

**Robert Schuman Centre**

The Policing of Mass Demonstration  
in Contemporary Democracies

Public Order, Protest Cycles  
and Political Process:  
Two Swiss Cities Compared

DOMINIQUE WISLER  
and  
HANSPETER KRIESI

RSC No. 97/5

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**EUROPEAN UNIVERSITY INSTITUTE, FLORENCE**

**ROBERT SCHUMAN CENTRE**

**The Policing of Mass Demonstration  
in Contemporary Democracies**

**Public Order, Protest Cycles and Political Process:  
Two Swiss Cities Compared**

**DOMINIQUE WISLER  
and  
HANSPETER KRIESI**

A Working Paper written for the Conference organised by the RSC  
on *The Policing of Mass Demonstration in Contemporary Democracies*  
held at the EUI the 13-14 October 1995,  
directed by Donatella della Porta and Yves Mény

**EUI Working Paper RSC No. 97/5**

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Printed in Italy in January 1997  
European University Institute  
Badia Fiesolana  
I – 50016 San Domenico (FI)  
Italy

## The Approach

The 'political process' perspective in research on social movements (McAdam, 1982; Tilly, 1978; Kitschelt, 1986), which emphasizes the crucial role played by the state on trajectories of contention, has been less concerned with the constitutional mechanisms by which the state responds to protests than in the windows of opportunities that such occasions temporarily offer challengers. Phrasing it in another way, research has been focused on the input side of the 'political opportunity structure' (POS), defined as open or closed, and has neglected its output side. To be fair, it should be acknowledged that proponents of the political process approach have never been entirely mute on the output side of the POS. In his seminal work, Doug McAdam (1982), to give just one example, underlined the weakening effect on social control resulting from a restructuration of power favourable to a movement. However, the study undertaken by Donatella della Porta on Germany and Italy (1992) has pioneered the field by importing the insights of the political process approach to police sociology. This work breaks new ground in its systematic discussion of the relationship between the POS and protest policing. According to this author, protest policing is a 'barometer' of the POS, and police styles can be explained in terms of political institutions, political culture and the distribution of power between the coalitions of law and order and those of civil rights.

Police style also results from the process of interaction with social movements during protest cycles, a phenomenon which has been illustrated by McCarthy, McPhail and Christ (1995) for the American case. Protest cycles are particularly relevant to protest policing not only because there is an especially intense interaction between police and protest movements during such cycles, but more importantly because, according to Tarrow's analysis (1989), it is precisely during protest cycles that the police confront changing repertoires of collective action. As has been pointed out by McAdam (1983), the police force responds to these innovations by adapting its tactics and, we will add, its organization. A specific organizational adaptation can pave the way for what Monjardet refers to as a 'hierarchical inversion' with respect to decision-making on the use of force. The notion of hierarchical inversion is particularly relevant to understanding the use of police force during public order operations. Thus, protest policing styles are shaped by the POS on the one hand and police responses to protest cycles on the other.

The impact of these two influences - the POS and protest cycles - on policies relating to public order will be discussed in this working paper by means of a comparison of the use of force, and relative decision-making, during public demonstrations in two Swiss cities: Zurich and Geneva. Our analysis will begin with an outline of the evolution of the use of force and related decision-making procedures in Zurich and Geneva since 1968. In this first part, the analysis of protest policing will mainly focus on the protest cycles and the alliance configurations. By moving one level higher in the POS analysis, the second part of this study aims to identify political mechanisms that help to constitute the specific configuration of force regarding mass protests and the police.

Two concepts - 'politicization' and 'routinization' - will be used extensively throughout this text. 'Politicization' refers to a process whereby political authorities gain control through decision-making over the use of force during public order operations. Decreasing political involvement in the recourse to force by the police is described as a process of 'routinization'. Further, increasing delegation of decisions to lower ranks of the police hierarchy indicates increased routinization. By the same token, politicization clearly begins with a claim by the police chief to retain entire control over decisions during a public demonstration. It should be clear from these definitions that a routinization can ensue from political will, but, in this case, political authorities consciously delegate specific powers to the police chiefs or, further, to lower-ranking officers in the police hierarchy.

The data for this study derive from three main sources: first, interviews with past and present police officers in charge of public order operations; second, a preliminary analysis of parliamentary debates on protest policing since 1965; third, a provisory analysis of police files and newspaper reports on public order interventions during mass demonstrations collected systematically for the period from 1965 to 1994 in four Swiss cities (Basel, Bern, Geneva and Zurich).<sup>1</sup>

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<sup>1</sup> This newspaper and police file analysis was undertaken by one of the authors and José Barranco of the University of Geneva. Since no centralized police force exists in Switzerland, archivation of police reports does not follow any 'national' regulations. Furthermore, we were not granted the same degree of access to police files by local authorities in each case. For Zurich, we had access to the municipal police archive from 1965 to 1991 and to the cantonal police archive from 1965 to 1994. Geneva police selected about 80 demonstrations and gave us copies of the relevant files. However, we had access to the 'authorization' document for the entire period. We also made use of a list of public demonstrations in Switzerland compiled

## A. Why study Zurich and Geneva?

The focus on the 'local' in Switzerland is justified first of all by the fact that strictly speaking there is no 'Swiss' police in this country. Several recent attempts to 'nationalize' police units in charge of public order have all failed in the face of federalist resistance and a strong civil rights movement.<sup>2</sup> As a result, police organization, training and philosophies are still fragmented today along the territorial lines of the cantons. Unlike centralized states like France and Italy, where the central government, through the prefect system, is responsible for protest policing, local-level authorities have retained sovereignty in this respect in Switzerland. Depending on the particular canton, responsibility for public order policies lies either with the cantonal authorities, as is the case in Geneva and Basel (usually small city cantons), or with the municipal authorities, as in cantons like Zurich or Bern which have delegated such powers to their biggest cities. In the case of these two last-mentioned cities, this delegation of powers, unaccompanied as it has been by a concomitant transmission of legislative power to the municipal parliaments, has meant that the city executives are entirely isolated from their local legislative bodies in terms of public order policies. Typically, decisions on matters of public order - for example, on the use of the public domain for political demonstrations - are taken by means of ordinances in Zurich and Bern, while they have to pass through the cantonal legislative bodies in Geneva or Basel. Moreover, as will become clear from our description of the local POSs, huge variations exist among Swiss cantons with regard to their political institutions, including direct democratic instruments, electoral laws

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by the federal police for 1969-1978. All demonstrations were checked for in a local newspaper (*NZZ* for Zurich and *Journal de Genève* for Geneva). Furthermore, to make sure that we did not miss non-authorized demonstrations in Geneva, we systematically reviewed the *Journal de Genève* for the entire period. Finally, we compared our list with another databank on protests in Switzerland (Kriesi, 1981)

<sup>2</sup> The most recent attempts, motivated by the revitalization of protest in Switzerland (Kriesi, 1981), have been proposals to create an 'intercantonal mobile police force' (IMP) and a 'federal uniformed police' (BUSIPO). The IMP proposal failed in the early 1970s as a result of strong resistance from several crucial cantons, one of which was Zurich. Zurich opposed the project for two reasons, according to the evidences from the parliamentary debates: first, for political reasons, the canton did not want to become involved in the repression of the French-speaking Jura separatist movement and, second, having the largest Swiss police would have made Zurich the largest contributor to the IMP. The BUSIPO, promoted as a federal project, was rejected in a referendum by a large majority in 1978.

and practices. We will also see that political cultures in relation to public order vary along regional lines in Switzerland and that political parties are defined primarily at the local, and not the national, level. In other words, practically all the POS variables relevant to an explanation of protest policing are locally based in Switzerland.

The two cities under consideration in this study have been the theatre of very different kinds of mobilization in terms of protest movements and cycles. In French-speaking Switzerland new social movements have been generated to a much smaller degree than in the German-speaking region (Giugni, 1991:91). On the other hand, the labour movement has been comparatively weaker in this latter. Furthermore, while Zurich and many other Swiss cities experienced the strongest protest cycle of their post-war history in 1980-81, with the radicalization of the *Autonomes* movement, Geneva was almost completely insulated from this protest wave at that time (Figure I). Given our hypothesis that police style depends at least in part on the specific interaction between police and social movements during a protest cycle, we should expect diverging protest policing trajectories in these two cities.

Figure I around here

## **Decision-making and the Use of Force in Zurich and Geneva: The Story of Protest Cycles**

### *A. Zurich*

Tear gas has been available since the late 1940s to the Swiss police in the form of a modified hand-thrown army grenade. To our knowledge, the only canton to have resorted to this form of control prior to 1968 is that of Bern. In Zurich the use of tear gas in 1968 was tightly controlled by the political authority in charge of the Zurich police, the *Polizeidirektor*. Even during the worst riot of that year, when a large number of police officers and firemen were injured, no tear gas was used. The Zurich police doctrine was based on what may be called the 'classical model', which prescribes the use of the baton charge to disperse turbulent assemblies. However, soon after the Globus riot, a new doctrine - the 'distance model' - emerged, finding its first formulation in a directive issued by the Zurich city executive in March 1969.

This directive, which did not require the approval of the city parliament but was simply adopted by the city government as part of its responsibilities for public order in Zurich, set down a five-step procedure for police interventions during demonstrations: canalization, followed by the use of body power (only for small assemblies), the water cannon, water mixed with tear gas, and, as a last *resort*, the baton.<sup>3</sup> It thus inverted the classical hierarchy of control methods; until 1968 the baton had been the primary form of crowd control, while tear gas was considered the *ultima ratio*.<sup>4</sup> This new hierarchy reflects a shift from crowd

<sup>3</sup> We quote here the original text: "Der Einsatz der Polizei hat stets mit angemessen, den Verhältnissen entsprechenden Mitteln zu erfolgen, wobei stufenweise in Betracht kommen:

- Abdrängen mit Polizeiinformationen.
- Allfälliges Wegstellen oder -tragen der Störer (nur bei kleineren Ansammlungen).
- Lässt sich das angestrebte Ziel mit diesen Mitteln nicht erreichen oder steht von Anfang an fest, dass sie zwecklos wären, ist Wasser einzusetzen, nachdem vorher gewarnt und abermals eine kurze Räumungsfrist angesetzt worden ist.

- Bevor Wasser mit Beimischung von Tränengas zum Einsatz gelangt, ist nochmals vorzuwarnen. Tränengas kann nur auf ausdrücklichen Befehl eines Polizeioffiziers eingesetzt werden.

- Die Verwendung der Knüppel erfolgt als letztes Mittel auf Befehl eines verantwortlichen Polizeioffiziers erst dann, wenn die bisher erwähnten polizeilichen Massnahmen zu keinem Erfolg geführt haben und die Ordnung mit keinem andern Mittel wiederhergestellt werden kann oder zu Selbstverteidigung der Polizei bei gefährlichen Angriffen.

Wird die Polizei überraschend tätlich angegriffen..., oder wird vermutet (...) Leben und Besitz Dritter ernstlich gefährdet, so kann die (...) erwähnte Stufenfolge abgekürzt werden. In allen Fällen aber ist der Einsatz weitergehender Mittel durch den verantwortlichen Kommandierenden zu befehlen. Wesentlich ist, dass die Polizei in allen Situation als geschlossener kräftiger Verband auftritt und straff geführt handelt." (Auszug aus dem Protokoll des Stadtrates von Zürich vom 11 März 1969).

<sup>4</sup> This is confirmed by a 1969 text of the *Polizeiinspektorat*, which explicitly mentions this point and, at the same time, illustrates the 'new thinking' that emerged that same year. Once again, let us quote the original text: 'Wenn Chemikalien (in Zürich bis jetzt nur als letztes Mittel zum Einsatz vorgesehen) zur Verwendung kommen sollen, muss jeder Polizeimann auf dem Platz eine Gasmaske haben (...) Man kann sich fragen, ob der Einsatz eines Tränengasregens wie die Berner Polizei und auch die gegen dieses Einsatzmittel wegen des Ausdruckes 'Gas' zwar sehr skeptische Polizei in Westdeutschland es schon wiederholt getan haben (z.B. in Konstanz) nicht das mildere Mittel als die Anwendung der Knüppelgewalt sei. Hier gehen auch in der Schweiz die Ansichten auseinander (...) In der Schweiz ist bis jetzt nur die Polizei der Hauptstadt und des Kantons Bern mit einer Kampfausrüstung ausgestattet (Schutz der Botschaften; Attentate der Jura-Separatisten). Die

control by means of close presence to 'crowd control by distance'. Besides the water cannon, tear gas is believed to be the most effective means of keeping a distance between police officers and demonstrators, thereby providing the greatest protection to police from injuries. Three technical innovations, largely the result of intensive cooperation between Swiss army weapons experts and the police, made this reversal possible: a modified version of the army's flame-sprayer, which allows a tear gas-water solution to be sprayed to a distance of about 30 metres, was introduced in 1969; in the same year modern water cannons able to spray the same solution on demonstrators were brought into use; then, in 1973, the so-called TW-73 (tear gas launcher, *Tränengas-Werfer*), a Swiss army rifle with a short-cut barrel adapted thus to launch tear gas grenades to a distance of 80 metres, was developed. All of these new forms of protest control expanded the spectrum of distance and resolved, to a certain extent, the tactical problem caused by hand-thrown tear gas grenades that could easily be thrown back at the police by demonstrators.

The new directive specified that orders for the use of the new control methods, namely water and tear gas, had to come from the *Polizeidirektor*. At the same time, it mentions the possibility of a delegation of powers to the commanding officer in charge of a particular police intervention for situations of self-defence or emergency ('In allen Fällen aber ist der Einsatz weitergehenden Mittel durch den verantwortlichen Kommandierenden zu befehlen'). This first slight routinization of the use of tear gas was slowly reinforced during the 1970s and it was not rare during this period for officers in charge of large units (companies or sections) to be granted responsibility for the use of tear gas. The Zurich police make a crucial distinction between 'mission' and 'command' tactics. With mission tactics, the commanding officer retains complete control over the police operation by being the only person with power to give orders regarding the use of force. As one interviewee stated:

In principle, the commanding officer in Zurich is omnipotent, meaning that he can do anything that is thought to be necessary in the course of the action. We command according to the 'mission' tactics, not 'command' tactics. That is, we give the commanding officer the mission and also the competence over any decision that is

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Frage der besonderen Ausrüstung hat sich nach den Unruhen in Zürich gestellt und wird geprüft.' ('Die Rolle der Polizei bei der Verhüttung und Unterdrückung von Krawallen', in *Demonstrationen, Unruhen und polizeiliches Verhalten. Erfahrungen und Lehren im In- und Ausland*. (nur für diestlichen Gebrauch), Stadtpolizei Zürich, Polizeiinspektorat, November 1968).

necessary and he is also responsible for what happens. He can then delegate up front, to the section chief or even to the group chief, responsibility for the use of gas and other hard methods. The same is not true in Germany. There, competences are kept in the highest ranks of the police hierarchy and this produces delays that can have a negative impact on the situation on the ground when the 'guys' (the rank and file police) think we are not allowed and, second, when they are in a difficult situation, and then... (Interview with Zurich cantonal police officer, April 1995)

However, during the 1970s, 'mission' delegation of competences remained restricted to police officers, generally section chiefs, and did not yet extend to group chiefs (usually non-commissioned policemen). The number of police officers present at a demonstration depended largely on the potential level of trouble: demonstrations expected to be peaceful were not necessarily even commanded by an officer, while the number of police officers varied between four and 10 for difficult protests in Zurich.

This shift in protest policing philosophy and the gradual routinization in decision-making on the use of tear gas resulted, following its initial use in January 1971, in a moderate diffusion of this method of control during the 1970s. For practical reasons (too heavy, unable to circulate in the small streets of the centre), the water cannon was increasingly marginalized and rarely appeared in the police operation structure. This quasi abandonment, however, was done on the quiet, with complete disregard for the official doctrine.

No major changes occurred during this decade and indeed we have to wait until the next protest cycle - the *Autonomen* movement of 1980-81 - to see a fundamental revision of the public order doctrine and an adaptation of tactical and organizational police methods in Zurich. The 1980 revision included an almost complete routinization of the use of tear gas (decisions were now made by non-commissioned officers), the introduction of 'rubber bullets', and a new concept of intervention based on high police mobility and a far-reaching decentralization of police forces.

The protest cycle of the early 1980s in Zurich was articulated around the demand for an autonomous youth cultural centre. The immediate trigger was a referendum for the renovation of the Opera House which would cost 60 billion Francs. The referendum was supported by a large coalition which, however, did not include the city's strong Social Democratic Party. They claimed that 'alternative' popular culture would be further marginalized by the unilateral allocation of such a huge sum to elite culture. More accurately, the Social Democrats were split on the issue, with the unionists supporting the referendum as a job-giving project. The *Autonomen* movement emerged with the referendum

campaign and was immediately supported by the non-unionists - the progressives - of the Social Democratic Party. This new protest cycle turned out to be unusually violent as the law and order coalition gathered increasing strength. During the campaign, it appears that the dividing line between the law and order and the civil rights coalitions was exactly the same as the division between the proponents and opponents of the Opera bill; it crossed directly through the Social Democratic Party, with the unionists of the party joining the other conservative parties in demanding more repression. The position of this wing of the Social Democrats was crucial since all the Social Democrats of the city executive (four out of the nine members) were unionists. With the elections of March 1982, the divisions over public order policies ended in a split in the party, and the unionists once again won all the Social Democratic seats in the city executive.

An attempt in 1981 by the progressive Social Democrats of the city parliament to prohibit the use of tear gas by means of the so-called 'individual initiative' led to a juridical battle over the right of the parliament to legislate on the issue. The fight was eventually lost by the parliament through a 1985 federal Constitutional Court decision, and thus did not result in a repoliticization process in decision-making on the employment of this coercive method. Indeed, quite the contrary occurred. During the *Autonomen* protest cycle, we may observe a further routinization of decision-making regarding tear gas. Delegation of responsibility for the use of tear gas was no longer limited to police officers, but, as we will see, was extended to small four-men riot police units. Moreover, the 1980-81 protest cycle witnessed the introduction of a new coercive control method in public order operations in Zurich: namely, 'rubber bullets'. These bullets are made of small rubber pieces, manufactured in Switzerland, which can be fired with the TW-73. They were first developed by the British for use in the conflict in Northern Ireland. Although they were purchased by the Zurich municipal and cantonal police forces in 1977,<sup>5</sup> it was not until the Opera demonstration organized by the *Autonomen* movement on 30 June 1980 that they were used for the first time in Zurich.<sup>6</sup> Employment of this coercive method

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<sup>5</sup> See response to parliamentary question by Heidi Hofmann of 21 February 1983, Cantonal Parliament, Zurich (*Protokollen*, 1983-87:23).

<sup>6</sup> Rubber bullets are mostly associated with a 'colonial model' of protest policing and became known in Switzerland through the Jurassian conflict in the mid-1970s. Rubber bullets were used for the first time in the Jura in 1975 by the Bern Police.

of control during this protest cycle became routinized along the same lines as occurred with tear gas.

In addition to the strength of the law and order coalition, another independent phenomenon contributed to this routinization process; namely, the development of a new concept of police intervention in response to a radical change in protest tactics during the *Autonomen* protest cycle. In response to the 'early' police dispersion of demonstrations which aimed to increase the cost of participation in unauthorized marches, demonstrators innovated by introducing a set of tactics labelled by the media as 'cats and mice' tactics.<sup>7</sup> Following the police order to disperse, demonstrators split into small groups (*Splittergruppen*) and simultaneously created disorder (damage to property, looting, barricades or surprise attacks on police) in different parts of the city. This new strategy completely changed the 'image' of demonstrations. While the typical image of a demonstration in the 1970s was one of a strong and compact form, which, in the case of trouble, would attack the heavily-equipped (batons and helmets) police forces frontally, *Autonomen* demonstrations of the 1980s produced the image of several groups acting independently of one another, moving very quickly and equipped with baskets or roller skates and small rucksacks.

Police adaptation to the cat-and-mice tactics became visible in late August 1980. It should be recalled that a typical public order operation of the 1970s was structured on several (two to four) large units of 60-80 policemen, each of which was divided into three sections of 20-30 policemen each. During this decade, the sections acted as 'closed' ('geschlossen') cohesive units, with each single unit in principle under the command of an officer. While mobile, they were relatively slow-moving as each unit was assigned to one huge police vehicle (the 'fourgon' or so-called 'MTW' - *Manschaftstransportwagen*). The new organizational structure of police operations which appeared in the middle of the 1980s protest cycle was comparatively extremely flexible and decentralized. The traditional four heavy units were now each divided into two sections; one of these continued to act as a larger cohesive unit (20-40 policemen) with one transport vehicle, while the other was subdivided into several groups of four men, each with their own vehicle.

This new structure, known first as '*Jagdgruppen*' and later as the 'TW-Taxi groups', was a real innovation, for which, it should be noted, the Zurich

<sup>7</sup> See, for example, *Neue Zürcher Zeitung*, 1 September 1980.

(cantonal) police claim paternity.<sup>8</sup> In the mid-1980s, it was not uncommon to see the heavy police sections completely replaced in public order operations with the smaller TW-Taxis groups, whose number would vary for large-scale interventions from 18 to 30. Within this new concept, each TW-Taxi group was mobile, with its own vehicle - a police patrol car or small van<sup>9</sup> - and was fully equipped with the TW-73, the tear gas launcher which, as noted, had been adapted in the mid-1970s to be able to fire both tear gas grenades and rubber bullets. These small mobile units undertook the new mission of patrolling the city before, during and after a demonstration, accompanying marches tightly on the flanks, and surveilling and following small and isolated groups of trouble-makers.

The 'personnel' problem had rapidly reached acute proportions in Switzerland since there is no federal police force that could be called upon for help in the case of an enduring protest.<sup>10</sup> Although individual policemen receive basic public order training in Zurich, the large police operation structure soon proved to be unable to sustain a protest cycle. Thus, the TW-Taxi group structure was not only a tactical response to the protests, but it also sought to answer the growing problem of inadequate police personnel. The 1980-81 protest cycle required the mobilization of uniformed policemen almost every day or, at least, several days a week. Other police duties suffered, police were forced to do overtime, weekends were done away with, and so on. Thus, with time, the need was increasingly felt for a concept of police intervention that would be less demanding on human resources and still efficient enough for the police to adequately control protests. The TW-Taxi groups concept provided such a solution, as our interviews with Zurich police officers confirmed. TW-taxi groups proved to be less demanding on policemen since one or two mobile TW-Taxis groups could control bigger areas, with the possibility of requesting reinforcements in case of trouble. While a large police operation of the 1970s in Zurich required about 400 policemen, it became unusual, starting from August

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<sup>8</sup> One of the authors has been able to observe the use of a concept similar to that of the TW-Taxi groups in the Netherlands today.

<sup>9</sup> Zurich municipal police use Ford Transits, while Zurich cantonal police use Volvo Breaks.

<sup>10</sup> During the 18 months of the *Autonomen* protest cycle, Zurich never requested the support of other cantons, probably because other city and cantonal police units trained in public order intervention work were dealing with the same protest cycle in their own cities.

1980, to see police operations involving more than 200 policemen, despite the radicalization of protests. The TW-Taxi concept was thus responsible for the smaller-sized police intervention structure and allowed the contingent of police personnel to be cut by about half. It was found to be so efficient that it became established as the dominant public order intervention structure in Zurich in the 1980s. Today, even small and peaceful demonstrations are controlled by a couple of TW-Taxi groups.

In order to compensate for the reduced numbers of police and the lost dissuasive effect of large-scale units of riot police, the TW-Taxi groups were also granted wider latitude in the use of tear gas and rubber bullets. The TW-Taxi groups received a 'mission', meaning that they themselves could choose between the available methods to fulfil their mission. Most importantly, since each four-man unit of the TW-Taxi groups could not include an officer, but were at best led by a non-commissioned officer, decisions over the use of tear gas and rubber bullets were now delegated to the lowest ranks of the police hierarchy. This authorization of responsibility to the TW-Taxi groups, especially for turbulent demonstrations, is confirmed by interviews with Zurich cantonal and municipal police officers.<sup>11</sup> In other words, mobility and decentralization of police forces induced a truly 'hierarchical inversion' in Zurich public order operations. With the concept of 'hierarchical inversion', Monjardet (1984) grasped a widely acknowledged fact in police literature; namely, that the police rank and file were given a high latitude in decision-making as part of the ever-present danger of their duties in patrol units. Although Monjardet believes, taking the example of France, that protest policing is not included in the above-mentioned description of police work, we can see that the latitude given to individual policemen varies greatly during public order operations depending on the organizational structure of police intervention (centralized versus decentralized). In the case of Zurich, the policing of protests is no different today to other traditional police duties with respect to the degree of decision-making discretion delegated to lower ranks, since the small TW-Taxi groups are entirely comparable in this respect to their peer police units of patrol cars. The *de facto* routinization of decision-making on coercive methods of protest control

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<sup>11</sup> For cantonal police, see quotation above. In an interview in the *NZZ* (19 September 1992), the chief of the municipal uniformed police stated, 'In the municipal directives on non-peaceful police intervention it is written that each intervention is led by the "commanding officer in the street", who, depending on the situation, can be a *group leader* or a section leader.' Since a group in Zurich comprises four men, the 'mission' tactics results in a highly decentralized and potentially volatile police structure.

induced by the TW-Taxi concept was codified only much later with an official shift of doctrine concerning competences for the use of force by the police. A directive issued by the city authorities in 1984 explicitly states that the 1969 doctrine has aged and that decisions regarding the use of tear gas and rubber bullets can now be made by the 'responsible on-site chief' (*an Ort und Stelle verantwortlichen Chefs*).

It is worth noting that this routinization process, completed during the 1980-81 protest cycle, ended up with the reverse situation of 1968: while the use of tear gas had been controlled by a politician, decisions were now taken by the lowest ranks of the police hierarchy. This routinization was also accompanied by a further diffusion of the use of coercive means of protest control in Zurich. From 1980 on, rubber bullets and tear gas became a routine part of control methods for disorderly demonstrations.

Towards the end of the 1980s, however, there was a reversal in the routinization of police use of coercive methods and we may observe a repoliticization of decision-making regarding the use of tear gas. The immediate trigger for this process was the drama surrounding the so-called Chernobyl demonstration in Bern. But there was also another major change in the local political context of the Zurich police: for the first time in the post-war history of Zurich, the left, in alliance with the Ecologist Party, won with a majority in the 1990 elections.

First, with regard to the Chernobyl demonstration, a conflict over a prohibited route led to the massive employment of tear gas by the Bern police to disperse the largely peaceful crowd of the anti-nuclear movement - 15,000 people according to police estimates - which had gathered in the central area of the city on a Saturday afternoon to commemorate the first anniversary of the Chernobyl nuclear plant accident. Many bystanders, peaceful demonstrators and children became the target of this heavy operation which, being an important event, was under the command of the Bern city police chief himself.

The police immediately became the focus of harsh criticism from politicians and public opinion through the media. The cantonal head of police, which had a contingent under city command in the operation, publicly criticized the operation as being disproportionate. In the Bern municipal parliament, more than 20 parliamentary interpellations, motions and *postulats* - an unusually high number - were lodged within a few days, a parliamentary inquiry commission was set up and two legal experts (one from the municipal authorities and one from the parliament) on the police intervention were commissioned. During the parliamentary debates following the operation, many

members of the conservative parties joined the civil rights coalition formed initially by the Greens and the leftist parties. Radical demands to prohibit tear gas and rubber bullets during mass demonstrations in the future were rejected, but more moderate calls to limit their use found strong support in the municipal legislative body. The legal experts did not agree on whether the police intervention was proportionate to the situation or not. The legal opinion commissioned by the authorites (a retired federal court judge, Dr. Harald Huber, and a university professor, Hans Schulz) concluded that it was, whereas the one ordered by the parliament (a professor of constitutional law in Fribourg, Thomas Fleiner) came to the opposite conclusion. The core debate, however, was not proportionality but rather the so-called trouble-maker principle. In other words, the issue brought to the fore by the Bern police operation, as stated in the Bern daily *der Bund*, was whether or not the police could have focused their coercive measures on the small number of trouble-makers rather than indiscriminately dispersing the whole crowd. This debate, in fact, echoes the earlier German Brockdorff Constitutional Federal Court (*Bundesverfassungsgericht*) decision (1985), which granted demonstrators the fundamental right to demonstrate and, as a consequence, restricted the use of police force on trouble-makers (Burfeind, 1993).

The Chernobyl demonstration debate did not remain confined within the cantonal borders, but rapidly became national in scope. National television was present during the escalation and dramatic images were broadcast in the evening news. A leading national newspaper, *der Tages-Anzeiger*, wrote of the 'Bern catastrophe' (26 April 1987) in its morning edition. Repercussions of this debate were felt on an administrative level eight months later in the formal demand by the president of the 'Conference of Cantonal Police Department (political) Heads' (CCDCJP) to the 'Conference of Swiss Police Chiefs' (CCPCS) to formulate a new set of tactics and techniques that explicitly take into account the trouble-maker principle in the control of demonstrations.<sup>12</sup> On 31 December

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<sup>12</sup> The original text states, 'Le comité de notre conférence a pris connaissance avec grande inquiétude que des manifestations, aussi dans notre pays, sont de plus en plus souvent liées à une violence contre des personnes et des biens et que l'usage de cette violence est prise en compte par une partie des manifestants, voire même provoquée par eux. Par ce fait, le public et les forces de l'ordre engagées sont gravement mis en danger. Ce qui est aussi mis en danger, c'est le droit démocratique incontesté de manifester pour les participants pacifiques et en dernier lieu, l'idée démocratique elle-même. Le comité vous prie (...) de développer, avec un groupe de travail, des techniques et tactiques d'engagement qui permettent, tout en gardant le principe de la proportionnalité, d'isoler les éléments criminels agissant

1989, the 'working group' of the CCPCS issued a directive<sup>13</sup> which asserted the need to isolate trouble-makers and to refrain from using coercive means on peaceful demonstrators. At the same time, it remained rather vague and inconclusive on the question of decision-making concerning the use of force during a protest escalation. Nevertheless, the document does specify that 'it seems at least tactically correct to give competences for a massive intervention involving heavy methods to the intervention chief, or, at least, to issue specific rules about the conditions of their use' (p. 10).

As noted, the second important event in the repoliticization of the use of tear gas in Zurich was the 1990 electoral victory of the civil rights coalition in the municipality of Zurich. A majority in both the city government and the city parliament was won by an alliance between the Social Democrats and the Ecologist Party. Furthermore, a Social Democrat, Robert Neukomm, became head of the police department. This electoral victory of course played a major role in the repoliticization of the use of tear gas. Clearly, an attempt was also made to restrict the use of rubber bullets and, during the first year of Social Democratic control of the city, their use also appears to have been repolitized. Following the very first case of a municipal police officer being sentenced (February 1991) by a district tribunal to a fine for having ordered the use of rubber bullets in inadequate circumstances, Neukomm was quoted by a newspaper to have stated that the time had come for a 'fundamental revision of the use of rubber bullets' (*Volkssrecht* 8.2.1992). On a few occasions, police cordons and 'pushing' were even reintroduced. However, this early good will on the part of Neukomm was shadowed by his later refusal to follow a call of the civil rights coalition in the municipal parliament for the prohibition of rubber bullets in public order operations in Zurich.<sup>14</sup> Two reasons motivated this

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illégalement, de les sanctionner selon l'Etat constitutionnel et en même temps, d'assurer la plus grande sécurité aux forces de l'ordre engagées (...). *Requête de la Conférence des chefs de départements cantonaux de Justice et Police du 5 février 1988.*

<sup>13</sup> 'Intervention Strategy and Intervention Tactics in a Non-peaceful Public Order Operation'.

<sup>14</sup> See the *postulat* by Prelicz-Huber of the Ecologist Party of 15 May 1991. This *postulat* demanded the prohibition of rubber bullets during public order operations following an incident during a demonstration on 1 May 1991 during which a demonstrator lost an eye. Despite a rather large majority win of 58 against 49, Neukomm refused to bend under this pressure of the local parliament and defended the corporatist interest of police forces who strongly opposed any such prohibition.

failure to comply: first, unlike tear gas, rubber bullets are believed to be well-suited to the trouble-maker principle since they can be directed against a small group of persons. Second, the TW-Taxi concept had not been modified and this concept quite simply does not work without an efficient means of keeping a distance from protestors and a high latitude in decision-making for the TW-Taxi groups.

### B. Geneva

The history of fluctuations in the decision-making process regarding the use of tear gas and rubber bullets in Geneva is very different to - and much shorter than - that of Zurich. Decision-making on the use of coercive methods of control, including the baton, was highly politicized in 1968, and, as a consequence, essentially strategical. In the early 1970s, the use of force was delegated to the police, but remained, over the next decades, relatively high in the police hierarchy and did not experience the degree of routinization of the Zurich police.

As in Zurich, some routinization occurred in the early 1970s after an earlier period during which the use of coercive means of force was more strictly controlled by the political head of the police. During the protest cycle of 1968 the political head of the cantonal police, Henri Schmitt, retained control over police operations and is known to have been present himself on the streets during interventions. As a result, he was attributed by public opinion with the nickname of 'Schmitt-the-baton' (*Schmitt-la-matrasque*). In one interview with a police officer in Geneva, this process was described in the following terms:

Before, the overall plan of action was centralized and, as a consequence, relatively slow. If the chief of the intervention wanted to use coercive methods, he had to ask permission from the police chief who was in the command room at the main police station (...) To complicate the whole thing, there was often a politician in the command room. Things changed in 1972-73. The delegation of competences increased and politicians became less involved in the decision-making process. The chief of an intervention in the street basically received the competences for the use of coercive methods and could delegate them further to the section chief. (Interview Geneva, 20 June 1994, p. 7)

The use of tear gas was routinized in the early 1970s, becoming a matter of tactical, rather than strategical, choice. Rather interestingly, the first use of

tear gas seems to correspond to the years of changes as described in the interview regarding political involvement in decision-making. We retrace it to 13 January 1973 during the course of a Vietnam War demonstration. As in Zurich, this routinization was restricted to the police officer level in the 1970s.<sup>15</sup> This control was thus strict since there were seldom more than three police officers involved in demonstrations in Geneva.<sup>16</sup> Rank and file policemen could make decisions on the use of tear gas only in situations of *légitime défense* or if communication was cut with the commanding officer. In general, the head of the police intervention (usually the chief of the uniformed police) retained complete control over the use of tear gas and other officers in the streets were required to seek his permission to use it. Thus, while Zurich opted for the control of social protests by means of 'mission tactics', Geneva used the more classical 'command tactics'. Furthermore, the Geneva police did not adopt the Zurich doctrine of crowd control by distance in the 1970s, but instead stuck with the classical doctrine of protest policing by means of the cordon and the eventual baton charge as primary coercive means. As a result, the use of tear gas remained quite exceptional in Geneva during this decade.

Basically, neither the decision-making procedure nor the intervention doctrine for social protests underwent profound changes in Geneva during the 1980s. Not only did decision-making on the employment of tear gas remain strictly controlled by the higher echelons of the police hierarchy, therefore requiring that an order be given by an officer at the least, but most importantly rubber bullets were not introduced in public order operations. Although rubber bullets were indeed purchased by the Geneva police in 1975, following the escalation of the Jura conflict (Interview Geneva, 20 June 1994), decision-making on this method of control was highly politicized. In order to use rubber bullets during a police intervention, a specific order by the chief of the police was required. Moreover, it was unlikely that the chief of the Geneva police would ever give such an order without prior consultation with the political head of the police. Asked about this particular method, the present police chief of Geneva observed:

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<sup>15</sup> In Switzerland, control over coercive methods does not follow the stricter French model, which elaborates a separation of powers within the police administration: only an officer of the judiciary police can order the use of force in France.

<sup>16</sup> Compare with Zurich where it is not rare to have between five and 10 police officers in a police intervention structure.

From a symbolic point of view, firing on the populace, even with rubber bullets, would not be accepted by the Geneva mentality (...) The day I gave this order, I would not be police chief any more. Personally, I can't allow firing in a stretched trajectory (rubber bullets) on people, because then they are no longer considered as adversaries but they become enemies. (Interview Geneva, 24 September, p. 1)

Unlike in Zurich, where we have seen that rubber bullets became the 'favourite' form of coercive police control in the late 1980s, they have never been used in Geneva. We may add here that there is a surprising dividing line between the German-speaking part of Switzerland, where rubber bullets are routinely used, and the French-speaking part where they have never been used.

Two major reasons concur to explain the continuity of decision-making in Geneva and the comparatively high degree of politicization in the use of tear gas and especially rubber bullets. Firstly, the civil rights coalition has always been much larger in Geneva than in Zurich. During the 1980-81 protest cycle, the most prominent advocate of civil rights and political dialogue with the *Autonomen* movement was a conservative, Guy-Olivier Segond, who was a member of the Geneva city government and was also president of the Federal Youth Commission. This commission, largely influenced by its president, issued in November 1980 a list of recommendations<sup>17</sup> to Swiss political authorities promoting greater tolerance and dialogue with the *Autonomen* movement. Far from being an isolated figure in Geneva, Segond represented the view of the progressive wings of the two major local conservative parties, namely the Radicals and the Liberals, on issues relating to public order. There is in this city a broad consensus on the notion that the role of political authorities is to maintain social peace rather than blindly implement legal order. Important contributions to social peace are believed to derive from negotiation with social movements and the promotion of non-escalating police tactics, rather than from repression and the use of hard-line forms of control as favoured by the Zurich authorities. The strength of the civil rights coalition in Geneva is well expressed by the consistently tight control maintained over the use of 'hard' methods within the police hierarchy since 1968.

The second reason underlying the continuity in decision-making in Geneva is that this city was largely spared from the *Autonomen* protest cycle of 1980-81. Although the movement did mobilize later, mostly in the second half of the decade, the pro-negotiation orientation of the Geneva authorities helped to

<sup>17</sup> Eidgenössische Kommission für Jugendfragen (1980).

deradicalize the conflict. The absence of this early-1980s radical protest wave and of its 'cat-and-mice' tactical innovation explains why no need was felt by the Geneva police to adopt the new mobility and decentralization of the Zurich intervention structure. Mobility in Geneva in the 1980s was only slightly enhanced as compared to the 1968 situation. Riot police no longer patrolled in heavy 'fourgons', but rather each group of 10 men moved about in a small van. Geneva police mastered the problem of mobility in the 1980s (and the problem of 'real' trouble) by using its 'intervention group', trained for anti-terrorist policies, and its version of the French '*peloton mobile*', a single unit of 12 men trained for special security problems. Both 'groups' were used in hot spots of protest policing (see Interview Geneva, 20 June 1994). By the same token, some level of decentralization has become observable over time. Today, the biggest unit, the company, is divided into several sections, which are in turn subdivided into three to six groups, depending on the mission of the section (static or mobile, for example). However, neither in terms of size nor methods used by these groups can a comparison be made with Zurich's TW-Taxi groups. Unlike the four-man TW-Taxi groups, the Geneva groups consist of about 10 men. Moreover, only one Geneva group - the so-called 'support group' - in each section is equipped with two TW-73s or other tear gas material, while the others only have batons. Thus, arithmetically, we find that in Geneva there are two TW-73s in a section of about 30 men, whereas an equivalent section in Zurich has eight TW-73s. As opposed to the developments in Zurich, an increase in the use of tear gas did not occur in Geneva in the 1980s and the 'classical' model of crowd control, with police cordons and baton charges during violent demonstrations, remained the dominant mode of protest policing in Geneva.

This description of the diverging evolutions of the use of coercive methods of protest control in Zurich and Geneva already allows us to draw several conclusions. In both cities, decision-making in relation to coercive means was delegated from the political level to high-ranking police officers in the early 1970s and, as a result, the use of tear gas increased during disorders. However, contrary to the course of events in Zurich, there was no hierarchical inversion in Geneva during the following decade. This was firstly due to the fact that the Geneva police did not have to confront the 'cat-and-mice' tactics of the *Autonomes* movement during the 1980-81 protest cycle. While there was a wave of *Autonomes* protest later in the decade in Geneva, the police did not use escalating tactics and politicians chose to integrate the movement. Therefore, as the Geneva police did not have to deal with cat-and-mice tactics developing within a repression-violence dynamic, they were not forced to adapt their

intervention structure and adopt the highly flexible and decentralized character of Zurich police interventions. The second - and obviously linked - reason for the absence of a hierarchical inversion in Geneva was precisely the fact that the civil rights coalition in Geneva remained strong in the city despite the protest wave, whereas in Zurich the *Autonomes* protest cycle ended up strengthening the law and order coalition. In the late 1980s, after the 'catastrophe' of the Chernobyl demonstration in Bern, the use of tear gas on crowds was once again restricted and more tightly controlled by the police hierarchy in Zurich. The repoliticization of the use of tear gas in Zurich in the 1990s accompanies the victory of the civil rights coalition in the 1990 municipal election. Whereas the use of rubber bullets remains highly politicized in Geneva, they are still routinely employed during public order operations in Zurich. The civil rights coalition has not yet been able to limit the use of rubber bullets - a battle they fought throughout the 1980s - partly because the police have not revised their TW-Taxi doctrine and due to the autonomy of the executive regarding public order policies *vis-à-vis* the local parliament.

### The POS Context and Response Mechanisms to Protest Policing

The differences between Zurich and Geneva are quite intriguing, given that the left has remained in the minority until very recently in both cities. It is indeed surprising to observe that the Geneva chapter of the conservative party - the Radicals - shared a roughly similar view on protest policing with the progressive wing of the Social Democrats in Zurich, while the Zurich chapter of the Radicals was the strongest advocate of repression within the law and order coalition. Furthermore, the leading conservative press in these two cities - the *Neue Zurich Zeitung*, close to the Radical Party, in Zurich and the *Journal de Genève*, close to the Liberal Party, in Geneva - also contrasted along the same lines in their 'diagnostic' and 'prognostic' frames<sup>18</sup> in relation to protest policing. From 1968 right up until 1995, the *Neue Zürcher Zeitung* has consistently been a leading advocate of strong repression and no-negotiation policies with protest movements, framed emphatically as a self-defence of the '*Rechtsstaat*' (constitutional order) against anarchy. In contrast, the *Journal de Genève* has favoured some degree of tolerance and consistently defended a pro-

<sup>18</sup> For the use of these concepts, see Snow and Benford (1988) and della Porta (1994).

negotiation policy with social movements as part of a broader view that society is changing faster than the constitutional order.

The distinctive character of the political culture and the degree of openness of political institutions in these two cities can help to explain the contrasting strengths of the civil rights coalitions (and public opinion) in Zurich and Geneva. Political institutions and political culture intervened in the process of shaping divergent political coalitions in relation to public order policies. Our focus in this final section will thus be on the specific attributes of these two political structures and identification of the mechanisms shaping political coalitions and protest policing in Switzerland.

#### A. Political Culture

The term 'political culture' refers to a general, and consistent over time, consensus of political elites on the definition of public order. Clearly, these definitions differ radically along regional lines in Switzerland and are a product of cultural diffusion from Germany and France (Wisler 1995). In German-speaking Switzerland, public order is defined legalistically with the notion of the '*Rechtsstaat*' or 'constitutional order'. A breach of the constitutional order by protest movements is synonymous with a disorder and thus requires an intervention by the state to restore public order. An anecdotal, but illustrative, note can be made about this point. Early in the protest cycle of the *Autonomes* movement, the city mayor of Zurich, member of a centre party, sought to justify the initiation of a dialogue with the movement with the comment that 'Human beings are not made for the *Rechtsstaat*, but the *Rechtsstaat* is made for them.' Not only did this view not prevail during later interaction with the movement, but it became the focus of a polemical and virulent criticism by the *Neue Zürcher Zeitung* the next day. The *Neue Zürcher Zeitung* (28-29 June 1980) claimed that the mayor had used this saying in precisely the wrong way - without the protection of the *Rechtsstaat*, society would return to a state of anarchy equivalent to the Hobbesian description of the state of nature.<sup>19</sup> In fact, the mayor's remark did not resonate in a political culture that identifies legality with public order.

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<sup>19</sup> See, as an illustration of the late 1960s, the lead article in *NZZ*, which appeared two weeks before the Globus riot in Zurich, entitled '*Wehret den Anfängen*', 17 June 1968.

In French-speaking Switzerland, on the other hand, constitutional order is not the overarching principle and public order is better understood as 'social peace'. Society may change faster than legislation and protest may be an expression of social change. In the very last analysis, as several leading articles in the conservative *Journal de Genève* have put it, protest, and even illegal actions, can be interpreted as a 'revitalization of the political system' rather than the feared 'return to anarchy' identified by the *Neue Zürcher Zeitung*.<sup>20</sup> The task of the state is to restore social peace rather than to implement outdated legislation. Protest policing is, then, primarily an act of finding a delicate balance between accommodating social change and implementing constitutional order. The Geneva political culture regarding public order may be defined as 'opportunist' since it requires an evaluation of the opportunity of the type of state reaction when confronted with a protest. The remark by the Zurich city mayor mentioned above, that the law is for human beings rather than the other way round, would never have been a matter of dispute in Geneva: it is the traditional and official understanding of public order in this city.

While Zurich defines public order as being *immanent* to the constitutional order, Geneva sees it as being *transcendent* to it. Both of these definitions, of course, are reminiscent of the opposition between the legalistic political culture of Germany and the more state-oriented political culture of France. The state in Germany is itself limited by its 'fundamental' law, while the *raison d'état* provides the French state with a rationale to transcend the limits imposed by the law.<sup>21</sup> More generally, the legalistic and the opportunistic definitions of public

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<sup>20</sup> By way of example, let us mention two leading articles, one of 20 May 1968 on the front page of the *Journal de Genève*, where the columnist, Jacques-Simon Eggly, wrote that the 'principle of permanent contestation proclaimed by students should be imposed on professors and politicians (...) This does not mean a return to anarchy, but much more a revitalization of democracy.' The other editorial, by Peter Haggenmacher, entitled 'Illegal Initiatives: Brake or Stimulus for Democracy?', is in the same vein. Its author writes, 'It is possible that these illegal actions do have a sense that is not negative (...) they constitute attempts to give to a political system its vital principle, the democratic idea, which is threatened by a heavy legalistic machinery.' (*Journal de Genève*, 24-25 July 1971).

<sup>21</sup> Interestingly enough, while the *Rechtsstaat* notion in Germany includes an extensive codification of police action, we find that the legalistic culture has not fully penetrated the police domain in Switzerland. With the exception of firearms, the use of coercive means by the police is regulated in all Swiss cantons only at the administrative level (not controlled by the parliament). Further, the use of force in Switzerland is based on an 'intensive principle', that is of the 'general police clause', which allows the police to use force if there is a concrete

order seem to be constitutive of two distinct concepts of the police, called elsewhere the Latin<sup>22</sup> and the German families (Wisler 1995).

These two different traditions are expressed in the diverging strengths of the civil rights and pro-negotiation coalitions in Zurich and Geneva. Radical protest is considered to threaten the spirit of democracy in Zurich, to echo a Hobbesian state of nature, and the state is required to restore constitutional order rather than to accommodate demands. In Geneva, radical protest is seen as an expression of social change and there is an understanding that the state can, through opportunity, accommodate demands and try to find a new equilibrium between the constitutional order and society.

### *B. Political Institutions*

Political institutions, defined restrictively as the formal rules of political participation, also play a role in protest policing through two mechanisms that we refer to as the 'cognitive-cultural' and the 'structural' mechanisms. In order to remain within the scope of this contribution, we will develop the argument by focusing on one specific political institution: namely, direct democratic

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threat to police goods (see Reinhard 1993). This contrasts heavily with the 'extensive' legislation in Germany, which regulates in detail the use of force at the legislative level. Some Swiss cantons do not even have a police law (Basel, Bern and Zurich, for example). In other words, there is a strong hiatus between the Swiss-German culture on protest and on the state itself which reveals, in our view, the low legitimacy of protest in this region.

<sup>22</sup> In Italy, a 'Note sui servizi di ordine pubblico' of the Direzione Generale della Pubblica Sicurezza - Divisione Scuole di Polizia, dating from 1969 and cited by della Porta in her questionnaire to police officers (12 June 1994, p. 4), formulates an opportunistic conception of public order. The original text of this 'Note' states, "L'ordine pubblico" presuppone l'osservanza dello "ordine legale". Ma mentre quest'ultimo è un ordine statico, che indica la perfetta coincidenza del fatto e del diritto, in una situazione ideale di raggiunto equilibrio delle forze sociali, l'ordine pubblico esprime la realtà nel suo aspetto dinamica. Da questa premessa dispende innanzitutto l'importante conseguenza che in materia di ordine pubblico le considerazioni di fatto debbono essere sempre prioritarie nella valutazione di una situazione e nelle conseguenti decisioni. Pertanto nessun provvedimento può e deve essere adottato se non sono state previamente valutate le forze sociali in movimento; se non sono adeguatamente conosciuti i motivi dell'agitazione, gli stati d'animo dei manifestanti, i luoghi dell'intervento, la congruità delle forze da impiegare per ripristinare l'equilibrio turbato, i mezzi più idonei, la scelta dei tempi.'

instruments, which arguably play a major role in both mechanisms. However, it should be recalled that direct democratic instruments are not alone in structuring these mechanisms: electoral laws and the degree of centralization of the state are other indexes of the degree of openness of a given institutional context that a more complete analysis should take into account. Let us simply state here that on both counts - that is, with regard to electoral laws and the centralization of the state - Zurich is much more open than Geneva (Wisler *et al.*, 1995). Before commencing our discussion of these mechanisms, it is necessary to document the differences between Zurich and Geneva in relation to the degree of openness of direct democratic instruments.

Two direct democratic channels, the initiative and the referendum, may be distinguished. The initiative begins a legislative process, while the referendum closes such a process. Swiss cantons all have these instruments, but important variations exist concerning: 1) their availability at the municipal level; 2) the political level of their application (administrative, legislative and constitutional) and their form (mandatory or facultative); and 3) their accessibility in terms of the number of signatures required.

Broadly speaking, direct democratic instruments in Geneva display a much more closed character than is the case in Zurich in all dimensions. First, while Zurich has known the municipal initiative since the end of the last century, it was only introduced in Geneva in 1981. Thus, prior to that year movements that challenged policies within the competences of the municipality of Geneva, such as the housing policy, had no direct democratic instruments to initiate a legislative process. Second, while in both Zurich and Geneva the referendum is available at the administrative, legislative and constitutional levels, Zurich is unique in having a *mandatory* referendum for financial expenses. Third, the differences between these two cities in terms of the proportion of the voting population required to sign a direct democratic instrument is quite dramatic. Thus, if the canton of Zurich requires that 1 out of 147 voting citizens sign a referendum to give way to a popular vote, the Geneva ratio for the referendum is 1 out of 20. If we add that the required number of signatures must be gathered within a much shorter period of time in Geneva than in Zurich, we can readily understand that access to direct democratic instruments in Geneva is much more restricted than it is in Zurich. Table I illustrates the variation in the degree of openness of direct democratic instruments in Swiss cantons and four cities.

(Table I about here)

These differences are translated in Table II into the differential use of these instruments during the 1980s in several Swiss cantons and cities, including Zurich and Geneva.

(Table II about here)

The cognitive-cultural mechanism is more related to the 'input' aspect of direct democratic instruments (the initiative), whereas the structural mechanism is more concerned with their 'output' character (the referendum) regarding state action.

### The cognitive-cultural mechanism

The cognitive-cultural mechanism links the degree of openness of political institutions to the cultural status of public protests within a democracy. The more open a political system is - that is, the more institutional channels are available for challengers to participate in the political process - the less legitimate demonstrations are. In other words, non-institutional forms of collective action, such as public protests, appear to be redundant and even illegitimate since they are often linked to disorders, if other institutional channels are (easily) accessible for challengers. Arguably, direct democratic instruments play an important role in this mechanism.

Opinion polls in Switzerland confirm the low cultural status of public protests in a model of institutionally open political systems (38 per cent of respondents in a national opinion poll in Switzerland, and respectively 50 per cent of the respondents in the five largest Swiss cities, found it legitimate to demonstrate in 1987), whereas public demonstrations enjoy a high status in the prototype of an institutionally closed democracy - namely, France. Favre (1990) refers to an opinion poll conducted in Grenoble in 1987, for which about 80 per cent of responses were favourable to public demonstrations (see also Fillieule, 1994). The role of direct democratic instruments in this mechanism cannot be overstated. In its important Brockdorf decision (1985), for example, the German Constitutional Court noted the lack of direct democratic instruments in Germany's political system as the main rationale for the recognition of public

demonstrations as a fundamental right.<sup>23</sup> Clearly, the right to demonstrate is asserted as a functional equivalent to direct democratic instruments. One leader of the '68 student movement in Zurich, Thomas Held, held that the availability of direct democratic instruments in Switzerland could explain the repressive reaction of political elites towards street protests in this country. 'In many comments on the events in Germany and France', Held wrote in an *NZZ* article, 'it was said that a non-parliamentary opposition has no justification whatsoever in Switzerland because the citizen, with the initiatives and the referenda, are themselves already some sort of a non-parliamentary opposition.' (*NZZ*, 16 June 1968).<sup>24</sup>

The legitimization mechanism of public demonstrations through the closedness of formal political institutions facilitates the emergence of a consensus over the democratic aspect of street protests. In an essay on the case of France, Favre (1990) emphasizes the 'democratic essence' of mass demonstrations as a challenge to a strong government. In an institutionally open system, the existence of direct democratic instruments heavily constrains the potential development of a coalition oriented towards the defence of civil rights. While the French-speaking part of Switzerland shares with France a view of public demonstrations as essentially democratic, they are often discarded in Zurich or Bern as 'intolerable pressures of the streets'. As a result, public demonstrations in front of the Federal Assembly or the local Bern Assembly during parliamentary sessions are banned and the Swiss-German authorities resort relatively often to their right to prohibit potentially turbulent demonstrations. In contrast, Geneva, throughout the period under consideration, has practically never resorted to any of such prohibitions and has a long tradition of tolerance of 'illegal' (not formally authorized) public demonstrations.

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<sup>23</sup> This point was brought to our attention by Martin Winter. Urs Sixer (1988), a Swiss constitutional jurist, mentions the availability of direct democratic instruments in the political system of Switzerland as the main reason why the Swiss Federal Court has not adopted the position of the German Constitutional Court on the right to demonstrate.

<sup>24</sup> 'In vielen Kommentaren zu den Ereignissen in der BRD und in Frankreich wurde betont, dass eine ausserparlamentarische Opposition in der Schweiz *keine Berechtigung* habe, da bei uns das Volk, ausgerüstet mit dem Initiativ- und Referendumsrecht, als Ganzes eine Art ausserparlamentarische Opposition darstelle.'

### The structural mechanism

The tendency of the authorities to negotiate with or repress movements does not only stem from the cognitive-cultural mechanism and political culture, but is also structurally influenced by the degree of openness of the referendum system. Indeed, the 'output' capacity of the authorities - that is, their capacity to negotiate with protestors - varies greatly as a function of accessibility to the referendum. Especially relevant to the interaction between the authorities and the *Autonomen* movement in Zurich, for example, is the mandatory referendum for financial bills. This kind of referendum, unknown in Geneva, specifies that recurrent (yearly) expenses above half a million Swiss francs must be submitted to popular vote. Thus, the Zurich authorities were not empowered to negotiate in their own right a substantial agreement with the movement during the 1980-81 protest cycle, regardless of which political coalition was in power. While it is certainly reasonable to acknowledge that concessions to the movement in 1980 did not fit the municipal cultural policy of the time, which was oriented towards an elitist cultural image (Rothmayr, 1994), it may also be said that political prudence advised the authorities that a referendum on an autonomous centre would probably have been rejected by the electoral college through the referendum, as had been the case in a referendum in 1974 for a (too) ambitious youth centre project costing 40 million francs. Thus, the negotiating stance of the Zurich municipal authorities is not simply a matter of orientation or ideology of the political elite, but is also the consequence of the majorization effect of the financial referendum in that city.

By contrast, political institutions in Geneva give the authorities the room to manoeuvre needed to negotiate substantial agreements with protestors. It allows them to balance problems of public order and political concessions in order to preempt protest movements. Political decisions are rarely challenged through the referendum system and financial bills are not subject to a mandatory referendum. It is true that the financing of the alternative cultural centre of the *Usine*, involving a 400,000 franc initial bill and an annual 200,000 franc management bill, could have been challenged by opponents through the facultative referendum, but the high number of signatures required and the short period for collection of signatures constitute major obstacles for any challenging group. Table II above shows that direct democratic instruments are not frequently used in French-speaking cantons and cities as compared to the case of German-speaking region.

The 'state-oriented' decision style, which Ladner (1994) found to be characteristic of most French-speaking cities, is arguably induced by the strictures of the referendum system in this region, while the availability of direct democratic instruments seems to play a major role in the 'societal style'<sup>25</sup> that predominates in German-speaking Swiss cities. Interactions between political authorities and social movements in Geneva are structured by direct and informal negotiation channels, whereas in Zurich they are canalized through the institutional channel of the direct democratic instruments. This second case inevitably involves the participation of the media and pressure groups in the decision-making process to a much greater extent than in a state-oriented system and has usually proved to be detrimental to marginal and unpopular social groups like the *Autonomen* movement.

## Conclusion

The conjunction in Geneva of a high legitimacy of public demonstrations, a broad latitude of manoeuvre on the part of political authorities and an opportunistic definition of public order makes a favourable terrain for the emergence of a strong civil rights (and pro-negotiation) coalition that our analysis detected. It also at least partially explains the high degree of politicization of 'hard' methods of protest policing in this city and the reticence expressed by the current Geneva police chief to use rubber bullets in public order operations. By contrast, given the low legitimacy of public demonstrations, the weakness of political authorities, and the legalistic tradition of public order prevailing in Zurich, it is not surprising that the civil rights coalition has been much narrower and that 'hard' methods like rubber bullets are used routinely in public order operations.

At the same time, our analysis has stressed that another process contributed to the more routine recourse to coercive methods of protest control by the Zurich police. While Geneva was completely spared from the *Autonomen* protest cycle, Zurich found itself at its epicentre. During this cycle, the movement responded to the closure of the POS and a repressive police stance by innovatively developing the highly disruptive 'cat-and-mice' tactics, a set of tactics which the Zurich police adapted to by adopting a mobile, flexible and

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<sup>25</sup> Ladner (1994) prefers to call it a 'segmented interests style'.

decentralized concept of intervention. This model proved to be so successful that it was eventually established as the dominant mode of crowd control throughout the 1980s. The crucial point in Zurich's public order policies is the hierarchical inversion it implies with respect to the use of force and its consequences on the employment of 'hard' methods. In contrast, Geneva, having been insulated from this protest wave, continued with the 'classical' doctrine of crowd control by means of police cordons and the baton charge. Despite only minor adaptations, control over the use of 'hard' methods in Geneva has been consistently retained by the police hierarchy.

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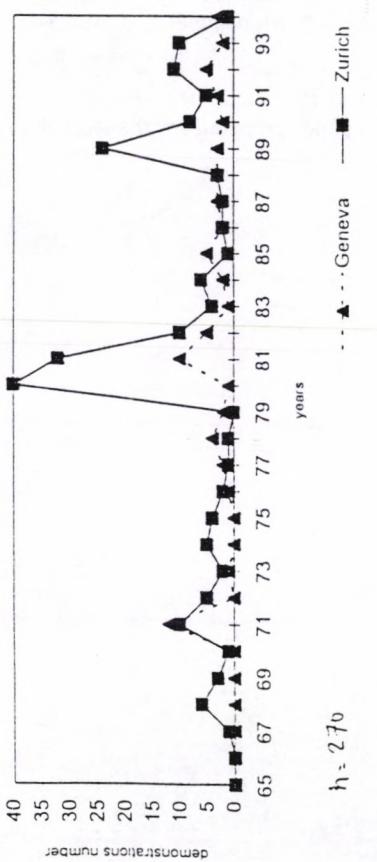
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**Graphic I: Autonomen protest cycles in Zurich and Geneva**



$h_1 = 270$

**Table I:** "Entry price" of direct democratic instruments in Swiss cantons and 4 cities

canton	number of signatures required (as percentage of electorate)	maximum number of days for collecting the signatures
Glarus	0.00	0.00
Inner-Rhoden	0.01	2.03
Ausser-Rhoden	0.18	-
Argovie	0.83	0.83
Basel-Land	0.87	0.87
Thi	1.19	1.19
Zurich	1.31	0.66
Zürich-city	1.74	1.74
Lucerne	1.78	1.78
Solothurn	1.85	1.85
Schaffhausen	2.08	2.08
Berne	2.24	2.24
Olwald	2.40	0.01
Schwyz	2.56	2.56
Saint-Gall	2.88	1.44
Innovie	2.97	1.48
Basel-Stadt	3.07	3.07
Basel-city	1.6	1.6
Faud	3.38	3.38
Lansanne	x	x
Zoug	3.40	3.40
Iadens	3.45	2.30
Jura	3.95	1.95
Fribourg	4.04	4.04
Grisons	4.09	2.45
Genève	4.96	4.96
Genève-city	4.66	4.66
Niedwald	5.00	0.00
Testin	5.25	3.68
Kenckhaleit	5.85	5.85
means	2.62	2.17
federal level	2.36	x

**Table II:** Number and types of referenda and initiatives submitted to a vote in several Swiss cities and cantons between 1980 and 1990

	Lausanne	Geneva	Geneva	Winter-	Berne	Zurich	Basel
	city	city	canton	thur	city	city	city
<i>mandatory referendum</i>							
financial	-	-	-	70	62	70	-
annual budget	-	-	-	10	-	-	-
others	-	-	17	16	41	26	-
<i>optional referendum</i>							
exceptional	1	-	-	-	-	-	4
counter-project	-	-	6	7	2	5	-
parliamentary	-	-	-	-	-	11	1
others	6	11	10	6	4	9	6
<b>total ref.</b>	<b>7</b>	<b>11</b>	<b>13</b>	<b>81</b>	<b>119</b>	<b>121</b>	<b>6</b>
<i>initiatives</i>							
individual	-	-	-	-	-	17	-
others	-	2	10	11	11	22	26
<b>overall total</b>	<b>7</b>	<b>13</b>	<b>41</b>	<b>92</b>	<b>130</b>	<b>160</b>	<b>6</b>
<i>annual means</i>							
Basel-Stadt	0.6	1.2	3.9	8.4	11.8	14.5	0.5
Stadtamt Zürich	11.5	11.5	11.5	11.5	11.5	11.5	7.6

Sources: *Euromonitor* (1991/1995), *Stadtamt Zürich*, *Stadtkanzlei Basel*, Chancellerie d'Etat de Genève.

Sources: Documentation center on direct democracy (University of Geneva), Krieger et Wicker (1995)

Legend: x = this type of direct democracy instruments does not exist;  
in italics are mentioned the Latin cantons and cities

**Manifs squatters/autonomes  
Geneve**

Value	Label	Frequency	Percent	Cum Percent	Valid Percent	Value	Label	Frequency	Percent	Cum Percent	Valid Percent	Value	Label	Frequency	Percent	Cum Percent	Valid Percent	Value	Label	Frequency	Percent	Cum Percent	Valid Percent
71	12	16.7	16.7	16.7	16.7	67	1	.5	.5	.5	.5	70	1	.5	.5	.5	71	10	5.0	5.0	10.5	10.5	
73	1	1.4	1.4	1.4	1.4	68	6	3.0	3.0	3.0	3.0	70	1	.5	.5	.5	72	5	2.5	2.5	3.5	3.5	
76	1	1.4	1.4	1.4	1.4	69	3	1.5	1.5	1.5	1.5	70	1	.5	.5	.5	73	2	1.0	1.0	1.5	1.5	
77	2	2.8	2.8	2.8	2.8	70	1	.5	.5	.5	.5	70	1	.5	.5	.5	74	5	2.5	2.5	3.0	3.0	
78	4	5.6	5.6	5.6	5.6	70	1	.5	.5	.5	.5	75	4	2.0	2.0	2.0	75	4	2.0	2.0	2.5	2.5	
79	2	2.8	2.8	2.8	2.8	71	10	5.0	5.0	5.0	5.0	76	2	1.0	1.0	1.0	76	2	1.0	1.0	1.5	1.5	
80	1	1.4	1.4	1.4	1.4	72	5	2.5	2.5	2.5	2.5	77	1	.5	.5	.5	78	1	.5	.5	1.0	1.0	
81	10	13.9	13.9	13.9	13.9	73	2	1.0	1.0	1.0	1.0	78	1	.5	.5	.5	79	5	2.5	2.5	3.0	3.0	
82	5	6.9	6.9	6.9	6.9	74	5	2.5	2.5	2.5	2.5	79	1	.5	.5	.5	80	0	0.0	0.0	0.0	0.0	
83	1	1.4	1.4	1.4	1.4	75	4	2.0	2.0	2.0	2.0	80	40	20.0	20.0	20.0	80	40	20.0	20.0	20.5	20.5	
84	2	2.8	2.8	2.8	2.8	81	32	16.0	16.0	16.0	16.0	82	10	5.0	5.0	5.0	82	10	5.0	5.0	5.5	5.5	
85	5	6.9	6.9	6.9	6.9	83	4	2.0	2.0	2.0	2.0	83	4	2.0	2.0	2.0	83	4	2.0	2.0	2.5	2.5	
86	2	2.8	2.8	2.8	2.8	84	6	3.0	3.0	3.0	3.0	84	6	3.0	3.0	3.0	84	6	3.0	3.0	3.5	3.5	
87	3	4.2	4.2	4.2	4.2	85	1	.5	.5	.5	.5	85	1	.5	.5	.5	85	1	.5	.5	1.0	1.0	
88	3	4.2	4.2	4.2	4.2	86	2	1.0	1.0	1.0	1.0	86	2	1.0	1.0	1.0	86	2	1.0	1.0	1.0	1.0	
89	3	4.2	4.2	4.2	4.2	87	2	1.0	1.0	1.0	1.0	87	2	1.0	1.0	1.0	87	2	1.0	1.0	1.0	1.0	
90	2	2.8	2.8	2.8	2.8	88	3	1.5	1.5	1.5	1.5	88	3	1.5	1.5	1.5	88	3	1.5	1.5	1.5	1.5	
91	3	4.2	4.2	4.2	4.2	89	24	12.0	12.0	12.0	12.0	89	24	12.0	12.0	12.0	89	24	12.0	12.0	12.5	12.5	
92	5	6.9	6.9	6.9	6.9	90	8	4.0	4.0	4.0	4.0	90	8	4.0	4.0	4.0	90	8	4.0	4.0	4.5	4.5	
93	2	2.8	2.8	2.8	2.8	91	5	2.5	2.5	2.5	2.5	91	5	2.5	2.5	2.5	91	5	2.5	2.5	3.0	3.0	
94	3	4.2	4.2	4.2	4.2	92	11	5.5	5.5	5.5	5.5	92	11	5.5	5.5	5.5	92	11	5.5	5.5	6.0	6.0	
						93	10	5.0	5.0	5.0	5.0	93	10	5.0	5.0	5.0	93	10	5.0	5.0	5.5	5.5	
						94	1	.5	.5	.5	.5	94	1	.5	.5	.5	94	1	.5	.5	.5	.5	
						Total cases	72	100.0	100.0	100.0	100.0	Total cases	200	100.0	100.0	100.0	Total cases	200	100.0	100.0	100.0	100.0	
						Missing cases	0					Missing cases	0				Missing cases	0					

**Manifs squatters/autonomes  
Zurich**

Value	Label	Frequency	Percent	Cum Percent	Valid Percent	Value	Label	Frequency	Percent	Cum Percent	Valid Percent	Value	Label	Frequency	Percent	Cum Percent	Valid Percent	Value	Label	Frequency	Percent	Cum Percent	Valid Percent
67	1	.5	.5	.5	.5	70	1	.5	.5	.5	.5	71	10	5.0	5.0	5.0	71	10	5.0	5.0	5.5	5.5	
68	6	3.0	3.0	3.0	3.0	72	5	2.5	2.5	2.5	2.5	73	2	1.0	1.0	1.0	73	2	1.0	1.0	1.0	1.0	
69	3	1.5	1.5	1.5	1.5	74	5	2.5	2.5	2.5	2.5	74	5	2.5	2.5	2.5	74	5	2.5	2.5	2.5	2.5	
70	1	.5	.5	.5	.5	75	4	2.0	2.0	2.0	2.0	75	4	2.0	2.0	2.0	75	4	2.0	2.0	2.0	2.0	
71	10	5.0	5.0	5.0	5.0	76	2	1.0	1.0	1.0	1.0	76	2	1.0	1.0	1.0	76	2	1.0	1.0	1.0	1.0	
72	5	2.5	2.5	2.5	2.5	77	1	.5	.5	.5	.5	77	1	.5	.5	.5	77	1	.5	.5	.5	.5	
73	2	1.0	1.0	1.0	1.0	78	0	0.0	0.0	0.0	0.0	78	0	0.0	0.0	0.0	78	0	0.0	0.0	0.0	0.0	
74	5	2.5	2.5	2.5	2.5	79	1	.5	.5	.5	.5	79	1	.5	.5	.5	79	1	.5	.5	.5	.5	
75	2	1.0	1.0	1.0	1.0	80	0	0.0	0.0	0.0	0.0	80	0	0.0	0.0	0.0	80	0	0.0	0.0	0.0	0.0	
76	0	0.0	0.0	0.0	0.0	81	32	16.0	16.0	16.0	16.0	81	32	16.0	16.0	16.0	81	32	16.0	16.0	16.5	16.5	
77	1	.5	.5	.5	.5	82	10	5.0	5.0	5.0	5.0	82	10	5.0	5.0	5.0	82	10	5.0	5.0	5.5	5.5	
78	5	2.5	2.5	2.5	2.5	83	4	2.0	2.0	2.0	2.0	83	4	2.0	2.0	2.0	83	4	2.0	2.0	2.0	2.0	
79	2	1.0	1.0	1.0	1.0	84	6	3.0	3.0	3.0	3.0	84	6	3.0	3.0	3.0	84	6	3.0	3.0	3.5	3.5	
80	0	0.0	0.0	0.0	0.0	85	1	.5	.5	.5	.5	85	1	.5	.5	.5	85	1	.5	.5	.5	.5	
81	32	16.0	16.0	16.0	16.0	86	2	1.0	1.0	1.0	1.0	86	2	1.0	1.0	1.0	86	2	1.0	1.0	1.0	1.0	
82	10	5.0	5.0	5.0	5.0	87	2	1.0	1.0	1.0	1.0	87	2	1.0	1.0	1.0	87	2	1.0	1.0	1.0	1.0	
83	4	2.0	2.0	2.0	2.0	88	3	1.5	1.5	1.5	1.5	88	3	1.5	1.5	1.5	88	3	1.5	1.5	1.5	1.5	
84	6	3.0	3.0	3.0	3.0	89	24	12.0	12.0	12.0	12.0	89	24	12.0	12.0	12.0	89	24	12.0	12.0	12.5	12.5	
85	1	.5	.5	.5	.5	90	8	4.0	4.0	4.0	4.0	90	8	4.0	4.0	4.0	90	8	4.0	4.0	4.5	4.5	
86	2	1.0	1.0	1.0	1.0	91	5	2.5	2.5	2.5	2.5	91	5	2.5	2.5	2.5	91	5	2.5	2.5	2.5	2.5	
87	2	1.0	1.0	1.0	1.0	92	11	5.5	5.5	5.5	5.5	92	11	5.5	5.5	5.5	92	11	5.5	5.5	5.5	5.5	
88	3	1.5	1.5	1.5	1.5	93	10	5.0	5.0	5.0	5.0	93	10	5.0	5.0	5.0	93	10	5.0	5.0	5.5	5.5	
89	1	.5	.5	.5	.5	94	1	.5	.5	.5	.5	94	1	.5	.5	.5	94	1	.5	.5	.5	.5	
						Total cases	72	100.0	100.0	100.0	100.0	Total cases	200	100.0	100.0	100.0	Total cases	200	100.0	100.0	100.0	100.0	
						Missing cases	0					Missing cases	0				Missing cases	0					



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