activist group CopBlock describes:

> Across the country, police officers and other government officials are waging a war on cameras. People everywhere are being harassed, detained, threatened, assaulted, and even arrested just for legally taking photographs or filming. Government officials are even unlawfully confiscating cameras and destroying photographs and videos. (Copblock.org, 2013)

Despite the fact that in most cases US law authorizes photographing and filming of police, unsurprisingly and quite significantly, police agencies and individual officers typically do not welcome or appreciate the photographic counter-stare. To list but a handful of the countless skirmishes in this “war on cameras”:

- Just seconds after Bay Area Rapid Transit (BART) officer Johannes Mehserle shot and killed 22-year-old Oscar Grant, officers began confiscating the cellphones of bystanders. However, several witnesses retained their phones and soon uploaded the videos to YouTube. One video, shot through a door window from inside a train, shows Mehserle
shooting Grant in the back as he was restrained face down on the train’s platform and an officer pounding on the train’s door in the effort to collect the damming evidence (Miller, 2009).

• On January 1, 2009, in Anaheim, California, 24-year old Manuel Diaz was shot and killed as he and two other men ran from police. The shooting sparked off community protests against the local political culture of police brutality. To “secure” this public grievance, police fired rubber bullets at “terrified children, parents and angry residents” and unleashed a “snarling police dog” on “a mother holding a child” (Gosztola, 2012). Soon after the crackdown, Anaheim police reportedly offered to purchase the cellphone footage taken at the scene, so that “it would not end up on the internet” (Gosztola, 2012). As one journalist remarked, “It would not be surprising if it was police department policy to ask if bystanders want to sell footage of police brutality to the department so they can cover-up what happens when acts like this occur. In fact, one should be surprised that they did not just take the cell phones and decide to delete the footage themselves. There are cities where cops do that and get away with it because they can” (Gosztola, 2012).

• Recently, two Harlem activists, Matthew Swayne, 35, and his partner Christina Gonzalez, 25, were surprised to learn their efforts to contest and document the NYPD’s controversial “stop and frisk” practices had earned them the designation “professional agitators.” At a NYPD precinct council meeting the pair chanced upon a bulletin featuring their mug shots and home address, warning the pair “…video tape officers performing routine stops and post on YouTube. Subjects purpose is to portray officers in a negative way and too [sic] deter officers from conducting there [sic] responsibilities. Above subjects also deter officers from being safe and tactical by causing unnecessary distractions. Do not feed into subjects propaganda” (Shen, 2012).

• Soon after capturing footage with their cellphones of NYPD officers chasing and eventually killing a knife-wielding man in Times Square, detectives confiscated the cameras of at least two individuals. While one of these witnesses was talking to reporters, a detective approached to ask to see the footage. According to the phone’s owner, the detective’s “eyes got big when he saw the video,” and he warned “You shouldn’t be showing your phone to the media” and confiscated it with the promise of a voucher to obtain at a later date. The witness never received such a voucher (Ruderman and Edwards, 2012).

• Panhandling for gas money after his truck broke down, 19-year-old Colton Dorich found himself detained by a Sheriff’s deputy. In the course of the contact, the deputy also arrested Dorich’s girlfriend, Melissa Greenfield, for attempting to record the encounter with her cellphone, writing in his report that he thought the cellphone was a dangerous weapon—a “cell-phone gun.” The deputy’s supervisor publicly defended the arrest by appealing to officer safety: “When a sheriff’s deputy encounters an individual holding something in his or her hand, the deputy will take action to identify the item. This is done for the safety of the deputy, the involved parties and the public.” When Greenfield’s cellphone was finally returned to her, the video record of the encounter was reportedly deleted, though the police denied this (Ludlow, 2010).

As the above examples attest, contemporary policing operates within a “new visibility” (see Goldsmith, 2010) where agents on the “beat” and the police institution itself is subjected to
unprecedented exposure and scrutiny by mainstream and alternative media, activists groups, and everyday actors. This new visibility lends itself to countersurveillance, where ordinary citizens or organized activists deliberately scrutinize police action or presence and often with a camera (see Huey, Dalby, and Doyle, 2006; Monahan, 2006). To be sure, the spread of police accountability groups and the general inclination to film the police has not gone unnoticed by state agents. As one police administrator complained, “Even when they try to write a simple traffic ticket, people are jumping out with cell phone cameras scanning their badge numbers and their nametags” (George, 2011). So widespread are police countersurveillance activities that organizations such as the American Civil Liberty Union (ACLU) now offer free cellphone applications designed to surreptitiously record citizen/police encounters.

At the heart of the desire to film the police and thus the “war on cameras” is the hope and implication that increased transparency portends the possibility of greater police accountability and a method to arrest state violence (see Hayward, 2010). In what follows, though, we are not directly concerned with how effective video activism or countersurveillance might be in reducing police violence, nor with how this sort of resistance might reproduce state logics of surveillance. We are certainly not interested in fetishizing the photographic counter-stare, or the previously mentioned “new visibility,” as a panacea to police misconduct. This false hope all too often, in our view, structures much of the discussion of the “war on cameras” from those on both the left and right. Let us be clear, a greater avenue to police accountability is certainly needed and welcomed, especially for those surplus populations most heavily policed and brutalized. Greater accountability, however, is a decidedly liberal hope and one not nearly radical enough considering the structural force of police power in capitalist, liberal democracies.

The crackdown on the unauthorized stare is a theoretically and politically insightful case study—a diagnostic moment—for engaging more openly and starkly the ways in which police power aims, as Mark Neocleous (2000) has demonstrated, to actively fabricate social order by eradicating anything it deems a threat (see also Dubber, 2005) in the name of security and order. In this sense, the war on cameras is structured by different but intertwining understandings of police power: that of what is usually thought of as the police—the uniformed state agent confronting a camera-wielding individual—and also a much broader and historically older notion of police, namely, police as a technology of governing the welfare and health of populations (see also Foucault, 2007) through a “social police” that actively works to fabricate capitalist social order and relations such as wage labor and poverty, private property, and rule of law (Neocleous, 2000). Building upon his previous work, Neocleous (2011) has recently appropriated the concept of pacification, which he conceives as the ways in which capitalist state power relies on both destructive and reconstructive strategies to fabricate order. We find Neocleous’ thoughts on pacification particularly useful here, as we suggest that the war on cameras exposes a police desire to pacify, namely through attempts to dictate parameters of “police-citizen” encounters and order the larger visual-aesthetic field.

By interrogating the antagonistic contours of the visual economies (see Campbell, 2007; Poole 1997) of pacification, we aim to show how the violence holstered, literally and figuratively, on the hip of modern policing is inseparable from what we call the public transcript of police power. In Domination and the Arts of Resistance, James C. Scott (1990) describes the public transcript as the open and visible decorum and etiquette demanded of the subordinate by the dominant. We could say, then, that the public transcript of police power is the decorum demanded in the encounters
between policer and policed, where the latter is expected to be polite, orderly, deferential, and respectful in the presence of police authority. We suggest that even if police didn’t actively destroy cameras wielded by unauthorized photographers, police power remains animated by the interplay between coercion and consent and leans towards the excessive. Ultimately then, the power to police the visual and social fields—what Jacques Rancière (2010) calls the partitioning of the sensible—through a coercive “camera shyness” forcefully brings to the surface the relations of violence and domination that configures the etiquette and decorum underpinning not only the micro-encounters between policed and policer, but the hegemonic appearances of capitalist social order. Nicholas Mirzoeff (2011) describes this production of hegemonic appearances as visuality, or the ways in which the dominate works to order the visual field as a way to affirm and authorize their own authority. Hence, our critique of the war on cameras suggests that the policing of the unauthorized stare and hegemonic appearances is undertaken in furtherance of the capitalist state’s aim of pacification.

Policing’s Visuality

What is certain, given the cases described above, it is that police power is acutely aware that the image is a dynamic social force working in and against the interests of the state. Indeed, as Katherine Biber (2007) has shown, criminal justice increasingly relies upon and must contend with a cadre of experts, techniques, and technologies concerning the myriad ways of photographic looking and knowing. Perhaps the most obvious example here is the police use of CCTV systems and other surveillance technologies. Police departments in the United States are also extending the logic of the patrol car dashboard camera to new mobile “body cams” in order to collect potential photographic evidence in a wider range of police activities. In some instances, individual police agents are taking it upon themselves to wear body cams as a way to protect themselves from accusations of wrongdoing and incompetence. Police are also increasingly calling upon the public to gather images for crime and accident investigation. The reliance on public images came into full view in the “crowd sourced” investigation of the Boston Marathon bombing, in April 2013, further detailing the ways in which photographic power does much work in extending and perpetuating police and state power. Yet as the war on cameras demonstrates, unauthorized photographic power is often treated as a threat to police power and the social order itself. As demonstrated in the examples of the police’s own use of scopic technologies, police power demands the ability to authorize, that is, to maintain the authority on deciding what will or will not be authorized. Indeed, police are quite preoccupied with acting against perceived threats not just to their safety or the safety of “the public,” but to their authority (see Herbert, 1996).

Thus, on one level, we can see the battle over the struggle to film the uniformed police, as one in a broader contest over the everyday police image—or the totality of social meanings of policing in a particular social and historical context (Mawby, 2013). As such, the war against photographic witnesses is perhaps no different than many other forms of “image work” such as that accomplished by police press offices and public relations officers, working to get “their version” of the “story” out to the public (Chibnall, 1975; Mawby, 2010). Police power has long been engaged in cultural production (Wilson, 2000) and stagecraft a fundamental technology of statecraft (MacDonald et al., 2010). In this light, the war on cameras is but one nascent development in the visual economies of not only “the police,” but also that of the broader social order. By visual
economies, we refer to the production, organization, and circulation of images and the values culturally ascribed to them. Yet, beyond considerations of who produced an image and helped define its meaning, visual economies also suggest that images, like other commodities, are product of and subject to broader political economies and structures of power (see Poole, 1997).8

For certain, the visual economies of contemporary policing are haunted by George Holliday’s filming of the 1991 beating of Rodney King at the hands of seven white LAPD officers. The public spectacle of King’s battered face quickly became emblematic of the LAPD’s history of racialized violence and, following the officers’ acquittal, sparked the 1992 Los Angeles riots. On the politics of King’s brutal assault, the Los Angeles hip-hop artist Ice-Cube remarked that police brutality has “been happening to us for years. It’s just we didn’t have a camcorder every time it happened” (quoted in Kelly, 2000: 47). In a variety of ways, the specter of King’s mauling has haunted the administration of police power ever since 1991, marking a “source of massive trouble for the LAPD” and serving the institution itself notice of a powerful means of synoptic resistance to state violence (Doyle, 2003: 74). In this sense, the state’s urge to police its image reveals both a fear of synoptic tactics (Doyle, 2011; Mathiesen, 1997), as well as the deployment of synoptic power, “or how the many in society are increasingly encouraged to watch and admire the ways of the powerful few” (Coleman, 2013: 142).

Accordingly, the animosity toward unauthorized photographers reflects the state’s inability to manage its own aesthetic authority. The photographic counter-stare, however benign, threatens state agents with the potential production and circulation of a negative or uncontrolled “scene”—a durable account of misconduct for the “world to see.” Similarly, by working to regulate the visual economies of personal embarrassment and state power, the image work of police agents ultimately aims to produce what Dylan Rodríguez (2006) has called a (non)scene—a state-crafted image where there is simply “nothing to see.” Because of the social force of the image (see Carney, 2010), the war on cameras is never solely against those on the losing ends of local and immediate police encounters, but instantaneously waged on all the other “eyes” and sensibilities, even those populating the more privileged geographies of bourgeois society. Despite its best efforts, police power is never able to fully master every scene, and this is particularly so in a post-King era where social media and cellphone cameras proliferate. Take, for example, the recent case of Maria Morales, a Seattle woman arrested during the 2012, May Day protests. Police arrested Morales for assault after she allegedly yelled obscenities and “punched a SPD officer in the chest.” Morales was prepared to plead no contest, when her attorney found footage on YouTube of the May Day protests and a segment that definitively disproved the state’s case against her (Hoppersted, 2012). So even if only by chance, the photographic counter-stare always threatens to reverse the state’s logic of arrest and capture with a “photographic capture”—perhaps the only form of confinement which free subjects can force upon the security state. Here, the photographic witness, as vernacular documentarian, portends to capture the significance of an event—the “decisive moments” (Ferrell and Van de Voorde, 2010) in the exercise of authority as they happen. It is these decisive moments, whether George Holliday’s grainy video footage of Rodney King’s beating or the iconic photo of the “Tank Man” in Tiananmen Square, that evade the state’s attempts to control the image and master the visual field.

If the state is ultimately fixated on, in Scott’s (1998) words, making the illegible legible, then Veena Das and Deborah Poole’s (2004) assertion that the state works to make itself illegible also applies here. The policing of visual economies works to make illegible the state’s violence, or at least violence that falls outside the “sensible” or reasonable—even though the police
institution is increasingly incapable of controlling its own unauthorized, vernacular, and unflattering photographic capture. It is no coincidence that defense attorneys for LAPD officers in the Rodney King case used “context” to their advantage, seizing on particular frames of the footage to position King as the aggressor and thus his attackers as simply carrying out their duties as “peace officers” (see Butler, 1993). If the state and, by extension the police, privileges itself as “the knowing subject” (Neocleous, 2000), largely due to its authoritative claim of the “right to look,” (Mirzoeff 2011) then any unofficial and unauthorized spectators are simply too ignorant, too civilian, too subjective to ever see “the way things really are”—to see like the state. A spokesperson for the International Union of Police Associations reveals this sort of paternalistic distrust in the public’s ability, or rather “inability” to remain objective when confronted with unauthorized images of police power:

Our problem is not so much with the videotaping as it is with the inability of those with no understanding of police work to clearly and objectively interpret what they see. Videotapes frequently do not show what occurred before or after the camera was on, and the viewer has no idea what may have triggered the incident or what transpired afterwards. (Rittgers, 2010)

Indeed, this particular position regarding spectators’ inability to properly “see” clearly demarcates a boundary between the honorable, trustworthy state and the suspicious masses of civil society. Of course, the police spokesperson above is correct when he implies that images do not “tell the whole story,” or that images are partial, incomplete, often precluding the context or events in which the captured moment took place, a point with which many critical theorists of photography and the image would also agree. What is particularly important here, however, is how this police official claims the image is always contingent on context, while at the same time claiming the state’s prerogative to provide, construct, and interpret the context of a particular unauthorized image. Photographic witnesses cannot be trusted, the logic goes, to produce “accurate” images not only of everyday police work, but of state power and its role in regulating the broader social order. This is also represented by a spokesperson for the Fraternal Order of Police who asserts that because the images in question—such as a case of alleged police brutality—were unauthorized, the legitimacy and “truth” of the images are thus suspect. He states:

How do you know the video hasn’t been edited? How do we know what’s in the video hasn’t been taken out of context? With dashboard cameras or police security video, the evidence is in the hands of law enforcement the entire time, so it’s admissible under the rules of evidence. That’s not the case with these cell phone videos. (quoted in Balko, 2010b)

Of course, concerns over images taken out of context, or the public’s inability to “interpret” the complexities of police work, completely ignore cases where photographic evidence of police misconduct has conveniently disappeared. In many ways then, police act as street-level censors, fashioning an authorized way of seeing and knowing, limiting or eliminating that which might embarrass or enrage the state. In his writings on the freedom of the press, Marx rightly sees censorship as a “police measure” that

seeks to punish not offences but opinions...because no state has the courage to put in general legal terms what it can carry out in practice through the agency of the censor. For that
reason, too, the operation of the censorship is entrusted not to the courts but to the police. (Marx, 1975)

As he states, the judge interprets a particular case in relation to the law, but:

The censor has no law but his superiors...The judge judges my act according to a definite law; the censor not only punishes the crime, he makes it. If I am brought before the court, I am accused of disobeying an existing law, and for a law to be violated it must indeed exist...The censorship does not accuse me of violating an existing law. It condemns my opinion because it is not the opinion of the censor and his superiors. (Marx, 1975)

The state rejects unauthorized ways of seeing and knowing on the grounds that staring should be reciprocal—the police deserve no scrutiny which has not been sanctioned by police, the powers underlying the police stare are legitimate and just, suspicion only goes one way. Confrontations between police and the counter-starer, then, regardless whether armed with a visual prosthetic or not, are inseparable from what Mirzoeff (2006) calls, influenced by Rancière (2010), visuality—or the political and cultural authorization of only certain ways of seeing and knowing. Appropriating a familiar police command—“Move on, there's nothing to see here”10—Mirzoeff (2011) problematizes the dynamics of the visual field and the struggles between cultural and political authorities and transgressive others exercising a defiant “right to look.” He states:

The right to look confronts the police who say to us, “Move on, there's nothing to see here.” Only there is, and we know it and so do they. The opposite of the right to look is not censorship, then, but “visuality,” that authority to tell us to move on, that exclusive claim to be able to look. (Mirzoeff, 2011: 1–2)

Thus, visuality is a subjugating force, making the order of things “appear” just and right—if not aesthetically benign (Mirzoeff, 2011), or we might say pacified. The state’s visuality aims at fashioning the appearance of its own authority and attending violence, by shaping what and how subjects come to see, know, and experience the social order. For example, a New York City graffiti artist painted a mural on a wall that read in large letters: “MURDERERS”, with the accompanying names of the NYPD, capitalism, Bank of America, Shell Oil, and Monsanto (Zanoni, 2012). Shortly after, several plainclothes NYPD officers painted over the mural. Similarly, an anti-police brutality group, the People’s Justice for Community Control and Police Accountability, legally purchased advertising space on a New York City billboard that read “Help Stop Police Violence” along with the tag line “Watch the Cops, It's Legal.” Soon after, local residents reported observing several police officers tearing down the advertisements. The war on cameras is part and parcel of this same police logic aiming to fabricate an aesthetic-social order where both “appearances” and “disappearances” are regulated, forged, and normalized. Yet policing’s visuality is never complete, absolute, and/or uncontested as these above cases demonstrate, to say nothing of slave revolts, colonial insurrections, revolutions, and everyday acts of resistance to the dominant order. Some form of “countervisuality” always exists in antagonistic relation to those peoples, institutions, and structures seeking to “authorize authority” by aestheticizing a particular (im)moral geography (Mirzoeff, 2011). Thus, what the war on cameras clarifies is how police power actively
works to regulate the decorum and etiquette, or the cultural scripts, of the “contact zones” (Linke, 2006) between the state and its subjects.

Dehumanizing Stares: Police Power and the Politics of Staring

Through everyday face-to-face encounters, the cultural and political dynamics of security and specifically a local, interactional politics of staring establishing who can be stared at and who can do the staring, animate the police crackdown on photography and the war on cameras. Staring, as Rosemarie Garland-Thomson (2009) states, is an “interrogative gesture that asks what’s going on and demands the story. The eyes hang on, working to recognize what seems illegible, order what seems unruly, know what seems strange” (p. 3). The stare, as an “intense visual exchange that makes meaning” (p. 9), comes in many different forms, often regulated, and as she points out, is rarely an exchange between friends, but between strangers and often in the context of unequal power relations. She states: “To those who condemn it, the curiosity launched by the impulse to stare at inexplicable sights is a grab for unauthorized knowledge, a presumptuous overreaching” (Garland-Thomson, 2009: 63). How we understand staring here, then, is as a means of scrutinized looking or visual interrogation that is not simply a passive looking in that it actively moves towards the grasping of unlicensed knowledge.

The politics of staring in relation to police power played out when 14-year-old Tremaine McMillan was accosted by police agents, who justified their violence by claiming McMillan gave them “dehumanizing stares” (D’Oench, 2013). This is similar to the case of “Alvin,” a young black man who secretly recorded his encounter with two NYPD agents while they were executing the department’s controversial “Stop-and-Frisk” policy. In the video now viewed more than 3 million times, Alvin is heard asking the officers for their justification in stopping him and the officer’s reply, “Because you keep looking back at us man. Don’t do that shit” (Tuttle and Schneider, 2012). As the “stop-and-frisk” continues, Alvin explains he was keeping a nervous eye on the officers “cause you always...you’re always looking crazy yo. Coming up the block, always.” And when the agent explains, “That’s our job, my man” Alvin’s quizzical response “to stare at me?” elicits another more angered response, “Listen to me, our job is to look for suspicious behavior. When you keep looking at us like that, looking back” that ends with one of the officers threatening to break Alvin’s arm and punch him in the face for “being a mutt” (Tuttle and Schneider, 2012). As Tremaine McMillan and Alvin’s encounters demonstrate, in many instances it is not “criminal behavior” but an unauthorized “eyeballing” that is deemed suspicious.

The counter-stare of the photographer, as it threatens the police agent with the possibility of photographic capture, is deemed aggressive, overreaching, and thus an inherent indictment of police authority. When a police agent tells an unauthorized photographer to “move along” or the police “will have him moved” (Romero, 2010), police power is actively fabricating an aesthetic order. Here policing’s visuality de-politicizes public and social space, into a void where there is simply “nothing to see” and hence nothing to do but “move along” (Rancière, 2010: 37). Highlighting the state’s belief that police power warrants no scrutiny and there is simply “nothing to see,” a befuddled Illinois State Attorney stated, “There’s just no reason for anyone to feel they need to record police officers in Crawford County.” And as a Fraternal Order of Police spokesperson similarly opined:
Letting people record police officers is an extreme and intrusive response to a problem that’s so rare it might as well not exist. It would be like saying we should do away with DNA evidence because there’s a one in a billion chance that it could be wrong. At some point, we have to put some faith and trust in our authority figures. (Balko, 2010a)

Trust in authority is another important consideration in the battle over authorized and unauthorized filming of the uniformed police. Quite simply, those taking up cameras in the effort to capture police misconduct are actively demonstrating their distrust in individual state agents, the institution of policing, and perhaps the state itself. In many ways, the distrustful counter-stare is a particular form of ghost-hunting, or an effort to capture the apparition of state violence at the decisive moment it threatens to disappear from immediate fields of vision. This ghost-hunting is premised on what Avery Gordon (2008) refers to as a “haunting recognition” that something has happened or is happening and, in the case of counter-staring, this haunting recognition is informed by the state violence of the past while always anticipating, or “seeing,” the violence already present or waiting in the future. For certain, there always lurks a specter of state violence in any contact with the police agent, but it takes a certain sort of sensibility or vision to see this. In many ways, the very act of raising a camera to scrutinize the policer is at least some acknowledgment, whether implied or explicit, of the coercion inherent to policing mandates. “Shooting back,” then, simultaneously troubles the supposed answerability and responsivity of the state and its agents. In other words, the very premise of filming police, at least to some extent, lays bare certain subjects’ disbelief that the state will hear its concerns or hold individual and systematic misconduct to account (Goldsmith, 2005).

In spirit, the practice of staring back or rather staring down the state subverts and appropriates two familiar police slogans and spits them back at state agents: “If you see something, say something!” and “If you’ve done nothing wrong, then you have nothing to fear!” By openly and defiantly questioning the legitimacy of policing, in many ways, unauthorized photographers are not much different from any other “asshole” (Van Maanen, 1978) that disrupts or transgresses policing’s visuality and the public transcript of police power. As outlined by Scott (1998), the public transcript is the visible or open etiquette demanded of the subordinate by the dominant. The public transcript of police power thus demands suspect or citizen be respectful, calm, fearful, submissive, in a word, “polite,” in order to keep up hegemonic appearances. The public transcript, however, always exists in relation to the “hidden transcript”—those subversive and disrespectful thoughts and feelings expressed “offstage” by the subordinate. In disadvantaged communities with routine police presence, the hidden transcript is animated by the daily humiliations and harassments—routine stopping, frisking and questioning, the constant fear and suspicion—of normalized state violence and everyday surveillance (Websdale, 2001). Even in more privileged landscapes, where police presence is certainly and significantly less heavy handed, the coercive demands of the public transcript still animates police power.

This collision between the police stare and counter-stare exposes, then, the decorum and etiquette demanded by police. Indeed, research has long shown that one of the most reliable predictors of arrest is the level of deference given to the police by being “respectful” while in police presence. Much like cursing at a police agent, raising a defiant “middle finger” (Robbins, 2008) or refusing a search, the act of photographing or filming a police officer—whether at a traffic stop or a political protest—openly defies the public transcript of police power. To photographically
stare down the state agent without police authorization is a categorical ‘Fuck You!’ to the authority police power claims to possess. Indeed, as Scott (1990) points out, Palestinian stares directed at Israeli soldiers give meaning to the phrase, “If looks could kill,” and demonstrates how in some instances the defiant, unauthorized stare is perhaps the best and sometimes only means to battle systematic injustice. This “declared refusal” insists on reciprocating the interrogation or investigation process, thought to be the sole prerogative of the police. Here the very notion of “questioning” or “interrogating” the administrative power of the state, as an illegitimate attempt to subject the police agent to a street corner investigation, or at least a holding to an account, becomes a suspicious, threatening, harassing, and disorderly act in its own right.

Even though the formal law—including several judicial rulings and official statements by the USDOJ—claims to secure for citizens the literal legal “right to look,” when confronted with an unauthorized photographic counter-stare on the street and in the everyday, the police command is often quite simply, “Don’t Stare!” or “I will move you.” As Herbert (2008) states, “Police authority always walks a very fine line between formal regulation and everyday reality, between the majesty and seemingly uniform sanctity of the law and the art of street-level improvisation” (p. 178). Consider the public statements of Houston Police Chief, Charles McClelland, who stated that his officers sometimes “feel provoked” by citizens with cameras. Invoking an odd slippery slope, McClelland argued the “anti-police sentiment” giving rise to the filming of the police,

> can give someone a free pass to try to assault a police officer or kill a police officer and I’m not going to allow that...My officers should be able to go out here and work in the neighborhoods and keep this city safe without fear and without hesitation...I don’t want to give anyone a free pass to assault a police officer. And I don’t want to give the police officer a free pass to overreact. (George, 2011)

Following this logic, the unauthorized suspicion of the photographic counter-stare gives license for violence against authorized agents of social order. And with that, we can also see how framing the photographic counter-stare as providing a “free pass to assault a police officer” also anticipates the possibilities of giving a state agent a “free pass to overreact.” Hence the counter-stare, in its ubiquity, is inscribed by police power as a threat needing to be at least regulated and at most eradicated, since the unauthorized stare seems to indict policing agents of some wrongdoing or its potential. Indeed, this street-level declaration, one that breaches the unwritten etiquette of power relations, troubles the “calm surface of silence and consent” and “carries the force of a symbolic declaration of war” (Scott, 1998: 8).

The war on cameras provocatively calls forth other disparate relations of domination built upon the public transcript of police power and aesthetics of authority—master and slave, colonizer and colonized, guard and prisoner, parent and child, and of course police and suspect. That is, we find it instructive to situate the ways that police power moves to pacify through the policing of local space and the larger visual field as not completely different from other sites of domination. Might it be that the police crackdown on unauthorized staring—the arresting, segregation, and intimidation of photographers, deleting of evidence, or destruction of property—draws upon, perpetuates, and extends the politics of staring that underpins projects of domination and their attending aesthetics of authority? If the marriage of vision and violence has long been animated by a political aesthetics of authority whose genealogy is constitutive of slavery and
colonization, as Mirzoeff (2011) argues, it seems to us that this structure of domination underpins the politics of staring down the uniformed policer, while simultaneously exposing the inherent violence of the social order.

For instance, in Signs of the Times: The Visual Politics of Jim Crow, Elizabeth Abel (2010) discusses how much of the infamous Jim Crow signs of “whites only” bathrooms and water fountains forged a spatial and visual segregation. Useful for our purposes, Abel’s chapter “The Eyeball and the Wall: Eating, Seeing, and Nation”, discusses how it was no accident that it was the restaurant countertop that provoked one of the most outward antagonistic encounters between white and black citizens in the struggle for civil rights. It was this seemingly banal public space, where the politics of staring came more clearly into view and where the black man, woman, or child bravely transgressed the public transcript of white supremacy, through a simple visual exchange at a diner’s countertop. In this way, the photographic counter-stare recalls the haunted past of chattel slavery in the United States, where the public transcript of white supremacy and racial capitalism demanded black slaves not make eye contact with their white master, owners, or white people for too long, or too defiantly (Scott, 1998). Indeed, a common excuse of whites for lynching, at least up to the 1930s, was not only an alleged rape of a white woman, but often that a black man cast a “reckless eye” at whites, or simply dared to look in their direction (Mirzoeff, 2011). In fact, the brutal lynching of 14-year-old Emmett Till in 1955 was likely because he dared violate the public transcript of racial domination, allegedly “flirting” or whistling, or perhaps simply casting a cross eye at a privileged white woman. Considering this racialized history of the politics of staring, we can see that the case of Alvin discussed above where this Black youth “eyeballed” NYPD officers and was accosted for it, is not separate from this history, but in fact structured by it. Likewise, the unauthorized stare and reckless eye recalls the dominance of the demands of military drill sergeants that a new recruit never directly make eye contact, or the US soldiers torturing Iraqi prisoners at Abu Ghraib prison, while yelling “Don’t eyeball me!” (Mirzoeff, 2011). The social force of the stare is even present in the demands of an authoritative parent to a child to “look me in the eye and tell me you are sorry.”

A Concluding Comment

While our analysis takes up the war on cameras as a site to reveal and challenge police power, we want to be explicit in our view that this “war” is not a metaphorical one—but a literal war. It is also important to be clear that this war has never been “on cameras” necessarily, but against those unruly and superfluous populations to which domestic policing has long been charged with managing. It is a war on cameras only to the extent that the camera signifies a threat to the larger aesthetic order, much like drugs and poverty are said to be threats to the same order. Just as the wars on drugs and crime have never really been about drugs or crime, it seems to us as a manifestation of police power, the “war on cameras” is a pacification project that polices social order through outright violence and “softer” attempts at “winning hearts and minds” (see Neocleous, 2000; Platt et al., 1982; see also Herbert, 1996). Policing is no mere “criminal justice” institution then, but a dynamic project that maintains markets, generates subjectivities, and subsumes struggles (Neocleous, 2006: 27). That uniformed police spend far less time directly dealing with “crime and criminals” than they spend on routine patrol, responding to “calls for service” and attempting to order forms of life falling outside the realm of sanctioned illegalities supports this assertion (see
As such, the various and seemingly disparate activities police are engaged in, from everyday image work (Mawby, 2013) to violently repressing dissent (Fernandez, 2008) are all ultimately in furtherance of the goals of fabricating or administering a capitalist social order.

It is perhaps easier to understand the war on cameras as a pacification project, when positioned alongside several new “non-lethal” technologies meant to arrest the public’s other sensual politics. For instance, the New York Times recently reported on the “Speech Jammer” or “Shut-up Gun” as it is called, which effectively keeps people from speaking by replaying a subject’s voice at such a high rate of speed it “gums up the brain’s cognitive functions” (Rampell, 2012). Similarly, US police are set to test hand-held “laser dazzlers” said to be remarkably effective at temporarily blinding subjects with infrared or invisible light (Harris, 2009). The Active Denial System, what the US military calls its “Heat Ray” or “Pain Gun,” silently, invisibly, and in matter of seconds inflicts pain over the whole body likened to touching a “red hot wire” (Hanlon, 2007). Finally and perhaps most interesting for our purposes here, Apple recently received the patent for a device that forces electronic devices into “sleep mode” upon entering specified areas, a tool that will no doubt be useful to police interested in controlling the use of cellphone cameras at “disruptive gatherings” (Truta, 2012). Technologies of this sort allow authorities to quite literally silence, blind, or deafen subjects, and in the case of the “pain gun” disperse large crowds of protesters with the flick of a switch. Framed this way, the war on cameras can be seen as the project of both the state’s attempt to manufacture a particular visuality and its broader aim of pacifying unruly populations and territories.

Critics of the war on cameras in the United States typically frame it as a matter primarily of civil liberties. The charge being, the crackdown on citizen photographers is a violation of the basic rights afforded to citizens in a democracy—which it most definitely is in many cases. As libertarian police critic Radley Balko (2010a) argues, “What needs to happen is that congress or state legislatures need to pass laws making this explicit that you have a constitutional right to record government officials in public while they are on duty, without that there will be always be that ambiguity.” While legal mandate may in fact lend the counter-stare a degree of legitimacy and political utility, this logic clearly is little more than an appeal to the “rule of law.” That is, this plea subscribes to what is perhaps the most normalized of all liberal discourses—that state power can be effectively kept in check by adhering to the “rule of law,” which of course is interpreted and administered by state agents. The tired fixation on the “rule of law” has long failed to limit the classed, racialized, and gendered violence that haunts capitalist, liberal societies. As such, we see this discourse, although helpful and necessarily pragmatic in one sense, as insufficient as it seems less concerned with an outright critique of police power and state violence and more interested in “greater accountability” and minor reforms achieved through legislation as the end goal. Perhaps more importantly, questions of accountability overlook a pressing and fundamental issue, that is, the relations of domination that animate state power and capitalist order, which is to say, the goal of pacification (Neocleous, 2011). Indeed, accountability is a worthy goal, especially to those surplus populations most subject to the stop-and-search and other forms of everyday police violence, but a deeper critique of the very legitimacy of the state and its role in protecting capitalist inequality is in order. Ultimately, we see the emancipatory prospects of filming the police as severely limited. Even in indefensible cases, such as Rodney King’s where evidence is too damning or damage is too substantial to control, closing ranks to prosecute the “bad apples” responsible, publicly performs the appearance of a reflexive, honorable institution in line with its ethos.
“protect and serve.” Therefore, we must be skeptical of seeing it as a “fix” to police power, as forced accountability via photographic capture depends too much on a liberal understanding of “checks and balances” and the rule of law, without seriously taking into account the violence foundational to state power.

Seeing will never be enough and will always be at a significant disadvantage to the coercive capabilities of the state. Thus, in our view, the goal for radical thought should not be to secure the right of citizens to film the police, but putting an end to the capitalist state’s prerogative to police—a practice that actively fabricates, reproduces, and upholds political economies of oppression and inequality. While the fight for the right to film the police without fear of reprisal is certainly worthwhile and necessary, to fetishize it too often precludes a deeper critique of the relations of domination structuring the social order.

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Notes
1. We use the term visual prosthetics from Feldman (2000).
2. These important issues have been discussed thoughtfully by others (Goldsmith 2010; Huey, Dalby and Doyle 2006; Wilson and Serisier, 2010).
3. See also the special issue of Socialist Studies (2013) where Neocleous and co-authors attempt to further develop the concept of pacification in theorizing state power.
4. It is worth pointing out that pacification is never complete and totalizing, and as Rigakos (2011) usefully points out, pacification is a useful concept for critical theory largely because it presupposes that there are populations that resist efforts at their pacification.
5. In his discussion of what he calls the “aesthetics of authority,” Ferrell (1996: 178–179) describes how the criminalization and attempt to control graffiti is a useful diagnostic moment to interrogate the state’s understanding of beauty, meaning, and power.
6. As we hope is clear throughout, central to our analysis is the relations between authorized and unauthorized staring—that is, we are interested in the ways that certain forms of making the police visible, specifically the scrutinizing stare, are often deemed by police authority as unauthorized challenges to police power.
7. Indeed, our own analysis is influenced by the works of Neocleous, Scott, and Mirzoeff.
8. As David Campbell (2007) writes, “the idea of visual economy means that images cannot be isolated as discrete objects but have to be understood as imbricated in networks of materials, technologies, institutions, markets, social spaces, affects, cultural histories and political contexts” (p. 361).
9. For instance, see reports by Vedder (2011) and Balko (2010b).
10. Even the cartoon South Park satirizes this common police refrain.
12. Here it is worth pointing out the etymological links between “police” and “polite,” for the notions of a “polite society” and a “policed society” are interchangeable in that they imply their mutual relationship.
14. We are certainly not suggesting an essentialist view of eye contact, as the meaning of eye contact is contingent on historical and spatial context and has a plethora of other meanings. But our examples, given in the context of our argument, are attempting to demonstrate how the politics of unauthor-
ized staring or eye contact figure in relations of domination, including the relations between policer and policed.

15. By aesthetic order we are referring to a social order of hegemonic appearances that limit what is (in)visible, (un)speakable, and (un)knowable. That is, the aesthetic order is the field of perception that is acted upon and fabricated through discursive and material means.

16. In the United States, the common concerns are related to issues of the first amendment and free speech and a free press, the fourth amendment and search and seizure, and the fourteenth amendment and due process.

References


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