

As US Protests Show, the Challenge Is How to Rise Above the Violence Inherent in State Power

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Here is one thing I can write with an unusual degree of certainty and confidence: Minneapolis police officer Derek Chauvin would not have been [charged](#) with the (third-degree) murder of George Floyd had the United States not been teetering on a knife edge of open revolt.

Had demonstrators not turned out in massive numbers on the streets and refused to be corralled back home by the threat of police violence, the US legal system would have simply turned a blind eye to Chauvin's act of extreme brutality, as it has done before over countless similar acts.

Without the mass protests, it would have made no difference that Floyd's murder was caught on camera, that it was predicted by Floyd himself in his cries of "I can't breathe" as Chauvin spent nearly nine minutes pressing his knee to Floyd's neck, or that the outcome was obvious to spectators who expressed their growing alarm as Floyd lost consciousness. At most, Chauvin would have had to face, as he had many times before, an ineffectual disciplinary investigation over "misconduct".

Without the current ferocious mood of anger directed at the police and sweeping much of the nation, Chauvin would have found himself as immune from accountability and prosecution as so many police officers before him who gunned down or lynched black citizens.

Instead he is the first white police officer in the state of Minnesota ever to be criminally charged over the death of a black man. After initially arguing that there were mitigating factors to be considered, prosecutors hurriedly changed course to [declare](#) Chauvin's indictment the fastest they had ever initiated. Yesterday Minneapolis's police chief was forced to [call](#) the other three officers who stood by as Floyd was murdered in front of them "complicit".

Confrontation, not contrition

If the authorities' placatory indictment of Chauvin - on the least serious charge they could impose, based on incontrovertible evidence they could not afford to deny - amounts to success, then it is only a little less depressing than failure.

Worse still, though most protesters are trying to keep their demonstrations non-violent, many of the police officers dealing with the protests look far readier for confrontation than contrition. The violent attacks by police on protesters, including the use of vehicles for rammings, suggest that it is Chauvin's murder charge - not the slow, barbaric murder of

Floyd by one of their number – that has incensed fellow officers. They expect continuing impunity for their violence.

Here is the overhead... pic.twitter.com/US6Qghkz30

— Rob Bennett 🇺🇸 (@rob_bennett) [May 31, 2020](#)

Similarly, the flagrant mistreatment by police of corporate media outlets simply for reporting developments, from the arrest of a CNN crew to physical assaults on BBC staff, underlines the sense of grievance harboured by many police officers when their culture of violence is exposed for all the world to see. They are not reeling it in, they are widening the circle of “enemies”.

This was before curfew and our cameraman [@p_murt](#) clearly a member of the press, a block away from the White House this evening... pic.twitter.com/X7oQqZm8eW

— Aleem Maqbool (@AleemMaqbool) [June 1, 2020](#)

Nonetheless, it is entirely wrong to [suggest](#), as a New York Times editorial did yesterday, that police impunity can be largely ascribed to “powerful unions” shielding officers from investigation and punishment. The editorial board needs to go back to school. The issues currently being exposed to the harsh glare of daylight get to the heart of what modern states are there to do – matters rarely discussed outside of political theory classes.

Right to bear arms

The success of the modern state, like the monarchies of old, rests on the public’s consent, explicit or otherwise, to its monopoly of violence. As citizens, we give up what was once deemed an inherent or “natural” right to commit violence ourselves and replace it with a social contract in which our representatives legislate supposedly neutral, just laws on our behalf. The state invests the power to enforce those laws in a supposedly disciplined, benevolent police force – there to “protect and serve” – while a dispassionate court system judges suspected violators of those laws.

That is the theory, anyway.

In the case of the United States, the state’s monopoly on violence has been muddied by a constitutional “right to bear arms”, although, of course, the [historic purpose](#) of that right was to ensure that the owners of land and slaves could protect their “property”. Only white men were supposed to have the right to bear arms.

Today, little has changed substantively, as should be obvious the moment we consider what would have happened had it been black militia men that recently protested the Covid-19 lockdown by [storming](#) the Michigan state capitol, venting their indignation in the faces of white policemen.

(In fact, the US authorities’ reaction to the Black Panthers movement through the late 1960s

and 1970s is salutary enough for anyone who wishes to understand how dangerous it is for a black man to bear arms in his own defence against the violence of white men.)

Brutish violence

The monopoly of violence by the state is justified because most of us have supposedly consented to it in an attempt to avoid a Hobbesian world of brutish violence where individuals, families and tribes enforce their own, less disinterested versions of justice.

But of course the state system is not as neutral or dispassionate as it professes, or as most of us assume. Until the struggle for universal suffrage succeeded – a practice that in all western states can be measured in decades, not centuries – the state was explicitly there to uphold the interests of a wealthy elite, a class of landed gentry and newly emerging industrialists, as well as a professional class that made society run smoothly for the benefit of that elite.

What was conceded to the working class was the bare minimum to prevent them from rising up against the privileges enjoyed by the rest of society.

That was why, for example, Britain did not have universal health care – the National Health Service – until after the Second World War, 30 years after men received the vote and 20 years after women won the same right. Only after the war did the British establishment start to fear that a newly empowered working class – of returning soldiers who knew how to bear arms, backed by women who had been released from the home to work on the land or in munitions factories to replace the departed men – might no longer be willing to accept a lack of basic health care for themselves and their loved ones.

It was in this atmosphere of an increasingly organised and empowered labour movement – reinforced by the need to engineer more consumerist societies to benefit newly emerging corporations – that European social democracy was born. (Paradoxically, the post-war US Marshall Plan helped subsidise the emergence of Europe's major social democracies, including their public health care systems, even as similar benefits were denied domestically to Americans.)

Creative legal interpretations

To maintain legitimacy for the state's monopoly on violence, the legal establishment has had to follow the same minimalist balancing act as the political establishment.

The courts cannot simply rationalise and justify the implicit and sometimes explicit use of violence in law enforcement without regard to public sentiment. Laws are amended, but equally significantly they are creatively interpreted by judges so that they fit the ideological and moral fashions and prejudices of the day, to ensure the public feels justice is being done.

In the main, however, we the public have a very conservative understanding of right and wrong, of justice and injustice, which has been shaped for us by a corporate media that both creates and responds to those fashions and trends to ensure that the current system continues undisturbed, allowing for the ever-greater accumulation of wealth by an elite.

That is why so many of us are viscerally appalled by looting on the streets by poor people, but reluctantly accept as a fact of life the much larger intermittent looting of our taxes, of our banks, of our homes by the state to bail out a corporate elite that cannot manage the economy it created.

Again, the public's deference to the system is nurtured to ensure it does not rise up.

Muscle on the street

But the legal system doesn't just have a mind; it has muscle too. Its front-line enforcers, out on the street, get to decide who is a criminal suspect, who is dangerous or subversive, who needs to be deprived of their liberty, and who is going to have violence inflicted upon them. It is the police that initially determine who spends time in a jail cell and who comes before a court. And in some cases, as in George Floyd's, it is the police that decide who is going to be summarily executed without a trial or a jury.

The state would prefer, of course, that police officers don't kill unarmed citizens in the street - and even more so that they don't carry out such acts in full view of witnesses and on camera, as Chauvin did. The state's objections are not primarily ethical. State bureaucracies are not overly invested in matters beyond the need to maintain external and internal security: defending the borders from outside threats, and ensuring internal legitimacy through the cultivation of citizens' consent.

But the issue of for whom and for what the state keeps its territory safe has become harder to conceal over time. Nowadays, the state's political processes and its structures have been almost completely captured by corporations. As a result, the maintenance of internal and external security is less about ensuring an orderly and safe existence for citizens than about creating a stable territorial platform for globalised businesses to plunder local resources, exploit local labour forces and generate greater profits by transforming workers into consumers.

Increasingly, the state has become a hollowed-out vessel through which corporations order their business agendas. States function primarily now to compete with each other in a battle to minimise the obstacles facing global corporations as they seek to maximise their wealth and profits in each state's territory. The state's role is to avoid getting in the way of corporations as they extract resources (deregulation), or, when this capitalist model regularly collapses, come to the aid of the corporations with more generous bailouts than rival states.

Murder could prove a spark

This is the political context for understanding why Chauvin is that very rare example of a white policeman facing a murder charge for killing a black man.

Chauvin's gratuitous and incendiary murder of Floyd - watched by any American with a screen, and with echoes of so many other recent cases of unjustifiable police brutality against black men, women and children - is the latest spark that risks lighting a conflagration.

In the heartless, amoral calculations of the state, the timing of Chauvin's very public act of barbarity could not have been worse. There were already rumblings of discontent over

federal and state authorities' handling of the new virus; fears over the catastrophic consequences for the US economy; outrage at the inequity – yet again – of massive bailouts for the biggest corporations but paltry help for ordinary workers; and the social and personal frustrations caused by lockdown.

There is also a growing sense that the political class, Republican and Democrat alike, has grown sclerotic and unresponsive to the plight of ordinary Americans – an impression only underscored by the fallout from the Covid-19 pandemic.

For all these reasons, and many others, people were ready to take to the streets. Floyd's murder gave them the push.

The need for loyal police

In these circumstances, Chauvin had to be charged, even if only in the hope of assuaging that anger, of providing a safety valve releasing some of the discontent.

But charging Chauvin is no simple matter either. To ensure its survival, the state needs to monopolise violence and internal security, to maintain its exclusive definition of what constitutes order, and to keep the state as a safe territorial platform for business. The alternative is the erosion of the nation-state's authority, and the possibility of its demise.

This was the rationale behind Donald Trump's notorious tweet last week – censored by Twitter for “glorifying violence” – that warned: “When the looting starts, the shooting starts.” Not surprisingly, he invoked the words of a racist Miami police chief, Walter Headley, who threatened violence against the African-American community in the late 1960s. At the time Headley additionally [stated](#): “There's no communication with them except force.”

Trump may be harking back to an ugly era of what was once called “race relations”, but the sentiment lies at the heart of the state's mission.

The state needs its police forces loyal and ready to use violence. It cannot afford discontent in the ranks, or that sections of the police corps no longer identify their own interests with the state's. The state dares not alienate police officers for fear that, when they are needed most, during times of extreme dissent like now, they will not be there – or worse still, that they will have joined the dissenters.

As noted, elements in the police are already demonstrating their disenchantment over Chauvin's indictment as well as their sense of grievance against the media – bolstered by Donald Trump's regular verbal assaults on journalists. That sentiment helps to explain the unprecedented attacks by the police on reliably compliant major media outlets covering the protests.

Minnesota police arrest CNN reporter and camera crew as they report from protests in Minneapolis <https://t.co/oZdqBti776> pic.twitter.com/3QbeTjD5ed

— CNN (@CNN) [May 29, 2020](#)

Ideological twins

The need to keep the security forces loyal is why the state fosters a sense of separateness between the police and those sections of the populace that it defines as potentially threatening order, thereby uniting more privileged segments of society in fear and hostility.

The state cultivates in the police and sections of the public a sense that police violence is legitimate by definition when it targets individuals or groups it portrays as threatening or subversive. It also encourages the view that the police enjoy impunity a priori in such cases because they alone can decide what constitutes a menace to society (shaped, of course, by popular discourses promoted by the state and the corporate media).

“Threat” is defined as any dissent against the existing order, whether it is a black man answering back and demonstrating “attitude”, or mass protests against the system, including against police violence. In this way, the police and the state are ideological twins. The state approves whatever the police do; while the police repress whatever the state defines as a threat. If it is working effectively, state-police violence becomes a circular, self-rationalising system.

Throwing the protests a bone

Charging Chauvin risks disrupting that system, creating a fault line between the state and the police, one of the state’s most essential agencies. Which is why the charging of a police officer in these circumstances is such an exceptional event, and has been dictated by the current exceptional outpouring of anger.

Prosecutors are trying to find a delicate compromise between two conflicting demands: between the need to reassure the police that their violence is always legitimate (carried out “in the line of duty”) and the need to stop the popular wave of anger escalating to a point where the existing order might break down. In these circumstances, Chauvin needs to be charged but with the least serious indictment possible – given the irrefutable evidence presented in the video – in the hope that, once the current wave of anger has subsided, he can be found not guilty; or if found guilty, given a lenient sentence; or if sentenced more harshly, pardoned.

Chauvin’s indictment is like throwing a chewed-dry bone to a hungry dog, from the point of view of the state authorities. It is an act of parsimonious appeasement, designed to curb non-state violence or the threat of such violence.

The indictment is not meant to change a police culture – or an establishment one – that presents black men as an inherent threat to order. It will not disrupt regulatory and legal systems that are wedded to the view that (white, conservative) police officers are on the front line defending civilisational values from (black or leftwing) “lawbreakers”. And it will not curtail the state’s commitment to ensuring that the police enjoy impunity over their use of violence.

Change is inevitable

A healthy state – committed to the social contract – would be capable of finding ways to accommodate discontent before it reaches the level of popular revolt. The scenes playing out across the US are evidence that state institutions, captured by corporate money, are increasingly incapable of responding to demands for change. The hollowed-out state represents not its citizens, who are capable of compromise, but the interests of global forces

of capital that care little what takes place on the streets of Minneapolis or New York so long as the corporations can continue to accumulate wealth and power.

Why would we expect these global forces to be sensitive to popular unrest in the US when they have proved entirely insensitive to the growing signals of distress from the planet, as its life-support systems recalibrate for our pillage and plunder in ways we will struggle to survive as a species?

Why would the state not block the path to peaceful change, knowing it excels in the use of violence, when it blocks the path to reform that might curb the corporate assault on the environment?

These captured politicians and officials – on the “left” and right – will continue fanning the flames, stoking the fires, as Barack Obama’s former national security adviser Susan Rice did this week. She denied the evidence of police violence shown on Youtube and the very real distress of an underclass abandoned by the political class when she suggested that the protests were being directed from the Kremlin.

More of Susan Rice speculating on CNN that Russia is fueling US protests: "I would not be surprised to learn that they have fomented some of these extremists on both sides using social media. I wouldn't be surprised to learn that they are funding it in some way, shape, or form."
pic.twitter.com/qLGdZuxBuo

— Aaron Maté (@aaronjmate) [May 31, 2020](#)

This kind of bipartisan denial of reality only underscores how quickly we are entering a period of crisis and revolt. From the G8 protests, to the Occupy movement, to Extinction Rebellion, to the schools protests, to the Yellow Vests, to the current fury on US streets, there is evidence all around that the centre is struggling to maintain its hold. The US imperial project is overstretched, the global corporate elite is over-extended, living on credit, resources are depleting, the planet is recalibrating. Something will have to give.

The challenge to the protesters – either those on the streets now or those who follow in their wake – is how to surmount the state’s violence and how to offer a vision of a different, more hopeful future that restores the social contract.

Lessons will be learnt through protest, defiance and disobedience, not in a courtroom where a police officer stands trial as an entire political and economic system is allowed to carry on with its crimes.

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This essay first appeared on Jonathan Cook’s blog: <https://www.jonathan-cook.net/blog/>

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