

Police Reform and Power in Post Conflict Societies

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A Conceptual Map for Analysis

ABSTRACT

Post-conflict reconstruction and police reform are located in the security-development nexus where global and state power moves towards individuals. In recent years, there has been an increased investment by the EU and the UN to contribute to police reform in post conflict societies. This article offers a conceptual map for the analysis of power across contexts through police reform interventions in post conflict societies. It draws on various theories of power to explain the conceptual-contextual gap. This map facilitates the observation of the police as a technology of power and as a projector of power in post conflict societies. 'Unintended-empowerment' through power projection is introduced to explain how police as an organisation and policing as a practice are often undermined. The article concludes with an outline to assist the analysis of the conceptual-contextual gap in police reform interventions and outcomes in post conflict societies through power optics.

Keywords: Power, Police Reform, Post-Conflict Reconstruction, Community Oriented Policing, Development Assistance



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1. Background

In recent years, there has been an increased investment by the EU and the UN to contribute to police reform in post conflict societies (Peake & Marenin, 2008, p.61). A number of internationally funded projects have been recently established to investigate how to improve police reform interventions. These projects aim at linking social, cultural, political, and technological research to improve sustainable relationships between the police and citizens in post conflict societies. The aim of the conceptual framework presented here is to help improve police reform interventions by identifying the mechanisms that lead to the often observed conceptual-contextual gap.

Police reform in post conflict societies is an endeavour underlined by various crosscutting issues tying together gender, development assistance, youth issues, police training, and technology development to name a few (Pino & Wiatrowski, 2006, pp.11-14). These are operationalised on various levels from the international to the local (Pino & Wiatrowski, 2006, p.12) and through various agendas and strategies, such as foreign training programs, capacity building programmes, peacekeeping, and joint operations (Goldsmith & Sheptycki, 2007, p.11). At the foundation of the various contexts and crosscutting issues are complicated power dynamics expressed through a variety of motivations to engage in post conflict reconstruction ranging from humanitarianism to specific, regional and global interest of the parties involved (Goldsmith & Sheptycki, 2007, pp.17-20). This article draws on experience in foreign assistance, and is written to help identify mechanisms that undermine police reform in the context of post conflict societies. It is argued here that, while every context is different and can be analysed on different levels and across levels, the main crosscutting features that govern interactions and outcomes are located in various forms of power relations. Thus, using an eclectic framework that ties together various pathways of power will contribute to a more comprehensive representation of the conceptual-contextual divide often observed in SSR interventions (Brogden & Nijhar, 2005; Pino & Wiatrowski, 2006; Peake & Marenin, 2008, p.66; Grabosky, 2009; Leftwich, 2010; Baker, 2010; Podder 2013).

While the presence and influence of power relationships and subsequent strategies of power projection are acknowledged by many scholars (see for example Marenin, 1982; Roach and Thomanek, 1985; Baker, 2002; Dubber & Valverde, 2006; Neocleous, 2006; Goldsmith & Sheptycki, 2007; Bowling and Sheptycki, 2012; Fassin, 2013; Blaustein, 2015; Harkin 2015), it is often viewed through particular lenses. Subsequently, analyses tend to focus on particular levels (international, national, local) in separation, or on a transition between two levels. When it comes to conceptualising the relationship between police, policing, and various sorts of power across the international through the national to the local levels as a whole, the rational, projection, transformation, consequences and perception of power top to bottom and vice versa, there is a further need to locate innovative ways to combine various theories of power into a coherent whole. Because of its elusive nature, power is understood and analysed in several different ways. The main challenge is to tie the different strands of theory together to form an eclectic understanding of power and its intended and unintended effects. Using such an eclectic framework allows us to see the various parallel tracks and effects of power projection from a source through to consequences, and analyse the formation of gaps between intentions and results. Unlike physical power or sorts of energy, power in the social realm cannot be quantified or measured through various formulas (Nye, 2011, pp.3-5). Nevertheless, it can be observed qualitatively as a complex formation and interaction between ontologies and identities, and analysed through the conscious and unconscious attempts to govern the complex pathways through which it flows.

Police and Modalities of Power

In its essence, power is a mechanism that governs relationships between elements, be it in the physical, natural or social realities. It is quite evident that power is a central notion of interactions (Weber, 1947; Goffman, 1968; Foucault, 1980; Gaventa, 1980; Giddens, 1984; Tilly, 1991; Scott, 1998; Lukes, 2005), and even more so in contexts where interactions are framed by legal provisions and their instigators, protectors and enforcers. Power as a mechanism that governs relationships is often felt rather than specified, frequently assumed, but rarely defined (Gaventa, 2003).

The police as a social and political institution is an example of a regulatory force or service positioned at a crucial junction between state and society (Alderson, 1985). As such, the police can be viewed and analysed both in terms of an organisation and in terms of practice (see for example Reisig & Kane, 2014). As a formal commission of the state, the police serves as a crucial mechanism on its behalf (Roach & Thomanek, 1985). The theoretical role of the police as the enforcer of the law has an embedded duality that frames it, on the one hand, as the domestic protector of the state and its functions, and, on the other hand, as the protector of people and their wellbeing. As such, the police is in essence an embodiment of power.

Conceptualisation of the police, policing and power tend to focus on particular forms of power in separation, especially on how the police exercises power or how the state projects power through the police (for example Marenin, 1985; Alderson, 1985; Dubber, 2006; Neocleous, 2014; Harkin, 2015). The heaviest emphasis in police and policing literature mentioned here is focused on power as conceptualised through particular theoretical strands that analyse power in relation to the state as the main referent object¹. More recently there is an increased interest in policing literature on power as conceptualised by the seminal works of Michel Foucault (see for example Neocleous, 2000; Merlingen & Ostrauskaite, 2005; Dubber & Valverde, 2006; Hills, 2014; Bachmann, Bell & Holmqvist 2015) and Steven Lukes (see for example Harkin, 2015). These various strands of theory allow conceptualising power in different ways, leading to analyses of particular elements on specific levels of analysis. The focus here is multi-layered: One interest is conceptualising power and the police through a foreign assistance effort as a part of post-conflict reconstruction across levels, that is power that is projected upon a post-conflict state and its institutions from the outside. Another interest here is to examine the role of power in the creation of the often observed conceptual-contextual divide. Thus, the emphasis here is not placed on the powers of the police as such (though it is integral to the analysis), but rather on the interaction between conceptions and contexts through the police and policing using power optics. In this space, a number of theories of power in the social sciences can be combined at different levels to analyse police and policing as power interaction between states, between states and the police, and between the police, policing and people who experience such practices. The emphasis in this article is on the articulation of these dynamics by means of an eclectic theoretical framework. In this space, power, as conceptualised

¹ Following the work by Scott (1985; 1990; 1998) and Tilly (1990; 1991).

by the seminal works of Michel Foucault (1977; 1980; 2007) and Steven Lukes (1974; 2005), reveals patterns of interaction between donors and recipients of police reform intervention, and helps explain the often-observed gap between the intentions of reform interventions and the actual experience of these interventions by people subjected to the police and policing practises.

To start exploring this space, it is useful to link the meaning of the word police, as it is commonly used by people, to the power embedded in that meaning. The usefulness of exploring the socio-political implication embedded in meanings of the term 'police' has been shown by various scholars in the past (see for example Knemeyer, 1980; Alderson 1985; Neocleous, 2000). In the following section, we will turn to the Oxford English Dictionary, not for the purpose of describing the meaning of police through its definitions², but in order to tease out the embedded analytical concepts of power emerging from the common usage of the word police. Beyond the academic polemics on police and policing, there is a popular perception and experience of the police and policing by people who encounter such institutions and the practices on a daily basis. People experience the embedded power of the police and of policing consciously and unconsciously in different ways. The Oxford English Dictionary (OED)³ provides a comfortable platform to link the common understanding of the word to scholarly studies, and refresh the various links between police and power as a stepping-stone to the theoretical discussions below.

The OED, defines Police as an "organisation, or a controlling body, within a community"⁴. This general definition is reached through a number of examples based on the common usage of the word Police in the English language. These illustrate why dealing with police reform in post conflict situations should never be divorced from a clear conceptualisation and understanding of power and power relations. For example, the usage of police to designate "a social or communal organisation; civilisation" (OED: Police entry II.2) refers to more than an organisation that assists order. Consider the use of the word police in this context by Edmund Burke, the political philosopher and member of the British National Assembly in 1791: in reference to the "Turks", Burke writes: "...a barbarous nation, with a barbarous neglect of police, fatal to the human race..."⁵; for those that use Police in this context, the neglect of police is not only synonymous with a dangerous state of disorder under which humans may not subsist, but also an indication of the lack of civilisation (a state of barbarism). This entry illustrates an important common association of police as an organisation with civilised order, and the lack of police as the opposite. As such, the police is, for some, not only a fundamental mechanism for the regulation of order, but also a distinction between civilisation and barbarism, at least as an element of civilisation as conceived by Europeans (Alderson, 1985,

² Such points are well versed in conventional literature, see for example Marenin (1985).

³ The OED is used here for its quality of being a descriptive dictionary, rather than a prescriptive one.

⁴ OED online Version June 2015.

⁵ For the full context of this entry see: A letter from Mr. Burke to a member of the National Assembly: in answer to some objections to his book on French affairs, available online in Eighteenth Century Collections Online: <http://quod.lib.umich.edu/e/ecco/> (Accessed June 18, 2015).

p.18; Bell, 2015, p.20). The linkage between police and civilisation as Burke makes it, brings the discussion of police reform into the realm of political ontology and hegemonic discourses as fundamental issues framed by power and power projection. Regarding the lack of police as such entails a normative perspective that is often projected on the understanding and analysis of post conflict societies. The contribution of this conception to the creation of gaps and hierarchy between donors and recipients of SSR interventions will be exemplified further below.

Police as “regulation and control of a community; the maintenance of law and order, provision of public amenities” (OED Police entry II.3a) brings the discussion on power to more fundamental levels. This entry speaks of the police as a direct projector of power to enforce regulations, but also as a provider of services to society. In a theoretical sense, this entry indicates that the police can be experienced as a projector of both hard (enforcing) and soft (assisting) power. Police and policing as such have direct power to use force and/or providing a service (Alderson 1985, p.17; Dubber & Valverde, 2006, p.2; Fassin, 2013). This taps into different notions of theory through which power can be converted and used as domination strategies (Goldstein 1977; Goldsmith, 2002, p.8). This connects to the processes of unintended empowerment leading to unintended consequences that often undermine intentions and objectives of power projectors (see examples below).

An important distinction to be made here is between the police as a projector of power and the police as a tool of power. Another definition explains police as “a department of a government or state concerned with maintaining public order and safety, and enforcing the law” (OED Police entry II.4) or “the civil force of a state responsible for maintaining public order and safety and enforcing the law” (OED Police entry II.5a) or “any similar force officially instituted or employed to keep order, enforce regulations, etc.” (OED Policy II.5b). As such, the police is also clearly a tool of power, that is a technology available to a sovereign through which power is used to achieve different ends (Dreyfus & Rabinow, 1983, p.139). The distinction between a tool of power and a projector of power is not semantic, and it relates to different notions of theory tying police to the seminal works on power by Foucault (1977; 1980; 2007) and Lukes (1974; 2005). As a tool of power, the police powers are used in different ways by democratic, authoritarian and totalitarian states to achieve a variety of ends in society (Goldsmith, 2002, p.11). Focusing on the design and ability of a sovereign to use the police as a technology to implement strategy leads to a different analysis of means and ends of police reform.

One last relevant common usage of the word police in the OED is “a group of people seen as regulating or enforcing rules in a specific aspect of life” (OED Police II.5c). This definition of police can depict bottom-up institutions, established by people for self-regulation and enforcement, rather than a top-down institution, established by the official state or government⁶. In this sense, the police is, in some cases, a construction from below meant to regulate, uphold, and enforce specific

⁶ It is important to note in this sense that my reference to a bottom-up institution established by people for self-regulation merits a more nuanced discussion, namely, on the nature, position, and role of the people establishing that sort of police.

rules in specific contexts. While the police as an institution of the state is often distinguished from the contested concept of policing as a social practice (Goldsmith & Sheptycki, 2007, p.3), there are several examples where this distinction is blurred by various realities. In many post-conflict contexts, for example, the existence of policing bodies outside of the formal state are a reality which often expresses a distrust of people in the capabilities of the state and the formal police to provide adequate protection to the population (Sheptycki, 2002). In some cases, these bodies constitute as the only legitimate formal police for people subjected to it, whether accepted by the state or not (see examples in Baker, 2002, 2010; Bachmann et al., 2015). In such cases, there is much room to discuss the functioning of power and its projection when it is appropriated and used by sub-state actors, or by a state through sub-state actors, and by extension of their role and relationship vis-à-vis the state. These local institutions are often plural and contextual, with wide geographical variations within a state's territory (see for example Baker, 2002; Hills, 2014).

The exercise above helps problematize police reform in post-conflict societies, concept and application, in relation to various theoretical perspectives of power. Viewed in separation, these various conceptions of power lead to specific analyses of the police, policing and power relations. Put together through an eclectic framework, these conceptions can contribute to explaining the often-observed gap between intentions and results of police reform interventions in post-conflict societies across levels of analysis from the international to the local.

2. Police Reform, Foreign Assistance and Power: Observing the Problem

The topic of this analysis is police reform in post conflict societies⁷ through assistance⁸ interventions. This topic bridges over various corpuses, each complex on its own merit. When speaking about police reform as an element of assistance for post conflict reconstruction, we merge, in effect, security, geopolitics, and various interests and meanings of the parties involved, together with the concept of foreign assistance (Goldsmith & Sheptycki, 2007, p.1).

The most prominent juncture between a conception of power and the object of this analysis is related to the practice (and connected mechanisms) of exporting police reform models, from the West (Brogden, 2005; Ellison & Pino, 2012), most distinctly the concept of democratic policing (Pino & Wiatrowski, 2006), to assist post conflict reconstruction in non-western contexts⁹. For a critical observer, almost in every aspect of this practice power looms large. This is exacerbated by the fact that police

⁷ The term 'post conflict' is often misleading as it insinuates the absence of conflict. In reality, the term is defined by the UN to indicate the absence of war, and entails a set of additional definitions of war. We use the term to designate official UN categorizations of countries as 'post conflict' countries, bearing in mind that it designates a complex state of affairs where conflict is usually still present in one form or another.

⁸ Which is a term we use here to incorporate development, security, economic, technical, political and humanitarian assistance.

⁹ Both as a bi-lateral and multilateral assistance effort.

reform strategies through assistance interventions in post conflict reconstruction, are often framed as matters of global safety and security (Brogden & Nijhar, 2005, p.4; Goldsmith & Sheptycki, 2007). As such, the motivations for exporting models reach far beyond the wellbeing of the population in nations emerging from conflict and war, and link directly to international peace and security as well as various specific interests of the states and organisations involved (Goldsmith & Sheptycki 2007, p.16). When expressed through the UN charter, 'international peace and security' is a mantra that every human can easily subscribe to. But in reality, different actors involved in post-conflict reconstruction efforts, from states through corporations and NGO's to individuals in different contexts, understand in various different ways the meaning and subsequently the building blocks of 'international peace and security' (Pino & Wiatrowski, 2006). But while motivations, interests and contexts vary substantially, power is a constant feature in these relational mechanisms and manifests through the hierarchy presented in the exportation of models moving across through training, 'knowledge', 'experience' of 'best practices' and success stories in the West. In this space, there are numerous sociological, cultural, and political clashes between conceptions, interests, and contexts, where relational power governs practices and outcomes (Marenin, 2010). These problems arise and manifest in various ways through the power expressed in roles and meaning assigned to police on various levels of analysis from the international to the local.

The motivation to explore the role of power is linked to the fact that there is an observable gap between various objectives and sub-objectives of post-conflict reconstructions efforts, and the on-the ground transformations that occur (see for example Marenin, 1986; Brogden, 2005; Hills, 2014). The main question is why efforts to achieve specific defined objectives, lead to a set of unintended consequences that often undermine these objectives?

This problem has been described as the 'conceptual-contextual' divide and has been observed through SSR efforts in Liberia, Kosovo, East-Timor, Iraq, Afghanistan, Nepal, Sierra-Leone, and Haiti to name a few (Podder, 2013). The framework seeks to highlight the 'conceptual-contextual' divide as unintended consequences that appear through the deployment of power, understood through various strands of theory addressing different pathways of power projection and transformation.

One example illustrating this conceptual-contextual divide is the often-invoked concept of ownership as a condition for success when a model is transferred across contexts in post conflict reconstruction (Donais, 2015). Ownership is often mentioned as a provision for sustainability where attempting to create or induce changes. In relation to development assistance policy on all levels, ownership is often used to point at the 'local' or 'national' levels of appropriation (Donais, 2015, p.227). The term is extensively used in post conflict reconstruction to describe the involvement of domestic actors and institutions in controlling the design and implementation of interventions. Ownership is in essence a conception that revolves around "relationships of relative power and influence across the international/domestic divide" (Donais 2015, p.227). Deploying the concept of ownership as a tool to achieve sustainability is in itself a projection of power. When using ownership as part of a

design of interventions, there are political ontologies that frame the intervention, its means, and its ends. In addition, ownership empowers local and national actors and institutions to articulate and defend own agendas. In this space, there is room for a critical analysis of the kind of local level interests and/or tyrannies that can be perpetuated and/or empowered by the concept of ownership. Using power as a conceptual framework allows us to not only assume consciousness of ontological biases when we speak of exporting models in tandem with 'local' ownership, but also makes us aware of the non-hegemonic discourses that arise from deploying such concepts.

SSR and police reform in post conflict societies are efforts that can be characterised as assistance efforts, very similar in conception and operationalisation to other development assistance mechanisms (Ellison & Pino, 2012, pp.55-82). Development assistance has long been criticised as a conception that constructs and contrasts non-western identities as being underdeveloped and primitive (see for example Sachs, 1992; Escobar, 1995; Cowen & Shenton, 1996; Rist, 1997; Rahnema & Bawtree, 1997). But before turning to more concrete discussion on conceptualising the consequences of power projection through police reform as interventions in post conflict societies, we would like to present a theoretical background for this discussion.

3. Theories of Power: A Brief Guide to the Conceptualisation of Power and its Application to Thinking about Police Reform in Post Conflict Societies

There are several important thinkers that have studied and conceptualised different forms of power, its presence and manifestation in society and societal relations, its conscious and unconscious use through intentional and unintentional projections, as well as elements of resistance and reaction to the projection of power, which can be viewed as sorts of empowerment. While power has been the subject of many scholarly debates in police and policing studies literature (Neocleous, 2000), there are only few partial attempts to bridge between different conceptions of power to form an eclectic approach linking various pathways across several levels of analysis¹⁰. The rich literature on police reform as interventions in post-conflict societies is mostly focused on analysis through pursuing one conception of power, approaching a problem through a specific set of tools, which reveal in turn parts of the issues at hand while leaving out others. In reality, police reform interventions from conception to results through application, can be analysed systematically using various understandings of power at different levels. Such an analysis can explain the appearance of conceptual-contextual divide, that often manifest as a gap between intentions at the top (state level for example), and perceptions at the bottom (people subjected to police and policing strategies for example).

¹⁰ Mark Neocleous, for example, and his efforts to develop a critical theory of power, is mostly based on Marx, Foucault and Hegel (Neocleous, 2006, p.19).

While there are several important thinkers on power, we have chosen to focus on the most prominent thinkers whose work on power has been most influential, each for a different level of analysis. While work of other scholars could have been incorporated, they are more often than not products that stem, debate, elaborate and branch from the work of the thinkers presented here (Gaventa, 2003).

3.1. Foucault, Power/Knowledge, Unintentional Power, and Branching Concepts

Michel Foucault is one of the most influential thinkers on power of our time. While his theoretical insights are not widely used in police/policing studies, there is an increasing body of literature within the discipline that turns to Foucauldian perspectives to create rich new analyses of police interventions (see examples in Bachmann et al., 2015). There are a number of observations made by Foucault that allow us to conceive, conceptualise and analyse the presence and influence of power in society and on social relations. The sort of power noticed by Foucault has a diffused presence in societies. Its influence is most important as a mechanism that moulds agents through a complex historical interaction between power and knowledge that generate the 'truths' considered as the foundations of a society, subsequently shaping its identity. In this sense, Foucault points at the presence of an invisible historical power expressed through its enactment rather than its appropriation (Gaventa, 2003). A Foucauldian approach to power analysis links the police and policing to notions of identity and, subsequently, to what constitutes as knowledge and accepted institutions¹¹. Such analyses are particularly important when notions of police and policing are transferred through SSR where a juncture between different conceptions, institutions and identities is constituted through a present hierarchy between 'donor' and 'recipients'.

The identities shaped by the power/knowledge mechanisms described by Foucault are replicated and perpetuated in a society by repeating and reintroducing socio-cultural truisms through various aspects of life, such as through production of knowledge and justifications for action or non-action mediated through (for example) schools, universities, philosophies, politics, religion, training, ethics and various institutions. One of the most important aspects of Foucault's conception is the idea that power in this sense can be viewed and understood as being authorless, that is, this aspect of power lacks a concrete projector and a designed intentionality. This is because the power/knowledge mechanisms are embedded in historical societal institutions, reflecting and replicating the underlying identity of a society. This sort of power is enacted rather than consciously projected.

Foucault's conception of power refers to diffused power dispersed everywhere in a society, operating without agency or structure but rather through them (Foucault, 1980: 133), creating 'regimes of truth' identifiable through the analysis of discourses. The analysis of regimes of truth fleshes out the embedded conceptions present

¹¹ By institutions, we mean conventions, norms, and formally sanctioned rules (Scott, 1995; Vatn, 2005, p.83).

beyond our perception; conceptions that structure the ways we make sense of contextual realities (Gaventa, 2003).

Our own modes of thinking are thus structured and perpetuated by 'regimes of truth' (Foucault, 1980, p.133). Identifying the police as an aspect of civilisation, and the lack of police as a state of barbarism, touches directly upon this point. Police reform as an intervention begs a series of questions such as who decides in a context: what is the nature of the state/government/people as reflected through the police or accepted/rejected policing strategies? Who decides what the police is or should be? What kind of policing strategies are adequate or to be rejected? etc.

An important term coined by Foucault linked to the conception of power/knowledge is 'governmentality'. This term is of particular importance when thinking about police and policing using Foucauldian lenses as it ties the state to its security apparatus, discipline, and role towards people (Dean, 2010).

Governmentality is a term coined to indicate the perception of governance, "how we think about governing, with the different rationalities, or ... the mentalities of government" (Dean, 2010, p.24). It draws on Foucault's view of government as the "conduct of conduct" (Dean, 2010, p.17) or, in other words, the calculated ways in which a government governs, as well as the "articulated set of behaviours" that govern, thinking about the roles and ways in which a government should be governing (Dean, 2010, p.17). In his discussions on governmentality, Foucault alludes to the relationship between modes of thinking and exercising power through government in societies (Dean, 2010, p.28). In reference to certain western societies, Foucault explains the nexus between government and systems of thinking by referring to certain modalities of power through which governmentality is expressed: political economy, sovereignty and discipline (law and order), and the security apparatus (Dean, 2010, pp.28-30).

In the analysis of the conduct of conduct, the police appears as a pivotal institution as the facilitator of administrative control over people on behalf of the state, exercising "bio-power" over populations (Dreyfus & Rabinow, 1983, p.139). The term "bio-power", in relation to the police as a body and policing as a practise, refers to the mechanisms through which "human bodies became the object of political strategy, a general strategy of power" (Foucault, 2007, p.1)¹². When Foucault speaks of the ability of a sovereign to exercise power over human bodies, he speaks of a range of options including the control of conditions that affect and support life and death of populations, such as the environment and other vital processes. As such, bio-power is a strategy available to a sovereign through technologies of power such as the police (Foucault, 2003, pp.239-64). In this respect, the term "bio-politics" is an interrelated concept to bio-power depicting, in a very literal sense, "politics that deals with life" (Lemke, Casper & Moore, 2011, p.2). If bio-power refers to the technology through which a sovereign expresses his will over populations, bio-politics is "the administration and regulation of life processes over populations" (Lemke et al., 2011, p.4). Foucault (2008, p.317) explains bio-politics as "the attempt ... to rationalize problems posed to governmental practice by phenomena

¹² And, by extension, a critical analysis of legitimacy.

characteristic of a set of living beings forming a population: health, hygiene, birth rate [sic], life expectancy, race". The interrelated terms bio-politics and bio-power combine political attention to certain processes supporting the human species, as well as technologies to manipulate those, such as "disciplinary power", in order to serve political ends (Dreyfus & Rabinow, 1983, p.134). These ends are informed by regimes of truth and are designed to perpetuate these. Thus, we link the power mechanisms that structure our notions of how reality is and how it should be (power/knowledge), to the power mechanisms we generate to regulate, survey and enhance these regimes of truth.

The police in Foucault's work was used as an example of a body that assumed responsibility for the "articulation and administration of techniques of bio-power, so as to increase the state's control over its inhabitants" (Dreyfus & Rabinow, 1983, p.139)¹³. In other words, the state as a sovereign assumes the role of weaving a fabric for comprehensive support and welfare of its population¹⁴. The fabric is maintained through various technologies of power, including, for example, the police and policing strategies. The police assumes a role equivalent to that of a shepherd, wielding pastoral power over the lives of individuals (Foucault, 1988, p.57-85). The relationship between the state, its people, and welfare becomes of material importance, as Foucault observes. The interlinkage between the state's welfare and the welfare of the people thus produces administrative bodies such as the police, charged with preserving, in theory, people's welfare and happiness (or used to control populations for other political or social purposes). The police, however, acting on behalf of the state, is focused on people and their welfare in relation to the state's welfare (Dreyfus & Rabinow, 1983, p.139).

The police is thus a technology of power used by the state to exercise control over populations to preserve its own welfare and enhance its own power. The police, in this analysis, becomes a body that allows the state to project power over its inhabitants in a space where the concepts of citizenship, the social contract, and care for the population fuse (Dean 2010, p.101). Through these lenses, the police and the role it fulfils is in effect an expression of a way a particular society and/or a sovereign makes sense of – and attempts to regulate – a vision of reality.

Through SSR and police reform in post-conflict societies, we witness a clash between such conceptions of reality; a clash between the fundamental principles concerning the functioning of a society; a clash of conventions, norms and previously sanctioned rules, or, in brief, a clash of institutions¹⁵. Police reform as an assistance intervention between states (for example as bi-lateral assistance), or between multilateral organisations and individual states (for example as a UN or EU assistance intervention) leads to a clash between modes of thinking, regimes of truth, and various colonial and post-colonial discourses. However, in addition to this clash, we observe through SSR in post conflict societies an additional pathway of

¹³ See for example Foucault (1988; 2007, pp.311ff).

¹⁴ In post conflict contexts the state has often used this power as an oppressor rather than the caretaker of its own population.

¹⁵ See for example Huntington (1996).

power stemming from a donor/recipient hierarchy. This hierarchy leads to particular notions of power that link Foucault to the conceptions of power described by Lukes.

3.2. Lukes –Power, Domination, Interests

While Foucault's conception of power allows us to reveal the various views of reality transferred through police reform, and the presence of incompatibilities between intentions and the experiences of reality, Lukes' (2005) seminal work conceptualises power through its projection by identifying strategies of domination. In the next section, we will briefly sketch the three faces of power as outlined by Lukes, and explain how these conceptions are relevant to thinking about police reform in post conflict societies. We will also explain how Lukes' conceptions of power, coupled with Foucauldian thinking, lead to a more comprehensive analysis of the influence and use of power, and how, in turn, unintended empowerment and the conceptual-contextual divide manifest as consequences.

Lukes' discussion of power refers to projections of power aimed at securing compliance (Lukes, 2005, p.109). This sort of power is often understood as domination and associated with visible force and/or coercion. The debates on how to define domination are beyond the scope of this paper, it is sufficient to indicate that, while frequently understood with a sense of negativity stemming from a concept of forcing will or ideas, domination is often subtle, unnoticeable and unintentional (Lukes 2005; Divon, 2015, p.31), while subordination to power can often be voluntary. In relations to the issues discussed here, Lukes' conception of power is useful to view and perform an analysis of strategies of power used through SSR to conduct police reform in post-conflict societies. Combined with Foucault, as discussed below, such analyses reveal how clashes of institutions occur.

When Lukes speaks of power, he refers to a certain intentionality of the projector of power to enhance, or at least not harm, his own interests or ideas through an intervention. To explain this very simply using Lukes' own style of formulation, the exertion of power occurs when A's projection of power onto B, results in B complying or behaving in a manner consistent with A's preferences. In this space, there is a potential for a significant gap between how A understands B's compliance, and the actual manner in which B complies, leading to a conceptual-contextual gap, as discussed further below. To analyse the formation of this gap, we first need to locate the strategies through which power is projected.

In his book, Lukes attempts to answer the question "how do the powerful secure the compliance of those they dominate?" (Lukes, 2005, p.110). He identifies three dimensions of power¹⁶ in this respect, which can be summarised as such:

The first dimension of power is a reference to a situation where A projects direct power over B, coercing B to do something he would otherwise not do (Lukes, 2005, p.16). The second dimension of power is a reference to a situation where A's power extends beyond direct coercion onto controlling the set of choices available to B,

¹⁶ Two dimensions described through previous research referring to Dahl (1961) and Bachrach & Baratz (1970), and the third dimension identified by Lukes.

thus manipulating a situation by limiting B's choices (Lukes, 2005, p.20). And the third dimension of power is a reference to a situation where A is able to shape B's set of beliefs, preferences, and wants (through a variety of institutions such as schools, media, training, and other technologies of power such as the police), leading B to independently choose to act in ways consistent with A's preferences (Lukes, 2005, p.27).

Each dimension employs different mechanisms of power leading to practical observations on the projection of power as well as methodological implications for the study of power (Lukes, 2005, p.29). The first dimension refers to an overt observable projection of power with behavioural implications, that is, coercive power applied to influence behaviour and decision making on certain issues where there are observable conflicts of interests and clear preferences around a decision-making situation. The second dimension refers to a more subtle form of power, manipulation, extending over both decision and non-decision making on issues where observable or covert conflicts of interests exist, and certain preferences are noticeable. This kind of power is projected through the ability of the powerful to define the problems and issues, and decide when and how to discuss them or not (controlling the agenda for example). And the third dimension refers to a form of power that affects decision making through shaping beliefs, perceptions, and consciousness, subsequently affecting preferences in noticeable or unnoticed ways where different interests can be observed or not. This type of power can be projected, for example, by the creation of institutions through training, formation, teaching, propaganda etc. This third dimension of power is closely related to Foucault's description of the power/knowledge mechanisms that shape institutions in a society. The main difference here is that Foucault explains how identities are formed and perpetuated in a society through a historical power, while Lukes refers to an attempt to project elements of a regime of truth of one group onto another.

Building upon Lukes' conception of power, Nye (2011) uses the terms 'hard' and 'soft' power to refer to the different ways through which strategies of power projection can be enacted. Simply put, hard power refers to the use of threats (violence for example) or rewards (economic or political for example) to induce a behavioural change, while soft power involves co-option, shaping ideas, perceptions, beliefs, preference, through, for example, the creation of institutions that produce specific knowledge or truths (through assistance intervention such as SSR for example). The range of options from hard (command) to soft (co-opt) power include: coerce threat, pay, sanction, frame, persuade, and attract (Nye, 2011, p.21).

This conception of power can inform analyses of police reform in various ways. On the academic level, the conceptual map offered by Lukes can be used to analyse the strategies employed by a sovereign to project power over and through the police, as well as the power of the police over populations and individuals through policing strategies. On a policy level, Lukes' conceptual map can be used to analyse and devise strategies for more effective use of police by the sovereign, police work, as well as understanding the range of possibilities available to the police (and a sovereign), through, for example, various institutions that frame the space within which the police operates (be it the institutions of the state, local, or of another form

of sovereignty). For the purpose here, analysing the strategies of power projection in relations to a clash of institutions helps explain the formation of the contextual-conceptual gap.

3.3. Combining Lukes and Foucault

Lukes focuses on the strategies of power employed by the powerful, while Foucault describes the underlying societal constructions expressed through strategies of power. Foucault's conception is useful to tease out how a particular projection of power is an expression of powers that structure our thinking about situations, that is how ideas of identity, right, wrong, good, evil, etc. are socially constructed and perpetuated. Lukes enables us to analyse (and devise) strategies to induce and bring about (what we perceive as) right and good and reduce wrong and evil. The third dimension of power described by Lukes is in effect a conscious attempt of designing and creating the mechanism described by Foucault, a mechanism that works through the re-creation of knowledge that reinforces ideas of truths, and thus ignites a self-functioning process for its reproduction in a society.

These conceptions of power allow us to think about the role (and design) of the police and policing in various ways that can help map and flesh out contextual applications and intentions to apply as interventions in post conflict situations. A Foucauldian power lens reveals the clash between institutions, and a Lukesian power lens explains how the clash is operationalised. More concretely, when it comes to SSR and police reform, this analysis consists of two tiers. The first tier focuses on the ideas and assumptions that structure a certain kind of thinking about police reform as an intervention. Such an analysis should deconstruct the social, cultural, political and historical assumptions that lead to a specific police reform policy as an intervention in a specific context. This analysis includes the deconstruction of the set of ideas and assumptions made about a specific recipient of police reform as an intervention.

This first level of analysis feeds to a second level of analysis where the strategies of power through which police reform is transferred as an intervention are analysed. These two levels of analysis reveal the institutional clash, through the ways in which a donor impresses his ideas on a recipient.

While the focus above has been on conceptualising power between donor and recipient, the application of power continues to trickle down through various pathways to national and local levels where power is converted to fit contextual realities, leading to various unintended consequences.

3.4. Power – Intended and Unintended Empowerment

The third dimension of power as described in Lukes' original work has been a central subject of debate by scholars such as Scott and Tilly who observed various sorts of resistance and maintain that domination principally occurs through coercion and manipulation (Walsh, 2015, p.96). The third dimension of power, according to Scott and Tilly, does not play a significant role in domination, as they show in

their work how attempts to form new institutions that collide with local preferences are resisted (Scott, 1985; 1990; Tilly, 1991). But there is a different argument to be made here; the third dimension of power is, undeniably, a very common strategy employed by the powerful. SSR interventions that intend to rebuild the police according to 'best practices of the European and international practices' (Council of the European Union, 2002) are examples of this. But, as indicated by Scott and Tilly, strategies based on the third dimension of power tend to be unsuccessful. The main question to ask, and answer, in the section below is why?

One of the effects of the analysis of power, strategies and interactions presented above is intended and unintended consequences associated with the usage of power. These can be summed up very generally as intended empowerment, resistance, and unintended empowerment.

One of the clearest implication of power projections on any theoretical level discussed above, is the empowerment effect associated with it. Empowerment is a word often invoked in the context of development assistance to indicate an objective of granting social, political and psychological power to weak, marginalized, or discriminated people (Friedman, 1992, pp.33-34). Empowerment is explicitly invoked as a stated objective of assistance interventions and as a desirable step towards development by encouraging equity and equality. But the term empowerment can also be understood in respect to an ability to express active or passive resistance to power (see for example Scott, 1985; 1990; Tilly, 1991), as well as a an unintended consequence, that is, an unplanned or undesired effect associated with an application of power to achieve planned objectives (as observed from the point of view of the projector of power). In relation to the last statement, it is important to understand that an undesired effect of an application of power only manifests when power is applied, and resistance to power can be understood as such. However, as discussed below, resistance is only one form of 'unintended' empowerment. Other forms include the ability of a recipient to harness resources granted to him/her by a donor and use these resources to advance his/her own interests/understanding of reality, and modify the intention of donor to various degrees.

Resistance, as described by Scott (1985; 1990; 1998) and Tilly (1991), can be understood as ways through which the weak are able to modify the governmentality strategy of the powerful¹⁷. In his descriptions, Scott (1998) systematically shows how strategies employed by the state to enhance the governance of people and spaces are installed with the intention to increase state control while ignoring local knowledge, contextual societal structures, and ecologies. When the state strategies (strategies of power) lead to undesired social and ecological implications affecting people (the weak in this case), the state strategies are systematically undermined through local transformations of the state rationality that reclaim local knowledge and preferences. In an earlier account, Scott (1985) investigated peasant resistance to class domination, and was able to document the gap between the manifested public behaviours of the peasants and the actual ideologies they continued to hold and practice despite the presence of a hegemony and as a sort of resistance to it.

¹⁷ In the cases described by Scott (1985; 1990; 1998), and Tilly (1991), the powerful is the state.

Nevertheless, there are other sorts of interactions between the powerful and the relatively weak that lead to other sorts of unintended empowerment beyond active, hidden or silent resistance. These sorts of consequences are effects of projecting power through Lukes' third dimension, that is the attempts to create institutions that modify the perceptions of the recipient. The consequences of these applications of power can be analysed in relation to the power/knowledge mechanisms inspired by the Foucauldian insights (see below). In the field of development assistance, we often observe types of (unintended) empowerment of the (relatively) weak through a projection of power upon them. To exemplify this, we need to imagine the 'developed' as the powerful and the 'underdeveloped' as the weak in the sense that the developed commands resources and the decision to 'bestow' them upon the underdeveloped. The allocation of resources to assist the underdeveloped to develop is a complex notion and relates to a field of motivations ranging from perceived altruism to pure political, economic and security interests of the donor (in the case of police reform see for example Goldsmith and Sheptycki, 2007, pp.17-20; and section 4.2. below), and can be described as such: while the developed grants assistance to an underdeveloped state to alleviate poverty, the political apparatus in that state is empowered to develop the capacity to do just that. Using this power, the political apparatus of the underdeveloped state does not only affect poverty in the country, but also increases its own power over people¹⁸, perhaps even the legitimacy of those in power in the eyes of some people (see for example Ferguson, 1994)¹⁹. In a theoretical sense, the intervention of the developed, in an attempt to alleviate poverty or enhance security in an underdeveloped state through granting support to a government to increase its institutional capacity and introduce 'sound' policies, can result in the empowerment of that government (or elements of that government) and its status vis-à-vis the opposition or other political players. In other words, an intervention to rebuild the security apparatus is in effect an (unintended) intervention in the inner politics of that country. In fact, a recipient government can consciously use such interventions to enhance its own power, or the power of individuals, be it political, social or economic power²⁰. The ability of the relatively weak exists only, in this case, because there is a powerful who projected power unto them.

This ability of the weak to use or subvert the intentions of the powerful can be described in a theoretical sense as such:

Assuming that A is the powerful who consciously exercises power over B to achieve A's own ends, often B finds ways to use the exertion of power by A: to undermine A; to give A the impression that s/he is more powerful than s/he really is; to allow A to exercise parts of his/her power and to concede other parts; or to gain power to ends that serve B's purposes

¹⁸ Through the introduction of new policies and institutions (bureaucracy for example) that guide or modify behaviours of people under the banner of poverty alleviation.

¹⁹ Through the introduction of poverty alleviation policies, the government may become more popular in the eyes of the governed, and thus gain more power in the next election for example.

²⁰ The ability to take a resource granted to them for one purpose, and through corruption, for example, increase their own power by diverting the resources for full or partial personal or other kind of gain.

and/or interests (sometimes against A's own interests and intentions). This can be achieved: with knowledge of A, without knowledge of A, or with partial knowledge of A.

The entry above is fundamental in understanding the formation of the conceptual-contextual gap in relation to interventions in post-conflict societies. This type of power is discussed here for several reasons. Firstly, it is important to consider police reform interventions in this regard as an intention of a donor to project some sort of power onto the recipient²¹. If police reform strategies are, for example, initiated by the motivation of a donor to increase its own security by shaping the security environment outside (Mounier 2007; 2009), then such interventions, despite the humanitarian rationales and discourses involved, are in fact a projection of power by the donor to achieve its own interests by shaping conditions and institutions through aid. As indicated by Fukuyama (2004, p.48), outside interventions as such seldom work unless institutional reform is an internal demand. However, even in such cases, this demand usually reflects internal interests of powerful groups or an attempt to access resources otherwise not available. In this case, there is room to consider the unavoidable and contextual unintended consequences of power projection, namely the unintended empowerment that occurs through it. It is relevant to consider the local tyrannies such interventions may perpetuate, as well as the sorts of resistance that can arise against the intended or unintended empowerment of various sovereigns through an assistance project. When unintended empowerment occurs, then the initial objective of the donor is often undermined. These unintended consequences are most often than not a result of the clash of institutions.

Secondly, beyond the effects on the donor and his objectives, police reform as an intervention may unintentionally modify power structures within a country or a community. It may create new elites or empower old ones, may allow abusers of power to, for example, extract money from the population or subdue a class of people or groups of people in certain regions on behalf of the state or other interests (class, economy, own gain, or adherence to certain institutional frameworks).

Thirdly, police reform as an intervention (especially in a case where it is linked to the interests of the donor), may lead to new geopolitical dynamics. A strong (or weak) police force in one country may affect immigration flows, regional security, and transnational crime in various ways. The police can work in collusion with criminals; can engage in human rights violations with impunity on behalf of a ruler or due to corruption, and cause internal or international displacement²². Other sorts of unintended consequences could be viewed by some as a strengthening of decentralized police in relation to the central authorities, which could mean a weakening of central state control etc.

In sum, this perspective on power allows us to analyse the unintended consequences associated with police reform as an intervention in linkage to the clash of

²¹ Referring once again to the example of police reform conducted to reflect the best European and international practices; see section 4.2. below.

²² See for example Alemika (2011).

institutions from the higher levels of design through to reaction to implementation as a whole. The whole is visible through the framework that brings together various aspects of power, and can be used as a guide to facilitate thinking about – and analysing – police reform interventions in post conflict societies.

4. Using Power as a Lens to Observe the conceptual-contextual gap in Police Reform – A Conceptual Map Exemplified

A conceptual map on power and police reform is useful for both an in depth analysis of current and past police reform interventions, but also as an assisting tool for modelling and designing future interventions. It brings together various sorts of analyses conducted on different levels into one eclectic framework to help form a more comprehensive picture by focusing on power pathways and their effects. While it is not possible in a context of a limited article focused on presenting the theoretical background for a framework, to engage in an in-depth presentation and analysis of multiple examples and case studies, we would like to present the various pathways of power as they appear through a couple of studies, including elements of our own current and past research. In the context of this paper, this can be done only through broad strokes, recognizing that each context is more nuanced and can be deconstructed further through the framework. Nevertheless, we maintain that power pathways are present on all levels, and in every context, and therefore conducting an analysis based on an eclectic theoretical framework of power is useful in crosscutting manners (levels and contexts). Before we proceed with some examples, we would like to suggest how one might proceed with an analysis based on the conceptual framework.

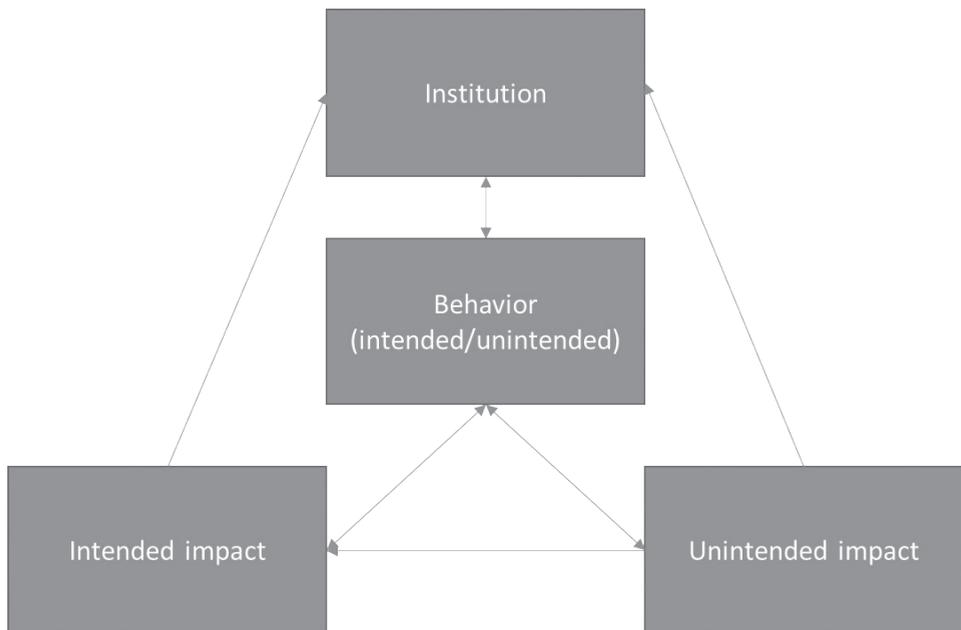
4.1. Using Power Optics for Analyses

The first step of a crosscutting analysis based on power pathways and police reform relates to the concept of power/knowledge and regimes of truth as discussed by Foucault. Such an analysis has different layers. The first layer deconstructs the range of motivations to engage in police reform as an intervention to understand the objectives of the entities involved in relation to identity and interests. The second layer, essentially related to the first, is an analysis focusing on the power/knowledge/truth cycles that structure the thinking of a donor about the state and needs of a recipient. In other words, how do the basic cultural, social, political and economic assumptions that structure the donor's thinking, affect the cultural, social, political, and economic assumptions made by the donor about a recipient of an intervention? The second step of an analysis would examine the 'power over' and 'power to' dynamics of police reform interventions stemming from the various faces of power as discussed by Lukes. These are the strategies through which the objectives based on the motivations revealed in the first step are to be achieved. The strategies operate through various interactions on different levels from the international to the local.

The third level of analysis is focused on the various reactions to power applications, the reasons for their manifestations, and the range of possibilities for a recipient to modify or resist the conceptual models. As discussed above, any application of power is carried with the aim of achieving certain specific objectives. With any application of power, a process of unintended empowerment occurs, resulting in unintended consequences, some unpredictable. These unintended effects usually stem from the deep cleavages between social, cultural, political, religious, ideological, and historical perceptions of the donor and the recipient, despite various attempts and technologies to bridge these gaps. Essentially, in a theoretical and oversimplified structural sense, unintended consequences occur when an institution installed to produce a specific behavioural outcome to achieve a specific impact, produces unintended and/or unpredicted behaviours that lead to consequences that reduce the intended impact. The unintended behaviour may also produce a chain of other consequences affecting other issues that affect directly or indirectly the original intended impact. Figure 1. below illustrates in a simplified fashion the circulation of unintended consequences introduced through an intervention.

A structured analysis of unintended consequences can be achieved by observing the gaps between the intentional behaviour targeted by an institution and the actual behaviour/s produced by it. Subsequently, an analysis of the impacts should be carried out.

Figure 1. The circulation of unintended consequences



4.2. Exemplifying Visible Power Pathways in Contexts

In a broad sense, the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) was conceived to establish policing arrangements under BiH ownership in accordance with 'best European and international practice' (Council of the European Union, 2002). The analysis of the EUPM in BiH conducted by Merlingen and Ostrauskaite (2005) used a Foucauldian lens to deconstruct and critically evaluate the power/knowledge mechanism embedded in reforming the police in BiH according to 'best European and international practice'. Anchored in a perspective that invokes a commitment to universal human rights, the 'best practices' conceal other interests pursued through EUPM, which includes security and economic interests of the EU that serve and enforce certain liberal political ideologies, thus going beyond security, the rule-of-law, and support to universal human rights in BiH. Merlingen and Ostrauskaite (2005, pp.301-302) also refer to the visible hierarchy between the EU and BiH, and explain how through the EUPM the EU exercises concealed domination over BiH through pastoral power. The use of Liberalism as a rationality that justifies EUPM interventions is viewed as an example of how liberty, for example, is used as a justification to limit other choices believed to be in contradiction to the underlying objectives of the donor²³. Nevertheless, these other choices are related to practices and beliefs embedded in social-cultural institutions in BiH such as ethnic, religious and cultural institutions, as well as in ideological/political/economic doctrines which are fundamentally different from the donor's (Aitchison 2007).

Moving from a set of interests and objectives towards the operationalisation of police reform, an array of power projections utilising different strategies were used by the EUPM to modify institutions in BiH to be more consistent with the objectives of the EUPM and 'best European and international practices'. For example, one of the conditions of the European Commission for a possible future accession of Western Balkans to the EU includes police reconstruction (Gross & Emerson, 2007). This promise of reward is, naturally, a projection of power linked to broader political issues, entailing a significant re-organisation of institutions in BiH to be more consistent with the institutional organisation in the EU. To achieve this, the EU deployed, for example, experts, using systemised dissemination and monitoring techniques, transferred through training and evaluation methods to help reconstruct the police and police practices in BiH as to reflect the 'best European and international practice'. This was an effort to create institutions that replicate European 'regimes of truth' through power. In this example, all three dimensions of power

²³ It is important to note that this is not meant as a criticism of liberalism, democracy, human rights etc., nor is this meant to challenge a motive based on the wish of the EU to have peaceful neighbours on its doorstep. This is simply to highlight the power structures (in a Foucauldian sense) underlying motives and objectives, and then how power (in a Lukesian sense) is used to secure these objectives.

discussed by Lukes²⁴ are employed using hard and soft projections to shape the preferences in BiH, and to induce processes where these preferences are pursued²⁵.

Nevertheless, basic social and cultural clashes between the BiH and the EU, reflecting a more complex set of clashes within BiH, constantly undermined the mission of the EUPM (see examples in Merlingen and Ostrauskaite, 2005; Aitchison, 2007; Padurariu, 2014). The well documented cleavages within the BiH society stem from fundamental ethnic, cultural and religious differences, historical socio-political arrangements, and a history of police violence and distrust between the people, the state, and the police (Aitchison, 2007, p.329). These cleavages interact in various ways with the intentions of the EU to modify institutions in BiH, including the fact that 'best European and international practice' remained a vague inference detached from formulated standards (Padurariu, 2014, p.8). The absence, or a blurry reference to standards, allowed various elements in BiH to convert the power projected onto them to be more consistent with different sets of institutions which reflect more the socio-cultural realities, as well as power structures within BiH (see examples in Padurariu, 2014, p.14). In addition, it was always clear to various elements in BiH that the EU intervention is motivated by self-interested rather than generosity (Aitchison, 2007, p.335). In such cases, it is useful to relate to Scott (1985; 1990) and his description of silent and invisible resistance to power, to understand that a recipient of resources will gladly accept them and can then visibly or invisibly convert them to achieve ends more consistent with his own set of preferences, which are usually anchored in more complex socio-cultural institutions and other contextual realities.

A similar set of power projections and clash of institutions can be identified in the post-conflict intervention of the United Nations Mission in Liberia (UNMIL) to reform and reconstruct the security sector, including the Liberian National Police (LNP).

While the Liberian context is fundamentally different from BiH, there are a number of similar ingredients, both in terms of the conflict and the post-conflict interventions by the international community. These similarities include deep ideological, cultural, ethnic, political and economic divisions within the society; a violent conflict where various forms of state institutions as well as counter movements participate systematically in the repression of people; and an intervention of the international community designed to reform the security sector based on a blueprint model that reflect specific modes of thinking.

Liberia's unique history as a safe-haven for liberated American slaves has led to the construction of a state where both statutory and customary legal systems are codified (Ellis, 1999 ; Isser, 2011; Graef, 2015). The civil wars in Liberia led to a collapse of the statutory system, while the customary system remained the only viable option for people seeking justice and redress (Divon, Bøås & Sayndee,

²⁴ Coercion (hard and soft) through sanctioning and promising rewards; controlling sets of choices and the agenda by deciding how the police should be reformed; creating institutions designed to mould new preferences with the recipient.

²⁵ This merits further unpacking and deconstruction which cannot be done in the context of an article limited in space.

2016). The plural legal system in Liberia has a long history which interacts with people's preferences in relation to their ethnic and cultural identity, as well as with a deep distrust of the formal government as a function of the pre-war and the civil war histories. Throughout the history of Liberia, the state was not the main provider of security and justice to most of the population (Baker, 2010; Podder, 2013, p.360), especially when it comes to the population that lived outside the main hubs occupied by the Americo-Liberians (Ellis, 1999; Lubkemann, Isser & Banks, 2011: 195-237; Graef, 2015, pp.75-80). These elements represent complicated power dynamics inside Liberia which can be unpacked further, not only between the state and the majority of the population (framed through the pre-war history of class dominance), but also between various groups within the state (framed through an ethnic conflict after the collapse of the Americo-Libero regime). The security culture in Liberia during most of its existence as a state was governed by an elite concerned with dominating and controlling the indigenous civilian population (Podder, 2013, p.359).

UNMIL stepped into the arena with a mission to stabilise and reconstruct Liberia as a viable state after the second civil war subsided in 2003. The reconstruction of the police sector in Liberia was informed by what is considered as 'best international practices' and focused on rebuilding infrastructure and reforming institutions (Podder, 2013, p.360). Once again, using a western model and trainers to reconstruct post-conflict Liberia and the practices of the LNP is an application of power that creates a clash of institutions. A technocratic approach of rebuilding infrastructure, recruiting over 3500 police officers, and training the LNP to operate as a service and adopt the principles of community policing, suffered from basic assumptions about the role and competence of the Liberian state and its police officers, and the realities of governance structures in that country (Bøås & Stig, 2010, p.291).

The Liberian state, for a variety of reasons that range from ideology, through socio-cultural tensions to physical infrastructure, was, and still is, unable to project power through the LNP, especially outside Monrovia. It is also important to note that most police trained by UNMIL are mainly present in and around Monrovia, while only small numbers of UNMIL trained police officers are present in the rest of the country (Bøås & Stig, 2010). This creates a situation that resembles the structure of the Liberian state under the Americo-Libero rule where statutory institutions were designed by and for the elites, while the indigenous population was allowed to govern themselves through customary mechanisms.

Interviews we have conducted with Liberian police officers reveal that, despite the fact that they are able to recite the 'best practices' of policing as they were taught by UNMIL, they are unable to implement them on the ground. There were several reasons for this: firstly, being Liberians, police officers (and community leaders for that matter) indicate that they do not believe that western approaches, especially those anchored in democratic principles and human rights standards, are wholly applicable in Liberia. Customary law, communal relationships, traditional gender roles, local governance structures were all mentioned as preferred approaches to various disruptions and insecurity (see also Podder, 2013). Secondly, many Liberians have a fundamental distrust in the formal institutions of the state (Bøås & Stig,

2010; Graef, 2015; Podder, 2013; Divon et al., 2016). This distrust is related to the history, but also to contemporary practices and experiences. For example, due to lack of resources and poor infrastructure, the police requires plaintiffs to carry the transportation costs of the police (Divon et al., 2016). In addition, police officers engage regularly in coercive activities to extract money from the population (Podder, 2013: 370; Divon et al., 2016). While this can be understood as corruption, many in Liberia, including police officers interviewed recently, understand such practices as legitimate livelihood strategies due to lack of resources and poor salaries. Thirdly, repeated cases of mob-violence in the past years where groups organised themselves to address a criminal issue they believed was not well handled by authorities (Divon et al., 2016), contributed to the further erosion of trust in the LNP and their capabilities to provide security. Fourthly, civil-society and other non-governmental actors were engaged in Liberia over the past decade in an effort to strengthen customary solutions since such practices are not only persistent in Liberia, but also legally codified in the constitution (Graef, 2015).

Thus, we have a number of forces at function in Liberia, all trying to apply power strategies to mould a post-conflict environment where police, policing, and the rule of law functions according to different perceptions of reality. At the same time, the people of Liberia navigate this space according to, and in manners that serve their own best interests as individuals and communities, based both on their social-constructions and the specific evolution of their experience of history in Liberia.

As in the case of BiH, there are certain perceptions of the 'self' and of the 'other' that interact here between the international community and Liberians, and within Liberia. The Liberian state, having a clear interest in reforming the security sector, but also accessing the resources provided by the international community by accepting a certain type of SSR, is thus subjugated to power projections of the international community that brings with it a clear notion of how institutions should function. This notion mainly reflects the best models of the west, and they collide with the history of Liberia's institutions as a state, and with a reality where, in parallel to the state, a variety of local institutions have been providing security and justice to the people of Liberia, with the blessing, but without full control of the state. The Liberian state continues to use the LNP in order to secure interests in Monrovia, thus leaving most of the rest of country with minimal resources. In rural areas, where police presence is insufficient, tainted by practices that do not conform to UNMIL standards, people tend to disregard their presence and turn to customary mechanisms for solutions. These mechanisms are unintentionally empowered by the state and its practises, by the conduct of the LNP, and through civil society. In the picture painted above, we can locate and analyse the clash of institutions in each level of analysis and across them, beginning with a Foucauldian perception of power/knowledge and identities, continuing with the analysis of strategies of power through which these perceptions are enacted and collided, and understanding the process of empowerment and unintended empowerment that occur, all undermining the initial design and objective of the interventions.

5. Conclusion

Power, as indicated by the discussion above is a central crosscutting concept in the analysis of relationships, and it interacts with various notions of theory. The article explains how to think about power and police reform as an intervention for post conflict reconstruction. An analysis based on a framework using power as the central optics allows carrying similar forms of analysis across contexts, yet remaining critical, nuanced and case sensitive.

The police reform in post conflict societies, the police as an organisation and policing as a practice are fundamentally related to power hierarchies and power projection on several levels:

Firstly, the police is conceptualised as an institution that is closely linked to the constitution of the state and its societal fabric. It is also a fundamental mechanism of the social contract in democracies as well as a mechanism to enforce specifically defined types of order and wellbeing. As such, there is an important link between the historical construction of identity (in various contexts) and the roles assigned and assumed by the police and its members. Subsequently, speaking of police reform as an intervention across states and communities must include a clear understanding of the plural identities involved in the process, and how these are carried across contexts and interact with each other. Identity, as explained by Foucault (1977; 1980) and argued above, is formed through a process of interaction between power and knowledge, and the formation and preservation of particular truths.

Secondly, the police can be conceptualised as a political institution installed by a sovereign, and in post-conflict reconstruction, installed by a sovereign on another sovereign. The nature of the sovereigns is of material importance to the understanding of the police and its function in different contexts and across contexts. These relationships become more complex in post conflict societies where the nature of governance and the societal structures are in the process of reformation. A common denominator across these various contexts is that the police is used as a tool of power, both by the body engaged in reforming the police and by the state where SSR is taking place. As a tool, the police is an institution employed by a sovereign to shape, execute, and enforce policy in relation to the various political and social identities that define it in time and space and in relationship to historical constructions of plural identities.

Thirdly, in addition to its function as a political institution, the police is conceptualised as a social institution comprised of a group of people entrusted to enforce the law (as it is defined across contexts) and provide amenities to society (as they are seen and defined across contexts). As such, the police is a direct projector of power. While interlinked, operating under a social and/or political capacity, leads to projections of power carried out by agents possessing discretionary powers (Brogden & Nijhar, 2005, pp. 30-33) used for different purposes and serving different understandings and goals of individuals, groups, or of structures (historical mechanisms) embedded in a society.

Fourthly, the police can be conceptualised as an empowering body, granting its 'privileged' members with means, training and legitimacy to project power, but also

as a supporter of empowerment through practices. The police as a body empowers sovereigns, elites, or other groups of people depending on contexts. That is to say that, while each individual in the police has been empowered through its ability to project power, and the police as an organisation is empowered as a projector of power, there is room to separately conceptualise and analyse the ways in which the police empowers, through its practices, individuals and groups it serves (consciously or unconsciously). Such an analysis observes the social mechanisms created and/or modified, and/or eradicated by the process of empowerment achieved through the creation and work of the police and as a function of SSR processes.

In sum, police reform interventions are processes shaped by power that also uses power to achieve defined and contested objectives. Contested in the sense of clashes between various institutions from the international levels to the local level. SSR interventions suffer from both being a projection power, and of constructing agents to which they grant independent power that can be converted. The conversion of power occurs when institutions clash to form practises more consistent with local realities. The effects of these power applications produce consequences that often contradict the initial concept of the intervention.

Through additional research presently carried out in various contexts, we hope to further map the power pathways to help reveal how and why unintended consequences appear. We hope that this research will contribute to new innovative strategies to minimize the clash of institutions and locate ways to reduce unintended empowerment appearing through projections of power.

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Bibliography

- Aitchison, A. (2007). Police Reform in Bosnia and Herzegovina: State, Democracy and International Assistance. *An International Journal of Research and Policy*, 17(4), 321-343.
- Alderson, J. C. (1985). Police and the Social Order. In J. Roach & J. r. Thomanek (Eds.), *Police and public order in Europe* (pp. 15-32). London: Croom Helm.

- Alemika, E. E. O. (2011). Police and Police Reserach in Africa. In L. Johnston & C. Shearing (Eds.), *Innovative possibilities: global policing research and practice* (pp. 73-92). Abingdon: Routledge.
- Bachmann, J., Bell, C., & Holmqvist, C. (2015). *War, police and assemblages of intervention*. London: Routledge.
- Bachrach, P., & Baratz, M. S. (1970). *Power and poverty; theory and practice*. New York: Oxford University Press.
- Baker, B. (2002). *Taking the law into their own hands : lawless law enforcers in Africa*. Burlington: Ashgate.
- Baker, B. (2010). *Security in post-conflict Africa : the role of nonstate policing*. Boca Raton: CRC Press.
- Bell, C. (2015). The police power in counterinsurgencies: Discretion, patrolling and evidence. In J. Bachmann, C. Bell, & C. Holmqvist (Eds.), *War, police and assemblages of intervention* (pp. 17-35). London: Routledge.
- Blaustein, J. (2015). *Speaking truths to power : policy, ethnography and police reform in Bosnia and Herzegovina*. Oxford: Oxford University Press.
- Bowling, B., & Sheptycki, J. W. E. (2012). *Global policing*. Los Angeles: Sage.
- Brogden, M. (2005). "Horses for Courses" and "Thin Blue Lines": Community Policing in Transitional Society. *Police Quarterly*, 8(1), 64-98.
- Brogden, M., & Nijhar, P. (2005). *Community policing : national and international models and approaches*. Portland: Willan Pub.
- Bøås, M. and K. Stig (2010). Security Sector Reform in Liberia: An Uneven Partnership without Local Ownership. *Journal of Intervention and Statebuilding* 4(3), 285-303.
- Council of the European Union. (2002). *Council Joint Action of 11 March 2002 on the European Union Police Mission*. (2002/210/CFSP). Retrived 24 June 2016, from http://www.cvce.eu/content/publication/2003/2/20/679a94e1-e8be-4a4a-9324-e1611398aa16/publishable_en.pdf
- Cowen, M., & Shenton, R. W. (1996). *Doctrines of development*. London: Routledge.
- Dahl, R. A. (1961). *Who governs? Democracy and power in an American city*. New Haven: Yale University Press.
- Dean, M. (2010). *Governmentality : power and rule in modern society* (2nd ed.). London: SAGE.
- Divon, S. A. (2015). *Exceptional Rules - US Assistance Policy in Africa*. Department of International Environment and Developmet Studies : Norwegian University of Life Sciences (NMBU).
- Divon, S. A., Bøås, M., & Sayndee, T. D. (2016). Gender Based Violence and Access to Justice: the Case of Ganta, Liberia. *NUPI Working Papers Series*, (864). Retrived 24

June 2016, from https://brage.bibsys.no/xmlui/bitstream/id/412235/NUPI_Working_Paper_864_Divon_Sayndee_Boaas.pdf

Donais, T. (2015). Ownership: from policy to practice. In P. Jackson (Ed.), *Handbook of international security and development* (pp. 227-247). Cheltenham: Edward Elgar Publishing.

Dreyfus, H. L., Rabinow, P. (1983). *Michel Foucault, beyond structuralism and hermeneutics* (2nd ed.). Chicago: University of Chicago Press.

Dubber, M. D. (2006). The new police science and the police power model. In M. D. Dubber & M. Valverde (Eds.), *The new police science : the police power in domestic and international governance* (pp. 107-144). Stanford: Stanford University Press.

Dubber, M. D., & Valverde, M. (2006). *The new police science : the police power in domestic and international governance*. Stanford: Stanford University Press.

Ellis, S. (1999). *The mask of anarchy : the destruction of Liberia and the religious dimension of an African civil war*. London: Hurst.

Ellison, G., & Pino, N. W. (2012). *Globalization, police reform and development : doing it the Western Way?*. Basingstoke: Palgrave Macmillan.

Escobar, A. (1995). *Encountering development : the making and unmaking of the Third World*. Princeton: Princeton University Press.

Fassin, D. (2013). *Enforcing order : an ethnography of urban policing*. Cambridge: Polity Press.

Ferguson, J. (1994). *The anti-politics machine : "development", depoliticization, and bureaucratic power in Lesotho*. Minneapolis: University of Minnesota Press.

Foucault, M. (1977). *Discipline and punish : the birth of the prison*. New York: Pantheon Books.

Foucault, M. (1980). *Power/knowledge : selected interviews and other writings, 1972-1977*. New York: Pantheon Books.

Foucault, M. (1988). *Politics, philosophy, culture : interviews and other writings, 1977-1984*. New York: Routledge.

Foucault, M. (2003). *Society must be defended : lectures at the Collège de France, 1975-76*. New York: Picador.

Foucault, M. (2007). *Security, territory, population : lectures at the Collège de France, 1977-78*. Basingstoke: Palgrave Macmillan.

Foucault, M. (2008). *The birth of biopolitics : lectures at the Collège de France, 1978-79*. Basingstoke: Palgrave Macmillan.

Friedmann, J. (1992). *Empowerment : the politics of alternative development*. Cambridge: Blackwell.

- Fukuyama, F. (2004). *State-building : governance and world order in the 21st century*. Ithaca: Cornell University Press.
- Gaventa, J. (1980). *Power and powerlessness : quiescence and rebellion in an Appalachian valley*. London: Oxford University Press.
- Gaventa, J. (2003). *Power after Lukes: an overview of theories of power since Lukes and their application to development*. Retrived 24 June 2006, from http://www.powercube.net/wp-content/uploads/2009/11/power_after_lukes.pdf
- Giddens, A. (1984). *The constitution of society : introduction of the theory of structuration*. Berkeley: University of California Press.
- Goffman, E. (1968). *Stigma: notes on the management of spoiled identity*. Harmondsworth: Penguin.
- Goldsmith, A. (2002). Policing Weak States: Citizen Safety And State Responsibility. *Policing and Society*, 13(1), 3-21.
- Goldsmith, A. J., & Sheptycki, J. W. E. (2007). *Crafting transnational policing : police capacity-building and global policing reform*. Oxford: Hart Pub.
- Goldstein, H. (1977). *Policing a free society*. Cambridge: Harper & Row.
- Grabosky, P. N. (2009). *Community policing and peacekeeping*. Boca Raton: CRC Press.
- Graef, J. (2015). *Practicing post-liberal peacebuilding : legal empowerment and emergent hybridity in Liberia*. Basingstoke: Palgrave Macmillan.
- Gross, E., & Emerson, M. (2007). *Evaluating the EU's crisis missions in the Balkans*. Brussels: Centre for European policy studies.
- Harkin, D. (2015). Police legitimacy, ideology and qualitative methods: A critique of procedural justice theory. *Criminology and Criminal Justice* 15(5), 594-612.
- Hills, A. (2014). What Is Policeness? On Being Police in Somalia. *British Journal of Criminology*, 54(5), 765-783.
- Huntington, S. P. (1996). *The clash of civilizations and the remaking of world order*. New York: Simon & Schuster.
- Isser, D. (2011). *Customary justice and the rule of law in war-torn societies*. Washington, D.C.: United States Institute of Peace Press.
- Knemeyer, F. L. (1980). Polizei. *Economy and Society*, 9(2), 172-196.
- Leftwich, A. (2010). Beyond Institutions: Rethinking the Role of Leaders, Elites and Coalitions in the Institutional Formation of Developmental States and Strategies. *Forum for Development Studies*, 37(1), 93-111.
- Lemke, T., Casper, M. J., & Moore, L. J. (2011). *Biopolitics : An Advanced Introduction*. New York: NYU Press.

Lubkemann, S. C., Isser, D. H., & Banks III, P. A. Z. (2011). Unintended Consequences: Constraint of Customary Justice in Post-Conflict Liberia. In D. Isser (Ed.), *Customary justice and the rule of law in war-torn societies* (pp. 195-237). Washington, D.C.: United States Institute of Peace Press.

Lukes, S. (1974) [2005]. *Power : a radical view*. London: Macmillan.

Marenin, O. (1982). Policing African States: Toward a Critique. *Comparative Politics*, 14(4), 379-396.

Marenin, O. (1985). Police Performance and State Rule: Control and Autonomy in the Exercise of Coercion. *Comparative Politics*, 18(1), 101-122.

Marenin, O. (1986). United States' Aid to African Police Forces: The Experience and Impact of the Public Safety Assistance Programme. *African Affairs*, 85(341), 509-544.

Marenin, O. (2010). Understanding Mission Environments: Local Contexts and the Legitimation of Reforms. *Journal of International Peacekeeping*, 14(3-4), 223-247.

Merlingen, M., & Ostrauskaite, R. (2005). Power/Knowledge in International Peacebuilding: The Case of the EU Police Mission in Bosnia. *Alternatives: Global, Local, Political*, 30(3), 297-323.

Mounier, G. (2007). European Police Missions: From Security Sector Reform to Externalization of Internal Security Beyond the Borders. *HUMSEC*, (1), 47-64.

Mounier, G. (2009). Europol: A New Player in the EU External Policy Field? *Perspectives on European Politics and Society*, 10(4), 582-602.

Neocleous, M. (2000). *The fabrication of social order : a critical theory of police power*. Sterling: Pluto Press.

Neocleous, M. (2006). Theoretical Foundation of the New Police Science. In M. D. Dubber & M. Valverde (Eds.), *The new police science : the police power in domestic and international governance* (pp. 17-41). Stanford: Stanford University Press.

Neocleous, M. (2014). *War Power, Police Power*. Edinburgh: Edinburgh University Press.

Nye, J. S. (2011). *The future of power*. New York: Public Affairs.

Padurariu, A. (2014). The Implementation of Police Reform in Bosnia and Herzegovina: Analysing UN and EU Efforts. *Stability: International Journal of Security & Development*, 3(1), 1-18.

Peake, G., & Marenin, O. (2008). Their reports are not read and their recommendations are resisted: the challenge for the global police policy community. *An International Journal*, 9(1), 59-69.

Pino, N., & Wiatrowski, M. D. (2006). *Democratic policing in transitional and developing countries*. Aldershot ; Burlington: Ashgate Pub. Co.

- Podder, S. (2013). Bridging the 'Conceptual–Contextual' Divide: Security Sector Reform in Liberia and UNMIL Transition. *Journal of Intervention and Statebuilding*, 7(3), 353-380.
- Rahnema, M., & Bawtree, V. (1997). *The post-development reader*. London: Zed Books.
- Reisig, M. D., & Kane, R. J. (2014). *The Oxford handbook of police and policing*. Oxford: Oxford University Press.
- Rist, G. (1997). *The History of Development : from western origins to global faith*. London: Zed Books.
- Roach, J., & Thomaneck, J. r. (1985). *Police and public order in Europe*. London: Croom Helm.
- Sachs, W. (1992). *The Development dictionary : a guide to knowledge as power*. London: Zed Books.
- Scott, J. C. (1985). *Weapons of the weak : everyday forms of peasant resistance*. New Haven: Yale University Press.
- Scott, J. C. (1990). *Domination and the arts of resistance : hidden transcripts*. New Haven: Yale University Press.
- Scott, J. C. (1998). *Seeing like a state : how certain schemes to improve the human condition have failed*. New Haven: Yale University Press.
- Scott, W. R. (1995). *Institutions and organizations*. Thousand Oaks: SAGE.
- Sheptycki, J. (2002). Accountability Across the Policing Field: Towards a General Cartography of Accountability for Post-Modern Policing. *An International Journal of Research and Policy*, 12(4), 323-338.
- Tilly, C. (1985). War making and state making as organised crime. In P. B. Evans, D. Rueschemeyer, & T. Skocpol (Eds.), *Bringing the state back in* (pp. 169-191). Cambridge: Cambridge University Press.
- Tilly, C. (1990). *Coercion, capital, and European states, AD 990-1990*. Cambridge : B. Blackwell.
- Tilly, C. (1991). Domination, Resistance, Compliance... Discourse. *Sociological Forum*, 6(3), 593-602.
- Vatn, A. (2005). *Institutions and the environment*. Cheltenham: Edward Elgar Pub.
- Walsh, P. (2015). *Arendt contra sociology : theory, society and its science*. Farnham: Ashgate.
- Weber, M. (1947). *The theory of social and economic organization*. Glencoe: The Free Press.