Robert Schuman Centre

The Policing of Mass Demonstration in Contemporary Democracies

Policing, Protest, and Disorder in Britain

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ROBERT SCHUMAN CENTRE

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Introduction: Protest and Policing in British History

The origins of modern British policing are intimately related to changing perceptions and patterns of disorder and protest. There is a long-running debate in historical analyses of the early development of the police in Britain between those who stress the centrality of riot and disorder to this (e.g. Silver 1967, 1971), those who emphasise the role of everyday crime (e.g. Reith 1956), and those who see police expansion as fundamentally a reflex of the bureaucratisation of government in general (e.g. Monkkonen 1981).

The debate is partly a function of the ideological perspective of the author: more orthodox, conservative interpretations seek to depoliticise the significance of the creation of the police and attribute such disorder as cannot be ignored in their accounts to ordinary criminality (e.g. Reith op.cit. p.122). More critical analyses see an implicit political dimension to everyday crimes especially against property, and see the police role as primarily protection of a dominant, oppressive social order. As one Marxist account puts it 'The existence of the modern police force owes little to the exigencies of combating professional crime and was developed primarily as an instrument of political control and labour discipline' (Hirst 1975 p.225).

The debate is also partly a question of which phase of police development is concentrated on. The first Parliamentary attempt to establish a modern police force, Pitt's abortive Police Bill of 1785, was immediately inspired by the Gordon Riots. But it was informed by nearly a century of campaigning by advocates of a professional police as the answer to a perceived scourge of everyday crime, led by such prominent figures as the Fieldings. When Peel was finally successful in piloting the Metropolitan Police Act through Parliament in 1829, after a further half century of futile attempts by himself and others, this was in part by defusing opposition to what many regarded as a potentially politically oppressive force by stressing its role in preventing routine crime. His speech made much of statistics purporting to demonstrate a growth in theft, and he made reference to riot only briefly in the ensuing debate. But the subsequent 1839 County Police Act was almost entirely motivated by fears engendered by the growth of political disorders associated with Chartism. The Parliamentary debates were dominated by impassioned arguments about whether new police forces in the provinces would exacerbate or dampen disorder (Watts-Miller 1987

pp. 47-8). The 1856 County and Borough Police Act which spread the new police throughout the country cannot be readily explained as a response to either crime or disorder, and is probably more an illustration of the proposition culled from a study of the spread of American policing: 'growth of uniformed urban police forces should be seen simply as a part of the growth of urban service bureaucrats' (Monkkonen 1981 p. 55).

Thus the centrality of public order to the development of policing in Britain can be disputed according to ideological standpoint, and varies between specific periods. But there cannot be much doubt that concerns about the policing of political disorder have been crucial in affecting the style and standing of the police in different periods. In turn the mode of policing conflict and disorder has had important consequences for the stability of British society.

This essay will trace the shifting patterns of policing protest and disorder since the creation of the modern British police in the early 19th century. It will be suggested that between 1829 and the mid-1980s the style of policing political conflict and disorder went through a long-term U-turn (Geary 1985). Starting from a context of considerable political conflict and criticism, the mode of policing protest in the 1950s and 60s had become one of tolerance, compromise and accommodation which (incorrectly) has been seen as the quintessence of British policing (Reiner 1992a Chaps. 1 and 2). In the 70s and early 80s this shifted back to conflict and controversy, as a transformation in what is often described as a 'paramilitary' mode occurred (Waddington 1987, 1991, 1993, 1995; Jefferson 1987, 1990; 1993; Northam 1988; Hills 1995). Since the mid-80s both the practice and perception of public order policing has moved to a pragmatic yet brittle acceptance of a style with greater coercive potential. These changes correspond to broader moves in the politics of policing, and beyond that in the structure and culture of British society.

I) Public Order Policing 1829-1985: A Historical U-Turn

a) The Demand for Order and the Creation of the Police

As argued above particular stages in the creation of the modern British police were more marked by concern about the policing of protest and disorder than others. But there can be little doubt that the process as a whole was a consequence of what has been described as a growing 'demand for order in civil

society' (Silver 1967). Historians have debated the extent to which the perception of contemporary commentators
that there was a rapid rise of criminality in the growing cities of industrialising Britain in the 18th and early 19th centuries was accurate, or an example of the 'respectable fears' about declining morality which can be found in all periods, especially of rapid change (Gatrell and Hadden 1972; Pearson 1983).

But regardless of the objective truth, the upper-class perception of crime and disorder was altering. Routine crime came to be seen as symptomatic of a deeper threat to the social order as such, stemming from the 'dangerous classes', the burgeoning mass of the urban poor (Silver 1967 p. 3). The moral economy of feudalism, which saw prices and economic relationships as embedded in traditional (albeit rigidly hierarchical) conceptions of justice, was replaced by a pure market economy, governed only by impersonal laws of supply and demand (Thompson 1975, 1992). Traditional practices of workers retaining some of the produce they handled was supplanted by the pure cash nexus of the money wage, and such payment in kind redefined as theft (Bunyan 1977 p.61; Brogden 1982 p. 55).

The meaning of collective disorder changed in a parallel way. Historians like Rude and Hobsbawm have shown how up to the early 19th century riotous protest was an accepted and mutually understood means by which the politically unrepresented masses communicated grievances to the ruling elite: 'collective bargaining by riot'. But with the spread of industrial capitalism riot came to be regarded not as a form of proto-democracy, but as a fundamental threat to the social and political order (Hobsbawm 1959 p. 116; Storch 1980 p. 34). Whether or not it was increasing in frequency or scale, riotous protest came to be seen as a fundamental threat to the stability and integrity of society. 'The market system was more allergic to rioting than any other economic system we know' (Polanyi 1944 p. 186).

The increased demand for order was not only a question of concern about collective protest. Industrial capitalism required a higher level of routine, eveyday order. The new mechanised conditions of factory production necessitated that the formally free labour force be subject to tighter discipline in both work and 'leisure' time to fit the rhythms and regimantation of industrial organisation. This produced a 'criminalisation of traditional street pastimes which were solely recreational' (Cohen 1979 pp. 120-1). The new police officer became a 'domestic missionary' (Storch 1976), 'the moral entrepreneur of public

propriety' (Cohen 1979 p. 128), charged with converting savage street dwellers to respectability and decency.

Overall, emerging industrial capitalism required a tighter disciplining of hitherto loosely regulated aspects of social relations (Foucault 1977). It was not only overt demonstrations or rioting which were regarded as threatening the social order. Routine crime and everyday disorderliness were themselves seen as having crypto-political significance, eroding the viability of social organisation. 'A stable public order was a precondition of rational calculation on the part of industrial capitalists' (Spitzer and Scull 1977 p. 277).

The creation of a modern, professional, bureaucratised police came increasingly in the course of the early 19th century to be seen as the best means of supplying the higher level of order demanded. Traditional means of responding to collective protest or disorder were either the army, or a variety of forms of citizen force: the militia (raised by compulsory ballot of all inhabitants by the Lord Lieutenant of a county), the yeomanry, and the special constabulary. The use of the army to suppress protest was often a counter-productive sledgehammer. It could only alternate 'between no intervention and the most drastic procedures - the latter representing a declaration of internal war with lingering consequences of hate and resentment' (Silver 1967 p. 12). Moreover, as soldiers were also recruited from the poor they were on occasion politically unreliable in dealing with collective protest (Stevenson 1977 pp. 33-4). This problem applied also to the militia, as those selected often employed deputies, who would be drawn from the same social strata as rioters.

Whilst volunteer forces, especially the yeomanry, might be politically reliable, they were problematic in other ways. Urban bourgeois manufacturers were less ready to answer a call to arms - 'the classic confrontation of an agrarian military tradition and a pacific commercial and industrial one' (Silver 1967 p. 10). This was not only a matter of urban elites being more timorous than their hunting and shooting rural counterparts. They also saw personal involvement in suppressing protest as politically provocative. 'The use of social and economic superiors as police exacerbated rather than mollified class violence' (ibid. p. 10). This was explicitly argued by the 1839 Royal Commission on the Rural Constabulary which preceded the County Police Act of that year:

> 'The animosities created or increased, and rendered permanent by arming master against servant, neighbour against neighbour, by triumph on the one side and failure on the other, were even more deplorable than the outrages actually committed'.

The attraction of a professional police organisation which purported to represent impersonal and impartial legal authority was that it could depoliticise the control of protest and riot. Deployed on regular patrol it could defuse spontaneous disorders before they reached a stage requiring the blunderbuss of military intervention. Discipline could become a routinised aspect of everyday life not an occasional thunderbolt from on high. Above all the control of protest could be represented as a professional enforcement of impartial law, not the exercise of political power. A 'bureaucratic police system that ... drew attack and animosity upon itself ... seemed to separate the assertion of "constitutional" authority from that of social and economic dominance' (Silver 1967 pp. 11-12).

b) 'Softly, softly': the institutionalisation of protest and the British police tradition

There were heated debates amongst contemporaries about the form the new police should take. Some argued - especially in the 1830s and 1840s, the heyday of Chartist protest seeking the extension of the franchise - that the police should have an overtly military structure and capability. After the passage of the Reform Bill of 1832, for example, the Duke of Wellington claimed that 'From henceforth we shall never be able to carry on a government without the assistance and support of a military body. If we cannot have a regular army in such a state of discipline and efficiency as that the King can rely on them, we must and we shall have a National Guard in some shape or other' (cited in Silver 1971 p. 185). Many of the rural constabularies set up following the County Police Act of 1839 did assume a military model (Steedman 1984 pp. 21-5), and were prompted directly by fears of political agitation and disorder.

However the conception of policing which held sway eventually was more subtle. Precisely because of their recognition of the precarious state of political stability in the face of widespread conflict and protest, the main architects of the predominant direction of British policing (such as Peel, Rowan and Mayne - the first two Metropolitan Police Commisioners, and Chadwick) argued that the police must strive to achieve the support or at least acquiescence of the mass of the population. 'The preservation of public tranquillity' - Mayne's famous 1829 definition of the prime police function, notably resuscitated by Lord Scarman in

his 1981 Report on the Brixton disorders (Scarman 1981 paras. 4.55-4.60) - was to be given the highest priority, even if this occasionally meant that immediate and full law enforcement or order maintenance were sacrificed. Discretion became the better part of policing valour.

A particular, celebrated model of British policing emerged gradually as a result. It has been encapsulated thus by one American historian: 'What people in our own age think of when we hear the words "English police" is an unarmed police force of constables who are ordinarily courteous to tourists, patient, and restrained in confronting crowds' (Thurmond Smith 1985 p. 5). This benign image of the British bobby still resonates around the world as a potent myth, even if the apparent militarisation of the policing of public disorder and scandals about abuse of powers have begun to challenge it.

What is often lost sight of is that the ideal British police model was not a reflection of some natural, in-built harmony or order in British society and culture, a sort of collective stiff upper-lip, as some celebratory accounts in the heyday of the myth may have implied (such as the adulatory histories by police buffs like Charles Reith e.g. Reith 1938, 1943, 1956). One problem with this story which recent historical critiques have emphasised is that British policing in colonial situations - including John Bull's Other Island - has always been militaristic, and often brutal and oppressive in suppressing protest (Brogden 1987; Palmer 1988). The benign model was exclusively for domestic consumption and not for export.

In mainland Britain itself, the development of a restrained and dignified style of policing was not an automatic reflex of social homogeneity or tranquillity. On the contrary, Peel and the other pioneers of the British police tradition formulated their approach precisely in the light of the tense and conflict-ridden domestic political context, in which the very idea of police was strongly contested (Miller 1977). They encouraged a low-profile, legalistic, minimal force strategy because of, not despite, the bitter political protests and acute social divisions of early 19th century Britain. This policing policy of compromise and co-option between classes was a part of a wider pattern in British statecraft. As Moore has summed it up: 'Governing in the context of rapidly growing industrial capitalism, the landed upper classes ... avoided serious defeat by well-timed concessions. this policy was necessary in the absence of any strong apparatus of repression' (Moore 1967 p. 39). What needs to be stressed in the policing context is that 'the absence of a strong apparatus of

repression' was itself a tactical choice, rejecting the advice of those (like the Duke of Wellington) who advocated it.

The strength of opposition to the very creation of the modern police as a tool of political oppression has been stressed in most historical accounts. It was symbolised four years after the birth of the Metropolitan Police by the dramatic Coldbath Fields episode. On May 13 1833 during a meeting of the National Political Union fighting broke out between protestors and police. A constable, P.C.Culley, was fatally stabbed. The inquest jury returned a verdict of 'justifiable homicide'. Although this was quashed on appeal by the Court of King's Bench, it symbolised the deep and widespread popular suspicion which faced the new police. Conservative histories have seen this as the high point of anti-police protest. For example the authorised history published on the Met's 150th birthday claimed: 'The police, though they did not then know it, had won their final and conclusive victory over the Ultras. More importantly, they had won an even greater victory in the long-term - the seal of public approval' (Ascoli 1979 p. 105). In fact as more critical historians had already demonstrated anti-police protest and riot continued into the later part of the 19th century as new police forces spread to the industrial towns of the North (Storch 1975).

This widespread opposition was defused in part by a set of deliberate strategies adopted by Peel and his associates (Reiner 1992a Chap. 2). They encouraged the development of a highly disciplined force, insulated from direct political control, strictly accountable to the rule of law, operating primarily by preventive uniform patrol, and performing a variety of services to people in need - not least in managing the problems of criminal victimisation. One of the key ingredients in this was the cultivation of a non-militaristic image. In the phrase much used by official discourse, the police were merely 'citizens in uniform', paid to do tasks that other people could and should carry out as civic duties. An essential ingredient of this was the restriction of the arms and coercive powers and equipment of the police, especially in the policing of collective disorder and protest which had a political dimension.

The most famous encapsulation of the traditional British police crowd control strategy was coined by Sir Robert Mark, Metropolitan Police Commissioner in the early 1970s. 'The real art of policing a free society or a democracy is to win by appearing to lose'. Public sympathy was a more powerful weapon than water cannon, tear gas or plastic bullets. He illustrated this by the probably apochryphal story that the Met had trained an especially

attractive horse - the 'Brigitte Bardot' of police horses - to collapse feigning death at a word of command from its rider.

Whilst the British police have never acted with kid gloves, there has been the deliberate cultivation of a low-key, minimal force image. The strategy encouraged by the Home Office after the 1856 County and Borough Police Act spread modern forces around the country was prevention of crime and disorder by 'a police force essentially civil, unarmed and acting without any assistance from a military force' (Steedman 1984 pp. 21-5). Police officers were unarmed apart from truncheons on routine patrol, and other weapons (pistols, cutlasses) were resticted to specially selected and trained officers, who were issued with them only on specially dangerous assignments. During the course of the 19th century the use of the army in controlling disorder was gradually supplanted by the non-lethally armed police, although they remained (and remain) available as a last resort. However, the army has not been used to deal with protest or disorder on the mainland since the 1919 Liverpool police strike.

Minimum force is a relative term. Probably all forces would claim to use the minimal force possible in their circumstances. However, until recently there can be little doubt that the British police had developed an image of relying on less coercive force in containing protest and disorder than most other countries. Apart from anything else they simply lacked the riot control hardware and equipment common elsewhere. This does not mean that they used no or even little force, and there are many occasions when the policing of protest produced plausible complaints of excessive police violence and violations of civil liberties. This is especially true during periods of intensified industrial conflict or political protest: the clashes between police and the organised unemployed of 'Outcast London' in the 1880s (Bailey 1981); the rise of the Suffragette movement before the First World War, the bitter industrial disputes around the turn of the century and the First World War, and in the mid-1920s; conflicts between police and the unemployed movement, and with anti-fascist demonstrators in the 1930s (Morgan 1987; Weinberger 1991).

In the unprecedented economic and political crisis of the 1930s the policing of protest and public order did become an issue in a way it had not been since the mid-19th century. Violence surrounding Fascist meetings was the stimulus for the 1936 Public Order Act. Concern about violence used to suppress marches of the National Unemployed Workers' Movement (NUWM) led to the 1934 foundation of the National Council for Civil Liberties.

However even during times of crisis the Home Office generally attempted to encourage the appearance of low-key policing. During the 1887 protests in Trafalgar Square it tried to ensure police tactics stayed within the bounds of legality (Bailey 1981). Despite much evidence of bias and brutality by police against the NUWM and anti-fascists during the 1930s, on the whole 'the police do seem to have reacted less in political terms than in response to the challenge to public order and to their own position as the custodians of law and order' (Stevenson and Cook 1977 p. 243). In the crucial area of industrial disputes there was a long-term trend to declining levels of violence between police and pickets after the 1890s which was sustained up to the late 1970s. Whilst during the bitter South Wales coal strike the Home Secretary, Winston Churchill was continuously involved in the policing of the dispute, despite the fiction of locally controlled policing, and organised the deployment of troops for the contingency of serious disorder, the Home Office's main concern remained long-run stability rather than short-term suppression (Morgan 1987). In the post-Second World War period industrial conflict changed from a quasi-war to something resembling a sporting contest, especially in the 1950s (Geary 1985). It became rare for any picket-line violence to go beyond ritualised pushing and shoving.

What made this transformation possible was not just the far-sighted statesmanship of the police elite. The increasing aversion to violent tactics came earlier and more completely from the citizenry and organised labour than the police. During the inter-war years in particular the authorities remained ready to see proto-revolutionary potential in many industrial conflicts and political protests organised by leaders with impeccable commitment to reformism and constitutionality (Jeffery and Hennessy 1983 pp. 6-9). They responded at elite level with contingency plans for emergency powers and at street level the use of rough tactics including baton charges against primarily peaceful protestors remained all too common. But the realisation was growing in the government and the police elite that over-harsh policing could de-stabilise the security of the state by stiffening the resolve of protestors and by forfeiting public support for the establishment. Despite frequent atavistic reversions to repression in the 20s and 30s, the trend was towards a more pacific mode of policing protest and conflict.

Ultimately the declining levels of violence by both protestors and police is a reflection of broader processes of increasing social integration, civility and 'institutionalisation of class conflict' (Marshall 1950; Dahrehdorf 1959; Giddens 1973 pp. 56, 201-2). Violent protest - 'collective bargaining by riot' gave way

to more formalised modes of collective bargaining. Strikes became one weapon in negotiations not all-out class war. Demonstrations and industrial conflict came to be seen as acceped processes within the confines of particular rules, not inherently subversive threats to the social order. The working class, the main structurally rooted source of opposition to the police in the 19th century, gradually, unevenly and incompletely came to be incorporated into the institutions of British society, most evidently in the post-Second World War period. This process of incorporation always had very clear limits. It enabled the bulk of the population to share in the fruits of economic growth, at any rate until the late 1970s. But class inequality remained almost unaltered in relative terms (Westergaard and Resler 1975; Goldthorpe et al 1980; Miliband 1982). Nevertheless the gulf between the 'two nations' which yawned so wide in the mid-19th century as the police came into being had become blurred and attenuated by the mid-1950s.

c) The militarisation of minimal force

During the late 1970s and the 1980s the British police apparently underwent a transformation in their style of dealing with public order. This has often been referred to, by critics and supporters, as a process of 'militarisation', though there is disagreement about the connotations of this term, as well as the source and significance of the changes (Bowden 1978; Bunyan and Kettle 1980; Ackroyd et al 1980; Reiner 1980; Manwaring-White 1983; Gregory 1985; Brewer et al 1988; Northam 1988; McCabe et al 1988; P.A.J. Waddington 1987, 1991, 1993, 1994; Jefferson 1987, 1990, 1993; D. Waddington et al 1989; Vogler 1991; Fielding 1991; D. Waddington 1993). The essence of the shift is the availability and occasional use of riot control hardware and protective uniforms and equipment, together with changes in training, organisation, intelligence and routines of mobilisation aimed at the rapid deployment of squads intended to maintain or restore order with force if necessary. Although the case for an overt specialist riot control force has been rejected, it has often been argued that the current arrangements amount to de facto 'third forces' within the guise of traditional British policing (Morris 1985). I have summed up the changes as the replacement of the image of the British police represented by Dixon (the eponymous hero of a seminal BBC TV police series running from 1956 to 1974) by Darth Vader (Reiner 1992a p. 89).
This has certainly been a major factor in the gradual loss of legitimacy and public support and affection which the police have suffered over the last thirty years (Reiner 1992a and b).

To many it seems that the celebrated 'winning by appearing to lose' strategy has been replaced by a determination to win each battles, leading to a loss of the war for public sympathy.

The police themselves would argue plausibly that each ratchet upwards in the militarisation process has been preceded by an earlier escalation in the violence of protest and disorder, necessitating the toughening of police responses. As one distinguished chief officer put it to me:

> 'I would like to take issue with some of the things you have written on this. In some of ... your writing you develop a sort of scenario where the police have been tooling up... I just can't see it that way. I describe it like this. You can identify various milestones along the way. probably the first significant milestone was 1976, the time of the first Notting Hill riot, following the Carnival. We saw the terrifying spectacle of policemen having to pick up dustbin lids to defend themselves against really quite a furious barrage of bottles and stones. Really as a reaction to that, the police thought, well, we'd better have shields. And I can remember the training which was given at the time, which was very, very definite in indoctrinating constables in the notion these were for defence only, they were not to be regarded as offensive tools but just to protect them ... And then there was the first tiem they were actually deployed, in 1977 in Lewisham (a clash between National Front and Anti-Nazi League protestors), in I think a good cause. Then we go to 1980 and again we have this in Bristol, the unedifying spectacle of constables virtually leaving the centre of the place undefended. Much to the discontent of traders and so on. And there was a lot of agonised thinking. This great preoccupation to retain the traditional image, the introduction of reinforced ordinary policemen's helmets, and a little more beefing-up in training. And then, of course, 1981 was the trauma of petrol bombs. as a defensive reaction to that, the introduction of flame-proof overalls and all the rest of it... the impression has been given by you that the police had a conscious policy of tooling up. Whereas in fact it has always been a reluctant, incremental reaction to a developing situation.' (interview cited in Reiner 1991 p. 171).

The development of the police reaction to disorder has been largely reactive. During a decade and a half of escalating frequency of protest, starting with anti-nuclear demonstrations in the 1950s and culminating in the anti-Vietnam and student protests of the late 1960s and early 1970s, the police continued to adhere to a low key response, despite increasing internal anxiety. The generally restrained policing of the 1968 Grosvenor Square protests outside the US Embassy in particular were celebrated by many as the finest hour of a pacific style of controlling protests which one leading police historian analysed as The Conquest of Violence (Critchley 1970). This was, however, already fraying at the edges. Rank-and-file police were expressing increasing concern

and resentment at being required to act in a relatively passive and restrained way in the face of what they saw as escalating provocation, law-breaking and violence by demonstrators.

The turning-point was the establishment panic engendered by the 1972 miners' strike, notably the apparent defeat suffered by police at the hands of flying pickets who succeeded in forcing the closure of Saltley coke depot despite police attempts to keep it open. In a sense official anxiety about this was warranted: the industrial disputes of the 1972-4 period did ultimately bring about the fall of the Heath government. These years precipitated the beginnings of government and police plans to bolster their capacity to prevent such success for trade union picketing or other mass protest activity against government policy in future. The strategy initiated secretly in the early 1970s for enhancing the training and co-ordination of the police in dealing with disorder bore fruit ultimately in the defaet of the 1984-5 miners' strike, largely through a nationally co-ordinated policing operation on an unprecedented scale (McCabe et al 1988). Each stage of the process may well have been justified situationally in the way indicated by the previously quoted police chief. But there is no doubt that the end result was a transformation in the image of the british policing style which caused considerable public controversy and concern.

The change in public image may have exaggerated the change in underlying policy. Not only did commitment to minimal force remain in principle, albeit the level of force felt to be needed to cope with greater disorder was of course higher. The basic British policing style of underenforcement of the law, using discretion to preserve tranquillity rather than the strict letter of the law, remains intact even in the highly charged field of policing political protest. this is shown by Professor Waddington's seminal empirical study of the policing of protest in London since the 1986 Public Order Act (bitterly attacked as a Draconian assault on civil liberties by many critics) Liberty and Order - one of the most significant books on policing in the last decade and the last word on public order policing for the time being. On the whole police use persuasion and some Machiavellian manipulation to gain protestors' compliance with their way of doing things. Usually they manage the balance between words and force well enough to avert outbreaks of violence. When they fail it is mainly because of errors of judgement rather than the underlying paramilitary capacity which is normally kept in the background as a last resort.

In a long-running debate with Waddington, sustained over three books and two rounds of exchanges in the British Journal of Criminology (Jefferson 1987, 1990, 1993; Waddington 1987, 1991, 1993, 1994), Professor Tony Jefferson has argued that this account fails to deal with the profane reality of conflict on the ground. He argues for a 'bottom-up' view, in which paramilitary capacity is provocative and intimidating to protestors, frequently producing self-fulfilling prophecies of violence, and inherently likely to spin out of control in the tense heat of actual confrontations. Perhaps his most telling point is that what Waddington regards as a vindication of paramilitarism - that on many occasions he observed successful tactics prevented large-scale disorder erupting - Jefferson turns around from his 'bottom-up' perspective: what has happened from the point-of-view of making the protestors' case is that their demonstration has been ineffective. It has been orderly, restrained, peaceful - but made correspondingly little impact.

This suggests that at root the disagreement is not in the analysis but in political position. Waddington would concede that paramilitary tactics will not work according to blueprint every time. Humans err, and wheels can come off. Whilst Jefferson contends that in practice militaristic tactics can often be counterproductive and escalate violence, his main point seems to be that when they succeed in their own terms i.e. order is maintained, this is at the expense of the protestors being able effectively to make their case. At root this seems to point to some of the thorniest issues of democratic theory. How is a just balance between liberty and order to be arrived at? Waddington implicitly adopts the priority of peace and tranquillity enshrined in traditional British police rhetoric - albeit he, and the police, would wish to allow adequate liberty for orderly protest. From Jefferson's 'bottom-up' perspective this appears to be saying protest is permitted so long as it is not effective. It seems to me that this issue is an essentially contested one. There cannot be an overarching Olympian position from which the positions of both sides in a conflict can be really satisfied, though acceptable pragmatic compromises may be accepted as second-best solutions, but the best practicable, for both sides.

II) Public Order Policing 1986- : A Post-Modern Turn

This essay has tried to chart how between 1829 and the mid-1980s British policing of protest and public order transcribed a historical U. Beginning with a position of militaristic policing of deep political conflicts, police tactics and

the institutionalisation of class conflict succeeded in achieving relative orderliness and domestic peace by the mid-twentieth century. In the early 1970s however this trajectory was reversed. Conflict intensified and police public order tactics became more militarised again. Justified or not, effective or counterproductive, this paramilitary turn was certainly controversial and contributed to a more widespread politicisation of policing (Reiner 1992a). This in turn was a reflection of a deeper politicisation of social and industrial conflict. It reached its highpoint in the mid-1980s strikes in the mining and printing industries, and the urban riots of the early 1980s.

Since then a paradoxical development has occurred. There has been no diminution in serious public order incidents. A litany of the most serious would include the protests over the poll tax in the late 1980s, worsening conflicts over the policing of leisure activities like hippie convoys, pop festivals, raves, acid house parties, and 'joy-riding', which have on occasion resulted in very serious violent disorders. Most recently clashes between police and protestors against live animal exports have often been bitter and provoked many complaints of heavy-handed police tactics. These are remarkable for involving respectable middle class people with backgrounds of complete support for the police hitherto.

The potential is there in terms of both the seriousness of clashes, and the social credibility of many contemporary protestors, for the policing of public order to become a major political issue. Certainly there has been no diminution in police maintenance of paramilitary capability, although arguably they have become much more expert in exercising it with appropriate finesse. Nonetheless there has been sufficient concern about specific incidents of strong policing of protest to suspect that the explanation of why this has not continued to be a major issue to lie deeper.

Social and cultural changes in the last twenty or so years have arguably trnsformed the political meaning and significance of both policing and protest. These are often summed up as the advent of 'postmodernity' and their impact on policing has been and will be profound (Reiner 1992b, 1994). In brief two intertwined processes have made both policing and protest more fragmented, piecemeal and diffused in their political significance. As implied by the earlier arguments about their historical legitimation, the police stood as the symbolic acme of modernisation: the historical movement towards more homogeneous, integrated mass societies. As modern industrial society became increasingly

interdependent and disciplined ('organically solidary' in Durkheim's language) it became increasingly 'allergic' to disorder. Protest represented not specific demands but a potential threat to the overall social order. Policing played its domestic missionary role, disciplining the masses and representing a dominant morality.

Contemporary 'postmodern' societies have experienced simultaneous processes of greater cultural heterogeneity and economic fragmentation and global diffusion. This renders it far less likely that particular protests or disorders will be seen as other than single issues, local troubles, however serious they are in themselves. Conversely the police are seen not as sacred totems of a disappearing national consensus, but as more or less effective deliverers of practical, specific services, measured by the same calculus as any other businesslike enterprises. Paramilitary capacity may be regarded as abused on specific occasions without undermining the legitimacy of policing as such, in much the same way as objects of protest have become a series of single issues, not emblems of whole ways of life.

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