Policing as a causal factor – a fresh view on riots and social unrest

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Abstract

Purpose – The purpose of this paper is to comment on the outbreak of disturbances in England and other parts of the world. It seeks to argue that in many cases rioting and the breakdown of public order is a direct response to policing practice. While many policy makers argue that a likely rise in public unrest during the economic downturn is an argument for raising funding for law enforcement, an examination of disturbances in England, France, the USA and Tunisia suggests that it is not the absence but the heavy and unrestrained presence of police that sparks disorder. This in turn relates to the functions policy makers have loaded onto the police, which have little to do with public safety but strain relations between law enforcement and the community.

Design/methodology/approach – This paper is a policy assessment.

Findings – Rioting in England began not because of the absence of police but because of poor police practice. The outbreak of riots at a time of austerity suggests that resources should be focused on core police functions, not the maintenance of public health or public morals.

Originality/value – The paper provides a new look at the breakdown in public order.

Keywords Riots, Police, Aggression, Public safety, Communities

Paper type General review

The riots rippling across English cities in the summer of 2011 opened discussion about the spending cuts to the police services proposed by the treasury as part of a wider plan to reduce the government’s budget deficit. After years of generosity, or even indulgence by the previous Labour administration, intent on cracking down on crime, the causes of crime and the party’s reputation of being soft on all things criminal, the prospect of 14 per cent cuts or some 34,000 jobs by 2015 according to the Her Majesty’s Inspectorate of Constabulary’ (2011) caused consternation among the service and many commentators. There is an argument, made inter alia by the London mayor Boris Johnson, that in period of economic contraction the police should be exempt from such measures. Speaking on Radio 4 on 10 of August he said “This is not a time to think about making substantial cuts in police numbers.” As employment prospects fade, poverty and inequality are set to rise further, leading in turn to mounting social tension. To guarantee public safety and private property a robust criminal justice system is needed, with extensive powers and adequate resources. The summer riots only provided further proof, if any was needed. Interestingly, these arguments echoed the calls for tough measures in the face of popular protest by regime supporters in Egypt, Bahrain and Tunisia earlier in the year.

Taking the riots as a starting point I will look at the role of law enforcement in the run-up to disturbances in different situations to argue that public safety is as much at risk from inappropriate as from under-resourced policing. Some of the most widely reported outbreaks of public disorder including what has come known as the “Arab spring” were triggered by police violence. Riots break out when protesters feel that an established customary or higher right has been violated, particularly where they regard the social order as being inherently unjust. Intensifying policing in such circumstances does not have the desired effect of
protecting public order and safety, but to the contrary, compromises it. The current budget crisis provides an opportunity for reviewing how the criminal justice system is being employed to pursue social policy objectives at the expense of public safety. I will argue that it is in the interest of both police – community relations and crime reduction if law enforcement were to focus on the core functions of policing. That is protection of public safety and property, but forego activities pursuing public health and public morality. Particularly drug control appears as one cost intensive luxury which the country and its criminal justice system can ill afford.

The argument is premised on the assumption that all public violence is sustained by a legitimating discourse. The response of the crowd is motivated by a spirit of solidarity with an individual, or number of individuals, who have experienced an injustice. There is, as Thompson (1971) identified in the study of the crowd during eighteenth century bread riots, a prevailing sense of right and wrong. The crowd is driven by a sense of injury and that the law and public opinion are on their side. For violence to occur on scale there has to be a perceived breach of contract, be this social or customary, and that breach cannot be the solitary misdemeanour of a single officer, but represent a typical instance of systematic abuse of office.

How valuable is public safety?

Policy makers in their immediate response to the riots were clear in characterising them as “criminal” activities for which there was no excuse. The Prime Minister coming out of a meeting with top security officers said: “This is criminality pure and simple” (Sparrow, 9 August 2011). Two months later the court of appeal, when upholding the decisions of judges in the immediate aftermath, was more ambiguous, and underlined the preventative effect of sharp punishment. Commentators in China and Saudi Arabia used the occasion to embarrass a government prone to preaching of the virtues of tolerance and due process, by welcoming the Prime Minister’s recognition of the potentially pernicious effect of social media. The Prime Minister was reported as considering “whether it would be right to stop people communicating via these websites and services when we know they are plotting violence, disorder and criminality” (BBC, 11 August 2011). In China the People’s Daily (18 August 2011), a newspaper said to be close to the government wrote: “Media in the US and Britain used to criticize developing countries for curbing freedom of speech. Britain’s new attitude will help appease the quarrels between East and West over the management of the Internet”.

Iran went one step further by asking the UN Security Council to intervene and offering a travel warning for Iranian visitors to the UK (Dehqhan, 10 August 2011), suggesting that “crime pure and simple” was not enough to explain the convulsive outbreak of violence. Police advocates, who seize upon the riots as an argument for protecting the service from budget reductions, implicitly concur. Yet, if crime and public unrest is set to rise during a recession, as seems to be empirically proven (Ponticelli and Voth, 2011) the argument of criminal intent as a cause of the disturbances no longer stacks up[1]. If there is a causal relationship between poverty, occasioned by general economic conditions, then the description of the rioters needs to be qualified. Criminal their actions may have been, but the context of poverty is at least in part the product of political mismanagement. With regard to budget deficits and the financial crisis, governments do have a degree of responsibility that though difficult to quantify goes to explain motivation and opens the door for mitigation. Yet the courts were clearly less concerned with the principle of proportionality than that of deterrence. According to the senior judge: “The level of lawlessness was shocking and wholly inexcusable. The imposition of severe sentences, intended to provide both punishment and deterrence, must follow” (Browcott, 18 August 2011). Other factors, including the level of public concern following years of media critique of leniency, and the perceived damage to Britain’s image abroad may well have influenced on the process.

But it must be remembered that in a situation of resource shortage, spending allocations are political decisions that should be transparent, form part of a coherent strategy, achieve defined objectives and derive from clear assumptions. While crime and unrest may indeed be likely to go up, this recession triggered mechanism does not automatically translate into an argument for boosting spending on the criminal justice system. Safety and crime fighting are public goods, the product of governance in any society, and they come at a cost. In times of
crisis decisions need to be made how scarce resources are invested and which of the many competing public goods are to be supported. Society – or government – may indeed decide that a certain level of crime or even public unrest may simply be the price that has to be paid for being able to maintain a functioning health service, the care for the elderly or being able to play a military role abroad.

Given how jealously the state guards its monopoly of violence, this is unlikely. The maintenance of social control via the police as one in a range of agencies is part and parcel of socialist and social democratic philosophy, while conservatives, though prepared to strip the states off most functions will maintain law and order at its core. Neoliberal philosophers like Nozick (1975) have even proposed the idea of the “night watchman” state with no role other than to contain precisely those who seek to disturb the peace and upset the principle of property. The modern European state has arisen since the Medieval period precisely around the principle of “protection”, that is law and order at home, and protecting the border from enemies abroad (Tilly, 1985). If we can then assume that cash strapped police forces will not become any more indulgent of rioters in the recession blighted years to come, consideration has to be given how public safety and property can best be protected. This does not necessarily mean spending precious resource on more policing, but to review how policing can be maximised.

Law enforcement as a trigger in the outbreak of rioting

A quick review of some of the most destructive and violent outbreaks of rioting both in the UK and abroad reveals a most disturbing trend. Mass violence does not break out in a criminal justice vacuum, where the state has temporarily withdrawn to create opportunity for criminal elements. It seems that to the contrary, the actual trigger that causes violence to erupt is the overwhelming presence of law enforcement. This is counterintuitive, given much recent debate in the UK and the USA about the value of a visible police presence for public reassurance. But in reality many cases of public violence are a consequence of law enforcement activity. What needs to be underlined here is the public nature of this violence. One can assume that individuals or groups that are in conflict with the law would resist arrest and seek to protect their liberty and property with violence. Yet this rarely happens, because of the aforementioned monopoly of violence no group however organised is in a position to challenge the state. Even in countries like Jamaica or Colombia (Harriott, 2000; Klein, 2011), where structures are more fragile, governments tend to get the better of organised crime groups when conflicts erupt.

Work on why in most situations people obey the police and abide by the rules has suggested that there is a moral alignment between citizens, the rules and the law enforcement agencies that embody them (Tyler and Fagan, 2008). Without that quiet cooperation society would be impossible to regulate, however well equipped a police force. But during the riot the same collective sentiment turns on its head, the authority of the state is dissipated, and its manifestations become targets. The mob now uses violence to restore an order that been disturbed not by criminal elements but the agents of the state themselves. In order to understand the summer riots and make a distinction between different kinds of mob violence one has to identify the underlying grievance. The conduct of law enforcement is both the substance and symbol for social injustice as comparative material from public disturbances in different countries goes to illustrate:

- Detroit 1967. Police move into close an after hour drinking club where soldiers back from Vietnam celebrate their return. In a racially segregated city the club is located in an Afro American part of town, the people arrested are black, the police officers white. Disproportionate force is used during the arrest, scuffles ensue then erupt in mass violence. Reinforcements are brought in and the situation escalates, resulting in casualties and widespread damage.

- Watts, Los Angeles 1992. Four white police officers stop a vehicle driven by an Afro American. The man after refusing to come out is dragged out and beaten to death. A bystander films the event leading to the officers being charged and tried. A white jury acquits the officers; the news sparks disturbances and day long riots.

Tunisia, February, 2011 – Sidi Bouzidi, an unlicensed vegetable trader is beaten and abused by law enforcement officers. They are ostensibly checking the accuracy of his scales, a measure designed to protect the public, but used simply as a means to extort bribes. The trader sets himself alight outside the government building next day, triggering protests that grow into a revolution.

One common factor shared by all examples is police action as a proximate cause of rioting. The build up to the English summer riots of 2011 follows a similar pattern. The police follow a suspect, Mark Duggan who is believed to be armed and dangerous, and in the course of the operation shoot him dead. Within hours members of the dead man’s family and supporters gather around the police station demanding an explanation. Instead of taking responsibility for the unfortunate events, the police first stall the demands of the family for a meeting; next they issue a story that the officers were fired upon by the suspect before shooting back; then officers in riot gear try to disperse the family and supporters violently. It is this series of events, the police killing, followed denial, dissimulation and violence that led to the disturbances.

In North London in 2011, just as in Tunisia, Paris, Los Angeles and Detroit, then, the proximate cause of public disturbance is police action. It is marked by excessive violence, arrogance and a clear lack of accountability. Any investigation of the events has to identify critical points at which decisions were made that led to an escalation rather than a resolution of the underlying problems. The inference for policy purposes is not simply “more policing” but closer scrutiny of police conduct and protocol to avoid such events from happening again. What is not clear, however, is why people came to identify with Mark Duggan. Police shootings are isolated incidents, and police brutality is fairly contained. The broom and brush brigades forming spontaneously in London streets after each riotous night clearly illustrated that large sections of the public continue to have trust in their law enforcement agencies. While the police, like many other parts of society, are inherently racist, strenuous efforts continue to be made to address this problem. The UK is not a racially segregated society, and the routine victimization of minorities not a chronic feature of everyday life, as yet. All of which leaves the question of what underpins the social solidarity that motivates public violence unanswered. With research under way, some considerations to give it orientation should also serve to move the policy debate towards a sustainable track.

Weaving banking crises and drug control into a crisis of legitimacy

Over the past decade, notions like “under class”, of people living in “sink estates”, and growing up in situations of normalised welfare dependence, have pointed towards a fracture in the collective conscience. British society, it has been suggested, is broken, and now contains a volatile minority with a distinct moral compass. Excluded from the mainstream opportunity structure, by area stigma, an atrophied work ethic and lack of skill sets, they buy into expectation of lifestyle and entitlements (Centre of Justice Studies, 2006). Whereas previous generations were able to bear deprivation with stoical reference to class, the prevailing ethos of social mobility intensifies the anxiety over status and underachievement of those left out (de Botton, 2004).

The onset of the financial crises has brought these differences to a head. For decades the financial sector was seen as pinnacle of social achievement and material reward, fuelled by economic growth and a social dynamic presented as meritocracy. Now it appears that many of the practices were fraudulent, unsustainable and morally hazardous. Having bankrupted their clients, banks had to call on taxpayers to bail them out. Not only was the public called into rescue the system, it also had to subsidize the unbridled lifestyle of the wealthy. The resolute refusal of the banking sector to trim remuneration at a time of economic contraction resembled the French aristocracy in the dying years of the ancien regime when insisting on tax exemption in the face of colossal public debt. At the height of the crises wealth, absolute
and relative, is being redistributed from the bottom to the top. These considerations, valid or not, serve to erode the notion of property and give license to other forms of wealth transfer – by riot or theft.

The sense of general injustice comes to a head with one legal peculiarity impacting heavily upon the inner city: the prohibition of popular mind altering substances, also known as drugs. The significance of drugs has various roots, in both economy and culture. Drug consumption may not be more prevalent among the poor than the rich, but the significance of the drug economy in areas of deprivation is considerable. While large sections of the legal economy are closed, getting involved with drugs requires little other than a willingness to break the law. One of the main barriers to licit employment, the criminal record, can be turned into an asset, and a spell in prison make the beginning of a network (Matrix, 2007). The demand for drugs guarantees a constant flow of customers, even from outside the area, and movement up the supply chain holds a promise of riches without parallel in the real world. Yet, the only career option available outside stealing or robbing has been made illegal. Penalties for transgression are steep and in no proportion to the perceived harm committed and small timers are punished with the same merciless rigour as big operators. All such efforts are tokenistic, however, because the demand is sustained, the supply is steady, and every seizure or arrest quickly replaced.

Even at the mere level of consumption the use of cannabis, cocaine, MDMA or amphetamine is criminalised. Users can be arrested, their drugs seized, they may be fined, or come under the control of the criminal justice system in some form of another. This once again, seems grossly disproportionate and unfair. While the rich can indulge in expensive past times and even enjoy illicit drugs, the poor are far more visible to the law. Class-based injustice is compounded by a sense of cultural discrimination among cannabis users of Caribbean extraction. Based on a long discourse distinguishing between alcohol as a European-based instrument of slavery and oppression, and cannabis as a tool of spiritual enlightenment, it regards the promotion of the former and the repression as the latter as a ploy to keep the black man down (Chevannes, 2004). The enforcement of drug legislation then nurtures both conspiracy theories and victim identity in the inner city. Shifting social attitudes towards drugs use (Measham et al., 1994; Parker et al., 2002; Parker, 2005), support the sense of offenders that their violation of the law finds support among a majority and is supported by a higher law.

Drug control impacts on the inner city as an intrusive force without parallel. The regular stops and searches, the continuous cat and mouse game between users, dealers and the police, strain the relationship and absorb law enforcement capacity. As drugs take priority other problems requiring police intervention are crowded out, leaving the communities with the downside and none of the advantages of the law. A vicious circle is set in motion, where the economic marginalisation over time fosters “natural attitudes to crime and drugs” (Allen, 2007, p. 128). There is a pool of social discontent that can easily be stirred into violent action if opportunity arises.

Just like the eighteenth century bread riots, contemporary unrest requires the spark of a proximate cause. This involves invariably, a breach in the social contract, the use of false weights by a crafty baker, a price increase, or the sale of corn out of the area where it was produced; or their modern day equivalents such as police brutality or corruption. But once under way, the crowd has no direction, the violence that was raised to rectify the breach runs out of control, self interest takes over, and the prime motive become enrichment and entertainment.

Preserving public order and the principle of property, therefore, require both the more prudent allocation of resources and preventative action. When funds are scarce we should review the functions of the state in general and of the particular agencies in particular. One of the most costly attempts to improve public morals and public health has been the control of a range of mind altering substances for which there is robust demand. Instead of leaving the distribution of these to a regulated market, successive governments, aided by an international bureaucracy have fashioned a system of prohibitions and controls. By default rather than by design, implementing this quintessential public health policy has been left to
the police and courts. Not only has this been woefully ineffective, but it has eroded the relationship between communities and the criminal justice system, and amplified the social exclusion of vulnerable groups. The consequences are closely related to the riots over the summer, which in turn could be used to trigger a review of objective and purpose of policing practice. Keeping in mind that funds are scarce a new focus is required on what the police are there for: public safety and the protection of property. The preservation of public health and public morals should be left to different professions.

Note
1. We demonstrate that the general pattern of association between unrest and budget cuts holds in Europe for the period 1919-2009. It can be found in almost all sub-periods, and for all types of unrest. Strikingly, where we can trace the cause of each incident (during the period 1980-1995), we can show that only austerity-inspired demonstrations respond to budget cuts in the time-series. Also, when we use recently developed data that allows clean identification of policy-driven changes in the budget balance, our results hold.

References
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