**Shifting Sands: Marxist Theory Behind the United States’ Legal Superstructure’s Support**

**for Police Militarization**

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The militarization of the police mainly illustrates Karl Marx’s theory of the relationship

between law and society because it creates false consciousness within police agencies and

demonstrates the economic forces behind social structures that influence the overarching legal

superstructure of the United States. Karl Marx theorized that law was directly related to the state

of the present society, where the economic forces of production and relations of production

influence the legal system (Law’s Relationship to Society II, Lecture). Changes in society and

the economic system are thus consolidated into law. These changes involve the capital, or forces

of production, that influence the relations of production. These relations of production are the

economic class dynamics between the bourgeoise, who own productive forces, and the

proletariat, who sell labor. Both forces and relations of production influence the legal

superstructure, which confirms dominant ideologies through law in areas such as the right to

private property and the protection of individual liberties. In this superstructure, law creates

“false consciousness,” or the belief in certain classes that the law is equal and universal, which is

in actuality impossible due to a fundamentally unequal, economically based social structure.

However, because law supports private property, creates precedent, and appears neutral, the

proletariat and bourgeoise members of the relations of production do not see the inherently

unequal social structure on which the legal system works. Even if the law is neutral, class

inequality is inevitable in capitalism, which makes even an equal and universal legal

superstructure unequal due to an inherently flawed class system (Law’s Relationship to Society

II, Lecture). Marx’s theory therefore assumes that class divisions are stark and that classes are

overwhelmingly unified in their desires, to the extent where the rare actors in each class who do

not act in the interests of their class and instead regulate the behavior of capital and redistribute

resources downward are insignificant due to their comparable lack of economic power. This lack

of economic power then corresponds to an inability to influence the legal superstructure, just as

an abundance of economically-fueled class power in certain groups would grant great influence

over trends in law. Overall, Karl Marx’s theory directly relates developments in law to the

interests of those with economic and class power, and this creates the false consciousness

illusion of the universal righteousness of law while ignoring law’s impact on other class groups

within an unequal capitalist society.

In Marx’s theory, “most of the law of contract and property has been shaped to perpetuate

existing power and property relationships” (Bonsignore 5.0, 2005, 111). One of the most

essential relationships in Marx’s theory is the relations of production between the bourgeoise and

the proletariat. Police militarization illustrates this theory, as the police members and local

jurisdictions who agree to militarization are unconventionally bourgeoise through power and

property relationships based on economic support, as well as through cultural and societal

support. The police class that supports militarization becomes bourgeoise through their

ideological power, which influences the law, which then grants this class economic dominance.

This unusual police bourgeoise’s possession of military equipment then becomes symbolic of,

and even equivalent to economic power. While this diverges from Marx’s theory of the

bourgeoise owning productive forces, as the police force is drawn from multiple individual class

backgrounds, members who support militarization partake in bourgeoise privilege as the law

funds militarization through weaponry as capital, theoretically meant to protect the public, non-

policing proletariat. This promotes the false consciousness at the center point of the Marxist

relationship between economic relations and law as the legal support of militarization promotes

class divisions, lack of accountability, and cultural dominance on the part of the police class

supportive of militarization. “Few police scholars have acknowledged that the military and the

police have an inherent political connection: both possess a monopoly on and the prerogative to

exercise the state-legitimized use of force” (Kraska and Cubelli, 1997, 609). This precedence of

power influences the legal superstructure, to the point where economic law reflects the societal

standing of the police class supportive of militarization, or the unconventional Marxist

bourgeoise. This is depicted through a shifting legal superstructure: “The use of military forces

under Posse Comitatus remained relatively static until the events of September 11, 2001. Since

then, the increasing militarization of U.S. law enforcement has been a topic of controversy,

largely due to U.S. military surplus equipment given to civilian law enforcement agencies under

the Department of Defense (DoD) 1033 Program…The DoD 1033 Program, enacted by

Congress with the passage of the Defense Authorization Act of 1997, allows all law enforcement

agencies to obtain surplus equipment from the federal government for use in legitimate police

activities (Fowler, 2017). Because of the power of this class of police supportive of militarization

within relations of productions, the law accommodates this police bourgeoise through economic

support in the form of weaponry. Additionally, the law becomes a precedent that works against

public concern, furthering community tension and class conflict. “One interesting fact is that

despite public concern, the revised Section 1052 expands the range of activities under which

transfer of property under the 1033 Program may be authorized. (Fowler) This supports Marx’s

theory, where the legal superstructure is shifted in favor of militarizing police, at the expense of

the public proletariat, or the members of society who do not support police militarization. One

especially poignant legal decision in favor of this police bourgeoise is Donald Trump’s 2017

executive order that “erases the sensible limits placed by the Obama administration after

Ferguson on the kinds of military equipment flowing from the federal government to local police

and into our neighborhoods…Tensions between law enforcement and communities remain high,

yet the president and the attorney general are giving the police military-grade weaponry instead

of practical, effective ways to protect and serve everyone."” (Haltiwanger, 2017). These class

tensions further illustrate the police class supportive of militarization’s position as the economic

bourgeoise. This legal decision also promotes a lack of accountability and different standards for

this police class, where “oversight of the program has been found to be lax in the past. The

Government Accountability Office last month published results from an audit in which $1.2

million worth of surplus military equipment was shipped to investigators pretending to be a

police department (Noble, 2017). These lax standards for this police class indicates their

economic power, which dominates the legal superstructure, and further cements this police

class’s place as the bourgeoise in accordance with Marx’s theory. Finally, false consciousness

emerges as “the [1033] program was originally intended to help with drug enforcement, and was

expanded to cover counterterrorism in 1996” (Haltiwanger, 2017). The law gives the appearance

of neutrality, with good intentions to help the public through more resources meant to protect

them, but this is an illusion because of inescapable class inequalities in accordance with Marx’s

legal theory. The law’s prioritization of the police bourgeoise’s interests above public

concern fuels community divisions and police discretion, which gives the bourgeoise police class

more power to use militarization to their personal advantage. Additional promotion of class

interests and warrior ideology through law illustrates Marx’s legal false consciousness,

cementing the police class supportive of militarization’s place in the Marxist economic theater as

the unconventional bourgeoise.

This specific police class’s position as the bourgeoise in Marx’s legal theory is shown

more traditionally through the law’s economic support behind it. Firstly, the economic reality of

militarization was largely hidden until an organization “released the study, OpenTheBooks

Snapshot Report – The Militarization of Local Police Departments, that quantified the transfer of

1.5 million weapons-related items from the Department of Defense (DoD) to federal, state and

local law enforcement since 2006 (Andrzejewski, 2016). This lack of transparency illustrates

class power, different class standards, as well as foreshadows classes working against each other

under a seemingly fair and neutral, even helpful legal superstructure. According to Marxist

theory, “it is the powerful who furnish the documentation for most transactions, and it is they

who benefit from the documents. Insurance policies, promissory notes, mortgages, conditional

sales contracts, leases, and other papers that people are expected to sign are as often instruments

of domination as they are evidence of an evenly bargained deal. Courts typically do not look

behind the documentation to discover the economic realities of a transaction” (Bonsignore 5.0,

2005, 111). This delayed transparency behind police militarization demonstrates the police class

supportive of militarization’s power, drawn from their legal economic support that is hidden

from the proletariat. Secondly, police interviewees “stressed that confiscating guns and money in

these drug raids is as important as confiscating drugs. Several commanders noted how

confiscated assets some- times fund the purchase of new paramilitary equipment. It is critical to

recognize, therefore, that doing "warrant work" is not just the perfunctory serving of a warrant

subsequent to an in-depth investigation. Rather, it has become a proactive tool through which the

police gather evidence and crudely conduct an investigation into suspected illegal activity

(Kraska and Kappler, 1997, 9). In this manner, equipment subsidized by the legal superstructure

grants the police bourgeoise economic power. Additionally, the law takes economic power from

the proletariat to fund police militarization, as “the nasty little secret of policing’s militarization

is that taxpayers are subsidizing it through programs overseen by the Pentagon, the Department

of Homeland Security, and the Justice Department” (Harwood, 2014). This lack of transparency

about relations of production in economics, as the proletariat unknowingly pay taxes in support

of continued police bourgeoise economic domination, demonstrates Marx’s theory that “the

ability of corporations to move revenues and costs around…[produces] gigantic leaks in tax

collection that must be made up by ordinary taxpayers” (Bonsignore 5.0, 2005, 111). This

support of Marx’s theory is further exaggerated as “one-third of all war materiel parceled out to

state, local, and tribal police agencies is brand new. This raises further disconcerting questions:

Is the Pentagon simply wasteful when it purchases military weapons and equipment with

taxpayer dollars? Or could this be another downstream, subsidized market for defense

contractors?” (Harwood, 2014). The legal superstructure exercises its authority to confirm the

position of the police class supportive of militarization, including defense contractors, as the

economic bourgeoise. Their legal dominance resonates further as “despite public outcry, new

federal data shows that 2014 and 2015 were peak years for shipments of surplus military gear to

local police departments across America” (Andrzejewski, 2016). This economic prioritization of

this police bourgeoise again promotes lack of transparency and a disconnect from the proletariat

public who do not benefit from or disagree with police militarization. As the legal superstructure

actively works to support members of the effort for police militarization while disregarding the

public, the economic dynamics the law introduces confirms Marx’s theory as essential for

explaining the legal patterns behind police militarization.

This economic dominance of the police bourgeoise results in false consciousness within

police and society due to the law’s promotion of this group as a higher social and economic

class because of economic interests. As a result, lack of accountability spreads and an unequal,

Marxist social strata emerges. In Marx’s theory, “laws “regulating” corporations have been

shaped to meet managerial and financial interests rather than the needs of the ordinary

shareholder or the public generally” (Bonsignore 5.0, 2005, 111). These class divisions are most

dramatically illustrated through the rise of police paramilitary units (PPUs) funded through the

legal superstructure, “used as proactive patrol forces to "suppress" highly politicized problems

such as guns, drugs, gangs, and community disorder in economically deprived areas” (Kraska

and Cubelli, 1997, 623). However, “despite the belief among tactical officers that PPUs enhance

officer and citizen safety, numerous incidents and common sense raise questions about the

dangerousness of these units to officers and citizens” (Kraska and Keppler, 1997, 12). This

illustrates the inescapable class inequality that Marx proposed as an explanation for the legal

superstructure’s inequality despite the popular belief in law’s universality and equality. The

police bourgeoise are told to protect the larger community unless class issues are economically

or politically motivated, which prioritizes the militarization supporters’ interests and pits the

legally elevated, economically armed, well-funded police bourgeoise against the common

proletariat, or citizens and groups who do not support or benefit from police militarization.

Despite this, there is a solid conviction within the police bourgeoise in the neutrality of law as

well as their own class superiority. “The key to our success is that we're an elite crime-fighting

team that's not bogged down in the regular bureaucracy. We focus on "quality of life" issues like

illegal parking, loud music, bums, neighbor troubles” (Kraska and Cubelli, 1997, 624), a PPU

commander states. The Marxist belief in the neutrality of law is complete, as this police

bourgeoise member believes that crime-fighting using legally funded military equipment is an

appropriate, equal response to “quality of life” issues such as loud music and illegal parking.

While there are several elements “ideologically and pragmatically intertwined in an emerging

form of policing: 1) the "war on crime and drugs" metaphor; 2) community and problem-oriented

policing ideology; and, 3) the escalation and normalization of PPU activities (Kraska and

Keppler, 1997, 13), and the official policing policy is community-based, the interpretation is

more based on oppression because of the police militarization individuals’ belief in their own

higher social standing, due to their possession of equipment and economic power. Thus, the law

gives a veneer of neutrality while its police interpret it differently due to their own economic,

weapon-based status, so that the system continues to be unequal. Material connections promote

inequality in society, and the police’s elitist access to military weapons as resources allows this

thinking to enforce Marxist social strata no matter how neutral the law may appear to be. This

thinking penetrates the legal superstructure through lack of accountability, such as in the case of

Donald Trump’s 2017 executive order that removed Obama-era guidelines on police

militarization. “Oversight of [the fully-reinstated Department of Defense’s 1033 program] has

been found to be lax in the past. The Government Accountability Office last month published

results from an audit in which $1.2 million worth of surplus military equipment was shipped to

investigators pretending to be a police department. (Noble, 2017). Additionally, “two

departments admitted they funded these very expensive [military-influenced tactical operations]

with federal monies allocated for community policing programs - either by using these funds for

overtime pay to PPU officers, or by hiring community policing officers and then transferring

personnel to staff new PPU” (Kraska and Kappler, 1997, 10-11). These low standards for the

police bourgeoise to access the weaponry-based source of their economic and legal power

demonstrate legal oversights that result in negative consequences for the proletariat, who are put

aside in favor of the true priority: elevating the class of police supporters of militarization.

Furthermore, the economic capital the law provides to this class is poorly accounted for and

largely used for inter-class priorities such as police safety: “As with the 1033 program, neither

DHS nor state and local governments account for how the equipment, including body armor and

drones, is used. While the rationale behind stocking up on these military-grade supplies is

invariably the possibility of a terrorist attack, school shooting, or some other horrific event, the

gear is normally used to conduct paramilitary drug raids” (Harwood, 2014). The influence of this

police bourgeoise’s economic and class power on the legal superstructure is even more apparent

as “the most startling source of police militarization is the Department of Justice, the very agency

officially dedicated to spreading the community policing model through its Community Oriented

Policing Services office. (Harwood, 2014). Marx’s theory explains the police bourgeoise’s

continued promotion as a dominant class in the eyes of the law, where this upper militarized

economic class does not have to be held accountable for actions in accordance with the economic

support behind it. This class conflict hidden under the veneer of a neutral law becomes concrete

as law enforcement is given “explicit permission to treat policing like a war in which the

president of the United States has defined enemies and allies. It was less than a week ago that

Trump pardoned [Sheriff Joe Arpaio], who had been found in criminal contempt of a federal

court order barring him from continuing his serial abuses and violations of the constitutional

rights of Arizona citizens he suspected of being in this country illegally. The Arpaio pardon was

a clear sign that not only is Trump willing to countenance the trampling of citizens' constitutional

rights and our constitutional system of checks and balances, he is especially eager to do so to

repay a campaign supporter and fellow traveler in his long-held campaign against immigrants”

(Posner, 2017). As the legal superstructure supports the militarization of the police, the

proletariat opponents to militarization are seen as potential enemies, furthering Marxist class

conflict and inequality. However, because of false consciousness, this inequality is hidden and

the law appears neutral for police supporters of militarization. “For [Police Chief Shane

Woodson], it’s the rifles that really show how valuable the program can be for cash-strapped

departments like his. Our median income [in Southbridge] is about, I think it’s nine or 10 from

the bottom,” Woodson said. “[A] lot of good, hard-working people that live here, but we don’t

have a very high tax base. We need this type of weapon system. But we couldn’t have afforded

it.” Asked why Southbridge police need this type of weaponry, Woodson cites several recent

incidents, including one at a local school. “[A boy] was holding … it was a stapler, but he’d

raised it up quickly to a young girl,” Woodson said. “She’s a kid, 13, 14 years old, no idea what

was happening, and we had to respond with our vests and M16s. You don’t want to go into a

situation where the person, the suspect has an assault weapon and you don’t” (Reilly, 2017). The

threat of the proletariat, or those who do not benefit or participate in police militarization, is

exaggerated because of the law’s support for police militarization. As a result, the police

bourgeoise participate in class inequality from this legal support using mismatched weapons and

warped threat assessment of other groups. This is especially dramatic in this situation, where

rifles and bulletproof vests are equated with a stapler as an equal threat response because of the

legal support behind the police bourgeoise’s equipment. The unique position of the police

bourgeoise as potentially economically proletariat as individuals with low median incomes yet

bourgeoise when seen as part of a police militarization group further emphasizes the widespread

false consciousness as seen in Marx’s theory. The belief that “to much of the practicing criminal

justice community, the recent implementation of the military special operations model represents

not a regression in the administration of justice but a step toward further modernizing and

refining state violence” (Kraska and Cubelli, 1997, 626) sows class conflict that the legal

superstructure plants in its economic prioritization of the police bourgeoise. This class conflict is

directed against the only other group within the jurisdiction of “state violence,” which is

constrained to within the United States for police, unlike military groups: the proletariat who do

not benefit from or partake in police militarization. The law supports Marxist class differences to

the point where the police bourgeoise obtain equipment unsuited for the public’s needs and their

official role as a servant of the proletariat community. While Jeff Sessions remarks on the 2017

executive order in the wake of Hurricane Harvey that “[Trump] is rescinding restrictions from

the prior administration that limited your agencies' ability to get equipment through federal

programs, including life-saving gear like Kevlar vests and helmets and first responder and rescue

equipment like what they’re using in Texas right now” (Haltiwanger, 2017), this statement is

contradicted elsewhere within legal trends and the police bourgeoise. According to data, “small

town police are armed with M16 and M14 rifles, night-vision googles, bayonets and armored

trucks; junior colleges and county sheriffs procured mine-resistant vehicles (MRVs); even local

park districts and forest preserves stocked up on military-style equipment” (Andrzejewski,

2016). The police bourgeoise’s priorities also contradict this statement about prioritizing rescue

equipment as “the sheriff of Los Angeles wants to see local law enforcement armed with military

equipment such as grenade launchers, high-powered firearms and armored vehicles…such

equipment would make it safer for officers on duty” (Sinclair, 2017). Given the economic

dominance of the police bourgeoise, defined by a focus on police militarization, the legal

superstructure’s support behind resources for this class prioritizes inter-class needs and is often

insufficient, unnecessary, or downright antagonistic for the needs of the public proletariat.

Accordingly, statements such as “given the catastrophe in Houston this week, it’s clear that what

local officials really need from the federal government to enhance public safety are high-water

vehicles and swift water rescue boats, not tanks and bayonets” (Vitale, 2017) illustrate the law’s

current unsuitability for large portions of the population. Class differences take center stage in

this controversy as the legal superstructure prioritizes the police bourgeoise economically

without regard to accountability for equipment usage or the police’s central purpose to protect

the proleteriat, and instead caters economic capital to the desires of the police supportive of

militarization. As a result, the law’s support of militarization highlights Marxist class divisions

and conflicts of interest, even as the police bourgeoise regard the law as equal from a position of

economic class privilege funded by the legal superstructure through false consciousness.

The origins of this legal support for police militarization are essential to understand as in

Marx’s theory, “legislation can have highly stratified effects, that is, the benefits and burdens of

the legislation may not be distributed across the entire population, but instead pile up in one

stratum or group” (Bonsignore 5.0, 2005, 111). Additionally, Marx’s theory of a dynamic

relationship between economic relations and a cultural and ideological superstructure can explain

the current prominence of police militarization in law as the police supportive of militarization

developed cultural importance, spurring legal support. This culture of militarization is evident in

police training practices that contract the official community-based policing mantra, as “police

across America are being trained in a way that emphasizes force and aggression… The result,

[Karl Bickel] suggests, is young officers who believe policing is about kicking ass rather than

working with the community to make neighborhoods safer” (Harwood, 2014). This shift in

cultural policy is foreshadowed by the revival of militarism in policing, which is understood

through “the close identification between the police paramilitary subculture associated with

PPUs and the recent growth of a larger paramilitary culture in the United States …within this

larger culture, the police paramilitary subculture contains a status hierarchy with military special

operations squads such as the Navy Seals at the top, followed by FBI, and BATF police

paramilitary teams…” (Kraska and Cubelli, 1997, 622). In Marx’s theory, societal shifts cause

changes in law, and this cultural shift emphasizes a weapon- and equipment-oriented hierarchy

due to cultural support for militarization and paramilitary culture. As a result, military-based

equipment later becomes the economic capital in Marx’s theory to catapult the police supportive

of militarization to the bourgeoise class, where they own the legally-funded capital and the

proletariat do not. Accordingly, “there has been an explosion in the prevalence and mission of

SWAT teams and other paramilitary police units…. these units generally lack appropriate

enforcement activities, so have creeped into new areas such as serving low-level drug warrants

and intimidating protesters” (Vitale, 2017). The shift in the legal superstructure is complete; just

as the culture changed in favor of paramilitary ideals, so too did the legal superstructure change

in favor of the police bourgeoise, as those supportive of militarization gain economic capital in

addition to cultural support, a class difference which promotes lack of accountability. Class

divisions are demonstrated further with this shift as “this kind of policing and the extensive

training that goes with it tends to treat every police encounter as potentially deadly and instills an

“us versus them” ethos within police ranks. That, combined with a robust “war on drugs,” “war

on crime,” and “war on terror” has created a growing gulf between citizens and the police that is

especially true in communities of color” (Vitale, 2017). The desires of the proletariat, and

especially those of the marginalized within the proletariat, go comparatively unrecognized in the

law due to the cultural power of military ideology that has led to power within the relations of

production. Due to false consciousness from cultural and legal support, the police bourgeoise

may even fail to recognize situations where they are heightening the issues of the anti-

militarization proletariat and targeting classes such as the individual proletariat, poor in either

economic capital or cultural power, as “contemporary PPUs do not just react to pre-existing

emergencies that might require highly trained teams of police officers. Instead, most PPUs

proactively seek out and even manufacture highly dangerous situations. Finally, paramilitary

policing is not just an urban "inner-city" phenomenon. These units target what the police define

as high crime or disorderly areas, which most often are poor neighborhoods, whatever the city's

size (Kraska and Keppler, 1997, 12). As explained through Marx’s theory, each class usually

only behaves on their own self-interests, and this causes unequal law such as the Posse

Comitatus Act, which causes police to appear as members of the military. One argument behind

the police militarization controversy is that “unlike military forces that exist to defeat the

enemies of the United States in combat, the role of the police in America is to protect and serve

their communities. Having police in military camouflage, carrying military weapons and

patrolling in armored or other military vehicles gives communities the appearance of an armed

police confrontation. (Fowler, 2017). This is explained by Marx’s theory of class self-interest

disguised by apparently neutral law designed to equalize and even benefit other classes. While

militarized police equipment technically appears to be effective for protecting themselves and the

public, the nature of paramilitary culture undermines this legal neutrality as “for civilian police

officers to refer to their fellow community members as civilians promotes a “we – they” type of

relationship in which the police are separate from the community. This practice is counter-

productive to good police-community relations” (Fowler, 2017). Additionally, “violent home

invasions are routinely used against people who are only suspected of a crime. Up-armored

paramilitary teams now regularly bash down doors in search of evidence of a possible crime. In

other words, police departments increasingly choose a tactic that often results in injury and

property damage as its first option, not the one of last resort” (Harwood, 2014). As Marx

theorized, class inequalities are too extreme for law to neutralize. This is further exacerbated by

the nature of paramilitary culture, which can antagonize the proletariat due to its emphasis on

enemies and violence, often out of place in a state policing system. However, the police

bourgeoise’s cultural prominence has resulted in a legal superstructure that economically

supports their movement for police militarization at the expense of other members of society.

“SWAT teams, it seems, have a disturbing record of disproportionately applying their specialized

skill set within communities of color” (Harwood, 2017). In this manner, less privileged groups,

or those without the capital of legally-funded weaponry and equipment, are powerless in the

Marxist social structure while police bourgeoise actions are justified as legal, causing police

militarization to appear neutral and helpful to its proponents. The rise of paramilitary culture and

the legal support behind it increases class conflict in a more exaggerated and violent manner than

in a typical Marxist economic structure, as the law “puts more firepower in the hands of police

departments that remain largely untrained on matters of racial bias and endangers the

public…The use of military weaponry against our domestic population is nothing short of

recasting the public as an enemy” (Noble, 2017). Furthermore, “Sessions’s ramping up of the

war on drugs, and Trump’s pardon of Sheriff Joe Arpaio are not about enhancing public safety;

they are appeals to a politics of anger and resentment that is tied to a belief that the only way to

solve public safety problems is through “getting tough.” Trump and Sessions are encouraging

their supporters, including many police officers, to embrace a politics of branding immigrants,

people of color, and people who commit crime as beyond the pale and deserving of the harshest

of sanctions. It is this mindset that is the real threat to public safety” (Vitale, 2017). The

paramilitary, conflict-ridden culture influencing the legal superstructure is apparent, and

becomes paramount to understanding legislative actions for police militarization. This societal

influence on the law illustrates Marx’s theory of the relationships behind legal changes, and class

differences clarify the invisible class inequality of a law meant to be equal, and even helpful to

both the proletariat and the police bourgeoise. Legislative trends in accordance with Marx’s

theory of social and economic influence can allow certain classes to gain a drastic amount of

economic and cultural capital, and in accordance with an incendiary issue such as police

militarization, can further class inequality underneath the veneer of an impartial, equalizing law.

Due to the spread of paramilitary culture and its warrior ideology, the resulting police

militarization legal shift’s impact on the public has been especially drastic and comprehensive.

According to Marx’s theory about the relationship between society and law, economic

forces and relations influence an overarching legal structure, where class-based inequality under

law is inescapable and false consciousness emerges within certain classes about the just and

equal nature of law. This is an especially poignant explanation for police militarization because

of its timely accuracy, where a new economic capital emerges in the form of military equipment

and weaponry that can determine a unique police bourgeoise and public proletariat to form new

classes defined by and steeped in support for and lack of support for police militarization. Just as

the legal superstructure is influenced by the societal shift toward paramilitary cultural and

economic dominance, so does the law turn into an instrument that furthers and strengthens the

police bourgeoise’s interests at the expense of other classes. False consciousness emerges as a

force that limits the police bourgeoise' of class-based inequalities under the legal trend of police

militarization, seemingly beneficial for all classes. Finally, while divisions and desires within

classes are not unanimously unified as Marx predicted, they are shown to be stark enough to

promote class inequality, from lack of accountability within the police bourgeoise to the negative

impact of legal and economic support for the warrior paramilitary ideology on the common

proletariat, who are without the economic capital of legally-funded military weapons. The

implications of using Marxist theory to understand police militarization are great, as the motives

of the legal superstructure can be examined in what can often seem to be a nonsensical, biased,

and deeply flawed movement. The origins of this legal favoritism, such as the rise of

paramilitary culture, can be parsed, and the state of the present society can be better understood

both through relations of production and by examining present law, where Marx believed one

could see societal trends. Ideas such as false consciousness within an unequal and classist

capitalist society can be utilized so that members of the classes that false consciousness

influences can knowledgably look beyond the common veil of belief in the sanctity and

neutrality of law. Furthermore, it can be understood that as the police bourgeoise continues to be

economically and legally fueled, this class’s sway over the law will only increase over time,

limiting opportunities for other classes as well as economic and societal trends irrelevant to and

against police militarization to also influence the legal superstructure. Karl Marx related

developments in law to the interests of those with economic, class, and cultural capital, and false

consciousness to this privileged class’s relations of production with the proletariat, and in

accordance with his theory, shifting societal trends determine all aspects of law. Because of the

unique suitability of Marx’s theory in explaining essential ideas behind police militarization

within the legal superstructure, other changes in society could occur that equally influence the

law in accordance with Marx’s theory. The existence of public opposition to militarization

illustrates a potential method of influencing the legal system so that the law shifts in the

proleteriat’s favor. If these large amounts of cultural power behind the class opposing police

militarization gained economic capital or accepted a new capital that granted this class a new

economic dominance, the Marxist legal superstructure could potentially shift in turn so that any

new, economically-boosted class’s desires could be prioritized. Just as Marx provides an

essential explanation for unequal treatment under the law due to economic and class status, so

too can his theory accommodate new shifts in economic forces and relations of production.

While the Marxist fundamental disconnect between classes bolsters the economically privileged

in the eyes of the law and hides the failings of the legal system for other classes, the theory also

illustrates the potential for multifaceted economic and social shifts to bolster any class of

individuals to influence the legal superstructure, in the perpetual search for another new just law.