

The Phenomenological Perception of Law Enforcement Praxis

Kolluk Uygulamasının Fenomenolojik Algısı

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Abstract: This paper aims to develop the phenomenology of law enforcement praxis through a phenomenological interpretation of Husserl's transcendental phenomenology; Heidegger's hermeneutical phenomenology; and Merleau-Ponty's idea of perception. The main research question of this research is "What is the reality of law enforcement praxis?" Phenomenology provides a general comprehension of the experience by demonstrating the relationship between the mind and the world. The praxis of law enforcement is reflected in Husserl's phenomenology as a transcendental act by subject in relation to the object. Heidegger's phenomenology mostly being in the concept of "Dasein", which is influenced by a link with time and history of law enforcement. Merleau-Ponty's idea of perception sees being existing prior to the thought of law enforcement as an 'inalienable presence. Unlike Husserl; Heidegger and Merleau-Ponty perceive being as the inseparable part of the law enforcement organization itself and individual.

Keywords: Law enforcement management, phenomenology, transcendental phenomenology, hermeneutical phenomenology, idea of perception.



Introduction

The interpretation of theory has been an ongoing topic of discussion since time immemorial. Ontological, epistemological and methodological concerns generate two main camps in the evaluation of theory. Positivist and post-positivism camp perceive theory as systematic views of abstracted ideas with empirical research that identify hypotheses via reliable tests. A positivist inquiry investigates the basis of causal relationships which are linked to theory. The epistemology of this camp seeks the explanation of phenomenon through natural science. A phenomenon is measured by the utilization of samples and is trying to be reduced to the purest form. Likewise, the ontological stance of positivism and post-positivism assume that social reality is independent from humanity. On the other hand, treating individuals as separate from the social context, ignoring people's perceptions, constraints stemming from highly structured research design and difficulty to explain complex phenomena in a single measure garnered much criticism from some corners. These constraints may lead to essential variables being missed in a social inquiry.

Alternatively, phenomenology rejects the empiricist perspective and utilizes a subjectivist approach via interpretive perspectives of theory. Phenomenologists deal with action and behaviour developed from discourse within the mind. From the epistemological view, the relationship between the researcher and the inquiry is impossible to separate. The knowledge is produced via interpretation of the subject and interaction of the subject and the object. Besides, ontological perspective is derived from the mind, hence reality is subjective and multiple in phenomenology. Mostly, an inductive research design is preferred the focus of small data sample. Instead of falsification, verification is being used and utilization of different methods and getting different perceptions are encouraged. Phenomenology develops an interaction between mind and the world and interprets the distinctions between the internal and external world as well as levels of objectivity and subjectivity (Howell, 2013). Phenomenologists believe that 'being-in-the-world' improves the understanding of experiences and the meaning of the subject and the object (Howell, 2004).

The root of law enforcement praxis is based on the need of security.



This necessity has been developed inverse proportion of the subject's will and has brought some limitations on mind and body. Individuals accepted living as a part of society for having security in lieu of doing whatever they want without any limitations. Herein, the main research question of this paper is "What is the reality of law enforcement praxis? In order to respond to this question, the paper addresses the ontology of law enforcement by focusing on three main approaches in phenomenology: Husserl's transcendental phenomenology; Heidegger's hermeneutical phenomenology; and Merleau-Ponty's idea of perception.

Transcendental Phenomenology and Law Enforcement

Husserl as a mathematician, shows reaction to positivism and develops methods for the study of conscious experience in order to overcome objectivism's limitations in positivism. However, his intention is not only limited to the concern of research motives but also obtaining perceptions into cognition, judgements and the life of reason (Moran, 2013, s.44). He names his phenomenological stance as transcendental phenomenology:

In its purely eidetic attitude, which 'brackets' all transcendence, phenomenology necessarily reaches on its own ground of pure consciousness this entire complex of transcendental problems in the specific sense and therefore deserves the name transcendental Phenomenology (Husserl, 1969, s.198).

"Intentionality" is a key component in Husserl's transcendental phenomenology. Husserl (1969, s.242) defined intentionality as "*the unique peculiarity of experiences to be the consciousness of something*". Intentionality seeks the relationship between subject and object through background, content, act and horizon and investigates as subjects how we experience objects (McIntyre and Smith, 1989; Howell, 2013).

Different from contemporary philosophers, he brings transcendental understanding to subjectivity. Husserl (2003, s.19) inferred that his "*transcendental subjectivism is not a chaos of intentional experiences, but rather a unity of synthesis, a many-layered synthesis in which ever new object-types of individual objects are constituted. Yet every object signifies a rule-structure for transcendental subjectivity*." As a first step to reach transcendental subjectivity, an immediate reflective self-experience should take the conscious of life without prejudice (Husserl, 1970).



In order to provide this, he developed the method of phenomenological reduction and transcendental reflection. The phenomenological reduction begins with “bracketing” which means the suspension of lived experience. Herein, “the term “epoché” emerges. The epoché is abstaining from beings’ judgements and a priori knowledge in the existing world. However, the epoché does not mean getting suspicions about the essence of knowledge such as occurred in the cartesian philosophy of Descartes. It is a state of neutrality against epistemology and prepares self to see clearer picture of being’s essence. This neutrality with the structure of the noesis (the act of consciousness intentionality) and the noema (intended object) corresponds to transcendental reduction through separating intention and existence and thus, being begins to realize the existence of transcendental ego. The separation of ego and intentions provide going back from existence to presence. After this moment, transcendental reduction turns into a transcendental reflection which prompts self towards the essence of the phenomenon.

Regarding the concept of law enforcement praxis, it can be inferred that intentionality is an act of consciousness which shows the perception of law enforcement experience, beliefs, opinions, imaginations and hopes. The subject is the personnel of law enforcement and intentionality of the subject is providing and maintaining public order. Back ground is an area of law enforcement responsibility and law enforcement experience is obtained from the background. The object is criminals who intend to violate public order. Personnel of law enforcement and criminals are connected by intentionality. Content is a process of public order violation and act is the practice of this process. Finally, the horizon is possibility of providing and maintaining public order.

Phenomenological perception of law enforcement praxis leans heavily on an understanding of experience in its natural context through a holistic perspective that covers the interaction of all the components of Husserl’s transcendental phenomenology. In order to provide this understanding, the method of phenomenological reduction and transcendental reflection should be applied into the context of law enforcement through an inductive approach.

The phenomenological reduction utilizes “epoche” concept which



has six steps. Firstly, the subject brackets a priori experience, knowledge, judgements and natural attitudes to the object. Secondly, law enforcement phenomenon is identified by the subject. Thirdly, this description is retained in the thought of the subject. Fourthly, manifold experiential variations of the phenomenon are imagined by the subject. Fifthly, these variations are integrated through synthesis. Finally, the philosophy and practice of law enforcement are separated and the subject is directed to the essence of law enforcement. The subject begins to realize the essence of phenomenon and experience. Thus, transcendental reduction turns into a transcendental reflection. Transactional and subjectivist selves create self-understanding of law enforcement praxis which does not have any pre-conceptions, presumptions and dogmas.

Hermeneutical Phenomenology and Law Enforcement

Heidegger like his tutor Husserl stays in the camp of phenomenology. However, he mainly differentiates his phenomenology from Husserl through rejecting transcendental reduction. He criticizes Husserl's transcendental phenomenology as being too subjective and abstract. His phenomenological journey begins with a fundamental question "What is being?" In order to find a response to this question, unlike Husserl in lieu of bracketing, he focuses on interpretation and meaning of being (Giorgi, 2012). He also rejects Cartesian philosophy which sees only self as a subject and other all as objects including being and other subjects in his seeking of being.

Heidegger (1994, s.78) questioned the meaning of being from the concept of Dasein which is "an entity that in its very being comports itself understanding toward that being". The essence of Dasein cannot be separated from the living world and lies in its existence (Heidegger, 1962).

As Nenon (2013, s.196) inferred Heidegger sees life as an achievable object not an object of knowledge. He uses a slightly different form of intentionality which is based on a priori cognition in his phenomenological stance. Heidegger (1982, s.20) defines a priori cognition as "*The a priori character of being and of all the structures of being accordingly calls for a specific kind of approach and way of apprehending being—a priori cognition. The basic components of a priori cognition constitute what we call phenomenology.*"



Heidegger investigates the meaning of being in the existing world from intersubjective ontological perspective. While Husserl is focusing on reflections of the noesis and the noema on the living world, alternatively Heidegger interprets human existence over time. This interpretation is shaped by a hermeneutic circle that moves back and forth again from an individual's experience to the whole of experience in all living occurrences (Laverty, 2003).

Hermeneutical phenomenology scrutinizes the reality of law enforcement through a historical analysis. The meaning of law enforcement is embedded in historical developments. The values of subjects in law enforcement are crystallized over time and transformed into more informed consciousness. In order to find Dasein of law enforcement praxis, systematic and temporal interpretive approaches should review law enforcement structure and dynamics.

To be self is the most critical step to develop axiology of law enforcement praxis in hermeneutical phenomenology. It demonstrates the temporality of ethics and how values of law enforcement organizations and personnel have been metamorphosed within time. After meeting in the holistic context of the law enforcement praxis, the concept of law enforcement should be re-contextualized according to the need of real self who experiences the primal reality of law enforcement.

The officials and personnel of law enforcement put most of their efforts on crime prevention by focusing on crimes. This understanding directs law enforcement praxis to the epistemology of crimes and acts of criminals. Conversely, hermeneutical phenomenology focuses on what is the ontology of crime and offers to establish a direct link between time and law enforcement existence. This understanding will also help to find out what is beyond crime and criminals. Likewise, it leads the result of criticizing traditional crime prevention tactics and strategies and constructing a new crime prevention strategy that will take into account culture, society, environment and personnel histories.

Law enforcement organizations have highly hierarchical structures and their discipline understandings base on obedience. Herein, a challenge arises to use hermeneutical phenomenology concept in law enforcement organizations. Interpretation is sine qua non of hermeneutical phe-



nomenology. However, law enforcement organizations mostly expect absolute obedience from their personnel and do not have tolerance for subordinates' interpretation. To overcome this challenge, phenomenological relativity understanding should be developed in law enforcement praxis. While law enforcement praxis is implemented in the field, interpretation should be suspended for a while, on the other hand, when law enforcement praxis needs identification of being, hermeneutical phenomenology should be activated.

The Idea of Perception and Law Enforcement

Merleau-Ponty as inspired by Gestalt psychology developed a different approach on phenomenology by rejecting Husserl's transcendental reduction and intentionality and distinguishing his philosophy from Heidegger's through the concept of "Being". The question of being has many different aspects, hence it cannot be responded or described from one perspective such as time or intentionality. A holistic method covering manifold actors such as temporality, spatiality, subjectivity, intersubjectivity, language, sexuality and will be directed to the essence of perception. Then, the perception and flesh (la chair) together forms being in the world (Carman and Hansen, 2006).

While Merleau-Ponty defining phenomenology, he uses definitions of consciousness or perception:

The perceiving mind is an incarnated mind, I have tried, first of all, to re-establish the roots of the mind in its body and in its world (...) the insertion of mind in corporeality, the ambiguous relation which we entertain with our body and correlatively, with perceived things (Merleau-Ponty, 1964, s.3-4).

Merleau-Ponty (1962, s.22) infers "*that the task of phenomenology is to reveal the mystery of the world and mystery of the reason.*" Perception shows that self and world are two sides of the same coin. Self with the flesh becomes part of the world and provides humanity with a complete picture of itself vis-à-vis a world picture (Howell, 2013). The fusion of self with flesh and world forms "inalienable presence".

Adaptation of "inalienable presence" understanding to law enforcement is a little bit difficult due to their traditional contradiction between subject and object. While providing and maintaining security, law enfor-



cement organizations as subjects bring a distance between themselves and citizens as an object. They believe that citizens are weak and need law enforcement to survive in a dangerous and threatening world. Therefore, they agree on surrendering their liberty to law enforcement organizations, and correspondingly their security would be provided for in return.

In order to overcome their traditional ontological dualism, law enforcement organizations should question the meaning of being conscious. They should leave their solipsistic view about security by forgetting what they have learned on traditional security view. In lieu of it, they should reconstruct a new holistic security concept which bases on fusion of law enforcement agent and citizen. Law enforcement does not exist for the sake of citizen because they are citizens. They together form being in the World. As a reflection of Merlau-Ponty's phenomenology, community policing understanding may be adopted to law enforcement organizations and security strategies may be developed with members of the communities in the responsibility area. Community-oriented security is not a product but a process that requires citizen participation, problem-solving and decentralized management.

Conclusion

The essence of consciousness is the focal point of the subject and object's interaction in the phenomenology. Each act of consciousness is stemming from experiences of the subject with objects in law enforcement. Phenomenology focuses on a manifold feature of conscious law enforcement experience. Interpretation of the phenomenon is being applied to the area of Phenomenology from three main perspectives such as Husserl's transcendental phenomenology; Heidegger's hermeneutical phenomenology; and Merleau-Ponty's idea of perception.

Transcendental phenomenology leans on conscious experiences in the daily life of law enforcement. The essence of consciousness is being formed by the interaction of subject and object. This interaction brings an implicit recognition of the object by the subject. The transcendental subjectivity makes the comprehensible of law enforcement's existence by the mind. Husserl mostly followed a constructivist approach in his phenomenology which seeks to understand how humans interpret or const-



ruct something in social linguistics. Likewise, the interpretation of the theory is shaped by minds' experiences, views and background. The epistemology is transactional and subjectivist while creating knowledge through interaction of subjects and objects in law enforcement.

Heidegger's hermeneutical phenomenology leans heavily on the idea of *Dasein* which is an abstract idea of human existence during the ongoing life-time between 'birth and death. Heidegger criticized Husserl as being too subjective in his phenomenological stance and developed a more holistic approach that covers consciousness and existence as a whole entity that structures themselves and being structured as well. Whilst Husserl's intentionality connects mind and object through epistemology, Heidegger's intentionality reflects to the understanding of ontology and is perceived as part of the time concept. His ontological stance is close to "Historical Realism". A reality of law enforcement can be understood through historical analysis and subjective humans develop law enforcement praxis in a historical context.

Merleau-Ponty's phenomenological stance is closer to Heidegger's phenomenology than Husserl's phenomenology. Both of them follow a holistic view of the fusion of the world itself and individual. However, Merleau-Ponty mainly differentiates his philosophy from Heidegger's through the concept of "Being". According to Merleau-Ponty: "Being can be grasped only in deviation from beings and their order, as a "wild being" which cannot be exhausted by any culture" (Waldenfels, 1999, s.289). His primary focus is on the essence of perception rather than time concept while Merleau-Ponty's paradigm of inquiry is more on a participatory approach. His epistemology requires critical subjectivity which is formed with experimental, presentational, propositional and practical knowledge of law enforcement. According to him, practical and theoretical knowledge co-create findings in the becoming context.

In a nut shell, these three pillars of phenomenology examine the phenomenon of "being" in law enforcement from three main perspectives as "transcendentalism", "dasein" and "inalienable presence". In line with their differences and common points, they break strict rules of positivism and bring to law enforcement praxis an enriched and critical perspective via subjectivity.



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Öz: Bu yazının amacı, kolluk uygulamasının fenomenolojisini Husserl'in transandantal fenomenolojisi, Heidegger'in yorumsamacı fenomenolojisi, ve Merleau-Ponty'nin algı ideası üzerinden değerlendirmektir. "Kolluk uygulamasının gerçekliği nedir?" çalışmanın temel araştırma sorusudur. Fenomenoloji, zihin ve dünya arasındaki ilişkiyi göstererek deneyimin genel olarak anlaşılmasını sağlamaktadır. Kolluk uygulaması Husserl'in fenomenolojisinde özneye nesnenin ilişkisi olan transandantal bir eylem olarak yansımaktadır. Heidegger'in fenomenolojisi çoğunlukla "Dasein" kavramında görülmektedir ve bu da kolluğun zaman ve tarih bağlantısından etkilenmektedir. Merleau-Ponty'nin algı ideası, kolluk dünyasının kendisinin varolma düşüncesinin öncesinde varlığını devredilmez bir varlık olarak algılamaktadır. Husserl'dan farklı olarak Heidegger ve Merleau-Ponty varlığı kolluk organizasyonunun ve personelinin ayrılmaz parçası olarak görmektedirler.

Anahtar Kelimeler: Kolluk yönetimi, fenomenoloji, transandantal fenomenoloji, yorumsamacı fenomenoloji, algı ideası.



