

The Bureaucratisation of Dissent

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Abstract

This thesis aims to examine the question of dissent, in relation to the tenuous position offered to campaigners in modern British society. Using figures such as George Hegel, Max Weber, and Michel Foucault, the work builds on a number of ideas that have remained central to the theory of political organisation, to illustrate how the British state has historically sought to control protests and manipulate public opinion. Themes to be examined within the thesis will include the articulation of common and individual rights (as they set the context for political disputes, and are often used to deny campaigner's the opportunity to participate in the policymaking process); the bureaucratic regulation and surveillance of demonstrators (through which, unsolicited public actions are now considered illegal); and the situation of activists within governmental discourses on terrorism (in which protestors are depicted as posing a threat to National Security). The main hypothesis is that in the UK, dissent has become the focus for an increasing number of agencies and administrative practices, through which it is intended that public demonstrations will eventually be constrained to follow a legitimate, staged, and thus an entirely manageable course of actions.

This thesis also serves to address a gap in the developing field of surveillance studies, in which a number of key authors have failed to engage with the critical role that surveillance now plays in the suppression of dissent- with a particular emphasis being placed on how numerous causes and campaign groups are now monitored by the state and by private sector interests alike. Undeniably, the field of authority exerted over campaigners today is vast, and the strict management of public order affairs imposed by the police,

enables an abundance of disciplinary techniques to take place, both prior to and during all protest events. Indeed, according to Foucault's theories on power, governmentality, and biopolitics, these legitimising mechanisms and procedures of coercion include visible forms of surveillance (the presence of the authorities during demonstrations); the overt surveillance and covert infiltration of campaign groups by the state and from private industry; and bureaucratic forms of surveillance enacted through a requirement to submit evidence of Health and Safety compliance, and Public Liability Insurance. Original empirical evidence supporting this thesis includes; Acts of Parliament covering seven-hundred years of legislation; Freedom of Information requests from three large-scale environmental campaigns; public order and counter-terrorism initiatives issued by HM Government; tactical policing manifestos; public inquiries into the misuse of police powers; and the newfound discourses that have been disseminated into the public domain concerning extremism. Putting it simply, the modern campaigner's lot is an unhappy one, in which activists must navigate an unconscionable array of legislative acts and have become the continual focus for corporate and state surveillance. Seemingly then, today's model of dissent offers two explicit choices, either conform to a wholly sanitised and regulated course of actions, or suffer the consequences.

Glossary of Terms

ACPO	Association of Chief Police Officers
ACPO (TAM)	Association of Chief Police Officers (Terrorism and Allied Matters)
ALF	Animal Liberation Front
ANPR	Automated Number Plate Recognition
BCU	Basic Command Unit
CBP	Cross-Border Policing
CCA	Civil Contingencies Act 2004
CCS	Civil Contingencies Secretariat
CCTV	Closed Circuit Television Camera
CHIS	Covert Human Intelligence Sources
CND	Campaign for Nuclear Disarmament
CNI	Critical National Infrastructure
COBRA	Cabinet Office Briefings Room
COINTELPRO	Counter-Intelligence Programmes
CONTEST	The UK's Strategy against Terrorism
CO11	Public Order intelligence Unit
CPS	Crown Prosecution Service
CPS	Coalition for Peace through Security
CUI	Confidential Intelligence Unit
DHS	American Department for Homeland Security
DS19	Defence Secretariat 19
DSTL	Defence and Science Technologies Laboratory

EDL	English Defence League
ETA	Euskadi Ta Askatasuna
FARC	Revolutionary Forces of Columbia
FCO	Foreign and Commonwealth Office
FIT	Forward Intelligence Unit
FITWatch	Counter-Forward Intelligence Unit Campaign Group
F-Branch	Former MI5 Counter-Subversion Unit
Fusion Centre	Federal or Regional Surveillance Centres
GCHQ	Government Communications Head Quarters
GSAVE	Global Strategy against Violent Extremism
GWOT	Global War on Terror
GTAZ	German Joint Counterterrorism Centre
H&S	Health and Safety Legislation
HMRC	Her Majesty's Revenue and Customs
HUMINT	Human Intelligence
IPCC	Independent Police Complaints Commission
IRA	Irish Republican Army
JTRIG	Joint Threat research Intelligence Group
JTAC	Joint Terrorism Analysis Centre
LGA	Local Government Authorities
LRF	Local Resilience Forum
MCAC	Maryland Coordination and Analysis Centre
MI5	The Security Service
MI6	The Secret Security Service
NCDE	National Coordinator for Domestic Extremism

NCND	Neither Confirm Nor Deny Policy
NDET	National Domestic Extremism Team
NDEU	National Domestic Extremism Unit
NETCU	National Extremism Tactical Coordination Unit
NDEDIU	National Domestic Extremism and Disorder Intelligence Unit
NPIA	National Police Improvement Agency
NUM	National Union of Miners
OSINT	Open Source Intelligence
PACE-S1	<i>Police and Criminal Evidence Act 1984</i> Section One
POIU	Public Order Intelligence Unit
PSYOPS	Psychological Operations
RAF	Royal Air Force
RESILIENCE	The UK's Civil Contingency Strategy
RICU	Research Information and Communications Unit
Ridley Plan	Final Report of the Nationalised Industries Policy Group
SDS	Special Demonstration Squad
SHAC	Stop Huntingdon Animal Cruelty
SIGINT	Signals Intelligence
SOCA	Serious Organised Crime Agency
SOCMINT	Social Media Intelligence
SIS	See MI6 the Secret Security Service
SOCPA	Serious Organised Crime Police Agency
SPG	Special Patrol Group
UN	United Nations

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Introduction

Introduction to the Thesis

The purpose of this thesis is to provide a critical response to the administrative practices that have emerged in modern Britain which today restricts the public's right to dissent. It does so by challenging the techniques and technologies used by various apparatuses of the state to control demonstrations, and it examines how threats to public order are depicted by institutions such as the police. The thesis draws from number of disciplines including political organization theory, surveillance studies, and from various concepts of dissent.

The overall aim of this thesis is to develop a critically informed historical account of the bureaucratization of dissent. It will do so by looking at the administrative processes through which order has traditionally been maintained, and how the modern British state now seeks to control public protest. It achieves this using Foucault's genealogical approach to examine the manner in which public order issues are today managed in the UK, that is, through legislative means, by virtue of the institutions who maintain domestic and National Security, and as a result of the particular conditions they impose on social movements. The thesis uses Hegel's theory of sovereign right to consider the evolution of public order discourse from the late medieval state, to the dawn of the industrial revolution. It employs Weber's concepts of rational and bureaucratic administration, to determine how the industrial society sought to protect its monopoly of interests from dissenting groups of workers. The

thesis also examines Foucault's ideas of discipline, governmentality, and surveillance, in relation to the public order practices of the current regime.

The thesis argues that the emerging field of surveillance studies can be complementary to political and social theory in as much as the particular forms of authority noted above, have all conceptualised the use of surveillance to maintain public order in one form or another. However, organization theory is somewhat lacking when it comes to providing an account of the technological means through which this surveillance has been enacted. Similarly, contemporary surveillance studies is also inadequate in relation to what it offers to thinking about the politics behind surveillance - often choosing to specify the technologies that are used for the purposes of fighting crime instead. This thesis aims to examine the techniques and technologies used to maintain public order in the current milieu. It does not attempt to explore new modes of political resistance, but to provide a critically informed account for how both power and surveillance interacts with dissent. A second aim of this thesis is, therefore, to make a valuable contribution to the emerging field of surveillance studies, by combining the two disciplines. The aim of this approach is to examine the underlying concepts and practices through which public order is maintained in the UK.

Organization, Regulation, and Right

During the last decade in particular, a political agenda has come to light in which campaigners have been forced to adopt a specified code of conduct during their demonstrations or face one of two consequences. In the first instance, they might inadvertently break the law and face criminal charges.

Alternatively, if the stipulated terms and conditions for conducting a protest are not met, their rights to freedom of speech and freedom of assembly will be temporarily withdrawn. In this milieu, social movements wishing to conduct planned marches or processions must now apply in writing to the authorities to ascertain the purpose of the event; provide details of the expected number of participants; and describe the intended route it plans to take. If it is suspected that the purpose of the demonstration is to cause damage to property or persons (or to cause harassment or affray), the procession will be denied. This latter prospect situates dissenting public discourse in the context of being a regulated activity in which certain demonstrations are only allowed to take place with prior permission, and only if they fit a particular archetype.

In response to the above problematic, the political and social theories of Hegel (2008), Weber (1968), and Foucault (1977, 1980, and 2003) can be used to inform a critical account of British statecraft with regards to the maintenance of public order. According to the Foucauldian concept of power (in which the different types of political authority defined as sovereignty, discipline, and government, constitute the foundations of legitimate rule in modern society), each political regime has offered its own responses to public dissent (2007b: 107-8). Hegel's theory of right will, therefore, be used to examine public order discourse in relation to how the sovereign regime promoted the concept of public order as a common interest - to impose a number of conditions on the conduct of the population. Weber's theory of social action will be used to document the rise of the disciplinary society between the Seventeenth and Nineteenth Centuries, in which rational law was used to regulate both industrial disputes and manage social unrest. For

Foucault, the notion of governmentality provides an analytical frame through which the above two forms of power now operate. The Foucauldian concept of governmentality will, therefore, be used to examine the different types of administrative and technological surveillance that are used in modern society to manage protests. The selection of these three authors will be used to critically inform a position on right, discipline, and governmentality, as the apparatuses through which the modern state is now managed.

The administrative practices outlined above can be defined as strategies of control. Although British citizens possess a given right to gather *en masse* and voice their dissent, these political activities are strictly regulated and are supervised by the state. According to Hegel, Weber, and Foucault, the state represents a number of constitutional, executive, and administrative bodies who maintain legitimate types of authority over the rest of society. Largely, this is done for the purposes of internal cohesion, external defence against other nation states, and for economic gain. Traditionally speaking, the British state has been comprised of consecutive monarchic and parliamentary powers, who mediate between the specific interests of individuals to support a greater common good. Ultimately this is how British society has been structured and thus governed for the last three hundred years. However, there are notable differences to the way each of the above authors have approached the concept of the state and the institutions from which it is comprised. What is of interest to this thesis is the way in which each of them contributes a particular way of thinking about dissent, and the numerous ways in which resistance to organized rule has been managed.

In *Outlines of the Philosophy of Right* (2008), Hegel developed an account of political organization in which the various institutions of the state created new laws, and established administrative agencies to manage areas of economic and political interest. Public order was maintained based on a number of legislative and philosophical precepts. Hegel's political theories are of interest to this thesis in terms of the formation of a legal apparatus that mediated between the individual interests of society, and the common interest of the state. Hegel's account of right (i.e.; abstract rights, moral conduct, and ethical life), defined the position of the subject in relation to the state and to that of other social actors. The concept of right is central to how laws were created, to prevent acts of dissent which might lead to civil unrest. Contentious individual interests enabled the state to introduce new apparatuses of coercion to ensure that laws surrounding property, tortious acts, and unethical/moral crimes could be enforced (*Ibid*: 186). In relation to the *Philosophy of Right*, a code of civil conduct was introduced which placed strict limitations on the opinions and activities of the population to prevent them from forming a 'powerful bloc in opposition to the organized state' (*Ibid*: 290). This concept is of use to the thesis in as much as the right to freedom of assembly or freedom of speech is only granted under certain conditions and it is always watched over by the state. It is a theme which has also been articulated by Weber and Foucault.

For Weber, the question of right relates to the forms of public administration that emerged during the Seventeenth and Eighteenth Centuries in Europe. Here, the means through which the population was managed (i.e.; through state secrets, occupational knowledge, and other kinds of

administrative control), ensured that a dominant social order could maintain its position of authority (*Ibid*: 294). Legal authority was administered by an appropriately trained body of staff who managed a particular and limited portfolio of interests. While it was within their remit to regulate activities under this jurisdiction, they in turn were supervised. This hierarchical model outlines Weber's theory of bureaucracy in which constant scrutiny and a division of tasks maintains the status quo. The bureaucratising influence of this administrative system extended between different offices of the state, and seeped into all facets of society with whom these organizations would interact. If indeed bureaucracy was imposed throughout all forms of social action (as Weber contends), then all subjects in society are continually subjected to the bureaucratising influence of the state. The object of bureaucracy was to refine any system of administration, and to make it more efficient. In relation to public order, the population was no exception to this rule.

According to Weber, public order was maintained either through the use of normative conventions, or by way of rational law. Normative conventions were enforced using subtle techniques such as psychological coercion. Legal orders were enforced using state violence, often through an apparatus of coercion such as the police. To further defend its position of authority, the bureaucratic state monopolised a number of interests. These included the means of production, the right to legislate, and the right to bear arms. In terms of state violence, Weber observed that in contrast to the sporadic practice of hiring mercenaries during feudal times, the centralisation of munitions and the introduction of the occupational soldier was a particular characteristic of the bureaucratic state. Weber argued that 'only the

bureaucratic army structure allows for the development of the professional standing armies which are necessary for the constant pacification of large territories' (*Ibid*: 980-1). When the same model of discipline is applied in relation to public order, 'the political community monopolizes the legitimate application of violence for its coercive apparatus and is gradually transformed into an institution for the protection of rights' (*Ibid*: 908).

In Michel Foucault's later account of political organization, the emphasis on power changed, to consider the range of institutions that maintain public order beyond the state. In Foucault's series of lectures at the Collège de France a way to describe how these regimes regulate internal threats to law and order, came to the forefront of his work. For Foucault, this was a question of embedding discipline within all individuals, who were thereafter managed through rational self-governance and not explicitly through the use of force. In terms of dissent, coercive intervention was considered by Foucault as a means for arbitration by the state - particularly in cases of internal 'conflicts, irregularities of behaviour, nuisance caused by some to others, and so forth' (2008: 175). It was more the case that this particular activity had been extended to include a broader number of institutions than those witnessed by Hegel and Weber, and was no longer exclusively reserved for the state. In terms of identifying this new notion of power, the Foucauldian concept of governmentality relates to the management of subjects in a number of ways that differ to those cited thus far (although there are similarities to be found with Hegel's and Weber's ideas regarding the conceptualisation of right, and the normative qualities that discipline promotes). The concept of

governmentality, therefore, brings together the sovereign authority of right and the normalising practices of the disciplines (Foucault, 2007b: 107-8).

In modern society there are a number of institutions through which power now operates. These can be considered in terms of financial institutions, law enforcement agencies, schools, public welfare systems, and so forth (Dean, 2010: 29). The point is that all of these organizations are governmental. Governmentality represents a particular way of thinking, and a specific set of organizational practices which aims to manage social conduct. As there are multiple agencies of power, there are an equivalent number of governmentalities. Foucault called these various institutions of power apparatuses of security in so far as they provide the conditions necessary for society to function correctly. McKinley (*et al*), has argued that 'governmentality brings Foucault very close to Max Weber's concern with rationalisation and the ways that individuals come to govern themselves', in that 'administrative power is not of secondary importance but essential to the 'successes' and 'failures' of disciplinary institutions and societies' (2012: 3). Similarly, O'Neil has argued that Foucault's work extends 'Weber's concept of rational-legal discipline through studies of the discursive practices that construct a physiology of power/knowledge' (1986: 42). Power can therefore be construed as a means to rationalise and control subjects through normative and disciplinary techniques (in addition to those enforced by way of state violence). With regards to the Foucauldian notion of power/knowledge, surveillance practices are central to how systems of knowledge (that make use of observation, intelligence or information) are formed - thus leading to the production of power. Indeed surveillance and the knowledge that it produces,

represents an important way of thinking about how conventional public order discourse shapes the public's perception of these issues, and legitimises the response from the police. Consequently in Foucault's rendition of power, he notes that as of the late Eighteenth Century, 'it was more efficient and profitable in terms of the economy of power to place people under surveillance than to subject them to some exemplary penalty' (1980: 38).

Therefore, the main themes that begin to emerge from a formative review of Hegel, Weber, and Foucault are as follows: in relation to political organization and dissent; the conceptualisation of human and civil rights; apparatuses of security such as the police; and numerous forms of coercion; a case can be argued in which public order and dissenting public discourse constitute two sides of the same theoretical debate. An example of how this particular notion works, can be found in Foucault's *Power and Knowledge*, in which 'no crime means no police' (1980, 47). As a particular bureaucratic apparatus, the police have a vested interest in finding new forms of crime to prevent (and for creating new techniques through which to manage them). Chapter 1 will examine this notion by exploring the way in which dissent has been situated within each of the above social and political theories. Chapter 2 will initially use Hegel's theory of right in relation to the development of public order discourse in the Fourteenth Century (as a means to preserve the peace and maintain the sovereignty of the Crown). Thereafter the chapter will observe the gradual shift from sovereign to disciplinary power from the Seventeenth Century forward. Chapter 3 will examine the techniques used by the disciplinary society during the formative stages of industrial capitalism (used to regulate dissenting public discourse and enforce the political

economy), and then move towards governmental responses to dissent. The purpose of Chapter 4 is to demonstrate how in modern society a number of additional mechanisms and procedures of coercion are used to maintain order.

From Grassroots Organizations to Transnational Protests

Considerable media attention has been paid to the activities of social movements who (in the UK at least) have often made front page headlines as a result of their escapades, sometimes gaining overwhelming popular support for their causes, and at other times being condemned to the lunatic fringe by the mainstream press. Yet, while significant academic research has been conducted into the study of social movements, this has largely been done in the United States of America (Sunstein, 1995, and A. K. Thompson, 2010); following the Arab Spring uprisings in the Middle East (Leenders, 2013); regarding the suppression of politically active groups in South Africa (Death, 2010); and in continental Europe (via Frenzel, Feigenbaum and McCurdy, 2014). Seemingly, very few authors have engaged in research that directly concerns protest groups (or the movements they represent) in the UK. This is particularly surprising taking into account that over the last thirty years, the British public has seemed especially vociferous in voicing its dissent. Most certainly, since the late Nineteen-Seventies, marches, demonstrations, and direct action protests have typified the numerous ways in which the general population has chosen to engage in the policymaking process – often choosing unorthodox, spectacular, performative, disruptive, and even destructive means to highlight specific social, political, or economic concerns. Indeed the few authors, who have tackled this fascinating aspect of political life in the UK, can be

summarised as Cantor (1970), Hollis (1977), Pearlman (1977), Milne (2004), and Vallance (2009), who have either focused on particular social movements, or have situated their studies of dissent in relation to the development of the British constitution.

In terms of theorising social movements, the definitions used here are commonplace within this field, despite the fact that modern campaign groups promote a number of very different causes which are enacted using an increasing 'repertoire' of actions (Della Porter and Diani, 2006: 163). Generally speaking, any group of people who band together to promote a specific cause or concern can be defined as a social movement. Social movements are often classified according to their size, the scope of issues they represent, and the locality of the assemblies involved. Grassroots organizations for example, are typified in terms of the smaller, more localised causes for which they campaign. These issues are generally articulated by way of creating local pressure groups to lobby local Members of Parliament. Comparatively, larger protest groups (such as the Occupy movement), today epitomise the transnational spread of social issues including financial inequality, the increasing reach and influence of Western capitalism, human rights violations, and damage caused to the environment by multinational corporations (Goodwin and Jasper, 2015: 30). What it is that makes social movements so particular is the notion that such assemblies do not always campaign according political convention (i.e., through the use of petitions to parliament, or through the courts) but through other means of coercion. Arguably then, different causes are promoted in different ways. Grassroots organizations typically form pressure groups to challenge public policy, and such issues are publicised to

the local population to gather support for change. Transnational organizations alternatively present their issues on a far bigger stage, opting for maximum media coverage to gain greater exposure to the general public. But in either respect it is generally a lack of compliance towards established political conduct which generates the most interest from the state.

In relation to the varied forms that protests take, the myriad of actions available to campaigners has conceivably evolved in response to policing efforts undertaken by the establishment (either to regulate such groups or to suppress them entirely), or as suggested by Della Porter and Diani, to raise awareness of said issues via whatever means will create the most publicity for them (2006: 168). As a brief anthology of the last three decades of British history, the most prominent campaign groups to have emerged here, have been comprised of the Trade Union movement in the 1970's and 1980's (epitomised by the NUM); the peace movement (represented by the Campaign for Nuclear Disarmament in the 1980's, and the Stop the War Coalition in 2003); and by environmental organizations (such as Earth First and Greenpeace). The list also includes anti-globalisation, anti-austerity, and anti-capitalism movements (characterised most recently by the Occupy movement and by the Anonymous collective), to name but a few. Of course, the above social movements have used a variety of techniques to promote their causes including marches and demonstrations, direct action protests, and increasingly, the use of social media as a platform for generating public support. A second consideration worth making then, is to try and define exactly what constitutes a protest – given that the legislative boundaries of legitimate/illegitimate

political action continually change, and with them, popular definitions for what constitutes a lawful public protest.

Della Porter and Diani define protests as being ‘nonroutinized ways of affecting political, social, and cultural processes’ (2006: 166). Those undertaking a protest may use a variety of methods to pursue favourable change within a system of politics, or to prevent the introduction (or expansion) of unreasonable public policy and state practices. In the broadest sense possible, different types of non-violent protest include marches and demonstrations, industrial strikes by workers, the strategic use of blockades, the distribution of pamphlets, public gatherings, and public talks (*Ibid*). Beyond these relatively benign strategies for raising awareness, more volatile repertoires of dissent include acts of civil disobedience, riots and civil unrest, the destruction of public or private property, and industrial sabotage. In more extreme cases, campaign tactics may also include bomb plots and threats made to the general population via food hygiene scares. According to Della Porter and Diani:

Social movements employ methods of persuasion and coercion which are, more often than not, novel, unorthodox, dramatic, and of questionable legitimacy [...] Protests are “sites of contestation in which bodies, symbols, identities, practices, and discourses are used to pursue or prevent changes in institutionalized power relations”. (*Ibid*: 165)

In stark contrast to the legitimacy of some forms of protest, the creativity of campaigners to raise awareness for various issues, often takes place in full accordance with the law. Frenzel, Feigenbaum, and McCurdy (2014: 16), have observed that large-scale environmental actions seen throughout Europe during the last decade, aimed to establish autonomous forms of organization within the boundaries of the protest camps themselves. Other strategies of dissent

used at these sites, were enacted through educational means and via dramatic performances to promote environmental awareness, adding to the repertoires of protest observed by Della Porter and Diani (2006: 169). In this respect, the notion of conducting a direct action campaign or undertaking cause-led activism does not always correspond to the derogatory manner in which Britain's public authorities define them in police reports and press releases – citing demonstrations as threats to the Critical National Infrastructure or to the general population (Evans, Lewis, and Taylor, *The Guardian*, 26 October 2009: 6). It is, therefore, important to 'challenge views of protest and countercultural behaviour as unruly and deviant', and to look instead to the different power relations that are in play, especially those through which public order is maintained (Della Porter and Diani, 2006: 119).

Because of the genealogical nature of this thesis, contemporary material regarding social movements and public order actions will be examined. In line with Foucault's earlier archaeological approach, historical accounts of public order legislation will be addressed to identify precisely how public order discourse (as a specific set of ideas and coercive practices) first started to develop in the UK. In relation to social movement theory, Della Porter and Diani suggest that at key points throughout Western history, various social movements have emerged in response to pressing social concerns (2006: 169). They claim that social movements first started to appear following the advent of industrial capitalism - mainly in response to changes in ownership, thus to identify a new regime against which to campaign (*Ibid*). Comparatively, Pearlman has argued that Britain's governing authorities have historically been preoccupied with the management of three particular types of

dissent, which he claims generally emerged during this timeframe (1977b: 1-2). In short, these can be defined as seditious meetings, as riots, and threats posed by different groups promoting the rights of workers. It is this latter definition that frames much of the debate presented in this thesis, as Pearlman's ideas represent a specific and nationalised agenda concerning public order discourse in the UK.

In Pearlman's typology of dissent, the notion of sedition forms a significant part of the British establishment's attempts to maintain order (both historically and in modern times). The notion of sedition was first used alongside the *Treason Act 1351* (commissioned by Edward III); to define any conspiratorial plans intended to depose the King (HMSO, 1351).¹ The notion of sedition was later expanded by King George III under the *Seditious Meetings Act 1795* in an attempt to manage unsolicited public gatherings or any opinions that challenged the state (HMSO, 1795). This was mainly in response to the popular unrest that followed his coronation, but equally to suppress criticism of his regime's financial and social prejudices by worker's associations and other interest groups. Throughout the Eighteenth Century, the act of sedition was rejuvenated a number of times in criminal law to manage different social movements emerging in response to the perceived inequalities of industrial capitalism. In terms of civil unrest, The Sacheverell riots of 1710 and the 1714 riots over the Coronation of King George I, resulted in Parliament passing the *Riot Act 1714* to manage the threat posed by illegal public gatherings (Walther, [Online], 2005). Not only did the *Riot Act* seek to criminalise unauthorised public assemblies, but upon failing to cease their

¹ Indeed this places the origins of public order discourse as being much earlier than observed in Della Porta and Diani, and in Pearlman's respective hypotheses.

activities, the protagonists would be sentenced to death. Although the above Acts of Parliament no longer exist in their original form under British law, they set the context for the majority of public order offences that can be committed today. Riots for example, are now considered an offence under the *Public Order Act 1986* (HMSO, 1986), whereas the *Criminal Law Act 1977* defines conspiracy (e.g., to plan criminal actions) as breaking the law (HMSO, 1977).

In comparison to Pearlman's historical account of social movements, Della Porter and Diani have identified three periods in particular through which to categorise various repertoires of dissent (2006: 169). Arguably, the notion of conducting a public protest offers nothing new in relation to the way in which the British population has historically campaigned for its numerous rights. What has changed, are the different ways for which these rights are campaigned, the legislative boundaries of acceptable political conduct, and the array of discourses through which such actions are managed by the state. Again, these repertoires of dissent can be broken down into three groups according to the historical configuration of the nation state, and in relation to those upon whom change was demanded. Della Porter and Diani categorise three historical eras in which social movements have emerged, both in relation to particular campaign causes, and according to the types of protest they employ. Putting it simply, these historical eras are used to define old, new, and contemporary repertoires of protest.

Historically speaking, 'protest was certainly not unheard of prior to the formation of the nation-state' (*Ibid*: 168). Direct action was often enacted against landowners and private residencies, and campaign groups were often dependant on patronage to champion their causes - beyond which, the 'seizure

of grain' or 'taking over fields' was a common strategy to be used (*Ibid*). Following the French Revolution, however, these older repertoires of protest changed to become increasingly autonomous, using electoral campaigns and public meetings, as opposed to the above forms of direct action - thus indicating the rise of independent social movements.

The new repertoire responded therefore to a new situation in which politics was increasingly national in character, the role of communities diminished and organized association spread, particularly among the labouring classes [...] There is another characteristic typical of the modern repertoire besides its national scale and autonomous character: its modular quality, i.e. the possibility of being used by a variety of actors to achieve a variety of objectives. In traditional societies the repertoire was specific, direct, and rigid: "In a society divided into orders, isolated by poor communication and lack of literacy and organized into corporate and communal groups, it was rare to find forms of collective action distinct from the conflicts that gave rise to them" [...] The consolidation of the nation-state, the expansion of the means of communication (whether roads or newspapers), and the growth of private associations favoured instead the development of a new, general, flexible, and indirect repertoire. This in its turn facilitated the diffusion of protest and the mobilization of new and diverse groups within the population. (*Ibid*: 169)

In more contemporary times, this model changes again to become one of transnational action, in which mass communication resources are used to promote international concerns. Today the geographical spread of dissenting public discourse is sometimes less localised, and tends to involve the formation of non-government organizations (NGO's) who seek to challenge the activities of multinational corporations, unfair or unfavourable social practices (enacted by regimes in other states), and even the wide-ranging foreign policies of the West. Yet, the rise of transnational social movements has not replaced Britain's smaller grassroots groups in any way at all. It would be more appropriate to consider that different repertoires of protest correspond to the historical forms of organization against which social movements have

campaigned in the UK. Accordingly, different strategies for maintaining public order have evolved to facilitate various transitions from one form of governance to another, and respectively they now aim to manage much larger populations and issues than ever before.

With regards to the notion of political organization, Pearlman situates his debate in relation to the laws that were commissioned during the Nineteenth Century to maintain public order, and to the regimes that brought these historical changes about. Comparatively, Della Porter and Diani look at the much broader sociological picture of dissenting public discourse, in which campaign groups are now considered (in many cases) multinational non-government organizations in their own right. This is particularly the case for campaign groups promoting civil liberties and human rights issues, and for those challenging state austerity measures, capitalism, globalisation, or environmental affairs. Undeniably, these transnational social movements have precipitated entirely new forms of public administration in relation to the repertoires of protest through which they now campaign. With regards to the state-like appearance and hierarchical organization of these groups, Dauvergne and Lebaron have equally argued that there has been a comparative trend towards ‘institutionalising’ them via public order discourse, and this has usually involved some form of bureaucratization or another (2014: 20).

Presidents and chief executive officers with MBAs run today’s activist organizations. Oversight boards have been set up. Reporting and planning now follow legal audits and timelines; staffing and decision making are bureaucratic and hierarchical, and what the rank and file can now say and do is constrained. (*Ibid*)

Della Porter and Diani have also argued that the formalisation of social movements (and forced compliance) towards following pre-determined

organizational forms and repertoires of dissent, typifies the way in which both mass social movements and grassroots organizations are bureaucratized (*Ibid*: 161). Transnational social movements such as Amnesty International and Liberty UK, for example, now advertise a range of posts within their organizations for marketing officers, legal specialists, and for general administrators to help organize demonstrations. Liberty UK especially, publishes guidelines on the appropriate forms of protest that one might take to avoid altercations with the law (Liberty, 2010).

Problematizing Surveillance

According to Geesin (2012: 47), 'the body of literature on contemporary surveillance is unsatisfactory in what it offers towards thinking about resistance to surveillance'. To support Geesin's argument, up until 9/11, surveillance studies could be broken down into two lines of thought. The first of these trajectories supported post-Orwellian concepts of surveillance, in which dystopian accounts of authoritarian policing by the state threatened to undermine civil liberties and human rights - specifically those affecting to the erosion of personal privacy or the storage of sensitive data (Brin, 1998, and Lyon, 2001). The second established line of thought, regards the use of surveillance for the purposes of fighting crime. According to McGrath (2004: 19) the concept of surveillance is inexorably linked with an 'ideology of crime' and this often limits how alternative perspectives on the subject can be defined. This argument is especially useful in a number of ways. First, it posits the breadth of surveillance practices is inherently concerned with catching criminals, and in some respects that would be correct. Second, the argument

also normalises and justifies the use of surveillance in modern society. Third, the main problem with taking this particular stance is that it neglects to take into account the political uses of surveillance, especially when used as a means to suppress legitimate dissent. What McGrath's notion demonstrates is that beyond situating surveillance as part of a debate around policing and criminology (or documenting the range of supervisory technologies which are in use today), an alternative position on surveillance and organization is desperately required. The problem is, that prior to the late Nineteen Eighties, surveillance had generally only been used by law enforcement agencies. The rise in popularity of CCTV during this epoch, made the connection difficult to avoid (Armstrong, and Norris, 1999). The prospect of walking into a surveillance society was one the main concerns of academics working in this field up until the events of 9/11. After the terrorist attacks on the World Trade Centre in New York, both public policy on surveillance, and the uses of it, dramatically changed. This called for a renewed interest in the subject, following which it was discovered that the surveillance society had become a reality.

Surveilling Dissent

During the decade that followed 11 September 2001, significant changes in public policy have emerged with regards to the threat posed by international terrorist organizations. This has had a direct impact on the uses of surveillance, and thereafter the way in which academics have approached the issue. On the domestic front, new directions in public order discourse (such as the association of terrorism with cause-led activism) have reinvigorated an interest

in the politics of surveillance, whereas the field was in danger of becoming clichéd. Recent publications by Monahan (2009), Lubbers (2012), Walby and Monaghan (2012), to name but a few, have confirmed that the question of dissent is now being approached from a new and timely perspective in surveillance studies. Monahan, Walby and Monaghan, have all identified that in recent years, a number of joint security agencies have emerged in the West, who have campaigned to criminalize political activists using counter-terrorism politics as a convenient subterfuge.

This new peacekeeping agenda is best considered though National Security programmes in the UK such as CONTEST and RESILIENCE, which were designed to provide greater powers for the police in the prevention of terrorism and serious organized crime (TSO, 2009). However, the adaptation of these programmes (and the realignment of National Security discourse with legitimate acts of dissent), presents only one side of the debate. The increasing criminalisation of public protests in British law, has enabled the authorities to undertake many programmes in surveillance that have led to the personal details of over 9,000 campaigners being stored on a national database of suspected extremists (Evans, Lewis, and Taylor, [Online], 2009). But what does this term actually mean, and what kind of security conditions does it impose? Public policy such as the *Terrorism Act 2000* and the *Civil Contingencies Act 2004*, has redefined the concept of terrorism to include all threats made to Britain's Critical National Infrastructure (HMSO, 2000, and HMSO, 2004). This has incorporated many traditional forms of direct action (and the causes for which they are campaigned), leading to the widespread criminalisation and surveillance of social movements in the UK. The

CONTEST programme necessitates the surveillance of environmentalists, anti-capitalism demonstrators, trade unionists, and even peace campaigners for the potential threat they pose to society (TSO, 2009). With regards to issues that are widely denounced by the British Government's PREVENT agenda; far left and right-wing groups, and international terrorist organizations are now defined as extremists (*Ibid*). As I have argued elsewhere (2015), in 2004 a shift occurred in National Security discourse to redefine terrorists as violent extremists, and radical social movements as domestic extremists. The notion of domestic extremism is, therefore, used to defame any social or political groups the British state perceives as posing a threat to public safety. The concept of 'multi-issue extremism' appears to serve as a catch-all phrase through which any dissenting actors (violent or otherwise) can be surveilled by the state (Monaghan and Walby, 2012). This transforms public order issues into direct threats to National Security, and as far as Britain's security services are concerned, they are dealt with accordingly.

It is common knowledge that police photographers and undercover agents provide background intelligence of impending political actions, and routinely gather evidence of the identities and affiliations of campaigners (Evans and Lewis, 2013, and Lubbers, 2012). Here, contemporary forms of surveillance include the deployment of Forward Intelligence Teams, who take photographs and record video footage of the participants. Police also conduct personal searches² as a means to determine the identities of those attending a demonstration and add these details to a database of suspected extremists. Other techniques used for gathering intelligence, includes the use of

² Under Section One of the *Police and Criminal Evidence Act 1984* (HMSO, 1984).

Automated Number Plate Recognition cameras (ANPR), to determine the identities of those visiting campaign sites. But they are also used as a means to turn away any suspected or known trouble-makers (Holt and Hartley, 2009). There are additional forms of bureaucratic surveillance which are also in use, especially for planned public events. In the majority of contexts, the organizers of public demonstrations and marches must now apply in writing to help the authorities facilitate these events. This is required for the purposes of arranging police cordons; organizing marshals along the intended route of a procession; and to determine the validity of the event in question (i.e., to ensure that it does not offend or intimidate other social groups). However, all of the above techniques for conducting overt surveillance seem relatively benign in relation the constabulary's more clandestine activities.

In 2011 an independent report into undercover police operations conducted by the Rt. Hon Sir Christopher Rose supported claims made by the press, that a number of officers on assignment from London's Metropolitan Police Service had been embedded in the protest movement for several years (Rose, 2011). The report confirmed that officers on assignment from the National Public Order Intelligence Unit had covertly infiltrated environmental groups using assumed identities, and had been authorised to partake in 'criminal damage, obstruction and aggravated trespass onto land' as part of their operations (*Ibid*: 37). Media coverage of this scandal also revealed that some of these officers had maintained personal relationships with campaigners as part of their cover, and in doing so had operated beyond the law (Evans and Lewis, 2013). The report was commissioned following the collapse of proceedings in court against 114 environmental protestors who were arrested

on intelligence provided by undercover police officer Mark Kennedy in 2009 (IPCC, 2012). The campaigners were apprehended in a pre-emptive raid that took place during the planning stages of an environmental campaign against Ratcliffe-on-Soar Power Station in Nottingham - which has since been condemned as being a complete waste of police time and public money (*Ibid*). In addition to the above measures that are used for maintaining public order, new surveillance technologies that exploit digital and mobile telecommunications devices are also in use.

Surveillance in this respect now covers all streams of digital communications and has enabled the police to infiltrate any groups who they fear might pose a threat to public order. The alleged use of BlackBerry Messaging services to facilitate the UK 2011 riots, led to the subsequent interception and analysis of all online exchanges that took place during this disorder. In less conventional terms, a number of police programmes have recently been commissioned to provide background intelligence of the intentions of campaigners from their activities online. Social Media Intelligence (or SOCMINT, as it has become known), makes use of Sentiment Analysis Tools and Facial Recognition software to detect aggressive algorithms and the use of key strategic terms in popular social media (Wright, [Online], 2013). The Open Source Intelligence Unit of London's Metropolitan Police Service, receives and interprets online content from specifically targeted forums, and processes the data according to the above criteria. To place SOCMINT in a more practical context, the use of such schemes can be considered as part of an entirely new direction in pre-emptive policing.

In terms of providing a theoretical response to the above state of affairs, surveillance studies now has a new field of interest to consider. Following 9/11/ a number of new intelligence organisations were commissioned throughout the West to counter the threat posed by international Islamist terrorism and to protect sites of critical national importance. In the United States of America, the Department for Homeland Security (DHS) established around seventy different fusion centres, which derive their name from the corporate and state agencies from which they are comprised. The problem was that as these organisations (known in the UK as Local Resilience Forums) did not differentiate between public order issues and terrorism-related attacks; for both issues are now policed on an equivalent scale. Social movements representing a very diverse range of interests are now all scrutinised by joint public and private sector intelligence agencies, precipitating a change in agenda from the maintenance of public order - to the protection of the Critical National Infrastructure (Monahan, 2009). Under this security regime in particular, campaigners are depicted as an extremist threat to both public safety and to core Western values. Contemporary theories of surveillance can therefore be useful for highlighting this change in public order discourse.

Deviancy, Sociology, and Crime

The notion of deviancy (as defined by Cohen, 2011, Critcher, 2003, and Jewkes, 2015), can also be used to describe how dissent is situated in public order discourse, and for observing how public protests are generally framed by

news organisations and the state.³ Indeed there are a number of ways in which deviancy theory can be useful to a thesis that examines dissent. Outbreaks of disorder are often aligned with the actions of deviant factions in society (such as subversive youth groups in cultural theory and sociology), or in the form of institutional bias and news selection in media studies (as part of a process of mediation). The notion of deviancy can also be expressed in terms of criminology, to determine appropriate social conduct, legitimise coercive interventions, and to prosecute inappropriate behaviour. In all cases, the prospect of deviancy is used either to reiterate or to establish new social norms.

In terms of sociology and cultural theory, Cohen (2011) is one of the pioneers in this field, whose work covers a range of issues from the Brighton riots caused by tensions between opposing subcultures in the 1960's, to the condemnation of homosexual practice by the Catholic Church during the early stages of the AIDS epidemic. According to Cohen, various social institutions promote what they consider to be appropriate behaviour. This is in stark contrast to the activities of groups or individuals who are thought to act beyond certain norms, which are then categorised as deviants. With regards to the endorsement of social norms by the mass media, Critcher (2003) identifies various patterns of news selection and institutional bias – as used to create 'moral panics'. The notion of deviancy is linked in news discourse to the manner in which news organisations select and then sensationalise particular stories to promote the commercial or political interests of the agency in question (or those of its sponsors), and to reflect the socio-political values of its readership. These stories in particular, then becomes part of a series of

³ Depending on whether a news organisation is sympathetic to the cause in question, how the agency is politically aligned or is commercially influenced, the editorial selection of news stories for publication, and many other institutional factors.

features as soon as other news organisations report similar problems in each respective region.⁴ According to the model of ‘deviancy amplification’ identified by Critcher, when the circulation and promotion of these issues reaches a critical mass, it becomes a moral panic and compels the authorities to take a stance – often in the form of drafting new public policy (*Ibid*). In news discourse, a range of conventions are employed to ensure that the currency and severity of such issues is officially endorsed. This includes the use of accessed voices from specialists in whichever social, political, scientific, or theological fields are relevant, and general public outcry over said issues. For Critcher, this is how the mass media helps to establish and reiterate social norms in terms of news coverage and current affairs.

The notion of deviancy also has links to both social theory and criminology. Jewkes (2015) identifies a range of scenarios and theoretical considerations through which deviancy can be analysed. This is achieved by the way in which deviant identities are formed in relation to the social roles of women, children, and criminals, either in news discourse, or in the formation of public policy. Indeed Jewkes’ ideas on deviancy draw from a number of different academic disciplines. For example, prominent figures in criminology have argued that ‘norm-violating behaviour’ requires policing (Deflem, 2010: 15). But this is equally a concern shared by Weber (1968), and constitutes a significant amount of the work conducted by Foucault on sexuality, crime, and power (1977, 1978, 1980). Jewkes also considers the role of deviancy in surveillance cultures, for identifying inappropriate, unruly, or criminal

⁴ A good example of this can be considered in terms of the policy established by the Bluewater Shopping Centre in Kent during 2005, to prohibit customers from entering its stores wearing hooded tops. It was considered that those wearing “hoodies” sought to intimidate other members of the public, and that they promoted anti-social and thus deviant behaviour.

behaviour, and for defining spaces in which specific activities or persons are socially excluded by surveillance (2015: 221-47). This particular concern has equally been highlighted by Lyon in terms of 'social sorting', in which profiles, identities, and assessments (e.g., credit ratings) determine people's access to various services and facilities (2007). For Weber, law, convention, and customs, dictate appropriate social conduct as expressed either in public policy or by virtue of established social practices. The rise of groups or patterns of behaviour (who the rest of the population consider immoral or unacceptable, and thus deviant), often leads to innovations in public policy or to social exclusion:

The emerging innovation is most likely to produce consensus - and ultimately law, when it derives from a strong inspiration or an intensive identification. In such cases a convention will result or, under certain circumstances, even consensual coercive action against deviants. (1968: 322)

For Foucault, deviancy is linked to the creation of new social identities in the form of a 'binary branding' which differentiates between appropriate social conduct and deviancy (Foucault, 1977: 199). This in turn, leads to the creation of new systems for monitoring and correcting irregular conduct or beliefs. The identification of deviant actors, therefore, brings into existence 'a whole set of techniques and institutions for measuring, supervising and correcting the abnormal', and is closely linked to themes such as crime, penology, sexuality, and medicine, in Foucault's work (1977, and 1978, and Rabinow, 1984). As such, deviancy is used in a regulative capacity to enforce a whole series of norms, and is especially useful as a means to justify policing and public order. Ultimately, for Foucault, and for many figures in criminology 'no crime means no police' (1980: 47).

In relation to this thesis, the notion of deviancy is used according to the historical depiction of campaigners as mobs, rioters, and more conventionally as domestic extremists by the state - which serves to legitimise public order actions conducted by the police. Deviancy is otherwise used in a normative capacity by the state, and within this particular context belongs more appropriately to organization theory (specifically to the work of Weber and Foucault as observed above). Modern public order discourse frames campaigners as deviant social actors, and is used as an othering practice to legitimise both violent and psychological forms of coercion as enacted by Britain's public authorities. The practice of identifying deviant behaviour and then acting upon it, also demonstrates that the judicial apparatus functions correctly. There are of course links to the notion of deviancy within social movement theory as one might expect. Della Porta and Diani observe that deviancy has played an important historical role in maintaining public order, and argue that understanding this coercive practice is essential for conducting academic interventions that challenge state norms (2006: 119). Comparatively, Barnes (*et al*, 1979: 157) claims that 'in advanced industrial societies direct political action techniques do not in fact bear the stigma of deviancy' and while this particular hypothesis might have been credible during the opening stages of the Twentieth Century, attitudes towards maintaining public order have certainly changed during the last thirty years. Indeed from the early 1990's, criminal law in the UK was already being expanded to redefine animal rights groups as terrorists.

Following 9/11 especially, the *Civil Contingencies Act 2004* was introduced to protect sites of Critical National Importance from environmental

campaigners and from terrorists (HMSO, 2004). This shift in public order thinking demonstrates how the stigma of deviancy can be reintroduced or expanded to include any perceived threat to the state, or to the general population. According to Newlands (2013: 49), 'the term "eco-terrorism" for example, originated in the UK from a link between animal liberation movements and environmental action'. It reveals how previously acceptable social movements can be framed as deviants, for in modern society it is unthinkable that anyone would support either the actions or the beliefs of terrorists.

There are, therefore, notable connections to be made between many of these disciplines and themes. In terms of sociology for example, Della Porter and Diani especially, can be considered among the foremost figures in this field, with a particular interest in protest groups (2006). In *Social Movements an Introduction*, they employ a number of sociological techniques to analyse the form and conduct of various campaign organizations (*Ibid*). This work includes an observation of social structures, markets and influences on campaign groups, as well as issues of identity. Similarly, Frenzel, Feigenbaum, and McCurdy (2014: 16), situate their study of 'Protest Camps' in *Sociological Review*, to examine a number of concepts including 'spatiality, affect and autonomy' according to how the participants of mass public actions conduct their affairs. In this particular respect, the thesis adds to a growing body of literature on social movements within sociology, in as much as the observations it makes regarding the (political) organization of campaigners follows established themes in Weber and Foucault's work - from which sociology often derives its main lines of enquiry.

A similar consideration can also be met regarding the study of criminology, in which figures such as Deflem (see Wakefield and Fleming, 2009: 14), highlight the bureaucratising influences of the police. As a prominent figure in criminology, Deflem has been used in this thesis to support Foucault's observations on crime and policing (1980: 47), suggesting that 'norm-violating behaviour' is one of the founding principles of the legitimacy of law enforcement agencies throughout the world (Deflem, 2010: 15). Indeed in Deflem's more recent work (see the *Policing of Terrorism*, *Ibid*), further comparisons are made between criminology, social theory, and political organization, which also bear relevance to this thesis. Therefore in relation to academic disciplines such as deviancy, sociology, and criminology, the thesis is aware of the relevant contemporary literature in these areas, which have been referenced during the course of the study.

Methodology

The methodology used in this thesis is inherently Foucauldian. It sets the context for a number of practices used both historically and conventionally for maintaining public order through examining the *raison d'état* of various regimes spanning approximately nine-hundred years of British politics - from the Fourteenth-Century to the modern day. The methodology employs various critical thinkers whose ideas on the state can be linked to the periods in history to which their work best relates - supported by historical evidence of public order actions and protest legislation in the UK. According to Foucault, the modern nation state is comprised of a triangle of 'sovereignty-discipline-government' (2007b: 107-8). Here, Foucault draws reference to the different

modes of political organization that have historically existed, and through which power is exercised today. To perform an analysis of the bureaucratic processes that have historically been used to maintain order, the thesis employs a number of Foucauldian techniques including archaeology (2002b), discourse analysis (*Ibid*), and genealogy (1980: 87), from which to derive its conclusion.

Generally speaking, understanding the methodology to be used in the thesis depends upon its particular reading of history, and to the emergence of various apparatuses of the state through which public order has been maintained. According to Rabinow (1984: 13), Foucault was ‘resolutely and consistently anti-Hegelian and anti-Marxist’ particularly in terms of refuting the totalising ‘theory of history’ advocated by the Frankfurt school in Germany. While this places his philosophical ideas at odds with scholars such as Hegel and Marx, it does not invalidate their observations on the formation of the nation state, nor their respective contributions to theorising public order *per se*. Hegel, for example, will be used in this thesis, purely as a means to define the sovereign state and its responses to dissent. What Foucault’s general approach to history does enable, is, in a much broader sense, a study of various regimes and discourses (and the discontinuities found between them), than an overall unifying principle would allow. The Foucauldian approach to history is, therefore, linked to many other themes and methods in his work, such as archaeology, genealogy, discourse, and power, and from a methodological perspective these ideas are largely inseparable. The Foucauldian approach to history differs from those of the above in as much as a ‘total history’:

Is one that seeks to reconstitute the overall form of a civilization, the principle – material or spiritual – of a society, the significance common to all the phenomena of a period, the law that accounts for their

cohesion – what is called metaphorically the ‘face’ of a period (2002b: 10)

For Marx (1979) especially, the notion of ‘historical materialism’ represents the kind of total history, or unifying theory that Foucault aimed to avoid. Foucault instead advocated a ‘general’ approach to history, in which specific concepts and social practices identify a variety of ‘institutions, economic processes, and social relations on which a discursive formation can be articulated’ (*Ibid*: 182). Understanding how Foucault’s general approach to history works, is therefore dependent a) on the methodology employed, and b) the particular type of evidence it intends to accumulate.

As a means to differentiate the approach used in general history from one of total history, Foucault called his process of research, archaeology (*Ibid*). Where archaeology differs in its approach from total history is that it examines a body of research from various public institutions, which Foucault calls the archive. In a pragmatic sense, archaeology draws its evidence not from the expression of grand ideas and theories, but from the discourses. A good example of this technique can be found in Foucault’s earlier works such as *The Order of Things*, in which the archaeological method was used to determine the origins of the human sciences, and to trace their development from general grammar to linguistics, from natural history to biology, and from the science of wealth to economics (1989). In *Discipline and Punish*, Foucault adopted a similar technique for identifying the development of the modern penal system, from punitive justice to one of reform (1977). In this manner the archive represents a ‘general system of the formation and transformation of statements’, and it defines ‘discourses as practices specified in the element of the archive’ under examination (1972: 130-131). One of the main innovations

of Foucault's archaeological method was that in contrast to searching for continuities and patterns:

Archaeology is much more willing than the history of ideas to speak of discontinuities, ruptures, gaps, entirely new forms of positivity, and of sudden redistributions. (Foucault, 2002b: 187)

To contextualise how this approach can be used for creating a general history of public order discourse, there are a multitude of repertoires of dissent; order maintenance techniques; rules, regulations, and protocols (for either managing or criminalising activists); and for governing the nature and scale of coercive interventions, that must be taken into account. In a public order context, an archaeological approach can be employed to determine how institutions such as the police frame various repertoires of dissent and interact with protest groups as an expression of authority; how economic processes define risks to the organized state and have an impact on protest policy; and in terms of social relations, the legitimacy of some forms of political action over others. The discursive formations to be observed here are those through which public order is maintained, in as much as they are both dependant and interdependent on other social systems and practices to define the nature and context in which public order actions take place. As a result of numerous regime changes and differences in economic or political objectives (that have been examined across Nine Centuries of political history in the UK); the identification of discontinuities is more probable than not. The methodology employed during the later stages of this thesis (i.e., from Chapter 2 onwards) uses Foucault's archaeological method as a means to examine the various continuities, discontinuities, gaps and ruptures, and reforms of public order discourse. The discursive histories this thesis examines will identify how policy on protests

defines the particular coercive responses from the state, but equally how perceived risks to public order are contingent on other discourses as a means to categorise them and calculate the degree of intervention required.

Before elaborating on Foucault's later genealogical approach (in relation to how it will be employed in this thesis), some attention needs to be paid to the problematic term "discourse", which as Kendal and Wickham observes is now employed in wide variety of contexts and disciplines and is 'in danger of becoming all things to all people' (1999: 35). Simply put, the Foucauldian notion of discourse is far more than just a 'linguistic term' and it 'is not only about language' (*Ibid*). Foucauldian discourse analysis is concerned with examining systems, concepts, and practices in relation to how they emerge, the conditions for their use, how they are employed, and how they change (2002b: 189). However, as Foucault is quick to observe:

In order to analyse such events, it is not enough simply to indicate changes [...] We must define precisely what these changes consist of: that is, substitute for an undifferentiated reference to change – which is both a general container for all events and the abstract principle of their succession – the analysis of transformations. (*Ibid*: 190)

In this respect, Foucault uses archaeology to examine the discursive transformations in the human sciences (i.e., those of biology, economics, and linguistics), whereas this thesis examines changes in public order discourse. In relation to the 'analysis of transformations' in this particular discursive field, this thesis analyses moments of change between different political or institutional regimes and the introduction of new public order practices, policies, and agendas (*Ibid*). Indeed such changes can be thought of in terms of the shift from feudalism to sovereignty, from sovereignty to the disciplinary

regime, and thereafter from discipline to the governmental society (given that governmentality is comprised of the other two forms of political organization).

To relate this consideration back to Foucault's work on the human sciences, the thesis observes changes in the abstract principles that govern social and discursive transformations. In the context of public order, the shift from sovereignty to discipline was accompanied by an evolution from wealth to economics, in which the discourses surrounding public order interventions can be seen to move from violence to regulation, by way of the dominant techniques through which order was maintained. Similarly, a comparative case can be made from a shift from welfare to security that was arguably reflected in public order discourse during the late Twentieth Century. In this respect, public order legislation can be used to demonstrate how numerous discourses correspond to a gradual change in public order thinking from protecting the general public (internal defence) to the preserving the Critical National Infrastructure (as an abstract entity that now embodies the security apparatuses of the state). Most recently, it can be argued that a new direction in the policing of protests has emerged, in which the maintenance of public order, has been replaced by numerous concepts and techniques designed for the purposes of prevention. By way of aligning this concern with the human sciences, modern public order operations (such as the use of Human Intelligence resources, and Psychological Operations), now offers a scientifically founded technique for maintaining order. This can also be considered to highlight an entirely new direction in law enforcement strategies, in that pre-emptive forms of policing have become the norm.

The final Foucauldian method to be employed is, therefore, genealogy. In later works such as *Discipline and Punish*, and *The History of Sexuality*, Foucault redefined his earlier archaeological method. Whereas archaeology situates Foucault's understanding of general history in the past, genealogy considers the on-going nature of discourse, that is, as a means for contextualising what has been found in relation to the present. Indeed a number of authors (Crowley, 2012: 4, and Kendall and Wickham, 1999: 31) have argued that genealogy was the method used by Foucault for putting archaeology to work. Foucault defines the difference between these approaches thus:

If we were to characterise it in two terms, then 'archaeology' would be the appropriate methodology of this analysis of local discursivities, and 'genealogy' would be the tactics whereby, on the basis of the descriptions of these local discursivities, the subjected knowledges which were thus released would be brought into play. (1980: 87)

In terms of the legislative nature of evidence that will be used in this thesis, Foucault's work on criminology and the prison system (in *Discipline and Punish*, 1977) provides a suitable benchmark for how of the above techniques can be employed. In *Discipline and Punish* Foucault examined the gradual (sometimes ad-hoc) transformation of various measures for enforcing the law, from the sovereign practice of torture and the public spectacle of executions used during medieval times, to the introduction of the penitentiary system as a means for reform during the rise of industrial society. Foucault argued that a number of disciplinary practices emerged from the shift from punitive justice to reform, by 'representing punishment as scientific procedure' (Garland, 1992). The notion of punishment as scientific procedure was thereafter used by Foucault, to examine the wider implication of discipline as a system of

government. Similarly in a public order context, this thesis will observe the transformation of public order discourse and its associated techniques, from the sovereign use of force, to the disciplinary use of supervision (and the bureaucratic formalisation of social movements), through to the contemporary management of protests using subversive, scientific, and psychological means of coercion. In relation to the above methodology, the ways in which Foucault's ideas will be employed here, are used to ask: what are the statements made in this particular archive; where do they occur; what do they create; how are they articulated; what do they mean or imply; and how do they correspond to abstract principles or containers such as the human sciences? Overall the most important question, is how are various forms of public administration applied in relation to dissent, and how, therefore, has it been bureaucratized?

To support this analysis of the bureaucratization of dissent, significant empirical research was conducted to support the critical ideas that have been used in the thesis. It forms an essential part of the methodology provided, by gathering appropriate statements from the archive of public policy on protests, and by looking at the kind of coercive interventions used by the state in response to dissent. There are four areas of interest so far as these statements are concerned that will be analysed using Foucault's methods. To begin with, the thesis highlights a range of issues that have defined public order policy from the Fourteenth Century to the modern day - paying attention to the formation and adaptation of statements that have defined disorder within this archive (Foucault, 1972: 131). Second, this particular type of evidence is supported with an analysis of the social and political attitudes seen in a

multitude of historical contexts towards campaigners to determine how the above statements legitimise coercive interventions used by the state. Third, the thesis will examine the particular techniques used to maintain law and order through the use of physical force and via psychological means of coercion. Fourth, the thesis observes specific transformations within this discursive archive that represents the gradual change from one regime (or system of governance) to another. In more contemporary times, this archaeological approach becomes a genealogy of public order discourse regarding the last decade of British history. This will be accompanied by evidence of the current tactics used to police demonstrations, which has been gathered from Freedom of Information requests submitted to Britain's public authorities, to form a Foucauldian history of the present regarding public order operations (1981b: 70-1). Further details regarding the selection of material and the research techniques involved can be found in a subsequent section of this introduction.

Theoretical Considerations

In line with the critical aspects of this thesis, it is worthwhile observing that several theoretical considerations have been made with regards to the selection of authors and their particular stance on a number of underlying concepts. While the use of Hegel, Weber, and Foucault may seem a peculiar choice, the combination of their ideas on statehood and statecraft sets the tone for this critically informed historical debate. Here, Hegel has been used to identify the key institutions, apparatuses, and techniques used for maintaining order in the context of sovereignty and for establishing an understanding of right. Similarly, Weber enables an account of the various regulative strategies that

were employed to maintain order within a disciplinary milieu. Comparatively, Foucault can be helpful for establishing a critique of public order discourse in modern governmental society. In terms of the omission of certain figures from this debate, it would be prudent to ask, why have neither Hobbes nor Marx been addressed in a thesis that examines sovereignty at the turn of the Fourteenth Century, or the political economy in relation to industrial capitalism? In short, the answer to that question relates to the perception this thesis has of the historical development of the organized state, and to the manner in which numerous bureaucratic apparatuses have been employed to manage dissent.

The first of these considerations can be articulated in terms of the notion of rationalisation cited herein. Indeed there are a number of ways in which rationalisation as a critical or philosophical concept can be employed and it is necessary to clarify some of these approaches to avoid later misunderstandings. With regards to popular and academic use of the term, rationalisation generally has one of three connotations. In philosophy, it relates to a particular logic, or to a system of logics through which truth can be defined. It therefore governs the logic of reason, in as much as philosophers seek to comprehend and interpret the nature of existence (social, political, or otherwise), from which to determine true meaning. In economics, the notion relates to efficiency (usually in the context of corporate or public enterprise), in which a set of institutional practices, equipment or personnel, which are deemed surplus to requirement, are removed to increase the productivity of the business in question. In sociology, rationalisation refers to the substitution of established social values, emotions, customs, or traditions, for scientifically

calculated ones. In comparison to economic practices, the notion of rationalisation in sociology also becomes a question of efficiency, but this can be considered in terms of the underpinning reasons which motivate private citizens to function as a coherent social body. In terms of organization theory (which generally derives its responses from all of the above), rationalisation usually refers to the underpinning rationality of the state - i.e., how it functions, how various institutions and apparatuses operate, how citizens are motivated to participate therein, but most of all to a particular set of logics and principles which governs these actions.

In relation to the manner in which the concept of rationalisation is put to work in this thesis, it is used at particular times to express the ideas of certain authors. Overall, however, the thesis employs the term to define the way in which social movements are coerced into following a predetermined course of actions that are deemed favourable by the state. Rationalisation is, therefore, concerned with a particular system of logics that governs social conduct (as laws, regulations, and practices), but it also relates to how the establishment seeks to control and change these customs (allegedly) for the wider benefit of society. Yet, the notion of rationality changes according to the ultimate reason of the state and according to the laws which are construed from this underpinning logic. To contextualise how this works, Foucault's account of the *Raison d'état*', identifies that various regimes throughout history (which can be abbreviated here as sovereign, disciplinary, or governmental regimes), have derived truths, reason, and their ideologies (etc.), from the dominant discourses of each age (2007b: 354). In this respect the object of the sovereign state was the accumulation of territory and wealth; the object of the

disciplinary society was the economy; and for modern governmental society, the underlying motives are those of security. This particular understanding of history is linked to rationalisation in as much as for each particular era, reason is governed by a number of principles designed to facilitate the above. It is therefore conceivable within each of these historical domains, that various apparatuses of the state have emerged to justify and rationalise such objectives, and to ensure that citizens remain compliant in the pursuit of said goals.

Overall, where the thesis claims that something has been rationalised, this is usually in response to Weber's work on economics, law, and social action (1968). For example, according to Weber, 'the pressing need for security against internal and foreign enemies induces a growing rationalisation of lawmaking and lawfinding' (*Ibid*: 771). In terms of public order discourse, this posits campaigners (as internal enemies of the state), and as the principle cause for numerous advances in the techniques and technologies of rationally calculated interventions. The Weberian notion of rationalisation thus relates to how law enforcement officials make decisions about the legitimacy of protests, and calculate the most appropriate ways to manage them. This is done according to the fullest extent of their agreed duties, and is enacted according to strict operational protocols. Equally, for campaigners, 'rational technique is a choice of means which is consciously and systematically oriented to the experience and reflection of the actor, which consists, at the highest level of rationality, in scientific knowledge' (*Ibid*: 65). Here, scientific knowledge can either relate to an understanding of how various repertoires of protest will elicit a given response from the state, or in more favourable terms, gain campaigners the most publicity (Della Porter and Diani, 2006: 168). In the latter context, an

increasing knowledge of the law and how to conduct demonstrations within the given boundaries of acceptable conduct prevents hostile altercations with the state. In this respect, it can be argued that social movements can be controlled according to Weber's hypothesis of 'instrumental rationality' (1968: 24).

In relation to the other two figures cited in this thesis, Hegel's earlier ideas on rationalisation (according to Shaw, 1992: 381) offers a normative account of rationality, whereas for Foucault, the notion of governmentality is used to outline the techniques and technologies used to by the modern state to govern society. For Hegel, the notion of rationalisation, equates to the way in which the sovereign state identified a common right to subsume the individual interests of the population. This was achieved by 'integrating civil society into the power system of the state', thereby formalising the role of particular interest groups or scenarios as part of the political process, thus 'securing the identity of subjective and objective freedom in the rational state' (Daremas, 2011). Yet, while this particular notion of political representation 'bestows [...] formal freedom to civil society's involvement in the affairs of the state', it does not remove their rights entirely (*Ibid*). Alternatively, in Foucault's account of rationalisation, the modern nation state is comprised of a triangle of sovereignty, discipline, and government (2007b: 107-8). In this particular respect, each preceding form of government has been used to legitimise the next. As one of its founding principles, discipline has the various apparatuses of the law from which to derive and enforce its authority. Governmentality on the other hand, derives its power both from sovereign right (laws) and from formalisation, supervision, and surveillance (discipline). But in modern society, which is comprised of economic treaties, collaborative agreements

with other nation states, and according to a multitude of arrangements, power is ubiquitous and is no longer a state-centric enterprise. It is this Foucauldian concept of rationalisation (governmentality) that enables a number of different state and non-state institutions to operate as apparatus of security (Dean, 2010: 29). Therefore one cannot arrive at a historically informed opinion on the formation and conduct of the modern nation state without first appreciating the various institutions and practices from which power is comprised.

As a convenient segue to the work of Hobbes, the notion of rationalisation in *Leviathan* differs substantially to Hegel's (and from the other two authors featured above). Principally, the Hobbesian notion of right is derived from natural law (1929). In the first part of *Leviathan* entitled 'Of Man', Hobbes argues that from the dawn of civilisation it was imperative for society to be organized into a governed political body as a means to manage man's natural inclinations toward war (*Ibid*: 1-84). The reason for this propensity to war, he claims, is by virtue of man's 'continuall feare, and danger of violent death', in a world which is governed alone by natural law, and in which (theoretically speaking), all men can have anything they desire (*Ibid*: 99). Without formal organization, and collectively agreed rules to regulate man's natural disposition towards violence, he would be condemned to live a life which is 'solitary, poore, nasty, brutish, and short' (*Ibid*). The solution to this problematic, for Hobbes at least, was to identify the causes for this 'continuall feare' and to enshrine the conditions governing both the right to violence and to seek peace in law.

The Passions that encline men to Peace, are Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain them. And Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement. (*Ibid*: 96)

According to Hobbes, it is man's capacity to reason that allows him to determine a preferential state of living. Therefore, in the second of Hobbes' laws of nature, he proposes that if the right to all things is surrendered, and a 'common wealth' is established to facilitate, govern, and command man's needs or desires, this will surely remove the fear of death (*Ibid*). For Hobbes there are two ways in which right can be negotiated, that is by being renounced or through being transferred. In the first instance, man must renounce the right to all things and enter into exchanges, trade, or agreements, to get what he wants. In the second context, right can be transferred to another person by way of forming a 'social contract' (*Ibid*: 102). Here, Hobbes regards the fundamental difference between an immediate right to ownership of a 'thing', and a 'covenant', in which a bond of trust to provide an object or service is agreed to take place at another time (*Ibid*).

In the context of a social contract with the state, man enters into a covenant, in which reason dictates the benefits of living under the protection of the state. With the transfer of right to the sovereign, the common wealth serves to prevent any form of dissent that might serve to depose the ruling body.

Any one man dissenting, all the rest should break their Covenant made to that man, which is injustice: and they have also every man given the Sovereignty to him that beareth their Person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice. (*Ibid*: 133)

Hobbes, therefore, depicts sovereignty as the absolute authority of the state, in which individuals concede their rights purely for the purposes of protection by virtue of a covenant (Hoffman, 1998: 40). What the Hobbesian account of right does not entertain, however, is the power of collective social action to elicit change. For Hobbes, the sovereign state commands absolute obedience, in

which the covenant of right perpetually alienates the population and removes them from the political process (Daremas, 2011). Whereas for Hegel, the integration of civil society ‘into the power system of the state’, grants the population a right to participate in the formation of public policy – even if this ‘bestows only formal freedom to civil society’s involvement in the affairs of the state’ (*Ibid*). Hoffman furthers this consideration by suggesting ‘the problem with individual sovereignty is that historically it has been conceived in a naturalist fashion, by which I mean that individuals are seen as having static natures which are not amenable to historical change’ (Hoffman, 1998: 8). Indeed for this thesis, it is the on-going nature of such changes in public order discourse that are of interest.

In relation to the work of Marx (1979), one could argue (as does Foucault, 1989: 285), that in terms of providing a scientifically founded interpretation of history, ‘Marxism introduced no real discontinuity’ in its analysis of the development of society. In terms of the underpinning perception of history identified in this thesis, the numerous policies and practices through which public order has been maintained (or through which the law is conventionally upheld), represent a number of subtle rifts, changes and sudden redistributions in power, that are not contingent on economic factors alone, or from those which arise from the domination of one social class over another (Foucault, 2002b: 187). With regards to Marx’s central hypothesis of historical materialism, this particular concern can be highlighted in terms of the continuity of class domination, which occurs irrespective of the regime in question, or the different means and modes of production unique to each historical age. In relation to Foucault’s damning indictment of Marx:

Marxism [...] found its place without difficulty, as a full, quiet, comfortable and, goodness knows, satisfying form for a time (its own), within an epistemological arrangement that welcomed it gladly (since it was this arrangement that was in fact making room for it) and that it, in return, had no intention of disturbing and, above all, no power to modify, even one jot, since it rested entirely upon it. Marxism exists in nineteenth century thought like a fish in water: that is, it is unable to breathe anywhere else. (1989, 285)

Foucault's alternative account of history, therefore, substitutes the means and modes of production in historical materialism for the evolution of the human sciences as being the 'epistemes' of the renaissance, the classical period, and modernity (1989). Instead of analysing society from the perspective of performing an analysis of the historicity of the material conditions of social, political, and economic life, Foucault considered the way in which power was articulated through various ideas, belief, and practices, that could all be related to the dominant discourses of each age – thus the human sciences through which abundant similarities and discontinuities in political thought can be found. While historically, Foucault observes numerous aspects of what could otherwise be considered Marxist concepts or ideas, such as political economy and the division for labour for example; other figures in social and political theory have used them to critique capitalism as a system of politics as well. Indeed they are not unique to Marx.

Selection of material

Although the scope of historical research conducted to support this thesis was vast to say the least, a number of concessions have been made in favour of factual accuracy, academic rigour, and to provide depth to the investigation. The main omission from this research was to avoid looking at public order policy in a wider European/International context to restrict any legislative

content to the UK. The thesis does, however, recognise that comparative strategies for maintaining law and order have been developed throughout the West, especially following the terrorist attacks on New York in 2001 and the 7 July London bombings of 2005. Programmes such as Countering Violent Extremism, the LRF/Fusion Centre initiatives, and the introduction of law enforcement agencies such as Europol, are now used to manage cross-border policing affairs across the European Union and in the United States of America (Monaghan and Palmer, 2009, and Jones, 2014). Similarly, while it is tempting to examine the wider international stage on which civil liberties, human rights, anti-globalisation and anti-capitalism demonstrations are now performed, it is important to consider the particular types of dissent that have historically (or conventionally) transpired in the UK - for there are distinct causes and events that have shaped the Nation's public order discourse.

To examine the notion of public order as a pivotal technique used in British statecraft, approximately nine-hundred years of protest legislation, political dissent, and the coercive responses from the establishment have all been analysed. It will be argued that as various repertoires of protest have emerged, Parliament has introduced new strategies through which to maintain order. Historically speaking, many forms of protest have either proven ineffectual or are no longer in use (in which respect, the causes they promote have finally been resolved or categorically denied). Consequently, based on the evidence gathered, the state's main field of interest relates primarily to repertoires of protest over which the Government has no immediate control. This is certainly the case for riots, spontaneous marches and impromptu demonstrations, which tend to attract substantial interest from the police. With

regards to planned demonstrations, these events require prior approval from the state to determine the number of participants involved, and whether the cause for the demonstration is deemed legitimate enough for it to proceed. The purpose of this administrative oversight is to calculate the level of intervention that may be required, and to decide how much force should be applied in response. Notably, certain forms of civil disobedience such as riots do not feature in this thesis much beyond Chapter 3, as their occurrence is a rarity in the UK. This is more so the case for revolutions, which again can be limited to only one or two instances during the timeframe in question and exceed the definition of social movements given thus far. The intended result of this study is to consider how the particular movements identified by Pearlman (1977a, and 1977b, and Della Porter and Diani, 2006) have been managed by the state, and to demonstrate how changing the definition of a protest from one category to another justifies the complexity or the amount of force through which it is managed.

In accordance with Foucault's earlier archaeological method (1972), Chapters 2 and 3, examine a body of evidence which originates from a number of historic legislative sources. The majority of this research has been gathered from official sources, including the Record Commission and the Home Office. Here, official documents have been taken from sources such as *The Statutes: Revised Edition. 'Vol. III. '11 George III to 41 George III. A.D. 1770-1800'* (Record Commission, 1872). Acts of Parliament have also been accessed via the National Archives for Her Majesty's Stationary Office (HMSO), unless otherwise indicated in the text. The above sources have provided over 900 years of British legislation, and constitute the archive of public order policy

from which discursive statements have been drawn. Additional material has been acquired from appropriate historical documents, detailing common societal attitudes towards dissent a) for the purposes of providing background and context to the above, and b) to examine public order practices that were condoned by the state. These contextual sources include documents written at the time of the events in question, containing tales of civil disobedience from the Thirteenth-Century (Kahrl, 1965), and archival letters written by prominent public figures during the Reform Act riots in Nineteenth-Century Nottingham (Summerwill, [Online], 2009). The work of notable historians such as Hollis (1977), Pearlman (1977a, and 1977b), and Vallance (2009), provides additional secondary evidence of public order interventions at the turn of the Nineteenth-Century. The emphasis here will be on events such as the Luddite uprisings of 1811, the Blanketeers March in 1817, and the Peterloo Massacre of 1819. The reclassification of the above social movements as being riotous assemblies for example, demonstrates how the British establishment provided alternative narratives to those promoted by the campaigners themselves, as a means to justify the use of violence to maintain public order.

Contemporary evidence used in this thesis originates from public order policies commissioned during the last thirty years. Largely this material examines attempts made by the Conservative Party during the nineteen-eighties to reduce the impact of Britain's Trade Labour Movement, and the use of the Security Service (MI5) to manage threats of political subversion. Chapter 3 for instance, documents the way in which the Nationalised Industry Policy Group aimed to undermine the monopoly of interests held by Britain's Trade Unions by privatising British National Industry (Ridley, 1977). The

chapter also demonstrates how British Economic and Foreign Policy framed the way in which social movements including the NUM and CND were depicted as communist sympathisers, and were considered threats to Parliamentary Democracy. Primary evidence to support this argument comes from the *Final Report of the Nationalised Industry Policy Group*, which was an economic restructuring programme designed to mitigate the impact of nationwide strikes such as the 1979 Winter of Discontent (*Ibid*). The later miner's strikes of 1984 and 1985 were used as a testing ground for the Conservative Party's revised public order agenda, which saw riot police being deployed during the Battle of Orgreave against striking coal miners in South Yorkshire. This particular public order strategy had been proposed by the Nationalised Industry Policy Group in 1977.

Chapter 3 also examines the use of counter-subversion techniques against the leadership of the NUM by MI5, and the deployment of bogus campaign groups by Whitehall to discredit the CND. According to the former Director-General of MI5 and notable historians in this field, figures such as Arthur Scargill, Mick McGahey, and Peter Heathfield were subjected to various smear campaigns in the popular press to align the NUM's leadership with radical factions in Libya (Rimmington, 2001, and Milne, 2004). In terms of British Foreign policy, during the 1980's the CND was of interest to Whitehall for conducting protests at sites of military importance such as RAF Greenham Common. Here, accounts of the strategies used to remove campaigners from the Peace Camp have exposed the wider range of coercive activities used by the establishment (Wittner, 2003, Fairham, 2006, and Dorill, 1984). The point of this analysis is to demonstrate how public order discourse

occurs in a multitude of different contexts - from the use of physical force to psychological forms of coercion. In the latter instance, the political alignment of the communist party with the CND and NUM depicts dissenting factions in society as deviants. But it also frames public protests as being part of a much larger problem - one of National Security. In challenging the storage of American nuclear weapons on British soil, peace activists were bringing Britain's arms agreement with NATO into disrepute. During attempts to scale the perimeter fence at RAF Greenham Common, campaigners also aimed to disrupt the activities of the site. These particular repertoires of protest were taken as a direct attack against the nation, and enabled Britain's Security Services to become involved in the public order campaign.

The penultimate chapter in the thesis (Chapter 4) uses the aforementioned Freedom of Information requests to examine how modern public order tactics are linked to Domestic and National Security affairs. Post-9/11 there has been a significant shift towards aligning what the British state has called 'criminal acts of direct action' with acts of mass-casualty terrorism (Evans, Lewis, and Taylor, *The Guardian*, 26 October 2009: 6). In terms of providing a genealogical analysis of statements from the public order archive, here the thesis delves into counter-terrorism policy and public order protocols used today by the police. In the first instance, Acts of Parliament such as the *Terrorism Act 2000* have redefined what was considered an act of terrorism under criminal law (HMSO, 2000). This now includes the use of violence to promote any religious, political, or ideological belief. Further evidence of contemporary public order discourse, examines the introduction of the *Civil Contingencies Act 2004*, under which a state of national emergency can now be

declared for outbreaks of extreme weather, industrial accidents, and to manage public protests (HMSO, 2004). Under the *Civil Contingencies Act* it has become an offence to interfere with the commercial operations of utilities providers, public transport networks, medical, food, and financial institutions. *Alongside the Terrorism Act 2000*, the *Civil Contingencies Act* is one of the most important pieces of legislation to have emerged post-9/11. In terms of supporting genealogical evidence for this thesis, part of the scope of these two acts has been to develop contingency planning programmes such as CONTEST, RESILIENCE, and PREVENT, all of which firmly align public protests with acts of terrorism. The repositioning of dissent within the UK's National Security framework signifies a shift in both public order thinking and the way in which protests are now managed by the state. Statements to support this particular argument have been found in numerous government publications on terrorism, in public order doctrine, and in civil contingency risk assessments, again all of which constitutes original empirical research. It is here that campaigners and terrorists are defined as extremists.

In Foucauldian terms, the use of descriptors such as extremism forms part of the way in which particular regimes of truth are mobilised by the state. In stark contrast to the former perspective held by the establishment (in which social movements posed an inconvenience or a nuisance to the public authorities), the shared terminology of 'multi-issue extremism', posits terrorists and activists as an equivalent threat under public order/National Security doctrine (Walby and Monaghan, 2012, and Harbisher, 2015). Post-9/11, the volume of criminal legislation designed to keep the public safe from harm has also legitimised a rise in the use of state surveillance against

campaigners. This now includes the use of communication interception orders, Covert Human Intelligence Sources, undercover infiltration units, the surveillance of social media platforms, the use of CCTV and ANPR cameras during protests, and more conventional forms of bureaucratic oversight used during the planning stages of demonstrations. Indeed all of these techniques are designed to gather as much information as possible of impending protests.

To provide evidence of the above, a number of Freedom of Information (FOI) requests were submitted to Britain's public authorities to determine precisely what measures were in place to maintain order at large demonstrations in the UK. These FOI requests focussed on three environmental campaigns at Drax Power Station in Selby (2006), Kingsnorth in Kent (2008), and Ratcliffe on Soar in Nottingham (2009), and to their corresponding police operations (Harmony, Oasis, and Median). Overall, the selection of these events was to determine which public order protocols were in use and how various repertoires of protest would be framed by the authorities. FOI requests were submitted to a wide range of participants including the police and Emergency Services, and to Local Government Authorities. As a brief guide to the content held in the Appendix, FOI requests regarding the above operations, has been categorised according to: 1) the initial requests themselves (Figs. 8.1 – 8.9), 2) acknowledgement of the requests for information (Figs. 9.1 – 9.5), 3) official responses to the requests (Figs. 10.1 – 10.9), and 4) a sample of the returned data (Figs 11.1 – 11.4).

Outline of Chapters

In terms of the organization of the thesis, the research has been divided into one opening chapter (Chapter 1), three subsequent chapters, and then the conclusion. The purpose of ‘Chapter 1 - Organization and Disorder’ is to introduce the main concepts and arguments that will be used in this thesis. This is followed by three subsequent chapters that in turn, examine: ‘Public Order and Right’ (Chapter 2), ‘Discipline and Dissent’ (Chapter 3), and ‘The Means of Coercion’ (Chapter 4).

Chapter 1 examines a number of critical perspectives on the relationship between organization and dissent, to inform subsequent chapters on how dissenting public discourse has been subjected to the bureaucratising influences of the state. The chapter will consider Hegel, Weber, and Foucault’s perspectives on political organization, in relation to what their particular ideas contribute to a thesis on dissent. The chapter will be used to examine the techniques and technologies of power that have historically been used to regulate, rationalise, and sustain dissent for the purposes of maintaining order.

The second chapter in this thesis considers the legislative context of dissent, and examines how the shifting boundaries of right continually shape and redefine public order discourse. The Hegelian concept of right (as articulated in Chapter 1) will be used during the early stages of this chapter to identify how the common right was used to represent individual concerns, yet at the same time was used to restrict the political activities of the population. The chapter contends that developing a historical account of sovereign right is essential to understanding how individual interest groups or scenarios are transformed into matters of national importance.

The later stages of the chapter examines a shift in public order discourse from the sovereign use of violence to disciplinary techniques used for keeping the peace. This can be considered one of Foucault's discursive transformations, in as much as the wider notion of right (as established in early public order discourse), gradually changed its *modus operandi* from maintaining the interests of the crown, to protecting the economy. The chapter begins with an analysis of the emergence of public order as a key political concept in Fourteenth Century Britain, and documents a shift over the following five centuries towards defending the manufacturing infrastructure instead. The chapter, therefore, observes the numerous regime changes, policies, and public order practices, through which this discursive transformation takes place.

The purpose of Chapter 3 is to problematize dissent in relation to Weber's work on bureaucracy and public administration. It will be argued that the state holds a monopoly over both the legitimate means of enacting violence and the formation of public policy; beyond which, non-state actors are deemed illegitimate in organizational terms. Weber is useful for setting up an argument in which dissenting public discourse falls into one of two particular categories. Here, it can either be repressed as a criminal offence or, by virtue of its depiction as a deviant activity, used to perpetuate social norms. In this particular milieu, planned demonstrations are only allowed to take place on the grounds that social movements adopt a designated approach in their campaigns, and adhere to a predetermined organizational structure. Chapter 3, therefore, argues that state-sanctioned modes of dissent are subjected to the

same administrative influences as other forms of bureaucracy, for they are regulated, monitored, and encouraged to develop in an orderly manner.

By way of providing evidence for this chapter, empirical research has been drawn from two historical eras in particular. Initially the chapter examines the establishment's attempts to subdue Britain's trade unions during the late nineteen-seventies. This argument will be articulated according to the way in which public order policy sought to rationalise the NUM in relation to its concerns over the privatisation of British National Industry. Equally, the chapter focuses on numerous attempts to police the peace movement in the 1980's, by elaborating on the various techniques used to defame the CND in public order discourse. Indeed this coercive procedure frames the later stages of the chapter, in which another discursive transformation can be identified.

The concluding part of Chapter 3 observes a legislative shift just prior to, and post-9/11, in which National Security discourse typified dissent in terms of the threat it posed to public safety. Here, the thesis documents the way in which three consecutive Governments identified threats to public order and criminalised them one after another in rapid succession. This process enables the thesis to examine various shifts, ruptures, continuities, and discontinuities in public order legislation - from disciplinary techniques, to the introduction of governmental apparatuses of security. Indeed the final part of the chapter documents the rise of risk aversion doctrine in public order discourse, as enacted through institutions such as the UK's Local Resilience Forums. The protection of the Critical National Infrastructure, therefore, replaces former considerations in public order discourse that were preoccupied with the state's monopoly of interests. It is at this point, that the maintenance of public order

becomes a concern for a multitude of different organisations, which previously had no interest in public demonstrations.

The fourth chapter in the thesis engages with Foucault's ideas on power and governmentality, in response to the means of coercion that are now being used in the UK to police demonstrations. Since 9/11, the operational context of the constabulary has radically changed, particularly with regards to the amalgamation of private and public sector institutions that are now used to control dissent. The chapter considers how specific regimes of power identify and then respond to threats perceived to the collateral or ideological basis for their legitimate rule, but it also examines the techniques and technologies that are now used to defame, subvert, and reshape dissenting public discourse for the purposes of National Security.

The chapter uses Foucault's ideas on power and knowledge to analyse the political regime that has emerged since 9/11 in the West, which now limits dissenting public discourse. Chapter 4 also considers the neo-liberal problematic of freedom, in which the state must be seen to facilitate public demonstrations, but makes every effort to control and regulate them. This can be seen in the Government's pledge to uphold peaceful demonstrations, while at the same time using undercover operatives such as Mark Kennedy to infiltrate and spy on legitimate social movements. In terms of situating the debate in the context of governmentality, the chapter argues that power is no longer exclusive to the state. Indeed the institutions that now constitute Britain's security apparatuses have their own vested interests to consider as well. This has led to a very deliberate blurring of lines between serious organized crime and legitimate acts of dissent.

In terms of providing a genealogical analysis of public order discourse (as opposed to the previous two chapter's archaeological considerations), Chapter 4 examines more contemporary methods for maintaining public order. In line with current risk aversion and Civil Contingencies doctrine, modern public order techniques aim to pre-empt costly police operations through the use of intelligence and surveillance. Some of the most recent order maintenance actions conducted by the British state, have witnessed a transformation in public order discourse in which psychological forms of coercion have emerged as a science in their own right. What this achieves at a discursive level, is to subvert dissenting public discourse, and to ensure that campaigns and actions the state does not condone are significantly reduced in terms of their impact. In this particular context, the use of descriptors such as domestic extremism are now used to denigrate social movements during public order actions, based entirely on the selection of causes or actions the state deems inappropriate.

The concluding chapter of this thesis will examine the numerous ways in which dissenting public discourse has been managed by the state. It will review a number of techniques that have historically been used to maintain order in the UK. The conclusion will contend that the predominant organizing practices to have been used throughout British history have been those of bureaucratisation. These public order discourses can be considered in terms of the monopolisation and use of violence by the state, legal restrictions and conditions placed on the conduct of social movements, through to psychological procedures of coercion. In fact all of the above encourages

campaigners to demonstrate in a particular manner, and for a number of predetermined causes.

Examples to support this argument will have been provided throughout the thesis, and will be summarised at this point. The conclusion for the thesis will present two different models of dissent. One of these will follow a conventional arrangement in as much as it will demonstrate the different ways in which dissent has already been bureaucratised by the establishment. The conclusion will also offer an alternative model of dissent, which (using the evidence accumulated by then), will consider the form dissent might take unless an alternative course of actions is taken. The conclusion also serves to review Foucault's hypothesis that modern society is comprised of a triangle of sovereignty discipline and government, in as much as certain protest actions precipitate a historically founded response from the state.

According to this particular notion, the threat of disorder elicits a sovereign response (of violence); the prospect of autonomous non-state organizations aiming to have an impact on public policy (results in their rational administration), and for contemporary threats to the Critical National infrastructure - including subversion and interference with vital public services (the psychological coercion and close observation of campaigners by the regime in question). In this particular manner, Pearlman's earlier notion that the state has historically been concerned with riots, sedition, and different combinations of worker's associations will be used to consider how at various points in British history, these issues have framed public order discourse and have been redefined or reinvented to suit the needs of the regime in power. Overall the conclusion will review the evidence presented thus far, to offer an

insight into what the key moments of change have been throughout British history regarding the bureaucratisation of dissent.

Chapter One – Organization and Disorder

Introduction

It can be argued that throughout history, Britain's campaigners have been subjected to an increasing field of police supervision and coercive intervention towards an end goal of absolute pacification and domestic control. The aim of this chapter is to contextualise public order discourse in relation to social and political theory. The overall claim is that dissent has either been bureaucratised or that it remains exposed to a number of rationalising influences through which unregulated forms of political action have become the focus for increasing arbitration by the state. As the Government compels activists to pursue more manageable forms of resistance, campaigners are now forced to observe a complex set of regulations or face social exclusion, criminal prosecution, or go to jail, thereby having their protest rights revoked in any case. In one respect, the above supposition has evolved from the British Government's most recent attempts to rationalise dissent by establishing a shared national discourse on protest and terrorism, though in another, the entirely regulated forms of dissent that have emerged, oblige activists to campaign within the confines of the law, rendering such groups more amenable to supervision, administrative control, and thus bureaucratic development.

Of course, when one evokes terms such as political oversight, public administration, laws and rights, and even coercion, what is really being defined are the means through which the general population are strategically managed. Accordingly this chapter will approach the question of dissent from the

perspective of political organization theory, in which the questionable ethics of the state formed a concern for theorists such as Hegel, Weber, and Foucault. The focus for this chapter will be to situate public order in the context of organization theory by analysing the way in which each of these three authors has conceived the notion of the state and its attempts to maintain order. Overall this chapter demonstrates how social and political theory can be used to determine the numerous apparatuses of administration used during each epoch. Indeed there are evident similarities to be found in Hegel, Weber, and Foucault's work, in as much as their observations on bureaucratic forms of administration (and thus power) are indicative of historical techniques that are still used to maintain public order today. This latter perspective outlines the trajectory for this initial chapter in accordance with Michel Foucault's conceptualisation of power, in which:

We must consequently see things not in terms of the substitution for a society of sovereignty by a disciplinary society and the subsequent replacement of a disciplinary society by a governmental one; in reality we have a triangle: sovereignty-discipline-government, which has as its primary target the population and its essential mechanism apparatuses of security. (2007b: 107-8)

With regards to the techniques and technologies particular to the system of public administration found in Britain today (especially in terms of depicting protests as acts of terrorism, and the widespread use of public surveillance), it can be argued that the means for controlling dissent exceeds the limits of Hegel and Weber's work and instead can be framed more adequately in Foucauldian terms. Foucault, however, could not have developed his analytical framework of governmentality without tracing its origins back to sovereign forms of rule and thus the delineation of right that transpired. Consequently, Weber's theory

of bureaucracy and state supervision was a consideration that Foucault acknowledged in his account of the disciplinary society (1980: 105-8). Hence, as a means to justify the critical approach used within this chapter and to later examine dissent as it may be situated within Foucault's re-conceptualisation of power (2007b: 107-8), the two former perspectives must be explored first.

Hegel – On Sovereignty, Right, and the State

In *Outlines of the Philosophy of Right* (2008), Hegel considered three notable aspects of social life to be evocative of the various means through which human freedom could be achieved. He suggested that if true emancipation was to be realised, common interests must be identified, articulated as publicly recognisable rights, and enforced by law to ensure that communities worked toward such objectives together. Principally, the *Philosophy of Right* was broken into three parts which were the abstract, moral, and ethical aspects of life through which liberation could take place, and was largely articulated through an examination of social institutions including the family and state. From these basic forms of right, he developed a position on family life, moral responsibilities, social justice, economic activity, political organization, and of course the state.

During the third part of the text in particular Hegel outlined his theory of 'The State' (2008: 228-323). Here, he explored the structure and nature of government as a series of codes, ethics, and institutions that were indicative of a society's assured freedoms through the way in which it was managed. Hegel's rendition of the sovereign state was comprised of three notable institutions: the legislative power, the executive power, and the seat of absolute authority

represented by the crown.⁵ It was through these institutions that laws were made and judgements could be passed, for the three factions epitomised the subjective totality of the state (the crown), the power to pass laws (government), and the power to enforce civil legislation (the executive). These three institutions came to embody the common interests of all members of society, either by way of promoting their universal welfare, or articulated as individual rights.

The state as a political entity is thus divided into three substantial elements:

(a) the power to determine and establish the universal - the *legislative power*;

(b) the subsumption of individual cases and the spheres of particularity under the universal - the *executive power*;

(c) subjectivity, as the will with the power of ultimate decision - the *crown* [or princely power]. In the crown, the powers are bound into an individual unity which is thus at once the apex and the beginning of the whole, i.e. of a *constitutional monarchy*. (*Ibid*: 259)

The notion of a universal interest therefore became representative of the contractual bond between the state and its subjects and pertained to the assured rights of all members of society (*Ibid*: 218). Laws were passed by the legislative power/constitutional government, even though the reigning monarch was responsible for the overall well-being of his/her subjects as the embodiment of unconditional sovereign rule. The executive power was considered to be the administrative branch of the state charged with maintaining law and order, and this is where Hegel's *Philosophy of Right* becomes of value to in terms of the bureaucratisation of dissent.

⁵ These tripartite structures became the estates of modern society, and were similarly conceptualized by Max Weber as the traditional, rational, and charismatic modes of legitimate domination, which he claimed could be used to define almost any form of government either as a single ideal-type, or as an amalgamation of two or more authoritative bodies (see *Economy and Society*, 2002: 215).

The capacity of the state to intervene in the lives and activities of the general population rests with the executive and legislative estates, through which both political and violent forms of coercion are legitimised and enacted. Here, the administration of subjects (by way of regulation and control, and thus rational organization) was founded on the principles of common and individual rights, under which the executive power formed two agencies to oversee the management of the universal and the particular interest. These are cited in the *Philosophy of Right* as being the public authorities and the corporations. In short, the public authority was tasked with protecting the needs of the population as a series of universal rights. For example each and every subject has a number of predetermined rights, though these might in fact be applicable to all members of that society. Such rights can include constitutional protection against reputational or physical harm (both internally and from abroad), or the right to be remunerated for employment. In the context of the corporations, individual cases might also be considered by way of the right to conduct trade and commerce without fear of theft or disruption, for the corporations governed the domain of the particular interest. The corporations, therefore, represented industry, business, and to a lesser extent even agriculture, as a very precise field of operations extended to the notable associations of guilds and manufacturers that emerged during the formative stages of industrial capitalism.

The executive agencies of the state became the administrative medium through which effective communication between the numerous parties could be enacted - serving as a 'bridge between the state and the civil society' as both Nicos P. Mouzelis (2007: 8) and Hegel (2008: 217) would argue. According to

Hegel, 'if the state is represented as a unity of different persons, as a unity which is only a community, then what is really meant is only civil society', even though the embodiment of the 'Idea' – the conceptualisation of the state – takes the form of a representational figurehead, governing body, or a set of rules (*Ibid*: 181). In the context of a unity of persons, Hegel claimed that civil society was comprised of three moments, the first satisfying a system of needs, the second protecting private property, and the third offering a form of regulation and protection for its patrons (*Ibid*: 186). These three moments are outlined below in terms of Hegel's conceptualisation of right, as being:

- (A) The mediation of need and the satisfaction of the individual through his work and through the work and satisfaction of the needs of all others - the *system of needs*.
- (B) The actuality of the universal of freedom therein contained - the protection of property through the *administration of justice*.
- (C) Provision against contingencies still lurking in systems (A) and (B), and care for the particular interest as a common interest by means of the *police* and the *corporation*. (*Ibid*)

In order to fully comprehend the function of right as it is situated in Hegel's theory of the state, it becomes necessary to define the role of the above authorities with regards to the threat of public disorder or to the specific types of disruption that could be fostered by either the individual, or by communities of economic worth/notoriety. As such, the state was responsible for upholding the right extended to all individuals to facilitate basic needs such as food, clothing, and accommodation, and for the subsequent protection of such possessions by law. Comparatively speaking, while the individual had a right that focused explicitly on the necessary gain and preservation of such basic provisions, this was articulated as a common right, in which conflicting individual interest arising from said needs were expressed by the civil society

and mediated by the authorities. What this equates to is the capacity for the police and the corporations (as specific instruments of the state), to regulate the particular interest as a means to protect the common right. In terms of the administrative management of dissenting public discourse, the common right can be cited to control and limit the contingencies that may arise from personal need or the safety of private property. In this respect, unsolicited opinion deemed harmful to the wider public interest, or threats made to private property were considered unlawful. It is now possible to consider Hegel's position on public administration and right, as it relates to these two distinct institutions.

In the first instance, Hegel identified the police as being a particular public authority, whereas the corporations voiced the more individualistic interests of private industry. It is relatively easy to comprehend how the police and corporations can be thought of as distinct and separate entities - the former protecting private property, the latter maintaining the satisfaction of the individual throughout his/her work (even though in more contemporary times the delineation between said authorities has become increasingly blurred). In a broader context, Hegel referred to the police as being part of a wider network of public authorities, including those responsible for the maintenance of amenities such as street lighting, construction, and water (*Ibid*: 217-8). In this particular context, the police were accountable for preventing any damage to persons and property that might arise from the contingency of individual interest/ criminal greed with regards to the immediate administration of justice. The corporations are comparatively defined by Hegel as being largely responsible for the welfare of trade and industry. They are sometimes depicted

as guilds, professions, or by way of notable members of provincial communities, who represent a powerful set of collective interests, precipitating the need for their direct management by the state. The corporations were otherwise permitted to conduct their own affairs (within reason) and always ‘under the surveillance of the public authority’ to prevent their collective individual interests from violating the common right (*Ibid*: 224).

The Executive Power, Public Administration, and Dissent

Having established some preliminary grounds for how the Prussian state was theoretically organized in *The Philosophy of Right*, it is useful to consider how the executive power responded to the threat of uprisings during this epoch.⁶ According to Hegel, the machinations of the state lay beyond the ability of the general public to comprehend or facilitate for themselves, and the authorities represented a necessary means both for political organization and for the protection of everyone’s rights. Indeed this level of control was deemed ‘necessary to diminish the danger of upheavals arising from clashing interests and to abbreviate the period in which their tension might be eased through the working of a necessity of which they themselves know nothing’ (*Ibid*: 217). So while the corporations became responsible for mediating between the vested interests of certain factions of society wishing to pursue commercial endeavours (and the state), the corporations remained subordinate to the public authority whenever the system of individual needs called for the swift administration of justice. Yet, the clashing interests cited by Hegel also relates

⁶ During the time in which Hegel was writing, the Prussian state was marred by extensive civil unrest that was being caused by the wider impact of the French Revolution, the enlightenment, and various attempts to restore sovereignty to the Crown. As with Weber’s and Foucault’s later work, for Hegel, there is a distinct background of civil unrest behind his attempts to provide philosophical solutions to very real social problems.

to domestic unrest from within civil society itself – given that civil society was interpreted as being the population at large. In that respect, the social obligations of the individual must also be considered in terms of their relative position and responsibilities to the state under Hegel's schema.

Hegel approached the idea of this bond between state and its subjects by way of the organization of its patrons into a collective society. In terms of social obligation, he noted that the family of the modern state does little other than prepare its progeny with the necessary faculties to function as a member of civil society and be productive in their need for work. After this indoctrination, the subject enters into an agreement proper with the state, for 'civil society tears the individual from his family ties, estranges the members of the family from one another, and recognises them as self-subsistent persons' (*Ibid*: 281). Furthermore this contract into which the individual enters is reciprocal. At the same time as individuals are estranged from the family estate, they enter into a covenant within which there are certain rules governing their membership, though their rights are assured thereafter. As such, 'civil society must protect its members and defend their rights, while its rights impose duties on every one of its members' (*Ibid*).⁷ Therefore, the family came to depict the first great estate of modern society followed by the corporations, both of which were considered fundamental components of civil society.

For the second of Hegel's estates, the corporations,) there are a number of important points to consider (*Ibid*: 293-4). First, the business estate lies between the family and the executive power in Hegel's thesis. While the

⁷ Hobbes makes a similar claim regarding the sovereign right, in so far as a common wealth was established as a covenant in which the state offered protection to its subjects, though he also argues this was at the cost of all other rights (1929: 102). For Hobbes, the scope of this agreement was one in which natural law was surrendered to the state, but from which the state gained absolute power.

corporations take on many of the attributes of the family in terms of nurturing their members towards specific vocations (as opposed to pursuing piecemeal labour), they also remained responsible for the broader context in which their members socially developed. Second, as there are a number of vocations, for 'work in civil society is divided', those working in similar fields of employment formed 'associations' (*Ibid*: 224). Although these associations (corporations) look after the interests of their own members within a given sphere of productivity, they are vested with sufficient power to appoint new employees and have a relative degree of autonomy. Nonetheless, they remain under the direct influence of the public authority as a specific measure designed to mitigate contingencies lurking between the rights of need and property, or to put it another way, to oversee the accumulation of goods and wealth. Third, in terms of the administration of such processes, both the public authority and the corporations were managed by the executive power ultimately for their capacity to educate members of society towards an appropriate code of conduct, but also for their ability to perpetuate rational administration. In this respect, Hegel's perspective on right is one of normative rationalisation in as much as this agreed social conduct was perceived as being generally beneficial for all members of the Prussian state, and was promoted thus.

The meticulous attention to detail that Hegel pays to the executive is significant in a number of ways. Most notably the executive power is charged with the role of maintaining public order through the authorities it directs, but it remains seen as a powerful enterprise that exists beyond the family or the corporations. In such a context, Hegel goes to great lengths to determine the exact nature of the executive and the conditions under which those in its

employment operate. It is at this point that certain individuals came to serve as direct instruments of the state, to take on a variety of administrative duties. As full-time, occupationally-orientated individuals who serve the interests of the state, the 'civil servants' of the executive power aimed to mitigate between the family, the corporations, and the government (*Ibid*: 193).⁸ The executive power was foremost populated by such officials who were predominantly workers for the industry of the state. Civil servants were not supported by profits being turned from the sale of goods, and to ensure their impartiality, would be 'freed' from all other forms of 'direct labour' (*Ibid*: 195). Institutions employing civil servants were either independently financed or their staff directly remunerated by the state. In terms of their alleged objectivity, civil servants were employed for their ability to achieve designated tasks and were appointed through 'knowledge and proof of ability', and not by birth right alone (*Ibid*: 280). Candidates for the administrative offices were recruited from the middle classes as they would possess an education more conducive to the nature of the role, hence a more adept knowledge of the affairs of state. It was regarded by Hegel that the post of civil servant was to be absolute to prevent unsolicited interests from being pursued. The occupation was therefore to be their sole employment, and civil servants should be removed 'from other kinds of subjective dependence and influence' (*Ibid*: 281).

Overall, civil servants functioned within the strict confines of rules that had been determined for each post, and possessed limited agency (if any) to operate beyond the contexts in which they worked. In this respect, Hegel contended that 'their office... [was] a right exempt from contingency', which

⁸ Indeed this is also a consideration noted in Weber's account of bureaucratic administration (1968).

was only prevalent in the higher echelons of state (*Ibid*). The posts were hierarchically ordered in that civil servants were supervised to ensure they could not use their position for personal gain. Indeed the risk posed by an educated and affluent middle class was all too evident to the Prussian establishment, which at the time was concerned with restoring sovereignty to the crown. In terms of providing security against rebellion from within civil society itself, members of the middle class were subsumed into the state and given limited knowledge of national affairs beyond their designated roles. Yet, while civil servants were managed by executive oversight, they were also monitored by the corporations (from below), to ensure that individual rights were represented with equal vigour. Indeed as a preventative measure, the limited agency with which the middle class was endowed satisfied both their need for political ascension and offered a contingency against uprisings from within their ranks:

Civil servants and the members of the executive constitute the greater part of the middle class [Mittelstand], in which the consciousness of right and the developed intelligence of the mass of the people is found. Sovereignty working on the middle class from above, and rights of corporations working on it from below, are the institutions which effectually prevent it from acquiring the isolated position of an aristocracy and using its education and skill as means to arbitrary domination. (*Ibid*: 283).

It therefore becomes apparent within Hegel's account of the executive that one strategy for reducing the opportunity to rebel was to appoint the would-be agitators to posts within the civil service and have them administer civil society and the corporations. Yet, a second important point to note regarding the preservation of an established social order was to structure society in such a way that beyond the estates, few people would possess the technical

knowledge or expertise with which to govern. Here the Hegelian notion that 'work in civil society is divided' fundamentally equates to the practice of excluding the population from the political process (*Ibid*: 224) in as much as the 'division of labour' is a matter of calculated social stratification (*Ibid*: 191).⁹

According to Hegel then, the division of the social body from an executive remained paramount to the successful administration of society, and in particular, to the preservation of sovereign power. It is on this point that Hegel and Weber would appear to agree, though there are further comparisons to be made. As with many figures in organization theory (Hegelian contemporaries and economic theorists alike) the separation of those governed from the administrative process, and the formation of an allegedly impartial body of employees to maintain this political schism, can otherwise be defined in terms of state bureaucracy – even if Hegel himself neglects to use the term (*Ibid*: 281). Comparatively, for those in office 'the business of government... [was] divided into abstract branches managed by special bodies' none of which were provided the full extent of executive oversight (*Ibid*: 279). Beyond operating as an instrument of arbitration, civil servants were charged with maintaining the position of the sovereign body and thus sustaining the *status quo*. Of course, Hegel was all too aware of this tendency within an otherwise intermediary institution, and noted that:

Their function requires them to possess a sense for and disposition toward the state and government, as well as the interests of particular circles and of individuals. At the same time the significance of their position is that, in common with the organized executive, they are a

⁹ This was a concern shared by Marx, in which 'social labour' assumed the form of 'abstract universal labour' (1999: 4). It was therefore "labour" for the benefit of all, even though its principal aim was to establish and sustain social divisions.

middle term preventing both the extreme isolation of the power of the crown, which otherwise might seem a mere arbitrary tyranny, and also the isolation of the particular interests of communities, corporations and individuals (*Ibid*: 289-90).

Of course Hegel was far from naive in assuming that the state was a perfectly balanced rational machine removed from the prejudice of its own gain or position. If the whole point of the text was to determine a set of rights appropriate to all subjects through which activity humans could flourish, there is little wonder that Hegel paid so much attention to the vanguard of this commission – a “civil service”. Somewhat ironically, he notes that while civil servants possess a particular 'sense for and disposition toward the state', this precise function is hardly evocative of impartiality (*Ibid*).

In his final notes on the executive power Hegel posits that the estates served to restrict the growth of 'unorganized opinion', thus to remove any threats to the 'organized state' (*Ibid*). As such, the estates ‘prevent individuals from having the appearance of a mass or an aggregate’ and ‘from crystallizing into a powerful bloc’ (*Ibid*: 289-90). Nevertheless there are a number of other important processes befitting Weber’s later conceptualisation of state bureaucracy which are equally important to Hegel. Here, for example, Hegel outlines his position on the civil servants who populate the particular offices of state. They possess a certain ‘disposition toward the state’ and a specific occupational knowledge of rules and regulations that are often indecipherable to everyone else (*Ibid*: 289-90). In terms of Weber’s later work on bureaucracy (1968), administrative officials also work with limited autonomy under executive oversight. In further relation to Weber, the key point within Hegel’s

text is that rational administration is the medium through which society is both managed and at the same time conquered. In this respect Hegel argues that:

At one time the administration of justice, which is concerned with the proper interests of all members of the state, was in this way turned into an instrument of profit and domination, when the knowledge of the law was buried in scholarship and a foreign tongue, and knowledge of legal processes was similarly buried in involved formalities. (2008: 284)

This latter prospect suitably frames Hegel's perspectives on both the state and rational administration as a means for domination in direct comparison to Weber's later conceptualisation of bureaucracy. The notion of bureaucratic administration, i.e., through regulations, rules and right, clarifies Hegel's position on the state as a combination of individual and collective voices, yet it also situates sovereign right as the means for their domination – irrespective of his own emancipatory beliefs.

Quite how the notion of rational administration/ right can be used to highlight Hegel's position on bureaucratic domination is rather simple. Firstly the 'estates have the function of bringing the universal interest into existence not only in itself [an sich], but also for itself [für sich]' (*Ibid*:287). As such, the universal and common interests are both determined according to the will of the state, and invariably to serve its own ends. Within the rigid systems of needs propagated by the estates, the administration of justice as rules and regulations, are used to bind subjects to the state. However, the allure of right or emancipation is the means through which the state ultimately subdues dissent. To reiterate an earlier perspective cited by Shaw (1992; 381), this is the point at which right becomes a normative venture in as much as individual interest is both appropriated and politicised by the state. Indeed those who

subscribe to the universality of interests and right offered by the state do so at the loss of their own objective freedom. It is in this capacity that the state exists purely to serve its own ends. The uniformity of freedom becomes its subscriber's sole interest, proposed by the rationality of objective freedom.¹⁰ It is the on-going production of this normative rationality through which bureaucrats perpetuate the enterprise of the state, and through which organization is both legitimised and conducted.

From Hegel, to Marx and Weber

While it has been noted (via Shaw, 1992) that there are abundant similarities (if not, differences) to be found between the works of Hegel and Weber, it is important to mention one Hegelian contemporary in particular, Marx. While Marx paid significant attention to the estrangement of individuals within capitalist systems of social and economic production, he paid less attention to the bureaucratic systems of administration that supported them, or to the rational means through which capitalist endeavours maintained their legitimate hold over the population. For Marx, bureaucracy was merely an instrument employed for the systematic domination of one social class over another. Unlike Hegel, Marx was under no illusion that the notion of right, or indeed bureaucracy itself, either could, or was being used for emancipatory purposes. Nor did Marx agree with Hegel's teleological perspective on history within which Hegel set out his philosophy of right, though of course that depends on one's reading of Marx. However, Marx's break with the German tradition (and reconceptualization of the 'legalist notion of bureaucracy'), does go some way

¹⁰ This subordination-through-freedom is also a trait of neoliberalism, which will be explored during Chapter 4. Hobbes, makes a similar argument in relation to sovereign right, but this is one in which all rights are surrendered to the state.

toward highlighting the issues that Hegel personally faced, regarding the state's abuse of power at the time, and the suspicion that he was under for being an alleged political agitator (Mouzelis, 2007: 8).

According to Nicos P. Mouzelis, Marx refuted the position offered by Hegel that the state served a universal interest, and claimed instead that the notion of a universal right supported the aspirations of a dominant social class (*Ibid*). In stark contrast to Hegel, Marx considered that the bridge between civil society and the state (the executive), propagated a 'false image of bureaucracy', through which elite members of society maintained their position of control (*Ibid*). For Hegel, bureaucracy comparatively took 'it's meaning from the opposition between the particular interests of the corporations and the common interest of the state' (*Ibid*). For Marx, this was not the case, and bureaucracy was an instrument used in maintaining the social division between classes.. Yet, while Hegel's oeuvre can be considered liberatory in its philosophical proposition, there is also a bleak warning contained therein, and during the preceding stages of this chapter it has already been noted that Hegel was deeply suspicious of the social stratification that bureaucratic rationalisation entailed. This was particularly the case in relation to the 'extreme isolation of the crown' and its tendencies towards tyranny, but comparatively to the potential for the executive to assume the 'arbitrary domination of an aristocracy' (2008: 283, and 289-90). In relation Marx's later work, the division of labour was a deliberate ploy used to maintain social order and prohibit public dissent.

Respectively, the notion of rationalisation becomes especially useful when linking both Hegel to Marx, and thereafter Marx to Weber, for all three

agreed on the tripartite structure of the state, and all cite rational domination as the means through which state violence can be used legitimately to maintain public order.¹¹ It is also the case that Hegel, Marx, and Weber, share a number of concerns with regards to how right is situated - supposedly as a means for ensuring social, economic and political equality, though evidently it ultimately fails to serve this purpose. As such, in *Economy and Society* (1968: 215), Weber approached the issue of right from the perspective of a critique of a dominant social order, in the form of rational, charismatic, or traditional forms of leadership; and while this remains evocative of the legislative, executive, and subjective configuration of the state cited by Hegel, for Weber this transpires in a far less idealistic sense. Similarly then, Weber situates his theory of social action within a comparative context to Marx, in the form of the systematic domination of one social group by another. The key difference here is that for Marx, it was the domination of one social class by another, whose motive was linked to wealth and the ownership of the means of production, whereas for Weber, it was the domination of society as a whole that was at stake, through the means of rational bureaucratic administration.

The work of Max Weber remains essential to this thesis, for one fact alone: that the body of work undertaken in *Economy and Society* (1968) represents the definitive account of modern bureaucracies to date - to which all scholastic endeavours sooner or later pay homage. Indeed the prospect that Weber (as with Hegel no less), appears to be undergoing a critical revival in organizational terms, speaks volumes about the validity of his work and its enduring appeal. This can be seen especially in relation to O'Neil (1986),

¹¹ Notwithstanding Marx's perspectives on alienation, historical materialism, or class antagonism.

Mommsen (1989), Mouzelis (2008), Sager and Rosser (2009), and Deflem (2010), all of whom use Weber as the basis for their texts in some form or another. With the exception of Mommsen (1989), the former authors have combined the works of Hegel and Weber, Weber and Foucault, to demonstrate the links therein. It is possible therefore, to triangulate the seemingly disparate theories of the state as offered by the above, in order to define the critical scope for this thesis and work towards a final outcome of contextualising the bureaucratisation of dissent.

In this respect, the predominant themes to be investigated in Weber's work are as follows: beyond the key notions of bureaucratic organization and the legitimacy of domination by the state, Weber develops Hegel's earlier notions of right with regards to 'subjective guarantees' and the notion of the 'legitimate order' (1968: 33). He furthermore builds on Hegel's conceptualisation of the universal/common interest in relation to 'conventional norms', 'rational-legal' orders, and to the respective types of coercion that may be enacted towards maintaining such regulatory values in society (*Ibid*: 217-8). Weberian contemporary Wolfgang Mommsen (1989: 22-30) has been equally instrumental in highlighting the way in which Weber situates dissent within democratic modes of administration, and it is here that dissenting public discourse enters into the aforementioned binary (highlighted during the introduction for the thesis) in which campaigners are at risk of becoming piecemeal advocates of the state as part of a political process, or are subjected to rational forms of administrative management. In precisely this context, John O'Neil has identified exactly the same Weberian problematic, and suggests that:

Bureaucracies seek to manufacture public docility and in this way have citizens support the state which in turn supports them with a modicum of legal force exercised against their occasional disobedience. (O'Neil, 1986: 57-8)

It is conceivable then, that some forms of public dissent are deemed legitimate, whereas others are not. What the wider implication of the above indicates is that in societies which are dominated by democratic and rational modes of administration, a certain degree of docile participation is required to enable them to function correctly. This can be found in terms of civil rights groups facilitating public policy (i.e. by utilising the legal system as a means for dissent for example), or by direct action protests legitimising state violence and coercive intervention (thus situating public dissent as crimes against society). Notwithstanding these considerations, the purpose for this part of the chapter is to outline Weber's particular theory of political organization and bureaucracy in comparison to Hegel's earlier conceptualisation of right and the state.

Weber - On Legitimate Domination, Bureaucracy, and the State

For Weber, there are three types of legitimate authority, though which domination can be exercised over a given social body. Indeed Weber traces their origins as far back as antiquity to make his point, even though in the particular context of *Economy and Society* they remain theoretical constructs. Nonetheless, Weber's pure types of authority can be defined as follows; charismatic leadership, rational laws, and through deeply rooted traditions (*Ibid*: 215). In terms of charismatic leadership, authority is derived from the supreme orders of an exalted figure such as a reigning Monarch, President, or Prime Minister. Often their power is representative of the word of god (in the

case of a traditional monarchy), or in terms of political dignitaries, based upon 'normative patterns or order revealed or ordained' by them (*Ibid*). In the case of traditional authority, Weber draws reference to the perpetuation of immemorial rules that have been passed down for generations, thereby substantiating their legitimacy because subjects are familiar with no other form of governance. In terms of rational/legal rule, authority can be derived from the legitimacy of those both proclaiming and implementing such laws. According to Weber, the 'validity of the claims to legitimacy' can be imposed through:

- I. Rational grounds - resting on a belief in the legality of enacted 'rules and the right of those elevated to authority under such rules to issue commands (legal authority).
2. Traditional grounds - resting on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them (traditional authority); or finally,
3. Charismatic grounds - resting on devotion to the exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority). (*Ibid*)

In contrast to the above, Weber's ideal typical model of public administration differs considerably in the text from these pure types of authority (*Ibid*: 21). Here, Weber develops a typology in which the pure types of authority are taken to their absolute extreme, as the most conceivable forms of administration required to produce the best possible results. Yet, while one typology offers an account of that which could conceivably have existed (the second being a speculative venture), both remain theoretical concepts throughout Weber's work.

In a broader context, bureaucracy is perceived in *Economy and Society* as being a system administration which governs all forms of political action and social conduct. Nation-states that harbour bureaucratic tendencies retain

control and manage social cohesion, primarily through administrative means which can be based on laws, customs, or through a belief in unconditional authority. As such, these three principle modes of administration constitute Weber's 'pure' and 'ideal-types of legitimate domination (*Ibid*: 215). The pure types of authority were identified by Weber as a critical frame through which to isolate and then examine specific forms of government that had conceivably existed throughout history; though in practical terms these singular types of authority rarely occurred as the basis for rule by the dominant group in question, and are often found in a variety of configurations. Indeed this is the case for democratic bureaucracies, which according to Weber possessed both characteristics of rational and charismatic rule (*Ibid*: 263). The notion of an ideal type was used by Weber for the purposes of comparison, essentially as a methodology through which to determine the 'the dynamics and alternative courses of the phenomena involved' (Roth, *Ibid*: XXXVIII-XXXIX). Weber's ideal typical model was a means for establishing '(1) the differences between modern and older conditions, and (2) the causes of the differences' (*Ibid*). The model was furthermore used to consider how specific typological phenomena might evolve to attain their most desirable capabilities – an idiom shared with Weber's theory of bureaucracy in that its ultimate purpose was towards absolute optimisation.

In *Economy and Society* the notion of bureaucracy was positioned within Weber's theory of 'social action', as being any administrative system or institution which ascribes to a specific model of recruitment, regulation, and intent (*Ibid*: 997). Weber used the term to define any agency which employs a specifically trained or educated body of staff, whose sole occupational interest

is in the job at hand. These organizations are hierarchically structured and principally deal with social, economic, or political matters through the medium of rules and regulations to which their participants adhere. According to Weber:

Bureaucracy is the means of transforming social action into rationally organized action. Therefore, as an instrument of rationally organizing authority relations, bureaucracy was and is a power instrument of the first order for one who controls the bureaucratic apparatus. Under otherwise equal conditions, rationally organized and directed action (*Gesellschaftshandeln*) is superior to every kind of collective behaviour (*Massenhandeln*) and also social action (*Gemeinschaftshandeln*) opposing it. Where administration has been completely bureaucratized, the resulting system of domination is practically indestructible. (*Ibid*)

In terms of political organization, Weber's work therefore explored the qualitative attributes of social action through the means of offering an interpretive sociology of bureaucracy. As such, the theory of social action was linked to Weber's notion of domination – as exercised by one individual over another, or enacted over the collective social body as part of a wider system of politics (*Ibid*: 1375). Weber defined all forms of social action as being those in which conscious social actors interact with other individuals or groups with an explicit view to attaining a calculable response to their activities. All such activities, he proposed, were based upon a series of established rational norms, through which social actors predict a margin of success in relation to their activities. Weber therefore used the concept of social action to describe the outcome of human relations based upon predetermined regulative values, thus to become rationally organized forms of conduct. In this way, Weber's work represents an 'instrumental' account of rational administration, unlike Hegel's 'normative' position on right (see Shaw, 1992: 381). Here, Weber's

penultimate thesis considers the way in which social actors are organized and thus dominated by a given system of politics, for the explicit furtherance of their own subjugation. Hegel comparatively depicts the notion or right, from the perspective of his wider belief in emancipatory politics, and not for the purposes of rational domination *per se*. This latter consideration notwithstanding, the ultimate goal of rational administration (i.e., whether it equates to domination or not), is for both authors a question of normalising social practices and political values - against which all forms of resistance ultimately fail.¹²

The Weberian notion of domination through the means of rational administration is paramount to understanding how bureaucratic organizations manage dissent. For Weber, opposition to bureaucratic rule may be enacted only through bureaucratic means, and equally through the mode to which those dominated subscribe; i.e., through legal channels should the ruling party be of a rational-legal type, or from social pressure should any act of dissent run contrary to the widely held traditional beliefs of the society in question. In this light, should an action committed by an individual or social group be considered counterproductive to maintaining the stability of a ruled society (or be perceived as being unpopular amongst its members), the acting authority will intervene to sustain its position of dominance. Without such safeguards for retaining popular consent, a ruling authority might otherwise be considered illegitimate. One should expect it to be the case then that for a nation-state faced with civil unrest, or be threatened by illegitimate acts of violence, that the predictable course of action would be to respond in kind, through the most

¹² For Hegel it is the cunning of reason that will perpetually counter resistance, for Weber, it is the technical instrumental rationality of bureaucracy itself which defies opposition to organized rule.

relevant legal, ideological, or political channels permissible. In domestic terms, Weber addresses this proposition through his conceptualisation of the different ‘types of legitimate order’ which may be issued by the state or its administrative apparatuses, or rather, through ‘conventions’ and ‘laws’ that form the bedrock for consensual domination in modern society (1968: 33). As such, the notion of the legitimate order relates to how social actors are controlled, and in part to how dissenting public discourse is managed.

The legitimacy of an order stems either from ‘subjective guarantee’ or can be guaranteed by virtue of specific ‘interest situations’ (*Ibid*: 33-4). Hence, for Weber there are two types of legitimate order. Subjective guarantees are ‘affectual’, ‘value-rational’, or religious in nature (*Ibid*). They relate to the emotional, moral, or ethical grounds upon which an order may be perceived as being legitimate. Subjective guarantees equate to an absolute belief in the validity of an order (as issued by a higher power taking the form of an executive figure, or from an organization of greater social standing), or to the subject’s perceived salvation through obedience to a religious decree. The legitimacy of an order may also be guaranteed by specific interest situations such as those governed by conventions or laws. In this respect, those defying convention will be considered deviants and subjected to social pressures, or with regards to breaking the law, be compelled to obey ‘by the probability that physical or psychological coercion will be applied by a staff of people in order to bring about compliance’ (*Ibid*). What this in fact equates to is the way in which social and rational factors guarantee conformity, and in this capacity the legitimacy of an order runs parallel to Hegel’s account of the abstract, moral, and ethical aspects of right (2008). Nevertheless, for what Weber would

consider an act of dissent, subjective guarantees and particular interest scenarios legitimise psychological or physical interventions by the state. In this context, the third chapter of this thesis will aim to posit such an argument in terms of the legitimacy and regulation of public protests during the late Twentieth Century. As such, demonstrations and marches which hold the capacity to offend or marginalise other social groups are managed by way of subjective guarantees, for they are immoral, unethical, or emotionally disruptive. Direct action protests that intend to sabotage or impede the activities of municipal or private institutions, are subjected to legitimate orders to desist in relation to specific interest situations which govern trade, industry, and commerce. What remains to be seen in Weber's work is which apparatuses of the state conduct physical or psychological forms of coercion, and to serve which interests.

The Monopoly of Violence, Coercion, and Dissent

Although the Weberian concept of the legitimate order has already been discussed as a means for preserving power, the use of an 'apparatus' of coercion (such as the police) may also be used to aid in the further subjugation of society (*Ibid*: 952). In *Economy and Society*, coercion occurs in equal measure under both monopolistic and authoritative modes of domination. Here, it can be enacted through the means of legitimate orders made by those in positions of power, and via the state's central administration of legislation and infrastructure. The notion of monopolistic market forces might for example see the ruling faction exact fiscal limitations over a population through its manipulation of a national economy, but it can also relate to the

ownership and regulation of essential domestic utilities such as food, housing, public transportation, and water. Monopolisation can also be thought of in rational/legal terms, through which the ruling party can potentially add or amend laws to sustain their dominant position - but only within the agreed boundaries of their political activity. However, when seen as the enforcement of explicit legal orders, coercion can be considered as being the administrative suppression of dissent – predominantly through the bureaucratic regulation of undesirable activities, yet equally through violent means wherever necessary (*Ibid*: 937). Weber defines the police as being the definitive apparatus of disciplinary coercion, designed to maintain social order and impose the values of the ruling group. Indeed it does so in two ways, 1) by normalising appropriate social conduct by perpetuating a belief in both its own position of authority, and thus in authority in general, and 2), through the use of direct force, to which it alone has the sole right. Dissent can therefore be considered as being the object of this coercion in terms of the maintenance of social norms, through which specific interests or subjective guarantees are vehemently enforced.

To reiterate Weber's position on the 'basic functions of the state', the modern concept of policing entails 'the protection of personal safety and [the maintenance of] public order' (*Ibid*: 905). In the context of an apparatus designed specifically to preserve the peace, Weber argues that the police personify a particular group with a vested interest in sustaining the legitimacy of the state. They operate by 'holding themselves continuously ready for their exercise' as a 'circle' of obedient people intent on maintaining both their own domination, and the domination of others (*Ibid*: 952). Weberian contemporary

Mathieu Deflem has also written extensively on the subject of the police as being an exclusive apparatus of coercion, and of the bureaucratising influence of their activities. Here, Deflem (in Wakefield and Fleming, 2009: 14), claims that the police are predetermined to evolve along bureaucratic lines in direct relation to their role to 'bring about compliance', as noted by Weber (1968: 33-4). In this respect, not only do the police concur with the policy of the state, but they promote adherence to state doctrine as well. John O'Neil (1986: 57-8) seconds this concern by suggesting that 'bureaucracies seek to manufacture public docility and in this way have citizens support the state'. So not merely is it the case that this apparatus of coercion seeks to maintain public order and protect the personal safety of the population, but by regulating dissent it also serves to uphold state policy and ultimately pacify civil society. The problem of police intervention is far more complex then, for the greater the powers held by this institution, the less the population seems to resist their overall domination. According to Weber:

Among purely political factors, the increasing demand of a society accustomed to absolute pacification for order and protection ("police") in all fields exerts an especially persevering influence in the direction of bureaucratization. (1968: 972)

In this respect, Weber outlines police bureaucratisation (i.e.; enforced compliance with state law and conformity to administrative customs and practices), as being this institution's main objective. For campaigners the problem begins whenever their activities try to break free from this particular sphere of influence and oppose public policy or defy popular convention. In terms of coercion, public demonstrations that challenge the state's monopoly of interests will be brought to heel by the police. Interventions of this nature

can be found especially during environmental campaigns (over the expansion of airports or public highways), throughout demonstrations concerning British National or Foreign policy, or with regards to protests against the use of nuclear weapons or those in opposition to capitalism. In the above respects, all such causes for dissenting public discourse have been met with significant opposition by the police with regards to threats perceived to the economy or to public safety, and thus to the preservation of security. Indeed bureaucratisation occurs whenever campaigners are encouraged to pursue more agreeable causes, or are persuaded to practice more manageable forms of protest. As such, bureaucratisation is the desired outcome of coercive interventions, whereas police violence is used to enforce absolute compliance.

In *Economy and Society*, Weber aligns the necessity for internal pacification (and the maintenance of public order) in direct response to ‘the expansion of the market’ and the legitimacy of the uses of violence (*Ibid*: 909). In such a context the protection of private property and the pacification of the general population are both key factors justifying the use of force toward securing these interests. For Weber, the use of state violence is inexorably linked to the economy and the preservation of the state’s control over commodities and the welfare of society:

The spread of pacification and the expansion of the market thus constitute a development which is accompanied along parallel lines, by (1), that monopolization of legitimate violence by the political organization which finds its culmination in the modern concept of the state as the ultimate source of every kind of legitimacy of the use of physical force; and 2) that rationalization of the rules of its application which has come to culminate in the concept of the legitimate legal order. (*Ibid*: 909)

Indeed, the legitimacy of violence stems from perceived attacks against the 'stability of usages' when a given society evolves to possess a relatively advanced corporate apparatus (*Ibid*: 905). The pivotal notion of bureaucratisation was used by Weber as a means to describe the refinement of any administrative system used to manage qualitative changes in society that occur as a result of 'cultural, economic and technological developments' (*Ibid*: 971). In *Economy and Society*, bureaucratisation is a term used to characterise the concentration and regulation of assets necessary to the maximum efficiency of the state. Bureaucratisation is therefore a way for defining how legitimate types of authority use disciplinary techniques to regulate society in favour of a dominant, but equally sustainable form of rule. However, as noted by Weber, the more complex a social structure becomes in relation to bureaucratisation and discipline, the greater it lends itself to authoritarianism:

The more comprehensive the realm of structures whose existence depends in a specific way on 'discipline' - that of capitalist commercial establishments - the more relentlessly can authoritarian constraint be exercised within them, and the smaller will be the circle of those in whose hands the power to use this type of constraint is concentrated and who also hold the power to have such authority guaranteed to them by the legal order. A legal order which contains ever so few mandatory and prohibitory norms and ever so many "freedoms" and "empowerments" can nonetheless in its practical effects facilitate a quantitative and qualitative increase not only of coercion in general but quite specifically of authoritarian coercion. (*Ibid*: 731)

In comparison to Hegel's earlier notion of right within the sovereign state, Weber's work represents a significant shift in thinking about both the structure of the disciplinary state, and the way in which civil unrest was managed therein. Although there are evident comparisons to be made, the particular types of society to which both authors referred were governed in

different ways. For Hegel, power stemmed from a belief in the absolute authority of a supreme figurehead such as a reigning monarch to make appropriate rules and manage society fairly. Rights were granted to maintain the common interest of the population and to provide a safeguard against potential upheavals arising from personal need (to accumulate wealth and property), or from the wider need for social justice (Hegel, 2008: 181). Individual interests were otherwise managed through an evolving network of public authorities and civil servants to further the greater common good. For Weber, public order was maintained through the means of discipline and coercion, which somewhat typifies his particular approach to the state. While this notion may complement Hegel's earlier suppositions on entrainment (i.e., such as those fostered by the family and the corporate estates), Weber goes to greater lengths than Hegel to study the apparatuses of supervision, regulation, and persuasion which enabled domination to take place.

According to John O' Neil, 'the articulation of the disciplinary society in the factory, prison, army, schools and hospitals represented a response to social and moral problems arising from industrial change and conflict' (1986: 52). As with Weber's considerations over the requirement for the state to effectively manage 'cultural, economic and technological developments', the disciplinary society was more concerned with embedding desirable traits within all members of society based around the organizing principles of the factory (1968: 971). For Weber, bureaucratic administration was the key to managing the many different types of dissent that prospered during this transitional period in modern history. It was therefore more akin to being a political science based on surveillance of the population, knowledge of its

activities, upon goals, targets and personal achievements, than an art of government alone. In organizational terms, the evolution of police authorities throughout the West corresponded to a need to normalise public order and maintain discipline in the context of promoting politics and economics - indeed as Foucault would argue, aligning 'multiple relations between population, territory and wealth' as precise techniques of government (see O'Neil, 1986: 52). It is in this respect that the remaining section of the chapter needs to examine the similarities between Weber's account of the state and Foucault's theory of governmentality. In terms of considering the transition from sovereign rule to bureaucratic discipline and the various techniques of government that ensued thereafter, Foucault is essential to understanding how all three modes of government form the basis for political organization today.

From Weber to Foucault

The reasons for reading Foucault in relation to a thesis on bureaucratisation and dissent should by now be quite apparent, for modern society is founded on a number of historical models of public administration, the likes of which are both still in use today and have formed the basis for successive types of government – especially in the UK. Putting it simply, Foucault's triumvirate of 'sovereignty-discipline-government' (2007b: 107-8), sets the context for a debate surrounding resistance to organized rule via dissent, and the numerous ways in which governments throughout history have dealt with the issue. There are of course, evident similarities to be found between Hegel, Weber, and Foucault, if only in terms of examining their particular discourses on power by way of citing a more general understanding of history, and the development of

modern society along political and economic lines. Foucault however, rejected the grand totalising themes of his predecessors in favour of offering a critique of the nuances, differences, peculiarities, or continuities within a given theme – as opposed to letting such a notion be restricted by temporal confines (Kendall and Wickham, 1999: 24).

In relation to the work of Hegel especially, Rabinow notes that Foucault was ‘resolutely and consistently anti-Hegelian and anti-Marxist’ particularly in terms of refuting the totalising ‘theory of history’ advocated by proponents of the Frankfurt School (1984: 13). Unlike Hegel, Foucault endeavoured to ‘isolate and analyse the structures of the human sciences treated as discursive systems’, not to define them in terms of truths, falsehoods, or by virtue of ‘the specific claims made’ by ‘any particular discipline’, but to determine ‘how and around what concepts they formed, how they were used’, and ‘where they developed’ (*Ibid*). Comparatively, while Weber can be seen to pick away at the historical foundations of public administration and bureaucracy, the analytical framework through which he conducts this study is more akin to Foucault’s methodology than it is to Hegel’s. O’Neil for example suggests that ‘it is not far-fetched to consider Weber an archaeologist of the power man exerts over himself, and thus to see him as a precursor of Foucault’s conception of the disciplinary society’ (1986: 43). Arguably, the work conducted by Foucault in terms of examining the particular places in which power is invested, i.e., through the army, the factory, within systems of education and welfare, and especially in relation to the development of the penal system in Europe, distinctly resonates with Weber’s work in this field. Nevertheless, what really aligns Foucault with Weber is the

focus on the disciplines through which modern power is conducted. Here, the principle means for enacting power in modern society can be found in both Weber's 'theory of social action' (1968: 4, and 1375), and in Foucault's notion of governmentality as the 'conduct of conduct', though for good reason Foucault develops this organizational concept a lot further¹³ (2002a: 341).

At this point it is worth noting the similarities between Weber's account of formal, rational bureaucracy, and Foucault's critique of disciplinary power. In both respects, the two authors noted the development of a number of techniques 'for assuring the ordering of human multiplicities' within a particular period of modern history that has often been defined as the disciplinary society (*Ibid*: 215, 218). For both authors, the transition from sovereign types of rule towards disciplinary and democratic regimes belies the emergence of a particular type of administrative power as the penultimate means for organization. Weber, for example, documents the rise of an apparatus that permeates all levels of society, which is both normative and regulative at the same time, and aims to gain maximum productivity from minimal investment. As McKinley *et al* notes, 'it was only towards the end of his life that Foucault acknowledged the close affinity between his work and that of Weber', which was thereafter articulated in terms of governmentality (2012: 7-8). In this respect, Foucault's account of the disciplinary society bears a striking resemblance to Weber's suppositions on bureaucracy, specifically in relation to the 'economic, juridico-political and... scientific' conditions from which it is formed (Foucault, 1977: 218). Here Foucault notes that:

¹³ Mainly because the two authors lived during different ages and their respective critical trajectories depart at a given point in history after Weber's lifetime.

The peculiarity of the disciplines is that they try to define in relation to the multiplicities a tactics of power that fulfils three criteria: firstly, that to obtain the exercise of power at the lowest possible cost (economically, by the low expenditure it involves; politically, by its discretion, its low exteriorization, its relative invisibility, the little resistance it arouses); secondly, to bring the effects of this social power to their maximum intensity and to extend them as far as possible, without either failure or interval; thirdly, to link this 'economic' growth of power with the output of the apparatuses (educational, military, industrial or medical) within which it is exercised; in short, to increase both the docility and the utility of all the elements of the system. (*Ibid*)

For Foucault (as with Weber), discipline owed its origins to the formalisation of rules and routines of factory life that emerged during the formative stages of capitalism. Indeed this was used to define a system of politics within which institutional and societal forms of surveillance, particularly when used as a normalising practice, aligned the economy with the individual as the focus for political power. According to Foucault then, surveillance, as a specific organizing practice, is used to govern not merely from the top down, but creates an entire range of horizontal and 'lateral' power relations (*Ibid*: 176-7). Consequently, 'this network 'holds' the whole together and traverses it in its entirety with effects of power that derive from one another' in the form of 'supervisors, perpetually supervised' (*Ibid*).

Nevertheless, to begin to pin down some of Foucault's methods for conceptualising how power is exercised in modern society, a number of key points need to be raised. Indeed during the final stages of this chapter, areas of interest such as Foucault's ideas on discourse, discipline, knowledge, governmentality, conduct and coercion will also be covered. Principally the third stage of this chapter opens with the concept of archaeology as a tool used

by Foucault for the discursive analysis of social institutions¹⁴ that developed during the course of European history. Ostensibly, this approach formed the critical bedrock for Foucault's later genealogical work, for which archaeology is often seen as both an accomplice and a precursor (Crowley, 2012: 4). The introduction to Foucault's ideas begins then at an appropriate point, with an examination of his archaeological method, and the later use of it as a conceptual tool (as genealogy) for studying a number of social practices, institutions, and most importantly, for understanding power.

Foucault - Archaeology, Genealogy, and Discipline

According to Kendall and Wickham (1999: 24-37), Foucault's archaeological method was concerned with investigating the archive of social institutions to identify general themes in the points of departure, differences, 'transformations, continuities, mutations, and so forth' found during the development of modern society. In stark contrast to the work of some critical thinkers (such as Hegel and Marx, for example), this approach sought out moments of transition as opposed to looking 'for overarching principles which govern the development of an epoch' (*Ibid*). Archaeology, was for Foucault, less a question of developing a totalising perspective on history (as one might find in Hegel's *Philosophy of Right*, or the sombre vision of bureaucracy proffered by Weber), but was more a question of identifying key moments from the past through performing an analysis of discourses within the archive. This approach is best laid out in one of Foucault's earlier texts, *The Archaeology of Knowledge*, in which the archive presents opportunities for

¹⁴ Such as prisons, hospitals, schools, etc..

examining a range of social practices through the discourses that define them.

Here, Foucault considers that:

This term [archaeology] does not imply the search for a beginning; it does not relate analysis to geological excavation. It designates the general theme of a description that questions the already-said at the level of its existence: of the enunciative function that operates within it, of the discursive formation, and the general archive system to which it belongs. Archaeology describes discourses as practices specified in the element of the archive. (2002: 148)

The particular approach cited above serves a number of purposes. Firstly, discursive archaeology is ‘non-interpretive’ in that it only aims to document moments of repetition, discontinuity, or change, and secondly, that it is ‘non-anthropological’, concentrating on ‘statements (and visibilities)’ not authors (Kendall and Wickham, 1999: 26). Hence, the stance taken by Foucault distinguishes his work from the other two authors featured in this chapter. It signifies a critical point of departure - disassociating the discourses of organization from particular institutions or agents of the state, and by virtue of reducing the field of examination to ‘the already-said’, voids the possibility for ‘second-order judgements’ to be made (Foucault, 2002b: 148, and Kendall and Wickham, 1999: 13). In other words, Foucault’s archaeological approach rejects former notions of state-centric domination and the possibility of conspiratorial agendas,¹⁵ for it ‘is not an interpretative discipline: it does not seek another, better-hidden discourse’ (Foucault, 2002: 155). It does, however, consider the plausibility of multiple practices and institutions forming separate parts of a more general organizing process that can be identified as the modern

¹⁵ This is a particularly important approach for this thesis to take, especially in relation to the multiplicity of organizations and interests that are used as apparatuses of security in modern British society.

state, which found its origins in the supreme power of sovereignty, and concurrently operates through the mechanics of discipline (Foucault, 2003: 37).

Foucault's archaeological approach is more suitably considered in terms of the way in which searches within the archive are framed and conducted. In relation to context, archaeology examines social questions as opposed to exploring particular periods of history. Archaeology is a question of problematizing social issues and practices as opposed to selecting an individual epoch for interrogation. This approach can be seen in Foucault's *Discipline and Punish*, typified by the question of 'how did the prison emerge as the major form of punishment?' (Kendall and Wickham 1999: 22), as opposed to asking when did a reform movement first promote the remodelling of prisoners instead of simply punishing them? In many respects such an approach is essential to the critical trajectory of this thesis in that public order discourse would seem especially lacking in one specific history or another, for there are multiple histories, just as there are different interpretations for what constitutes an act of disorder. The purpose of the following two chapters in this thesis will be to define a number of discourses surrounding rights, the protection of private property and the UK's Critical National Infrastructure - not as a chronology of public order discourse, but as a series of responses to perceived social problems, in other words, as a series of Foucauldian discontinuities in which no single law seems to resolve civil unrest, but does seek to perpetuate different types of power. Of course within this account of public order discourse, popular dissent has been considered in a number of ways - from the depiction of public protests as a criminal activity (usually in

relation to direct action campaigns), through to demonstrators causing an alleged nuisance to Britain's public authorities, to more contemporary depictions of activists posing a threat to National Security (as extremists). In order to problematize this issue, one might therefore ask, how did rights come to be used as the principle means to regulate and prevent disorder?

Nonetheless, before outlining the differences between archaeology and genealogy in Foucault's work, it is important to understand his archaeological method first. In terms of criteria, some of the main methods of inquiry have been listed below. In Kendall and Wickham's interpretation of Foucault's methodology, 'archaeological research attempts at least seven things':

- 1 to chart the relation between the sayable and the visible;
- 2 to analyse the relation between one statement and other statements;
- 3 to formulate rules for the repeatability of statements (or, if you like, the use of statements);
- 4 to analyse the positions which are established between subjects – for the time being we can think of subjects as human beings - in regard to statements;
- 5 to describe 'surfaces of emergence' - places within which objects are designated and acted upon;
- 6 to describe 'institutions', which acquire authority and provide limits within which discursive objects may act or exist;
- 7 to describe 'forms of specification', which refer to the ways in which discursive objects are targeted. A 'form of specification' is a system for understanding a particular phenomenon with the aim of relating it to other phenomena. (*Ibid*: 26)

What all of the above equates to is that in order to determine how particular ideas have risen to prominence, one must examine the discourses and institutions that produce them, taking into consideration the links between discourses, organizations, agendas and locations necessary for 'understanding a particular phenomenon' (*Ibid*). Generally speaking, this will constitute the work undertaken in Chapters 2, 3, and 4, in which a number of order

maintenance practices will be considered in relation to the discourses through which they are facilitated.

The difference between Foucault's archaeological approach and his genealogical method was, simply put, that genealogy provides a study of on-going discursive practices, and not purely a snapshot of such activities from the past. Archaeology is therefore the method of inquiry, and genealogy is the means for contextualising that which has been found. As noted by Crowley (2012: 4), the reasons for this are 'that archaeology and genealogy are two halves of a complimentary approach, alternating and supporting each other'. Kendall and Wickham second this notion by suggesting that genealogy is the way in which archaeology is put to work, as 'a way of linking it to our present concerns' (1999: 31). During his later works especially (see *Discipline and Punish*, and *The History of Sexuality*), Foucault reconceptualised the archaeological method as genealogy.

If we were to characterise it in two terms, then 'archaeology' would be the appropriate methodology of this analysis of local discursivities, and 'genealogy' would be the tactics whereby, on the basis of the descriptions of these local discursivities, the subjected knowledges which were thus released would be brought into play. (1980: 87)

To comprehend Foucault's genealogical method in a manner that can be employed within this thesis, it is essential to consider the notion that 'genealogy pays attention to the processual aspects of the web of discourse' and to 'its ongoing character' (Kendall and Wickham, 1999: 30-1). Whereas archaeology bears witness to statements from within the archive (at any given moment in time), genealogy compares these statements to the present. Indeed as noted by Kendall and Wickham, this can be considered as forming a 'history

of the present', or rather, to support the notion that the present has a history of its own (*Ibid*). It is in fact here that Foucault's method sets him apart. Unlike Hegel, Foucault therefore 'stands against teleology in that the past cannot be read as the precursor to the present... or so that we might reassure ourselves about how much improved we are', but to provide a means through which to examine at any moment in time 'a particular way of understanding power and its mechanics' (McKinley, *et al*, 2012: 6). It can also be claimed that genealogy 'does not involve assumptions of progress (or regress)... this is why we say it involves histories that never stop' (Kendall and Wickham, 1999: 5).

To place this in the context of public order discourse, it is not enough to simply consider that once a particular set of regulations has been established to mitigate the impact of dissent it will cease to pose a risk to the organized state. This can be seen especially in the form of civil unrest known as rioting, for which the incitement of public disorder once carried the penalty of death (see the *Riot Act 1714*). It could be claimed then, that civil disorder, or rather, public demonstrations at the very least, serve a particular function in terms of political organization and the discourses from which they are contrived. If nothing else, it can be suggested that as the right to protest is constitutionally assured, public order discourse has no closure.

To return briefly to the more pressing matter of what distinguishes genealogy from archaeology, it is the imposition upon it of power, or rather, of the use of genealogy to provide respective histories of power in modern society that is of importance here. Again to contextualise this in terms of the thesis, one could posit that if historically speaking, public order was threatened by an interference with the ownership of goods, or by way of reputational or physical

harm either to businesses or persons, then by association, concerns in modern society that threaten public order could be framed in a comparative manner. As such, the supply or provision of goods, money, or vital services to the population, forms an extension of this particular discursive construct. In one respect the ownership might have changed - in as much as who could be determined supplier or recipient - but the interruption, interference, theft, removal without consent, or damage to the above will still lead to a breach of the peace. Alternatively an entirely new cause for concern could come to light, which lends itself especially well to managing dissent. This is perhaps how in recent times the boundaries between legitimate acts of dissent and the threat of international terrorism have become increasingly aligned. There is then, a history of the present to be found in public order discourse. The essential questions here relate to why certain rights were formed in the first case and around which principles; how in modern society they are articulated for the perpetuation of power; and how such issues are enforced.

Fundamentally, Foucault observed that there are two types of discourse surrounding the notion of organization, specifically rights articulated around sovereignty and 'the mechanics of the coercions exercised by disciplines' (2003: 38). In order to comprehend how these discourses function in the context of political organization and dissent, it is worth taking note of how Foucault perceived a shift from sovereign types of rule to discipline during the Eighteenth Century. According to Foucault, up until the late Seventeenth Century, there was an 'organization of public right articulated around the principle of the sovereignty', in which power was supported by juridical codes of conduct, and was vehemently enforced via 'the absolute expenditure of

power' (*Ibid*: 36-38). Sovereignty, he claimed, was principally 'a form of power' that was 'exercised over the land and the produce of the land', and was less concerned with the activities of the population as it was with the accumulation of 'goods and wealth' (*Ibid*: 36). Indeed this had been the case for numerous regimes that had historically adopted and reinvented Roman systems of rule - from the Catholic Church and Protestant Monarchies, through to the earliest of European Governments. However, as of the late Seventeenth and early Eighteenth Centuries, sovereignty was gradually transformed, not simply with the introduction of various parliamentary systems and the impact of the French Revolution, but owing to the emergence of a particular type of political organization that would lay the foundations for industrialisation and capitalism. Here Foucault recognised the 'invention of a new mechanism of power', which he simply called discipline (*Ibid*: 35).

In contrast to sovereignty's preoccupation with the production and accumulation of wealth, the focus for disciplinary power was on time and labour; upon the exercise of power over bodies and not the land. In contrast to sovereignty, disciplinary power was far more cunning in its approach to fostering conformity and maintaining obedience, utilising a range of coercive techniques and technologies, for the purposes of 'minimum expenditure and maximum efficiency' (*Ibid*: 36). Unlike the 'juridico-political theory of sovereignty' noted by Foucault, the disciplines had their own 'apparatuses of knowledge' and employed 'multiple fields of expertise' which did not revolve around the concept of a supreme sovereign body (*Ibid*: 34, 38). In terms of coercive practices, Foucault differentiated 'the absolute expenditure of power' from the 'mechanics of the coercions exercised by the disciplines' by the way

in which order was maintained (*Ibid*). How these two very different notions can be defined, is that the former set of practices usually equates to the use of physical violence, which is both time consuming and costly, whereas the techniques of discipline use administrative strategies such as surveillance or the promotion of normative social values for the purposes of cohesion.

It would be remiss though, to suggest that discipline constituted an outright replacement for sovereignty. In fact Foucault draws attention to this very issue by suggesting that the introduction of a revised form of sovereignty helped to disguise the emergence of disciplinary power somewhere between the Eighteenth and Nineteenth Centuries (*Ibid*). Foucault's passing reference to the French Revolution (or in the UK, to the widespread civil unrest that prospered during 1700-1800's), signified a shift in power from the old monarchies and privileged aristocracies of the West, to the rise of the bourgeoisie as the pioneers of early European capitalism. In this respect, Foucault identified a shift from sovereignty, as supported by juridical codes and laws, towards a new form of power in which sovereignty and right became a 'permanent critical instrument' to be 'used against the monarchy' (*Ibid*). Here, the backlash against sovereignty both in France and in the UK, precipitated a reconfiguration of the system of right that had previously been used to sustain allegiance to a higher office of state, but now instead promoted a new form of collective sovereignty as a guarantee of the public right.

While this new collective right was essentially perceived as being liberatory in one respect, the element of domination entrenched in discipline, became concealed in the legislative codes that 'allowed the democratization of sovereignty' to take place (*Ibid*). Discipline, in other words, was an entirely

new mechanism of power, which used the movement of various social and political revolutions, intended to liberate citizens from one regime or another, to create the conditions for its own ascension. Foucault defined this new political era as follows:

From the nineteenth century until the present day, we have in modern societies, on the one hand, a legislation, a discourse, and an organization of public right articulated around the principle of the sovereignty of the social body and the delegation of individual sovereignty to the State; and we also have a tight grid of disciplinary coercions that actually guarantees the cohesion of that social body. Now that grid cannot in any way be transcribed in right, even though the two necessarily go together. A right of sovereignty and a mechanics of discipline. It is, I think, between these two limits that power is exercised. (*Ibid*: 37-8)

As such, discipline and sovereignty exist as two distinct political forms. While collective sovereignty protects the interest of citizens and enables them to exercise a given set of rights (such as the right to vote), discipline remains hidden in the background, binding society together. To put it another way, while one facet of power governed the everyday rights of the population, the other normalised this proposition to render the two almost indivisible.

In *Discipline and Punish* (one of Foucault's most seminal genealogical texts), he examined a fundamental difference between the ultimate violence of the sovereign state and the emergence of disciplinary power during the late Eighteenth Century. Indeed it was at this point that discipline, discourse, and genealogy came of age in Foucault's thought. While the main tenet of *Discipline and Punish* was to unveil the various techniques from which discipline is comprised, Foucault's genealogical method framed this venture by performing a comparison between early forms of sovereign punishment, and of the later endeavours of discipline to transform prisoners into productive

members of society. Here, it was not simply a question of punishing acts of disobedience, delinquency, and crime, but of the prisoner's reform and correction. Part of the influence for this study was the architectural prison designed by philanthropist Jeremy Bentham, within which inmates would be subjected to a continual field of supervision until their appropriate behaviour became second nature, thus normalising their correct and habitual conduct. Indeed throughout the text, this notion is explored as a means for defining the techniques and technologies of disciplinary power, closely linked to methods of coercion such as supervision.

Among the institutions subjected to Foucault's genealogical analysis in *Discipline and Punish* were the standing armies and institutions for education, which provided ample opportunities both for examining the sites and the conditions necessary for discipline and entrainment. The reason for the selection of these institutions in particular was that they separated individuals from the rest of the social body in a space specifically designed for their observation and development. Here it is the objectification of the individual through which discipline becomes a form of power:

Traditionally, power was what was seen, and what was shown, and what was manifested and, paradoxically, found the principle of its force in the movement by which it deployed that force. Those on whom it was exercised could remain in the shade; they received light only from that portion of power that was conceded to them... Disciplinary power, on the other hand, is exercised through its invisibility; at the same time it imposes on whom it subjects a principle of compulsory visibility. In discipline it is the subjects who have to be seen. Their visibility assures the hold of the power that is exercised over them. It is the fact of being constantly seen, of being able always to be seen that maintains the disciplined individual in his subjection... The examination is the technique by which power, instead of emitting the signs of its potency, instead of imposing its mark on its subjects, holds them in a mechanism of objectification. In this space of domination, disciplinary power manifests its potency, essentially, by arranging objects. (1977: 187)

Within this field of supervision, Foucault identified two elements in particular that rendered disciplinary power distinguishable from sovereignty. Firstly, that the disciplines were techniques for organizing and categorising the social body, i.e., through institutions such as the asylum, prison, hospital, and schools etc.; and secondly, that it was the individual who had become visible as opposed to the power wielded by the state (*Ibid*: 218). It is at this point that ‘the codified power to punish turns into a disciplinary power to observe’ (*Ibid*: 224).

What all of the above equates to is that (according to Foucault) a particular set of institutions, which under the guise of social reform, enabled the classification, supervision, entrainment and objectification of individuals during the formative stages of capitalism, which to his mind remains the dominant mode of organization in modern society today. Unlike Weber perhaps, ‘Foucault was uninterested in rationalisation as a historical theme and saw no merit in ideal types’, though it would be reasonable to suggest in relation to the democratisation of sovereignty and the emergence of disciplinary power, that rational administration forms half of Foucault’s conceptualisation of power (McKinley *et al*, 2012: 7-8). Putting it simply, whereas sovereignty once granted a specific form of right to the figurehead of the state, it would be used to facilitate discipline instead. According to Úna Crowley, this is how:

Foucault identifies differing styles and practices of social control in response to changing socio-economic circumstances. He argued that the complicity of power/knowledge created a plethora of experts (doctors, social workers, probation officers and so on) and institutions of discipline – prisons, schools, factories, hospitals, asylums and so on,

which though often promoted in the name of improvement, in reality consolidated and legitimated administrative authority and bureaucratic regulation. This new model of discipline became a model of control for an entire society and applicable to all forms of social governance. (Crowley, 2012: 7)

What is of most use to note at this point is the above consideration of power/knowledge as a predominant feature of the disciplinary society. Indeed this is how discipline links to discourse, in which a set of rules and statements combine to impose a reality over a given area of interest. With the introduction of an entirely new range of social institutions whose immediate object was the population, and the scrutiny and classification of individuals within that society, the disciplinary institutions began to accumulate a significant wealth of knowledge about the population. Within these discursive fields (typified by Foucault) as both practices and regimes of truth particular to the human sciences of healthcare, education, industry, and reform, discipline was founded. Discipline is therefore comprised of a combination of discourses, administrative bureaucracy, and surveillance, in as much as ‘nothing can function as a mechanism of power if it is not deployed according to procedures, instruments, means and objectives which can be validated in more or less coherent systems of knowledge’ (Foucault, 2007a: 61).

Governmentality and Power

To distil genealogy, discipline, and discourse, into the ultimate form of political organization in modern society, Foucault employed the term governmentality. The concept is otherwise referred to in his work as being the ‘conduct of conduct’, which is used to describe the way in which modern governments, govern, and to consider the various regimes of practices through

which this transpires (Foucault, *Power*, 2002a: 341). Ostensibly, governmentality can be considered as being the critical framework through which Foucault analysed power, that is, in line with the preceding three sections of this chapter regarding his work. In this respect, it combines both the normative rationalisation of the discourses and the apparatuses of bureaucratic administration through which sovereignty and discipline are together fused. But it also ventures into more contemporary historical terrain. Here, Foucault refers to liberal-democratic society as a means for describing the shift in power, away from central forms of government to the economy and to its various stakeholders. Hence, the multitude of agencies from which the modern nation-state is now comprised. The way in which Foucault conceptualised the differences between the disciplinary society and the modern liberal-democratic state is as follows:

In a sense, governmentality was unlimited. This was precisely the main characteristic of what was called at the time police and which at the end of the eighteenth century will be called, already with a backward glance, the police state. The police state is a government that merges with administration, that is entirely administrative, and an administration which possesses, which has behind it, all the weight of a governmentality. (2008: 37)

What emerged from the Nineteenth Century then, was an administrative transformation, or as Mitchell Dean posits, an extension of the institutions of disciplinary power (i.e., the armies, the police, intelligence services, and so forth), to include healthcare, educational, and welfare establishments, as apparatuses of security (2010: 29). What is unique about this notion is that for the first time, discipline was effectively outsourced by the state to a number of other organizations, whose explicit aim was to better society as a whole.

Putting it rather simply, this follows the sentiment that a fit, well, and happy population is a productive one. Indeed here, the notion of security is used in much broader context than just policing, to define the way in which the numerous apparatuses of the state contribute to the overall progress and welfare of society.

Even though Foucault started to identify this transition in some of his earlier works, it was his later reengagement with Weber in which governmentality moved from being ‘a term of uncertain provenance towards being a concept, both abstract and analytical’ (McKinley *et al*, 2012: 6). It was in fact Barthes who initially coined the term to ‘link processes of government with efficiency’ during 1957, which according to McKinley *et al*, was ‘an association that he regarded as completely unremarkable’ (*Ibid*). For Foucault this was not the case, and the concept represented both the disposition of the modern liberal state for managing the population for the purposes of economic prosperity, and a particular way of thinking about such activities. According to Dean (2010: 29), there are three defining traits through which governmentality can be differentiated from the previous forms of political organization noted thus far. Firstly, that it makes the population the object of its control, and that it can be considered through multiple regimes of practices as opposed to being a singular dominant entity. Secondly, whereas Foucault’s earlier notion of power synthesised both discipline and sovereignty into one system of politics, governmentality transformed the focus for these systems of power towards the ‘forces and capacities of living individuals, as members of a population, as resources to be fostered, to be used and to be optimised’ (*Ibid*).

Governmentality, Foucault concluded, was a much more expansive – and expanding – notion that involved all manner of organisations, routines and strategies which make knowledge powerful and power knowledgeable. (McKinley *et al*, 2012: 5)

Therefore, as of the Nineteenth Century a range of institutions had come into existence whose role was to manage society using various administrative techniques of government, and these constituted what would have formerly been considered the state. Governmentality was the term used by Foucault to describe not merely the range of organizations which operated as various organs of the state, but to describe a particular way of thinking about power. This allowed Foucault to define the modern state as being ‘the mobile effect of a regime of multiple governmentalities’ (2008: 77). However, as Foucault is ready to observe, it is not the practices of these institutions themselves that are of significance, but in terms of governmentality, the underlying concepts they promote (McKinley *et al*, 2012: 9).

The particular way in which Foucault approaches power is perhaps best described in *Society Must be Defended* (2003: 27-30), although the notion represents a significant theme that occurs throughout the corpus of his work to permeate the majority of essays, lectures, interviews, and manuscripts delivered during his life. In *Society Must be Defended*, Foucault was especially clear in defining how one might critique power, in order to differentiate modern forms of public administration from previous regimes or political theories. It has already been noted that during the Eighteenth Century a gradual transformation took place in which a new form of power rose to prominence to establish the conditions in which industrial capitalism could thrive, centred on the idea of political economy. As noted by Foucault, the notion of discipline

and of the disciplinary society was conceptualised in the transition ‘from an art of government to a political science, from a regime dominated by [a] structure of sovereignty to one ruled by techniques of government’ (see O’Neil, 1986: 52). It first found its place in the factories of industrial society, and in the training camps of the standing armies, and thereafter was established in schools, the healthcare and welfare systems throughout Europe, in the form of the disciplines and the discourses from which they were comprised. However, while the particular type of power to which Foucault alludes as being the nexus of sovereignty and discipline is one thing (which largely relates to the regimes of practices and the places in which power exists), governmentality is a way of describing the underlying concepts that enables power to operate. This manoeuvre was Foucault’s strategy for problematizing, and thus analysing power in modern society. In this respect he offers five methodological precautions in *Society Must be Defended*, through which power requires an altogether different approach.

Foucault maintained that one should not look at power as being a state-centric enterprise but instead to examine the capillaries through which its reach is extended, i.e., to where it is invested in regional institutions and ‘embodied in techniques’ (*Ibid*). It is here that the institutions of power are most likely to exceed the rules of right from which they are comprised and employ violent or coercive techniques as the material means to intervene. A second precaution is to determine how multiple bodies are subjugated by ‘power-effects’, or to put it another way, to analyse how ‘multiple bodies, forces, energies, matters, desires, thoughts’ are transformed into materially constituted subjects (*Ibid*). In the context of public demonstrations, this might follow the idea that some form

of materiality or another will always be at stake, whether that equates to arrests, injuries, to the cost of policing operations, or by damage caused to property. Thirdly, one must take care to look at the effects of power, not to the façade it presents of itself, to observe the mechanisms and apparatuses through which it is exercised. To this end, Foucault notes that power is ubiquitous; it is not based on the machinations of a dominant state or on the subjugation of one class by another, for it passes through individuals as nodes within an on-going network of power. Fourthly, one must consider how the techniques and technologies of power come into play at the lowest of levels. Here Foucault suggests that it is not individuals in which power is necessarily interested, but to have power over them and to manage their conduct. The explanation that Foucault provides for this is that:

The bourgeoisie does not give a damn about delinquents, or about how they are punished or rehabilitated, as that is of no great economic interest. On the other hand, the set of mechanisms whereby delinquents are controlled, kept track of, punished, and reformed does generate a bourgeois interest that functions within the economico-political system as a whole. (*Ibid*: 33)

Finally, Foucault suggests that ideologies of power are not shaped at the base, but where networks of power culminate. In this respect, ‘the delicate mechanisms of power cannot function unless knowledge, or rather knowledge-apparatuses are formed, organized, and put into circulation’ (*Ibid*: 33). What is meant by this is that the disciplines each establish their own discourse, constructed around a regimented set of ideas, practices, needs, and so forth, pertaining to their field of expertise. Apparatuses of knowledge are a set of discourses that can be employed within an institution, or across entire networks of organizations. The UK’s Local Resilience Forums for example, participate

in the construction of knowledge apparatuses through their use of risk aversion doctrine. They make use of observation, surveillance, or practices for gathering intelligence and information in the production of power, in order to prevent threats to the Critical National Infrastructure of the UK. In this respect Foucault considers that ‘disciplines will define not a code of law, but a code of normalisation, and they will necessarily refer to a theoretical horizon that is not the edifice of law, but the field of the human sciences’ (*Ibid*: 28).

To briefly contextualise this last point, the Health and Safety Executive (HSE) of the UK, is a particular institution that works across the entire spectrum of public and private, and voluntary sector organizations. The HSE widely promotes a particular discourse known as Risk Assessment to reduce the threat of industrial, accidental, or otherwise avoidable injuries. Here, risk aversion doctrine can be considered an apparatuses of knowledge, within which participants make judgements regarding perceived threats to safety according to the system of knowledge within which they are framed. Essentially, this produces power, in as much as risk aversion is a normalising practice that seeks to change and refine the behaviour of participants. It thus serves to reduce costs that may be incurred due to injury compensations, insurance pay-outs, or the replacement of physical or human resources.

Security, Coercion, and Dissent

To place all of the above into a relevant context to this thesis, that is regarding public order, bureaucracy, and dissent, it is interesting to observe how various

security agencies¹⁶ manage public demonstrations in relation to the furtherance of power in modern society. Indeed broadly speaking that defines the critical trajectory for this thesis, and forms an essential part of ‘Chapter 4 – The Means of Coercion’. The focus for the final part of this chapter will be to outline some of the key Foucauldian concepts that will be employed to help shape the thesis as it evolves through the following chapters.

To begin with it should be noted that Foucault was an especially important figure with regards to dissent. Not merely does this relate to his numerous works concerning power and organization, but equally to his own experiences of political activism in Tunisia and France during the 1960s and 1970s. According to Miller (1993), Foucault’s formative years took place in Tunisia at the time of the student revolts of 1967, then during the period of mass civil unrest that took place across Paris in 1968, and essentially from his activities with the *Gauche Prolétarienne* in the 1970’s. One could rightly argue that it was Foucault’s direct involvement first as a sympathiser and later as a political activist that shaped many of his ideas (particularly those surrounding coercion and dissent) that led to observations about power and the state, or to put in another way, to his conclusion that resistance itself is a productive venture. To comprehend how this latter notion might work in the context of this thesis, it is important to consider the concept of security in Foucault’s work as an idea which goes beyond the protection of physical assets or the economy.

In relation to power and governmentality, the Foucauldian notion of security entails any risk posed to economic productivity or vicariously to

¹⁶ Here, the term security agency has been used to differentiate administrative institutions such as the police from Foucault’s broader conceptualisation of apparatuses of security.

public welfare. While the organized state has a duty of care to its subjects to protect them from external attack, it is also bound to provide them with opportunities for economic prosperity and education, and to ensure that vital public services, or even trade and commerce, are conducted efficiently. Whenever these activities are put at risk, this is framed in terms of conflict, which can be seen throughout the range of securitising discourses that emerge in response to such threats. In *Society Must be Defended* Foucault frames this problematic especially well in terms of his observations of policing and coercion, within which he asks:

When, how, and why did someone come up with the idea that it is a sort of uninterrupted battle that shapes peace, and the civil order – its basis, its essence, its essential mechanisms - is basically an order of a battle? Who came up with the idea that civil order is an order of a battle? [...] Who saw war just beneath the surface of peace; who sought in the noise and confusion of war, in the mud of battles, the principle that allows us to understand order, the State, its institutions, and its history? (2003: 42)

With regards to the concept of security, the preservation of public order is but one strategy of power. In order to maintain levels of productivity and welfare, a number of coercive techniques are employed to ensure that this in fact happens. In this respect, the proposition of continually being at war 1), justifies the necessity for numerous security organizations to exist, and 2), dictates that they remain in a state of continual preparedness for war - even if the conflict in question remains at home in terms of public dissent. How the contingency of intervention is both prepared for and enacted is defined by Foucault in terms of coercion.

According to Foucault, coercion can be thought of in two ways: firstly as procedures of coercion, as actual interventions, and secondly as mechanisms

of coercion, which support and enable such interventions to take place (2007a: 59). Procedures of coercion can be physical, violent, disruptive or preventative, whereas mechanisms of coercion consist of regulations that govern such activities (regarding threats to material goods, to real estate, or to the population), and legitimises a given response to whichever situation. In the context of governmentality, all of the above must ideally be managed according to the leitmotif of optimum productivity and minimal risk. Foucault outlines the concept of coercion as thus:

Mechanisms of different types of coercion, maybe also legislative elements, rules, material set-ups, authoritative phenomena, etc. One would also consider the contents of knowledge in terms of their diversity and heterogeneity, view them in the context of the effects of power they generate inasmuch as they are validated by their belonging to a system of knowledge. We are therefore not attempting to find out what is true or false, founded or unfounded, real or illusory, scientific or ideological, legitimate or abusive. What we are trying to find out is what are the links, what are the connections that can be identified between mechanisms of coercion and elements of knowledge, what is the interplay of relay and support developed between them, such that a given element of knowledge takes on the effects of power in a given system where it is allocated to a true, probable, uncertain or false element, such that a procedure of coercion acquires the very form and justifications of a rational, calculated, technically efficient element, etc. (*Ibid*)

Of course, rules, regulations, and restrictions are enforced through legislative means whenever it becomes necessary to prosecute transgressions, or indeed wherever they are required to legitimise violent coercive procedures. Material set-ups can also be thought of in terms of a significant presence of police constables during public demonstrations, or in the overt use of surveillance when used as a preventative measure. The maintenance of public order is otherwise dictated by normative conventions as promoted by the discourses - such as the perception of campaigners as being deviants or criminals, and the

impact of the police upon public protests to enforce compliance. However, coercion does not merely function in a repressive context. In terms of what it is that power actually produces during public order actions; dissidents, criminals, political activists, industrial or fox hunting saboteurs, and so forth, are on the one hand created as threats which are used to legitimise procedures of coercion. Comparatively, while coercion is used to enforce the law, it is predominantly used to normalise social conduct and to ensure that demonstrations are both peaceful and constructive. Coercion is not essentially there to prevent resistance, but to ensure that it works productively.

Dissent functions in a productive capacity as well. In one respect it legitimises the above. In another context, resistance can also be thought of in terms of ‘part of the exercise of power’, as being part of a history that never stops, but also in that power flows through all social actors and institutions (Kendall and Wickham, 1991: 50-51). In other words if power was perfect, just, and fair, in its treatment of the population as equals, there would be no need to resist it. Comparatively, power cannot function without consuming and promoting the particular types of freedom upon which it is based. This is why according to Foucault, ‘liberalism must produce freedom, but this very act entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats, etcetera’ (*The Birth of Biopolitics*, 2008: 63-4). Yet, while the British public has a given right to protest, they can only do so within strict confines of space, to promote agreeable causes in terms of the furtherance or improvement of power, and thus to demonstrate that it is always in need of improvement. Therefore, according to Hunt and Wickham (in Kendall and Wickham, 1991: 50-51):

Resistance is a technical component of governance, a component heavily involved in the fact that governance is always subject to politics. Resistance is part of the fact that power can only ever make a social machinery run imperfectly or incompletely In Foucault's words, resistance is the 'counter-stroke' to power, a metaphor with strong technical, machine-like connotations. Power and resistance are together the governance machine of society, but only in the sense that together they contribute to the truism that 'things never quite work', not in the conspiratorial sense that resistance serves to make power work perfectly.

In such a manner one could posit that dissent is productive in as much as it functions according to the regulations through which it is permitted or denied. In one respect, if it fails to conform to set limitations, an alternative materiality is produced, one in which procedures of coercion are therefore conducted, if not justified. On the other hand, state-sanctioned protests perpetuate power in as much as the government facilitates lawful dissent. Consequently, it is not in power's interest to function perfectly, but it is of substantial interest to ensure that dissent does.

There is little wonder then, that in today's society, economic objectives, those of National Security, and domestic and foreign policy clash. Yet, in relation to Foucault's work, this has always been the case, and deliberately so. For the question of dissenting public discourse (and its comparative antithesis of public order) both share in the production and distribution of power. This notion especially frames much of the work conducted in *Society must be Defended*, in which Foucault examined the notion of conflict in relation to power. To put it another way, all social institutions, whether they are of the state, of economic origin, or even those which seek to campaign against various social injustices 'are subject to the

same dynamics as the state' (McKinley *et al*, 2012: 8). So what is it they produce if not power?

Conclusion

In relation to the Foucauldian concept of sovereignty-discipline-government as forming the bedrock for modern governmental society, the following three chapters examine public order and dissent during three different periods in history, and the particular administrative models which rose to prominence therein. What the thesis gathers from these archaeological excavations and genealogical analyses is a determination of how (and according to which modes of political organization), dissent was, or is still being managed. Thus far the current chapter has laid a number of critical foundations through which to frame and examine the conspicuous notion of public order. If, as Foucault suggests, modern society is comprised of three moments, different threats to society will be tackled in different ways. Indeed these will usually take place according to 1) sovereignty, in which punishments are usually bloody, costly, and severe, 2) discipline, in which regulative confines and normative discourse is used to manage dissent, and 3) governmental strategies of coercion, in which campaigners are used as conduits of power. In terms of sovereignty, perceived assaults against the land or the accumulation of wealth will be dealt with violently. With regards to industrial or commercial interference, dissenting public discourse will be subjected to criminal legislation and normative means of coercion. In relation to threats to security (in its broadest Foucauldian context), coercion is used to regulate dissent – not necessarily in terms of repression, but as a means for ensuring its appropriate function. What link all

of the above themes are the administrative apparatuses and the systems of knowledge that are used to maintain public order. In other words, what the thesis aim to uncover is how bureaucratic apparatuses are used in the administration of public order, and how dissent can be bureaucratised in a variety of different ways to benefit the state.

Chapter Two – Public Order and Right

Introduction

The purpose of this second chapter is to examine the emergence of public order discourse in the UK in the context of sovereignty and right, and to consider the institutions which are either granted or acquire authority for the purposes of maintaining law and order. Initially, the chapter situates this analysis in terms of Hegel's theory of right (by way of the common and individual interest), to demonstrate how public dissent was both framed and challenged by the sovereign state. The chapter also considers the decline of the sovereign regime and the gradual introduction of disciplinary techniques used for maintaining public order as they emerged during the Seventeenth and Eighteenth Centuries in England.

This chapter will look at the risks posed to goods, to the land, or to the accumulation of wealth which Foucault defines as being the object of sovereignty, though of course in this capacity the land can also be interpreted as the Crown (2008: 36-38). In contrast to the above, Chapter 3 will examine dissent in relation to the normative systems of control that were devised by the disciplinary society to maintain order, though arguably one should expect to find a certain degree of overlap between sovereignty and the disciplinary forms of administration that emerged during the late Eighteenth Century, and these will also be considered here. In *Some Political Issues in Nineteenth-Century Britain*, Pearlman argued that Britain's governing authorities had been historically preoccupied with the management of three particular types of dissent (1977b: 1-2). In short, these can be defined as seditious meetings, riots,

and the rights of workers, through legislative, coercive, or entirely forceful means. Although the materials discussed during this chapter will ultimately work towards a similar conclusion (in that the above classifications are a useful way for categorising dissent), riots can be determined by way of all significant outbreaks of public disorder; seditious meetings, with regards to the restriction of public gatherings and unsolicited opinions; and lastly according to the threat posed to the organized state by the emergence of trade unions and workers' rights during the late Eighteenth Century (*Ibid*). Overall, Pearlman's typology of 'major classes of gatherings' should not be restricted to one historical epoch alone, even though the text clearly maintains a focus on popular dissent in Nineteenth Century Britain (*Ibid*). Indeed one should expect to find a certain degree of continuity between how sovereign concerns were historically managed, and for how they are contemporaneously aligned. Therefore, as a starting point to examine sovereignty and dissent, this chapter begins with the medieval issue of right, in relation to the land.

King John and the Mad Men of Gotam

In 1200 AD, King John of England accompanied by his entourage, decided to visit Nottingham Castle. To get to Nottingham the King decided to take a detour and pass through the small idyllic village of Gotam (now called Gotham), and so sent his herald to announce his arrival to the locals (upon whom this would bestow a great honour indeed). Upon the herald's arrival in Gotam, the villagers took offence to the idea of granting the King passage and told his messenger to be on his way. Outraged at the audacity of this revolt, and of the inconvenience that passing around Gotam would undoubtedly cost

him in terms of time and effort, King John sent his knights to the village to secure his route and sort out the troublesome subjects. The problem was that whenever a regent passed through a provincial town or village, the local thoroughfares became adopted as public highways under common law. Naturally the villagers did not wish to concede their lands to the King and refused him safe passage (Wilson, [Online], 2012).

Upon arriving at the village, what the knight's saw made them run for their lives and immediately suggest an alternative route to their King. Realising that King John would not settle for any delays or inconvenience, the villagers had conspired to ensure that upon his arrival he would not stay for long - or indeed that he would ever wish to set foot in Gotham again:

The knights arrived in Gotham to find the inhabitants engaged in various forms of insane behaviour such as pouring water into a bottomless tub, painting green apples red and trying to drown an eel. They soon decided to make haste and leave for fear of catching the madness and upon their return reported back news of their encounter. The King subsequently instructed his horsemen to make a route around the village. (*Ibid*).

So while the citizens of Gotham managed to avoid having their land appropriated by the King, this tale in particular did little to help them in relation to their wider national reputation. Indeed as the prospect of madness was linked to demonic possession in the medieval world and not to mental illness, Gotham was a place to be avoided at all costs. However, what the above does demonstrate is an initial way for both thinking about dissent in terms of right, and the punitive responses to resistance offered by the sovereign state.

There are a number of lessons that can be learned from this initial tale of insurrection. Firstly, it reiterates the Hegelian belief in 'the protection of

property through the *administration of justice*’ as being a right of major significance within the early sovereign state (2008: 186). In as much as the King wanted to possess the land and make his journey to Nottingham much shorter, he would defend his right to passage across a newly designated public highway, and dispense justice to ensure this happened. Secondly, and in Foucauldian terms, it reiterates the notion that sovereign right is linked to the accumulation of land and wealth. Here it can be considered that the humble villagers did not want to give up their land to the King, but in order for this to happen, their land had to become public property and their individual interests subsumed into the common right. Thirdly, if sovereign power is exercised as the ‘absolute expenditure of power’, the resulting public order action of managing civil unrest by way of the cudgel, is a pretty good example of power at its most volatile extreme (Foucault, 2008: 36).

The alacrity of King John to bestow punitive justice upon the dissenting Gotamites serves a number of purposes here. The use of violence mainly aims to enforce compliance to a legal order and to concede absolute obedience to a ‘princely power’, even though in this respect the tale relates less to constitutional forms of state sovereignty and more precisely to the notion of absolute sovereign power (see Hegel, 2008: 259). As an administrative apparatus, the knights of the realm were used to reinforce the rules and regulations of right, through which society was governed, and through which the necessary division between the population and the hierarchy was maintained. Indeed as Weber notes in *Economy and Society*, ‘rational penal law’ was generally considered ‘one of the earliest creations of the princely power to protect the peace’ (1968: 840). But instead, here, the protection of

the peace equates to the patrimonial right to appropriate land, and the use of public order discourse to suppress dissent (*Ibid*). There is therefore a particular coupling that takes place at this point between public order and right, but it is not a universal public right that is being enforced as one might expect.

As suggested by Weber (*Ibid*: 237) ‘members of the privileged group have independent rights’, but these are presented in terms of a common right by way of public order discourse. Here it is the inimical right of a privileged and dominant order which is being enforced, and that is not to impose upon public order discourse a second-order judgement (as considered by Kendall and Wickham, 1999: 13-20). Even if the idea of protecting the peace or the creation of a public highway might suggest this to be the case, here public order discourse serves to establish patrimonial authority and rights over the land. With regards to the bureaucratisation of dissent, this posits dissenting public discourse as being an intolerable threat to the state, which would be managed through the enforcement of penal justice and the state’s monopoly of violence. In relation to public order discourse, the conceptualisation of a public right around the ownership of the land seeks to remove from the peasantry their individual right to it.

Treason, Sedition, and Right

To further this critique of public order and right during the Fourteenth Century, significant advances were made by King Edward III in relation to the suppression of dissent that would have long-standing implications for public order discourse in the UK. Yet, to understand quite how important these advances were in relation to the security of the state and to the British Crown,

the circumstances behind Edward III's ascension to the throne in 1327 also need to be understood. Indeed it is the legacy of King Edward's actions which are of importance here with regards to sovereign strategies for managing dissent, and in relation to acts of treason and sedition that remain one of the British state's most pressing concerns even today. This section of the chapter therefore introduces the first of Pearlman's classifications for social groups that present an issue for the organized state; the question of how to manage sedition (1977b: 1-2). The chapter will return to the notion of sedition a number of times in due course for it constitutes one of the most significant legislative responses to the threat of disorder, which emerges again in Seventeenth Century public order discourse and at numerous points during the Eighteenth and Nineteenth Centuries. Sedition is articulated today by way of the laws that govern political subversion, to which the response from the state remains entirely hostile and still posits subversion as posing a threat to National Security. As such there is an evident genealogy of sedition, public order, and right, which in contemporary times can be seen by way of the state's abject intolerance towards organized insurrection and is thus, managed using the same fundamental techniques via the direct use of force.

After a long and bloody war with both the Scots and the French, Edward III's father, King Edward II, was called to France to pay an uneasy homage to the new English Duchy of Aquitaine to be appointed by King Charles IV. However, plotting with King Edward's opponents, Queen Isabella (Edward III's mother and sister to King Charles IV of France) sought to depose Edward II, and arranged a coup. Popular discontent was already an issue in Britain, mainly caused by Edward II's general failure to resolve the

longstanding conflict with the Scots, and as a result of his flamboyant patronage for certain favourites of the Royal Court. Instead of signing a treaty to facilitate peace between Britain and France, Isabella and her accomplice Roger Mortimer engineered popular support for a full-scale military invasion of Britain by engaging the young prince Edward to Philippa of Hainault (whom he would later marry). Upon realising that a trap had been set, King Edward II tried to flee from France, but his forces deserted him and he was deposed in 1327 with his son taking the throne (Bothwell, 2004).

The early years of King Edward III's reign were marked with a number of social, economic, and diplomatic problems which would ultimately lead him to fight battles on a number of fronts. Roger Mortimer who was acting as both the regent's official guardian and proxy of the state, had essentially started a campaign to gather as much land as possible during his short tenure in office, and was gradually trying to usurp the new King. Aware of the role that Mortimer had played in his father's deposition, and of the increasing scale of disparaging comments made about him by his guardian, Edward III had Mortimer beheaded at Nottingham castle in 1330. Then in 1332 an illegitimate battle was started by property magnates with the Scots over a land dispute. Here, a number of territories had been handed back to the Scots during Edward II's earlier treaty with Scotland, but an attempt was made without the knowledge of the Crown to claim them back. After an attempted coup precipitated by this party in Scotland all but failed, Edward III invaded in an attempt to prevent the Scottish throne from being restored to David II. However, this was also unsuccessful and the King was forced to compromise with the Scots. Fortunately, this worked to his advantage in terms of breaking a pact

between Scotland and France, following which he would only have to defend Britain on one tactical front. With news that the French had started to attack towns on the British coastline and rumours of a widespread offensive being launched, King Edward III decided to invade France.

During that which is frequently considered to be the start of the Hundred Years War, Edward III set out to claim as many allegiances as he could to help with the war effort. As these commitments were very expensive, and with no sign of the conflict progressing, Britain's national debt escalated and funds for the campaign began to dry up. Outraged at the lack of financial support for his war against France, King Edward III returned to Britain to find the country in financial and organizational chaos. He quickly set about to remove those within the state who sought to oppose him and then later returned to conquer both France and claim Scotland as well. Although the penultimate war effort had largely ransacked Britain's finances, other issues at home also marred the conflict (McKisack, 1960: 45). In 1348 the Black Death claimed over a third of the lives of the population, though despite this his reign continued, as did the war. During the interim periods of calm across the kingdom, and of course following the great plague, Edward III made significant legislative progress at home. Firstly he ensured that the conditions for preserving his position as King would remain unquestioned, by drafting the *Treason Act 1351* (HMSO 1351). Secondly he made sure that despite the significant fatalities of the plague, that the means for maintaining public order were reinvigorated through the introduction of the *Justices of the Peace Act 1361* (HMSO, 1361).

Under the *Treason Act 1351*, it became an offence to threaten the reigning monarch, or to call into question the legitimacy of the state (HMSO 1351). In both respects, challenging the established regime was considered an unequivocal act of betrayal, for which the ultimate penalty was one of death. Ostensibly, the *Treason Act* sought to maintain the sovereignty of the state and protect it from internal threats caused by popular unrest, as well as those from overseas. In this respect, Edward III was making sure that any future plot to usurp him would be met with swift punitive justice. Under the *Treason Act 1351*, it became an offence to plot against the sovereign or to provide safe harbour or assistance to the enemies of the state. The *Act* decrees that:

Whereas divers Opinions have been before this Time [in what Case Treason shall be said, and in what not;] the King, at the Request of the Lords and of the Commons, hath made a Declaration in the Manner as hereafter followeth, that is to say; When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his [Queen] or of their eldest Son and Heir; or if a Man do violate the King's[Companion,] or the King's eldest Daughter unmarried, or the Wife the King's eldest Son and Heir; or if a Man do levy War against our Lord the King in his Realm, or be adherent to the King's Enemies in his Realm, giving to them Aid and Comfort in the Realm, or elsewhere, and thereof be [probably] attainted of open Deed by [the People] of their Condition, and if a Man slea the Chancellor, Treasurer, or the King's Justices of the one Bench or the other, Justices in Eyre, or Justices of Assise, and all other Justices assigned to hear and determine, being in their Places, doing their Offices: And it is to be understood, that in the Cases above rehearsed, [that] ought to be judged Treason which extends to our Lord the King, and his Royal Majesty. (*Ibid*)

High treason was punishable by death for crimes such as plotting to depose the King, or by committing adultery with the Queen (and vicariously, for violating the King's progeny in such a manner). It was also an act of high treason to commit forgery either of the coin of the realm or of the King's official seal for the purposes of social standing or monetary gain. Public executions would normally take the form of being drawn by horse to a place of punishment,

hanged until nearly dead, and quartered for men; or by being drawn, and committed to death by fire for women.

The notion of petty treason was also introduced by King Edward III to differentiate from the above violations of regicide and sovereign adultery, and to further maintain the organizational framework of feudal privilege. Here it became a serious offence to murder or to conspire against one's immediate superiors, which was also punishable by death. The only relief for the accused was that this conviction lacked the customary journey by horse to the site of execution (for women, at least), or everything short of being quartered for men. Under violations for petty treason, a wife could be executed for murdering her husband, or slaves put to death for killing their master. Members of the clergy could be executed for killing a superior, and in all cases subordinates would be put to death for forging their master's seal. During the Seventeenth Century the *Treason Act* was extended into further legislative orders aimed to govern any form of organized insurrection which was directly targeted at the state (McKisack, 1959: 257).

With regards to public order and right, the *Treason Act* in particular identifies organized dissent against the realm as being the most serious offence imaginable. It identifies the right of the sovereign body as being absolute and condemns any transgressions against the established order to public spectacle and punishment by death. In other words, those accused of committing treason, sedition, or any other form of unscrupulous activity, would be permanently removed as they sought to challenge the subjective will of the state – and were therefore opposed to the very power of right itself. As such, subversion would not be tolerated in any way, shape, or form, and would be made a very public

example of. By virtue of the extension of the *Act* to cover the notion of petty treason, this also served to prohibit any attempts made by the peasantry to question their place in society, and provided an exclusive right for the state to manage both their conduct and their lives. Again, to reiterate an earlier point, here the problematic of dissent is linked to the preservation of an established social order, which in this respect equates to the embodiment of the sovereign state, and of course to domination. With regards to the notion of sovereign power, as Foucault suggests, ‘right must, I think, be viewed not in terms of a legitimacy that has to be established, but in terms of the procedures of subjugation it implements’ (*Society Must be Defended*, 2003: 27). In this particular context, right is a question of ‘domination and subjugation’ in as much as it removes from the population the means to refute authority.

Preserving the King’s Peace

The third example for how sovereignty frames public order discourse as a series of concepts and practices can be thought of in terms of breaching the peace (which also originated during the reign of King Edward III). Although the idea of a breach of the peace is one of Britain’s oldest regulatory edicts and remains essential to the philosophy behind all public order actions conducted in the UK, it does not exist as a law in its own right. It is therefore a concept which is articulated through the means of public order discourse, which legitimises a range of coercive interventions, and which also has a particular material outcome – the designation of authority to an administrative body, and the power of such individuals over the population.

The closest Act of Parliament in which a breach of the peace is cited as being a statute of the realm is the *Justices of the Peace Act 1361*, which can be hailed as being an essential component of public order thinking, but can also be considered in terms of the wider delegation of sovereign power to those of good social standing (HMSO, 1361). The *Act* commissioned by Edward III states that:

In every County of England shall be assigned for the keeping of the Peace, one Lord, and with him three or four of the most worthy in the County, with some learned in the Law, and they shall have Power to restrain the Offenders, Rioters, and all other Barators, and to pursue, arrest, take, and chastise them according their Trespass or Offence [...] the other duly to punish; to the Intent that the People be not by such Rioters or Rebels troubled nor endamaged, nor the Peace blemished, nor Merchants nor other passing by the Highways of the Realm disturbed (*Ibid*).

Prior to the *Justices of the Peace Act*, knights of the realm were used to maintain public order in troubled parts of Britain, but they were often found to be lacking in the precise art of administering justice; mainly because they were limited in number, and only really operated in terms of enacting violent interventions where necessary. By 1327 the knights had been largely replaced with Conservators or provincial Wardens of the Peace, who as Lambert (2011: 5) notes, were considered the earliest form of justice in the medieval word. However, according to Lambert ‘the arrival of the Black Death in 1348 devastated the population and wrecked much of the established social order’ in every province, resulting in large gangs of criminals roaming the land (*Ibid*). The response to this widespread level of disorder was to appoint local sheriffs, but in due course it was discovered that they imposed large fines and ‘unjust punishments’ seemingly at will (*Ibid*). The *Justices of the Peace Act 1361* was

commissioned by Edward III in response to social decay that had proliferated during his time at war, but also owing to the loss of many of his Conservators or Wardens to the plague (HMSO, 1361). Therefore according to Brown:

The second major change, and in the longer term the more important by far, was the appointment of local gentry, magnates and lawyers as Justices of the Peace to suppress disorder, seek out and try felonies and trespass and enforce labour legislation (Brown, 1989: 122)

The *Justices of the Peace Act* remains formative of all public order discourse in the UK. It is both symbolic of the strategic intent of such narratives, and is fundamental to the scope of activities through which offences are committed. The notion of trespass for example, is cited here as being a criminal act (beyond its modern articulation in civil law), but this is clearly linked to ownership of the land, and not to the uses of it (as would otherwise be the case for the disciplinary society). Tertiary crimes such as harassment and obstruction of the highway also begin to emerge, which in more contemporary times form a significant part of the constabulary's tactical approach to maintaining public order.¹⁷ The highways of the realm are managed by the public authorities (defined by Hegel, 2008: 217-8), and as such are considered part of a collective common interest even though they are owned by the state. There are additional themes which transpire in the *Justices of the Peace Act* that should equally be observed, including the arrest and removal of unruly persons from the scene of a disturbance, and the prevention of damage to public or private property. Yet, one aspect of the *Act* which stands out is the protection of the general population from unsolicited abuse,

¹⁷ I.e., though managing the route of marches and processions, dictating which public spaces can be used for demonstrations, or the causes they promote.

for which the evident risk is one of affray. But this can be considered by way of the common right to be protected by the state from harm, and of the specific measures in place against which to safeguard this particular concern. That is, unless it is the state itself which administers justice by way of the legitimate use of force (Weber, 1968: 314). Comparatively for Hegel, public order discourse, specifically in relation to the maintenance of public order, serves as a preventative measure:

There is here only a possibility of injury; but the fact that no harm is done is, as a contingency, equally no more than a possibility. This is the aspect of wrong that is inherent in such actions; it is the ultimate reason for police control and penal justice. (2008: 216)

It is with specific reference to the loss of public order that the *1361 Act* can be set aside (HMSO, 1361). Within all of the above instances it is neither the detection of, nor the observed act of a wrongdoer which constitutes an offence,¹⁸ but the capacity of an assumed or intended activity to provoke disorder and thus blemish the peace. Indeed this is a trend that permeates all public order discourse, and in the majority of laws that have since been created to manage both industrial and domestic disputes - the coercion of others for political or personal gain is strictly forbidden. Weber seconds this notion by claiming that ‘all of the “public peace” arrangements of the Middle Ages were meant to serve the interests of exchange’ (1968: 640). With regards to the *Justices of the Peace Act 1361*, a disturbance was likely to be caused by the theft of goods, or through the means of unfair exchange, which is otherwise regulated by the political community (*Ibid*). It is unsurprising then that the

¹⁸ Unless of course that equates to treason or sedition.

notion of ownership plays a central role in both the conceptualisation of right and the preservation of public order.

So what is it that the *Justices of the Peace Act* aims to achieve? In terms of contextualising the main body of the *Act* it accomplishes a number of goals. Firstly the *Act* seeks to delegate sovereign authority to persons of good standing or public notoriety, who may or may not have some degree of legal knowledge. Secondly the *Act* gives duly designated officials power over the population to arrest, detain, and punish trespassers and troublemakers as they see fit. Thirdly the *Act* ensures that in the pursuit and conviction of felons, that other would-be agitators are dissuaded from this line of conduct. Essentially what emerges from the *Justices of the Peace Act* is a contingency under which certain eventualities are claimed to result in a loss of public control (HMSO, 3161). Overall the *Act* makes it possible for said officials of the state to wield power over the population for the purposes of chastisement, detention, or punishment. This is legitimised here in terms of the common right to trade, to suffer no trespass, and to be kept safe from physical or reputational harm.

As it stands today, members of HM Constabulary are able to evoke a breach of the peace in order to make an arrest, but offenders are unlikely to receive a fine, conviction, or imprisonment either by statute or under British law. Arrests are only permitted if the suspect demonstrates intent to commit a further breach of the peace, or if their actions are likely to incite violent or disruptive behaviour among the population. Where it is considered that the purpose of the suspect is to commit an actual offence, they are taken before a magistrate to be bound over into a recognisance, as in fact has been the case since 1361 (see Lambert, 2011: 5). This prohibits the individual (or in rare

cases, the parties concerned), from repeating their actions in designated locality or timeframe. But of course, the rationalisation of the public's activities along entirely passive lines does not end with this all-inclusive declaration. Further conventions were introduced during the Eighteenth and Nineteenth centuries that had an equivalent impact on public order, though in a wider respect the refinement of such regulatory acts forms part of the on-going processes of public administration.

Consequently one of the main points of interest in the *Act* was of the introduction of the Justices of the Peace, who as a particular body of individuals, exemplify the conditions for the emergence of policing as an administrative practice which is inexorably linked to concepts such as public order and right. Although the wider question of policing is as much about maintaining public order as it is for enforcing the law, the *Justices of the Peace Act* lays down some of the preliminary conditions for modern policing by establishing a body of individuals who can both charge and detain wrongdoers for disturbing the peace. (HMSO, 1361) In terms of Weber's classical definition of bureaucracy, the Justices of the Peace were indicative of being a coercive apparatus, whose administrative activities sought to maintain the *status quo* by imposing punitive sanctions upon those who threatened disorder. In many other respects they fall short of Weber's model, as they had little legal training, received limited (if any) remuneration for this role, and consisted of notable public figures who maintained more of a vested interest in crimes which relate to their personal affairs than to those of society (Lambert, 2011: 5). Nevertheless, the *Justices of the Peace Act 1361* demonstrates how a particular organization and an explicit way of thinking about public order and

crime began during the Fourteenth Century (HMSO, 1361). In terms of public order and right, the *Justices of the Peace Act* illustrates the conditions through which authority could be delegated to a specific social body as a means to regulate trade and govern public conduct. The common right of all social actors to be safe from coercion or from harm, is the individual right of the state delegated to Justices of the Peace.

Reading the Riot Act

To continue with the above themes of subversion and disorder as being central to the formation of public order discourse and the preservation of sovereign right, it is necessary to move forward nearly three hundred years to the Seventeenth Century and the period of the Restoration. There are, of course, good reasons for this, despite the tumultuous periods in British civil history precipitated by the Reformation and thereafter by the English Civil War, but it is really here (with the Restoration of the Crown) that that public order discourse returns to sedition.

In the mid-Seventeenth Century two legislative orders were introduced by King Charles II to broaden the notion of treason, and to reiterate the position of subjects within the revised sovereign state. The *Tumultuous Petitioning Act 1661* (BHO, [Online], 2017a) made it an offence for twenty or more people to petition either the sovereign or parliament directly without prior consent, and approval was required from the Justices of the Peace before a petition could be presented in any case (Pearlman, 1977b: 4). Indeed, it was forbidden for the general public to gather and submit a petition *en masse* to their betters as this was considered an attempt at coercion, and was strictly

proscribed. The *Sedition Act 1661* (BHO, [Online], 2017b) was also used to prevent the general public from conspiring to commit treason, but it extended the aforementioned activities to include incitement towards insurrection by way of public speech, or through organizing a revolt to challenge an established social order (Pearlman, 1977b: 4). Whereas previous decrees such as the *Treason Act 1351* and the *Tumultuous Petitioning Act 1661* were aimed at convicting known offences, the focus for the *Sedition Act* was on those of conspiracy (*Ibid*). Here it was the case that any public speakers or politically-orientated gatherings in public houses could be declared unlawful, leading to arrests and potentially imprisonment for life. In relation to public order discourse, the threat posed by seditious public speakers was one of incitement towards mass dissent. This section of the chapter therefore introduces the second of Pearlman's classifications for civil unrest, regarding the issue of riots (1977b: 1-2).

In 1668 London was besieged by a number of riots which occurred in response to the *Conventicle Act 1664*, commissioned by King Charles II (BHO, [Online], 2015c). Under the *Act*, Charles II had proscribed religious gatherings of more than five people (i.e., beyond the initial family unit) who were not practicing Church of England doctrine. Outraged by the fact that King Charles had effectively banned unorthodox worship, yet, had seemingly failed to tackle the wider social and ethical blight of London's brothels, widespread civil disorder broke out. Otherwise known as the Bawdy House Riots 1668, brothels in the East End of London were ransacked and looted over a three day period within which the occupants were also subjected to physical assaults (Harris, 1990: 82-3). At its peak the riots were alleged to have involved over

forty-thousand men, who had seemingly been organized into regimented units to conduct the destruction. In addition to the prohibition of nonconformist worship, the disorder was caused by the 'licentious activities' of Charles II's court and the general religious intolerance of the Restoration regime (*Ibid*: 82). The alleged organizers of the riots were apprehended and tried for high treason, though this precipitated further civil unrest, to which the legislative response was to place even greater restrictions on religious autonomy.

By the opening stages of the Eighteenth Century, explicit laws were passed to control outbreaks of civil disorder that spanned five years of violent religious and social turmoil in the UK. The Sacheverell riots of 1710 and the 1714 riots over the Coronation of King George I resulted in Parliament passing the *Riot Act 1714* to manage the threat posed by illegal public gatherings (Walther, [Online], 2005). Otherwise known as an 'An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing the rioters', the *Riot Act* made disturbing the peace punishable by death, without due benefit of last rights from a member of the clergy. The *Act* principally defined riotous assemblies as being twelve or more individuals intent on provoking the wanton destruction of private property, and took the consequences for committing a 'disturbance' (*ibid*) to new extremes. According to Bruce D'Arcus the general definition of a riot is as follows:

Riots are one kind of dissent in public space, with an important place in the history of social change and in the development of the modern state. Riots have typically challenged state-imposed order [...] often serving as a vigilante justice of sorts. As such riots have a long place in legal tradition. In such traditions, riots were what officials of the state claimed them to be. (*Boundaries of Dissent*, 2006: 30)

In this latter respect, it was the Coronation of King George I in 1714 which triggered one of Britain's most significant popular uprisings of the Eighteenth Century. Here, despite overwhelming opposition, George I ascended to the throne as Britain's first Hanoverian monarch following the death of Queen Anne, and the deposition of the House of Stuart. One of the first (and equally unpopular) things that the new King decreed was to dissolve the Tory government with immediate effect and appoint a new parliament. This new party was led exclusively by the Whigs, whose politics favoured the introduction of a constitutional monarchy and not the prior absolutist ideals of their former peers. Naturally this angered members of the influential Jacobite movement who were dedicated to the restoration of rights to an appropriate Stuart, and who also considered the sovereign right of the monarchy to be absolute. In fact all of the above contributed to widespread riots across the UK, in which 'there were fifty-seven recorded Jacobite disturbances in England' between 1714 and 1722 (Oates, 2004: 111).

The *Act* 'for preventing tumults and riotous assemblies' is therefore a significant document to observe as it spans both the restoration of sovereignty to the monarchy and the unification of Great Britain under one parliamentary state. Nevertheless, beyond the notion that the *Riot Act* is a piece of rational legislation, it is 1) the conditions that this decree imposes, 2) against whom the conditions are enforced, 3) in which social spaces it might be used, 4) the dissenting public actions to which it is aligned, and 5) the concepts it enshrines by way of right, which are of due concern. As Pearlman notes, originally the concept of a riot encompassed thirty or more individuals who had 'assembled to perform unlawful acts encompassing violence and performed with the

intention of terrifying the populace' (1977b: 2). Here, the common law had been extended to cover all public assemblies which were considered threatening to the general public, even if no violence had been used or was indicated. To briefly put the *Riot Act* into context, it could be imposed upon an assembly of twelve or more persons, who were behaving 'unlawfully, riotously, and tumultuously', and who were disturbing the peace.¹⁹

In terms of public order discourse, the notion of a riot involves a group of people who are either suspected of, or who are involved with causing actual damage to property or to the general public, for which it constitutes an offence. In this context, riots are subjected to a dispersal order by a Justice of the Peace or by another notable official, by reading the first major clause of the *Act* aloud. Here notice is given to the assembly that its activity is unlawful and that it has one hour in which to disperse. The official reading of the *Riot Act* ends with the clause:

Our sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of King George, for preventing tumults and riotous assemblies. God save the King. (Walther, [Online]. 2005)

At this point the crowds are intended to disperse and all riotous activities cease. However, as the introduction of a conventional police force would not appear for another hundred years or so, 'every mayor, justice of the peace, sheriff, bailiff, and other head-officer, high or petty constable, and other peace-officer of any city or town corporate', in addition to a local garrison of the

¹⁹ This notion differs from a breach of the peace in as much as a breach usually involves only one person who must be removed from a public place to prevent affray.

King's army, could be employed to remove the protagonists (*Ibid*). The *Act* furthermore states that if after the elapse of the hour the rioters are still engaged in their unlawful activity, these duly designated officials of the state can act with impunity for the removal of them by force - which generally equates to 'the killing, maiming, or hurting of any such person or persons' (*Ibid*). In the event of the apprehension of a suspect, if they are found to have taken part in a riot they will be executed without benefit of last rights.

Despite being a very final proclamation of sovereign intent, there are a number of other points of interest in the full text of the *Riot Act*. The first of these entails the suspension of the right to assembly and the appropriation of public spaces by the realm – or in other words the changing legislative boundaries of the common right, and the imposition of a new set of regulations which govern the use of the public space (D'Arcus, 2006: 31). The second point to note according to the above is the state-sanctioned use of the death penalty, which is essentially used to bring about a swift end to a riot, but equally removes dissenting public actors from the protectorate of the state. To put it another way the removal of the public space also equates to the suspension of public right granted within that space, over which new extraordinary conditions and penalties can thereafter be imposed. The third notion that must be addressed is the linking of dissenting public discourse to the destruction of property, and the depiction of this activity as an intolerable crime against civil society. However, there is a further point to consider during the latter half of the *Riot Act* – the imposition of financial penalties upon the general population for failing to prevent the riot themselves.

During eventualities in which holdings were damaged as a consequence of riots, local residents would be legally obliged to pay for repairs. In large towns or cities this penalty would be imposed evenly across a number of citizens. However, in more provincial areas, the nearest ‘hundred’ (residents) would be obliged to foot the bill (Walther, [Online], 2005). The intention of this strategy was to cause the general public to prevent civil disorder by making them culpable for any damages; although forcing the population to be responsible for the actions of others holds additional benefits from an organizational point of view. Essentially the practice of making the local citizenry financially liable for riots in one sense seeks to prevent them from taking place at all, but in another respect, transforms the affairs of those enacting disorder into a common problem for the whole community. Indeed here there is a very real material consequence of public order discourse, within which wealth is used as a coercive strategy to suppress public dissent. But there is also another angle to this initiative. It defines a collective social body against which dissenting public actors commit crimes.

In John Hoffman’s *Sovereignty* (1998: 52), a clear distinction is made between the use of violence and the application of coercion. The use of direct force, he suggests, is a very final measure which ‘prevents people from acting at all’ (*Ibid*). Comparatively, coercion is applied in some circumstances to ensure that citizens behave appropriately. In the particular context of riots, force is used to put an immediate end to civil unrest, for the following reason:

Where the state exists, sections of a fractured community necessarily challenge its professed monopoly by resorting to an unauthorized force of their own. In this way, they contest the legitimacy of the state they resist. Of course, such individuals or groups are invariably characterized in official discourse as ‘impossible’ minorities whose

resort to force seems inexplicably horrendous to all right-thinking people. But the point is that these individuals or groups are there all the same. Their presence signals the fact that the community in whose name state sovereignty is exercised does not actually exist. (*Ibid*: 53)

In direct relation to the *Riot Act*, the stigmatisation of dissident actors as being unlawful, riotous, and tumultuous is indicative of this particular public order discourse. In one respect it identifies a specific set of dissenting actions which are labelled accordingly and thus necessitate a corresponding response from the state. With regards to mass civil disorder taking the form of riots, the response is often immediate and aims to bring about the direct cessation of activities. In relation to lesser forms of public dissent, the approach is less violent, and more coercive (as would be the case for imposing financial penalties on the nearest hundred).

Nevertheless, according to D'Arcus the prospect of a riot signifies more than the loss of control for the organized state in as much as riots are both spontaneous and are also very difficult to predict (2006: 30-2). During instances within which civil disorder is caused by fractious politics, the biggest threat to the state is the exposure of there being no such community. Therefore one has to be created or imposed. In relation to public order discourse, the declaration of the *Riot Act* both prohibits the use of the public space and at the same time renders subjects conducting such actions to extraordinary state law. Within this context, there is no offer of trial or adjudication, and the suspension of any individual right is absolute.

Seditious Meetings and Political Dissent

Following the introduction of the *Riot Act 1714*, relatively little changed between the final stages of the Seventeenth Century and those of the late Eighteenth Century (Walther, [Online], 2005). Up until this point it was either the threat of disorder caused by disagreements over land, wealth and goods; riots, sedition, or the actual act of treason itself which would necessitate an intervention with regards to the maintenance of public order or the safety of the realm. Up until this point the Justices of the Peace and the standing armies had maintained public order with relative success. But as Pearlman (1977b: 3) points out, it was only towards the end of the Seventeenth Century that the ultimate scope of the *Treason Act 1351* failed to manage the wider aspirations of civil society (HMSO 1351). With the exception of localised squabbles over property or territory, the prospect of sovereign betrayal or the outbreak of civil disorder, the state was otherwise uninterested in the general public's attempts to engage with politics - for the simple reason that the majority of the population were excluded from the political process anyway. Nevertheless, a new risk to public order emerged during the closing stages of the Eighteenth Century in the form of the increasing political awareness and financial mobility of the middle classes, and of course, with regards to the revolution in France.

In Britain a number of middle class interest groups had started to publicly discuss and campaign for various causes outside of government. While they posed no immediate threat to the organized state, proponents for Parliamentary reform such as the Wilkesite and Wyvillite movements formed 'extraparlimentary associations' against which the British establishment

seemingly had no legislative course of action (Pearlman, 1977b: 3). Indeed during the late Eighteenth Century other groups would begin to emerge to promote libertarian ideas such as 'religious toleration' and the abolition of slavery, but when these interest groups tuned their focus to universal workers' rights - that would potentially grant the entire population the right to vote, the government quickly intervened (*Ibid*).

The activities of the radical democrats in France found echoes in the writings of Thomas Paine and the organization of the London Corresponding Society, a predominantly working class association dedicated to universal manhood suffrage. It was here that the government would draw the line. The acquittal of members of the L.C.S. at their trial for treason made it obvious that new repressive legislation was necessary, and Parliament quickly responded. In 1794, the writ of habeas corpus was suspended, and in 1795, the Two Acts were passed [...] extending the definition of treason and sedition, and requiring the permission of two magistrates for all meetings of more than fifty people. (*Ibid*: 4)

The executive response to the emergence of extraparlimentary associations was twofold. In one respect, new amendments were made to the acts governing sedition and tumultuous petitioning to limit the expansion of such groups by restricting their right to freedom of speech, but they also aimed to regulate public assemblies as well. The suspension of *habeas corpus* during 1794 enabled Britain's public authorities to arrest without warrant only on suspicion of sedition or treason, and to detain those apprehended for an indefinite amount of time. This of course differed from the Seventeenth Century rendition of these *Acts* under which two witnesses were required to provide evidence of seditious intent. In terms of the 'Two Acts' noted above, the *Seditious Meetings Act 1795* and the *Treasonable Practices Act 1795* were both drawn in response to the stoning of King George III's carriage outside of

Parliament earlier that year by radicals (Pearlman, 1977b: 3, and HMSO, 1795). The *Seditious Meetings Act 1795* required public lectures and all debating halls to carry a magistrates license and for local authorities to be present during every public event.

Under the *Act* any room or building that was used for the purposes of a political debate or to criticise social or legislative injustices was immediately considered a house of disorder and the occupants placed under arrest. Further conditions imposed by the *Seditious Meeting Act 1795* made it unlawful for public assemblies to gather ‘within one mile of Parliament while it was in session’, and that particular edict was rejuvenated during 2005 with the introduction of an exclusion zone of half a mile from Parliament for public protests (Pearlman, 1977b: 5). The *Treasonable Practices Act 1795* comparatively outlined the specific conditions whereby treason could be committed simply by conspiring to overthrow or injure the King:

In this present Parliament assembled, and by the authority of the same, that if any person or persons whatsoever after the day of the passing of the this Act, during the natural life of our most gracious sovereign lord the King [...] shall, within the realm or without, compass, imagine, invent, or devise or intend death or destruction, or any bodily harm intending to death or destruction, main or wounding, imprisonment or restraint of the person of the same our sovereign lord the King, his heirs and successors [...] such compassing’s, imaginations, inventions, devices or intensions, or any of them shall express, utter or declare, by publishing any printing or writing [...] be legally convicted therefore upon the oaths of two lawful and credible witnesses [...] shall suffer pains of death. (Record Commission, 1872: 396)

In terms of a practical response to the spread of interest associations, the Justices of the Peace were called upon to restrict any political gatherings (newly defined as being seditious meetings), for a period of up to four years. The activities of the London Corresponding Society were suspended as of 1799 under the *Seditious Societies Act*, in addition to trade unions and all other

federations under the *Combination Act* of the same year (Pearlman, 1977b: 5-11, and Pickering 1762). The later *Toleration Act 1812* required all dissenting congregations to be registered with a local Justice of the Peace, who would thereafter determine the legitimacy of their campaigns (Pearlman, 1977b: 5-11).

What all of the above demonstrates is not simply the legislative restriction of public dissent in late Eighteenth Century Britain, but the imposition of ideas such as treason and sedition upon legitimate political discourse as a means to maintain public order. Undeniably, many of the restrictions placed upon dissenting public discourse served largely as a preventative measure in an attempt to discourage the increasing spread of social movement groups and their proclivity for universal suffrage. However, what starts to emerge from the end of the Eighteenth Century as suggested by Foucault (1977: 224), was a gradual transformation of right essentially away from purely territorial or monetary interests towards the management of the population, and for a newly defined right for the general public to engage with politics. Nevertheless, that is not to suggest this particular type of administrative progress would take place overnight. In actuality the common right for the general population to openly debate social or legislative issues would require intensive regulation and rational control, principally through means other than the explicit use of force.

During the penultimate decade of the Eighteenth Century several laws were drafted, amended or repealed, seeing general rights to freedom of speech, freedom of assembly, and the enshrined right not to suffer arbitrary detention curtailed in an attempt to manage public dissent. Yet, what ironically begins to

emerge from this period of political and legislative upheaval are new techniques for managing the population such as surveillance and supervision, and thus discipline. Consequently by the *Toleration Act 1812* and the perquisite for social movements to resist their particular field of interest with the state, new strategies for maintaining public order begin to emerge in addition to the use of physical force.

Combinations of Workmen and the Rise of Disciplinary Society

Thus far threats to public order such as sedition and riots have been discussed in relation to Pearlman's typological notion of three 'major classes of gatherings' (1977b: 1-2), but as the Kingdom of Great Britain moved further towards industrial capitalism during the closing stages of the Eighteenth Century, a third risk to the state began to emerge in the form of friendly societies and groups campaigning for workers' rights. While one could argue at this point that the systems of control that appeared during this epoch started to develop attributes of state supervision and thus discipline (especially with regards to the proliferation of rational law as a means to control such autonomous organizations); the administrative response of the British establishment still relied extensively upon sovereign forms of intervention such as the use of physical force. As the rational grounds for conducting political forms of intervention increased, seemingly so did the legitimacy of state violence as the direct means for the suppression of dissent, that is, until a fully developed disciplinary apparatus for maintaining public order started to emerge towards the end of the Nineteenth Century. Indeed this largely transpired with regards to the registration and strict rationalisation of

occupational interest groups, and the full-time permanent policing of Britain's streets. Consequently, this next section of the chapter examines the conditions through which this particular transition from sovereignty to discipline materialised, with regards to the administrative management of working-class organizations.

During the Seventeenth Century, groups of workers began to establish their own associations for providing mutual benefits to their members such as 'burial, sickness, and old-age insurance' as the former system of guilds started to decline (Pearlman, 1977a: 1). Although the British establishment was not initially opposed to these particular social movements (in as much as providing their own form of welfare and poor relief offered workers a sense of autonomy from the state (which also resulted in less work for the authorities), often these societies developed a strong sense of camaraderie amongst their members and acted as a front for trade union activity. However, it was generally forbidden for workers to campaign for better conditions or pay at this time, or even to approach their employers with such demands whilst on strike. Even worse was the possibility of workers threatening to cease their productivity entirely. Of course the closer Britain moved towards industrialisation, the more seriously the prospect of industrial action was taken.

By the end of the Eighteenth Century, Parliament sought to legislate against 'all trade-combinations' in an attempt to curtail the activities of trade unions and working-class affiliations (Pearlman, 1977b: 5). Generally speaking, all attempts to campaign for better pay or working conditions through the means of industrial action were considered conspiratorial under common law and were usually met with hostility from the state.

In response, Parliament adopted new legislation during the 18th-century (in 1743, 1758, 1763, 1771, and 1779) to back up the common law with statutory powers against workers associations in particular trades. (Pearlman, 1977a: 5)

With regards to the increasing rationalisation of trade union activities, occupational welfare groups were forced to concede to public scrutiny of their finances under the 1793 *Act for the Encouragement and Relief of Friendly Societies* (Pickering, 1762). This was to ensure that they met sufficient conditions to provide financial relief for their members, but was also designed to ensure that any monies could not be presented to striking workers. Under the *Relief of Friendly Societies Act 1793*, these organizations were required to present the rules and regulations for membership before a Local Court of Quarter Sessions (as governed by Justices of the Peace), and increasingly over the next twenty-years to appoint a board of notable trustees to prevent the embezzlement of funds by their executive members. What all of the above equated to, was the rational encouragement of friendly societies to develop along bureaucratic lines. Indeed as Weber suggests:

When those subject to bureaucratic control seek to escape the influence of the existing bureaucratic apparatus, this is normally possible only by creating an organization of their own which is equally subject to bureaucratization. (1968: 224)

This technique was of course one of the great innovations of the disciplinary society, in which the friendly societies were subjected to administrative oversight, and were essentially bureaucratized by virtue of having to determine the rules and regulations for both membership and to govern the conduct of their activities. Comparatively for social movements which were not of any

intrinsic value to the organized state (such as trade union associations or any other groups campaigning for worker's rights), an increasing array of punitive regulations was used to place their dissenting activities under strict legal control. In this respect, the *Combination Acts* of 1799 and 1800 were designed to criminalise the activities of Britain's emerging trade labour movement, which by the early Nineteenth Century carried a statutory three months imprisonment for any legal infractions (Pearlman, 1977a: 5, and Pickering, 1762).

Indeed the results of this administrative campaign were twofold. In one respect any affiliations wishing to be deemed legitimate were coerced into compliance, and by virtue of administrative oversight were thus neutralised. Comparatively, any groups not institutionalised in this capacity were effectively criminalised and were forced to go underground - resulting in the radicalisation of a number of movements and the alignment of trade union activists with the Jacobin interest group. This latter notion suitably frames Edward Vallance's work on radical social movements in which proscribed organizations such as the London Corresponding Society, and Britain's trade labour movement came to be seen as a threat to the organized state (2009: 274). In other words, the *Combination Acts* set a precedent for defining non-state organizations as an immediate threat to British society within public order discourse. With regards to the problematic of public order and right, the notion of proscription aims to suppress any organizations which do not ascribe to the organizational model of the state, either in terms of the legitimacy of their affairs or in relation to the conduct of their members. Indeed as Hegel notes, the estates of civil society were largely used to regulate internal affairs in order

to prevent individuals from ‘acquiring an unorganized opinion [...] and from crystallizing into a powerful bloc’ (2008: 289-90). Consequently what can be seen at this point in British history is a differentiation between social movement groups which can be deemed useful or productive to the state, within which limited rights are granted to some social actors, but for once are not removed from the whole of society. What therefore emerges from the *Combination Acts* is a strategy for managing dissent which does not ostensibly rely on violence, but on discrimination and coercion.

Industrial Sabotage and the Wilful Destruction of Property

In relation to the threat posed by radical social actors, mass public disputes continued well into the following century as a result of the Napoleonic Wars of 1803–1815. The spiralling economic decay caused by Britain's conflict with France, caused food and housing prices to soar but also saw an erratic drop in wages. Crippling social poverty from the war effort, and the rapid expansion of the industrial revolution, became the harbinger for further violence as labour-intensive practices were replaced with more cost-effective means for mass production. In many regions of the UK, the increasing mechanisation of the workplace caused wide-scale unemployment. As a consequence of industrialisation, textile artisans across Britain ransacked any mills and factories that embraced the new technologies in protest at their sudden loss of income (Martin, [Online], 2016).

Under the leadership of a mythical figure known as Nedd Ludd, a movement emerged in Nottingham during 1811, to destroy the machines that had taken so many jobs. In the two years that followed, Luddism became an

immediate and violent response to the inequality and poverty of the early industrial era. The Luddite's campaign lasted nearly six years between 1811 and 1817, and at its height had spread as far as Derbyshire, Yorkshire, and even Lancashire. The official reaction to the uprising was twofold. In the first instance, selected members of the public were to stand guard at potential Luddite targets and a strict curfew was imposed on areas of suspected partisan activity. Secondly, *The Destruction of Stocking Frames, etc. Act 1812* appeared in response to the rebellion, under which the wilful sabotage or demolition of businesses or assets became punishable by death - or at the very least by transportation for life (Raithby, 1813, and HMSO, 1812). The *Stocking Frames Act* itself was subjected to a number of reforms during the years that followed - essentially over the death penalty clause, before it was replaced by the *Malicious Damage Act 1861* (HMSO, 1861). The subsequent *Act* came to include almost any form of industrial sabotage conceivable, and again carried the most severe of consequences. Under *The Malicious Damage Act*, every imaginable form of vandalism against public and private property was criminalised with a specific emphasis on the transportation and commercial infrastructure which was necessary to facilitate industrial progress.

The four different renditions of *The Destruction of Stocking Frames, etc. Act 1812*, all pertain to the misuse, loss, theft, unlawful disposal, failure to return, or outright destruction of knitting frames or the components from which they are comprised (Raithby, 1813, and HMSO, 1812). The earliest incarnation of this *Act*, *The Protection of Stocking Frames, etc. Act 1788*, details the range of punishments that can be dealt for the above misdemeanours (HMSO, 1788). Reprisals for the misuse, loss, or failure to return hired stocking frames relates

in lesser cases to fines, and for more deliberate occurrences of theft or minor damage, to imprisonment. For felonies of a grander scale such as the wilful destruction of private property, that is, the malicious damage of stocking frames or the parts which enable them to operate (or even the destruction of the factories themselves), the penalty was one of deportation for 7-14 years. The revised *Destruction of Stocking Frames, etc. Act 1812* was introduced to tackle the Luddite uprisings seen throughout the Midlands and the North-West of England, and introduced the death penalty as the ultimate punishment for sabotage (Raithby, 1813, and HMSO, 1812). This was repealed in 1813 to subject convicted felons to deportation for life, and was again reverted to carry the death penalty in 1817.

The reasons for the discontinuity in the severity of punishments levied here can be considered in terms of the events to which they were supposed to respond. For example, at various points during the Luddite's campaigns, as more factories were being sacked the state would impose harsher punishments. What this in fact demonstrates is a lack of continuity in public order discourse, in as much as the final reprisals were often reflexive and contingent according to 'contemporary conditions, the crisis of the hour, and so forth' (Hegel 2008: 216). Punishments here relied on conditions such as the scope and frequency of the attacks and to the way in which the state would likely deal with offenders. In relation to the corresponding acts of Parliament it was relatively clear that nothing would stand in the way of industrial progress and that the Luddites would be made an example of. During 1813 nearly seventy men accused of being industrial saboteurs were brought before magistrates at York Castle. 17 of them were hanged for crimes including rioting, theft, and

allegedly murder, 25 would be deported to Australia for a life of hard labour, and the remaining number released on bail. For those facing the gallows, their executions would be made public, as a state spectacle and an ultimate display of power, but equally to serve as a warning to any remaining saboteurs (Martin, [Online], 2016).

Despite the damage caused by the Luddites, a full-time constabulary did not emerge in Britain until the mid-Nineteenth Century, though for some time a dedicated police force had been in use in other European capitals.²⁰ Yet, in other respects, a committed system of social management had been in place in England since the Norman occupation under the feudal system of lords and sheriffs. Indeed this was formalised to some extent by the *Justices of the Peace Act 1361* (as discussed earlier), in which those of good standing or public notoriety were provided with the power to apprehend, chastise, or even detain those found to be disturbing the peace (HMSO, 1361). Up until the Nineteenth Century, the majority of policing actions requiring the use of force had been carried out by the military, which were at best only able to disband any riotous assemblies before returning to more conventional duties. The army was therefore, unable to police the streets on anywhere near a permanent basis, and violent outbreaks usually resumed after their departure. In response to the Luddite uprisings a special constabulary was temporarily sworn-in to protect the factories from sabotage. The civilian members of this task force were given explicit instructions to expose troublemakers and infiltrate suspected Luddite

²⁰ This was most certainly the case in both France and Germany, where a formal police force had existed from the Seventeenth Century onward.

groups, and this remains a significant part of undercover policing operations even today.²¹

To counter the apparent threat to public order special constables were sworn in for every village affected by the disorder. They were to patrol nightly. A curfew was also imposed: 'no one is to be found out of his house after 10 o'clock under pain of arrest and any meeting of persons to be instantly dispersed by the civil or military power'. Publicans were ordered to close their houses at 10 p.m. A notice circulated around Nottingham on 2 December and posted on church doors and other public places, warned that 'all persons seen out of their houses after ten o'clock at night will be apprehended by the constables and kept in safe conduct until they can be taken before a magistrate'. (Beckett, in Harbisher, 2012a)

What can be seen as a result of the Luddite Uprising is the emergence of special undercover units who essentially aimed to identify potential troublemakers in the factories and in their surrounding areas. The notion of public order therefore becomes linked to industrial action with the advent of capitalism, and accordingly, the general population begins to emerge as the immediate object of the state (Foucault, 2007a: 61).

While arguably this period of social unrest takes place within the period of modern history identified by Weber and Foucault as part of the transition from sovereignty towards the disciplinary society, the intention here is to examine public order discourse and right within any given context. What can be seen as a result of the Luddite campaigns is an increasing propensity towards policing as being a solution to maintaining public order - linked extensively to the threat of industrial action posed by way of sabotage. Consequently in terms of disciplinary approaches to public order maintenance,

²¹ Covert operatives were used during the miner's strikes and CND campaigns of the Nineteen Eighties and most recently during undercover operations against environmental protestors between 2004 and 2011.

what this indicates is an increasing reliance upon surveillance as a necessary response to the management of industrial dissent. This can be seen especially in relation to the appointment of honorary/elected constables, but equally in terms of the imposition of curfews, and thus the direct management of the population's time. Nevertheless, in relation to the waning legacy of sovereignty, these initial techniques of government were still in their relative infancy, and the legislative response to the Luddite uprisings remained very punitive indeed.

In terms of Foucault's concept of sovereignty-discipline-government, one should take note of how during periods of transition and evolution one system of public administration begins to demonstrate the attributes of its successor. Here, for example it is the case that as sovereignty becomes subsumed by capitalist interests that a certain blurring of lines begins to take place with regards to the practices that are used to maintain public order and rights. At this particular moment in time, public order discourse was just as concerned with the ownership of the stocking frames and the cost of replacing them, as it was with ensuring the continuity of production as a particular material outcome. In relation to the question of right, however, the general population almost entirely loses its entitlement to roam about unsupervised, and this is not an issue of trust, but one of normalisation and regulation.

The Peterloo Massacre and the Gag Acts

Despite the decline of Luddism toward the end of the Napoleonic Wars in 1815, simmering political and economic tensions were still rife in Britain and they would continue well into the closing stages of the Nineteenth Century.

Irrespective of the severity of punishments that were handed out for industrial sabotage, or for inciting/taking part in a riot, civil disturbances occurred with alarming regularity. A large part of the issue was that the general population held limited constitutional rights, and were almost entirely excluded from the political process - as only the moneyed or the privileged few had the right to vote. In many respects, the culmination of social unrest caused by mass social poverty, the widespread restrictions placed on public speech, and the prohibition of social movement groups under the Two Acts of 1795, led (after the suspension of restraints under the *Seditious Meetings Act*), to the rise of new reform groups in Britain (Pearlman, 1977b: 4, and HMSO, 1795).

As Hollis notes in *Class and Conflict in Nineteenth-Century England*, the resurgence in radical political activity grew once during the early Nineteenth Century, and was largely the result of a lapse in the 'government's grip on public and political order' which had previously sent reformist advocates underground (1973: 89). However, by 1812, former proponents of the Wilkesite and Wyvillite movements (such as Major John Cartwright) established a number of overt political forums under the name of the Hampden Club that would thereafter tour England and promote the reformists' ideals. Indeed this was the first time since the London Corresponding Society had been banned in 1799 that a popular movement had been allowed to campaign for universal suffrage. Arguably, the Hampden clubs were met with significant suspicion by the establishment. As a response to the new threat of working-class agitation and middle-class uprisings, the general policy of the British state was to intervene through the manner to which it was the most accustomed:

The general attitude of magistrates during this period, faced with mass political activity, was "Repress first, ask questions later." Certain J.P.'s [Justices of the Peace], particularly those in the new industrial towns, took their work more seriously, enlisting spies, raiding private meetings and calling the militia against political demonstrations. (Pearlman, 1977b: 9)

In 1813, Cartwright was arrested on suspicion of sedition, after visiting over twenty-five different towns and cities in just twenty-nine days (Hollis, 1977: 91). In 1815 he resumed his campaign of touring Britain's industrial towns and provincial suburbs, until further restrictions were placed on the clubs' activities. By 1817 Britain's public authorities had again suspended the right of *habeas corpus*, and had instigated a programme to infiltrate the movement with spies, cause general unrest among its members, and attempt to incite the group towards violence. It was only after this transpired that the Hampden clubs began to discuss the use of force as a means to make their voices heard (*Ibid*). Nevertheless, despite provocation by the state, by 1817 Cartwright had amassed over a quarter of a million signatures which he took before Parliament to petition for reform (Vallance, 2009: 312). Parliament, however, saw this as evidence of conspiracy and rejected the proposals. Fortunately, the Hampden clubs had inspired further groups to campaign for universal suffrage, and in protest at the suspension of *habeas corpus*, radical orators John Bagguley and Samuel Drummond organized a hunger march from Manchester to London (*Ibid*: 312-14).

On 10 March 1817, over twelve-thousand people gathered outside St Peter's Church in Manchester to witness the 'first protest march in English history' (*Ibid*). Bagguley and Drummond had divided the campaigners into regimented groups of ten, and upon each of their wrists was tied a petition of

over twenty names to present to Parliament. The organizers of the event had given explicit instructions to the participants not to carry arms as the intention of the campaign was to conduct a peaceful demonstration which the authorities would have difficulty denying. The group identified their members as Blanketeers owing to the piecemeal sleeping bags carried upon each of their backs, which would be used during the arduous journey to the capital by foot. However at the start of the procession the *Riot Act* was read out, and the crowd was ordered to disperse. The King's Dragoon Guards had been called in to manage the unrest and the procession was subdued at various stages between Manchester, Salford, and Derbyshire. In response to this alleged uprising, the Manchester and Salford Yeomanry was established in 1818 as a notional solution to managing affairs in the City, ostensibly as an armed guard used to maintain the peace.

After the downfall of the Blanketeers (and the detention of their founders for an indefinite period in jail), the Patriotic Union Society was formed in Manchester to further the reform campaign. In 1819, sixty-to-eighty thousand people gathered at St Peter's Field in Manchester to hear the group's main speaker Henry Hunt discuss issues of political reform in one of the largest public demonstrations of its time. Again the congregation had been ordered not to bear arms and not to resist arrest, but to wear their Sunday best and be of good civil manner. In response to this mass public assembly, a number of military units and public officials had been summoned to contain the event, based on previous intelligence of the assembly (and on reports that Hunt had trained an entire regiment of men for nefarious purposes). Amongst the military units in attendance were the 15th Hussars, seven-hundred

infantrymen, four-hundred special constables, four-hundred cavalry from the Cheshire Yeomanry, one-hundred and twenty cavalry from the Manchester and Salford Yeomanry, and two six-pound guns from the Royal Artillery (Vallance, 2009: 329). Once the order was given by local magistrates that a warrant had been issued for Hunt's arrest and that military intervention was required for his apprehension, the Manchester and Salford Yeomanry left for the meeting.

In what is now widely recognised as being the St Peter's Field Massacre, the Manchester and Salford Yeomanry ploughed into a largely unarmed crowd in an attempt to get the arrest warrant to the constables. As chaos ensued the Yeomanry panicked as it was stuck in the throng, and started hacking at banners and campaigners alike in an attempt to be free. The other regiments reacted violently believing that disorder had broken out, and set about to appease the riot – even though no such order had been issued. Crowds trying to flee from the massacre were effectively blocked in by the various cavalry and infantry regiments who had earlier surrounded the meeting. The resulting public order action amassed a huge number of casualties including women and children, and caused a number of unnecessary fatalities, all of which were civilian (*Ibid*).

The aftermath of the St Peter's Field Massacre, saw journalists from a variety of newspapers visit the scene of the incident. Initially the story had been covered by the *Manchester Observer*,²² but reporters from elsewhere in the UK ensured that news of the atrocities had reached as far afield as Leeds and even London. However, in response to this undesirable exposure,

²² Which closed in 1820.

Parliament issued orders to a number of newspapers to cease publication of the stories under threat of seditious libel. In addition to the massacre itself (which can be seen as one of the most significant attempts in British history to suppress freedom of speech), Six Acts of Parliament were rapidly imposed during 1819 to prevent further outbreaks of disorder. The *Training Prevention Act* and the accompanying *Seizure of Arms Act*, aimed to prohibit the general public from organizing a rebellion and from using military tactics (Raithby, 1819, and HMSO, 1819). The *Misdemeanours Act* was introduced to allow suspects to be reprimanded on suspicion of minor transgressions while further evidence could be found (*Ibid*). The *Seditious Meetings Prevention Act*, restricted all public meetings which were intended to discuss ecumenical or political matters to fifty participants or below (*Ibid*). Public meetings were only allowed with the explicit permission of a local magistrate, and all attendees who were not from the immediate vicinity were banned. The *Blasphemous and Seditious Libels Act* and *The Newspaper and Stamp Duties Act* were drafted to restrict freedom of the press in terms of the printing of seditious material, and from writing political opinion and not news (Pearlman, 1977b: 17, and Raithby, 1819).

What all of the above demonstrates in relation to public order discourse was a disproportionate use of force as a means to facilitate public order, and in partial recognition of that excess, the introduction of further regulations to prevent reprisals from the general public. In terms of public order and right, again it is not a question of a public right that is of interest here, but the right of the state to invoke the most unimaginable of responses to suppress dissent. In terms of restrictions placed on the common right, here the notion of sedition is used to curtail freedom of speech. What can be seen then, is an attempt to

maintain public order in a number of ways, firstly through the means of rational punitive law, and then as the reliance upon threats increasingly fails, to place further legislative restrictions on political activity in an attempt at coercion. However, the problem with this particular approach to maintaining public order is that it generally requires enforcing. In relation to the Massacre at Peterloo,²³ that had already been tried – and failed. The response to Peterloo was the Six Gag Acts which further aimed to undermine dissenting public discourse.

Riots and Reform

By the 1830's, a series of reforms had finally been proposed in the House of Lords in order to reduce government corruption and provide greater representation for the public. The *Reform Bill 1831* in particular was passed by the House of Commons but was rejected by a Tory majority in the Lords (The National Archives, [Online], 2017). Ostensibly the *Bill* was designed to grant political rights to the entire population, both in recognition of a second revolution in France the year before, and on the assumption that mass civil unrest in the UK would end just as violently. The *Reform Bill* proposed to grant all citizens universal suffrage, but when it was declined riots broke out across the UK's major industrial cities such as London, Birmingham, Nottingham, and Bristol.

The general population rose up in defiance at a perceived coup in which the House of Lords had thwarted proposals for equality and reform, potentially for their own gain. In addition to Bristol, which endured three days

²³ The St Peter's Field Massacre is often compared to the Battle of Waterloo and is called Peterloo by way of comparison to the scale of the event.

of rioting, Nottingham witnessed some of the worst civil unrest recorded in modern history. On receiving news of the failure of the *Reform Bill* to gain approval and on discovering that Londoners had taken to arms, Nottingham residents began to attack the homes of alleged anti-reformers, breaking windows throughout the City Centre and causing general damage to property. After the Mayor had tried to placate the crowd (and been attacked in the process), the *Riot Act* was read out and the group dispersed. The following day, a second meeting took place in the market square, which again turned violent. The main perpetrators of the previous day (who had somehow managed to escape arrest), incited the crowd to revolt once more. The nearby regiment of the 15th Hussars was called in to disband the mob, but it kept reforming in different parts of the town. The main agitators had evaded the Hussars and marched on Colwick Hall, the home of another suspected opponent of the reforms. Here they broke into the home of the Muster family, destroying paintings, and setting fire to the furnishings. Not satisfied by this, the group then turned to Nottingham castle, which they sacked and burned to the ground. The following day the disturbance started afresh with the dissenters destroying a Silk Mill in Beeston and then marching on Wollaton Hall to be met by the Cavalry. According to Thomas Moore, the High Sheriff of Nottingham:

On Sunday some disposition was evinced to riot and shop windows &c were broken, but the Mob dispersed on the appearance of the Military. [...] in the evening however a Mob collected and after committing a few acts of outrage in the Town proceeded to Colwick where they destroyed the furniture and attempted to burn Mr Muster's House [...] I regret to say afterwards they proceeded to your Grace's Castle which they completely destroyed. (Summerwill, [Online], 2009)

Here, Moore's use of the term 'Mob' reiterates John Hoffman's notion of 'impossible minorities' conducting unconscionable acts which otherwise seem 'inexplicably horrendous to all right-thinking people' (1998: 52). Comparatively, for D'Arcus it demonstrates how depictions of civil unrest are framed by the establishment in that 'riots were what officials of the state claimed them to be' (2006: 30). However, the strategic use of the mob within public order discourse also serves to devalue the political aspirations of those demonstrating. To problematize this term, a mob is unruly; it lacks any form of political organization or direction, and therefore has no motive. It is a means for politicising that which rejects political order, but again presents a means for imposing upon it an identity and thus a way for it to be subjected to sovereign right.

Although no specific law or statute was introduced to control the *Reform Bill* riots (beyond the initial reading of the *Riot Act*), they offered legitimacy to something which was already in its infancy. Indeed this was to herald the birth of the British police force as it is currently understood. While a move to the actual policing of dissent would seem inherently Weberian or Foucauldian in terms of public order discourse and discipline, in actuality the protection of private property and the preservation of rights for the wealthy remains a sovereign concern. As such, this constitutes but one strategy in three for managing dissent, for both discipline and governmentality have their own *modus operandi* and an equivalent set of concerns to oversee. Nevertheless, although the techniques used to maintain public order were about to change (through the introduction of a new apparatus of coercion), and the expansion of policing activities towards managing industrial dissent, the underpinning ethos

of public order as being the protection of private property, and the protection of the general public from harm, remained unchanged.

The following year saw the passing of a revised *Reform Bill* in the guise of *The Representation of the People Act 1832*, under which at least some concessions had been made to benefit the wider population, but after which it was still only the privileged few that were able to vote (Simons, 1832). *The Representation of the People Act* (also known as the *Reform Act 1832*) was nevertheless a significant step forward in that it established new constituencies, and reduced property qualifications (i.e.; the amount of land one had to own in order to be eligible to vote), to become more inclusive. The *Act* also expanded the right to vote into the provinces, to farmers and shopkeepers, but in major cities still restricted the criteria for entitlement to those renting property at ten pounds a year or more. With regards to disciplinary techniques, the 1831 riots would have two significant consequences. Firstly that following the eventual right to vote, citizens would be required by law to register their vote, and secondly, that the embryonic *Metropolitan Police Act* commissioned by Sir Robert Peel in 1829 would gain almost immediate credibility, resulting in every town gaining a full-time permanent police constabulary over the next thirty years or so (HMSO, 1829). In terms of supervision, the increasing rights of the population to become involved in the political process is perhaps better considered as being part of a disciplinary process of public administration, in which the use of an electoral register constitutes only one method for identifying and cataloguing members of the general population.

The Policing of Public Order

The increasing reliance of the sovereign state for delegating authority to an apparatus of coercion (such as the modern police force) demonstrated the need for a central apparatus for law enforcement to be commissioned in the UK. Prior to the Nineteenth Century there were a number of state (and non-state) officials who had acted in the role of what would now be considered a police force. But the arrangements were largely ad-hoc and were often used in response to crimes which had already been committed as opposed to finding strategies through which they could be prevented. The notion of public order also sits within this problematic with regards to how various renditions of the state have either attempted to manage dissent, or have simply just reacted to it. Indeed the evidence presented thus far indicates that acts of Parliament historically used for the purposes of maintaining public order, such as treason, sedition, or riots, often have more in common with preserving a dominant regime, than they offer in terms of preserving the peace. Of course there was a certain degree of anticipation within the execution of these acts, in as much as King Edward III, King Charles II, and King George I, all proscribed treason and sedition to secure their individual sovereign right. This was largely as a result of the conditions through which they, themselves had ascended to the throne (i.e., through the deposition of former rulers, the English Civil War, or the Restoration etc.), but otherwise this served as a contingency through which to maintain their own position of authority.

During the middle-ages, law enforcement officials ranged from the Justices of the Peace, to County Sheriffs, night-watchmen, and even to parish constables. The Justices of the Peace, served to maintain general public order,

and were essentially used during the Fourteenth Century to replace knights of the realm for this role. Prior to the *Justices of the Peace Act 1361*, knights would be dispatched to pacify areas of civil unrest to keep the King's peace (HMSO, 1361). Another law enforcement strategy was to elect local parish constables, who were employed for one year at a time without pay, to act as honorary officers of the law. In the event of a crime being detected, they would have to alert members of the local population to help them catch and detain criminals. Parish constables were still in use up until 1827, and would later be replaced with more formal arrangements under the *Metropolitan Police Act 1829* (HMSO, 1829). From the mid-Seventeenth Century onward, night-watchmen were also used to patrol urban areas. They were especially popular in places like London around the Docklands areas, or where trading (and thus, the likeliness of theft or industrial sabotage) took place. Indeed all of the above relates more to apprehending criminals (the administration of punitive justice) than to strategies for preventing crime. Arguably then, the notion of policing is not a disciplinary invention at all, but an entirely sovereign venture, within which a particular body of people are used to uphold the law through the use of force.

As the introduction of a permanent full-time police force did not fully emerge until the early Nineteenth Century in the UK (in direct correlation to the rise of the disciplinary society); it would be more appropriate to consider the development of this institution and its particular uses prior to this era. Hegel, for example, applies the concept of policing to a number of different activities. In one context he uses the broader term 'polizei', to identify a network of public authorities who were otherwise responsible for the

maintenance of amenities such as street lighting, construction, and water (2008: 345, and 217-8). He comparatively used the term to describe the various groups who were vested with the authority of the state, to intervene in criminal activity and to bring wrongdoers to justice.

In terms of sovereignty, the aim of policing activities was to catch criminals and to administer punitive justice. What is especially interesting to note about policing in this respect, is the variety of ways in which public order is maintained or is actually enforced. Initially, peace keeping practices (as noted thus far), relate almost exclusively to the use of force, which in sovereign terms equates to the removal, detention, the punishment of perpetrators, or to banning gatherings from using the public space (as would be the case for riotous assemblies). Increasingly, from the middle-ages, however, the apparatuses used for law enforcement moved increasingly towards techniques of coercion in addition to just resorting to violence, although violence itself was reserved for particular types of dissent such as riots and in some respects, to put an end to seditious meetings. Nevertheless, the notion of a conventional police force operating exclusively in the context of crime prevention is a relatively modern concept that developed in line with industrial capitalism, in which the management of the population became an administrative concern for the Parliamentary state.

The Metropolitan Police Act 1829 can be seen as the formalisation of rules, regulations, and also the conditions necessary for law enforcement and coercive interventions to come together by way of both bureaucracy and discipline (HMSO, 1829). In many respects the initial problem of how to prevent both crimes and maintain public order relates to manpower and the

lack of a continual police presence on the streets.²⁴ In the *Metropolitan Police Act*, London was to be served by paid members of the public as full-time, specially trained occupational policemen. Under the tenets of the *Act* a number of rights would be granted to officers of the law which would extend the already broad powers of the state (and diminish the rights of the population yet further).

Among the rights granted to this new Metropolitan Police force were the powers to detain those resisting arrest; the right to enter businesses or dwellings; ‘to prevent Nuisances or other Offences within the said City’ limits; to regulate trading hours of public houses and commercial establishments; to prevent instances of provocation that might lead to a breach of the peace; to prevent obstruction of the public highways; to arrest without a warrant; to detain individuals who might be loitering without reasonable cause; and to demand proof of identity and residence (*The Metropolitan Police Act 1829*). What is of course most notable about the *Act* is the formalisation of rules that serve to maintain public order, by way of the explicit rights granted by the state to police the general population. As suggested by Foucault in *The Birth of Biopolitics* (2008: 37), this was the emergence of the police state within which the state had taken the population as its object. It can be identified principally as ‘a government that merges with administration, that is entirely administrative, and an administration which possesses, which has behind it, all the weight of a governmentality’ (*Ibid*).

In terms of public order discourse, and as the following chapter will demonstrate, both modern public order legislation and preventative actions

²⁴ Indeed the purpose of introducing the Reform Bill riots of 1831 during this chapter was to illustrate the precise lack of mobility for Britain’s militia when faced with sporadic and geographically displaced outbreaks of civil disorder.

conducted by the police operate purely in the context of contingency. In this respect, Chapter 3 examines the use of a number of strategies of discipline including surveillance and coercion, but essentially the focus will be on the rational administration of campaigners, and the continual criminalisation of dissenting public discourse, which can otherwise be considered part of its genealogy.

Conclusion

This concluding section of this chapter aims to examine sovereign responses to dissent in modern society, not by way of examining to what extent public order actions are deemed more or less effective, but to determine where in fact these strategies might still be in use today. As such, the imperative for this concluding part of the chapter is to establish a historically informed account of sovereignty, public order and right, in relation to techniques used by the modern British state to manage dissent. Additionally speaking, the aim of this conclusion is also to problematize the issue of public order and right, and to ask the more fundamental question of how was dissent bureaucratised by various sovereign regimes, and to note the conditions through which this transpired.

Overall, one could reasonably argue (as does Pearlman, 1977b: 9), that the sovereign response to dissent was to repress first, and then to ask questions later. Although Pearlman's proposition provides a useful way in which to frame the concept of sovereign authority, the question of public order and right is a little bit more complicated than this initial hypothesis will allow. For example, although the use of physical force plays a central role in the

administration of punitive justice, sovereign concerns regarding the threat of public dissent relates in this context to the land, to the uses of it, and to the rightful ownership of possessions or wealth. In this respect public order discourse covers a much broader range of issues and practices, even though they can be reduced to two fundamental concepts: wielding power over both people and places as possessions of the state. Once the question of sovereignty is reduced to this typological outline, one can posit that control over the population existed in relation to the prohibition of dissenting public opinions or activities; and to the use of physical force to detain, kill, or maim those who threaten disorder.

In terms of Pearlman's categorisation of three different types of dissent, sedition and treason can be considered as wilful acts of subversion against the organized state, whether that is treason to depose a reigning monarch, the organization of a rebellion, or popular insurrection. In relation to riots, seemingly this particular type of disorder represents one of the most dangerous threats to the state and has necessitated some of the most violent interventions in British history. As noted by D'Arcus (2006: 30), 'riots were what officials of the state claimed them to be' and the notion of a riot has historically been used as a means to suppress many other forms of dissent. Evidence of this can be found in the Blanketeers march of 1817, in which an otherwise peaceful demonstration was condemned as being a riot to legitimise a forceful intervention by the state. With regards to different combinations of groups of workers, ostensibly these have been historically managed through the means of sedition. Here, the notion of sedition (or later conspiracy), served to prohibit public opinion regarding a number of issues; from the reformist's campaigns

for universal suffrage, to better pay and working conditions, and even for those of religious tolerance. But overall, sedition, treason, and riots adequately frame public order discourse as a specific set of practices and concepts used to maintain the position of the state.

With regards to the concept of right, thus far it has been observed that the notion of a common interest was used to remove certain rights from the population regarding the use of land, freedom of speech, the right to public assembly, and even the right to one's own body. What in fact transpired during the middle ages was the authoritative appropriation of these rights, and in material terms the sovereign right to the land, the right to administer power over the population, the right to regulate trade, and the right to suppress public opinion (see Hobbes, 1929). In terms of the accumulation of land or wealth, the suspension of *habeas corpus* and the implementation of arbitrary detention at certain points: the conceptualisation of a public right equates to the subjugation that sovereign right implements (Foucault, 2008: 27). While the prospect of a common right may claim to serve the interests of the population, in terms of sovereignty, it provides a right for the state to impose the conditions for its rule under the premise of maintaining order. The notion of public order was therefore pivotal to how the sovereign state maintained control.

In addition to the rules and regulations through which administrative authority was exercised by way of sovereign right and rational punitive law, a third way in which public order discourse can be considered bureaucratic, was the way in which particular apparatuses of the state were used to enforce the law. The Justices of the Peace introduced by King Edward III in 1361 can be

considered one such apparatus. Unlike the standing armies of medieval times, the Justices of the Peace functioned in a regulative capacity. The extension of their activities into the domain of public order affairs can be seen at numerous points throughout British history, especially in terms of the administration of public petitions, the management of the friendly societies, and the restriction of public gatherings.²⁵ While the Justices of the Peace received no remuneration for their activities, they functioned in the capacity of being bureaucratic apparatus in as much as they maintained law and order – even if this was largely for their own benefit.

So how in fact could one determine that under various sovereign regimes, dissent was bureaucratised? In the first instance, this can be determined by way of executive oversight, and in particular the use of an administrative apparatus such as the Justices of the peace to grant permission to conduct public meetings, to act as a point of registration for autonomous organizations, and determine the legitimacy of a cause. Certainly the issue of coercing Britain's friendly societies into conforming to state doctrine can be considered part of an overall process of bureaucratisation for dissent. However, there are additional strategies which also apply to dissenting public discourse. Largely these equate to the suspension of rights under sovereignty and not to the granting of them – as would otherwise be the case for the disciplinary regime. In this respect, it is the strict control over public spaces, the rational administration of punitive law, and the monopoly violence by the state, which serves to normalise social conduct. Indeed the intention of rendering an activity illegal and using armed militia to thwart any perceived uprising would

²⁵ See the Two Acts of 1795, the *Act for the Encouragement and Relief of Friendly Societies 1793*, and the *Tumultuous Petitioning Act 1661*.

desirably preclude such an act from taking place at all. Nevertheless, the earliest attempts at coercion can be ordained from Edward III's policies on treason and sedition, which have historically been used to undermine political dissent. In purely sovereign terms the bureaucratisation of dissent largely amounts to the maintenance of public order by way of enforced obedience and conformity.

Now that the above conditions for bureaucratic management have been determined, the conclusion for this chapter needs to provide a way for illustrating how sovereign concepts of public order and dissent have encroached upon the affairs of modern society. In genealogical terms, this can be achieved through positing the following claim: that herein there are both continuities and discontinuities in power. For example, the conditions imposed by the *Seditious Meetings Act 1795* made it unlawful for public assemblies to gather 'within one mile of Parliament while it was in session' (Pearlman, 1977b: 5, and HMSO, 1795). During 2005 that particular edict was rejuvenated based on claims by officials that regular protests had become a nuisance following the 2003 War on Iraq. As it stands today, public protests are not allowed to take place within one kilometre of Parliament, and while the notion of sedition itself was abolished under the *Public Order Act 1986*, its contemporary ensures that there are strict limitations placed on public demonstrations (HMSO, 1986). The rights granted to public authorities under the *Act*, allows for conditions to be imposed upon public demonstrations, marches and processions in terms of the number of participants allowed, the duration of the event, its location, and even the cause for the campaign

(Liberty, 2009). Further sovereign concerns that were also incorporated into the Act include riots, disorder, and affray.

Here, the *Public Order Act 1986* replaced the *Tumultuous Petitions Act 1661*, and the *Seditious Meetings Act 1795* (HMSO, 1986, BHO, [Online], 2017a, and HMSO, 1795). The *Public Order Act* now covers riots (considered still as an assembly of twelve or more people, intent on wreaking havoc), disorder (depicted under the *Act* as three people or more threatening the general public with violence or intimidation), and the notion of affray (caused by one or more persons involved in a street brawl). The *Public Order Act* also covers public marches, in which there is a statutory requirement to provide details of the procession, its organizers, the anticipated number of participants and the cause of the demonstration or event. So what does all of the above demonstrate? In the majority of cases if it is the intention for a public demonstration to cause harassment or the intimidation of bystanders, it will be declared unlawful. For marches and processions, written permission must be granted by the police in relation to the above concerns, but also to secure a given route. In terms of riots, the penalties are still severe and can include up to fourteen years imprisonment. There is also a requirement under the *Public Order Act* for those convicted of an offence to provide compensation for any damages caused. With regards to the notion of Foucauldian continuities, it can be suggested that the *Public Order Act* maintains Britain's sovereign tradition of aligning public dissent with serious organized crimes. In this respect, ostensibly peaceful demonstrations are now covered by the same legislative orders as riots. In terms of discontinuities, what is evident from the research undertaken for this chapter is that the establishment changes public order

legislation according to contingency. In other words, this can be seen in the state's capacity to amend, redraft, or repeal legislative orders, or to widen existing definitions of public disorder, to manage emerging threats to society.

With regards to situating the conclusion of this chapter in the context of Foucault's archaeological method, the shift from one regime to another can be observed here in terms of the transformation of public order discourse as the sovereign regime moved increasingly towards alternative techniques of coercion during the late Eighteenth Century. By way of articulating this transformation, and to consider the possibility of public order a) being governed by abstract principles and b) popularised as a discourse, the following observations can be made. In terms of the overall development of public order from the late sovereign regime to the early industrial era, one can draw a comparison between transformations in the human sciences – especially from wealth to economics, as they are depicted here in law. This argument can be articulated in a number of ways. Principally, the chapter has highlighted that under the sovereign regime, the accumulation of land and wealth epitomised the *raison d'état* of the sovereign state. To manage the conduct of the population, Justices of the Peace were introduced alongside the notion of public order to maintain the peace (*Justices of the Peace Act*, HMSO, 1361). Any form of mobilised dissent against the sovereignty was condemned as an act of treason, and conspiratorial activities directed toward the state, as acts of sedition (HMSO, 1351). For any congregations that started to appear, the notion of a riot was introduced to legitimise the use of force against large groups of dissenting public actors (Walther, [Online], 2005). Generally

speaking, the sovereign response to disorder was to condemn the protagonists to death.

However, beyond this point, what frames the development of public order discourse from one regime to the next, were the techniques used to manage social movements such as Britain's friendly societies. Initially, these groups were prohibited by expanding the classification of sedition under criminal law (Pearlman, 1977a: 5). Thereafter the friendly societies were institutionalised, to oblige such associations to keep books of their finances and submit their accounts to Justices of the Peace (see the *Act for the Encouragement and Relief of Friendly Societies 1793*, Pickering, 1762). The friendly societies were also required by virtue of their accounts to provide evidence that they were not financing proscribed groups such as the first trade unions in the UK. What this demonstrates is a shift in public order discourse from the explicit use of force towards the techniques of rational coercion, which typifies the disciplinary regime. That is not to suggest the sovereign use of violence was redundant in any way. History has in fact demonstrated that by identifying a public assembly as a riot, the full force of the state can be used to maintain order. The severity of responses from the state is, therefore, contingent on the scientific categorisation of an assembly, and by changing the definition of a political action; it can be managed in different ways. What begins to emerge from this chapter's review of Public Order and Right is to begin to document a number of intuitions, definitions of dissent, and the means through which order was maintained during this period in history.

Chapter Three – Discipline and Dissent

Introduction

The purpose of this chapter is to examine the notion of discipline in relation to the bureaucratisation of dissent. Unlike the previous chapter, here the research will consider more contemporary material from the late Twentieth Century, which although being archaeological in principle renders the work a history of the recent past. In this respect, many of the formal-rational laws analysed during the scope of this chapter are either still in use today, or represent a very clear lineage in terms of current public order discourse. The main emphasis for this chapter is to investigate the regulations which are used in modern society for the purposes of maintaining public order - as those which either criminalise campaigners or rationalise dissent. Again, the chapter considers the institutions which have been granted authority for the purposes of maintaining public order, and determines the conditions for their deployment. However, unlike sovereign strategies for law enforcement, here the focus will be upon disciplinary public order techniques (such as surveillance and rationalisation), as opposed to the exclusive use of force. That is not to suggest that the use of violence was no longer required as a response to public disorder during this epoch, more that it was reserved (hypothetically speaking) as a last resort, or as a contingency measure within the disciplinary society.

In addition to the use of formal-rational law, the chapter also investigates the use of techniques such as supervision, and entrainment as normative practices of discipline. Materials selected for examination during this chapter include the rationalisation of Britain's Trade Labour Movement

during the late Nineteen-Seventies, the surveillance of the Campaign for Nuclear Disarmament (CND) by MI5 in the Nineteen-Eighties, and the criminalization of animal rights activists under UK law in the late Nineteen-Nineties. Towards the end of the chapter the discussion moves into more contemporary material to differentiate disciplinary techniques for maintaining public order from those of a governmental nature. In this respect a contrast can be made between the Conservative's attempts to neutralise the National Union of Miners during 1984, and New Labour's administration of environmental groups from 2004. Therefore, during the decade that followed 9/11 a clear distinction can be made between pre and post-9/11 public order discourse with regards to the alignment of activism to terrorism and the repositioning of public dissent under the remit of National Security initiatives. Of course, the latter will be examined in more depth during Chapter 4 in relation to Foucault and Dean's notions of governmentality and the apparatuses of security that exist in modern society (see Dean, 2010, and Foucault, 2002a).

The approach used during this chapter remains archaeological in terms of the organization and selection of empirical research, but as opposed to using Hegel's ideas to develop a critique of public order and right, the methodology here employs Weber and Foucault's works on discipline and rationalisation to derive a response to the problematic of bureaucratization and dissent. In this respect there are a number of themes which will be of use. Firstly, Weber's notion of instrumental rationality will be used to determine how public order discourse is intended to compel dissenting public actors to undertake their campaigns in a particular way (1968: 24). Here, it can be argued that the administrative practices of late Twentieth Century Britain relied extensively on

criminal legislation as the principle means through which to maintain public order. The purpose of this was to establish new legal orders, from which to derive new conventions and norms. (*Ibid*: 326) For Foucault, the desired result of disciplinary techniques such as regulation and rationalisation was to render docile bodies productive, either via the enforcement of established social norms or as a means to facilitate the productivity of subjects (1977: 135-169). Secondly, Weber's theory of rational bureaucracy will also be used as a means to define the style and scope of policing activities that took place during this epoch. Indeed as noted by Deflem (in Wakefield and Fleming, 2009: 14), as a particular administrative apparatus, the institution of the police has always been bureaucratic in both nature and design, and imposes a bureaucratising influence over any parties with whom it interacts. For Foucault the use of disciplinary techniques such as hierarchical observation, the use of normalising judgements, and the examination, all relate to a question of entrainment (1977: 170-194). Entrainment in a public order context is quite simply the process whereby campaigners are actively encouraged to understand that one type of dissent will yield better results than another.²⁶ Thirdly, and with particular regards to state supervision, it can be considered that 'bureaucratic administration means fundamentally domination through knowledge' (Weber, 1968: 225). In the context of this chapter, surveillance relates to both a series of organizing practices and to the rational justification for their use, but also to the systems of knowledge they consequently produce (through which they also operate). In relation to Foucault, surveillance is intended to normalise social conduct by way of the constant visibility of the subject and the comparative

²⁶ Where that encouragement relates to the use of police violence during a demonstration, or to other forms of coercion such as social pressures or from state surveillance.

invisibility of power. In terms of public order, surveillance also equates to certain organizational procedures such as spatial partitioning and registration as a means to regulate society (1977: 195-228).

According to Pearlman's (1977b: 1-2) earlier categorisation of there being three types of dissent towards which the British establishment has historically been concerned, this chapter will focus on the notion of sedition and on dissenting groups of workers, for two particular reasons. Firstly that although riots took place during the Twentieth Century with regularity, there has been limited change in terms of the modern constabulary's approach to managing public disorder. Therefore both sovereign (and conventional) responses to civil unrest are generally violent and have come to rely on military strategies that serve to regulate acts of 'norm-violating behaviour' (Deflem, 2010: 15). However, with regards to disciplinary approaches to dissent this chapter looks at alternative public order techniques such as supervision and regulation, and not *per se* to the explicit use of physical force. Indeed here it is the case that from the late Nineteen-Nineties, new apparatuses of knowledge started to form as a means to surveille, classify, and categorise a broader range of threats to the UK including those posed by various social movements (Foucault, 2003: 33). This led to the repositioning of direct action groups within the same National Security framework as acts of international terrorism - the formal rationalisation of which offers a whole new way in which to manage public dissent.

Unlike the sovereign state's preoccupation with the accumulation of land and wealth, disciplinary regimes have historically been more interested in the organization of workers and in their productivity, and thus with

mechanisms of control as opposed to those of retribution or punishment (*Ibid*). In this respect, the period of national privatisation that commenced under the Conservative leadership of Margaret Thatcher in 1979 presents an ideal opportunity to examine state policy towards Britain's trade labour movement, and to consider to what extent disciplinary techniques were used to manage industrial strikes. Secondly, and in terms of sedition, here, the focus will be upon threats to National Security which are largely interpreted as subversion in public order discourse. In the particular context of the Nation State of the Nineteen-Eighties, British and American foreign politicians rejuvenated Cold War politics both at home and abroad. The depiction of the CND and Trade Union officials as being communist sympathisers, demonstrates how normative conventions were used as a means for their coercion. It was intended that aligning the CND or the National Union of Miners (NUM) with the USSR presented opportunities to reduce popular support for such causes.

Finally (and also in terms of sedition), the criminalisation of animal rights activists and environmental campaigners during the Nineteen-Nineties, can be considered a point for departure in this chapter, by way of the alignment of public order discourse with that of security. Foucault's earlier work on discipline and surveillance will be used here to demonstrate how during the late Twentieth Century, techniques for maintaining public order came to rely increasingly on supervision and rationalisation, accompanied of course by a series of sweeping social reforms and supporting laws, to establish new networks of power. Here Dean and Foucault's ideas of governmentality will be used to posit that immediately before and just after 9/11, a number of institutions became protected by the state as sites of critical national

importance (see Dean, 2010: 29, and Faubion, 2001: 219). Furthermore these sites are now used as apparatuses of knowledge which contribute to the UK's national intelligence machinery. Comparatively, it is has only been since 2010 that the relatively conservative institution of the police has been compelled to modernise and update its operational model (see May, 2010). In this respect it can be argued that up until 9/11, Britain's system of public administration relied extensively on state-centric and hierarchical modes of domination. It was only after 9/11 that the UK's administrative institutions changed to become more governmental. However, to begin with, the chapter starts by examining the way in which Britain's Trade Labour Movement was incapacitated and then rationalised by the Conservative Government during the mid-Nineteen-Eighties.

Rationalisation and the Nicholas Ridley Plan

Throughout the Nineteen-Seventies, the nation had endured spiralling levels of economic decay, mass unemployment, and social hardship - seemingly without resolve. Widespread industrial action had besieged three successive governments during the decade of Thatcher's election, resulting in the downfall of two former premieres and continual social unrest. The first of these depositions was caused by an industrial dispute by coal miners in 1974, and the second, during the public sector workers strike of 1979 known as the Winter of Discontent. If Britain was to recover from the legacy of the Heath, Wilson, and Callaghan governments, sweeping social and economic reforms were called for. Fortunately for Thatcher, at the time of her election, plans had been drawn to remove the power held by Britain's Trade Unions, which she was keen to

deploy. Under Britain's nationalised model of industry, the unions were able to summon vast reserves of workers to picket nationwide, and had successfully done so on a number of occasions. In effect the unions possessed the capacity to call an all-out national strike which would render the UK utterly immobile - for at this time all manufacturing industries and the entirety of the public sector were unionised places of work. Indeed the problem for the British Government was that this included the provision of all domestic utilities and industrial services from British Gas, to electricity, water and telecommunications, the British Rail network, the Royal Mail, British Aerospace, British Airways, to British Steel and the National Coal Board. In fact it was not uncommon for workers to call sympathy strikes to support fellow members in unrelated industries. The solution to this problem would become evident five years after Thatcher's election with the strategic defeat of the NUM and the wholesale privatisation of British industry.

In 1984 the National Coal Board announced a series of twenty pit closures across the UK at an estimated loss of over 20,000 jobs nationwide. Miners from various pits walked out in protest at the redundancies, which later resulted in an all-out strike being called by Arthur Scargill, the President of the NUM. Shortly thereafter, a series of pickets took place around the country, to deter union and non-unionised members from entering disputed sites of industry. The majority of blockades were intended to disrupt the activities of the mines and the subsequent flow of coal to related businesses. The overall plan of the NUM was to maximise economic disruption and thus bargain for better working conditions and pay. However, unbeknown to the unions, a secret report had been commissioned in the wake of Ted Heath's failed

administration to develop a contingency plan that would prevent the nation from being held to ransom by its workers. By the time of Margaret Thatcher's election in 1979, the programme (developed by Nicholas Ridley MP) was already underway.

Under the working title of the Economic Reconstruction Group, Ridley had been exploring options to privatise Britain's national industries. As part of the assignment, he examined different economic models for trade and commerce in a number of European countries as well as those further afield in both Japan and the United States of America. The ultimate purpose of the Ridley report was to rejuvenate Britain's declining public sector, and to remodel it along the lines of private industry. Ridley had alleged that Britain's poor financial outlook and low levels of productivity, was the direct result of having too few penalties or incentives to make 'the boys' perform better (Ridley, 1977: 1). The private sector model of trade and commerce provided harsher consequences for poor performance (in the form of liquidations and redundancies), and greater opportunities for promotion (via bonuses) and was, therefore, the more successful model.²⁷ The *Final Report of the Nationalised Industries Policy Group* concluded that while privatisation was a suitable response to many of the UK's economic problems, significant opposition would be made by the unions to the proposals for modernisation. Indeed this would need to change if the UK was to embrace economic progress (Ridley, 1977: 24-6).

In addition to maximising the financial output of Britain's industrial base through the means of privatisation, an accompanying objective for the

²⁷ Of course at this time, Britain's manufacturing base was entirely administrated by the state.

Ridley report was to destabilise the hold of the trade unions on a number of strategic fronts. Initially this would take place by stockpiling resources - thus to negate any leverage that pickets might gain through blockading manufacturing reserves. In the second instance, Ridley would execute his plan by forcing transportation firms to employ non-unionised workers in addition to their own regular body of staff, making an all-out strike impossible and to keep the flow of goods moving. Thirdly, the government would restrict funds made available to striking workers in order to encourage compliance and prevent future strikes. In the fourth respect, denationalising British industry would remove the monopolies held by the unions and return administrative control to the government. The fifth strategy would be to legislate against the unions to ensure that a number of conditions would have to be met before a strike could be performed. These would include having to hold a ballot for strike actions, removing the legitimacy of sympathy strikes, proscribing financial support for non-attending workers, and so forth. The final blow delivered by the Ridley plan was to confront violent picketing through the use of a specially trained mobile constabulary, which it did in 1984 (*Ibid*: 24-6). However all of the above schemes pale in comparison to Ridley's ultimate strategy for action. In a section of the report entitled 'Countering the Political Threat', the Economic Reconstruction Group suggested that in order to prevent later outbreaks of industrial dissent:

We might try and provoke a battle in a non-vulnerable industry, where we can win. This is what happened when we won against the postal workers in 1971. We could win in industries like the Railways, B.L.M.C. [British Leyland Motor Corporation Ltd.], the Civil Service and Steel. A victory on ground of our choosing would discourage an attack on more vulnerable ground. (*Ibid*: 24)

Indeed by 1984 the Conservative Government found its opportunity as a second full-scale miner's strike took place, precipitated by the process of selection and categorisation through which Britain's collieries would either be sold off to private investors or closed down for good. By 1984 almost every one of the proposals made by Ridley's Economic Reconstruction Group had come into force.

The 1984 miner's strike brought with it successive large-scale protests, and a programme of public administration which had hitherto been unheard of in the UK. Even though Britain's National Industries were being sold off, the Government had already planned to establish a number of new regulatory commissions relevant to each sector of production. Although the ownership of these sites would become the immediate property of private investors, the Ridley plan also aimed to remove the capacity for collective action from Britain's trade unions, so as not to interfere with the new owner's operations. In Weberian terms this can be defined as the 'securing of monopolistic advantages' within which the regulation of ownership and production becomes a rationally calculated affair (1968: 84). In other words, it removed the monopoly of collective action from the NUM and provided the Government with the means to regulate trade and production from afar. But it also removed from the unions many of the conditions which they had previously imposed on British National Industry during former disputes. With regards to future trade negotiations it would not be the Government with whom the unions would hold discussions, but more economically-minded private sector employers who would simply employ other people if their workforce walked out. In the first instance the prospect of having no national industry makes it impossible for

national strikes to take place at all. Of course, this is a point to note with regards to coercion in that disciplinary forms of intervention rarely require the use of physical force unless it is absolutely necessary to do so, for both legal and economic orders can be used to establish new social and regulative norms (*Ibid*: 313). However, in terms of Ridley's other administrative campaigns, it was clear that the Conservatives had already prepared for a fight which they were determined to win at any cost.

The most notorious dispute of the 1984 miner's strike took place at the Orgreave Coking Plant in South Yorkshire, where coal was to be transformed into coke for use in the manufacture of Steel. During the course of what became known as the Battle of Orgreave, over 5,000 pickets and a comparable number of special police officers descended on South Yorkshire in one of the bloodiest industrial disputes ever recorded in British history.²⁸ The NUM had discovered that British Steel had been stockpiling coal to prevent damage to their furnaces by letting them run idle. However, this practice ran contrary to a trade union agreement regarding the dispensation of coal, under which constraints Orgreave had deliberately exceeded its quota. The NUM decided to picket the plant in an attempt to prevent coke from being transferred to other sites of industry. The plan was to raise the campaign's profile by having a wider impact on the manufacturing community. The main strike began when trucks arrived to remove goods processed at Orgreave for use elsewhere in the UK. But what had been fatally overlooked by the miners was that the hoarding of resources formed part of a Ridley's strategy to undermine the monopolies

²⁸ The aforementioned Massacre at Peterloo during 1819 was part of a wider campaign for universal suffrage.

held over each industry by the unions with a particular emphasis on coal (1977: 25).

On the 18 June 1984, pickets outside the Orgreave plant pushed their line across the access road to the site to restrict the movements of the oncoming convoy. In a series of volleys, Police cordons pushed back the blockades in a contretemps which became increasingly hostile on both sides. These actions resulted in a horseback charge against the protestors, and mounted officers were used several times throughout the day during skirmishes which escalated in violence from both sides. Attending forces from over ten regional constabularies had been issued with short riot shields and police batons, which were deployed with equal vigour and enthusiasm. The use of such logistics during public order actions was based on the constabulary's recent experience of managing hostile crowds during the 1981 Brixton Riots, and was a strategy widely hailed as providing a definitive advantage for the police (Milne, 2004: 22). Nevertheless, while this particularly violent practice may seem to contradict the earlier points made during this chapter (regarding the exclusivity of disciplinary techniques used for managing industrial disputes), in actuality the Battle of Orgreave was declared a riot and a number of arrests were later made on grounds of violent disorder (McColgan, [Online], 2012). Further evidence that Orgreave was intended to be a victory of choice for the Conservatives can be found in Milne (2004: 330), in which cabinet favourite David Hart later declared that the whole event had been a 'set-up' right from the start.

The Battle of Orgreave can therefore be considered a pivotal moment in British history in a number of contexts. Firstly, as the downfall of Britain's

trade labour movement, which took place as a carefully planned and orchestrated *coup d'état* by the Conservatives, and secondly, as the dawn of a new era of state-intolerance towards threats to the establishment. Under the premiership of Thatcher, the Conservative Government fought the trade unions in a number of ways. In terms of the legislative rationalisation of union activities, the Government imposed many of the suggestions outlined in the Ridley report. Between 1980 and 2004, no less than twenty-four definitive amendments or new Acts of Parliament came to pass in order to control industrial disputes. In addition to this, the Government had secured key advantages over Britain's industrial base by removing the agreements which the unions had previously secured under previous strikes, simply by privatising National Industry. Indeed this can otherwise be considered in terms of securing a monopolistic advantage by 1), changing the ownership of manufacturing sites, and 2), by criminalising a number of previously acceptable union activities, thus establishing new legal norms, and 'new types of customary behaviour' (Weber, 1968: 755).

The following Acts of Parliament were used to defeat both the NUM and to provide new capabilities for the British state in terms of the legitimacy of coercive interventions, and the rationalisation of the unions. *The Employment Act 1980* restricted lawful picketing to one's own place of work, and removed the right to conduct secondary action in support of an industrial strike elsewhere in the UK (HMSO, 1980). *The Employment Act* placed strict restrictions on the lawful definition of a dispute and revoked the use of union-only clauses in commercial contracts. After the introduction of *The Employment Act*, non-union employees would be expected to work during a

strike or face disciplinary charges. *The Public Order Act 1986* introduced new criminal offences in relation to picketing, as well as those of rioting, disorder, and affray (HMSO, 1986). *The Public Order Act 1986* later provided the foundation for laws regarding the intimidation of employees crossing picket lines under the *Harassment Act 1997* (HMSO, 1997). Up until this point it had been lawful for striking workers to challenge colleagues crossing picket lines, by calling them “scabs”. Furthermore, *The Employment Act 1988* prevented all trade unions from paying the fines of members or officials who had been absent from work (HMSO, 1998). The *Act* also required the use of ballots for separate places of work, and again largely served to prevent sympathy strikes. Nevertheless, the use of postal balloting became one of the most significant conditions imposed upon the trade unions as it formalised their activities, and encouraged them to develop along bureaucratic lines (Weber, 1968: 224). *The Employment Act 1989* restricted paid time off-work for the purposes of union activities, and lastly, *Act* also rendered all secondary actions unlawful (HMSO, 1989).

In terms of rational administration, what all of the above amounted to was the regulation of the unions and the imposition upon them of a number of rules that have since governed their conduct. In one respect, the policy of postal balloting provides an official structure to union activities, but it also places strict limitations over the legitimacy of a campaign (in as much as to hold a strike a number of viable ballots must first be received). Indeed in the first instance, a motion to ballot is required before a vote for industrial action can even take place. Thereafter, a proposition for the particular type of action required is issued according to established legal norms which now govern the

format for industrial disputes, and members have to vote for how a campaign should proceed. Further administrative practices which were also imposed include giving formal notice of an impending dispute to an employer, and of course negotiating the terms for both the complaint and the desirable outcome with one's members. Of course all of the above is regimented according to the particular timescale in which ballots can take place, the duration of the balloting process, the time between a ballot and a strike, and so forth. All of which, as noted by Foucault, are the 'fundamental virtues of disciplinary time', in terms of the 'precision and application' of rational conduct (1977: 151). What is meant by this is that to undertake a successful campaign, a union representative must toil outside of their normal working hours and negotiate a significant wealth of legal requirements to ensure the validity of an action. As such, the formalisation of union activities was intended to establish new norms and conventions, a) to make the process more efficient, and b) to mitigate the impact of industrial disputes. Overall, the result of the Ridley plan was to force the unions to work within the confines of an inherently bureaucratic system which aimed to regulate trade union activities and make them more productive in terms of power. This process was also productive in as much as it imitated the same structures and procedures used by the state, thus to render docile (or dissenting) bodies more useful. Therefore, by having to work within the same operational protocols and principles as the state, industrial action was bureaucratised.

Political Subversion and Dissent

To return to Pearlman's threefold classifications of dissent, the chapter now examines the notion of sedition during the Nineteen-Eighties (1977b: 1-2). While the concept of sedition was originally linked to treason under the *Treason Act 1351*, over the course of the following centuries its definition was expanded to cover nearly all forms of dissenting public discourse, that is: meetings, discussions and other such actions, which (with regards to perceived social injustices or unfair public policy) spoke out against the organized state (HMSO, 1351). Although the *Seditious Meetings Act 1795* was finally repealed under *Coroners and Justice Act 2009*, in certain circumstances campaigners were still tried for sedition even late as the Nineteen-Nineties (HMSO, 1795, and 2009). Nevertheless, during the Nineteen-Eighties, the notion of sedition was expanded to include campaign groups who allegedly sought to subvert the state under the broader remit of the Conservative Government's arms agreement with NATO (and Britain's National Security policies of the time). Here, groups such as the CND were placed under a number of surveillance programmes and were subjected to clandestine counter-propaganda campaigns to portray them as deviants. The purpose of this part of the chapter is to examine the different modes of supervision enacted during this period through the means of discipline and surveillance, to which groups such as the CND were subjected. While this section of the chapter principally examines the state's subversion of legitimate protest groups such as the CND, equivalent administrative practices were also deployed against the leadership of the NUM, and these will be covered during the following section.

Internationally speaking, the Nineteen-Eighties can be defined by the fraught political tensions that existed between the West and the USSR, and from the nations comprising the Middle East. Or to put it another way, between Warsaw Pact and NATO Treaty allies and the territories into which both factions intended to expand. Relations between the former Soviet Bloc and the West became increasingly charged during this period, due to U.S. President Ronald Reagan's revival of the Cold War, and the poignant anti-communist perspective held by his administration. The Reagan Doctrine as it became known, was designed to destabilise Soviet-funded or militaristically-supported states in Latin America, Asia, Africa, and the Middle-East. The British Government openly supported Reagan's attempt to roll-back the advance of Soviet Communism, and assisted in training and arming rebel factions throughout many such theatres of conflict. In this respect, the activities of terrorists and subversive political groups from the late Nineteen-Seventies onward became a pressing concern for Britain's security services, as with the alleged financial and political affiliations of any such outfits to other paramilitary and non-government organizations. However, it was Ronald Reagan's Cold War doctrine that re-established the strategic importance of Britain's security services in relation to public order discourse.

Irrefutable evidence exists to link Thatcher's administration of public order affairs to the Reagan Doctrine, especially with regards to social movement groups such as the CND. The U.S. Republican Party's response to the Soviet threat was to use propaganda as a means to subvert communism in the West. However, what both states ultimately feared was that groups within the peace movement had been manipulated by Soviet interests, and applied

equivalent campaigns of disinformation and espionage against any organizations which represented a threat (Dorril, 1984: 15-21). The hysteria of the arms race and stockpiling of nuclear weapons during the cold war saw the build-up of a U.S. military presence on British soil. Under the wider tenets of the NATO Pact, America unilaterally armed its allies in Europe with tactical nuclear weapons to ensure that nations without such deterrents were not left vulnerable to the USSR. Numerous organizations including the CND objected to the placement of such weapons in the UK, and to the use of nuclear ordinance in general. The British government, however, considered disarmament groups to be insubordinates who wanted to weaken the UK's military presence abroad. Nevertheless, during the 1980s, over one hundred American nuclear missiles were stored at various Royal Air Force bases throughout the UK, including those at sites such as RAF Molesworth and RAF Greenham Common. In 1981 a permanent protest camp was established at Greenham Common to demonstrate against U.S. nuclear missiles being stationed in the UK. In a protest that lasted nineteen years, the Women's Peace Camp grew from having 250 members in residence, to involving over 80,000 activists at its peak. In 1983 campaigners broke international news headlines when a 14 mile human chain was created around Aldermaston and Greenham Common (BBC News, [Online], 2010). Further political action at the site included blockades, attaching peace effigies to fences surrounding the site, and repeated attempts at entering the base. Sympathetic disarmament groups such as Cruisewatch provided vehicle spotter cards so that members of the Camp could identify, track, and disrupt the training exercises of missile convoys (Baxendale, 1991). Members of the camp at Greenham Common held strong

affiliations with the CND and had a profound influence in other political movements around the UK.

Although the protests took the form of non-violent direct actions, they resulted in arrests being made nonetheless, and both criminal proceedings and jail sentences were commonplace for the women involved (Hipperson, [Online], 2000). During nineteen years of occupation, the British establishment's various strategies to control the demonstration included pitching a permanent police presence at the site, and making arrests (when applicable) for trespass and criminal damage (Gough, [Online], 2005). Police and Bailiffs also attempted a series of evictions, which resulted in the camp being relocated on a number of occasions. In 1983 during a desperate attempt to save face, Newbury District Council revoked common land bye-laws surrounding the site to justify removal of the campaigners. The privatisation of common land by the Council was later ruled illegal by the House of Lords (*Ibid*). However, in terms of the British Government's interest in the CND and the Camp at Greenham Common, it has been widely acknowledged that a number of organizations were running subversion and counter-subversion operations to discredit the campaign for peace.

In 1983, the Secretary for Defence Michael Heseltine established Defence Secretariat 19 (DS19), which was a special propaganda unit charged with the explicit task of smearing the CND's leadership (Fairham, 2006: 49). Whitehall even established a number of counterfeit protest groups who ran pro-armament rallies alongside CND demonstrations (Wittner, 2003: 280-2). The most prominent of these was the Coalition for Peace through Security (CPS) who flew planes above disarmament rallies sporting banners to congratulate

CND campaigners for helping the communist party. According to Steven Dorril, the CPS aimed to discredit the CND by disseminating propaganda through the mass media to manipulate public opinion:

In October 1983 CPS organised and paid for a Gallup poll on unilateral disarmament. In November it paid Aerofilm, part of the Hunter Group, £900 for a photoanalysis of the massive CND march, claiming that the figures given in the media were greatly exaggerated. For Christmas it sent out 50,000 greetings cards and accused the well-respected IVS (International Voluntary Service) of subsidising 'peace camps'. (1984: 18)

In relation to the British Government's campaign against the CND (for which DS19 used the CPS), Dorril argues that the above tactics consisted of 'a 'dirty tricks' operation against the peace groups'' (*Ibid*: 15). Compelling evidence also implicates MI5 in the surveillance of CND officials, for 'phone taps were installed', and undercover agents 'were placed in CND offices' both to gather intelligence and to plant seditious materials (Wittner, 2003: 280).

In terms of theorising these particular activities with a view to how they bureaucratised dissent, there are a number of issues to cover. In the first instance, the use of counter-subversion campaigns, seeks to identify groups such as the CND as being deviant social actors whose 'norm-violating behaviour' requires policing (Deflem, 2010: 15). According to Weber, the contravention of these norms 'may engender a rationally considered desire to secure the convention, or the obligation of customary law, against subversion, and to place it explicitly under the guarantee of an enforcement machinery' (1968: 323). In such a manner, once a social group has been identified as a deviant organization by the dominant regime, the state can legitimately introduce measures against which to secure its own interests. With regards to

the strategic use of propaganda against the CND, it was necessary to publicly defame them first, so that any actions could be deemed legitimate in hindsight. Once the legitimacy of an order had been established 'any rebellion against convention' would have led to the use of 'coercively guaranteed rights in a manner detrimental to the rebel' (*Ibid*, 323). Therefore in relation to the CND, the alignment of its activities with both the far left and the communist party, served to discredit the political motives behind the campaign for peace, and coerce it towards compliance.

The surveillance of the CND, and in particular the attention drawn to its executive members by organizations such as the CPS/DS19, was twofold. In one respect the secret campaign of infiltration and subversion highlighted the vulnerability of these groups most inner circles, and in another respect, the CPS smeared the CND's leadership just enough to undermine popular support for the cause. Indeed by the latter stages of the Nineteen-Eighties, the DS19 was disbanded suggesting that the 'CND threat had diminished' (Dorril, 1984: 21). In terms of the impact of these campaigns, Heseltine reported the initial success of the DS19 to the Cabinet Office as early as 1983:

THE SECRETARY OF STATE FOR DEFENCE said that the Campaign for Nuclear Disarmament (CND) had been successfully thrown on to the defensive by the action taken to identify the left wing affiliations of so many of its leading members. (Cabinet Office, 1983: 138)

It can therefore be argued that the process of identifying senior CND members as deviants served to isolate them from the rest of the organization (if not from the peace movement as a whole). Indeed this is one of Foucault's most basic principles of surveillance, in which supervisory practices position individuals

so that they can be observed, and of course, corrected to make them work more efficiently. With regards to the stigmatisation of the CND, the particular notion of ‘binary branding’ (in this respect creating a deviant identity), brings into existence ‘a whole set of techniques and institutions for measuring, supervising and correcting the abnormal’ (Foucault, 1977: 199). In this respect the notion of bureaucratisation relates to the correction and entrainment of deviant social actors to follow a prescribed social norm, but it also legitimises the use of espionage as a means to facilitate public order.

Public Order Discourse and War

The success of these particular military institutions for being complicit in public order interventions represents nothing new in itself, and clandestine organizations such as the GCHQ (Government Communications Headquarters) and its various subsidiaries date back to the Second World War, if not, beyond.²⁹ However, at this point it is worthwhile asking what do all of these institutions actually do when there is no war? As seen above, during times of peace the machinations of war are used to maintain civil order. It is therefore relatively easy to comprehend how for Foucault, ‘civil order is an order of a battle’ and how enemies of the state are created as a threat against which to be defended (2003: 47). Foucault’s notion that society is always at war adequately frames this next section of the chapter with regards to how National Security discourse can be used to maintain public order by creating a political other (2003: 47). The Foucauldian notion of security will be used here to provide additional evidence for how public order is framed as war. During this section

²⁹ See the Luddite Uprising and the use of police spies during Chapter 2 for example.

of the chapter, the Government's National Security campaign against the NUM will be discussed in further detail, in which the leadership of the NUM was depicted as having aligned its political interests with those of Libya's Colonel Gaddafi and the USSR. As a means to problematize public order discourse further, the notion here is that once a social group has been defined as a deviant other, there is seemingly no end to the resources which the state has at its disposal either to bring about compliance or to manage it through any other means necessary. Indeed in terms of contemporary public order discourse, I have noted elsewhere (2015) that the alignment of activists with international terrorist organizations enables the state to deploy any military and domestic resources at its disposal to defend the population. As suggested by Foucault, there is 'no limit to the objectives of government when it is a question of managing a public power that has to regulate the behaviour of subjects', and that is most certainly the case to be found here (2008: 7).

Although the Ridley plan adequately outlined the scope of the Conservative Party's campaign to manage the threat posed by Britain's trade labour movement during the Nineteen-Eighties (i.e., by rationalising the unions under new public order and employment laws, and by introducing more aggressive policing tactics during demonstrations), what it did not divulge was the scope of intelligence operations used against the NUM. As the previous section of this chapter has argued, MI5 the domestic Security Service (and other institutions within the Ministry of Defence), was used to defame the leadership of the CND. What is relatively unknown is that at the same time, the same institutions waged a war against the NUM on similar grounds. What remains significant about the NUM, the protests at Greenham Common, and

the activities of the CND, was the way in which key members of these organizations were perceived as posing a direct threat to British parliamentary democracy. The Government widely believed that communist sympathisers had infiltrated prominent social movements in the UK to destabilise the integrity of the nation's manufacturing base. It also feared that the same activists were plotting to undermine the UK's military institutions, leaving the nation vulnerable to attack from abroad.

From the Nineteen-Seventies onwards, the rise of a socialist left in Britain had become a question of National Security and subsequently came to involve the Government, HM Constabulary, the Security Services (both MI5 and MI6, in addition to private security firms), think tanks, defence organizations, and select members from National Industry. According to Stella Rimmington (the Former Director General of MI5), the surveillance and counter-subversion of both the trade unions and political activists in the UK was commonplace during this era, and constituted a significant part of MI5's operations at the time (2001: 163). Rimmington maintains that covert members of the Security Service were embedded in the CND, and that subversives were feared to have reached prominent positions within other significant organizations such as the NUM (*Ibid*: 163). Of course this lends credibility to Wittner's earlier claims that MI5 would regularly tap the phones of suspected subversives including those of well-known peace campaigners (2003: 280). Nevertheless, Rimmington states that the NUM's most prominent figures (including Arthur Scargill and Mick McGahey) 'were using the strike to try to bring down the elected government of Mrs Thatcher' (2001: 163). In this respect they were of great interest to MI5 – as seditious actors who intended to

oppose British parliamentary democracy. This factor alone legitimised the surveillance of their activities and affiliations. Those suspected of political subversion were subjected to communication intercept orders and other forms of directed covert surveillance. But the campaign did not end there, and MI5's counter-subversion unit (f-branch) worked alongside GCHQ to discredit NUM officials at every available opportunity (Milne, 2004: 307).

Having refined many of their counter-subversion techniques (and borrowing both evidence and their cues from Heseltine's DS19 division), f-branch and GCHQ conducted a number of smear campaigns designed to decimate popular opinion of the NUM. According to Seamus Milne, the most prominent of these operations included placing over £70,000 in Swiss and Irish bank accounts – alleging that Arthur Scargill had embezzled the money from the NUM's widow's fund to pay off his own mortgage (*Ibid*: 1). Further campaigns to discredit the NUM's leadership (as released to the popular press), claimed that the union was being directly funded by both Libya and by the USSR, and that the NUM was 'actively supported by the communist party' (Rimmington, 2001: 163). With regards to the latter statement, there was a moderate amount of truth in the matter in that the NUM had sent funds to grieving widows of their Russian counterparts following a serious industrial accident - not with the intention of committing sedition, but as a mark of solidarity, mutual respect, and human sympathy. It was also a common practice for internationally active unions to lobby their overseas compatriots for financial help during significant or prolonged campaigns. Nevertheless, the NUM conspirators were subjected to an onslaught of disinformation leaked by MI5 to the mass media. At one point it was even claimed that Scargill had

‘demanded not only cash from Colonel Gaddafi [...] but guns’ (Milne, 2004: 1). In terms of the last of these statements, state-sponsored hysteria about the NUM served to indicate that it had become a fully-fledged paramilitary outfit, operating on the same kind of scale as the Irish Republican Army.

What all of the above demonstrates, is that in terms of public order discourse, the notion of civil order as being the same as the order of a battle carries a certain degree of truth (Foucault, 2003: 47). Of course it is relatively easy to make this very literal comparison when provided with the evidence seen above, and indeed this particular discourse plays out during almost every imaginable public order action. In the case of the Miner’s Strike of 1984, the war was the Battle of Orgreave; in direct relation to the NUM, public order discourse pitched campaigners as posing a seditious threat to parliamentary democracy by aligning Arthur Scargill with the Libyans; for the CND, they were cast as being the new “reds under the bed” – an equally defamatory belief that was propagated by Britain’s Security Service. However, to return to Foucault’s ideas of genealogy and war, this is not ultimately a battle between good or evil, or between different races, but a particular conflict of normalisation in which power pitches its fight against deviant social actors for the purposes of conservatism (*Ibid*: 63). Indeed, this is not the conservation of one particular regime or another, but of the continuity of power that is in question:

It may be that war as strategy is a continuation of politics. But it must not be forgotten that 'politics' has been conceived as a continuation, if not exactly and directly of war, at least of the military model as a fundamental means of preventing civil disorder. (Foucault, 1977: 168)

It is Foucault's comparison of civil order to that of a well-trained military machine, which offers links to discipline, bureaucratization and dissent. The military model of the standing armies (as seen in Weber, 1968: 918), was highly regimented, and hierarchically ordered. The object of disciplinary power is to achieve a comparative level of order within the ranks of society, thus to achieve the same standard of efficiency. Here, It is not sufficient enough to suggest that an eponymous other is created against which to pitch society's defences, but that these agents of disorder are tamed, managed, and put to work. Dissenting public discourse is therefore framed as war so that deviants might be controlled and harnessed in this way, for 'discipline is no longer simply an art of distributing bodies, of extracting time from them and accumulating it, but of composing forces in order to obtain an efficient machine' (Foucault, 1977: 164). Although the practice of othering lends credibility to the legitimacy of power, it is not the ultimate aim of discipline to create outcasts, but to foster conformity. Where conformity does not exist, that is also deemed beneficial in as much as it legitimises both war and secures the conditions for maintaining the forces that oppose disorder.

Criminalising Dissent

At this point the chapter returns to the notion of rationalisation, not explicitly of the trade labour movement in the UK, but with regards to the criminalisation of social groups who campaign for animal rights and the environment. In terms of providing a chronology of events leading up to the current day, it is reasonable to argue that the Ridley plan and the activities of the security services during the Nineteen-Eighties met with relative success. Even though

significant union activities (and industrial strikes) still take place today, they are simply conducted in a more amenable way and have less of an impact on trade and commerce. Indeed to reiterate the main point of this chapter (if not the entire thesis), the idea has never been to put an end to dissenting public discourse, but to harness it in terms of power; to bureaucratised it and therefore render it of some economic or political worth. In the Nineteen-Eighties the prospect of sedition was used to reign-in and normalise the conduct of both the CND and Britain's trade unions. However, in the context of this part of the chapter, the notion of sedition is applied to other social groups, for the audacity of committing attacks against both the establishment and its monopoly of interests. This part of the chapter observes the changes in administrative authority from Britain's Conservative Government led by Margaret Thatcher, to John Major's time in office, and thereafter to Tony Blair's New Labour Party of the Nineteen-Nineties. What is notable about each of these regimes is that for each one a different set of administrative concerns takes centre stage with regards to public order and dissent. For Thatcher it was the unions, for Major it was animal rights activists, and for Blair the biggest threat to public order was posed by environmentalists.³⁰ That is not to suggest that more severe threats to public safety did not exist at any of these times, but what will become apparent is that during each administrative epoch, the biggest threat to National Security was generally used as a comparative frame for criminalising dissent.

³⁰ And, of course after 9/11 by international terrorists.

The Margaret Thatcher Years

Undeniably, Margaret Thatcher's years in office were not beneficial to everyone. While the mid-Nineteen-Eighties were considered a period of questionable progress, the first two years of her term witnessed a devastating economic recession and international conflict. The administrative response to the recession was to enact reforms suggested under the Ridley plan, but some of the worst levels of unemployment in recent times accompanied its results. In 1982 the Argentinian invasion of the Falkland Islands prompted a seven month war in the Southern Atlantic, with further resources diverted from the public purse to manage the sovereign dispute. The activities of international terrorist groups also dominated news headlines, with bombing campaigns from the IRA constituting daily reports, alongside hostage situations conducted by militant factions from the Middle-East. In the ten years that followed Thatcher's election no less than 24 separate attacks took place on British soil and these were mainly conducted by the IRA. In response to the above threats to National Security, Libya's Colonel Gaddafi was used as an *agent provocateur* to reduce popular support for the miner's strike by MI5. According to Milne 'any hint of association with the Libyan regime was primed to bring forth a hysterical torrent of condemnation', and this was the purpose of aligning the NUM with terrorists (Milne, 2004 136).

In terms of Thatcher's legislative response to groups such as the CND and the miner's union, the *Highways Act 1980* and the *Public Order Act 1986* were both introduced to redefine public order violations (HMSO, 1980, and 1986). The former of these two *Acts* related more concisely to marches or processions, but in the main to industrial disputes, and the second of these

Acts, to all forms of dissenting public discourse. Section 137 of the *Highways Act* stated that any persons using the highway must do so with lawful authority, lest they commit an offence - and this is where a correlation between industrial action and public protest starts to emerge. Under the *Act*, traditional union tactics of using blockades to disrupt sites of industry became criminalised with immediate effect. Britain's public authorities were able to make arrests at their discretion should demonstrators or pickets cause an obstruction to the flow of pedestrian or vehicular traffic.³¹ Section 148(C) of the *Act* prohibits members of the public from placing anything on the highway in order to enact an obstruction to other road users, and in a public order context this relates to direct action protests such as “sit-ins”, “lock-ons”, and “go-slows”. By definition, the public highway also includes the pavement as a thoroughfare, in addition to roads. According to Section 148(C), an offence covers any form of protest in which objects (or campaigners) are used as a hindrance to traffic (HMSO, 1980).

By the mid-Nineteen-Eighties, the Conservatives had reinvented traditional offences such as riotous behaviour, violent disorder, affray and harassment, under a new piece of legislation known as the *Public Order Act 1986* (HMSO, 1986). The *Public Order Act 1986* replaced the earlier *Riot Act 1714*, and *The Justices of the Peace Act 1361* many centuries after they had both been commissioned (and HMSO, 1361). Section 4A of the *Act* served to prevent campaigners from intimidating bystanders. Section 5 provided grounds for arrest for using insulting or distressing language (or for displaying

³¹ Also under this *Act*, those planning a procession or a march must notify the authorities if they plan to conduct this kind of action. In some cases the Local Authorities will plan to close roads surrounding an event to comply with Health and Safety regulations.

provocative content on banners and placards). If it was suspected that campaigners intended to cause criminal damage to persons or property, Sections 12 and 14, respectively dealt with either planned or impromptu processions or assemblies, allowing the police to intervene. The *Act* was also used to prevent demonstrators from dissuading people from going about their lawful business, or from coercing others into breaking the law. In every context if it was suspected that the above conditions might be breached, police were granted powers either to divert the route of a march or procession, or to disperse an assembly. In terms of this contingency and by way of the harassment clause of Section 5 it can be claimed that the *Public Order Act* was designed to replace every significant piece of legislation previously concerned with preventing a breach of the peace. However, the most pejorative clause of the *Public Order Act* was to make it an offence for campaigners to wear masks or disguises during a demonstration. In terms of surveillance, this renders subjects visible within a given field of operations, and enables their identification (and classification) with regards to whether they present a threat or not. However in terms of discipline, this is just one strategy for organizing subjects within a particular space (see Foucault, 1977: 195).

In relation to surveillance, a particularly good example for how the powers of the police were expanded during the Nineteen-Eighties can be found in the *Police and Criminal Evidence Act 1984* (HMSO, 1984). The *Police and Criminal Evidence Act 1984* has been employed extensively during public order actions, specifically under the notorious clause of Section 1, which details conditions under which the police may stop, search, and examine those under reasonable suspicion of committing an offence (see Foucault, 1977: 170-

194). Consequently there are provisions under the *Act* for declaring a public assembly unlawful and for imposing upon all of the attendees a blanket ‘stop and search’ policy (Holt and Hartley, 2009). Indeed this policy would appear to have become a central strategy for maintaining public order, as seen during the 2008 Camp for Climate Action at Kingsnorth Power Station in Kent. Here, intelligence reports had indicated that some of the campaigners had intended to close the power station down, so senior attending officers decided to impose conditions on the whole demonstration (*Ibid*). Under the provisions of the *Act* police imposed a blanket stop and search order on over one-thousand protestors. To posit this in terms of surveillance and discipline, the intention of such regulatory orders was to enforce compliance and regulate behaviour. In fact during PACE Section 1 searches, the names and addresses of any interrogated protestors were recorded for future cross-reference. This isolates individuals within a given space, and breaks down the collective will of the mass. For the supervisors, the crowd is therefore ‘replaced by a collection of separated individualities [...] that can be numbered and supervised’ to a greater effect (Foucault, 1977: 201).

John Major and the Animal Liberation Front

Towards the end of Margaret Thatcher’s third term in office as Prime Minister, her immediate hold over the UK diminished as a result of plans to impose a new tax on the general population in which every adult in Britain would need to pay for the services offered by Local Government Authorities. The unpopular proposition of the Poll Tax saw widespread demonstrations across the UK, which (matched with Thatcher’s general intolerance towards public

dissent), quickly turned to disorder once the police started to deploy batons. In London especially, over 200,000 demonstrators marched against the Poll Tax, which threatened the Conservative Party's lead in politics. As a result of the general unrest caused by this policy, Michael Heseltine challenged Margaret Thatcher's leadership - as a result of which she promptly resigned. In 1990 John Major was appointed as Britain's new Prime Minister, and used Margaret Thatcher's resignation as a ruse to abolish the Poll Tax (but instead replaced it with a new Council Tax a few months later). Nevertheless to provide additional context for all of the above, the CND and NUM, plus of course Libya and the IRA were not the only threats perceived to public safety during Thatcher's regime. Significant risks were also posed by radical activists who wanted to promote animal rights in the UK. In terms of this part of the chapter, it was the actions of animal rights groups that defined John Major's particular responses to dissent.

In 1976 The Animal Liberation Front (ALF) was established in the form of a direct action group intent on raising awareness of vivisection issues in Britain. The organization was a staunch advocate of using tactics such as industrial sabotage to cause widespread disruption to animal testing facilities, and during the first three years of its life, the movement attracted increasingly radical members. By the early Nineteen-Eighties, the scale of the ALF's campaigns had grown from causing corporate interference to making threats against the general public. In 1982 a militant offshoot of the ALF (the Animal Rights Militia), sent letter bombs to four of Britain's most prominent politicians, including one to the Prime Minister herself at 10 Downing Street. Further campaigns from this era include the notorious food contamination

scares of 1982, in which Mars Bars were alleged to have been injected with rat poison in an attempt raise public awareness of tooth decay tests on monkeys (Schweitzer, 2002: 90). By 1985, ALF activists were placing incendiary devices under the cars of scientists employed by well-known vivisection laboratories, and had conducted significant acts of property destruction against breeding kennels.³² From the start of the Nineteen-Nineties, attacks on animal testing facilities increased in both their regularity and ferocity. By 1996, the ALF was working in unison with Stop Huntingdon Animal Cruelty (SHAC), and had been involved in a series of bloody incursions against Europe's largest testing laboratory at Huntingdon Life Sciences (HLS) in Cambridgeshire. The SHAC and ALF alliance expanded their tactics to include the written and physical abuse of HLS employees, which also included its shareholders and business partners. After a series of highly publicised incidents, Parliament was obliged to seek new measures to curtail such activities.

Although Margaret Thatcher introduced a number of legislative protocols through which to manage threats of this nature (such as the *Public Order Act 1986*), it would be another fifteen years before the activities of the ALF were brought under control; essentially by way of *The Serious Organized Crime and Police Act 2005* (HMSO, 2005). Indeed the risk posed by militant animal rights groups, came to represent a significant point of interest for her successor, John Major, whose attempts to criminalise such activities continued the Conservative's legacy of public order discourse, and typifies these two decades in British politics. However, it can also be argued that the ALF constituted a greater threat to John Major's Leadership than to Thatcher's

³² This continued until 2006, when the ALF's main instigators were arrested under *The Serious Organized Crime and Police Act 2005*.

administration, in as much as Huntingdon Life Sciences was situated in his home constituency. Unlike many of the inner-city public order issues more conventionally faced by the Government, violations featuring animal rights activists were generally taking place in rural communities. The question for Major was how to protect testing facilities that were being attacked in remote parts of the UK.

John Major's replacement for the *Public Order Act 1986* was the *Criminal Justice and Public Order Act 1994* which turned trespass from being a civil matter into a criminal offence, through which the Conservative Government tightened the proverbial noose on animal rights campaigners (HMSO, 1986 and 1994). Under the 1994 *Act*, the spaces used for rural protests had suddenly become protected by criminal law, which carried a number of immediate restrictions. For many direct action groups (such as fox-hunting saboteurs and environmental activists), this rendered their campaigns perilous to say the least, as the parts of the countryside in which their activities would have the greatest impact, were suddenly declared off limits. Indeed for direct action campaigns which took place on common land, under Section 61(d) of the *Act* a Local Authority could be considered the rightful owner, against whom a trespass could be committed. Section 61(d) of the *Act*, was used to define the common land as being owned by the Local Authorities, under which any undesirable persons could be justifiably removed by police (HMSO, 1994).³³ Nevertheless, the bulk of public order provisions can be found in part five of the *Act* under the heading of 'Public Order: Collective

³³ This was also introduced for the purposes of removing travellers and gypsies from public land, and for criminalising illegal raves.

Trespass or Nuisance on Land'. Here, specific powers were granted to the police in order to remove any trespassers from any property, public or private.

Theoretically speaking, the *Criminal Justice and Public Order Act 1994* therefore aimed to organize individuals by restricting their access to public land, through regulating their activities, and by reducing their capacity for collective social action. In Foucauldian terms:

That is why discipline fixes; it arrests or regulates movements; it clears up confusion; it dissipates compact groupings of individuals wandering about the country in unpredictable ways; it establishes calculated distributions. It must also master all the forces that are formed from the very constitution of an organized multiplicity; it must neutralize the effects of counter-power that spring from them and which form a resistance to the power that wishes to dominate it: agitations, revolts, spontaneous organizations, coalitions - anything that may establish horizontal conjunctions. (Foucault, 1977: 219)

As a result of this organizing principle, new 'compact hierarchical networks', are formed in which dissenting coalitions are reduced to a more manageable form. In this respect, the public order discourse of trespass aims to impose multiple categories of owner, trespasser, activist, and victim upon a protest; thus to categorise various social actors and determine how best to manage the situation. With regards to bureaucratisation, the practice of social stratification intends to break down horizontal networks of campaigners and impose authority upon them, thus redistributing dissenting public actors according to rank and file (defined by the above categories of criminal or victim). This particular discourse can be seen again, regurgitated by the later identification of animal rights activists as fanatics who operate in a 'quasi-terrorist cellular structure across the country' (Home Office, 2004: 9). In terms of discipline,

this reduces rural public order actions to a question of supervision - to which end there should be some form of quantifiable knowledge or material outcome.

In response to the suggestion of there being a particular material outcome for this public order discourse, in 1986 Scotland Yard established a new division of Special Branch called the Animal Rights National Index (ARNI) to create a database of animal rights activists in the UK (Posluszna, 2015: 78). Although the group had no operational remit to conduct interventions against campaigners, they provided intelligence of the ALF's intentions and identities to other regional divisions who would be better equipped to respond at a local level. By the mid-Nineteen-Nineties, the ALF had expanded their campaigns into that which is more conventionally defined as terrorism with regards to making serious threats to the general population. In this context the tactical use of food scares, the continual destruction of property, and the unrestrained use of car bombs posed a significant risk to public safety. To reiterate an earlier point made by Weber, 'legal coercion by violence is the monopoly of the state' (1968: 314). In as much as the ALF and SHAC were conducting their operations beyond the remit of the state, their use of violence was deemed wholly illegitimate by Britain's governing authorities. However, according to Weber, coercion can also be conducted through the use of psychological forms of intimidation, and such practices are also proscribed by the state (*Ibid*: 317).

To finalise this section of the chapter regarding Major's term in office, the use of psychological coercion as a form of dissenting public discourse was also criminalised during his time as Prime Minister. Initially, this appeared under Section 241 of the *Trade Union and Labour (Consolidations) Act 1992*,

which also indicates a certain degree of continuity in the Conservative Party's aim to regulate the unions (HMSO, 1992). The *Trade Union Act* came to represent a complex piece of legislation to protect employees from harassment in their place of work, and its relevance here is to provide further links between the erosion of Britain's labour movement, and the strategic policing of domestic affairs such as the campaign for animal rights. The *Trade Union Act* defined intimidation as being a person purposefully following an individual from one place to another; a worker having his or her tools or working attire hidden; an employee having their place of residence watched; or by way of threats being made to family members or partners. Principally the *Act* sought to define intimidation towards an employee by way of compelling a person to act beyond their original intentions - whether the end result was deemed legal or not. Comparatively, Section 20 (as with a number of other clauses), came to render the trade union itself liable for the activities of its members. Again this latter prospect can also be defined in terms of bureaucratisation, especially in terms of providing limited authority to the unions to regulate the conduct of their members.

Further provisions made by Major included the *Protection from Harassment Act 1997*, which was designed to criminalise the "stalking" of celebrities and other prominent figures by the press (HMSO, 1997). The *Act* itself was introduced only two months before Major's electoral defeat by Tony Blair in 1997, and can be considered part of the Conservative's public order legacy. Although it remains indisputable that the *Act* was commissioned in response to the death of Diana Princess of Wales (who had fled from an entourage of paparazzi in Paris the same year), it was clearly designed to

suppress increasingly militant tendencies in the press. During the Nineteen-Eighties, popular working-class news newspapers had grown increasingly critical of all public figures and used progressively intrusive tactics to catch the right scoop or scandal. In what became known as the sleaze campaigns of the Eighties, sex scandals and exposés of the Conservative Party's private lives, led to the resignation (or rather, the public disgrace) of cabinet members such as Jeffery Archer, Edwina Curry, and Michael Heseltine.³⁴ Left unrestrained, tabloid newspapers had become utterly scathing of the Conservative's social reforms, and as the political party in power this clearly called for legislative intervention. The *Protection from Harassment Act* (HMSO, 1997) was an adaptation of the *Trade Union and Labour (Consolidations) Act 1992* (HMSO, 1992), but it can also be seen as a return to the notion of seditious libel, as originally managed under the *Blasphemous and Seditious Libels Act 1819* (Pearlman, 1977b: 17, and Raithby, 1819). The revised *Harassment Act* was employed in a domestic context to control both the popular press and manage single-issue groups of campaigners such animal rights advocates or environmental protestors. However, the *Act* would also come to receive condemnation from these groups for the ambivalent way in which harassment was defined by the authorities.

In a public order context, the *Harassment Act 1997* can be evoked to prevent the intimidation of one or more persons on more than one separate occasion (HMSO, 1997). During animal rights protests, it has been used by the police to protect officers from alleged intimidation by campaigners. In the case of the Western Animal Rights Network (WARN, [Online] 2009), the

³⁴ Though it should be recognised that the opposition also played a significant role in feeding titbits to the press to undermine the competition.

association's members were cited under the *Harassment Act* during 2009 for filming their own arrests. Indeed the ambiguity of public order laws often leads to their use for the purposes of repression. However, this constitutes a necessary part of their remit according to Weber (1968: 317). With regards to the *Harassment Act 1997*, here the state aims to prohibit dissenting public discourse/industrial dissent from having an impact on the opinions of the general population, in as much as 'the law of the state often tries to obstruct the coercive means of other associations' (*Ibid*). In every respect, the *Act* exists to prevent one or more people from coercing an individual or group into acting in an illegal manner (or from disrupting their usual lawful activity). But of course this merely reiterates what is already known about public order discourse from the *Justices of the Peace Act 1361* (HMSO, 1361). Indeed since medieval times the majority of laws governing protests have been designed to meet two particular ends: 1) to regulate trade and exchanges, and 2) to prevent affray caused by unsolicited public action.

New Labour, Eco-Terrorism, and 9/11

The final years of John Major's administration were plagued with scandals and general dissent from within the ranks of Conservative Party itself. During 1995 John Major formally resigned from office, but continued his term as Prime Minister as a result of the lack of an immediate successor within the organization, and with a National Election looming. Finally, in 1997, the New Labour Party gained an unprecedented landslide victory over the Conservatives and gained power. A New Labour Government would mean the introduction of new social reforms, which the general population believed would put an end to

the Conservative's draconian public policies. However, in terms of civil liberties and public order discourse this was generally not the case, and upon reflection some of New Labour's policies would appear to be among the most repressive of their time.

Nevertheless, there are a number of social reforms and acts of parliament that define Tony Blair's ten-year reign as Prime Minister between 1997 and 2007, and these bear testimony to the inclusion of public order discourse within other parliamentary programmes, and the further administrative coercion of social movements towards bureaucratisation (thus to become apparatuses of security in their own right).³⁵ The final Section of this chapter, argues that up until 2001 the British state had continued to respond to dissent precisely as it had done since the early Eighteenth Century. In one respect, that meant passing new laws to control any dissenting public discourse with which the state disagreed, and in another respect, to the disciplinary appropriation of dissent (in relation to the potential to render protests more productive). This latter notion can be seen in the formal rationalisation of Britain's friendly societies in 1793, and the much later bureaucratic regulation of trade union activities during the early Nineteen-Eighties. Therefore, from the Eighteenth Century onward, the British state came to rely increasingly on disciplinary techniques for law enforcement, such as surveillance, coercion, and regulation, even though the use of physical force was still reserved for certain contingencies (i.e., to manage riots and outbreaks of civil disorder).

However, what marks a critical point of departure from all of the above was that during the late Nineteen-Nineties, the central administration of

³⁵ This latter notion is explained more adequately as part of Chapter 4.

various campaign groups started to change. Although the prospect of managing dissent through disciplinary means was inherently a bureaucratic endeavour, the idea of being able to manage all forms of dissenting public discourse - using governmental techniques of administration, only really started emerge after 2001. Therefore the pre-9/11 era can be thought of as being conservative, state-centric, disciplinary and dominant, and the post-9/11 era became increasingly neo-liberal and governmental with regards to the management of dissent. From 9/11 onwards campaign groups were given increasing accountability for the activities of their members, and the state outsourced many of its former “policing” responsibilities to various representatives of the private sector. Indeed the aim of this reform project in public administration was to expand existing networks of power, and to distribute among various capillaries the capacity to participate in both public order and National Security discourse. To examine how this argument works, it is first necessary to examine the circumstances through which power was designated to different stakeholders in modern society, that is, beyond the immediate parliamentary state.

Prior to 9/11, New Labour drafted the *Terrorism Act 2000* in response to over thirty years of violence from radical terrorist actors, and as a result of previous legislative acts that had failed to bring an end to terrorism (HMSO, 2000). Indeed threats from violent non-state actors had been on the rise since the Nineteen-Seventies, due to the activities of the Palestinian Liberation Organization (PLO), the IRA, and from numerous Islamist (Hezbollah and Mujahidin) groups. The Nineteen-Eighties quickly became synonymous with hijacks, bombings, assassination attempts, sieges and mortar attacks from a

variety of separatist, nationalist, and extremist factions. This trend continued well into the Nineteen-Nineties, following fifteen years of amendments under the temporary provisions of the *Prevention of Terrorism Act* (1976, 1984, and 1989), and until peace talks began in earnest to resolve the problems in Northern Ireland (HMSO, 1976, 1984, and 1989). The *Terrorism Act 2000* therefore broadened the notion of terrorism to include the activities of all violent non-state actors including animal rights activists who had used the techniques of terrorism for the purposes of coercion. The *Act* was intended to formally align animal rights groups with the IRA, or in fact to condemn any organization who posed a direct threat to the British population.³⁶ The *Terrorism Act 2000* therefore criminalised all forms of dissenting public discourse in which the explicit use (or the threat of violence) was intended to further a political, religious, or ideological cause (HMSO, 2000).

Following the 2001 attacks on the World Trade Centre in New York, the British Government started to overhaul its prior responses to threats to the UK. In 2001 Tony Blair commissioned the Civil Contingencies Secretariat (CCS) to examine which sites of industry and which public services would be the most likely target for a terrorist attack (and to determine the loss of which institutions would render the UK even more vulnerable during a crisis). Among the sites of interest to the CCS were public transportation networks, international airports, utilities providers, telecommunication networks, and vital public services such as healthcare and emergency response units. The role of the government was to render all of these institutions impervious to terrorist attacks under a programme called UK RESILIENCE. By 2004 the CCS had

³⁶ This differs from MI5's earlier propaganda campaigns to align Libya with the NUM, and the CND with the USSR. Here the comparison between dissenting public discourse and terrorism is formalised in law.

determined that threats to UK were indigenous to each particular region, which would need to set up its own monitoring groups to determine the most likely points of attack. These proposals were formalised under the *Civil Contingencies Act 2004*, and it was at this point that terrorism and dissenting public discourse became formally aligned again (HMSO, 2004).

In terms of dissent, the *Civil Contingencies Act 2004* criminalised all campaigns that were designed to disrupt either private industry or the continuity of vital public services (see Harbisher, 2015: 482). Its objective was to define a series of scenarios that might constitute a National Emergency and serve as a replacement for ‘obsolete programmes in civil defence’ (*Ibid*). To put this into context, the usual grounds for Declaring a State of National Emergency included military invasions, outbreaks of biological disease, medical emergencies, and famines etc.. However, Section 1 of the *Act* defined a just cause for an emergency to include the disruption of public transport networks, the interruption of power supplies (or telecommunication utilities), the disruption of financial services, or even the interruption of food and healthcare provisions. In terms of public order discourse, the *Civil Contingencies Act* situates direct action protests alongside high-profile risk categories such as international terrorism and war, and has the capacity to criminalise environmental actions, globalisation protests, and industrial disputes by members of the public and private sectors (TSO, 2012).

Under the *Civil Contingencies Act 2004*, each region was to establish its own Local Resilience Forum (LRF), to represent a combination of public and private sector interests (HMSO, 2004). The LRFs were responsible for identifying key strategic threats to each catchment and would provide a

Regional Risk Register of potential issues. These would later be assembled into a National Risk Register under the Civil Contingencies programme known as UK RESILIENCE. As I have argued elsewhere (2015: 477), the LRFs operate in a similar capacity to the 'Fusion Intelligence Centres' established by the Department for Homeland Security in the U.S., that emerged post-9/11 to monitor any risks that might occur at a federal/regional level (Monahan, 2009). As I have argued elsewhere (2015), that the LRFs conflate legitimate political activism with acts of terrorism, as a direct result of a conflict of interests between corporate efficiency and National Security. In this respect, the LRF are largely comprised of Local Government Authorities, and stakeholders from multinational businesses such as Powergen, E.On, and British Telecom. However, while Chapter 4 goes into far more detail regarding the implications of the LRF's (with regards to how they function as security providers), the purpose here is to posit that as regional intelligence hubs, they all contribute to public order and National Security discourse via the formation of apparatuses of knowledge (Foucault, 2003: 33). Indeed the use of these institutions as contributors to National Security programmes demonstrates part of the post-9/11 shift from central administration to governmental organization. In this particular context, the LRFs monitor, categorise, and assemble lists of threats which exist in each region for the purposes of their direct management (i.e., in the prevention of serious incidents), or to monitor emerging issues which may later constitute a threat.

To identify how the above risk categories were determined, during the early stages of Tony Blair's government both animal rights activists and environmental campaigners were causing substantial disruption to a number of

different institutions, ranging from animal testing facilities to national airports. As noted by Maxine Newlands (2013: 49), the criminalisation of animal rights activists under the *Terrorism Act 2000*, precipitated a wider call from Government to regulate other forms of dissenting public discourse as well (HMSO, 2000). During Tony Blair's time in office (with the exception of 9/11), one of the biggest challenges to public order, was the "threat" of environmental activism. According to Newlands, 'the term "eco-terrorism" originated in the UK, from a link between animal liberation movements and environmental action' (2013: 49). However, the kind of acts committed by eco-terrorists (with the exception of a couple of instances), does not in her opinion justify the use of this derogatory term (*Ibid*). In actuality the majority of news coverage focussing on environmental campaigns during the late Nineteen-Nineties, related to the activities of campaigners in Berkshire who were trying to prevent the construction of a local bypass. Daniel Hooper (otherwise known as Swampy), was a prominent environmental activist who had campaigned over a new road construction project in Newbury during 1996, and who later received media attention in 1997 for digging a series of tunnels under the proposed extension of the A30 in Devon. In the latter respect, it took public authorities several weeks to remove the campaigners, who had established a network of warrens beneath the construction site. Then in 2001, Ben Gill the leader of the National Farmers Union (NFU) alleged that the devastating outbreak of foot and mouth disease had been deliberately spread by eco-terrorists (*Ibid*: 176). The catastrophic damage caused by foot and mouth to Britain's farming industry resulted in the eventual slaughter of over six-million cattle and sheep, and the now infamous images of funeral pyres upon

which they were cremated (The Royal Society, 2002). However, no legitimate links were ever established between the spread of the disease and environmental protests (*Ibid*: 172). In terms of public order discourse, the depiction of environmental activists as terrorists serves to legitimise coercive interventions towards their activities, and reiterates a normative code of conduct in the popular imaginary.

To further demonstrate the levels of hysteria precipitated by New Labour's disposition towards environmental activism, in more recent campaigns, multi-million-pound policing operations have taken place regarding demonstrations at power stations that use fossil fuels (North Yorkshire Local Resilience Forum, 2006). For example, large-scale protests at Drax Power Station in Selby (during 2006), Kingsnorth in Kent (in 2008), and two separate protests at Ratcliffe-on-Soar in Nottingham (both in 2009), were all subjected to extensive policing operations including the use of undercover officers (Evans and Lewis, 2013), directed forms of covert and overt surveillance, and even infiltration by corporate spies (Lubbers, 2012). Although it could be argued at this point that all of the above demonstrations threatened various industrial sites, it is worthwhile considering that British National Industry had already been privatised, and what the state sought to pursue was no longer an industrial monopoly, but to maintain National Security. Indeed according to Dean (2010: 29), security is one of the founding principles of the governmental society, and that particular notion will form the basis for the following chapter.

Public Order Policy Post-9/11

In response to the particular threat of dissenting public discourse, there were at least seven new pieces of legislation commissioned under Tony Blair's leadership that had a significant impact on the right to protest. In chronological order, these are *The Terrorism Act 2000* (HMSO, 2000), *The Criminal Justice and Police Act 2001* (HMSO, 2001), *The Police Reform Act 2002* (HMSO, 2002), *The Anti-Social Behaviour Act 2003* (HMSO, 2003), *The Civil Contingencies Act 2004* (HMSO, 2004), and *The Serious Organized Crime and Police Act 2005* (HMSO, 2005). Indeed all of these acts are highlighted in the constabulary's public order handbook (*Policing Protest: Pocket Legislation Guide*), with regards to which campaign actions constitute a particular offence (ACPO, 2008). Hereafter, each piece of legislation will be discussed with regards to its impact on public dissent, even though in many circumstances, the perceived intention of each piece of legislation was to help the police catch terrorists, or to aid in the prevention of serious organized crimes. Regarding the policing of public order actions, the new range of regulatory powers awarded to HM Constabulary following 9/11, aided in the accumulation of intelligence specific to the identity or political affiliation of protestors. This has led to libertarian claims of subversion at an institutional level toward abolishing the democratic right to protest, but it does set the post-9/11 era in British policing aside. In this respect the majority of policing operations that followed 2001 were generally intelligence-led and served to establish specific spaces in which discipline could be enacted to regulate the behaviour of dissenting subjects. The notorious practice of "kettling" can be seen as one such organizing procedure in which campaigners are separated from the rest of

the assembly to better determine their identities and contain any hostile intentions. So what other disciplinary or governmental practices can be derived from Blair's post-9/11 public order discourse?

In 2000, the *Regulation of Investigatory Powers Act* was introduced to widen the scope of surveillance practices used over the British population (HMSO, 2000). Sections 26-48 of the *Act*, permits the accumulation of communications data and provides guidelines for the police regarding the use of Covert Human Intelligence Sources (undercover agents). While authorisation is required prior to the commencement of directed surveillance: communication interception orders or the use of undercover officers can also be granted on the premise of 'preventing disorder' under Section 29 of the *Act*. Section 1 of the *Criminal Justice and Police Act 2001* introduced further powers for the police to intervene during a protest, prohibiting activities that were likely to cause harassment or the intimidation of others (HMSO, 2001). While such offences are effectively defined elsewhere in legislation,³⁷ members of HM Constabulary were now able to issue on-the-spot fines for acting in a manner likely to cause an affray. In no short thrift, environmental protests, the sabotage of fox hunting and other blood sports, and trespasses committed in the pursuit of such causes, were rapidly subjected to criminal law. Indeed during the immediate two years that followed 9/11, an entire raft of offences emerged in the UK to manage the civil right to protest.

For example, Section 50 of the *The Police Reform Act 2002* enabled officers to request the name and address of a subject on demand, although though this was originally defined under the scope of the *Metropolitan Police*

³⁷ As defined under Section 5 of the *Public Order Act 1986*.

Act 1829 (HMSO, 2002, and 1829). Section 30 of *The Anti-Social Behaviour Act 2003* permits the dispersal of groups who are causing a nuisance or disturbance with the explicit exemption of those lawfully conducting an agreed procession or industrial dispute (HMSO, 2003). Section 57 of the *Act* deals with the dispersal of any public assemblies should officers facilitating the event suspect foul play - in which case the entire campaign loses its legitimacy. Public marches and industrial disputes, however, have a unique place in terms of public order discourse for two fundamental reasons. Firstly, that the British establishment also makes use of processions to celebrate significant affairs of state such as Royal Weddings or the opening of Parliament. Secondly, in as much as both marches and industrial actions are already extensively regulated (for one must apply in writing for permission in advance of either action), they have been bureaucratised and only require limited administrative management.

Nevertheless, the complexities involved in policing public order actions does not end there, for Section 1 of *The Criminal Justice Act 2003* extended the use of stop and search powers to include indictments for the possession of instruments that could be used in the destruction or damage of property (HMSO, 2003). In fact *The Criminal Justice Act* has been used to legitimise pre-emptive raids on campaign meetings to confiscate bolt cutters and other paraphernalia used to gain access to commercial facilities such as power stations. Indeed one such operation was conducted during 2009, in which ‘114 people were arrested at Iona School’ in Nottingham on suspicion of conspiring to commit aggravated trespass (Rose, 2011: 3). The arrests were made on flawed intelligence provided by undercover police officer Mark Kennedy, and resulted in the majority of defendants being acquitted of all charges.

To return to the earlier activities of the CND, *The Serious Organized Crime and Police Act 2005* details a number of restrictions that can be considered public order offences (HMSO, 2005). Part 4 of the *Act* deals with 'Public Order Offences' such as harassment (see Sections 125-7), but the *Act* also covers criminal trespass on Crown properties such as the RAF installation at Greenham Common (see Sections 128-131). Sections 132-138 of the *Act* established an exclusion zone around Parliament with the explicit desire to remove anti-war protestors such as Brian Haw who campaigned outside of Parliament between 2001 and 2011 over disputed British and American activities in Iraq. Sections 132-138 also prohibit the use of loudhailers within the vicinity of Parliament as this is deemed disruptive to those working within. Sections 133-4 of *The Serious Organized Crime and Police Act* make it a mandatory requirement for the prior approval of demonstrations within the Square Mile. And finally, under Sections 145-149 of *The Serious Organized Crime and Police Act*, animal research facilities were to be protected from all tortious activities, designed to bring such institutions into disrepute (see ACPO, 2008: 38).

Although the wider context of the *Terrorism Act 2000* (HMSO, 2000) criminalized the use of violence to promote political, religious or ideological belief, the increasing regulation and surveillance of animal rights groups in the UK (particularly the ALF and SHAC), came to the fore in 2004 with the publication of *Animal Welfare - Human Rights: Protecting People from Animal Rights Extremists* (Home Office Communication Directorate, 2004: 10). Here, the Home Office defined Animal Rights activists most categorically as being terrorists, and demanded that measures were finally taken against

them. In 2007, Operation Achilles took place against SHAC Europe to seek convictions for anti-social behaviour, and for the harassment and intimidation of Huntingdon Life Sciences under *The Serious Organized Crime and Police Act 2005* (HMSO, 2005). The trials resulted in a number of convictions being made, and long-term sentences provided for key participants in the movement.

What is notable about all of the above in disciplinary terms is the careful measurement of time and the use of space; the designation of rights within those spaces; the application of terms and conditions that govern the particular type of protest to be enacted; the number of participants allowed; and the management of the causes for which campaigners are demonstrating. What it is that distinguishes post-9/11 public order discourse from anything else is the freedom to dissent within strict limitations. In other words, within post-9/11 public order discourse campaigners can only protest in certain places, for particular reasons, and in a predetermined way. Unlike the formal rationalisation of the NUM during the Nineteen-Eighties, the volume of legislative orders created after 2001 compel protesters to adopt a particular way of thinking about their behaviour. Therefore post-9/11 public order discourse is more indicative of normative rationalisation, in as much as demonstrators are obliged to discover the limits of their own actions. This can be interpreted in Foucauldian terms as a motion towards dissenting public actors making normalising judgements about their own conduct in direct relation to the consequences that they might face (1977: 170-194). The governmental regime can be distinguished from a purely disciplinary one in as much as previously, both coercion and public administration was centred on the state.

Conclusion

In relation to Foucault's archaeological method, evidence provided in this chapter situates public order discourse as undergoing a further transformation in the late-Twentieth Century. As noted by Lyon (2007: 8), this can be perceived as a shift in political organization (and in surveillance studies, as the scientific practices used to maintain order) from those of welfare to security, and towards an era in which these techniques of government have been formalised by the current regime. Price, for example, has depicted the post-9/11 milieu as being governed by the 'security regime', in which previous issues of the state are now the responsibility of a number of different institutions (both public and private), whose interests in society dominate politics today (2011, 5-8). Dean (2010: 29), and Foucault (2002a: 341), comparatively argue that during the final stages of the Twentieth Century there was a notable decline in state-centric modes of administration throughout central Europe, and this began some three-hundred years ago. Therefore, this chapter has observed the formative stages of a new regime in British politics and has considered the way in which public order discourse is situated therein. In Foucauldian terms this can be conceived by way of a gradual transformation from the use of political economy to biopower, as the dominant means for maintaining order (2003: 242).

At the start of the Nineteen Eighties, the manufacturing infrastructure was still being managed by the state as part of the various businesses comprising British national industry. The shift in economic policy from state ownership to privatisation (as identified under the 1977 Ridley plan), not only

demonstrates how the de-nationalisation agenda typifies the break in proprietorship, but foregrounds the later inclusion of private industry in the policymaking process. Under the Ridley plan, numerous discursive formations were established in relation to the public order regimes determined by Ridley. To relate this back to Pearlman's (1977b: 1-2) account of different combinations of worker's associations, the Conservative Party of the Nineteen-Eighties finally brought Britain's Trade Unions to heel. As dictated by the *Final Report of the Nationalised Industries Policy Group*:

By far the greatest deterrent to any strike, whether in the public or private sector, is clearly to cut off the supply of money to the strikers, and make the Union finance them. This is a policy question going beyond the Nationalised Industries, although as an employer in these Industries the Government could be said to have some right to treat strikers differently in relation to supplementary benefits and tax refunds. (Ridley, 1977: 25)

Thereafter, over a decade of economic and public order policies sought to manage the Unions by restricting the repertoires of protest that could be enacted; the length of time before an action could be performed; by dictating how many members could be involved; and to determine which workshops could participate in the dispute. Various Acts of Parliament also prohibited secondary strike action, sympathy strikes, and wildcat strikes, and made it necessary for the Unions to ballot for industrial action. The Unions would also have to notify employers of impending strikes, so that a scientifically calculated course of actions (i.e., stockpiling resources or hiring additional personnel) could be organized well in advance. Of course this particular form of administrative oversight is inherently bureaucratic - the influences of which aimed to rationalise the conduct of the Unions, as they became obliged to

contribute in the management of their own disputes. Indeed, this is public order discourse in its most explicit disciplinary context, in which dissenting bodies are put to work for the economic benefit of the state. However, during the remaining years of the Twentieth Century, public order discourse became increasingly governmental, in which a variety of scientific techniques used for monitoring such threats; for calculating the level of risk involved; and to determine the type of coercive interventions to be used; emerged as the dominant means for maintaining order.

Over the last twenty years, discursive containers such as the Critical National Infrastructure and UK RESILIENCE programmes, have seen public and private institutions, state and commercial security agencies, join forces to police demonstrations. They have largely defined the legitimacy of public protests according to the risks posed to the general population or to vital public services (the likes of which are now owned by multinationals). In public order discourse there has been an equivalent shift in emphasis, from protecting the state's manufacturing base, towards ensuring the security of the population. It can be argued that new technologies of power and regimes of practices have emerged to maintain order in this milieu. Such technologies are now more concerned with regulating the conduct of the population *en masse* than they are with the production or protection of goods. According to Foucault's hypothesis of biopower, this shift can be seen in the 'regularisation' of conduct in which 'forecasts, statistical estimates, and overall measures' are derived from police databases; from mass surveillance; from new threat categories; and from the rise of risk aversion doctrine as a dominant science used in public order affairs (2003: 246). Although it is evident that contemporary policies such as the

Protection from Harassment Act 1997, the *Terrorism Act 2000*, and the *Civil Contingencies Act 2004* also promote normative values, it is the sheer plethora of practices they promote that renders them a form of biopower. In post-9/11 Britain, public order discourse now serves to regulate collective social conduct, for it is applied to the population as a whole. The difference here is that conventional techniques for maintaining order are not applied to isolated instances of dissent anymore, but to society in general. In modern public order discourse this is where attempts to align activists with terrorists become a form of state-sponsored racism, for which society must ultimately find a cure.

Chapter Four – The Means of Coercion

Introduction

The purpose of this chapter is to examine the current techniques and technologies used in the UK for the purposes of maintaining order. In one respect, the chapter presents a Foucauldian analysis of contemporary public order discourse, by situating the bureaucratisation of dissent within an analytical framework of governmentality, genealogy, and power. In the second respect it examines the administrative apparatuses that now constitute the means of coercion used to maintain order in modern society. Unlike the previous two chapters, much of the evidence provided here will investigate contemporary policing methods and the organizations through which coercive interventions are enacted, 1) to demonstrate the increasing alignment of dissenting public discourse with acts of mass-casualty terrorism, and 2) to determine the numerous ways in which the British state now manages such affairs.

In terms of the selection of material used to support this chapter, empirical research has been gathered using Freedom of Information requests submitted to the public authorities under the *Freedom of Information Act 2000* (HMSO, 2000). Evidence has been collected from institutional reviews of public order actions at significant environmental protests which have taken place during the last ten years. These protests are not only important due to the scale of events themselves, but as a result of the intensity of policing practices surrounding them; the subsequent public outcry over the intrusive techniques used for the surveillance of activists; and the financial costs involved in

mounting such operations (Rose, 2011, and IPCC, 2012). In chronological order, the aforementioned reports concern Operations Harmony (at Drax Power Station in Selby in 2006); Oasis (Kingsnorth in Kent, 2008); Median (Ratcliffe-on-Soar in Nottingham, 2009); and Aeroscope (also in Nottingham during 2009).³⁸ These FOI requests have been categorised according to the initial applications themselves (Figs. 8.1 – 8.9); acknowledgement of the requests (Figs. 9.1 – 9.5); official responses to the requests (Figs. 10.1 – 10.9); and a sample of the returned data (Figs 11.1 – 11.4). Additional supporting evidence of police operations has also been taken from the Occupy protests of 2011 and the 5 November Million Mask March in London during 2015.

By way of providing a Foucauldian response to the above police campaigns, conventional public order practices can be considered in terms of the techniques and technologies of modern power as observed by (Foucault (2008: 115). This can be seen in particular relation to the methods of surveillance used during demonstrations (as techniques), and in the conditions imposed on campaigners (as technologies of power). The rules which govern the conduct of the authorities during public order actions (or indeed those which necessitate the actual interventions themselves), can be considered as mechanisms and procedures of coercion (Foucault, 2007a: 59). In relation to the types of intelligence gathered by both police and by other interested parties such as the LRFs: all such agencies contribute to the expansion of various apparatuses of knowledge such as the UK's Regional Risk Registers and

³⁸ Operation Aeroscope was part of a long-term undercover investigation into environmental activism in the UK. It was revealed following a public enquiry into the activities of officers from the National Public Order Intelligence Unit (see Rose, 2011, and IPCC, 2012). The Operation has been included here, as officers from the NPIOU contributed intelligence of impending environmental actions, which precipitated Operations Harmony, Oasis, and Median.

national police databases. Nevertheless, here the question is as much about the means of coercion cited above, as it is for how such institutions contribute to the regulation of dissenting public discourse, the rationalisation of campaign actions, and thus to the bureaucratisation of dissent.

The focus for this chapter is to examine public order discourse in relation to the Foucauldian concept of governmentality. However, to understand the concept of governmentality it is necessary to briefly review 'the genealogy of the modern state and its different apparatuses on the basis of a history of governmental reason', or as Foucault puts it, the '*raison d'état*' (2007b: 354). In relation to Chapter 2, the object of sovereignty was territory and wealth. In this respect, the late feudal regime as a particular type of authority, sustained its dominant position in society through its legitimate use of force, and maintained public order via the use of the judiciary as its essential administrative apparatus. In relation to Chapter 3, the object of the disciplinary society was the population. During the Eighteenth and Nineteenth Centuries, the disciplinary regime maintained public order through the use of a rigid and hierarchical system of rules and regulations that were based on the model of political economy used in the factories. This was also used as its central apparatus of public administration.

In terms of differentiation, the governmental society has as its object the population, but it is not solely concerned with the economy or the productivity of its citizens, nor does it rely on the unequivocal use of force as the means to maintain public order (Dean, 2010: 29). In terms of citing an apparatus which represents the *raison d'état* of governmentality, the principle methods of administration used by governmental regimes are those of security.

In this respect, governmental societies are typologically defined through the particular apparatuses of security that they employ and the precise concepts which they promote. These enable the population to express certain democratic rights or to enjoy specific social freedoms, to be protected by the state, and to be provided with the optimal conditions for personal growth and economic prosperity. Governmentality was a term used by Foucault to define the means through which modern systems of government control the conduct of the population (Foucault, 2002a: 341). As noted by Foucault in *The Birth of Biopolitics*, however, this freedom comes at a price, and there is a fine line between maintaining the historical (and expanding) rights of the population, while at the same time having to regulate the activities through which these rights are articulated (Foucault, 2008: 63-4). It is in this respect that the governmental society on the one hand produces certain freedoms, yet on the other, uses 'limitations, controls, forms of coercion, and obligations relying on threats, etcetera' to maintain order (*Ibid*). Thus to problematize dissenting public discourse within the governmental society, one must observe the contradictory imperative of freedom.

The focus for this chapter will be to examine public order discourse though establishing 1) a genealogy of dissent as it is situated in modern society, and 2), to consider through which organizations, apparatuses, and underlying concepts, public order is actually maintained. The chapter will build on evidence provided during Chapter 3, in which the *Civil Contingencies Act 2004* was used to illustrate how certain apparatuses of knowledge have emerged post-9/11 to reclassify social movements as a direct threat to National Security. During this chapter, the UK's main counter-terrorism strategy known

as CONTEST (TSO, 2009) will be used to demonstrate the links between direct-action forms of protest and mass-casualty acts of terrorism in public order discourse. Indeed to problematize the issue here, under programmes such as CONTEST and the *Civil Contingencies Act 2004*, all threats to the UK's Critical National Infrastructure are now treated in the same way - as potential terror attacks. Therefore, the chapter will need to examine the techniques and technologies of modern power, the mechanisms and procedures of coercion in use, and the particular capillaries through which power is invested (Foucault, 2003: 27).

A central theme for this chapter will be the issue of surveillance. According to Foucault, numerous 'techniques [of power] appear which fall within the domain of surveillance, diagnosis, and the possible transformation of individuals', including those of a 'detective, medical, and psychological' nature (2007b: 5). Accordingly, this chapter engages with 1) the identification of campaigners or situations that may constitute a risk, 2) the ways in which potential threat categories are defined, and 3) the discursive transformation of campaigners into potential criminals, terrorists, or alternatively into well-adjusted citizens. The following two sections of this chapter will investigate the agencies that conduct the surveillance of public order events, and to observe which particular techniques are used. Thereafter the chapter will examine the conditions for the selection and diagnosis of potentially hostile threats. The chapter will also determine how the modern British state responds to, classifies, and influences the behaviour of its subjects.

The Apparatuses of Security

In relation to the inclusion of dissenting public discourse within National Security programmes such as CONTEST, and under risk management doctrine such as the *Civil Contingencies Act 2004*, this section of the chapter aims to identify precisely which domestic law enforcement and national intelligence organizations are currently used to maintain order in the UK (HMSO, 2004). Rather than discuss the entire history of HM Constabulary, the chapter will examine the various groups who have been used to police public protests during the past twenty years. For the purposes of understanding the key differences between the main institutions of relevance, here the chapter will consider conventional (and extra-ordinary) law enforcement organizations first, and will then conclude by defining which National Security agencies now contribute to the policing of public order affairs. Indeed both types of organization can be defined as apparatuses of security, which contribute to the maintenance of public order. It is through these particular apparatuses that governmental reason secures and enforces its interests, for according to Foucault:

[...] *raison d'État* takes shape in two great assemblages of political knowledge and technology: a military-diplomatic technology that consists in securing and developing the state's forces through a system of alliances and the organization of an armed apparatus [...] the other assemblage is that of "police". (Foucault, 2007b: 365)

In this respect, the police are generally used for the purposes of domestic law enforcement in the UK. The Security Services are conventionally used for conducting more clandestine operations such as spying and espionage (both at home and abroad); though arguably they all form parts of the UK's National

Intelligence Machinery, and often work together on matters of National Security as I have argued elsewhere (2016: 478). However, with the exception of notable public order campaigns in which millions of pounds have been spent on the policing of protests, the majority of intelligence gathering techniques and public order operations are conducted in relative secrecy. To further problematize the issue of identifying such institutions, once a clandestine organization receives too much notoriety (or indeed any), it is generally disbanded, disguised, merged or reformed according to the recombinant flexibility of power. While the notion of preserving the peace is the primary aspect of policing, there have been successive divisions of the constabulary who specialise in this particular area of operations, and who are all highly secretive in their own way. In terms of conventional law enforcement agencies, however, it is commonplace (depending on the size of the assembly and the nature of the campaign), for local divisions of the police to be in attendance. For protests of a larger scale, it is usual for regional divisions to recruit officers from neighbouring counties. Nevertheless, there are now specialised units within each regional branch of HM Constabulary that manage protests, and their development is a particularly interesting one to note.

During the Nineteen-Sixties, London's Metropolitan Police Service (the MPS) commissioned two new units to police public disturbances. Known as the Special Patrol Group (SPG), and the Special Demonstration Squad (SDS) both of these organizations were undercover outfits used to maintain public order, and were based at Scotland Yard in London. The SPG was essentially a "flying squad" - a mobile division who could mobilise to any serious outbreak of public disorder, and who held their own operational orders regarding the

surveillance and prevention of such issues. The SDS was a subdivision of Scotland Yard's Special Branch that consisted of undercover operatives and was set up to infiltrate radical campaign groups during the 1968 anti-Vietnam war riots. SDS agents were given new identities, were provided with separate accommodation to their own homes, and even had to change their appearances to work undercover. According to Evans and Lewis 'most of them grew beards and long hair, giving rise to the unit's unofficial nickname, the Hairies' (2013: 2). However, in relation to the extra-ordinary remit of their operations, both the SPG and the SDS were eventually disbanded owing to public speculation about their activities and following damning exposés in the press.

In 1979, SPG officers were alleged to have beaten a campaigner to death during an Anti-Nazi League protest in Southall, London (Lewis, [Online], 2010a). They were disbanded in 1987, to be replaced by the Territorial Support Group (TSG, or CO20),³⁹ who currently maintain the same role in the City. At this particular time another group was also in use in the Nation's Capital. The Public Order Intelligence Unit (CO11) was responsible for offering order management training to the wider constabulary, which largely consisted of contingency planning, officer safety protocols, and emergency procedures. This division was also rebranded around the same time to become the Public Order Operational Command Unit which now manages public order and events policing in the City - including the use of Forward Intelligence Teams and the deployment of Mounted Officers for use in riot situations. Comparatively, the SDS infiltration squad was disbanded in 2008, to be officially replaced by the National Public Order Intelligence Unit

³⁹ Divisions with the Metropolitan Police Service are coded according to these names, i.e., CO1 through to CO20.

(NPOIU, *circa* 1999-2011). It was considered that the SDS was operating in a similar though localised capacity to the NPOIU, and that a nationwide approach to policing public order issues would provide a more consistent service. During its time in operation the SDS had infiltrated over sixty-three different social movements for the purposes of 1) identifying the main protagonists within each organization; 2) documenting the number of members; 3) recording their political affiliations; and 4) reporting and any potential threats they posed (Taylor, 2015: 17).

By 2005, the conventional role of the constabulary was being expanded into new operational areas (O'Connor, 2005: 15). These included the detection and prevention of major crimes (e.g. homicides and cases of manslaughter); serious, organized and cross border crimes (the trafficking of drugs or people); providing counter terrorism support and preventing extremism; responding to civil contingencies issues; the management of critical incidents such as industrial or highways accidents; public order policing; and the strategic management of Britain's roads (*Ibid*). Behind many of these changes was the Association of Chief Police Officers steering group also known as ACPO. The ACPO was established in 1948 to provide advice and guidance on policing matters to the Government. By 1997 it had become a major force for lobbying Parliament with regards to the introduction of new policing initiatives and the modernisation of the constabulary. From 2005 onward, ACPO called for a series of reforms including the move from a Basic Command Unit model of policing (BCU), towards cross-border solutions for

preventing high-profile crimes.⁴⁰ Nevertheless, here it is important to differentiate between the wider ACPO group, and ACPO (TAM). The former of these organizations is a steering committee which directed policing policies in the UK until it was dissolved in 2015. The latter of these associations (which is a subdivision of the ACPO), implemented many of these policies; was responsible for the oversight of a number of other umbrella organizations; and offered both security and counter-terrorism training to the private sector. The suffix of TAM, or Terrorism and Allied Matters, unequivocally aligns the policing of public order issues with those of terrorism.

In 2006 the National Public Order Intelligence Unit (NPOIU) joined ACPO (TAM) along with two other divisions, the National Extremism Tactical Coordination Unit (NETCU, *circa* 2005-2011), and the National Domestic Extremism Team (the NDET, 2006-2011). While the role of these organizations changed subtly from one to the next, (ranging from directing public order actions, to monitoring extreme left or right-wing groups), they were all responsible for investigating campaigners in one context or another. However, during December 2011 the National Public Order Intelligence Unit was itself the subject of a public scandal following a series of articles published by the *Guardian* newspaper. The *Guardian* alleged that for several years at a time, NPOIU officers had been embedded in a number of political and environmental movements, working under assumed identities and maintaining personal relationships with campaigners (Evans and Lewis, 2013, and Lubbers, 2012). Indeed this was exactly the same *modus operandi* being used in precisely the same way, as it had been by the Special Demonstration

⁴⁰ Formerly, the Basic Command Unit model involved using divisional and regional hierarchies of rank, but this was replaced in favour of using ACPO-qualified specialists from adjoining divisions.

Squad (Taylor, 2015). Again, as the result of a longstanding public scandal, the NPOIU (as with its contemporaries the NDET and the NETCU) was merged into a new organization, the National Domestic Extremism and Disorder Intelligence Unit (the NDEDIU), which now conducts the same kind of operations. What all of the above equates to in terms of public order policing, is the highly secretive nature of such organizations, and to illustrate how when one group receives too much notoriety, it is merged into another division to continue the same type of operations. In terms of conventional policing and public order affairs, this is how domestic security issues are generally managed in the UK.

In contrast to the above, National Security affairs also form part of Foucault's considerations regarding 'two great assemblages of political knowledge and technology' (Foucault, 2007b: 365). The second group of institutions, therefore, belongs to the category of 'military-diplomatic' apparatuses, and there is good evidence (as argued in Chapter 3), that the security services also play a role in maintaining public order. Since 1936, much of the UK's national intelligence capabilities have been coordinated via the Joint Intelligence Committee (JIC), which is a subdivision of the Home Office. Under the administrative oversight of the JIC, are the Government Communications Headquarters (GCHQ), the Secret Intelligence Service (MI6/SIS), and the Security Service (MI5). The GCHQ was initially formed after the First World War and was originally known as the Government Codes and Cyphers School (GCHQ, [Online], 2016). During 1946 it relocated to Bletchley Park and is probably better known for Alan Turing's successful endeavours to break the German Enigma machine during World War Two

(Ibid). After this, the organization was rebranded as GCHQ and moved to Cheltenham in Gloucestershire. In terms of surveillance, GCHQ is a relatively new discovery, which was exposed to the general public in 1976 in an article entitled ‘the eavesdroppers’ written by investigative journalist Duncan Campbell (1976: 8-9). The institution received further recognition during the Nineteen-Nineties, as part of a transatlantic and European telecommunications interception programme known as ECHELON (Schmid, 2001). Most recently still, it was revealed by Edward Snowden that under the codename TEMPORA, the GCHQ now runs a number of clandestine interception programmes that monitors all internet traffic in the UK (Shubber, [Online], 2013). Currently the GCHQ is responsible for providing signals intelligence (SIGINT) to security partners MI5 and MI6. MI6 is also referred to as SIS and is Britain’s Secret Intelligence Service. As the majority of its campaigns are undertaken in relation to overseas operations, it will not be discussed any further here.

MI5, the (domestic) Security Service, is of interest to this thesis however, in that during the Nineteen-Eighties MI5 agents infiltrated a number of legitimate social movements in the UK including the NUM and the CND (see Milne, 2004, and Rimmington, 2001). In this respect, it can be argued that dissenting public discourse is very much a question of National Security, and is not just a matter for the local constabulary. MI5 also runs a number of umbrella organizations, including the Joint Threat Analysis Centre (JTAC), and the Joint Threat Research Intelligence Group (JTRIG). The JTAC can be considered a national distribution hub for intelligence-related materials, and coordinates with both the above security providers and Counter Terrorism

Command (the strategic intelligence hub for the police). Comparatively speaking, the JTRIG is unique. As with the JTAC it was established in 2004 and bridges the gap between National Security and domestic intelligence. While real-time situational intelligence is gathered by GCHQ, and is then distributed by the JTAC, the JTRIG conducts espionage campaigns both in the real world and in the digital domain, as I have noted elsewhere (2016: 301-304).

In terms of which Ministry of Defence organizations also play a role in public order maintenance, during the Nineteen-Eighties former Secretary of Defence Michael Heseltine established the DS19 workgroup to run counter-subversion campaigns against the CND. The DS19 worked alongside MI5 to defame the peace movement's leadership until it was disbanded having completed its mission towards the end of Margaret Thatcher's time in Office. Nevertheless, a conceivable replacement for the DS19 emerged in 2007 in the form of the Research Information and Communications Unit (the RICU). The RICU operates as part of a joint venture between the Foreign and Commonwealth Affairs Office, the Home Office, and Whitehall. The RICU's operational mandate is to create credible alternatives to the narratives that legitimise terrorism and radicalisation under the CONTEST programme (RICU, 2010). These carefully structured discourses are then disseminated into the public domain via the mass media and by Britain's public authorities, as a means to undermine the alleged validity of terrorist groups operating in the UK. It is precisely because the lines between terrorism and dissenting public discourse have been conflated by the British establishment, that counter-terrorism operations are of interest here.

The final addition to this section of the chapter is Britain's Local Resilience Forums, (the LRFs). Commissioned following recommendations made by the Civil Contingencies Secretariat in the wake of 9/11, and officially recognised as a requirement under *the Civil Contingencies Act 2004*, the LRFs are comprised of a number of different agencies including emergency responders (the police, the fire brigade and the ambulance service); Local Government Authorities; and representatives from the private sector (HMSO, 2004). The LRFs are responsible for maintaining a Local Risk Register of potential emergencies within each catchment of the UK. As I have argued elsewhere (2015: 482), these public and private sector hybrids operate in a similar capacity to the Fusion Intelligence Centres set up post-9/11 by the Department for Homeland Security in America (see Monaghan and Walby, 2012, Monahan and Palmer 2009, and Newkirk 2010). As a direct result of their mission to determine risks within each region of the UK (which includes threats to the commercial activities of businesses therein), it can be argued that in terms of what constitutes a risk there is a particular conflict of interest within the remit of the LRFs. Often (as noted by Monahan *et al*), legitimate social movements are inappropriately targeted by them as posing a threat to National Security.

Techniques and Technologies of Power

This part of the chapter examines the particular types of surveillance that are used by the police as a means to facilitate public order discourse (as specific techniques of power), that are linked to the 'juridico-legal mechanisms' of modern society (Foucault, 2007b: 8). Additionally towards the end of this

section of the chapter, the activities of the JTRIG will also be considered in terms of the psychological techniques of coercion that are today employed for the purposes of maintaining order. With regards to more conventional practices, however, overt forms of surveillance includes visible forms of policing, whereas covert operations are those which take place without the general public's knowledge. Surveillance can be conducted prior to a demonstration taking place, during a public order action, or even succeeding a protest with regards to follow-up investigations or criminal proceedings. The different types of surveillance which are usually conducted before a campaign include bureaucratic forms of surveillance, such as notifying the authorities of an impending march or demonstration; the use of informants; intelligence provided by Local Resilience Forums; the interception of communications between campaigners; or by way of intelligence provided by undercover officers. In terms of digital surveillance resources, the recent development of Social Media Intelligence (or SOCMINT as it has become known), allows the police to monitor the online communications of social movements in environments such as Facebook, Twitter, and Instagram, during the planning stages of a campaign (see Wright, [Online], 2013). However, in all respects, surveillance conducted prior to a demonstration equates to gathering the details of the intended number of participants, the intentions of the assembly, and the specific cause of the protest, all of which relates to the level of risk it is assigned.

Some of the above techniques of power are also used during demonstrations to monitor the objectives of those involved by way of measuring an on-going threat. The use of SOCMINT for example, is now

considered a useful tool for diagnosing the mood of the crowd, and is relied upon by the police during most covert public order actions. Scotland Yard, for instance, also has its own Open Source Intelligence (OSINT) unit, which regularly monitors social media streams from sites such as Twitter, Facebook and YouTube, and uses sentiment analysis software to identify whether or not personal communications indicate the presence of threatening language or intentions (*Ibid*). Other forms of overt surveillance which take place during public demonstrations include the use of Automated Number Plate Recognition cameras (ANPR), to determine who might be travelling to a protest. Indeed this technique formed a central strategy during Operation Oasis (the 2008 public order action at Kingsnorth Power station in Kent), in which ANPR ‘interceptor teams’ were used to prevent suspected troublemakers from attending an environmental demonstration (Ismay and Wight, 2008: 26). Other overt forms of surveillance used during public order actions includes personal searches made under Section One of the *Police and Criminal Evidence Act 1984*, and the more recent use of “kettling” to divide large groups of protestors - to render the participants identifiable (HMSO, 1984). Comparatively the police also use special Forward Intelligence Teams (FITs) who record video footage and photographs of campaigners as a means to categorise them later on.

In terms of diagnostic practices, the majority of intelligence data is processed by groups such as the Public Order Intelligence Unit for use during later events. For example, photographic evidence has been used by CO11 (the former NPOIU) to develop spotter’s cards that help the police identify persons of interest (See Fig. 3). Other means for ascertaining the identity of attending

campaigners takes the form of ANPR license plate data which is used to determine which demonstrations they attend, and what causes they promote. In the case of eighty-six year old John Catt for example, details of his licence plate had been posted onto a national police database having been a regular attendee at peace demonstrations. In July 2005 he was driving into London and was stopped by a mobile ANPR unit who wanted to know where he was going and why. Through a Freedom of Information request, Catt later discovered that his license plate details had been held on record as a result of being a participant in the peace movement for several years (Harbisher, 2012b: 18). In fact knowledge of the population, of its activities, and increasingly the awareness of its intentions, remains central to the maintenance of public order. In this respect, it would seem that the frequency of attendance for a campaigner represents a cause for concern. It would therefore seem that the ‘police makes statistics necessary, but police also makes statistics possible’ (Foucault, 2007b: 315). Knowledge can, therefore, be considered central to the power that this institution exercises.

However, disciplinary techniques are not always as conventional as the above evidence might suggest. GCHQ, the JTAC and JTRIG all make use of the rich communication streams now being provided via mobile telecommunications and online data networks. To put a National Security emphasis on surveillance and public order discourse, the JTRIG has infiltrated the online haunts of activist groups such as Anonymous by establishing alter egos, and using espionage techniques such as confidence and entrapment, to gather evidence of misconduct (Greenwald and Fishman, [Online], 2015). According to Mandeep Dhani (2011: 5), targets for the JTRIG are generally

selected by a number of different organizations which includes; ‘the SIS, MoD’s Technical Information Operations (TIO), the FCO, Security Service, SOCA, UK Borders, HMRC, Metropolitan police, and the National Public Order and Intelligence Unit’. Once a target has been selected by one of the above organizations, the JTRIG discretely taps into a computer or mobile telecommunications network using ‘unattributable internet access’, to conduct the ‘forensic investigation and analysis’ of a particular suspect (*Ibid*). After it has been determined that either a crime has already been committed, or that a conspiracy is taking place, the JTRIG uses one or more techniques to enact a coercive intervention.

The various techniques employed by the JTRIG can all be put into the category of Counter Intelligence Programmes (or COINTELPROs). In fact these are quite similar to the counter-subversion campaigns used by MI5 to discredit the CND and NUM during the Nineteen-Eighties, with the exception that the JTRIG exploits social media resources and not the press. The actions themselves fall into the domain of using Human Intelligence assets (HUMINT), or through the means of conducting Psychological Operations (PSYOPS). HUMINT for example, will necessitate an agent befriending an online target to gain their trust, and then exploiting this link to extract the required intelligence. Comparatively, PSYOPS are used to dissuade potential felons from committing a crime or from undertaking a certain activity. In terms of the specific techniques that are used; the JRTIG aims to ‘discredit, promote distrust, dissuade, deter, delay or disrupt’ any undesirable actions (Dhami, 2011: 9). By exploiting social media and computer networks, disinformation operations can be conducted to discredit a target, provide false information, or

even prevent the use of digital communications. In relation to public order practices:

[...] the techniques themselves change and are perfected, or anyway become more complicated, but in which what above all changes is the dominant characteristic, or more exactly, the system of correlation between juridico-legal mechanisms, disciplinary mechanisms, and mechanisms of security. (Foucault, 2007b: 8)

In terms of public order discourse, the COINTELPRO activities of the JTRIG illustrates that today, far more of an emphasis is being placed on crime prevention – or rather, crime disruption as an economical alternative to large-scale public order operations. In terms of any disciplinary or bureaucratic apparatus, the end goal is always one of efficiency. Indeed the notion here is that by preventing a demonstration, millions of pounds will be saved in terms of police manpower and that fewer agencies will be involved in physically managing the protest. To put this into context, whereas the JTRIG has just over one-hundred full-time members of staff, Operation Harmony involved several-hundred officers including teams of FITs, ANPR interceptor teams, senior police officials, and conventional officers.

Mechanisms of Coercion

This section of the chapter examines the rules and regulations used by the police as a means to classify protests and evaluate them in terms of the risk they pose to public order. It is in this respect that mechanisms of coercion rely on the above uses of surveillance or intelligence-led operations, to establish a specific field of knowledge that legitimises an intervention. In *The Politics of*

Truth, Foucault identified how this particular idea can be related to power through using the following approach:

What we are trying to find out is what are the links, what are the connections that can be identified between mechanisms of coercion and elements of knowledge, what is the interplay of relay and support developed between them, such that a given element of knowledge takes on the effects of power in a given system (2007a: 59)

With regards to the above notion, the particular links to be determined here relate to the activities of those under investigation, to the particular direction in which a demonstration is perceived to be progressing, and to the responses which they necessitate. Evidence to support this part of the chapter has been taken from public order doctrine such as the *Pocket Protest Guide* (ACPO, 2008), *Keeping the Peace* (ACPO, 2006), and from the *National Public Order Legislation Guide* (National Crime and Operations Faculty, 2004). With regards to how ‘a given element of knowledge takes on the effects of power’ during a public order action, Operations Oasis and Median, and the policing campaign known as Operation November 5 (conducted during the 2015 Million Mask March in London), provides confirmation for how knowledge is transformed into power (Foucault, 2007a: 59).

To begin with, it is essential to understand some of the conditions imposed on public demonstrations in addition to those which govern a particular response from the police. Although some of the legislative contexts for this part of the chapter have already been discussed during Chapter 3, the emphasis here is on the conditions themselves which precipitate an action. According to the ACPO, the following conflict management model should be used during public order situations:

In any conflict situation a decision making process is necessary to ensure that the conflict is dealt with in a logical and progressive manner. [...] Information and intelligence received leads to a threat assessment then, following consideration of the relevant powers and policy, the appropriate tactical option/s are chosen to manage the threat and resolve the conflict. (ACPO, 2006: 6)

In addition to the above, there are a number of general preconditions that are used *in situ* to manage protests, the breach of which will generally lead to an intervention. These constitute ‘causing fear of provocation of violence’, the ‘intentional harassment, fear or distress’ of either individuals or the general population, or ‘being threatening, abusive or insulting in a way likely to cause harassment, fear or distress’ (ACPO, 2008: 3).

In terms of planned marches and processions, it has already been noted that the public authorities must be provided with details of the organizer’s name and address, the intended route of the demonstration, the number of participants, and its specific cause. If it is determined (as in the case of the English Defence League or other far right, or left-wing groups), that an event is intended to cause an offense, then the march will be denied. Although it is virtually impossible for the police to prevent a spontaneous demonstration, the reclassification of an event from being a legitimate peaceful protest to an unlawful one, dictates the number of police that will be in attendance, and if prior approval has not been granted, either the removal of campaigners, or restrictions granted under the *Public Order Act 1986* to disperse the crowd (HMSO, 1986). However, further conditions can also be imposed upon a procession once it is under way. In the eventuality of a march deviating from a given route or threatening a breach of the peace (via the conditions cited above), it will be ended and the assembly ordered to disperse. If it is

determined that the intention of an assembly is one of coercion, that is, to compel bystanders to cease their usual lawful activities or to commit crimes, the procession will also be suspended (*Ibid*: 19).

With regards to the management of much larger protests such as mass environmental campaigns; providing an event is legitimately occupying either public or private grounds, it will be facilitated under the *Human Rights Act 1998* (HMSO, 1998, and ACPO, 2006: 8). However, there are a number of conditions which can be imposed upon an assembly prior to its commencement, or even decreed *in situ* during a spontaneous event. Here, restrictions include the intended (or apparent) number of people in attendance, the cause for the demonstration, and its proposed location (ACPO: 2008: 22-3). Under certain regulations such as *The Serious Organized Crime and Police Act 2005*, it is now an offence to demonstrate within a kilometre of Parliament (HMSO, 2005). Therefore, knowledge of the place in which a demonstration is to occur, the number of persons expected to participate, and the event's duration can all be regulated as an effect of power. There are other infractions which apply to direct-action protests such as offences caused by aggravated trespass, the 'intimidation or annoyance by violence to prevent lawful activity', the 'wilful obstruction of the highway', or indeed the 'deposition of any thing on the highway'⁴¹ (*Sic*, ACPO: 2008: 3). Knowledge of the above activities in relation to who owns a piece of land, the manner in which they are being disrupted, and the specific likelihood of an offence taking place are sufficient grounds to justify an arrest.

⁴¹ I.e., persons or objects.

How all of the above mechanisms of coercion equates to the accumulation knowledge, can be found in police reviews of Operation Oasis in Kent. During 2008, the Camp for Climate Action was declared illegal on the grounds of arrests made prior to the event, and the confiscation therein of contraband items. In the *Strategic Review* of Operation Oasis it was stated that ‘most items required to facilitate the illegal entry to the power station (wire cutters), blocking of roads (lock-ons, tripods, dragons or component parts), were seized by police long before the intended day of use’ (Holt and Hartley 2009: 23). Intelligence gathered during pre-emptive raids had therefore led Kent Police to suspect that the purpose of the demonstration was to disrupt the lawful activity of the power station. Based on this knowledge, Silver Command⁴² issued the declaration that ‘the camp is illegal and the intention of the camp is to commit damage’ (*Ibid*). Following which, over eight-thousand campaigners were subjected to personal searches under Section One of the *Police and Criminal Evidence Act 1984* (HMSO, 1984). In fact 1,745 of these records were later added to the Kent Police Stop and Search database (*Ibid*).

A second example of how particular mechanisms of knowledge shapes public order actions can be found in the 2015 Million Mask March that took place on 5 November in London. Based on disruptions caused by the previous year’s event, conditions were imposed on the march by way of restricting the route of the procession and imposing a strict curfew of 9pm - giving the demonstration only three hours in which to commence. During the protest, police attempted to engage with the assembly on a number of occasions by blocking the route of the march as it was happening, to deter different factions

⁴² A particular Public Order Rank according to ACPO operational standards and qualifications.

of the assembly from reaching Parliament or Buckingham Palace (Johnston and Gayle, [Online], 2015). This was based on intelligence provided by on-site reports, and from continual Twitter updates that were being monitored from campaigners. Eventually the demonstration was contained at Trafalgar Square, followed by the declaration of a dispersal order being issued by the constabulary and a number of arrests (*Ibid*). In-situ knowledge of the movement of different parts of the group was provided by the Metropolitan Police OSINT unit, alongside on-the-spot reports made by attending officers. Again, here links can be found between specific mechanisms of coercion such as the restrictions placed on the assembly (regarding its activities and whereabouts), and the element of knowledge this offered to the police - in terms of knowing where to deploy their forces to maximise the impact, or through which to make arrests.

There are also specific guidelines which govern the conduct of undercover operations such as those undertaken by the POIU and NPOIU. In terms of the way in which covert activities are regulated, the *SDS Tradecraft Manual* stipulates that covert operatives are not allowed to precipitate a conspiracy, but are permitted to join an existing one for the purposes of gathering intelligence (Metropolitan Police Service, 2015: 56). In terms of providing a mechanism for coercion, the notion of tradecraft determines the rules and regulations for undercover engagements with criminal activities. Officers of the law are permitted to join a conspiracy to commit a crime, to show enthusiasm for either a potential offence or for ‘an offence which is already “laid on”’, but not to instigate crimes themselves (*Ibid*). As a general rule, this works the same way for organizations such as the JTRIG, but only in

terms of its engagement with criminal activities. As the next section in this chapter will demonstrate, the JTRIG has its own operation remit in terms of the way in which it disrupts unlawful actions as opposed to just detecting them.⁴³ Therefore as a particular innovation of modern law enforcement techniques, pre-emptive policing methods and the use of counter-subversion tactics, increasingly rely on surveillance, infiltration, exploitation and espionage.

Procedures of Coercion

To complement the previous three sections of this chapter regarding the techniques and technologies of power and the mechanisms through which they operate, this part of the chapter examines the actual interventions themselves, which are staged as a result of police intelligence and the precise regulations through which coercive procedures are conducted. With regards to public order discourse, ‘a procedure of coercion acquires the very form and justifications of a rational, calculated, technically efficient element’ (Foucault, 2007a: 59). In this respect, public order actions are based on the surveillance of social movements and the technically calculated regimes of knowledge within which dissenting public discourse has been placed. This section of the chapter engages with the effects of power in as much as the above mechanisms of coercion provide the necessary conditions for power to be enacted.

As defined during Chapter 1 there are two types of coercion that can be addressed. Firstly the notion of physical coercion takes the form of a forceful intervention that is used to impose a legal order (Weber, 1968: 904). Here, the violation of a system of established rules and regulations may be enforced to

⁴³ That is the job of SIGINT providers such as the GCHQ and JTAC.

induce a ‘respect for those rules’ within a given system of justice (*Ibid*). Secondly, the use of psychological coercion can be considered in terms of non-violent approaches towards compliance, specifically in relation to deviations from an established social or cultural norm (*Ibid*: 322). To further this typological outline, surveillance can also be thought of as being both a procedure and a mechanism of coercion. In *Discipline and Punish* for example, Foucault considered surveillance to be ‘a design of subtle coercion’ which improves the exercise of power ‘by making it lighter, more rapid, [and] more effective’ (1977: 209). In this respect, operational procedures such as the use of ANPR cameras, FITs, or personal searches, are all psychological forms of coercion - equally as much as they are used for the purposes of gathering intelligence. Indeed they are subtle in so far as they provide the population with a constant reminder that they are being watched, even though such individuals might not be the focus of that particular form of surveillance. Nevertheless, in terms of providing empirical evidence to support this part of the chapter, operations Aeroscope, Pegasus, and Median will be used to illustrate a number of points including the uses of surveillance to disrupt public protests; the deployment of undercover operatives as a means to infiltrate social movements; and the use of more conventional logistics such as the deployment of large numbers of police officers during demonstrations. In terms of National Security initiatives, this part of the chapter also examines the JTRIG’s operational procedures with a view to its impact on dissenting public discourse.

Regarding the aforementioned police actions that took place at three large-scale environmental protests between 2004 and 2009, a separate covert

programme instigated by the NPOIU links all of them together. Operation Pegasus commenced around 2003, and embedded a number of covert operatives in various left-wing social movements around the UK. The most prominent of these agents was Mark Kennedy (also known as Flash, or Mark Stone), who was exposed by the *Guardian* newspaper in 2010 when his alias was discovered by his long-term domestic partner and fellow activist (Evans and Lewis, 2013). Kennedy was assigned to work in Nottingham for almost a decade under an assumed identity, and posed as an environmental activist infiltrating a number of groups both in the UK and abroad. During this time he provided background intelligence of impending protests including Operations Oasis, Median, and Aeroscope, in addition to the 2009 G20 demonstrations in London to support Operations Glencoe and Benbow. According to Kennedy it was commonplace for agents to work deep undercover for several years at a time and to maintain a relationship as part of their ruse (*Ibid*: 248-50).⁴⁴ The purpose of Kennedy's infiltration was to gain the trust of members within Nottingham's environmental movement, and provide operational intelligence to the constabulary that if required would prompt a coercive intervention.

One of the best documented police actions precipitated by Kennedy's time undercover was Operation Aeroscope, which was conducted by the Nottinghamshire Constabulary in 2009 based on evidence that he had accumulated while working on assignment. Here, the NPOIU officer had gathered Intelligence in the form of audio recordings of a direct-action protest

⁴⁴ Evidence to corroborate that this was a part of the job can be found in the *SDS Tradecraft Manual* provided by the Metropolitan Police Service which states that if necessary undercover officers are permitted to have 'fleeting, disastrous relationships with individuals who are not important to [their] sources of information' (Metropolitan Police, 2015: 8, and Fig. 5). However, clearly Kennedy was operating beyond these guidelines, as were a number of other officers in the NPOIU.

that was being planned to close Ratcliffe-on-Soar power station and deprive the local residents of electricity. Kennedy's intelligence resulted in a massive police raid on the Iona Independent School in Sneinton during the planning stages of the event. The school was generally used out-of-hours by a range of groups, and was considered a fairly safe place to hold such meetings. Kennedy had reported that environmentalists would be arriving by minibus to help plan the protest, but vast reserves of police officers from Nottinghamshire Constabulary and the adjoining regions, were lying in wait. During Operation Aeroscope, 114 arrests were made on 13 April 2009, on suspicion of 'conspiring to commit aggravated trespass' (Rose, 2011: 3, and IPCC, 2011: 7).⁴⁵ Bolt-cutters and other paraphernalia presumed to be part of the group's offensive campaign was also confiscated as evidence supporting the arrests. Several years later, the final trials of those apprehended collapsed as a result of Nottinghamshire Constabulary's refusal to admit evidence of Kennedy's involvement (*Ibid*: 3).

In addition to the above, a procedure of coercion does not necessarily have to be one in which the direct use of physical force is applied. The extensive use of FITs by police forces throughout the UK has prompted a number of campaign groups to set up their own internet databases in an attempt to identify covert surveillance officers and police photographers. One such group is FITWatch who dedicate their campaigns to documenting Forward Intelligence Teams by photographing them and posting their identification numbers online. During the 2010 student protests over tuition fees in London, FITWatch had its hosting privileges revoked by the police for

⁴⁵ Again, here the notion of conspiracy is linked to sedition in terms of public order discourse.

instructing campaigners on how to remain anonymous in the demonstration (Lewis, [Online], 2010b). Not only does the use of a mask or a disguise constitute an offence under both the *Public Order Act 1986* and the *Criminal Justice and Public Order Act 1994*, but the publication of police officer's details also contravenes certain measures under the *Counter-Terrorism Act 2008* (HMSO, 1986, 1994, and 2008).⁴⁶

In terms of being a potential form of protest, the notion of surveilling the authorities has been considered in surveillance studies by figures such as Steve Mann (2003) and by David Brin (1998). For Mann, the notion of 'inverse-surveillance' or 'sousveillance' represents a particular practice whereby the public watches the state (2003: 331). For Brin, the idea of the general public scrutinising the authorities was linked to the violent arrest of Rodney King by Los Angeles police in 1992, which resulted in public footage of the incident being shown on live television, precipitating the L.A. riots (1998: 158). Ideally then, Brin's notion of 'social transparency' (*Ibid*), or Mann's conceptualisation of sousveillance (2003: 331), should in principle make the authorities more accountable for their actions. Indeed the problem here is one of control - especially in relation to the monopoly of resources which are used to regulate what can be published online. In this respect, a coercive intervention was performed by the Metropolitan Police Service simply by shutting down the FITWatch website (Lewis, [Online], 2010b). Of course, the website returned in numerous different forms at a later stage, but the owner of the site was prosecuted for advising campaigners how to remain

⁴⁶ The *Counter-Terrorism Act 2008* made it a criminal offence for anyone to film a member of the UK's Armed forces, or by extension, HM Constabulary, and to make that material available to terrorists (HMSO, 2008).

anonymous during demonstrations. Although technically speaking wearing a mask during a protest is not strictly illegal, publishing the names and serial numbers of Forward Intelligence officers was not taken lightly.

In another Nottingham-related incident, the 2011 Occupy protests that took place worldwide saw over thirty tents placed in the city centre for over six months. Campaigners had chosen to use this form of protest (effectively as a prolonged “sit-in”) to demonstrate against unfair banking practices and financial inequality. For the Local Authorities, the problem posed by this assembly was that it was within its lawful rights to occupy public land, and that it had negotiated the terms of the campaign with the City Council. However, once the occupation had exceeded what the Council perceived as being a tolerable amount of time, its lenient approach changed rather quickly. In one respect the campaigners had broken no laws and held a prior agreement to use the space. But on the other hand, the City Council wanted to put an end to the demonstration as it was considered unsightly. At first the council tried to evict the campaigners under the *Criminal Justice and Public Order Act 1994* to declare the assembly a trespass. However the camp issued a plea against the ruling and gained a further few weeks while it was waiting for a hearing. Thereafter, Nottingham City Council started to claim that the campaigners were causing a Health and Safety risk and had ‘allegedly turned a flower bed into a makeshift toilet’ (Thisisnottingham, [Online], 2012). This of course was not the case as the participants had made an agreement with a local fast food chain to use its facilities. However, in terms of offering a range of non-violent coercive procedures, here Nottingham City Council tried issuing both legal orders and using normative conventions to remove the demonstration.

The particular problem of how to manage the Occupy protests was not isolated to Nottingham alone. London for example, had an even bigger problem in terms of policing the event, especially with regards to the impending Olympic Games of 2012, and the sheer necessity to commit police resources for use elsewhere in the City. Indeed the campaign to remove London's occupiers was even less conventional than it was in Nottingham. During the 2011 occupation of the steps of St. Paul's Cathedral the JTRIG was alleged to have conducted SIGINT and COINTELPRO operations against the Occupy movement. According to Occupy London, campaigners experienced significant problems throughout the protest with all of their mobile devices and laptops failing to work (Occupy, [Online,] 2015). RT news also covered the story in relation to an interview with Occupy's legal team in which

Activists became suspicious in 2011 during the occupation of St Paul's Churchyard when their phones and computers stopped working. Legal Observers noted that each of the issues encountered matched the technical capability of JTRIG. (RT News ([Online,] 2015)

Although there was no clear motive for the intervention (other than removing campaigners from the steps of St. Paul's), speculation surrounding the event has argued the campaign was disrupted to make way for the 2012 Olympic Games. It could be suggested that campaigners camping on the steps themselves, would have caused a breach of the *Highways Act 1980* (HMSO, 1980), but as the main body of the group was located in the Churchyard, this would have been isolated to a much smaller number of individuals.

In relation to the JTRIG's operational protocols, the quest to disrupt, deceive, discredit, dissuade and deny the activities of campaigners can be considered as techniques of power. However, what is of interest here are the

links between these techniques and any actual interventions. In terms of JTRIG terminology, actual procedures of coercion can be considered as operational EFFECTS. Dhami for example, defines effects in terms of the JTRIG's capacity to exploit telecommunication signals (SIGINT) and to manipulate content in cyberspace as a means to make to make something happen in the real or digital world (2011: 6). Using specifically designed software, the JTRIG has a number of tools at its disposal including programmes such as AntiCrisis Girl (which is used to monitor visits to the Wikileaks website); Angry Pirate (a tool that will permanently disable a target's computer account); Dreamy Smurf (used to activate a mobile phone that is turned off); NOSEY SMURF (providing the ability to covertly and remotely turn on the microphone of a mobile phone); and ROLLING THUNDER (used to conduct DDoS⁴⁷ attack against hacktivists) (Greenwald and Gallagher, [Online], 2014). As I have noted elsewhere (2016: 301-3), further protocols that can be used during demonstrations include the use of false flag operations (to distract from the real issues of concern); the use of fake online identities (posing as a false victim or a person whose account has been hacked); counterfeit websites (to provide disinformation); and online propaganda disseminated via social media such as Facebook, YouTube, and Twitter. So how can all of this be measured in terms of EFFECTS?

During 2011, the JTRIG infiltrated a private chat room used for exchanging instant messages between members of Anonymous and other hacktivist groups. This was in response to a direct-action campaign in which Anonymous had attacked various organizations including PayPal and several

⁴⁷ I.e., a Distributed Denial of Service attack which uses remote bots (codes and algorithms) to send perpetual requests to a network server until it stops working.

financial providers for refusing to process charitable donations being made to the Wikileaks website (Schone, *et al*, [Online], 2014). During a series of campaigns under the working title of Operation Payback, the JTRIG used HUMINT resources to get hacktivists to boast about their deeds:

[...] in an Operation Payback chat room, a hacktivist using the name “p0ke” tells another named “Topiary” that he has a list of emails, phone numbers and names of “700 FBI tards.” [...] An agent then begins a conversation with p0ke, asking him about what sites he’s accessed. The hacktivist responds that he was able to defeat the security on a U.S. government website, and pulled up credit card information that’s attached to congressional and military email addresses. [...] The agent then asks whether p0ke has looked at a BBC News web article called “Who loves the hacktivists?” and sends him a link to the story. [...] “Cool huh?” asks the agent, and pOke responds, “ya.” [...] When p0ke clicked on the link, however, JTRIG was able to pull up the IP address of the VPN (virtual private network) the hacktivist was using. (*Ibid*)

Once the JTRIG had secured the IP address for the computer on which pOke had been working they were able to issue a request to his service provider for his personal details, and then turned up at his home to make an arrest.

In addition to the use of HUMINT operations as a means to ensnare potential suspects, more aggressive digital forms of coercion have also been used by the JTRIG in recent years. During field tests for one of its programmes known as Rolling Thunder, the internet chat rooms used by Anonymous were again targeted, but this time by a sustained DDoS assault. A couple of days later, the JTRIG were monitoring the chat room to see what the results of this attack had been - within which the campaigners were considering whether or not to quit (*Ibid*). In terms of operational EFFECTS not only had the activities of community been thoroughly disrupted, but it had also cast doubts for some of the members towards whether or not it was all worthwhile. This latter notion can be defined in terms of being a PSYOPS mission, within which the

Hacktivists were both prevented from planning any future misdemeanours themselves, and in which they were given an opportunity to rethink their course of actions.

In terms of PSYOPS, Dr. Mandeep Dhami was working for the Porton Down Defence and Science Technologies Laboratory (DSTL) in 2011 to develop new psychological forms of coercion for use by the JTRIG. As part of the HUMINT operations programme, the proposals included using persuasive techniques to gain the confidence of a target (as used against pOke), for the purposes of either bringing that individual to justice, or for changing their behaviour thus preventing a crime. The purpose of conducting a PSYOPS intervention is to foster conformity, in as much as ‘obedience is a direct form of social influence where an individual submits to, or complies with, an authority figure’ (Dhami, 2011: 17). The desired result of infiltrating internet chat rooms was to make individuals communicating therein to feel exposed and thus to regulate their behaviour.

Apparatuses of Knowledge

Since 2001 a significant number of institutions have emerged in the UK to manage various aspects of the threat posed by international terrorist groups to public safety. Within this milieu, legitimate acts of protest have been framed as posing a substantial threat to the population as a result of certain organizations redefining both terrorism and dissent as an equivalent risk. This part of the chapter therefore posits a genealogy of these institutions (and their underlying concepts) by looking at the conditions for their emergence, and their operational context regarding public order discourse. However, in terms of

establishing the background for the following section of this chapter (regarding the apparatuses of truth through which the current regime seeks to control public demonstrations), here it is necessary to approach the problematic by way of examining National Security policy first.

There is undeniable evidence to support the claim that in the aftermath of 9/11, Western leaders have committed substantial physical and legislative resources toward safeguarding the interests, lifestyles, and welfare of their citizens (Lyon, 2007: 8). As part of a wider international effort to fight the perceived threat posed by terrorism, a Global War on Terror emerged from the 2001 attacks on New York to ensure that security, liberty, and the Western way of life would prevail. The attacks on the United States of America revealed serious flaws in the security infrastructure of both nations (the U.S.A and the UK), and the comparative ease with which the terrorists had exploited inadequate preventative measures. Following 9/11 a new security framework was rapidly devised to address these limitations and to establish a more effective means of combating the danger that international terrorism posed to human life, collateral property, and to international commerce. Multinational terrorist organization al Qaeda claimed immediate responsibility for the attacks, during which nineteen terrorists hijacked four commercial passenger airliners and flew them into a series of strategically coordinated targets. All nineteen of the hijackers involved were of international origin, and this factor alone dominated both post-9/11 news headlines, and in a wider cultural context, typified the way in which terrorism had been previously defined (Guelke 2008: 19).

America's initial legislative response to 9/11 appeared in the form of the USA Patriot Act (*Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001*), and was passed by congress to increase the intelligence capabilities of U.S. law enforcement agencies (Senate and House of Representatives, 2001). The official 2004 investigation into the suicide attacks that devastated New York's World Trade Centre highlighted the need for greater strategic intelligence:

A specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, rewarded, and retained to ensure the development of an institutional culture (The National Commission on Terrorist Attacks upon the United States, 2004: 425)

Within the UK, and in recognition of the threat of international terrorism, a comparative *Anti-terrorism, Crime and Security Act 2001* came into force on 14 December 2001, indicating that the police were to gain additional powers in the investigation, surveillance, and the indefinite detention of alleged terror suspects (HMSO, 2001). The *2001 Act* was a revision of the earlier *Terrorism Act 2000*, in which a number of clauses had been omitted,⁴⁸ but had been reinstated in the wake of 9/11. Both the UK and American *Acts* respectively insisted that greater security measures were needed, with enhanced restrictions placed on the transportation by air of potentially injurious possessions, and that the positive profiling of citizens and airline passengers would aid in the detection of terrorist operatives - to assist in the disruption and prevention of their activities.

⁴⁸ Particularly those relating to public surveillance and the period of detention allowed for terrorism suspects.

However, some four years later on 7 July 2005, a new series of coordinated assaults hit the public transportation networks of London, bringing the capital to a standstill. Three explosive devices had been detonated by terrorists on the London Underground and one on a public bus. Unlike the 9/11 hijacks, the protagonists of the London bombings were all residing British citizens of international origin. All four of the male suspects were killed in the attacks, along with fifty-two members of the general public. A further seven-hundred commuters were also injured. The possibility that British (or American) Nationals could be the instigators of such atrocities had been approached in Section 802 of the *USA Patriot Act*, in which the term ‘domestic terrorism’ was used in a legislative context for the first time (Senate and House of Representatives, 2001). The *Patriot Act* defined criminal acts of terrorism as kidnapping, mass destruction, assassination, or the activities of those seeking to influence government policy by means of coercion or intimidation, equally in line with its British counterpart (HMSO, 2001). The nationality of the 7/7 bombers, however, redirected the focus of the threat from international terrorist groups, and internalised it towards the general British public, though more specifically toward the British-born, or British-residing Muslim community. Attempts to comprehend the attacks of 9/11 and 7/7 resulted in a series of in-depth public inquiries into the factors motivating otherwise upstanding members of the general population to commit bloodshed in the pursuit of extremist ideals. In 2003, the British government established a long-term strategy for tackling terrorism in the UK known as CONTEST (TSO, 2006). The core doctrine of *Countering International Terrorism: The United*

Kingdom's Strategy was to 'PREVENT, PURSUE, PROTECT and PREPARE' the nation against the threats posed by terrorism (*Ibid*).

The initial PREVENT strand of CONTEST addressed the underlying motives that cause people to become radicalised and take to extreme or brutal measures to voice their concerns (*Ibid*: 9-16). PREVENT identified a number of international and domestic issues that had previously been used by terrorist organizations to incite people towards radicalisation. It therefore aimed to undermine the potency of such ideologies. Within its CONTEST partnership capacity, MI5 claimed that the causes of radicalisation stemmed from negative 'experiences and events in a person's life', and stated that terrorist organizations use these incidents to 'recruit new members and sustain support for their activities' (Security Service, [Online], 2009a). In terms of refuting the ideals used to legitimise Islamist terrorism, PREVENT concluded that widely-held beliefs often contribute to radicalisation which includes: 1) globalisation and the perceived cultural imperialism of Western nation-states; 2) the on-going presence of commercial or military Western interests in Muslim countries; 3) the removal from power of unstable regimes that pose a 'serious threat to international security' (perceived as being attacks on Islam); and, 4) allegations that the West does not 'apply consistent standards in its international behaviour' (TSO, 2006: 10). The doctrine also cited issues of 'alienation or community disadvantage', and 'discrimination, social exclusion, and lack of opportunity' as being among the socio-economic factors that contribute to radicalisation. The PREVENT response to radicalisation called for 'a battle of ideas, challenging the ideological motivations that extremists believe justify the use of violence' (*Ibid*: 13).

In June 2007, the Research Information and Communications Unit (the RICU) was established as part of the PREVENT strategy to reduce opportunities leading to radicalisation. The RICU was responsible for the supervision of sensitive communications released into the public domain, that relate to matters of terrorism and extremism. Today, the RICU is still in operation and is staffed by a triumvirate of partners who include the Foreign and Commonwealth Office (the FCO), the Home Office, and Communities and Local Governments (CLGs). It is managed by the Office for Security and Counter Terrorism (OSCT). The RICU exists as part of PREVENT's response to countering terrorism, by reducing opportunities for promoting terrorist narratives at home or abroad. Within its operational remit the RICU advises Britain's public authorities on material suitable for press releases covering major events or issues, and provides guidance on the appropriate terminology to be used. The idea was to develop a consistent approach to the language and context of information released by the authorities into the public domain. The principle role of the RICU was to advise 'CONTEST partners on their communications' relating to counterterrorism, to expose the 'weaknesses of violent extremist ideologies and brands', and support 'credible alternatives to violent extremism using communications' (RICU, 2010: 9).

The most prolific feature of the RICU is its acknowledgement of terrorism as a discourse (through quite literally in this respect), and of the creation of explicit terminology to provide counter-narratives to organizations such as al Qaeda. As CONTEST partners, ACPO TAM was also responsible for the dissemination of counter-terrorism narratives within the public domain. Evidence to this extent can be found in *Guidance on Media Handling and*

Communication Activity at Major Incidents (including counter terrorism) as provided for the British Transport Police by ACPO (2008: 51). Here ACPO cites RICU doctrine on the correct language to use in the description of a major policing incident. Under ACPO guidelines, police officers are encouraged not to use descriptors such as a 'struggle for values/battle' during press releases, for these are thought to be misinterpreted by radical extremists as a 'confrontation/clash between civilisations/cultures' (*Ibid*: 56). Police are instead advised to promote the idea of the 'shared values' that terrorists seek to destroy, thus undermining the notion of cultural conflicts between the West and Islam (*Ibid*). Current ACPO guidance states that the use of terms such as 'radicalisation' at press releases reiterates the sentiment that 'Terrorism is a product of Islam', and that 'encouraging people toward [using the term] violent extremism' is a much better way of framing the issue (*Ibid*).

Nevertheless, to return to the rest of the UK's anti-terrorism strategy, the PURSUE strand of CONTEST expressed the need for more effective intelligence to be provided with regards to understanding how terrorist organisations operate. This would allow Britain's security forces to identify potential terrorist suspects or targets, to make use of a more adequate legislative framework to disrupt their activities, and to work closely with international allies (TSO, 2006: 2). The idea was to make better use of the links between MI5, SIS, GCHQ, the Special Branch, and regional police forces. The PURSUE initiative was responsible for initiating the call for much wider powers of police surveillance as a means for the detection of terrorists and potential terrorist attacks.

By their nature, terrorists operate in secret. Intelligence is therefore vital to defeating terrorism. All disruption operations depend upon the collection and exploitation of information and intelligence that helps identify terrorist networks, including their membership, intentions, and means of operation (*Ibid*: 16).

Of course some ten years later, the results of the PURSUE initiative can be clearly seen with regards to the operational activities of SIGINT providers such as GCHQ and the JTAC, and the alignment of counter terrorism operations alongside the conventional responsibilities for the Constabulary.

The third strand of CONTEST (PROTECT), was originally concerned with the fundamental industrial services and monopolies of the UK in terms of the strategic defence of such sites against terror attacks. Perceived targets included Britain's transportation networks, the security of its borders, utilities providers, and the safety of citizens in crowded public places (*Ibid*: 2). Identified by both CONTEST and the *Civil Contingencies Act 2004* as comprising the UK's Critical National Infrastructure (CNI), these integral services are considered imperative to the safety of human life and the on-going function of both businesses and government (HMSO, 2004). It is with regards to the PROTECT strand of CONTEST that the terrorism and protest problematic begins to emerge with a little more clarity:

Electricity, oil, and gas installations and networks are critical to the running of the country, providing the energy we need to function, including supporting the operation of many other vital services and utilities [...] We are working with the transport industries to improve further and develop the wide range of measures available to counter the terrorist threat. For example, screening of people and baggage has traditionally been a key part of the UK's air transport security regime. It is essential that we continually update this approach, taking advantage of new technologies, exploring applicability in new areas (*Ibid*: 24).

In this particular context, the direct-action campaigns of protest groups such as Climate Camp, Plane Stupid, Rising Tide, and Climate Rush (see Operations Median, Harmony, and Oasis etc.), have all resulted in significant police operations. In one respect, these sites are all protected as part of the UK's CNI, as a result of which, public demonstrations at airports, power stations, motorways and so forth, necessitate a substantial police presence.⁴⁹ While the PROTECT agenda initially aimed to identify terrorist organizations that posed an immediate threat to such vital public services, any disruption to these sites can be considered an act of terrorism. For campaigners aiming to conduct direct action protests as sites of critical national importance (see Figs. 10.3, and 11.1 - 11.4) they pose a potential threat to the services rendered by these institutions, and leave the UK vulnerable to terror attacks. As these sites are also deemed potential targets for terrorists, this is how public order and National Security discourse aligns both risk categories. The third tier of the CONTEST strategy, therefore, aimed to identify specific gaps in the security of the UK's Critical National Infrastructure 'taking advantage of new technologies, exploring applicability in new areas, and developing methods that can be rolled out in response to [the] enhanced threat' (*Ibid*).

The fourth and final strand of CONTEST, details the sheer volume of public and private sector interests who are now responsible for safeguarding these high-risk sites. Known as PREPARE, the final element of CONTEST was responsible for the assessment of possible threats to the UK, and deemed to establish a series of emergency responders who would contribute to the preparedness of the nation against potential terror attacks (*Ibid*: 2). In 2001 the

⁴⁹ Although any direct assaults on these services would lead to potential affray, and would be considered a crime under the *Public Order Act 1986*.

Civil Contingencies Secretariat (CCS) was established to assess the numerous consequences that prospective risks to the CNI posed, 'whether caused by terrorism or other factors' (*Ibid*: 25). The *Civil Contingencies Act 2004* was commissioned shortly thereafter to make local authorities and businesses responsible for conducting regional risk assessments based on the initial CCS review. As a direct result of the *Civil Contingencies Act*, the CONTEST strategy bears relevance to the policing of protests at sites designated as vital public services, and this is really what begins to situate dissent as an issue of concern within post-9/11 National Security discourse (HMSO, 2004).

The *Civil Contingencies Act 2004* (CCA) was drafted following a series of national emergencies to replace the out-dated *Defence Act 1948* (HMSO, 1948), and the *Emergency Powers Act 1920* (HMSO, 1920). The existing legislation had failed to cope with events such as the nation-wide fuel protests of 2000, and the outbreak of foot and mouth disease in 2001 - both of which had threatened the provision of crucial domestic services in the UK. The CCA thereafter enabled the British Government to declare a state of national emergency under certain conditions, and evoke a range of contingency measures to protect human life and maintain vital public services. Under the provisions of the *Act*, the fuel protests of 2000 would have been considered illegal for the disruption to national services that they had caused. While the conduct of road hauliers remained initially peaceful, the impact of the demonstration on the general public was alleged to be unprecedented (BBC, [Online], 2012). Not merely had blockades at fuel depots deprived the population of petrol and diesel for personal transport, but the overall result of the protests severely hampered the supply of critical national services such as

healthcare, fire fighting, and municipal refuse collection (Evening Press, [Online], 2000).⁵⁰ The ‘disruption of a supply of money, food, water, energy or fuel’ also became unlawful under the *CCA*, and further criminalised direct-action protests that were intended to cause interference with the above (HMSO, 2004: 3).

In terms of the prevention of acts of terrorism, one of the prerequisites of the *CCA* was for the creation of a national resilience network, that would activate a series of emergency responders in times of a crisis ‘to reduce the risk from emergencies’ and prevent disruption to the everyday lives of British citizens and businesses (Cabinet Office, [Online], 2010). Primary responders included the emergency services and Local Government Authorities, but the wider range of secondary responders included public transport services and domestic utilities providers. Sub-divided into regional or Local Resilience Forums (LRFs), the network was also responsible for undertaking risk assessments relevant to each catchment, and for publishing these within a Regional Risk Register, as required by the *CCA*.

These are approved and published by Local Resilience Forums which include representatives from local emergency responders as well as public, private and voluntary organizations. (TSO, 2010a: 53)

The UK RESILIENCE programme aimed to pre-empt and avert national crises such as those caused by severe weather; threats to human health; terrorism; transport accidents; animal and plant diseases; international events; industrial technical failure; structural failure; chemical, biological, radiological and nuclear hazards (CBRN); industrial accidents; and environmental pollution

⁵⁰ Which was somewhat reminiscent of the public sector strikes during the Winter of Discontent in 1979.

(*Ibid*). The Cabinet Office recommended that such incidents were planned for using existing contingency strategies such as risk assessments and business continuity planning (Cabinet Office, [Online], 2010).

Although UK RESILIENCE makes no specific reference to public protests as posing a direct threat to public safety, the rather ambiguous notion of needing to protect the CNI against 'malicious attacks' was left deliberately open to interpretation (TSO, 2010a: 26). In this respect, it became commonplace for any LRFs that housed power stations or airports to consider direct-action protests a significant threat to their individual catchments. Indeed evidence to support this argument reveals that a number of LRFs list public demonstrations as one of their main risk categories. The following extract from Anglesey's LRF for example, defines the role of UK RESILIENCE as being:

A service of the Cabinet Office, the website is run as a news and information service by the Civil Contingencies Secretariat. The website includes information on emergency preparedness, Civil Contingencies Act, emergency response and recovery, severe weather, human health, terrorism, transport accidents, animal and plant diseases, public protest and industrial technical failure. (Anglesey, [Online], 2007)

Devon County Council also lists public protests within its Regional Risk Register ([Online], 2015). Furthermore, in the 2006 review of Operational Harmony conducted by the North Yorkshire Local Resilience Forum, the Camp for Climate protest was perceived as having posed a substantial threat to the region (see Fig. 10.3).

What all of the above demonstrates is that post-9/11 there has been a specific emphasis on designating particular sites of industry as a being vulnerable to both terrorists, or from other unspecified attacks. As a result of the UK's strategic response to terrorism (known as CONTEST), a number of

organisations have emerged that now contribute to the above National Security initiatives. However, as these associations are comprised of both public and private sector institutions, there has emerged a certain conflict of interest between their commercial activities and the safety of the general population. Indeed here the problematic is that National Security discourse frames public dissent on an equivalent scale to acts of mass casualty terrorism. Within the apparatuses of knowledge identified above, dissenting public discourse is now considered a threat to National Security, but what remains to be seen during the final part of this chapter is for how all of these issues are tied together, legitimised, and distributed within a particular apparatus of truth.

Apparatuses of Truth

For Foucault, the neoliberal model of governmentality differed radically from both sovereignty and from disciplinary forms of power, even though in a number of contexts the *raison d'état* of previous regimes (i.e.; control over territory and wealth, and the economy) remained the basis for its legitimate authority. However, there is one fundamental difference to observe in as much as the modern governmental state has security as its ultimate apparatus of administration. This is not security taken in its most literal form in terms of a conventional police force, or by way of having a standing army, but a particular administrative concept of security that ensures a given number of rights and privileges to enable society to function efficiently (McKinley *et al*, 2012: 6).

To return briefly to the observations made during Chapter 1, governmentality makes the population the object of its control. In this respect

there are three defining traits through which governmentality can be differentiated from the previous forms of political organization noted thus far. First, that it makes the population the object of its control, and that governmentality can be considered through multiple regimes of practices as opposed to being a singular dominant entity. Second, whereas Foucault's earlier notion of power synthesised both discipline and sovereignty into one system of politics, governmentality transformed the focus for these systems of power towards the 'forces and capacities of living individuals, as members of a population - as resources to be fostered, to be used and to be optimised' (Dean, 2010: 29). Therefore, Foucault identifies governmentality in a number of ways.

Principally, the notion of governmentality is used to describe how the modern nation state manages society, and to define the various regimes of practices through which this transpires. Foucault calls this new art of government the 'conduct of conduct', in which he posits the management of society is enacted according to specific scientific practices concerned with accumulating knowledge of the population, thus to calculate the most effective means through which to govern (2002a: 341). Where governmentality differs from the conceptualisation of the state advocated by figures such as Hegel and Weber, is that from the end of the Eighteenth Century, disciplinary power was invested in numerous institutions other than those of the government. With this expansion of state-like institutions (who all aimed to manage society using various administrative techniques), Foucault defined the modern nation state as being 'the mobile effect of a regime of multiple governmentalities' (2008: 77). To return to the focal point for this section of the chapter, the apparatuses of security that emerged from the Eighteenth Century came to include healthcare,

educational, and welfare establishments, in addition to more conventional institutions such as the army or police. According to McKinley *et al* (2012: 9), these apparatuses of security all promote various ideas or beliefs to the population about how they should conduct their lives, and in which particular manner they should do so. It is in this respect that they utilise apparatuses of truth to promote what is perceived to be appropriate social conduct.

Modern forms of political organization are therefore linked to freedom and rights in as much as the British state aims to facilitate peaceful public demonstrations, but at the same time must prevent campaigners from causing either affray, or damage to persons and property. According to Her Majesty's Inspectorate of Constabulary, 'policing operations are planned to facilitate the exercise of the rights to freedom of expression and peaceful assembly, while upholding the rule of law and maintaining order' (HMIC, 2009: 78). Yet, as the thesis has demonstrated so far, the rules and regulations that govern the conditions though which public protests are permitted have become increasingly complicated and subject to stringent terms and conditions (especially under various National Security programmes such as CONTEST). The problem for the modern British state is that while it must facilitate certain rights, it must also control them.

The new governmental reason needs freedom therefore, the new art of government consumes freedom. It consumes freedom, which means that it must produce it. It must produce it, it must organize it. The new art of government therefore appears as the management of freedom, not in the sense of the imperative: "be free, "with the immediate contradiction that this imperative may contain. [...] Liberalism formulates simply the following: I am going to produce what you need to be free. I am going to see to it that you are free to be free. [...] Liberalism must produce freedom, but this very act entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats, etcetera. (Foucault, 2008: 63-4)

In terms of the contradictory imperative of granting freedom (cited above), one of the main problems that modern British establishment faces in organizational terms transpires by way of maintaining the historical (or expanding) rights of the population, while at the same time having to regulate the activities through which they are conducted. This section of the chapter examines the most significant strategy to have emerged post-9/11 for the purposes of maintaining public order - which has its origins in National Security and counter-terrorism discourse, and links the aforementioned techniques and technologies of power, and mechanisms and procedures of coercion together.

The legitimacy of contemporary public order discourse (which can be thought of in terms of COINTELPROs, or the significant presence of police at demonstrations), stems from 1) the alignment of mass-casualty terrorism and dissent in British law; 2) the situation of direct actions protests within apparatuses of knowledge such as UK RESILIENCE; and 3) from ‘a particular regime of truth’ that depicts campaigners either as criminals or as legitimate peaceful protestors (Foucault, 2008: 18). In *The Birth of Biopolitics*, a regime of truth was defined by Foucault in terms of:

[...] a particular type of discourse and a set of practices, a discourse that, on the one hand, constitutes these practices as a set bound together by an intelligible connection and, on the other hand, legislates and can legislate on these practices in terms of true and false. (*Ibid*: 17-18)

In terms of public order discourse, the purpose of this part of the chapter is to establish a genealogy of one such regime, which can be defined by the notion of extremism. Precisely when the term originated in National Security discourse is difficult to determine in relation to its current context. There is no

record of it being used either in the *Patriot Act* or in the *Anti-Terrorism Crime and Security Act 2001* as a means to define terrorism, or terrorism-related activities. However, the conditions for its emergence within National Security discourse can be established.

Two years after the events of 9/11, the Global War on Terror was not proceeding especially well, and the mastermind behind the attacks on New York was somehow still managing to evade capture. As part of the British Government's commitment to defend the nation against an equivalent type of attack, the 2003 CONTEST strategy established four working protocols through which to counter the threat of international terrorism. Under the PREVENT strand of CONTEST, the UK had already determined that to challenge the terrorist threat, the motives that lead individuals to become radicalised would need to be understood and opposed. As part of the programme to challenge radicalisation, the terminology of the Global War on Terror would also need to change - as pre-existing ideas of a conflict between the East and the West was thought to legitimise Islamist terrorism (see Fig. 6). By 2005, the Global War on Terror had been rebranded by Western security services as the Global Struggle Against Violent Extremism - which was considered a more tactical approach to the problem (Inskip, [Online], 2005). In line with this particular change in both defining and about thinking terrorism, a new strategic lexicon came into use.

As I have argued elsewhere (2015: 477-80) an institutional shift from the Global War on Terror (GWOT) to the Global Struggle Against Violent Extremism (GSAVE) redefined the way in terrorist actors were described in National Security discourse in the UK. By 2006, terrorists had become violent

extremists, and all other perpetrators of ‘malicious attacks’ against the UK’s CNI had been rebranded as domestic extremists (TSO, 2010b: 26). The problem for a wide number of social movements was that under the *Civil Contingencies Act 2004*, issues for which they had previously campaigned (and the sites in which these demonstrations had traditionally taken place), were suddenly regarded as being “off limits” (HMSO, 2004). However, the problem of being redefined as an extremist also situated many campaign groups as posing a direct threat to public safety, necessitating their surveillance, diagnosis, documentation, and theoretically, the correction of their behaviour. In terms of situating the notion of extremism as a regime of truth, it is necessary to examine the institutions that promote these particular statements and to consider the normative impact this might have on dissent.

In 2006, a number of campaign groups converged at one of the UK’s largest coal-powered energy providers in the Vale of York. The Climate Camp demonstration featured over one-hundred and sixty workshops designed to promote sustainable living, and was situated near to Britain’s highest emitter of carbon dioxide (Drax). Allegedly over three-thousand police officers were called in to manage the public order action under ACPO’s new cross-border policing scheme. Attending officers had been recruited from both the London boroughs and from Britain’s Home Counties, in addition to a significant presence from other LRF stakeholders. While the majority of events held during the campaign were conducted in an entirely lawful manner (despite taking place on appropriated land), during the camp’s final hours a direct-action protest began to take place against the power station. Allegedly over 600 people marched on the facility during a demonstration entitled Reclaim Power,

entering the site and locking-on to various pieces of machinery. The railway lines used to provide the plant with coal were also blocked, causing disruption to the plant's operations. For the emergency services and local resilience partners, the public order action was called Operation Harmony, which witnessed the mobilisation of a £4.5 million policing campaign in response to a perceived threat against the UK's CNI (see Fig. 1.03). In the wake of the Operation, North Yorkshire Police claimed that it was the 'first time Domestic Extremism' had ever been enacted 'against the national infrastructure of the county' (*Ibid*).

Rob Evans, Paul Lewis, and Matthew Taylor draw attention to this issue in an article published in *The Guardian* newspaper entitled 'How police rebranded lawful protest as 'domestic extremism'' (26 October 2009: 6). Evans, Lewis, and Taylor were more interested in the strategic revision of public order terminology than in the demonstration itself, as a result of which they concluded:

The term "domestic extremism" is now common currency within the police. It is a phrase which shapes how forces seek to control demonstrations. It has led to the personal details and photographs of a substantial number of protesters being stored on secret police databases around the country [...] Senior officers describe domestic extremists as individuals or groups "that carry out criminal acts of direct action in furtherance of a campaign. These people and activities usually seek to prevent something from happening or to change legislation or domestic policy, but attempt to do so outside of the normal democratic process." They [the police] say they are mostly associated with single issues and suggest the majority of protesters are never considered extremists (*Ibid*).

The article reported a number of alarming insights into how the perceived rights of campaigners had effectively disappeared overnight, and how all of a sudden there was no such thing as being innocent until proven guilty. Evans,

Lewis, and Taylor revealed that a series of new tactical agencies had emerged to police public protests, and that the identities of participants were being held on a national database of domestic extremists. Citing Anton Setchell, the National Co-ordinator for Domestic Extremism, *The Guardian* recounted “‘just because you have no criminal record does not mean that you are not of interest to the police’” (*Ibid*). Evans, Lewis, and Taylor also alleged that ‘it was possible that protesters with no criminal record were on the databases’ and that a new regime of police intolerance towards public demonstrations had emerged (*Ibid*). Behind the implementation of many of these changes was the strategic committee for policing ACPO (TAM), who at the time were operating number of covert infiltration units in the environmental movement via the NPOIU.

As a result of its central role during Operations Harmony, Oasis and Median, and with regards to directing policy on policing issues such as public order - The ACPO (TAM) was largely responsible for disseminating the new categorisation of domestic extremism throughout the entire constabulary. For example, during the 2011 Occupy protest at St. Paul’s Cathedral, City of London Police issued a letter to members of the local business community warning traders of the current terrorism and extremist threat (City of London Police, 2011). In the letter no clear differentiation was made between international terrorist organisations such as al Qaeda or the Revolutionary Forces of Columbia (FARC), and members of the Occupy movement (see Fig. 1). Of course in relation to the motives for the protest (which was essentially an anti-capitalism demonstration) this reiterates the *Civil Contingencies Act* 2004 in as much as it challenged the supply of money (HMSO, 2004: 3).

However, of equivalent interest was the second page of the letter in which an electrician's strike proposed by Balfour Beatty employees was considered an equivalent threat to the animal rights group, SHAC (Fig. 2).

The problematic of terrorism and dissent is, however, more complicated than that. On the one hand, liberal democracies continually reiterate democratic values such as freedom of speech and assembly, yet comparatively at the practical level of policing and control, use threats to National Security as a solution to the problem. For example, in the 2009 update to the CONTEST programme it was considered that: 'the lines between terrorism, subversion and legitimate dissent and protest may become increasingly blurred [which] presents a particular and complex challenge to liberal democracies' (TSO, 2009: 78). However the following year, the concept of extremism was extended to cover all of the following:

A consideration for all interventions is ensuring cultural sensitivity and upholding the ethos of a free society where extremist views within the law can be held and discussed by those not resorting to violent actions - a fine line. This broadens consideration to domestic extremism, most commonly associated with "single-issue" protests, for example, environmentalism, anti-globalisation or crime and public disorder linked to extreme left or right wing political campaigns. (TSO, 2010b: 256)

Within four years of the concept of extremism coming into use in public order discourse, the notion has been extended to cover practically all contemporary social movements. The notion of a "single-issue" campaign representing the entirety of globalisation or environmental issues is somewhat absurd. But this does typify the way in which 'a particular type of discourse and a set of practices' can be bound together for the purposes of legislating 'in terms of true and false' and to establish new normative values (2008: 17-18).

This issue, however, is not indigenous to the UK. In relation to the CONTEST strategy, one of the main areas of interest was to forge closer links with Britain's international allies (TSO, 2006: 2). With regards to the notion of developing a consistent counter-narrative to violent extremism (terrorism), there are comparative institutions to the UK's LRFs throughout Europe and the United States of America. Walby and Monaghan for example, have argued that in Canada the term 'multi-issue extremism' has been used for the purposes of aligning grass roots movements with international terror organisations (2012: 133-151). Monahan and Palmer have expressed similar concerns with regards to the Department for Homeland Security's 'fusion intelligence centres' which operate at a Federal level as public/private sector security agencies - who also have a particular interest in extremism and dissent (2009: 617-636). So where does this leave dissent in terms of the apparatus of truth in which it is now situated, or in relation to the normative ideas of true and false, that are being used to rationalise public protests? If the aforementioned doctrine of *Preventing Violent Extremism* (TSO, 2010b: 256) is anything to go by, either the seditious activities of environmentalists and those campaigning against capitalism will face increasing regulative and coercive measures, or in some small way they might be persuaded to conform.

Conclusion

Unlike the previous two chapters in this thesis, in which Pearlman's typological account of dissent was used to distinguish between different forms of protest such as sedition, riots, and the activities of worker's associations, here there has been an emphasis on sedition alone - taken in its most

contemporary form as posing a threat to National Security (1977b: 1-2). Although an initial understanding of sedition was established during Chapter 2 by way of acts committed against the sovereign authority under the *Treason Act 1351* (HMSO, 1351), it was later used to proscribe any public gatherings seen to criticise the state under the *Seditious Meetings Act 1795* (HMSO, 1795). Chapter 3, therefore, demonstrated that the notion of sedition is contingent according to whichever threat a dominant regime deems unfavourable to the longevity of its reign. Today, the notion of sedition constitutes a number of illicit activities, which serves to highlight a ‘mobile [and] problematic relationship’ between which repertoires of protest are considered legitimate, and those that are not (Foucault, 2008: 63-4). While particular regimes of truth such as the concept of extremism claim (according to the state), to differentiate between lawful demonstrations and acts of mass-casualty terrorism, these regimes also run the risk of impeding legitimate protests as well. This can be seen especially in relation to the alleged intervention of the JTRIG during the London Occupy protest in 2011 (Occupy, [Online], 2015), and in the failed prosecution of environmentalists in 2009, who were apprehended during the planning stages of their demonstration on flawed intelligence provided by police (Rose, 2011).

To return to an earlier question regarding Foucault’s archaeological and genealogical methods, the purpose of this chapter was to examine the bureaucratisation of dissent in context of modern day public order affairs. As noted thus far, the notion of bureaucratisation relates to how public demonstrations are managed by the state, using a wide variety of techniques, technologies, mechanisms and procedures of coercion, through which it seeks

to control public protest. Here, the chapter elaborates on this position by performing a genealogical analysis of public order discourse, as a means to add to the previous chapter's archaeological results. In *Power/Knowledge*, Foucault clarifies the difference between these two analytical methods thus:

If we were to characterise it in two terms, then 'archaeology' would be the appropriate methodology of this analysis of local discursivities, and 'genealogy' would be the tactics whereby, on the basis of the descriptions of these local discursivities, the subjected knowledges which were thus released would be brought into play. (1980: 87)

In the previous two chapters, the purpose of using Foucault's archaeological approach was to provide an 'analysis of local discursivities' in the public order archive, within which numerous rifts, ruptures, continuities and transformations was observed. Here, the task of this chapter's conclusion is to examine how 'subjected knowledges' are brought into play, using the same techniques of analysis in comparison to more contemporary evidence (*Ibid*). To that extent, the previous two chapters placed less importance on providing an insight into the abstract containers from which public order discourse might have been derived.

By way of performing a Foucauldian analysis of modern public order discourse, one must use the following approach as advised by Kendall and Wickham, in *Using Foucault's Methods* (1999). To conduct an analysis using Foucault's technique, it is necessary:

- 1 to chart the relation between the sayable and the visible;
- 2 to analyse the relation between one statement and other statements;
- 3 to formulate rules for the repeatability of statements (or, if you like, the use of statements);
- 4 to analyse the positions which are established between subjects – for the time being we can think of subjects as human beings - in regard to statements;
- 5 to describe 'surfaces of emergence' - places within which objects are designated and acted upon;

6 to describe ‘institutions’, which acquire authority and provide limits within which discursive objects may act or exist;
7 to describe ‘forms of specification’, which refer to the ways in which discursive objects are targeted. A ‘form of specification’ is a system for understanding a particular phenomenon with the aim of relating it to other phenomena. (*Ibid*: 22)

According to the above methodology, there are numerous transformations in public order discourse to be observed which have all taken place during the last twenty years. But to arrive at an informed position on how such changes have transpired, it is important to examine the current state of affairs using the above criteria.

First, as a means to chart the relation between the sayable and the visible, in recent years Britain’s public authorities have shown a significant interest in direct action campaigns. What can be considered sayable in public order discourse, relates to the way in which activists using particular repertoires of protest are considered domestic extremists. That which is visible, relates more often than not to large public assemblies, in which campaigner’s aim to publicise key social, political, or economic concerns. Second, according to the relation between one statement and other statements in the archive, the alignment of cause-led activism with ‘criminal acts of direct action’ (and thus domestic extremism), situates a range of social movements in the same discursive framework as terrorists (Evans, Lewis, and Taylor, *The Guardian*, 26 October 2009: 6). The limited differentiation in public order discourse between violent and domestic extremism (that is, between terrorism and activism), also problematizes dissent in the popular imaginary (Fig. 1). Third, public order and counter-terrorism doctrine as promoted by the RICU, by ACPO (TAM), and by the constabulary, formulates rules for the repeatability of statements. In official publications, such as *Guidance on Media Handling*

and Communication Activity at Major Incidents, police officers are encouraged to disseminate credible alternatives to the narratives that legitimise both terrorism and radicalisation (ACPO, 2008: 51, RICU, 2010, and Fig. 6). It is the frequent use of such terms, and the alignment of direct action protests with concepts like extremism, that frames dissent as terrorism in public order discourse (Fig. 1, and Fig. 7). Fourth, to analyse the positions which are established between subjects, new social identities are put into circulation by way ‘binary branding’, through which normative values are promoted by the state (Foucault, 1977: 199). In public order discourse, numerous references are made to the establishment’s obligation to facilitate peaceful demonstrations - with the strict exception of campaigners who try to ‘carry out their disruptive and sometime dangerous, and unlawful activities’ (Fig. 11.1). This particular technique of power aims to differentiate lawful from unlawful conduct, and thus, discriminates criminals from legitimate protestors. Fifth, the depiction of the Critical National Infrastructure through programmes such as CONTEST and RESILIENCE identifies specific places in which objects are designated and acted upon. During environmental campaigns for instance, any activists who aim to enter restricted sites such as airports or Power Stations become the object for police surveillance, or of coercive interventions, as they do not legally have a right to trespass on private property. Sixth, as a means to describe the institutions which acquire authority and provide limits in which discursive objects may act or exist, the UK’s Local Resilience Forums, HM Constabulary, and military institutions such as the JTRIG and JTAC (*et al*), have all been granted authority to intervene in public order affairs. These organizations are governed by strict operational protocols, in which

scientifically calculated threats are identified and acted upon. With regards to the notion that limits are placed on the conduct of these organizations (or on the activities of campaigners themselves), current protest legislation defines how the authorities might intervene during demonstrations, and for which particular reasons. And finally, as a means to describe particular forms of specification in the archive, campaigners who are identified as posing threat to public safety or to public and private property, are subjected to numerous types of surveillance that are conducted both prior to, and during demonstrations (Fig. 3). A form of specification can, therefore, be related to other phenomenon that exist in the archive in as much as public order legislation precipitates certain regimes of practices. During public protests, police regularly target activists who wear masks to hide their faces - so that they can be photographed, documented, and identified later on. The use of personal searches under Section One of the *Police and Criminal Evidence Act 1984* is another technique used by police to investigate any campaigners they consider suspicious (HMSO, 1984). PACE-S1 searches are conducted to confiscate any items which may aid in committing a crime (such as bolt-croppers and wire-cutters), which could be used to breach the perimeter fence during environmental actions.

Yet, in Foucauldian genealogy, it is not enough simply to observe the transformations or phenomenon as they occur in the archive, but to consider the changes which have taken place in other domains of knowledge as well. According to Foucault, such discourses merely 'play the role of 'categories' in the area of knowledge particular to the human sciences' to which they belong (1989: 389). Foucault defines these domains of knowledge as being the human

sciences of 'biology, economics, and the study of language' (*Ibid*). In the *Order of Things*, Foucault draws attention to the underpinning principles which he claims, 'completely cover the domain of what can be known about man' (1989: 390). Using one example of the human sciences in particular:

It is upon the projected surface of biology that man appears as a being possessing functions – receiving stimuli (physiological ones, but also social, interhuman, and cultural ones), reacting to them, adapting himself, evolving, submitting to the demands of an environment, coming to terms with the modifications it imposes, seeking to erase imbalances, acting in accordance with regularities, having, in short, conditions of existence and the possibility of finding average norms of adjustment which permit him to perform his functions (*Ibid*)

According to Foucault it is the underlying principles of norm and function which reveals the true nature of biology as a discourse. Similarly, in the case of language, it is the pairing of signification and system, which provides meaning to the various rituals, customs, and objects of an age. For economics, the underlying principles are those of conflict and rule. However, the three pairs of 'function and norm, conflict and rule, signification and system' do not remain localised exclusively in the areas of their emergence. To put this into context, 'function and norm are not psychological concepts exclusively; conflict and rule do not have an application limited wholly to the sociological domain; signification and system are not valid solely for phenomena more or less akin to language' (*Ibid*). In this respect, there are two areas of interest in which the human sciences of biology and language have had an impact on public order discourse. To elaborate on this point, one can draw reference to the military application of the human sciences, and to the application of military techniques for maintaining order.

As a way to frame this particular argument, Foucault's observation that public order is the same as the order of a war, sets the context for this debate

(2003: 42). According to Simpson (1996: 4), it was developments in ‘communications research’ during the U.S. conflicts in Vietnam and Korea that led to innovations in the field of psychological warfare. In this particular battlefield, the techniques used are those of persuasion, propaganda, and disinformation, which owe their origins to ‘the persuasion studies’ and provide the scientific foundation for ‘advertising and motivational techniques’ today (*Ibid*). For security agencies such as the RICU and the JTRIG, communications research can, therefore, be linked to other prominent discourses in modern society (such as those found in marketing, advertising, and sales), the scientific techniques of which are derived from psychology and language. Indeed this is how it is possible for institutions like the RICU to conceive of terrorist organisations as being a brand (2010: 9). In public order affairs, precisely the same set of techniques has enabled the police to rebrand ‘lawful protest as ‘domestic extremism’’ (Evans, Lewis, and Taylor, *Guardian*, 26 October 2009: 6).

For intelligence agencies like the JTRIG, developments in communications research provide them with the means to manipulate social conduct. As observed in Dhami’s account of JTRIG operations, the use of psychological techniques to coerce, defame, disrupt or deter specific military targets has a public order application as well (Dhami, 2011: 6). As a subdivision of GCHQ, the JTRIG collaborates with other security agencies including Counter-Terrorism Command and the National Public Order Intelligence Unit. As part of its operation remit, the JTRIG collects data from all relevant SIGINT streams, and disseminates this information to the intelligence community. However, in terms of conducting COINTELPROs

(that is, counter-intelligence operations), the JTRIG has also been known to intervene in public order affairs. It has done so by changing the content of websites, by using psychological techniques to dissuade activists from pursuing a particular course of actions, and by using communications technology to disrupt public demonstrations. It is here, that one can draw a comparison between brand management campaigns, the analysis of consumer data, and thus, the exploitation of social networks. The use of psychological techniques during military operations, therefore, marks a comparative shift in public order discourse, for precisely the same organisations are using the same techniques to maintain order. The notion of conducting a PSYOPS especially, frames how public order can be conceive as being the order of a war.

Conclusion

Introduction

The aim of this thesis was to posit that dissenting public discourse has become a regulated activity in the UK, in which public demonstrations have increasingly become the focus for administrative oversight by the state. The intention of this thesis was to develop a historically informed critical account of the bureaucratisation of dissent as a way to articulate the above problematic. The conclusion for this thesis reviews the body of evidence presented so far and documents the connections that have been found between sovereignty, discipline, governmentality, and dissent. The conclusion aims to identify precisely what has been accomplished by this research in terms of understanding the different modalities of dissent, and how they are currently being managed in the UK. In this respect, the conclusion will discuss the findings of the research in relation to how it moves an existing academic argument along, and to define what it contributes to the study of surveillance, political organization, and dissent. The purpose of this conclusion is to elaborate a position on the bureaucratisation of dissent. This will be necessary to consider how, over the last nine-hundred years, public order has been maintained in the UK.

The Bureaucratisation of Dissent

In social and political theory, the notion of bureaucracy often refers to a particular set of administrative practices that emerged during the industrial revolution as a means to regulate productivity in the factories. For Weber,

however, the concept was used to define any process of regimentation that occurs as part of a wider system of social, political, or economic organization. Such practices usually involve one or more of the following: a system of laws, rules, and regulations to govern the conduct of social actors in relation to their position in a given field of interest; the use of hierarchies within an organization to maintain a strict division of roles between policymakers, managers, and employees; to ensure that individual tasks are conducted to the best of their abilities (and to prevent social actors from gaining knowledge of the overall administrative processes); the optimisation of an organization towards maximum efficiency; and the imposition of these regimes on other organizations or members of society with whom they come into contact.

In *Economy and Society* (1968), Weber used the concept of bureaucracy to describe how a range of social institutions interact with, and impose the above conditions on the rest of society. This was done (he argued), through using different regimes of laws, normative conventions, and administrative surveillance (supervision). In this thesis, the notion of bureaucratisation has been used to consider how these various techniques and technologies of power, have had an impact on the maintenance of public order. As stated during the introduction, the thesis does not intend to offer an insight into alternative repertoires of protest, but to examine the numerous ways in which public order has been maintained.

What this Thesis has achieved

This thesis has drawn from a number of perspectives on social and political theory, from surveillance studies, and from the study of social movements. It

has also presented research from both contemporary and historical accounts of public order interventions in the UK. The thesis has developed an understanding of dissent in relation to how rights are formed, how they are amended or repealed, and how various apparatuses of the state maintain public order. It has done so by examining 1) the Hegelian concept of right; 2) Weber's theories of social action, formal-rationality, and bureaucratic administration; 3) Foucault's ideas on governmentality, power, and knowledge; and 4) Pearlman's typology of dissent. The above concepts have been examined in relation to public order discourse, using Foucault's archaeological and genealogical methods to determine the numerous continuities and discontinuities of power. In this respect, the thesis has engaged with public order discourse covering the last nine-hundred years. The body of work represented in this thesis has offered an insight into why some repertoires of protest are deemed legitimate, whereas others are not, and how in highly policed and ordered societies; dissenting public discourse is something that must be controlled.

The following three sections of the conclusion aim to elaborate on the origins of change that have transpired over the last nine-hundred years. In this respect, the thesis has concluded that at specific points throughout British history, different techniques and technologies of power have emerged as the dominant means for maintaining order. According to Foucault, the modern nation state is comprised of a triangle of 'sovereignty-discipline-government' (2007b: 107-8). In this respect, the thesis has observed changes in public order discourse (that is, in legislation and in the manner in which coercive interventions are conducted), that transpired during the sovereign regime, in

the disciplinary society, and those which are taking place today. Chapter 2 considered how public order was maintained between the late-medieval era and the rise of industrial society. Chapter 3 examined how the techniques and technologies that emerged from this period were used to maintain order during the late-Twentieth Century. Chapter 4 examined a body of evidence that was concerned with how public dissent is managed by the modern British state.

From Sovereignty to Disciplinary Power

The body of evidence examined in Chapter 2 revealed a gradual transformation that took place in the techniques and technologies of power used to manage public order between the Fourteenth and the late-Eighteenth Century. At the start of this period, feudalism was already on the decline as a dominant system of social and political organization across central Europe. Feudal society was structured according to the manner in which the reigning monarch granted land to the nobility in exchange for military service. The nobility in turn employed vassals to become tenants of that land and administer it, who then used the peasantry for piecemeal labour. In relation to public dissent, direct action was often enacted against landowners and private residencies (usually in isolated skirmishes), and the peasantry was fundamentally dependant on patronage to champion their cause. As observed by Della Porter and Diani (2006: 168), the repertoires of protest used at this time generally involved strategies such as the ‘seizure of grain’ or ‘taking over fields’, which often resulted in violent altercations with the state

Two important changes occurred during this period that relate to the ascension of King William III to the throne, and to manner in which the

kingdom was thereafter governed. In the first respect, William III ascended to the throne following the betrayal of his father by his mother (Queen Isabella), and by her lover, Roger Mortimer. As a direct consequent of the risk this posed to his own position, William III commissioned the *Treason Act 1351*, making all treasonable practices punishable by death (HMSO, 1351). Yet, the treason act accomplished more than just to condemn any attempts to remove him from the throne. The notion of sedition was also introduced in the *Act*, to decree ‘that in the Cases above rehearsed’; anyone who might conspire against him would also be punished (*Ibid*).

In terms of maintaining general order within the kingdom, the use of eyres and trailbastons (who were members of itinerant judicial commissions) saw a rapid decline when the Black Death claimed over a third of the population in 1348. As these particular commissions largely toured the realm to administer justice, they infrequently brought order to the kingdom anyway. The eyres were responsible for bringing justice to regions identified by the royal forests they belonged to, under which the medieval system of justice dealt mainly with issues of poaching. Otherwise, their role was largely concerned with ensuring that vassals within each of their regions had fulfilled their obligations to the Crown. Comparatively, the judicial remit of the trailbastons was far more extensive, and covered all manner of crimes including theft, trespass, rape, and disorder (Brown, 1989). Trailbastons would essentially visit one region at a time, leaving it months and sometimes years before justice was enacted in various parts of the UK. In response to the lack of general order (and as a means through which justice could be administered consistently at a local level), William III appointed ‘local gentry, magnates and

lawyers [...] to suppress disorder, seek out and try felonies and trespass' (*Ibid*: 122). Therefore, the second of William III's great innovations was to introduce the *Justices of the Peace Act 1361*, as a means to resolve petty disputes and to preserve the peace (HMSO, 1361). It is the *Justices of the Peace Act* from which the modern understanding of public order is derived, and from which key concepts such as policing and adjudication originates (HMSO, 1361).

The next important change to note occurs in the tumultuous period that followed the English Civil War. In the mid-Seventeenth Century two legislative orders were introduced by King Charles II to broaden the notion of treason and reiterate the position of subjects in the revised sovereign state. First, under the *Tumultuous Petitioning Act 1661* Charles II made it an offence for twenty or more people to petition either the sovereign or parliament directly without prior consent (BHO, [Online], 2017a). Approval was also required from a Justice of the Peace before a petition could be made. Second, the *Sedition Act 1661* was introduced to prevent the general public from conspiring against the state (BHO, [Online], 2017b). This included new offences in which public speech or politically-orientated gatherings could be declared unlawful if they were inciting unrest. Here, it was the case that any public gatherings deemed unlawful by Justices of the Peace, would lead to arrests and imprisonment for life. The all but brief reign of King Charles II was further besieged with political unrest, as the general public become increasingly mobile and politically aware at the turn of the Eighteenth Century. This was the result of the *Declaration of Rights* made by Parliament in 1689, following which a constitutional monarchy was established to limit the executive powers of the Crown (Adams, 1763: 440).

During the restoration itself, nearly forty years of riots besieged the UK. Typified by the Bawdy House Riots of 1668, the Sacheverell Riots of 1710, and the riots over the Coronation of King George in 1714, Parliament commissioned the *Riot Act 1714* to manage the threat posed by hostile public assemblies (Walther, [Online], 2005). The *Riot Act* imposed strict limitations on the conduct of the population, in terms of how many people would constitute an unlawful congregation, and to lay further restrictions on public opinion. Failure to comply with an order to disperse would result in the protagonist's immediate arrest, trial, and execution – assuming they made it that far. It was commonplace for local cavalry regiments to be used in addition to Justices of the Peace as a means to suppress disorder, and they were not especially restrained in how justice was administered.

The most important transformation that differentiates sovereign responses to dissent to those of the disciplinary society, started to emerge towards the end of the Eighteenth Century. To return to Pearlman's hypothesis that the British establishment has historically been concerned with three types of protest, the first being sedition, and the second, the threat of disorder; by the end of the Eighteenth Century Parliament sought to legislate against 'all trade-combinations' in an attempt to curtail the activities of trade unions and working-class organizations (Pearlman, 1977b: 5). Arguably, following the advent of industrial capitalism, some of the first social movements started to appear (Della Porter and Diani 2006: 169). In relation to changes in ownership (that is, from the sovereign right over the land, to the ownership of private property and factories), and as a result of civil society's increasing interest in politics, organized forms of dissent emerged in response to key social issues

such as financial and social inequality. This was accompanied in the first instance, with the usual sovereign response of ‘repress first, ask questions later’, but the underlying practices of industrial capitalism, started to identify new ways through which public order could be maintained (Pearlman, 1977b: 9).

In response, Parliament adopted new legislation during the 18th-century (in 1743, 1758, 1763, 1771, and 1779) to back up the common law with statutory powers against workers associations in particular trades. (*Ibid*, 1977a: 5)

The main innovation here was the introduction of the 1793 *Act for the Encouragement and Relief of Friendly Societies* (Pickering, 1762). In part, the Friendly Societies emerged as groups of workers, who had decided it would be beneficial to provide mutual aid to their members when the former system of guilds started to decline (Pearlman, 1977a: 1). But it was suspected by the establishment that such groups acted as a front for trade union activities, for at the time it was illegal to campaign for better pay or for worker’s rights. The response to this problematic was to formalise the conduct of the Friendly societies, and thus regulate their activities. The 1793 *Act for the Encouragement and Relief of Friendly Societies* achieved this goal and to a large extent, institutionalised these groups by making them keep books of their accounts, thereby detailing who had been provided relief, and for what particular purpose (Pickering, 1762). Thereafter, Britain’s Friendly Societies were required by law to present their accounts to Justices of the Peace every quarter, who were required to approve them. It was this particular evolution in administrative oversight, matched with judicial apparatuses of power that sets this era aside, as the means for scrutinising the population and calculating the

most efficient manner in which to intervene in their lives became the new way to maintain order.

In terms of the various scientific techniques that emerged to increase productivity in the factories, the political economy, therefore, became a useful strategy for managing public dissent. The particular types of administrative oversight, hierarchical rules and regulations, and the division of roles contained in the factories, had an equivalent impact on public order. Foucault sums this up by observing that the former ‘art of government’ was gradually replaced by a ‘political science’ for managing the population (2002a: 341). While it would be tempting to posit that all social movements were thereafter granted the same reprieve from violence as the Friendly Societies, this was certainly not the case. As evidence provided in Chapter 2 demonstrates, the *Peterloo Massacre* of 1819 was one of the UK’s first mass public gatherings to discuss issues of political reform and universal suffrage, but it also met with disaster. Although the congregation was instructed to wear their Sunday best and be of good civil manner, the response from Salford Yeomanry resulted in unprecedented state violence - despite the fact that campaigners made no attempts to resist, and disorder had not been declared (Vallance, 2009: 329).

By way of situating this part of the conclusion in terms of sovereign right, it is generally understood that in early forms of political organization, individual right was surrendered to the state in exchange for protection against foreign enemies, internal disputes, and for the purposes of maintaining the peace. Hobbes, for example, would posit this as being a covenant from which a Common Wealth was derived to grant authority to the state (1929). Similarly, the Hegelian notion of a common interest (whilst being a later interpretation of

sovereign right), makes a comparative case, in which all individual interests were represented by the state for the purposes of a greater common good (2008). In both respects, sovereign right is usually accepted as being the supreme authority of the state to wield power over its subjects and administer justice as it sees fit. What changed during the late-Seventeenth Century was the absolute authority of the Crown to legislate and administer justice, as Parliament assumed these responsibilities following the English Civil War. Arguably, very little changed initially – especially in terms of the public's general right. But as argued by Hegel, the rise of the civil society during this period, led to new methods of control to prevent a politically aware population from forming a 'powerful bloc in opposition to the organized state' (*Ibid*: 290).

What is of equal importance to this epoch in British history, was the emergence of a full-time permanent constabulary in England, which following the *Metropolitan Police Act 1829*, was formalised as a long-term solution to public order and crime (HMSO, 1829). As maintained by Foucault:

This was precisely the main characteristic of what was called at the time police and which at the end of the eighteenth century will be called, already with a backward glance, the police state. The police state is a government that merges with administration, that is entirely administrative, and an administration which possesses, which has behind it, all the weight of a governmentality. (2008: 37)

As history has demonstrated, the evolution of public order discourse alongside various apparatuses of the state, transformed during this period from being one in which the use of violence to maintain law and order was considered inefficient and too expensive. The introduction of a permanent constabulary during the Nineteenth Century, established a new type of authority, which as stated by Weber, was bureaucratic in nature, and had a vested interest in upholding the law. According to Weber, 'in all fields' the police 'exerts an

especially persevering influence in the direction of bureaucratisation' (1968: 972). To reiterate this point, any organizations or individuals with whom the police came into contact, would have to obey its authority and act as it demanded.

From Discipline to Governmentality

In Chapter 3, the thesis examined both pre, and post-9/11 public order legislation in the UK. The reason for this (as observed by Lyon, 2007: 8) was to reflect key changes in the use of surveillance during the late-Twentieth Century, but it was also used as means to critique public order discourse during these important transitional years. The body of evidence examined in Chapter 3 began by looking at how the 1977 Ridley plan to privatise British National Industry was used to prevent the Trade Labour Movement from interfering with the process of denationalisation. In comparison to Weber's earlier argument that the emerging industrial society of the Eighteenth Century aimed to protect its monopoly of interests (1968: 84), here the process of rational-legal administration was further refined.

During the late-nineteen seventies, important events such as the Winter of Discontent not only framed the financial concerns of public sector workers (following the imposition of a three-day working week), but generated widespread dissatisfaction among the general population in terms of the ability of the government to manage state affairs - as striking workers deprived them of vital public services on a daily basis. Successive industrial strikes brought the nation to a standstill on numerous occasions throughout this decade and saw the premature demise of two consecutive governments. In response to this

issue, and to investigate how British National Industry could be transformed to compete in the open market, MP Nicholas Ridley was tasked with resolving both concerns. The *Final Report of the Policy Group on the Nationalised Industries* made a number of recommendations (Ridley, 1977). The report concluded that:

One element of our policy for the public sector should be to provide greater rewards for success and penalties for failure – particularly for managers – but as far as it is practical for all concerned. (*Ibid*: 2)

Ridley also concluded that significant opposition to the plan to privatise National Industry would be posed by trade unions and by ‘enemies of the next Tory government’ (*Ibid*: 24). In response to this issue, the Conservative Party decided to tackle the problem on a number of fronts. First, it aimed to remove the physical capacity of the unions to interfere with the process; and second, to ensure that in future trade agreements the unions would remain compliant, it proposed a number of sweeping reforms to trade union legislation. Although the main tenet of the Ridley Plan was to introduce corporate efficiency to the running of vital public industries, the impact of this economic agenda on Britain’s workforce remained in question, and would be disputed by groups like the NUM. Therefore, to counter ‘The Political Threat’ posed by these enemies of the state, a number of precautionary measures were put into place (*Ibid*).

Although many of the recommendations of the Ridley Report only came into fruition in the mid-nineteen eighties under the Conservative Leadership of Margaret Thatcher, a very clear course of actions had been defined by the Nationalised Industries policy group in 1977. Gradually, industries such as British Coal and British Steel were asked to start stockpiling

reserves. The impact of this on future disputes would allow these establishments to keep operating even if their supplies were cut off. The Conservative Party also decided to 'provoke a battle in a non-vulnerable industry' to assert their authority (*Ibid*). Using a specially trained 'mobile squad of [riot] police', the government orchestrated a number of conflicts on pre-determined battlegrounds (*Ibid*: 25). The ultimate purpose of this tactic was to force the unions into submission in a fight they were unlikely to win. The second strategy to be implemented under the Ridley Plan was to remove the legislative rights of the unions to call for secondary strikes in alternative workshops; to provoke sympathy strikes in other places of work; and to force them to pay for members benefits while on strike. In addition to the above, a number of industrial and economic policies further forced the unions into compliance by making them ballot for industrial action - forcing workshops to employ non-union members, and by having to negotiate the terms and conditions of the dispute. Overall, the recommendations of the Nationalised Industries policy group, led to the defeat of the NUM during the miners strikes of 1985, and the subordination of the Trade Labour Movement in the UK.

In relation to further techniques to coax the unions into compliance, the depiction of the NUM as having links with the communist party, and allegations popularised by the media that the union had asked Libya for arms, situated the NUM as posing a serious threat to National Security (Milne, 2004). Allegedly, MI5, and other interested parties leaked stories to the press as a means to defame the union's leaders. Such stories included allegations that the NUM's leadership had embezzled monies from miner's relief funds, in an attempt to reduce popular support for their disputes. What this in fact

demonstrates, is that by categorising the NUM as a threat to National Security, a number of other security agencies could become involved in policing the campaign. While similar protocols were enacted against the CND during this particular era (as posing further threats to military sites such as Greenham Common), what is of interest here, is the government's monopoly over the right to conduct coercive interventions, and the bureaucratic manner in which the rights of the unions were significantly reduced.

What differentiates, pre-9/11 from post-9/11 public order discourse is the change in emphasis from the protection of state resources and thus public welfare (as seen above), to those of National Security. Evidence to support this argument, was provided by way of the vast archive of public order policy that emerged during the late-Twentieth Century. In this milieu, successive government legislation defined, and then redefined public order transgressions. The process started in the early nineteen-eighties with the depiction of the NUM and CND and as posing threats to National Security. Increasingly, consecutive Labour and Tory governments found new risks against which to protect the population. During Thatcher's time in office, it was the CND and NUM that posed the biggest threat to public order. For John Major, the biggest risk to society was posed by Animal Rights activists, who used progressively hostile techniques to promote their cause. During Tony Blair's time as Prime Minister, the emphasis turned to environmental campaigners, or as Newland posits, the rise of 'eco-terrorism' in the UK (2013: 172).

What differentiates public order discourse in the governmental regime from one of discipline (or rather, from the political economy of the Nineteenth and late-Twentieth Century), is the reliance on scientific techniques for

measuring risks to security, as opposed to those that have an immediate impact on the welfare and productivity of the population. In the particular context of the late-Twentieth Century, the use of surveillance to monitor threats to National Security embodied the new technological methods through which to calculate precisely what kind of risk a demonstration posed and to determine how much, and specifically what kind of force should be used in response. The creation of an Animal Rights National Index (ARNI) during the late nineteen-nineties for example, illustrates how a new regime of practices gradually came into use (Posluszna, 2015: 78). Thus, the increasing reliance on police databases as means for categorising threats to public order, typifies this epoch.

The reason for this intensification in police surveillance is clearly articulated in public order and National Security policy. Prior to 9/11 the British establishment drafted the *Terrorism Act 2000*, in which it redefined what could be considered an act of terrorism, to criminalise the militant activities of animal right campaigners in Cambridgeshire (HMSO, 2000). Further public policy Post-9/11, dictated that any groups seeking to interfere with the Critical National Infrastructure (defined as utilities providers, financial institutions and public transport networks) would pose an equivalent threat to the population, as terrorists. For without these vital resources, the UK would be left vulnerable to subsequent attacks. The *Civil Contingencies Act 2004*, therefore, criminalised direct action repertoires of protest that had previously been used to highlight financial and environmental concerns (HMSO, 2004). The use of certain repertoires of protest such as “sit-ins”, “lock-ons”, and blockades, all became criminal offences if they interfered with the lawful operations of the Critical National Infrastructure (CNI). The *Civil*

Contingencies Act, also required a number of new security institutions to be formed to monitor perceived risks to the CNI (*Ibid*). Following which a number of joint public and private surveillance centres (Britain's Local Resilience Forums) came into existence. To relate this issue back to the Foucauldian concept of governmentality:

Governmentality [...] was a much more expansive – and expanding – notion that involved all manner of organisations, routines and strategies which make knowledge powerful and power knowledgeable. (McKinley *et al*, 2012: 5)

It is in this respect that the Local Resilience Forums can be considered apparatuses of security, in as much as they consist of non-state institutions that practice a variety of routines and strategies usually conducted by government. Surveillance in this particular context is directed at specific groups and repertoires of protest. In terms of how the general population manages to evade policing, it is worthwhile considering that to become an object of surveillance at this point in time, one would have to have been a member of a proscribed group, or an active participant in public demonstrations. For the vast majority of citizens, this would not ordinarily pose a problem, for state surveillance was generally focussed on particular social movements and repertoires of dissent.

In line with the above risks to National Security, a wealth of discursive formations emerged to support the aspirations of the government. Between the mid-nineteen eighties and today, the repositioning of cause-led activism and social movements in policies such as the *Terrorism Act 2000* has instigated a number of responses to the way in which protests are depicted by the state (HMSO, 2000). During 2004 especially, strategic policy groups like the Research Information and Communications Unit (RICU) proposed that in order to fight terrorism, the causes that lead individuals to radicalisation also

needed to be tackled (RICU, 2010). By virtue of its inclusion in National Security policy, political activism was no exception to this rule either. In this respect, what typifies post-9/11 public order discourse is the repositioning of social movements in counter-terrorism doctrine, and the use of terms such as extremism, to align direct action campaigns with terror attacks. As argued during the closing stages of Chapter 3, threats to the general population such as those posed by domestic or violent extremists, justifies the use of state surveillance. But they are also the means through which the British establishment seeks to control demonstrations. According to counter-terrorism programmes such as PREVENT; terrorists, far left, and right-wing extremists now pose a significant threat to the security of the UK (TSO, 2006: 10).

The Security Regime and Surveillance

In Chapter 4, the thesis examined contemporary evidence from the public order archive to develop a position on how public order actions are conducted in the UK. Here, the main innovations in public order discourse, relate to the use of technological solutions for maintaining order, whose origins can be traced back to military developments in signals intelligence and psychological warfare. This builds on the data presented during Chapter 3, in which communications research conducted by institutions such as the RICU, has had a significant impact on how demonstrations are defined by the state (both as a means to justify the surveillance of campaigners, and to provide legitimate grounds to enact coercive operations). So, what does this surveillance aim to achieve?

In the first respect, intelligence gathered before a demonstration serves to dictate the nature of the intervention required. In the second instance, surveillance conducted during a protest aims to establish whether or not campaigners are breaking the law. The use of Forward Intelligence Teams and ANPR cameras during demonstrations is used to gather evidence of who is in attendance. Follow-up investigations then use this data to aid in subsequent prosecutions, and to provide intelligence of regular attendees (thus to identify who the authorities might wish to surveille). In the former context (that is pre-9/11); public order surveillance was used to identify undesirable actions and persons of interest. Such intelligence was then used by the authorities to reduce public support for social movements deemed undesirable by the state. This was achieved by representing campaign groups as having deviated from an acceptable social norm, depicting them as eco-terrorists and radicals (Della Porter and Diani, 2006: 165). The recent classification of some social movements as being domestic extremists, functions in an equivalent normative context. However, unlike these previous uses of surveillance, which are generally conducted during a demonstration, in the current milieu, the use of signals intelligence to monitor threats, now allows the authorities to intervene at a much earlier stage.

The inclusion of military institutions in public order affairs, demonstrates further links between the current emphases placed on National Security, as opposed to public order *per se*. Organizations like GCHQ and the JTRIG now use a variety of techniques and technologies to maintain public order. As demonstrated in Chapter 4, the use of telecommunications and human surveillance, to specify and target designated threats, enables British

Security to conduct counter-intelligence and psychological operations (Dhami, 2011). COINTELPROs, HUMINT, and PSYOPS campaigns have all been directed at non-military targets such as Occupy and Anonymous during the last ten years. These particular techniques are used to intervene at a psychological level, to discredit, dissuade, deter, delay or disrupt any undesirable actions they identify as posing a risk (Dhami, 2011: 9). To return to the initial question of rights, it is essential to ask how is all of this legal?

As identified by Campbell in 1976 and by Snowden in 2013, programmes in mass surveillance are not intrinsically targeted at specific individuals. They are though, of questionable legitimacy in as much as programmes like Echelon, PRISM and TEMPORA, capture all telecommunications streams without the public's knowledge or consent. In the UK, GCHQ and the JTRIG use projects like TEMPORA to conduct surveillance over the online activities of citizens in the West. This includes the content of personal emails, text messages and telephone calls, to retain a record of all affiliations and exchanges. To relate this back to an earlier concern, in this milieu, society does not escape policing, for it is under continual surveillance. In discursive terms, the collection of bulk personal data by the security regime has widely been advocated by the modern British state. It has since tried to justify the practice using 'new layers of euphemistic explanations and cover stories' to make it acceptable (Simpson, 1996: 31). This can be highlighted in the use of now-popular terms such as "suspicionless surveillance", through which the intelligence community seeks to justify its methods. According to the Foucauldian concept of biopower, the governmental regime seeks to establish new and innovative ways through which to regularise

the conduct of campaigners (2003: 246). It does do by challenging the habits, customs, and conduct of the population, thereby reducing the threat of dissent. But to problematize the issue further, ‘a government is never sufficiently aware that it always risks governing too much’ (Foucault, 2008: 17-18)

Contribution to the Field

The body of research contained in this thesis has been used to contribute to a number of different academic fields including critical discourse studies, surveillance studies, and the study of British cultures.⁵¹ Initially the thesis aimed to bridge a gap between surveillance studies and organization theory, but it has accomplished much more. The emerging field of surveillance studies has conventionally lacked an historical understanding of organizational forms - as it has focused extensively on the myriad of technologies used by law enforcement agencies to fight terrorism and crime (McGrath, 2004: 19). Post-9/11 academic discourse on surveillance has largely been preoccupied with the influx of techniques that are now used to monitor the general public. But limited attention has been paid in surveillance studies to the question of public order. There are a few notable exceptions to this rule. Monahan (2009); Mann (2003); Death (2010); Lubbers (2012); Walby and Monaghan (2012); and most recently Frenzel, (*et al*, 2014: 16), have all examined contemporary modes of surveillance in relation to dissent. The contribution of journalists such as Greenwald (2014), Evans, Lewis, and Taylor (2009), demonstrates that the public order practices of the current regime are very much an issue of concern.

⁵¹ As I have demonstrated in various journals (2012a, 2012b, 2015, and 2016).

This thesis has examined the problematic of dissent, by approaching it from the perspective of sovereign right, rational administration, and governmentality, linking the above historical regimes together through the notion of bureaucratisation. New directions have been established in terms of understanding how the modern British state seeks to control demonstrations, and knowledge of these activities may lead to future innovations in dissent. Of course there are a number of areas that now need to be explored. In short these relate to the spread of fusion intelligence centres throughout the West, and to their particular use of counter-terrorism narratives such as extremism, as a means to control legitimate dissent. Serious academic attention must therefore be paid to these issues.

Appendix

Fig. 1. *Terrorism/ Extremism Update for the City of London Business Community* (City of London Police, 2011)

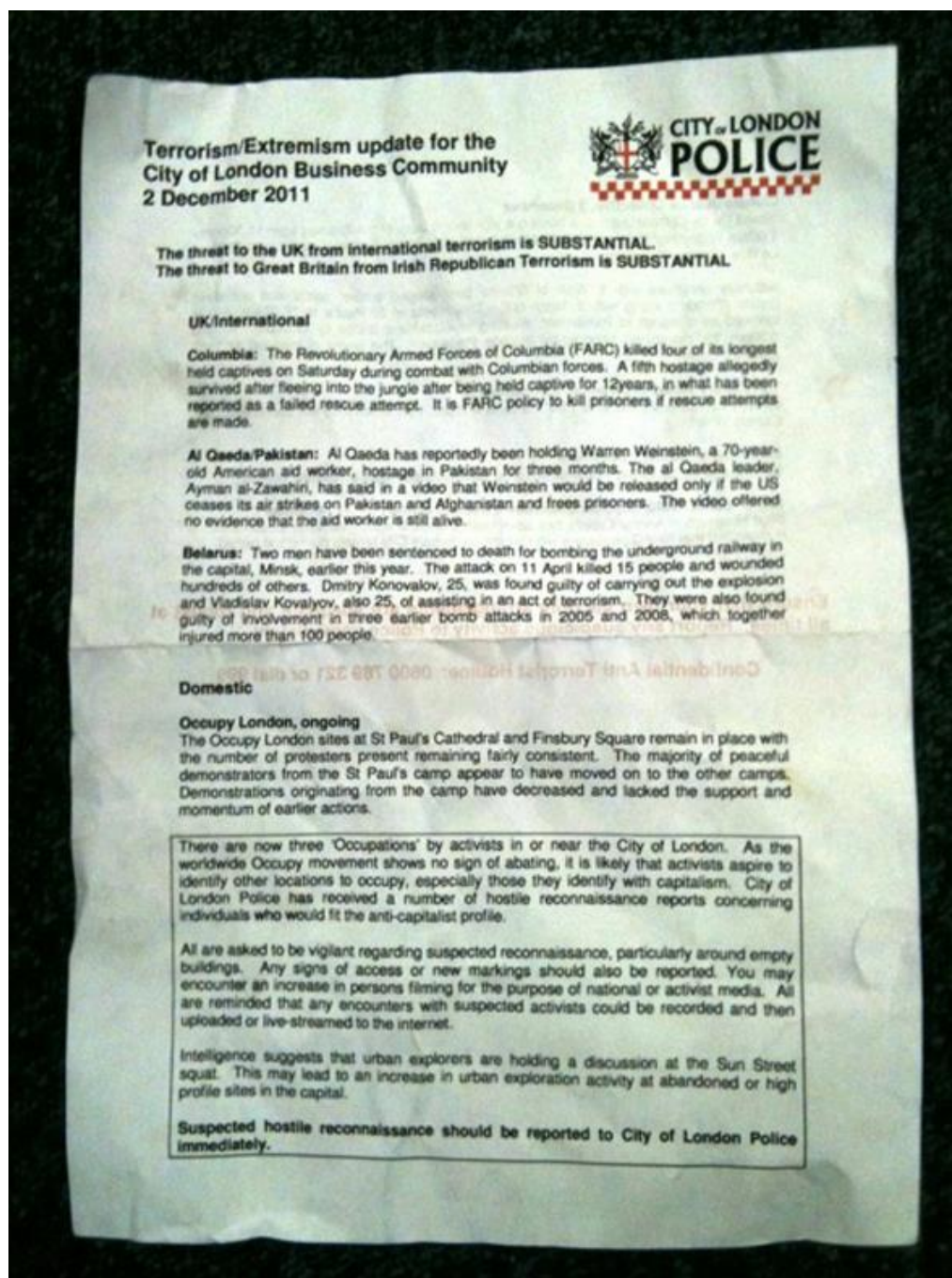


Fig. 2. Terrorism/ Extremism Update for the City of London Business

Community Page 2

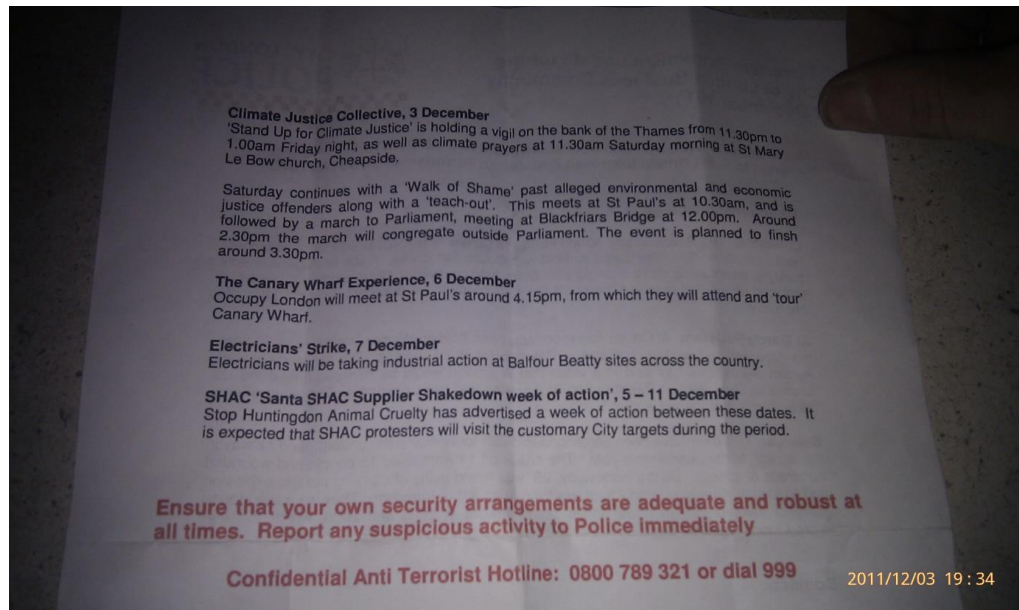


Fig. 3. CO11 Public Order Intelligence Unit Police Spotters card



Fig. 4. *Final Report of the Nationalised Industry Police Group* (Ridley, 1977: 10).

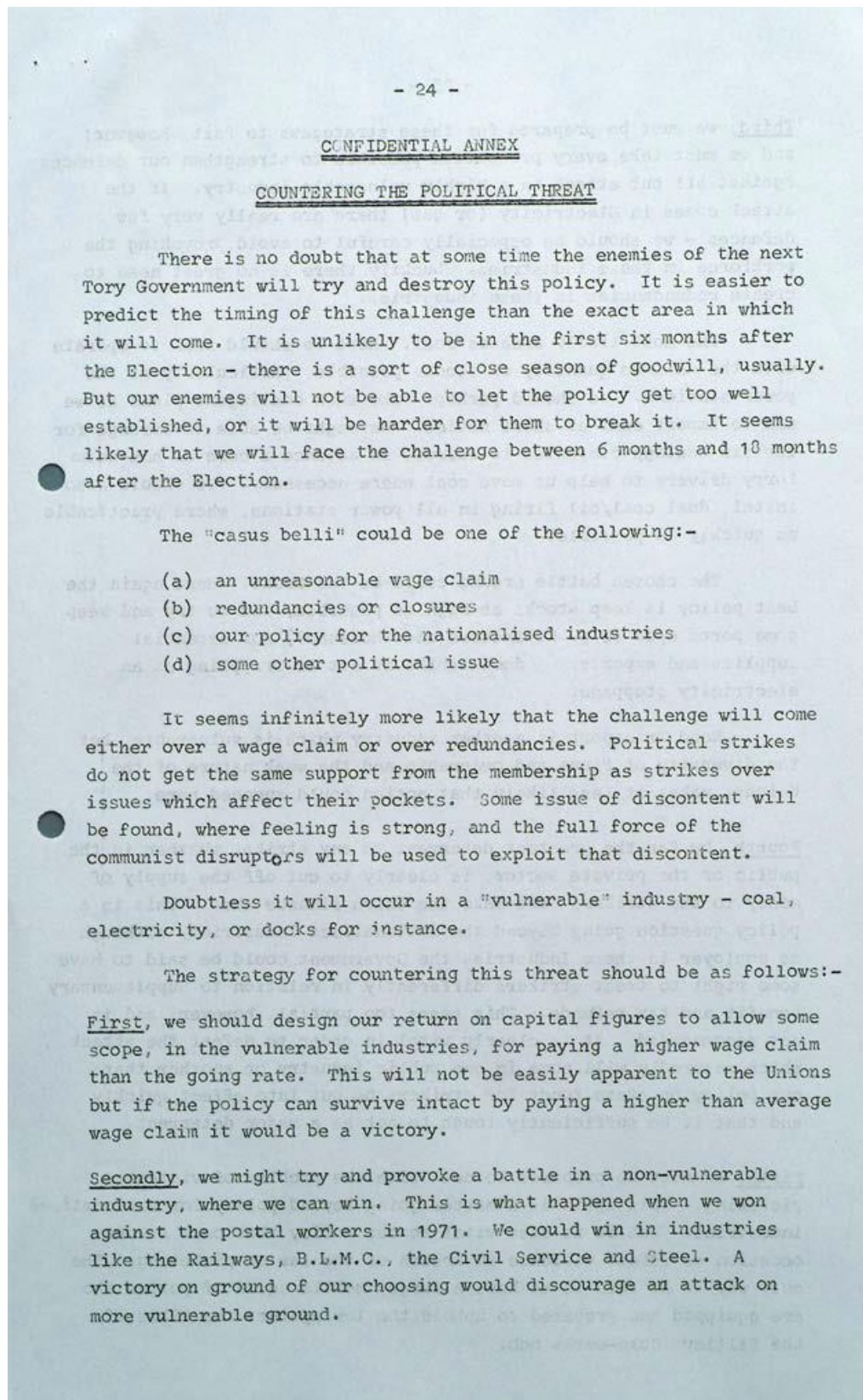


Fig. 5. Example of Police Censorship from the *SDS Tradecraft Manual* released during Operation Hearne - an investigation into undercover policing conducted by the Special Demonstration Squad (Metropolitan Police, 2015)



Fig. 6. ACPO Language Table (ACPO, 2008: 56).

WHAT IS SAID	WHAT IS HEARD	POSSIBLE ALTERNATIVES
The dividing line is between terrorists and the rest of us	This can be a positive message, but only with a credible messenger and if explained clearly	Ensure the context is clear
Communities need to stand up to extremism/weed out terrorist sympathisers	"Communities are to blame for extremism and are responsible for hiding terrorists in their midst"	We all share responsibility for tackling violent extremism, and there are specific tasks that communities can help us with
Struggle for values/battle for ideas	"Confrontation/clash between civilisations/ cultures"	The idea of shared values works much more effectively
War/battle/clash	"Terrorists/criminals are warriors/soldiers fighting a cause "	Challenge/threat
Radicalisation	"Terrorism is a product of Islam" (not easily understood or translated into Urdu/Arabic)	Encouraging people towards violent extremism
Grooming or conditioning	Can be useful terms to describe 'radicalisation' process without reinforcing the link with religion, however not generally understood by all audiences	Brainwashing or indoctrination
De-radicalisation	As above, not easily understood or translatable to all audiences	Rehabilitation
Islamic/ Muslim	Be aware of the distinction – the former refers to the belief; the latter to the believer/individual	none
Moderate/radical	Perceived as a means of splitting Muslim communities or stigmatising points of view/lifestyles that are deemed to be less favourable to Government	Muslims (where necessary mainstream Muslims)
Islamic/Islamist/Muslim extremism	"Extremism is the fault of Muslims/Islam"	Terrorism/violent extremism (including from non-Muslims)
Jihadi/fundamentalist	"There is an explicit link between Islam and terrorism"	Criminal/murderer/thug
Islamic/Muslim community/world "The West"	"Muslims form a homogenous community/world (in opposition to "The West")"	Highlight diversity, rather than reinforcing the concept of a homogenous Muslim world. Use national/ ethnic/ geographical identifiers or Muslim communities/societies
Islamophobia	Can be misunderstood as a slur on Islam and perceived as singling out Muslims (even though it indicates that we are positively addressing their concerns)	Discrimination

Fig. 7. RICU Local Narratives (RICU, 2010: 13).

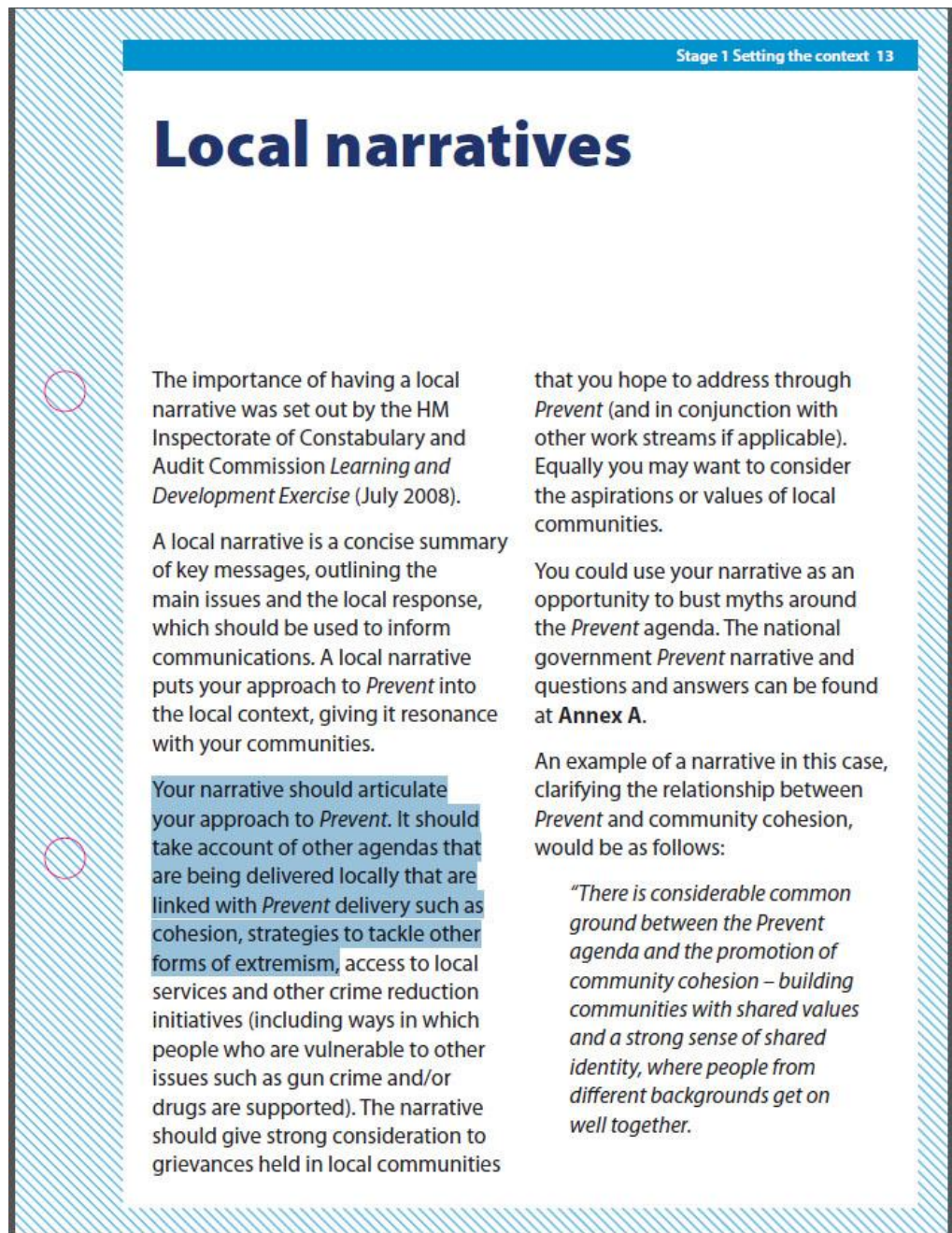


Fig. 8.1. Freedom of Information Request for details of Operation Harmony, submitted to North Yorkshire Local Resilience Forum.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
NYLRF (Resilience)
NYSP, North Yorkshire County Council
County Hall
Northallerton
DL7 8AD

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the North Yorkshire Police Public Order action named 'Operation Harmony' that took place on 31st August 2006 at Drax Power Station near Selby. I am interested in material that covers the planning, execution and review of the Policing of the 2006 Climate Camp Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.2. Freedom of Information Request for details of Operation Harmony, submitted to North Yorkshire Police.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
North Yorkshire Police
Newby Wiske
Northallerton
DL7 9HA

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

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I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.3. Freedom of Information Request for details of Operation Harmony, submitted to Selby District Council.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
Selby District Council
Civic Centre
Portholme Rd
Selby
YO8 4SB

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the North Yorkshire Police Public Order action named 'Operation Harmony' that took place on 31st August 2006 at Drax Power Station near Selby. I am interested in material that covers the planning, execution and review of the Policing of the 2006 Climate Camp Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.4. Freedom of Information Request for details of Operation Harmony,
submitted to York City Council.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
York City Council
The Guildhall
York
YO1 9QN

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the North Yorkshire Police Public Order action named 'Operation Harmony' that took place on 31st August 2006 at Drax Power Station near Selby. I am interested in material that covers the planning, execution and review of the Policing of the 2006 Climate Camp Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.5. Freedom of Information Request for details of Operation Oasis,
submitted to Kent County Council.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
Kent County Council
Council Hall
Maidstone
Kent
ME14 1XQ

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the Kent Police Public Order action named 'Operation Oasis' that took place during August 2008 at Kingsnorth Power Station. I am interested in material that covers the planning, execution and review of the Policing of the Climate Camp Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.6. Freedom of Information Request for details of Operation Oasis, submitted to Kent Police.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information team
Data Protection Unit
Kent Police
Force Headquarters
Sutton Road
Maidstone
Kent
ME14 1QX

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the Kent Police Public Order action named 'Operation Oasis' that took place during August 2008 at Kingsnorth Power Station. I am interested in material that covers the planning, execution and review of the Policing of the Climate Camp Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.7. Freedom of Information Request for details of Operation Median, submitted to Nottingham City Council.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
Nottingham City Council
The Guildhall
Burton St
Nottingham
NG1 4BT

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the Nottinghamshire Police Public Order action named 'Operation Median' that took place during October 2009 at Ratcliffe-on-Soar Power Station. I am interested in material that covers the planning, execution and review of the Policing of the Climate Swoop Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.8. Freedom of Information Request for details of Operation Median, submitted to Nottinghamshire County Council.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the Nottinghamshire Police Public Order action named 'Operation Median' that took place during October 2009 at Ratcliffe-on-Soar Power Station. I am interested in material that covers the planning, execution and review of the Policing of the Climate Swoop Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 8.9. Freedom of Information Request for details of Operation Median, submitted to Nottinghamshire Police.

16 Ashdale Road
Bakersfield,
Nottingham
NG3 7BD

Freedom of Information Officer
Open government section
Nottinghamshire Police
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

07 May 2010

Dear Sir/ Madam,

I am writing to make an open government request for all the information to which I am entitled under the freedom of information act. In order to assist you with this request, I am outlining my query as specifically as possible. If however this request is too wide or too unclear, I would be grateful if you could contact me as I understand that under the act, you are required to advise and assist requesters.

My request is for information related to the Nottinghamshire Police Public Order action named 'Operation Median' that took place during October 2009 at Ratcliffe-on-Soar Power Station. I am interested in material that covers the planning, execution and review of the Policing of the Climate Swoop Protest.

I understand that under the act, I should be entitled to a response within 20 working days. I would be grateful if you could confirm in writing that you have received this request. I look forward to hearing from you in the near future.

Yours,

Ben Harbisher
Ben.harbisher@nottingham.ac.uk

Fig. 9.1. Freedom of Information for details of Operation Harmony, acknowledgement from Yorkshire County Council.



Your ref:

Our ref: FSUI/PA/DAW

Please call: Paul Atkinson

Internal Audit Service

County Hall, Northallerton

North Yorkshire, DL7 8AL

Tel: (01609) 532526

Fax: (01609) 760067

E-mail: datamanagement.officer@northyorks.gov.uk

www.northyorks.gov.uk

11 May 2010

Dear Mr Harbisher

FOI Request N1261

Thank you for your request for information under the Freedom of Information Act 2000, of which we acknowledge receipt.

Your request has been passed to the appropriate officer to provide a response as soon as possible, and in any event within 20 working days, as required by the Act.

Yours sincerely

PAUL ATKINSON
Data Management Support Assistant

Mr B Harbisher
16 Ashdale Road
Bakersfield
NOTTINGHAM
NG3 7BD

0511pa1



INVESTOR IN PEOPLE

John Moore, Corporate Director – Finance & Central Services, Tel: (01609) 532114, Fax: (01609) 532021, E-mail: john.moore@northyorks.gov.uk

Fig. 9.2. Freedom of Information for details of Operation Harmony, acknowledgement from North Yorkshire Police.

Our ref: NYP/2427
Date 14th May 2010

Mr B Harbisher
16 Ashdale Road
Bakersfield
Nottingham
NG3 7BD



Dear Mr Harbisher

I write in connection with your request for information which was received by North Yorkshire Police on 13th May 2010. I note you seek access to the following information:

My request is for information related to the North Yorkshire Police public order action named 'Operation Harmony' that took place on 31st August 2006 at Drax power station near Selby. I am interested in material that covers the planning, execution and review of the policing of the 2006 climate camp protest.

Your request will now be considered in accordance with the Freedom of Information Act 2000 (the Act). You will receive a response within the statutory timescale of 20 working days as defined by the Act, subject to the information not being exempt or containing a reference to a third party. In some circumstances North Yorkshire Police may be unable to achieve this deadline. If this is likely you will be informed and given a revised timescale at the earliest opportunity.

There may be a fee payable for the retrieval, collation and provision of the information you request. If this is the case you will be informed and the 20 working day timescale will be suspended until we receive payment from you. If you choose not to make payment then your request will remain unanswered.

Some requests may also require either full or partial transference to another public authority in order to answer your query in the fullest possible way. Again, you will be informed if this is the case.

Your attention is drawn to the attached sheet which details your right of complaint.

Should you have any further inquiries concerning this matter, please write quoting the reference number above.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Stuart Empson', is written over a light blue horizontal line.

Stuart Empson
Legal Officer (Disclosure)
Legal and Compliance Services Directorate



Simon Dennis B.A.(Hons) Solicitor, Director of Legal & Compliance Services
Legal & Compliance Services Directorate
Police Headquarters, Newby Wiske Hall, Northallerton, North Yorkshire. DL7 9HA
Telephone : 01609 789297 Fax : 01609 789987 DX No. 68810 NORTHALLERTON 2
www.northyorkshire.police.uk

Fig. 9.3. Freedom of Information for details of Operation Oasis, acknowledgement from Kent Police.



**Kent
Police**



Freedom of Information, Information Compliance Unit, Kent Police Headquarters, Sutton Road,
Maidstone, Kent ME15 9BZ Phone: **01622 654413** Fax: **01622 654437**
Email: freedomofinformation@kent.pnn.police.uk

Mr B Harbisher
16 Ashdale Road
Bakersfield
Nottingham
NG3 7BD

Date: 14th April 2010
Tel No. (DDI) 01622 654429
FOI Ref. 3264/2010

Dear Mr Harbisher

FREEDOM OF INFORMATION REQUEST 3264-2010

Thank you for your request received by Kent Police on the 13 May 2010, I note you seek access, in summary, to the following information:

Information related to Operation Oasis which took place in August 2008.

Your interest in Kent Police is appreciated and pending a specific response to your request, I enclose a sheet, which summarises your rights. Should you have any further inquiries concerning this matter, please write or contact me on telephone number 01622 654429 quoting the reference number above.

Yours sincerely,

Freedom of Information Team

Fig. 9.4. Freedom of Information for details of Operation Median, acknowledgement from Derbyshire Constabulary.

MR BEN HARBISHER
16 ASHDALE ROAD
BAKERSFIELD
NOTTINGHAM

NG3 7BD



Telephone: 0345 123 3333
Fax: 01773 572639
Tel Ext: 700 2776
Direct Line:
Ask For: Freedom of Information
Our Ref: 000951/10
Your Ref:
Dated: 13 May 2010

Dear MR HARBISHER

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 000951/10

I write in connection with your request for information which was received by Derbyshire Constabulary on 13/05/2010. I note you seek access to the following information:

MY REQUEST IS FOR INFORMATION RELATED TO THE NOTTINGHAMSHIRE POLICE OPERATION THAT TOOK PLACE ON 13TH APRIL 2009 AT THE IONA SCHOOL, SNEINTON, NOTTINGHAM. I AM INTERESTED IN MATERIAL THAT COVERS THE PREPARATION, EXECUTION AND SUBSEQUENT REVIEW OF THIS ACTION, DURING WHICH A NUMBER OF ENVIRONMENTAL PROTESTORS WERE ARRESTED ON SUSPICION OF CONSPIRACY TO COMMIT AGGRAVATED TRESPASS AND CRIMINAL DAMAGE.

Bearing in mind that the above took place in Nottinghamshire, if we did hold any information it would be extremely limited if indeed anything.

Would you prefer that we transfer your request to Nottinghamshire Constabulary on your behalf, as I am aware that they have had previous FOI requests relating to the same matter?

I would have tried to contact you by telephone or email but unfortunately your email address returns as undeliverable and no telephone number is identified with your personal details.

I would be grateful if you would contact the Freedom of Information Manager, Mr Stuart Barlow, on telephone number 01773 572776 at your earliest convenience.

This request will now be placed on hold until I hear from you further.

Yours sincerely

PP S. Guest

Stuart Barlow
Freedom of Information Manager



Constabulary Headquarters Butterley Hall Ripley Derbyshire DE5 3RS
Examine telephone calls and data communications may be monitored and recorded



Fig. 9.5. Freedom of Information for details of Operation Median, acknowledgement from Nottinghamshire Police.



Mr Ben Harbisher
16 Ashdale Road
Bakersfield
Nottingham
NG3 7BD

Freedom of Information Section
Nottinghamshire Police Headquarters
Sherwood Lodge, Arnold
Nottingham NG5 8PP
Tel 0300 300 9999
Ext 2507
Fax 0115 967 2896

14th May 2010

Dear Mr Harbisher

Request under the Freedom of Information Act 2000 (FOIA)

Reference No: FOI10-3035

I write in connection with your request for information dated 7th May 2010, which was received by Nottinghamshire Police on 13th May 2010, I note you seek access to the following information:

My request is for information related to the Nottinghamshire Police Operation that took place on 13th April 2009 at the Iona School, Sneinton, Nottingham. I am interested in material that covers the preparation, execution and subsequent review of this action, during which a number of environmental protestors were arrested on suspicion of conspiracy to commit aggravated trespass and criminal damage.

Your request will now be considered in accordance with the FOIA. You will receive a response within the statutory timescale of 20 working days as defined by the Act, subject to the information not being exempt or containing a reference to a third party. In some circumstances Nottinghamshire Police may be unable to achieve this deadline. If this is likely you will be informed and given a revised time-scale at the earliest opportunity.

There may be a fee payable for the retrieval, collation and provision of the information you request. If this is the case you will be informed, in writing, and the 20 working day timescale will



Fig. 10.1. Freedom of Information for details of Operation Harmony, response from York City Council.



Tel (01904) 551622 Fred Weeks
Email : fred.weeks@york.gov.uk

Our Ref : FW/GE

25 May 2010

Directorate of City Strategy

9 St Leonard's Place
York
YO1 7ET
Tel: 01904 551550

Dear Mr Harbisher

FOI Request – Climate Camp Drax Power Station

Thank you for your recent request.

Unfortunately, we have no information on this subject as it is a police matter. In addition, Drax Power Station is not in the area administered by the City of York Council, but Selby District Council.

I would suggest that you first direct your request to North Yorkshire Police.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fred Weeks'.

Fred Weeks
Customer and Support Services Manager

Mr B Harbisher
16 Ashdale Road
Bakersfield
NOTTINGHAM
NG3 7BD
Director: Bill Woolley

YORKPRIDE
www.york.gov.uk

Printed on recycled paper

Fig. 10.2. Freedom of Information for details of Operation Harmony, response from Yorkshire County Council.



Fig. 10.3. Freedom of Information for details of Operation Harmony, response from North Yorkshire Local Resilience Forum.

NORTH YORKSHIRE LOCAL RESILIENCE FORUM

NOTES OF THE JOINT OPERATIONS GROUP

Held 4 October 2006 – Pink Room, County Hall, Northallerton

PRESENT: NYCC Emergency Planning Unit
Tees East and North Yorkshire Ambulance Service
Environment Agency
Government Office Yorkshire & the Humber
North Yorkshire Police
North Yorkshire Police
NYCC Emergency Planning Unit
Harrogate Borough Council
Scarborough Borough Council
NYCC Emergency Planning Unit
NYCC Emergency Planning Unit
NYCC Trading Standards
EA, York
RAF Linton on Ouse
North Yorkshire Police
NYCC Emergency Planning Unit

Apologies: RAF Linton on Ouse
Scarborough Borough Council
Yorkshire Water (replacement)
NYCC Emergency Planning Unit
NYCC Communications Unit
Military Liaison
City of York
Fire & Rescue Service
RAF Linton on Ouse
British Transport Police

7. Camp for Climate (Operation Harmony) Feedback

NYPP gave a report on the Operation which had been the first time domestic extremism took place against national infrastructure in the county. The response to the event went well from the community style policing carried out by the many assisting forces, to interaction by all involved agencies. NYPP particularly thanked Health for their medical support to the camp and North Yorkshire County Council for their assistance in catering for the many police officers. The entire operation cost in the region of £4.5 million.

A lot of lessons were learnt and there are areas where improvements could be made. There was excellent team work with all involved and NYPP thanked NYCC for all his help.

Fig. 10.4. Freedom of Information for details of Operation Harmony, response from North Yorkshire Police.



Fig. 10.5. Freedom of Information for details of Operation Oasis, response from Kent County Council.

Mr Ben Harbisher
16 Ashdale Road
Bakersfield
Nottingham NG3 7BD



Room B.48
Sessions House
County Hall
Maidstone
Kent ME14 1XQ

Ask for: Access to Information Team
Tel: 01622 696265 or 694261
Fax: 01622 696075
Email: freedomofinformation@kent.gov.uk
Your ref.:
Our ref.: FOI/10/0570
Date: 10th May 2010

Dear Mr Harbisher

FREEDOM OF INFORMATION ACT 2000 – REQUEST FOR INFORMATION

Thank you for your request about ‘Operation Oasis’ which took place at Kingsnorth Power Station.

I am afraid that Kent County Council does not hold this information. In Kent, this information would be held by Kent Police, so you will need to contact them for this information.

You can make a Freedom of Information request to Kent Police via post:

Freedom of Information Team, Data Protection Unit, Kent Police, Force Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ.

or via email: freedomofinformation@kent.pnn.police.uk

If you are unhappy with this response, and believe KCC has not complied with legislation, please ask for a review by following our complaints process; details can be found at this link http://www.kent.gov.uk/your_council/have_your_say/complaints_and_comments/complaints_procedure.aspx on our website. Please quote reference FOI/10/0570.

If you still remain dissatisfied following an internal review, you can appeal to the Information Commissioner, who oversees compliance with the Freedom of Information Act 2000. Details of what you need to do, should you wish to pursue this course of action, are available from the Information Commissioner’s website http://www.ico.gov.uk/complaints/freedom_of_information.aspx

Yours sincerely,

Corporate Access to Information Team

CHIEF EXECUTIVE'S DEPARTMENT



Freedom of
Information



Data
Protection



Environmental
Information
Regulations

07501

Fig. 10.6. Freedom of Information for details of Operation Oasis, response from Kent Police.



**Kent
Police**



Freedom of Information, Information Compliance Unit, Kent Police Headquarters, Sutton Road,
Maidstone, Kent ME15 9BZ Phone: **01622 654413** Fax: **01622 654437**
Email: freedomofinformation@kent.pnn.police.uk

Mr. Ben Harbisher
16, Ashdale Road
Nottingham
Nottinghamshire
NG37BD

Date: 24th May 2010
Tel No. (DDI) 01622 654429
FOI Ref. 3264/2010

Dear Mr. Harbisher,

FREEDOM OF INFORMATION REQUEST 3264/2010

I write in connection with your request for information received by Kent Police on 13th May 2010 in which you requested the following information:

My request is for information related to the Kent Police Public Order action named 'Operation Oasis' that took place during August 2008 at Kingsnorth Power station. I am interested in material that covers the planning, execution and review of the policing of the Climate Camp Protest.

Thank you for your request for information held by Kent Police relating to Operation Oasis. Kent Police received a large number of requests for information both prior to and following this operation and as a result of this published on their website a compendium of information which provides details for example of the costs involved in policing the event, and the number of Police Officers involved.

Kent Police also published on their website a copy of the Strategic Review of the policing of Operation Oasis which was carried out by South Yorkshire Police, and a copy of the National Police Improvement Agency (NPIA) structured debrief report dated the 9th October 2008.

The links to these documents were recently deactivated, as the information had been available for a year, however following receipt of your request Media Services are looking to reactivate them, as it is clear that there is still public interest surrounding Operation Oasis.

This is currently in progress, however, in the meantime I am able to provide you with the following link, which will enable you to access information pertinent to your request. I have included this link below:

www.kent.police.uk/climatecamp

Kent Police took the view that it was important to release this information as it was in the public interest but equally proactive release has reduced the bureaucratic burden associated with individual requests.

Fig. 10.7. Freedom of Information for details of Operation Median, response from Leicester Constabulary.

Our Ref: 800/10

Your Ref:

Date: 17th May 2010

"Improving Confidence through Raising Standards"



**Leicestershire
Constabulary**

Professional Standards Department
Data Protection & Information Security
Police HQ
St. Johns
Enderby, Leicester
LE19 2BX

Tel: 0116 222 2222
Ext. 5218/5219/5221
Fax: 0116 248 5217

Dear Mr Harbisher,

I acknowledge receipt of your request for information under the Freedom of Information Act dated 14th May 2010 regarding Nottingham Police Operation that took place on 13th April 2009 at the Iona School, Sneinton, Nottingham.

This is receiving our attention and a response will be sent to you in due course and within the specified time.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Meena'.

Meena Chouhan
Information Management
Professional Standards Department

Mr Ben Harbisher
16 Ashdale Road
Bakersfield
Nottingham
NG3 7BD

www.leics.police.uk

Fig. 10.8. Freedom of Information for details of Operation Median, response from Nottinghamshire County Council.

Your ref
Our ref
Please reply to
Tel
Fax
e-mail
Date

FOI/WHH
Wendy Hallam
977 2287
977 4329
wendy.hallam@nottscc.gov.uk
2010



Mr Ben Harbisher
16 Ashdale Road
Bakersfield
NOTTINGHAM
NG3 7BD

Dear Mr Harbisher

FREEDOM OF INFORMATION ACT: REQUEST FOR INFORMATION

Thank you for your request for information relating to the police operation at Iona School. Your request was received on 10 May and I am dealing with it under the terms of the Freedom of Information Act 2000.

I expect that the majority of the information you have requested will be held by Nottinghamshire Police Authority, rather than the County Council; and you will need to direct your request to them. Their contact details are:

Nottinghamshire Police Authority
County Hall
West Bridgford
Nottingham
NG2 7QP
npa@nottinghamshire.pnn.police

You may also like to send your request to Nottingham City Council as Iona School falls within their administrative area. Their contact details are:

Nottingham City Council
The Guildhall
Burton Street
Nottingham
NG1 4BT
customerrelations@nottinghamcity.gov.uk

However, as Ratcliffe on Soar power station is in the county of Nottinghamshire, I did check with our Safer Communities team to see whether we hold any information relevant to your request. I can confirm that we hold no information on this police operation.

Fig. 10.9. Freedom of Information for details of Operation Median, response from Nottinghamshire Police.



Mr Ben Harbisher
16 Ashdale Road
Bakersfield
Nottingham
NG3 7BD

Freedom of Information Section
Nottinghamshire Police Headquarters
Sherwood Lodge, Arnold
Nottingham NG5 8PP
Tel 0300 300 9999
Ext 2507
Fax 0115 967 2896

14th May 2010

Dear Mr Harbisher

Request under the Freedom of Information Act 2000 (FOIA)

Reference No: FOI10-3034

I write in connection with your request for information dated 7th May 2010, which was received by Nottinghamshire Police on 13th May 2010, I note you seek access to the following information:

My request is for information related to the Nottinghamshire Police Public Order action named 'Operation Median' that took place during October 2009 at Ratcliffe-on-Soar Power Station. I am interested in material that covers the planning, execution and review of the Policing of the Climate Swoop Protest.

Your request will now be considered in accordance with the FOIA. You will receive a response within the statutory timescale of 20 working days as defined by the Act, subject to the information not being exempt or containing a reference to a third party. In some circumstances Nottinghamshire Police may be unable to achieve this deadline. If this is likely you will be informed and given a revised time-scale at the earliest opportunity.

There may be a fee payable for the retrieval, collation and provision of the information you request. If this is the case you will be informed, in writing, and the 20 working day timescale will



Fig. 11.1. Freedom of Information for details of Operation Median, FOI return from Nottinghamshire Police disclosure censorship.

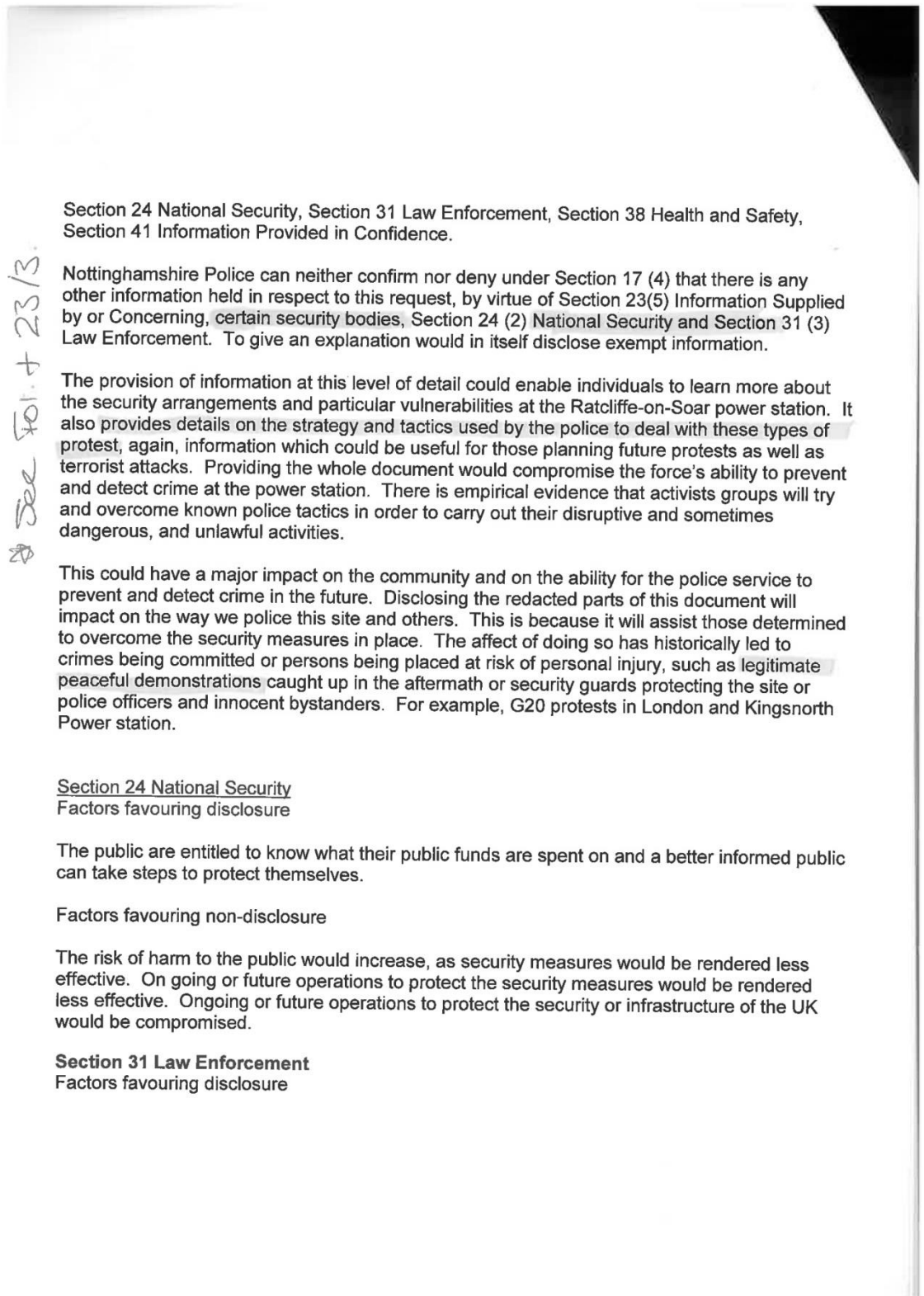


Fig. 11.2. Freedom of Information for details of Operation Median, FOI return from Nottinghamshire Police, operational objectives for the protest.

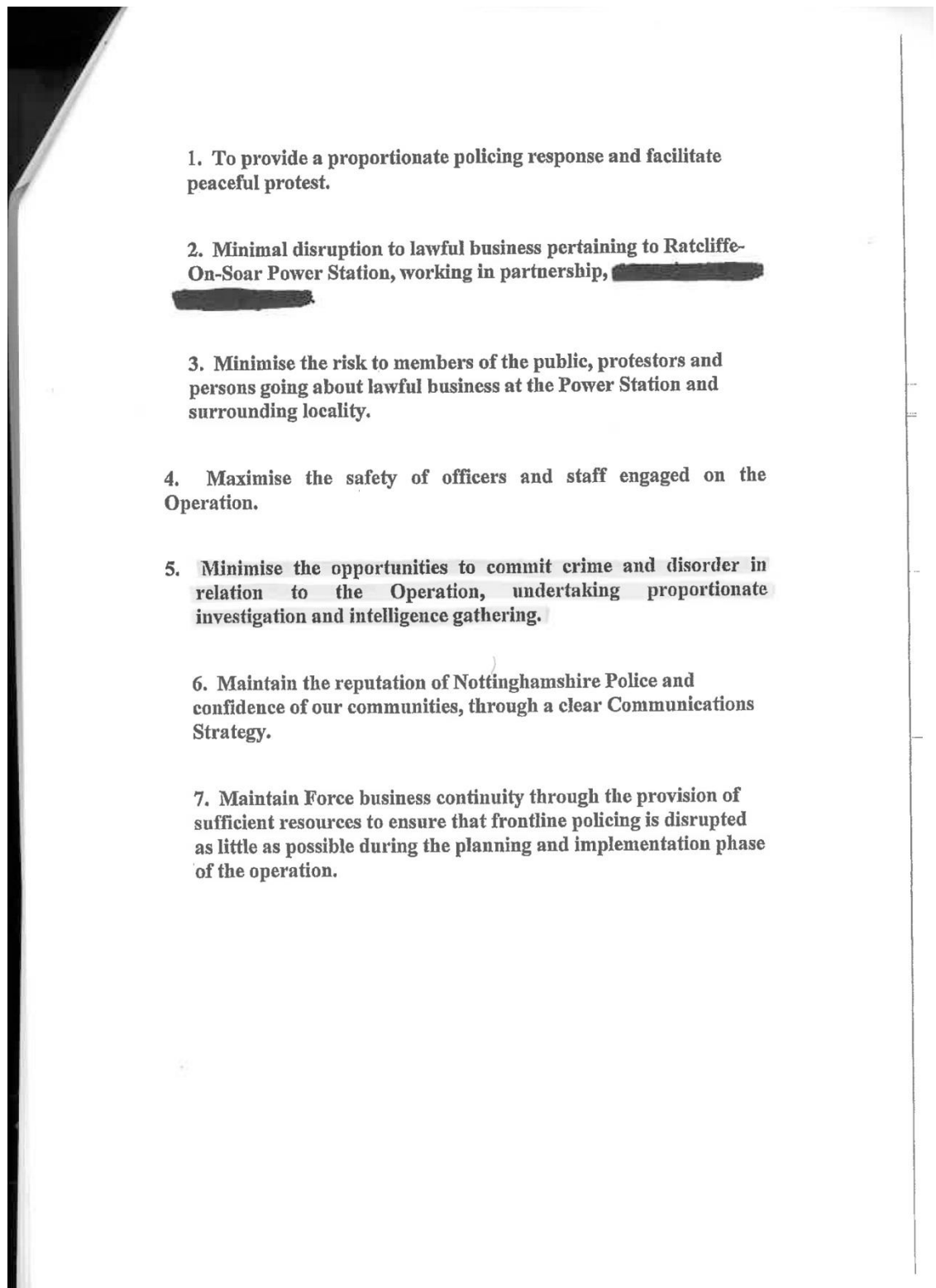


Fig. 11.3. Freedom of Information for details of Operation Median, FOI return from Nottinghamshire Police, briefing outline.

2.8

The Command Structure.

Gold Commander ACC Ackerley

Silver Commanders C/Supt Busuttil Supt Anderson

Bronze commanders TBA

2.9

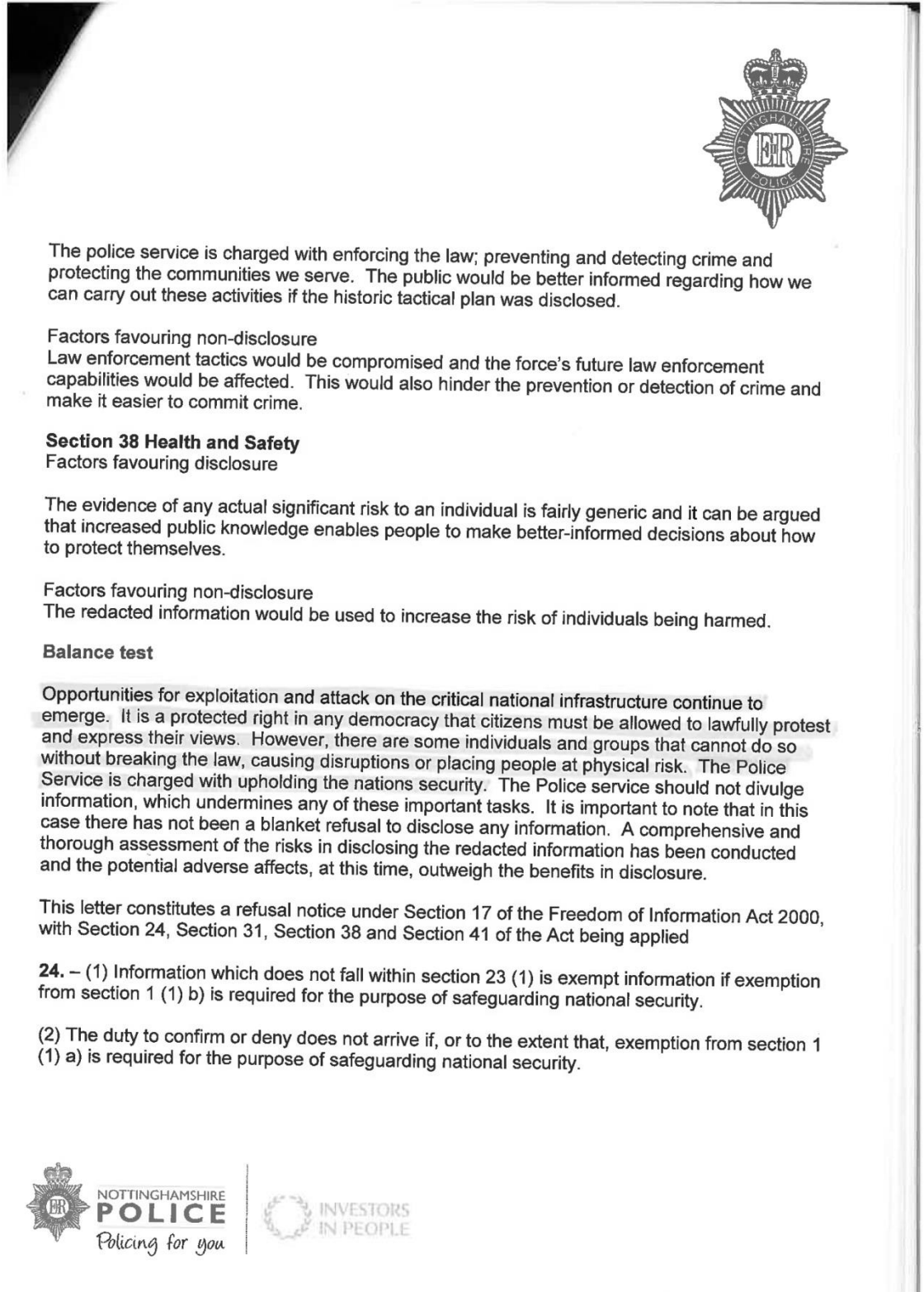
Information – To be included in briefing

- Operation– MEDIAN
- What is the Risk- Disruption to the local residents and closure of the A453, Disruption to power production and damage to infrastructure of ROS Power Station.
- Groups involved – Various climate change groups, Trade unions, Plain Stupid non affiliated public including children
- Duty Times/Refreshment Time- On site PSU will be provided refreshment on site and all outside PSU's will be provided with packed meals. All meal times will be at the discretion of the Bronze commander.
- Site Safety – All officers to receive a safety briefing input produced by E on. This will be shown to all officers irrespective of their original deployment
- [REDACTED]
- Local issues- Local residents have been contacted by E on and the Police informing them of possible action on 17th and 18th October 2009. The [REDACTED] community is subject to a CIA. The event has received local and national publicity.
- Expected Attendance- Intel suggests numbers from 100 to 1000
- Expected mode of travel- All modes of travel can be expected including foot and bicycle
- History of groups- various actions have been undertaken at several different power stations and other sites throughout the UK during the past years including attempts to close down these establishments.

CNI Risk

Mat is CIA?

Fig. 11.4. Freedom of Information for details of Operation Median, FOI return from Nottinghamshire Police, National Security statement and risk profile.



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