



**THE POLICE
POWER**

**PATRIARCHY
AND THE FOUNDATIONS
OF AMERICAN GOVERNMENT**

MARKUS DIRK DUBBER

COLUMBIA UNIVERSITY PRESS

New York

Contents

Acknowledgments	ix
Introduction: “The Power to Govern Men and Things”	xi
Part I. From Household Governance to Political Economy	
1 Police as <i>Patria Potestas</i>	3
2 Blackstone’s Police	47
3 Continental Police Science	63
Part II. American Police Power	
4 Policing the New Republic	81
5 Definition by Exclusion	120
6 Police Power and Commerce Power	139
Part III. Police, Law, Criminal Law	
7 The Forgotten Power and the Problem of Legitimation	157
8 The Law of Police: Internal and External Constraints	180
9 <i>Lochner’s</i> Law and Substantive Due Process	190
Conclusion: Toward a Critical Analysis of Police and Punishment	211
Notes	219
Index	259