

POLICING PROTEST

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The debate over what should be considered to be the most 'appropriate' ways of policing protest often occurs in something of a vacuum. Criticisms of the manner in which protest events are policed (whether the critic takes the view that the policing was either too harsh or not harsh enough) are usually voiced without explicitly stating the ideological, philosophical or ethical context within which the criticisms are made. This style of argument leads easily to controversy and heat, but contributes little to reasoned prescriptions for policy on the nature of police response to protest.

Let me, therefore, state at the outset my basic set of assumptions about the permissible limits of protest. First, I hold it as axiomatic that a democratic society must provide its citizens meaningful opportunities for the expression of political points of view. To be meaningful, the right to free speech must include the right to organise and assemble for the purpose of expressing either verbally or symbolically dissident opinions. We must also recognise, however, that the essence of democracy is balance and **that** the right to protest is not an absolute or paramount one, in the sense that it cannot be assigned ascendent value over all other rights.

The goal of peace and social order claims an important place in a democratic state as does the protection of the rights of those against whom a protest is made. It follows, then, that the right to protest does not extend to the point where any political message or any tactic of protest is tolerable. The actual boundaries, of course, are difficult to define and are the subject of some contention, but in principle some

limitations on free speech and protest are not inconsistent with democratic forms. Thus, in some circumstances, the punishment of direct verbal incitement to commit illegal acts can be seen as a legitimate response of the state rather than attack on free speech. Protest which involves violence or massive disruption of community life justifies the civil authorities in taking counter action. Such action can, of course, be repressive or constitute an over-reaction, but the mere fact of taking action does not itself indicate the emergence of an intolerant state.

Finally, of course, the state has a responsibility to protect the rights of those against whom protest is directed, especially if the objective of the protest is to disrupt assemblies of that group and to prevent its members from expressing their views. Once again, the essence is balance and the police, in particular, have a difficult but vital function to perform in ensuring as much as possible that each group has the opportunity to express its views. But the responsibility lies not only with them but with those who would protest. I always find it ironic and rather sad that groups which frequently argue loudly for free speech are often in the forefront of those whose tactics are aimed at preventing speakers with whose views they are at extreme odds from addressing public meetings. I regard it as entirely legitimate to protest outside the venue and to engage the speaker in debate. But it is inconsistent with the right of all to free speech to prevent access to the venue to those who wish to attend or to prevent the speaker from putting his or her point of view.

These considerations are summed up nicely by Lewis and Corsi (1975) who remind us that:•

...in a very real sense, the rights of dissidents, their opponents, and the general public are always interdependent and potentially in opposition. Because of this, .sole concentration on any one (or any one combination) of these values conceivably negates the remaining rights, For example, the most efficient and effective procedure (at least in the short run) for preserving public peace might be the prohibition of all forms of dissident activity. Conversely, dissidents may justify any form of behaviour because of, its

alleged contribution to the achievement of a morally higher goal. Ultimately, however, these rights cannot be defended in isolation because each derive their justification from the context in which they occur and that context always includes the rights of other groups (p.174)

In addition to a general failure to state basic assumptions about the nature and context of protest, the debate over methods of policing protest generally also suffers from a lack of historical perspective. This manifests itself in two ways. One is that a focus only on present events tends to make them seem more different in nature or intensity than they often are. This in turn may lead to the possibility of over-reaction. The second is that the failure to take a long-term perspective tends to lead to inaccurate perceptions about the nature of policing in democratic societies with British-tradition police structures.

It is generally forgotten that police forces developed as a response to public disorder. This is as true of 'British-style' police as it is of European police systems which have always been associated in the public mind with control by the state. It is important, therefore, to study public order-keeping as a central police role..

The centrality of order maintenance to policing is often obscured by the popular crime-fighting image of the police, an image fostered by the police themselves and which dominates much police thinking. The image is further enhanced by the literature on police, which heavily emphasises crime control and places relatively little emphasis on public order-keeping.

But order-keeping is a primary function of governments. As Bellamy (1973) states: 'The effective preservation of public order, the protection of life, limb' and property from the malicious intent of the less tractable members of the community, has always been an integral element of good government' (p.1). The police, as the primary representatives of government in the community, are first and foremost order-keepers.

Very often the order maintenance role of police only comes into high focus at times of crisis, usually when policing methods in response to civil disturbance become the subject of public disquiet. There can be little doubt that the convergence of a number of trends in contemporary society has acted to make the issue of policing public protest one of current importance. Participants in the debate may point to the fact that the extent and nature of protest have varied greatly over the past two centuries (during which time the need for public police forces became apparent and forces were established in such countries as Britain, Australia, New Zealand, Canada and the United States of America), as have the strategies and techniques used to combat it. An increasing emphasis on civil liberties, many of which are becoming enshrined in legislation flowing from adherence to international agreements on human rights, combined with a greater rate of participation in the political process by all levels of society are said to make public order maintenance a more complex task for the police than was the case in the past. The emergence of a multitude of single-issue protest movements which sometimes coalesce into larger sources of disorder are thought by many to present unique problems of control. Taken in combination, these factors, together with a perception that public disorder is increasing in a number of countries, are seen as making it increasingly difficult to maintain a balance between basic human rights of freedom of expression and peaceful assembly and maintenance of public order, keeping the peace and protecting the rights of those not involved in protest.

Granted that new and different forces shape the nature of protest in the twentieth century, it must be remembered that protest is not a uniquely modern phenomenon. It is possible, therefore, that viewing forms of protest historically may give us a sense of perspective on current behaviour which will allow us to respond proportionately to the prevailing situation. Bowden (1978a) has argued that, indeed, it is not possible to understand how police respond to public order crises without employing some historical perspective. He suggests that there are five reasons for this.

The first is that the only way to adequately show how integral a part of social and political development the police have been is to employ an historical approach. Second, historical analysis shows how integrated with the state the police are. It also shows that the public-Order function is a continuous and central part of policing and is not something which has suddenly emerged because of the pressure of modern times. Third, an historical approach warns us of the possibilities and the dangers of police becoming involved in the politicisation of society and acting in a political manner outside the law, as in France under Fould and in Germany and Italy in the 1930s and 1940s (Bowden, 1978b).- The fourth virtue of an historical approach identified by Bowden is that it allows comparison of the development of police in a number of countries. Thus, an examination of European police evolution shows how the 'police may be a 'vital structural basis for the practical authority of the state' (Bowden, 1978a, p.70). Bowden notes how European police became both intrusive and possessed of a broad range of responsibilities including public order, health, sanitation, fire prevention, protection of public buildings, protection of public morality, regulation of prostitutes, vagabonds and aliens, and registration of births, deaths, and baptisms. But the allocation of such a Myriad of government functions to the police was not confined to Europe. All of the functions listed above have at some time been assigned to police forces in the British tradition. This was particularly true in the nineteenth century.

What does seem to distinguish the British from the European tradition is that in the latter the police were clearly the strong arm of the law. This has been exemplified by their responsibility to the head of state and/or his ministers, authority to exert to the full the coercive power of the state through paramilitary formations, and immunity from prosecution for illegal action unless such prosecution was brought with prior government permission (Bowden, 1978a). By contrast, the British police have always been seen as 'citizens in uniform', possessing few more powers than the ordinary citizen, subject to

the same laws, and answerable to the law rather than to a specific governmental authority. But while this is the theory, it has been increasingly asked whether reality follows this model (see, for example, Ackroyd, Margolis, Rosenhead and Shallice, 1980; Bunyan, 1976; Manwaring-White, 1983). Bowden characterises the European police as 'symbols of a particular form of government rather than as simply the agents of the law. As such they became inextricably caught up in the problem and the fate of the regime in power' (1978a, p.71). This implies that the British-model police have always been, at least by comparison, rather more divorced from the political realm. An historical survey of the British police role in public order will reveal, however, that while the political role is not articulated and formalised as clearly as it is in Europe, it is nevertheless real and significant. As Turk asserts: 'All policing is political in that the ultimate rationale and purpose of policing is to preserve against radical changes those cultural and social structures which are congruent with some historically specific polity' (1982, p.115).

Understanding that policing is inherently political leads us to the fifth reason advanced by Bowden for taking an historical perspective on police. It is that such an analysis demonstrates how even benign police traditions can change in response to crises. The police-public relationship can be affected by developments within governments, between police and government, and between police and society. Upholding public order at any price by police action sponsored by the government contains many dangers. There is a very real dilemma facing both governments and the police in trying to find the balance between defending the legitimacy of the state and becoming repressive and anti-democratic. In a crisis, the temptation may be very great to either explicitly or by discreet signal allow the police to go outside the law on the grounds that adherence to legislated limits unduly hinders their ability to control disorder. In some cases, the 'crisis' may be either manufactured or amplified by the government, the police, or sectional interests in order to create a climate in which new powers are created or exceeding

of power is condoned (Hall, Critcher, Jefferson, Clarke, and Roberts, 1978). It is in such a climate that the ever present tension between law enforcement and public order maintenance is thrown into high relief. Thrown into relief also is the tension between order and liberty. As Bowden (1978b) puts it:

The dilemma of both police and regime is that, while order is a collective good, too much order impinges upon liberty. Similarly, if the agents of the law, the police, fail to provide what most citizens want - public peace - then they cannot expect to retain popular confidence. And in turn the government and the state which gives the police life are damaged (p.22).

These tensions become particularly salient in times of economic crisis. In times of prosperity the contradictions inherent in society are not felt so keenly by those who are relatively disadvantaged. Further, a certain degree of legitimacy is accorded demands by disadvantaged groups and police are willing to negotiate with pressure groups and utilise a number of organisational devices to maintain the apparent high level of consent for existing modes of policing. These devices, such as minor changes in police unit structures, altering names of units, and various forms of community consultation, involve no structural changes to the nature of policing and often are no more than cosmetic public relations operations. But they can be manipulated to appear to illustrate the responsiveness of the police to local concerns and to underscore what seems to be policing by consent.

The difficulties come largely with times of economic crisis, when marginal groups are more severely hit by unemployment, lower incomes, and reduced welfare spending. It is then that 'the ambiguity of values is uncovered. Truces are more difficult to arrange, as the police on one side become more necessary to the defence of the state and the existing structure of social relations. The public order function of the police apparatus is elevated. On the other side, the illegitimate interests have less to gain from the retention of that form of state and social relations' (Bowden, 1982, p.165). There is a very real sense in which when consent to policing seems to be

evaporating, it is really only a symptom of a weakening of consent to the social order. The use of the police to enforce the social order becomes 'more necessary and the real function of the police as order keepers becomes more obvious, as does the temporary nature of consent. The police then become faced with the seemingly unresolvable dilemma of 'maintaining wider public consent, at a period in which its own coercive and political intervention power is increasing' (Brogden, 1982, p.165).

Responses to protest often provide a major test for a police force and can have a great impact on the development of policing strategies and philosophies as forces move to respond to particular events. It is partly because public order duties are seen essentially as crisis responses, however, that insufficient weight has been given to them in writing about police. The police themselves, placing the emphasis on crime control, tend to restrict their thinking on public order to the limited areas of order maintenance tactics and equipment. It is a largely technical view, with little attention being paid to philosophies of policing or the relationships between crisis and everyday operations. Critics of police see the overly mechanistic, increasingly technological crisis responses as merely the evidence of their assertion that the police are ultimately nothing more than the preservers of the state's authority. Beyond condemning the police as a tool of repression used by powerful interests, they have 'seldom acknowledged' the necessity of the public order role for police and have, therefore, failed to develop theories and philosophies which attempt to show how this role should be properly carried out. Supporters of police have been similarly partisan by merely asserting the adequacy and rightness of the majority of police actions, and have similarly failed to set the public order role into the larger perspective of the nature of policing.

The comparative study of police forces shows that the maintenance of the status quo and the quieting of disorder were central features in the creation of police forces everywhere. In some cases, public disorder was the only real impetus for the

creation of the modern police, and in all it was an important one. Police have always, therefore, had an overtly political role. The British police tradition, with its emphasis on policing by consent and the independence of the office of constable has sought to deny the political nature of policing, and this may be one of the major reasons for the lack of acknowledgement of and serious debate about the importance of the police public order role. But as the twentieth century draws to its end both the political nature of policing and the centrality of the public order role are becoming harder to disguise and more important to discuss comprehensively. Reiner (1983) has identified three interlinked processes which have resulted in the police becoming more obviously involved in the political arena. The first is that the content of police work itself has become politicised. Public disorder in the nineteenth century often (but not always) has as its aim the rectification of some relatively specific wrong and had little impact on broader political considerations. The food riots, for example, were aimed at ensuring price control or preventing wholesalers from gaining a monopoly on scarce supplies. Each riot subsided quickly once the specific goal was attained. Today's public order problems - particularly those involving protest in some form - are much more informed by an explicit political consciousness and are, consequently, more complex to deal with and tend to extend over time and to merge into other social problems. As a result, police forces have steadily increased their capacity to control public order, both by training increasing numbers of general duties police in crowd control techniques and by establishing specialised units to deal with public order situations. Both of these moves have caused disquiet in some sections of the community and have brought questions of police organisation and tactics firmly into the political arena as some groups applaud police moves to 'deal firmly' with disorder whilst others condemn the same actions as 'repressive' and leading to a 'militarisation' of the police. Further, even routine street-level policing, especially that which employs squads established primarily for the public order role, has entered the political 'arena and sometimes provokes

strident debate about the methods and ends of general policing activities. Particularly in racially divided communities, or in those with severe socio-economic problems, the dividing line between a crime-stopping and a public order maintenance operation is often imprecise and controversial.

Flowing from the controversy surrounding modern styles of policing is a second process identified by Reiner - the emergence in many countries of police accountability as a political issue. In the United States a multitude of models of accountability and control have been investigated ranging from internal review mechanisms to police commissions and citizen review boards. Canada has developed the concept of police commissions and boards quite extensively. In Australia, new oversight mechanisms have included police boards, police complaints tribunals and ombudsmen. The New Zealand Police have restructured their internal machinery for dealing with complaints, independent examiners have been used to review the adequacy of investigations into particularly contentious issues, and the role of the ombudsman in investigating complaints against police has been expanded. In Great Britain, new complaints procedures have been implemented and there is considerable debate about the role of the Police Authorities in the system of police accountability. Royal Commissions or various forms of inquiry into police practices and policies have been a common feature in all these jurisdictions in recent years. It is relevant surely that in many of the countries listed, it has been inquiries into police handling of public disorder which has evoked the most vociferous and widespread debate on policing. which has stimulated accountability as an issue, and which has had the greatest impact both on public perceptions of police and police organisation, tactics and styles.

Finally, Reiner points out that police politicisation has become obvious with 'the emergence of the police themselves into the political arena as an overt pressure group'. (1983, p.127). This development has particular importance for the British model of a

non-political police answerable to the law. As police increasingly see their role as properly attempting to mould the law itself, their independence from the political process is accordingly called into question. This is not to say that the police have not exercised a political role in the past. As far back as 1839, the first Metropolitan Commissioners in London had a marked influence on the passing of street offences legislation, and there have been numerous instances of police directly advocating particular measures ever since. What has changed, as Brogden (1982) has noted, is the 'self-confidence with which these interventions are expressed' (p.21).

Whereas in the past senior police were almost apologetic about their political role, or sought to keep it as inconspicuous as possible, the new police leadership sees it as their duty to enter the political arena. Thus, the President of the British Association of Chief Police Officers in 1980 felt able to claim that: 'It is only right that the police should shape public opinion on important questions ... they are the professionals and have first-hand experience ...' (The Times, 23 April, 1980). This manifestation of police professionalism reflects a tendency for police work to be 'directed away from the practice of order maintenance within the law to a more general concern with restructuring societal rules about the nature of the social order' (Brogden, 1982, p.22).

The politicisation of the police damages the concepts of autonomy, consent, impartiality and accountability which underpin the British system of policing. To the extent to which police are themselves clearly a part of the political process they undermine their autonomy. To be seen as a body which serves society as a whole the police need: to be independent of politics. Any direct involvement in changing the law or in guiding government policy will be seen by some section of the community as serving or bowing to some powerful interests and will demonstrate to them that the police are not impartial. This will be the case particularly in the area of public order law and enforcement where provisions can be seen as, and

sometimes in fact are, directed in a politically motivated fashion at some minority or section of society. The police increase the risk of being seen as subject to partisan political control if they are themselves closely associated with the introduction of contentious or socially divisive legislation.

Since it is autonomy which is said by the police to be the essential element in the granting by the community of consent to be policed, clearly any diminution of perceived autonomy will have negative consequences for the consent of some part of the community. This in turn has implications for accountability, with a presumed lack of impartiality on the part of the police leading to attempts by various groups to 'improve' the accountability of the police, usually by deemphasising the traditional legal accountability model and replacing it with some more explicit form of political or local accountability.

There is no doubt, however, that police do face real problems in deciding how best to handle public protest. In many ways they are, as they often claim, the proverbial 'meat in the sandwich' when faced with a public order problem. On the one hand widespread public support, or at least acquiescence, is needed for a relatively low key and lawful form of policing to exist. On the other hand, however, '... internal crisis, placing the police under stress, continually eats away at that vital relationship by increasing the opportunity for, and the likelihood of, systematic overreaction by the police that in time destroys public trust' (Bowden, 1976b, P.261, emphasis in original). Further, since any serious public order problem will divide a community, the Police will be roundly criticised by one part of the community or another whether they act firmly or not act at all. In many cases this section of opinion will be large and/or influential and its alienation could do great damage both to its relations with the police and to the image of consent generally. This dilemma becomes ever more salient for many police organisations as the twentieth century ^{Produces} a growing pressure for Police to be at the forefront of efforts to control disorder and suppress dissent. The Politics of confrontation

often lead to the police being the primary tool for maintaining order, at negotiation, compromise and the employment of other agencies are seen by governments as 'not tough enough' for dealing with what is perceived as a threat to the established social, economic, or political order. The problems of policing public disorder may, paradoxically, increase As police are given more powers (either explicitly, by legislation, or implicitly, by the government turning a blind eye to police excesses or refusing to act upon complaints about inappropriate styles of policing). Because laws relating to public order often allow a larger element of discretion to the police than other laws, the potential for their abuse is correspondingly greater. In a charged political atmosphere in which More extreme actions may be tolerated at an official level, the probability of abuse is heightened. Thus, although 'sail policing ... involves selectivity in enforcing or under-enforcing the law, ... the degree of abuse of discretionary powers is particularly strong in internal crises where the status quo is threatened and established political or socio-economic elites are fighting for their survival' (Bowden, 1978b, p.262, emphasis in original).

It is in considering this point that turning to the history of policing is again useful. The record is replete with examples of the excesses of police forces when given extraordinary powers or powers with a larger than usual element of discretion, or when the government gives implicit approval for extra-legal measures by refusing to act when their existence is brought to their attention. Most citizens in countries with broadly British tradition police (Great Britain, Australia, New Zealand, Canada, the 'United States') 'assume that these problems are endemic to other 'cultures, traditions and systems. They point proudly to the absence of their countries 'in reports which document abuses in the 'name of internal security and public order (see, for example, Amnesty International, 1984). But although in these countries there is no widespread and systematic abuse of "public order-keeping' powers there are certainly 'isolated' instances of abuse, And there is a growing element of 'community concern about the way police approach the task of keeping the peace'. The growth of modern international

terrorism, the vastly increased coercive muscle of trade unions (and their willingness to use it), and the rapidly changing expectations and mores of people in advanced societies who seem increasingly willing to question authority and to coerce them into alternative courses of action (with violence if necessary), all have contributed to an atmosphere of threat to public order. Often the threat to peace is a real one; but more often still it is amplified to unreal proportions by media treatments of events which stress negative aspects of situations, contribute to an atmosphere of hysteria, and limit the political space within which the authorities and others might seek for solutions to contentious issues. The late twentieth century is increasingly characterised by crisis politics. In the policing field this tendency carries with it the great danger of over-reaction, an emphasis on the 'quick fix' and on technological solutions to problems, and most importantly generates a philosophy of 'public order at any cost'.

The result of this trend in Australia has been the uneven, uncoordinated and largely undebated development of a para-military capability in all Australian police forces, with major imbalances becoming evident between the theory of 'British-style' policing on the one hand and its application on the other- In response to a number of highly publicised (but relatively isolated and infrequent) public order confrontations (such as an annual clash between bikers and police at the Bathurst motorcycle races in New South Wales; a small number_ of violent industrial picketing situations; and a rash of relatively minor scuffles at political demonstrations and rallies) and against a background of more serious disturbances overseas,, Australian police have moved to 'prepare themselves' for the disorderly times they see ahead.

Police tactical units in Australia assume a number of forms, with some combining many roles and others attempting to specialise either in the public order or the anti-terrorist role. The formation of these units was originally prompted by the desire to provide a specialised response to armed offender

situations. In the 1960s various units began to emerge in which small numbers of General Duties and/or Criminal Investigation Branch (CIB) personnel were drawn together on a part-time basis and given special training in marksmanship, elementary tactical skills and, later, negotiation techniques. The squads were designed to be activated at short notice to deal principally with situations involving armed criminals or other armed persons (for example, mentally disordered or emotionally disturbed individuals) posing a danger to members of the public. With the worldwide rise in political terrorism in the late 1960s and 1970s, a need was identified for more sophisticated training in counter-terrorist techniques. In many cases, the existing armed offender units provided the core for this new capability, and all forces now possess some form of anti-terrorist response force, either in a specialised unit Or as part of a more general armed offender capacity.

As well as a certain commonality between armed offender and anti-terrorist roles, many Australian police tactical Units have, or have had, some form of public order role. The overlap seems to result from a perception that there are common skills required for all major incidents of a violent or potentially violent nature (especially in the areas of planning and command and control), that similar personnel and tactics can be applied across a range of 'hard' policing problems, and from the simple fact that there are insufficient incidents in any of the discrete classes (for example, anti-terrorism, public order, and armed offender response) to justify maintaining a separate, specialised capability for each. In fact, it is precisely in those police forces in which a specialised division has been made, that the units involved have become controversial.

The stimulus for the move towards a more specific and specialised (where, in practice, specialised has meant more technological and para-military in nature) response to public disorder came from criticism, particularly from the news media, of poor handling of some highly publicised instances of disorder, particularly those involving political demonstrations

and large-scale sporting events (in the latter case, often exacerbated by alcohol). In some jurisdictions, the formation of public order units has been as a response to a somewhat more diffuse perception of a general need to increase the resources and expertise available to control crowds. Often, the strongest support for an increased capability has come from police unions, who are unwilling to see their members injured in the course of public order duties and have pressed vociferously for protective equipment, specialised weaponry and a more aggressive tactical approach to controlling disorder.

In spite of the belief that public disorder is now more frequent or more violent than in the past, it is still a relatively rare occurrence in Australia. This infrequency creates major problems for police administrators. Police are severely criticised when they seem unable to effectively control a crowd. They are accused either of over-reaction, thus making the confrontation worse than it need have been, or of being insufficiently organised or equipped to handle the incident, thus letting it get out of control. There are criticisms of lack of restraint and poor discipline in the face of provocation and of overly authoritarian methods of approaching disorder control. The general police response to these criticisms has been to turn enthusiastically to the provision of specialised training and the formation of units with a specifically public order role.

The problem for Australian police chiefs is that it is difficult to justify, for example, the maintenance of a dedicated riot control unit, when that unit may be used rarely, if at all, on riot control duties. But if a riot does eventuate, and police either fail to contain it or over-react because of inadequate planning and training for, and discipline in, these situations, they are the target of considerable criticism. The solutions to this quandary have sometimes produced their own problems. One solution is to 'portray' incidents in worse terms than are justified to give the impression that there is 'a 'public order problem' requiring a specialist approach. The great danger

here, of course, is that such impression management may create a self-fulfilling prophecy. A further problem is that in an attempt to justify a unit's existence it may be deployed on more and more occasions, introducing an aggressive style of policing into situations in which more conventional policing has been found to be sufficient in the past. As a consequence, the unit's presence may prove to contribute to some of the disorder it theoretically exists to control. Such criticisms have been levelled, in particular, at the New South Wales Police's Tactical Response Group (TRG). Thus, for example, Cunneen (1985) argues, in relation to years of confrontation between bikers and police at the annual Bathurst motorcycle races, that 'if there has been an increase in the level of confrontation in the 1980s, this is certainly attributable to the introduction of a repressive "law and order" solution to the Bathurst "problem" (p.7). The TRG is seen as a deliberate, calculated response of a decaying capitalist society to the problems inherent in attempting to keep the masses subjugated under such an economic system. As such, its use can be expected to increase as the contradictions of capitalism intensify.

Thus:

These changes in the repressive nature of the state have been quickly applied to a whole range of working class and progressive political activities The treatment of bikers by the state can be easily extrapolated to include all 'troublemakers' (Cunneen, 1985, p.10),

The formation of groups like the TRG takes on, by this account, a conspiratorial and sinister aspect. But while the consequences of the use of such groups may often be negative, the motivation and philosophy behind their formation and deployment is somewhat more prosaic than Cunneen suggests. It is tunnel vision and limited imagination which have led Australian police to fail to search for a wider range of options for dealing with disorder, not a conspiracy of oppression. Critics such as Cunneen who view police from an exclusively ideological context seem drawn to untenable conspiratorial theories: but they do nevertheless expose some genuine problems

which Australian police have seldom been willing to address comprehensively And publically. There is certainly a contradiction, in terms of philosophy, training and tactics, in having units training extensively in riot control and associated skills and also being expected to carry out community policing duties. The possibility must be honestly addressed of a preparation for violence and training in aggressive techniques having a spillover effect such that members of tactical units approach their normal policing in a more aggressive manner than is desirable.

Frequently, it appears, with the benefit of hindsight, that police fan the flames of disorder by failing to consider the wide range of options available to minimise or head off a crisis. Sometimes, police seem to feel that they have to respond with force merely to demonstrate that they have the capacity to intervene and to retain the monopoly on the use of force.

Tilly (1969) reminds us that in many cases it is the police who determine the short-term extent and timing of collective violence, especially that involving injury to persons rather than damage to property. In the first place, the police generally have available a range of tactics, from which to choose (such as preventive measures, containment, and retaliation), a choice made possible by their technological and organisational advantages in the effective use of force. Whether or not the options are exercised may depend not on technical considerations, but on political or moral ones. Thus, in Queensland, for example, many confrontations between police and protesters have been made inevitable by the structure of state laws on public assemblies and the political manner in which the Queensland Police choose to enforce them (see, generally, Brennan, 1983).

In other cases, a fear of appearing to be weak in confronting public disorder may eliminate the softer options, while, conversely, a fear of the political repercussions of, for

example, the use of force against women and children in a crowd may cause a decision not to use a confrontational approach. Organisational practice and policy (particularly those involving an 'authoritarian' approach to disorder) may also limit the options effectively available to a police commander. These considerations are usually reflected in rigid training programs which emphasise particular, limited approaches to public order situations and in lack of command experience with alternative solutions. Thus inappropriate (in the sense of not considering seriously and selecting from all the options available) police actions in public order control in Australia may be characterised broadly as a failure of imagination in dealing with problematic situations rather than as part of a system of repression engineered by a decaying capitalist order.

We are left then with two sets of problems in dealing effectively with public protest. In the short term, although political considerations may be important, it is police tactics and policies which are likely to assume the primary role in determining the extent of public peace in tense situations. In the short-term, therefore, we must look to ensuring adequate, appropriate and (above all) *imaginative* police policy, training, decision-making and tactical operations. In the long term, however, the police will not have such a direct effect. They may ameliorate or exacerbate public order problems to some extent, but the general trends in amount, type and extent of disorder will be largely generated in the political arena. In policing public protest it will be vital to have regard to this political dimension and to the relationship of police and policing to it. In the long term, concentrating WI police tactics or policies will produce few solutions to public order problems.

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