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An Online Journal by the British Society of Criminology

2010 Conference, (11-14 July)

Human Rights, Human Wrongs: Dilemmas and Diversity in Criminology

Hosted by University of Leicester

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Editorial

Andrew Millie

In 2010 the annual British Society of Criminology Conference was hosted by the University of Leicester, 11-14 July, with the heading "*Human Rights, Human Wrongs: Dilemmas and Diversity in Criminology*". During the opening of the conference Professor Pat Carlen was justly awarded the BSC outstanding contribution prize, given to her by her colleague Professor Anne Worrall. This was followed by an interesting mix of plenary sessions provided by Professors Ben Bowling, Reece Walters, Lilie Chouliaraki and Jeff Ferrell. Taking up the main theme of the conference a challenging (and entertaining) presentation was provided at the annual dinner by human rights lawyer Clive Stafford Smith. Also at the dinner Laurie Taylor provided some amusing reflections on his career. Quality was not restricted to the main speakers with some excellent talks in both the main conference and the increasingly successful postgraduate conference that precedes the main event. Thanks are due to University of Leicester for organising such a well run conference.

Next year's conference is at Northumbria University in Newcastle-upon-Tyne, 3-6 July 2011. The theme will be "*Economies and Insecurities of Crime and Justice*", and plenary speakers will include Loïc Wacquant, Ian Loader, Liz Kelly, Jill Peay, Mike Levi, Jackie Harvey and Stephen Shaw.

Since the last volume was published "Papers from the British Criminology Conference" has been included in EBSCO's library products, including Criminal Justice Abstracts. This will increase the journal's visibility and will make the papers more easily found by scholars around the world. We are planning to produce Volume 11 for the Northumbria conference in 2011, so if you are already planning to speak it would be great if you would also consider submitting your paper to this journal.

As this is an online journal there is not a limit to the number of papers that can be included in each volume. However, the journal maintains a rigorous review process and in this year's volume four papers made the final cut - all reviewed by at least two academics. Drawing on Stan Cohen's work on the 'sociology of denial', Lisa White provides an excellent paper on former detainees' experiences of narrating state violence in

Northern Ireland. For this paper Lisa White wins the **BSC Postgraduate Paper Prize**.

A fascinating paper is provided by Jon Garland and James Treadwell who examine the rise of the English Defence League in relation to Islamophobia and football hooliganism. Sarah D. Goode looks at crimes of the powerful from the unusual perspective of someone who is related to one of the powerful individuals in question. And finally, Chris Giacomantonio considers 'change' in Anglo-American policing.

Thanks are due to the editorial board who gave up their time to review the papers - this year consisting of Karen Bullock, Nic Groombridge, Simon Mackenzie, Stephen Moore, James Treadwell, Alison Wakefield and Majid Yar. Thanks also to Sarah Blandy, Stanley Cohen, Mary Corcoran, Liz Frondigoun, Elaine Hyshka and Robert Young who were called upon when their specialist knowledge was required.

Andrew Millie, University of Glasgow, December 2010

Discourse, Denial and Dehumanisation: *Former Detainees' Experiences of Narrating State Violence in Northern Ireland*

Lisa White, *University of Lincoln*

Abstract

Using a synthesis of documentary analysis and interviews involving former detainees, this article explores the sociology of denial in relation to narratives of state violence which emerged from the conflict in and around Northern Ireland. It argues that three interrelated levels of denial described by Cohen (2001) - literal, interpretive and implicatory - can be observed within the 'official discourse' surrounding the conflict, and that these denials are experienced by former detainees in diverse and different ways. The article contributes to the literature on state violence within the discipline of criminology through its exploration of the lived consequences of state denial narratives alongside former detainees who have made their private experiences of victimhood part of a contested public history.

Key Words: Denial, victimhood, Northern Ireland, prisoners, conflict

Introduction

Throughout the period 1971-1985, the 'security forces' of Northern Ireland were accused of using state violence as part of their response to the perceived threat from paramilitary organisations (and also non-violent groups involved in civil unrest). Between 1975 and 1978, 7,538 recorded complaints were made against the Royal Ulster Constabulary (RUC). One in five of these complaints concerned alleged assaults during interview (Bennett, 1979). The following article explores former detainees' experiences of 'official discourse' in relation to their public narratives about state violence.

Methodology

Using a triangulation of interview data and historical documentary analysis, the article examines the meaning and significance former detainees gave to the process by which their subjugated knowledges of state violence became part of a contested public history. Building on theoretical discussions of state violence by Coleman et al. (2009) and Green and Ward (2009), the study contributes to knowledge through an exploration of the lived reality of state violence, and in its discussion of detainees' experiences of official discourse.

Within official discourse, the hegemonic framework of denials represents - as Cohen (2001) suggests - the social, political and cultural operationalisation of Sykes and Matza's (1957) 'techniques of neutralisation' on a macro-scale. Thematic literature on 'official discourse', including Burton and Carlen (1979), Morgan (2000) and Gilligan and Pratt (2004), have assisted the exploration of what was utilised in exploring the texts of public inquiries, Hansard reports, press releases and public statements - as examples of 'official discourse' emerging from Northern Ireland during the conflict. In this paper the approach of Burton and Carlen (1979) was utilised in order to deconstruct the meaning of this discourse and its ideological construction of events. The documentary analysis of such texts indicate that an extensive and multiple-layered regime of denials operated during the conflict in order to grant (or alternatively, seek to restrict) the legitimacy of detainees and their narratives. These narratives were drawn from an extensive review of historical literature, including the vast newspaper archives, civil society pamphlets, television and media sources concerning the treatment of detainees, which is contained in the Linenhall Library in Belfast. Other narrative material could be found in the published memoirs of former detainees (e.g. McKeown, 2001; Campbell et al., 2006), or in texts containing interviews with former prisoners (e.g. Taylor, 1998; Coogan, 2000; English 2003). From these sources, available individuals were traced through a range of informal and formal networks. A number of early meetings took place with representatives from a range of former prisoner groups which had shown an interest in co-operating with the research, including Coiste na n-Iarchimí and EXPAC¹.

Alongside the researcher's own informal networks, these gatekeeper organisations assisted with access to the 'sample'. This was dependent on trust and good practice, and the complex workings of a series of inter-relationships both professional and personal. The study involved a small sample of ten men, with each having previously taken part in some form of public narration about state violence they alleged had taken place against them.

At the time of data collection, nine out of the ten volunteers defined themselves as 'republican' or as 'having a republican outlook on things'.

¹ Civil society organisations working with former Provisional IRA prisoners and non-aligned Republican prisoners respectively

This is not to collapse differences between the various strands of republicanism, but merely to reflect that most published accounts of state violence in detention are produced by republican former detainees².

As with all methods, there are problems with such data collection techniques as they may yield results which are biased towards a certain kind of ‘truth sharing’³ or a particular form of narrating violence. Equally, participants may have felt a sense of obligation to take part in the research as a result of their relationship with the gatekeepers. To try and limit this, interviews took place in a range of locations, including participants’ homes and places of work. Care was taken to ensure that participants remained as comfortable as possible and were free to set the boundaries of questions, take breaks at any time, and retained the right to withdraw at any point. Furthermore, a support sheet of local organisations able to offer assistance to former detainees was provided to all participants. Most of the participants felt this unnecessary (and many left the leaflets behind); yet it remains important, for as Jamieson and Grounds (2003:352) warn, “the research relationship ... [is] not to judge, persuade or act as proxy for a therapeutic relationship”.

It was felt that the outcome of the interview experience should be a positive feeling of empowerment, of “proclaiming aloud” (Herman, 2001) and being heard. Such ethical considerations should always form the basis of any research methodology, especially when working alongside those labelled as ‘vulnerable’, including survivors of violence. Although there was a risk that discussing their experiences of narrating violence may have been upsetting for former detainees, this appeared to be balanced by their overriding desire to tell their story. A number chose to share directly their experiences of violence - for example, “I just want you to know what it was like” (Interviewee ‘P’) - even though those details were already published, and not actively solicited during the project. To have denied participants this opportunity to talk about what they felt they had experienced may have impacted upon their sense of agency and their own understanding of what is/was important. Throughout their own research, Winkler and Hanke (1995) and Hollway and Jefferson (2000) both recall a similar sense of unburdening felt by some individuals in discussing their experiences of violence.

The synthesising of documentary analysis combined with interview data was particularly well suited to the aims of the project, which were to explore the motivations, meanings and significance of contested narratives alongside detainees. Discourse analysis allows for the deconstruction of language and an exploration of ways in which experiences are given

² Rare narratives from Loyalist victims of state violence can be seen in Crawford (1998) and Taylor (2000).

³ As an analytical concept, ‘truth sharing’ refers to the sense in which the public narrating of personal stories remains a collaborative process, involving both the narrator and the listener. It adapts the language of ‘truth telling’ found within transitional justice discourses in order to better reflect the significance of audience and their role in granting legitimacy to the narrative account.

meaning. In recognising the role of both interviewer and interviewee in producing knowledge, it allows participants to retain ownership both of their experience and their testimony. It enables the exploration of a diverse range of materials, which can be used to construct a detailed and nuanced analysis of the significance of official discourse for detainees.

Literal Denial

Cohen (2001) adapts Sykes and Matza's (1957) 'techniques of neutralisation' in order to construct a sociological framework of denial, which forms the theoretical basis of the present paper. Cohen invokes three main categories – literal, interpretive and implicatory denials. Literal denials assert that nothing happened, whilst interpretive denials might recognise that 'something' happened, but present a different interpretation of its meaning. Similarly, implicatory denials acknowledge harm, but deny its significance and seek to avoid moral censure. The boundaries between such categories are fluid and dynamic, and as Cohen (2001) implies, there may be a degree of overlap and osmosis between the different forms.

The framework however, remains a useful tool to assist in the deconstruction of official discourse offered by organisations against allegations of wrongdoing and/or criminality. This discourse may not be homogenous and monolithic, but is instead better understood as hegemonic. As Burton and Carlen (1979) recognise, like all other forms of discourse, official discourse may sometimes be fluid, temporal, conflicting and challenged. It offers a particular way of gazing at events at a particular time, and from a particular (yet powerful) perspective. Opportunities for counter-narratives exist within limited circumstances, as "the Other constantly obtrudes" (Burton and Carlen, 1979:138), but these may be subjected to a greater set of controls than the dominant narrative. In essence, it is the appearance of allowing dissenting voices which may grant legitimacy to the dominant, official discursive framework. Thus it remains important to understand that official discourse may not always represent the omnipresent silencing of alternative interpretations, but is instead the working through of a particular narrative into a position of primary definition.

In many incidences, denials of state violence communicated through official discourse may be 'literal' - that the event literally did not happen (Cohen, 2001). According to Interviewee F, the Royal Ulster Constabulary "declared untrue" his published narrative which detailed the violence he claimed to have experienced in detention, after "the RUC investigated it [within] themselves". Through the use of such mechanisms, the primary definers of the state and its agents may seek to shift the focus of an allegation back onto the alleged victim, in order to send out a powerful message that what (s)he says simply cannot be true. Within the internal inquiries and internal complaints procedures, allegations of state violence can be quickly disputed and their truth value destroyed.

Yet not all instances of denial are framed in clear and explicit terms. Existing in the shared spaces between forms of denial, the labelling of an allegation as 'propaganda' will transmit a similar message, as the pejorative power of that label becomes a euphemism for politically inspired lies. Interviewee PJ (who has always denied any relationship with paramilitary groups) argued that: "Some people would be completely disbelieving. Some people would have thought that I was some front for some terrorist groups just to blacken the security forces".

Thus the dominant pejorative meaning of 'propaganda' symbolises a challenge to the 'truth' of a detainee's assertions, and the label is difficult to shift, particularly when testimonies are deemed to have some kind of political purpose - so that any real discussion of the truth value of detainees' accounts become obfuscated. To label testimony as 'propaganda' is to employ a semantic 'gag', which attacks the detainee, their testimony and their perceived political motivations in 'going public'. Testimonies then become a discursive quicksand which ensures that any public re-interpretation of former detainees' narratives become difficult. The label can be communicated through official discourse. For instance, the Bennett Inquiry (1979:7 para.19) postulated that:

[Concerning assaults during interviews] we have seen...abundant evidence of a co-ordinated and extensive campaign to discredit the police...The propaganda is principally concerned with allegations of ill-treatment of prisoners in the course of their interrogation by the police.

Any rejection offered by former detainees of the possible value of testimonies to the republican movement (in this instance) also appears naïve, and within the official discourse such rejection instead adds further power to existing perceptions that their narratives are false or exaggerated. Although more subtle than other forms of denial, the labelling of testimony as propaganda can be understood as a form of literal denial that seeks to destroy the truth value of a detainee's allegation. The sense in which former detainees experienced this was commented upon by Interviewee PJ:

It doesn't matter to me... [but] my wife would get annoyed sometimes with peoples' reactions to what I would say. I would talk to her and say 'What are you getting annoyed about? What odds what they say? It does not matter'. You would know you were telling the truth. That is alright, people are entitled to not believe me - why should somebody believe me?

This apparent indifference of Interviewee PJ to the denials witnessed in parts of the official discourse is in sharp contrast to the perceptions of Interviewee J, who experienced conflict between his narrative testimony and that of the state, who he alleged had brutalised him. Interviewee J experienced state denials (surrounding the use of 'white

noise' during interrogations in this instance) as personally significant; particularly as he felt that the public would uncritically accept the narrative offered by the agents of the state, and that this would adversely impact upon the 'truth value' of his experience of state violence and its perception. Recalling these denials as part of the British government's response to the Ireland vs. United Kingdom case (involving 14 former detainees' allegations of state violence) at the European Court of Human Rights, Interviewee J argued that: "I suppose I was laughing about it, at the stupidity of it but at the same time being angry and frustrated about it".

Such literal denial represents the clearest conflict between two or more competing narratives. It can include the simplest of statements which declare that 'nothing has happened', or can further involve the labelling of an allegation as 'propaganda'. The intended consequences of literal denial are the silencing of alternative narratives, and the attempted shifting of a particular 'truth' into a position of primary definition and dominance.

Interpretative Denial

Thus the political control of truth operates at a number of levels and through a range of mechanisms. Another semantic framework through which official discourse can attempt to neutralise the power of allegations against the state is through the employment of 'interpretive denials', in which allegations are acknowledged to exist, and yet are given a different meaning (Cohen, 2001). Detainees may have indeed experienced harm, yet the interpretive denial communicated through official discourses contests the interpretation detainees gave to those experiences. Through the utilisation of semantic devices to manage and maintain the imagery which language can invoke, 'citizens' become 'suspected terrorists', and 'interrogations' become 'interviews'. It is this 'official discourse' which Burton and Carlen (1979) and Gilligan and Pratt (2004) argue becomes the dominant way in which events are (re)presented. Interpretive denials can thus take many forms, and may involve the shifting of responsibility within or between organisations. The denial of responsibility offered by the RUC in particular was often expressed in such a way as to avoid any state accountability for injuries to detainees. Instead, visible, recordable signs of violence were often re-imagined within the official discourse as being 'self inflicted'.

The suggestion from the RUC in general to all of this was that [any injuries] were self inflicted, which seemed so ridiculous... (Interviewee F).

For interviewee F, the RUC sought to contest and neutralise the power of his narrative by counterclaiming that his own injuries were self-inflicted. Such official discourse absolves the state of any clear responsibility, and could also impact upon the image of the wider

republican movement by presenting suspected members as - in interviewee F's words, "suffering from psychological problems". Such a label (particularly when framed within the stigmatising discourses of 'mental health' common at the time) firstly presented detainees as driven to self mutilation, irrational in thought and action, and as vulnerable and lacking in individual agency. Secondly, by re-classifying the physical signs of brutality as self inflicted, official discourse helped to subtly depict suspects as so fearful of an unmerciful IRA outside that they would self harm and make up allegations as self-preservation, or as an attempt to justify any 'breaking' during interrogation⁴. A third layer of neutralisation can be witnessed within the official discourse which presented injuries as self-inflicted, which shifts the gaze from the individual to the wider republican movement. The public discourses which suggested that 'calculating' IRA members were given awards and gifts for injuring themselves in detention sought not only to neutralise allegations of state violence, but also to puncture the romantic imagery of the principled, selfless Republican patriot.

Further interpretive denial can be seen in the Compton Inquiry (1971) which examined allegations of state violence arising from internment. In relation to so-called "intensive questioning", the Inquiry found that there was some evidence of 'ill-treatment', but that such treatment did not amount to torture, and that any resulting pain experienced was not intended by state forces and thus did not fall under the Inquiry's own definition of brutality. At the most basic of levels, official discourse enables and perpetuates powerful attempts at reordering and re-coding the narratives of detainees as something 'other' than state violence (Morgan, 2000). This re-ordering can be observed in the semantic battles between the signifiers of 'torture' and the lesser 'ill-treatment' which was noted by Interviewee LI:

The Brits didn't deny it. They didn't deny it. It went to the European Court of Human Rights and they went 'well, ok, we put hoods on peoples' heads but I mean, what's that?!' They omitted to say that they beat the shit out of us...during what they called 'interviews' - what we would call interrogations.

However, not all official discourse arising from allegations of state violence experienced during detention engages so identifiably with the regimes of interpretive denial described by Cohen (2001). The Bennett Inquiry (1979:55 para.163) concluded that:

⁴ Despite documented violence against suspected informers, the public history of the Provisional IRA (and the present interview data) contains conflicting accounts in relation to the extent of stigma or sympathy experienced by former detainees thought to have 'broken' under interrogation.

There can however, whatever the precise explanations, there can be no doubt that the injuries inflicted in this last class of cases were not self-inflicted and were sustained during the period of detention at a police office.

It would therefore be erroneous to suggest that Bennett's (1979) findings are in complete conflict with the accounts of former detainees, given this assertion that some detainees were injured by someone/something else during detention. This recognition still forms part of the official discourse and its power should not be underestimated. Yet even within this interpretation - which at first appears to be a strongly worded condemnation of the police - detainees' allegations of state harm slip into a semantic 'black hole'. The official discourse might suggest that, yes, something happened, but the responsibility for naming and labelling those occurrences shifts onto the audience. The loose language of 'injuries' refrains from depicting the occurrences as torture, ill-treatment, or brutality. Furthermore, Bennett (1979) avoids any explicit discussion of responsibility - the official discourse only implies that some individuals within the RUC offices could be responsible for a selected number of injuries, through the omission of other alternatives. By subtlety avoiding 'the precise explanations' which could describe how detainees were injured (and by whom), the narrative of Bennett (1979) is indicative of wider official discourses which utilise a range of denials.

Implicatory Denials

In his adaption of Sykes and Matza's (1957) study into youth 'delinquency', Cohen (2001) identifies a third technique of neutralisation through which violence can be reconceptualised. Implicatory denial shifts the gaze away from state offender, and can be understood as an attempted "rationalisation', deflection, justification" (Cohen, 2001:7-8). Such denials seek to avoid or deflect the moral censures central to the imagery of democracy, civilisation and justice.

The use of harsh interrogation techniques against those already defined as 'other' drifts into attempted justification through the primacy given to 'threats to national security' and their amplification - both real and imagined. As Rolston and Scraton (2005:549) argue, "constantly justified on the grounds of state security, the authoritarianism implied within the liberal state was always explicit in the state's intervention in the North of Ireland". These implicatory denials often sustain the perceptions of a risk society and attempt to justify state violence against suspects though a fog of utilitarian predictions. For example, the official discourse emerging from the conflict explicitly engages with this form of implicatory denial, describing the treatment of detainees as necessary to save lives (Compton, 1971). Such language games are central to the preservation of state power and its institutions. They represent an appeal to 'higher loyalties' (Sykes

and Matza, 1957) and assist in the depiction of state violence as necessary and just (Kauzlarich et al., 2001).

However such utilitarian excuses and justifications for violence against 'terrorist suspects' cannot be analysed in the same way as violence against incarcerated prisoner populations (Morgan, 2000). State violence within the prisons of Northern Ireland as narrated by male prisoners (and also by some female prisoners - see Cocoran, 2006) was not to collect information or to save lives, but rather it appears to be part of a disciplinary instrument being used to 'break' prisoners' resistance⁵. In addition to this, a synthesis of interpretive and implicatory denial creates myopic and exclusionary depictions of victimhood. The semantics of victim and offender are central to political conflict and a key way in which state violence is presented within official discourse (Stanley, 2005). The shift of condemnatory attention from the state and its agents towards those alleging state violence is itself a form of implicatory denial through which discourse becomes a way of maintaining a particular narrative, as the production of 'truth' is wrapped up within aspects of control (Rolston and Scraton, 2005).

Burton and Carlen (1979:112) argue that, "discourse seeks to neutralise these problems, to annihilate the 'Other' whilst simultaneously affirming that justice had been done"; and evidence for such arguments (and of the oversimplification of apparent partisan binaries of victimhood) can be seen within the political literature of the conflict. In a twelve page pamphlet entitled 'Self Inflicted: An Exposure of the H-Blocks Issue' - containing distressing images of the human remains of some of those killed by the IRA - Robinson (1981:4-6) argues that "the inmates of the H-Blocks are the perpetrators of some of the most heinous atrocities known to civilisation". The pamphlet asks the reader, "with whom is your sympathy? Their disgusting campaign has no moral appeal to anyone outside their own murder gangs" (Robinson 1981:8). It seeks to perpetuate a binary distinction between those it deems deserving of empathy, and those it feels require only retribution. Such apparent reductionism may lack sophistication, yet this re-ordering can be followed by layer upon layer of shifts in language, significance and meaning, which act to re-present the person seen in detainees' narratives as a mass-murdering 'evil terrorist', implying that they are apparently deserving of retributive punishment. The power of such arguments is further evidenced by the absence of public inquiries into conditions of H-Block prisoners (Rolston and Scraton, 2005). Some detainees recalled feeling hurt or frustrated by the way they and their allegations were represented within the official discourse. Interviewee J recalled:

⁵ The hunger strikes of 1980 and 1981 represented a challenge to the official discourse - a challenge made manifest through the bodies of the condemned. The hunger strikes and preceding protests are symbolic of a spectacle, as an act of resistance to the bio power of imprisonment. Here, the prisoners 'chose' (if only within limited circumstances) to not be the object of punishment, but the creators of a new narrative of resistance.

[The Defence Minister] said that all the people involved in it were mass murderers and he could stand over it. I think he singled me out in particular and said ...that I 'had killed more people in Northern Ireland than anybody else at the time'. Something ridiculous like that. He said it ...and it just went down into history. That would still frustrate me now.

For Interviewee J, the Defence Minister Lord Carrington's reaction to his story was still experienced as problematic almost forty years after his original testimony in which had alleged violence against him. Carrington's statement is not unusual but characteristic of a wider framework of denial that sought to prevent detainees from acquiring the label of 'victim'. The greater the distance from perceived 'innocence' and 'passivity' the easier it becomes for the denial of detainees' victimhood. By seeking to shift the gaze from actions against detainees onto their apparent responsibility for violence, the official discourse places distance between the individual and the label of 'victim'. Through this gaze, Interviewee J becomes a 'mass murderer' a 'risky subject' within the dominant official discourse, and those like him are "denounced... as 'thugs and murderers' despite a lack of evidence" (Conroy 2000:4). Thus, not only can the state deny outright its own violence or recast that violence as something else, it can also deny 'offenders' the label of 'victim' (see Walklate, 2007).

This constructed distance and false dichotomy between the idealised images of the 'innocent victim' and the 'violent terrorist' feeds into the wider ease with which detainees (and prisoners in particular) can be excluded from discourses about victimhood through their depiction as dehumanised others (Scraton et al., 1991; Jewkes, 2004; Scraton and McCullagh, 2009). Perceived apathy towards prisoners in most external audiences was commented upon by another interviewee: "If a prisoner goes to the press and says 'this happened to me' how many people are going to believe them? They are just prisoners" (Interviewee F).

Through the denials communicated within official discourse, detainees were recast as deserving of violent treatment. Here, language games re-present state violence as retributive justice against non state actors and those who were alleged to have violated dominant norms of socially acceptable citizen behaviour⁶. Like Interviewee F, Interviewee T also suggested that some people may have viewed his experiences as 'just deserts' and the manifestation of warranted punishment: "Oddly enough, when I heard those who were suggesting 'well you deserved it' was a little bit more hurtful".

It was this denial - the suggestion that his experience happened, but happened as punishment for his perceived wrongdoing - which was experienced by Interviewee T as the most destructive. By depicting those

⁶For example, The United Nations Convention against Torture recognises the presence of torture as an instrument of punishment, not simply interrogation.

who alleged state violence as offenders who have excluded themselves from the dominant codes of behaviour, and are thus deserving of punishment, official discourses can seek to justify action taken against those individuals and deny them the label of 'victim'.

Subtle denials which deny victimhood can be seen within an official discourse which emphasises the violence of the 'other', and recasts the violence of the state as necessary, just and proportionate. The binary categorisations of modernity - of innocence or guilt, of good or evil are reflected in a polarising framework. The language of victimhood is highly symbolic, and through the official discourse, the police officers of the RUC are re-cast as noble, community orientated individuals, virtuous and well intentioned, in contrast to the representation of detainees. The nuanced depiction of the state and its agents can be observed within Bennett (1979:6 para.17) which - although it recognised in part some state violence - exceeded its own terms of reference to emotively suggest that:

Statistics do not fully convey the personal tragedies inflicted on the RUC. The extent of their sacrifice is brought home ...by accounts of such family tragedies as of father and daughter, both police officers, killed in separate incidents and of officers shot down in a most cowardly way in performing such routine work for the community as shepherding children across the street outside their school.

Within the conflict, state actors were undoubtedly also victims - 1,112 members of the RUC and British Army were killed by various paramilitary groupings between 1966 and 2001 (McKittrick et al., 2004) with some 29 prison officers killed between 1974 and 1993 respectively (McEvoy, 2001:114). However, within the official discourse of public inquiries, a hierarchy of victims becomes evident, as "power can work to render some people potential victims...at the same time protect those same perpetrators" (Walklate, 2007:49).

Furthermore, rather than gazing upon the victims and their possible disenfranchisement, the perpetrators and the legitimacy of their actions, or the wider justifications for actions taken against constructed threats, aspects of official discourse feature the 'condemnation of the condemners' (Sykes and Matza, 1957) shifting attention away from the allegations against the state and onto those who 'go public' with their disapproval. The Parker Inquiry (1972:2 para.8) into the legitimacy of interrogation techniques suggested that those who critiqued the techniques used against detainees felt that "it was better that servants of the State and innocent civilians should die than the information which could save them should ever be obtained by such methods". Father Denis Faul and Father Raymond Murray (1972; 1976; 1978) collected the statements of detainees and published extensive allegations of abuse and were labelled 'Provo Priests' in attempts designed to delegitimize their criticisms of the British state (Curtis, 1998).

When the RUC's own doctor, Dr Robert Irwin, identified and publicised evidence of state violence experienced by detainees (Taylor, 1980) he - and not just his narratives - were the subject of condemnation. Coogan (2000:440) argues that the "government's response was to orchestrate a campaign against him, using the fact that his wife had been raped [by members of the security forces], to belittle his witness" (see also Curtis, 1998). Interviewee LA found such a response particularly powerful:

It is probably a lesson to others not to come out... I thought it was particularly brutal, not really on him, but on his wife. But that was the argument; 'he's only saying this because he's disgruntled with the RUC who haven't been able to bring these British soldiers to account' (Interviewee LA).

This 'condemnation of the condemners' witnessed by Interviewee LA, attempts to ensure that contested narratives of state violence can become subjugated further. The power of official discourses may act as a deterrent to further challenges to the approved truth. Thus through techniques of neutralisation manifested in official discourse, testimonies of state violence become something else. Those who vocalize them become 'outsiders', those who support the testimonies become interlinked and stained by association, or are instead recast as individuals driven by personal vengeance. Within this framework, the testimonies themselves become lost and their truth value and its consequences are never directly explored. The integrity of the accuser becomes the subject of concern, and the notion of state violence drops from the discourse.

Conclusion

Most of the detainees interviewed during the study were indifferent to the possible personal impact of official discourse. State denials - whether communicated through literal, interpretive or implicative mechanisms - were perceived as inevitable. Their own understandings and monolithic, depersonalised constructions of the nature of the British state and its agents contributed to their perception that there was "no big shakes about it ... it happened, this is what states do" (Interviewee M). They recognised that they had been identified and labelled as the 'Other' and expected to be treated as such by all instruments of the 'criminal justice' system:

...while I would have been outraged to an extent about the hypocrisy of it all, on the other hand I had been engaged in an insurrection against the British state. So part of it wasn't entirely unexpected (Interviewee T).

In conclusion, the conflict in and around Northern Ireland was - and remains - a conflict involving testimony and truth, concerned with the

legitimacy of narratives and contested, binary notions of victimhood. Denials operate to re-frame the public memory of experiences, to disempower accounts, delegitimize depictions, and to avoid the possible moral censures. The conflict avoids the recognition of 'unjust' harms and is a form of reconstruction which seeks to maintain a particular image of state action, and/or those who challenge it.

Official discourse can be understood as the working through of a particular narrative into a position of dominance, though that working through may always remain incomplete. As Burton and Carlen (1979:48) acknowledge, "official discourse is a necessary requirement for political and ideological hegemony", and plays a crucial role in the construction and preservation of legitimacy. This discourse is closely related to the "political and ideological circumstances in which 'exceptional' measures were granted legitimacy and the authority of powerful institutions had to be protected", yet such discourses are not exclusive to the Northern Ireland conflict (Rolston and Scraton 2005:552).

The existence of public inquiries may give an appearance of some form of investigative 'truth seeking'; yet they often function to "allay, suspend and close off popular doubt through an ideal and discursive appropriation of a material problem" (Burton and Carlen, 1979:13-14).

The control of knowledge (and its definition) remains a crucial aspect of the exercise of power. However, as the testimonies of former detainees suggest, no solitary interpretation of state violence is omnipotent and omnipresent, and these counter-narratives exist in the gaps created by localised experiences and recollections. Space exists for the alternative discourses of detainees to be studied, and for their experiences of truth in conflict to become part of a contested public history. In this way, the paper hopes to enrich discussions of state violence - and contribute to knowledge around mechanisms of denial which operate throughout the Criminal Justice system - by incorporating the words (and worlds) of those who may have directly experienced it.

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'No Surrender to the Taliban':

Football Hooliganism, Islamophobia and the Rise of the English Defence League

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Abstract

On a number of occasions throughout 2009 and 2010 violent clashes occurred between white and Asian males, anti-fascist demonstrators and the police in city centres in the United Kingdom. These disturbances involved a new organisation, the English Defence League (EDL), which claims to oppose 'radical Islam'. This article charts the growth of the EDL and the affiliated Casuals United, and examines their motivations and ideologies. It assesses their links with football hooligan 'firms', and whether these links mean that the EDL has a large pool of violent 'foot soldiers' at its disposal, and concludes that the EDL's Islamophobic views and provocative street army tactics mean that it poses the most serious threat to public order and community cohesion since the heyday of the National Front in the 1970s.

Key Words: English Defence League, Casuals United, Islamophobia, Media, Far-Right, Football Hooliganism, Public Order

Introduction

The summer and autumn of 2009 witnessed growing concern in the United Kingdom over a number of disturbances in city centres involving a range of new, seemingly 'far-right' activist groups. Positioning themselves in vocal opposition to 'radical Islam' and 'Islamic extremism', these groups organised a series of protest marches in the latter half of that year that on several occasions erupted into violent clashes between the protesters, counter-demonstrators and the police.

Incorporated amongst the marchers were several related factions, including Casuals United, the English Defence League (EDL), Welsh Defence League, Scottish Defence League, March for England, United British Alliance, British Citizens Against Islam Extremists and Stop the Islamification of Europe (Gable et al. , 2009). The most prominent of these

were Casuals United and the EDL, two overlapping and inter-linking groups that have emerged out of the fringes of England's domestic football hooligan subculture that has long been associated by commentators (although only occasionally accurately - see Armstrong, 1998; Stott and Pearson, 2007) with the politics of the extreme right. Utilising twenty-first century methods of networking, and functioning in a world where Domestic Banning Orders¹ and prohibitive ticket pricing make football a less attractive arena in which to seek physical confrontation, these two groups have been portrayed in the press as twenty-first century harbingers of far-right extremist politics (see, for example, Kerbaj 2009).

In this article we offer a preliminary examination of the origins and development of the EDL and Casuals United, and suggest that the emergence of concern at 'extremist Islam' is a new form of the traditional coupling of reactionary politics and football hooligan/casual culture. Through an analysis of media coverage, EDL and Casuals United websites and material, YouTube videos and Internet networking sites such as Facebook and Twitter, we critically chart the alarming rise of this new, anti-Islamic movement. This approach is complemented by material from original research in the form of covert ethnographic fieldwork, which has involved one of the authors gaining access to EDL networks and hence attending a number of demonstrations ostensibly as someone who sympathises with its ideas. Whilst doing this the researcher took extensive fieldnotes which feed into this article.

We suggest that the media's narrow fixation with race reflects a failure of many in the press to understand the more complex dynamics at play, and in particular the interplay between Islamophobia, ethnicity, race and the politics of identity and nation which are shaping the groups' ideology (Law, 2010; Fekete, 2009; Chakraborti, 2007). For that reason we argue that the EDL and Casuals United, while sharing some characteristics with establishing far-right parties, mark a different manifestation of the fusing of football hooligan casual culture and extremist politics and pose the most significant threat to community cohesion in Britain's inner-cities since the heyday of the National Front in the mid-to-late 1970s.

The Birth of the English Defence League

On 24th May 2009 in Luton a group calling themselves the United People of Luton marched through the centre of the town to protest against a small gathering of Muslim extremists (Ahle Sunnah al Jamah, a splinter group from the banned Islamic extremist faction Al-Muhajiroun) that had abused soldiers from the 2nd Battalion the Royal Anglian Regiment as they paraded through the town on 10 March 2009 following the regiment's return from service in Iraq. On that day the collection of around 15 radical

¹ Domestic Banning Orders arose in their current form from the Football (Disorder) Act 2000 and are court orders which prohibit fans from attending matches for a specified period of time.

Muslim protesters waved placards with slogans including: 'Anglian Soldiers: Butchers of Basra', 'Anglian Soldiers: Cowards, killers, extremists' and 'British Government Terrorist Government', while shouting abuse at the troops (Gable et al., 2009). While the protest was small scale, the presence of television cameras from a regional news programme meant that the protest subsequently became a national news feature and the subject of widespread debate.

Much of that debate concerned the fact that not only had Ahle Sunnah al Jamah been allowed to protest, but it had done so with police protection (Booth et al., 2009). This had re-ignited a debate concerning the rights of extreme Islamic groups to air their views which had first emerged following protests in London outside the Danish embassy in February 2006. On that occasion demonstrators including Anjem Choudary (who was involved in organising the subsequent Luton anti-soldier protests) campaigned against the publication of twelve editorial cartoons, most of which depicted the prophet Muhammed, in the Danish newspaper *Jyllands-Posten* the previous year. At that event, the police had initially failed to take action against a number of protesters who had wielded inflammatory banners pronouncing that those who offend Islam should be beheaded, and that 'Britain... 7/7 on its way', which prompted an outcry in the national press (Chakraborti and Garland, 2009).

What the Ahle Sunnah al Jamah 2009 protest did achieve was to act as a catalyst for the formation of the EDL. Prior to their actions a small but militant group existed in Luton and had previously demonstrated its opposition to Ahle Sunnah al Jamah's activities in the town. But following the March 2009 incident this collection of individuals decided to become more organised, and formed itself into the United People of Luton. As its self-proclaimed leader, Tommy Robinson, states:

In 2004 we held our own protest when we held a banner up saying 'Ban the Luton Taliban'. ... We realised we didn't just want them off the streets of Luton, we wanted them off the streets of Britain. When we saw Birmingham's demonstration [by a group called British Citizens Against Muslim Extremists] they were using the same slogans as us: 'We want our country back', 'Terrorists off the streets', 'Extremists out', 'Rule Britannia'. From there the EDL was set up (Booth et al., 2009: 14).

On 24 May 2009 the fledgling EDL and Casuals United held an anti-Islamic extremism march in Luton with the permission of the police and the local council. The result was that a number of marchers broke away from the main body of demonstrators and entered Bury Park, a predominantly Muslim area of Luton, where, according to journalist Donal Macintyre (2009), shops and cars were subsequently damaged. It seemed ominously like the disturbances might trigger a repeat of the kind of riots witnessed in the summer of 2001 in several north-western towns in England. These disorders, dubbed the so-called 'Milltown riots' as they occurred in towns

such as Oldham and Burnley traditionally associated with the textiles industry, had involved sustained violence between Asian and white youths and the police. They had been precipitated by agitation from far-right groups (Finney and Simpson, 2009; Copsey, 2008). Tensions were no doubt heightened by the fact that on 5 May, (as the BBC reported) in the run up to the protest, a large Islamic centre and mosque in the same area of the city, that had previously been the recipient of racial and religious hate mail, was subject to an arson attack (BBC, 2009a). Surprisingly though, reporting of these events was largely limited to anti-fascist publications and websites such as Searchlight (see e. g. Woodson, 2009).

However, while the first demonstrations by the group were small-scale, attended by just dozens of supporters vocal in their opposition to Sharia law and 'radical Islam', during the latter months of 2009 the numbers attending EDL marches grew dramatically. Indeed, in a short space of time in Autumn 2009, the EDL developed into a significant street protest movement capable of mobilising over 1,000 protesters in different demonstrations in Birmingham (where there have been three separate marches), Nottingham, Manchester and Leeds. All of these received substantial press coverage after violent clashes in Birmingham in September between the EDL, anti-fascist protesters (for the most part from the organisation Unite Against Fascism (UAF)), resulted in a significant number of arrests (Tweedie, 2009). In January 2010 the EDL boasted on its Twitter website that it had 8,013 followers on its official forum, and 12,038 people affiliated to its Facebook page (English Defence League, 2010), and in the space of a year its numbers attending protests have grown exponentially.

Violence, the EDL, Casuals United and Football Hooliganism

Evidence gathered from ethnographic fieldwork, reports in the anti-fascist magazine Searchlight, as well as analysis of social networking sites such as Facebook, seems to suggest strong links between the EDL and football hooligan supporter groups. Coalescing under the banner of 'Casuals United', these groups share much of the EDL's anti-Islamic thinking, as their website shows:

We are an alliance of British Football Casuals of various different colours/races who have come together in order to create a massive, but peaceful protest group to force our Government to get their act in gear....Casuals United now has over 50 active branches, each doing their own thing, but ready to unite when needed. Violent extremists are on our streets, preaching hatred of the west, trying to incite young people to blow themselves up and commit acts of terror against us, and our Government and police are either turning a blind eye, and/or actively helping them in their aims. They wish to impose

Sharia law upon us by stealth, and are already operating 85 of these courts in Britain behind closed doors (Casuals United, 2009a).

In such statements some of the contradictory nature of Casuals United's claims is revealed. For one, the group may position itself as being at odds with violent behaviour, yet paradoxically, it made little if any attempt to hide its 'football casual' (or football 'hooligan') connection. Indeed, for the most part the supporters of Casuals United follow what might broadly be termed the 'casual style' long associated with violent football firms (see Treadwell, 2008), showing a particular penchant for expensive, exclusive designer clothing. In particular they tend to have an affinity for labels such as Stone Island, CP Company and Aquascutum, which are much in evidence at Casuals United and EDL gatherings. Moreover, the 'leader' of Casuals United makes no attempt to hide the background of many of those involved, stating that Casuals United is:

...a mixed-race group of English people, from businessmen and women, to football hooligans. I came up with the idea to unite football fans to forget their petty rivalries and come together in a national movement. There are a lot of people in their forties and fifties who used to be football hooligans but went on to settle down (Jenkins, 2009: 17).

The mobilisation of many football hooligan 'firms', witnessed during the covert ethnographic fieldwork by one of the authors, seems to suggest that the link between Casuals United and the EDL is a strong one and in many instances individuals have an affinity to both. Indeed, the range of hooligan groups spotted on EDL demonstrations and the wide geographical range from which they originate, suggests that, in many ways, the EDL and Casuals United are one and the same organisation.

For example, it is clear that an early and central concern of both Casuals United and the EDL has been what they regard as the 'imposition' of Sharia law in England. On 4 July 2009, the EDL picketed a 'Life under the Shari'ah' Islamic road show in Wood Green, North London, organised by the aforementioned Islamist extremist Anjem Choudary. On the same day the EDL and Casuals United (particularly members of its Birmingham branch) staged a voluble protest in Birmingham's Bullring 'against Muslim extremists that interrupted a British soldier's funeral' (notes from fieldwork, 4 July). While both events attracted little attention because they passed off relatively peacefully, a second protest in Birmingham, announced because of the failure of the 4 July protest to attract significant publicity, was to be the start of a much more disorderly phase for the EDL.

The date for this demonstration 'against Sharia law', organised by the EDL and Casuals United, was set for 8 August. Interest in attending the demonstration grew on internet forums the authors monitored before the march, with some discussion noting that the event fell on the eighth day of the eighth month (which, with 'H' as the eighth letter of the alphabet,

translates for Nazis as 'HH' or 'Heil Hitler'). Indeed, while claims made by organisers were that the march was not racist, the protest had been heavily promoted on the fascist and white supremacist website 'Stormfront' (Hundal, 2009).

The march was preceded by an announcement that Unite Against Fascism, supported by the Respect Party, would hold a counter protest in Birmingham on the same day. There had been a growing climate of hostility between the UAF and EDL broadcast on internet forums and a large police presence was deployed (Kerbaj, 2009). While the counter-protest took place in the open space next to Birmingham's Bullring shopping centre at the bottom of the city's New Street area, members of the EDL and Casuals United gathered in several locations, at the opposite end of New Street in Victoria Square, where they unveiled anti-Islamic banners (Kerbaj, 2009).

While UAF had been in discussion with West Midlands Police and had fully co-operated with them throughout the planning stages of this event, the EDL and Casuals United had refused to negotiate or enter into any discourse with the police (although the police were aware of their intention to march that day (BBC, 2009a)). Perhaps, inevitably, disorder later began when a rather drunken man with the EDL supporters at the lower end of New Street threw a can of lager over the top of a police cordon into the UAF protesters before brandishing a Union Jack flag (field notes, 8 August). At that point violence flared and there were reports that a number of assaults were committed by Asian men against young, white males in the vicinity, some of whom were clearly not part of the protest groups and had no links to the EDL whatsoever, but were assaulted because of their ethnicity and their close proximity to the protests (Booth and Jones, 2009). They were simply the wrong people in the wrong place at the wrong time.

In the few days following the disorder internet forums capitalised on the fact that the police appeals to the public to name those involved - which included the release of CCTV images of suspects - revealed that many of those they were seeking were young Asian males, and also that many of those who were assaulted in the city centre were white. This allowed the EDL to circulate the story that the police had appeased 'radical Islamists' and that white people had been the victims of Muslim violence. The climate of the Birmingham protests had indeed been extremely charged, and field experience would suggest that the majority of violence did originate from UAF factions, even if there was some extreme provocation from EDL supporters.

Whatever the case, the July 2009 disorders in Birmingham appeared to act as a catalyst for the growth in the EDL and an expansion of its activities. Further demonstrations were staged towards the end of 2009, all of them, to one degree or another, descending into violence. At the following protest in Birmingham in September 2009, 90 arrests were made as EDL supporters clashed with the police, the UAF and local Asian youths in a series of running battles in and around the city centre. More disorder occurred at a demonstration opposing the construction of a mosque in Harrow, north London, a few days later, and there were 30 arrests at a

large EDL march in Manchester a month afterwards; while in Nottingham in early December even a security operation costing over £1m could not prevent substantial disorder surrounding an EDL protest attended by over 500 marchers chanting 'We want our country back', 'No surrender to the Taliban' and 'Protect women, no to Sharia' (Townsend, 2009).

What these events appeared to reveal was the growing confidence within the EDL as its supporter base expanded. By the turn of the year it was being viewed as a serious threat to the community cohesion of many urban areas as its mixture of English patriotism, aggression and Islamophobia seemed to be welcomed by its target audience of disaffected and disenchanted white working class males involved with, or at the fringes of, the football hooligan scene (Lowles, 2009b). It appeared as though the EDL had been very successful in mobilising such hooligan groups who had historically been a target of the far-right. To place this success in context, this article will now outline the historical relationship between the far-right and football hooliganism and will show how the EDL and Casuals United's activities form a new chapter in this troubled history.

Football and the Far-right: A Brief Historical Overview

The historical ties between far-right groups and football fans, and in particular football hooligan firms, have often been overstated by the media and especially by the tabloid press that has been prone to simplistically link football disorder with the activities of racist skinhead gangs (Back et al., 2001). This is not to say, though, that some far-right organisations, notably the White Defence League in the 1950s, the National Front (NF) in the 1970s and the British National Party (BNP) in the 1990s, have not seen football supporters as potentially fertile ground for recruitment. Overall, though, and unlike the situation involving the EDL and Casuals United, these attempts have met, with one or two high-profile exceptions at clubs such as Chelsea, with little apparent success among fans of domestic club football (Lowles, 2009b; Frosdick and Marsh, 2005).

At national level there is some evidence of a different story, with England fans being involved in a number of violent incidents abroad that have been wholly or partially blamed on the malign influence of neo-fascist groups such as the NF, BNP and Combat 18. From the early 1980s, for example, when sections of the media commented that 'the NF seemed to be everywhere' at a Denmark versus England match in Copenhagen in 1982, through to disorder involving England fans at major tournaments such as Italia '90, Euro '96 and France '98, the far-right has been implicated, at least to a degree, in the disturbances (Garland and Rowe, 2001).

During this period one issue around which Combat 18 has sought to mobilise football supporters and football hooligans is Ulster loyalism and hostility to Irish nationalism, vividly illustrated by clashes between England supporters and Irish fans which led to the curtailment of the Ireland versus England friendly match in Dublin in February 1995. Many

media reports focused on the role that the BNP and Combat 18 had played in orchestrating the disturbances as a vehicle to air their opposition to Anglo-Irish efforts to achieve a peaceful settlement in Northern Ireland (Garland and Rowe, 2001). One factor which was widely cited as evidence of extreme right involvement in the disorders was the chanting of 'No surrender to the IRA', a common refrain of groups such as the BNP echoed in the 'No surrender to the Taliban' chants heard on EDL marches in 2009.

However, the centrality of C18 in organising the events at Lansdowne Road is often exaggerated, not least by C18 themselves, and it may well be the case that the English support that night was made up of a number of fans violently hostile to the Anglo-Irish agreement, and that C18 constituted just a small part of this crowd. Arguably, though, C18's links to domestic football hooliganism are more significant than its influence among England fans, as it has been alleged that C18 played a pivotal role in the outbreak of the racialised disorders in Oldham in May 2001, mentioned above. During the earlier part of that year the north-west town had been experiencing heightened tension between its local Asian and white communities. In an attempt to inflame this situation, Combat 18 attracted sympathisers from its national hooligan network to Oldham for the last match of the 2000/01 football season, including hundreds of Stoke City supporters, ostensibly to engage in disorder in Westwood, a part of the town with a large Asian presence (Lowles, 2009b). Three weeks later (and in an eerie precursor to the way that hooligan groups have more recently come together under the Casuals United banner), an alliance of Oldham Athletic, Stockport County, Shrewsbury Town and Huddersfield Town hooligans congregated in Oldham and engaged in violent confrontation with local Asians, precipitating widespread rioting. As Lowles (2001: xiv) argues, whatever the underlying social causes were for the disturbances, they had undoubtedly been triggered 'by the actions of C18 thugs and their football hooligan allies who ... had finally got what [they] wanted. Race war'.

Organisations such as the anti-fascist campaigning group *Searchlight* fear that one of the aims of the EDL's provocative demonstrations is to trigger something similar in the towns and cities it is targeting through an alliance of football hooligan crews, via Casuals United, that are sympathetic to its cause (Booth et al., 2009). There certainly appears to be evidence that when the EDL does protest, it can do so by mobilising football hooligan crews with the objective of creating animosity between its supporters and young Asian (and especially Muslim) males. This is often done in a manner that provokes the latter into retaliatory violence that unfortunately makes them seem as though they are not only the instigators of the disorder but that this disorder is racially motivated *on their part*. This was vividly illustrated by the events recounted, to one of the co-authors, by the landlady of a Birmingham bar (used by some EDL members before joining the protests), interviewed in the wake of the July 2009 violence:

Co-author: So what happened earlier on here then?

Licensee: Well this lad, he had just been for a quite drink, had about two pints on his own. As he left he was set upon by about ten Asian lads, they just kicked the hell out of him for no reason at all, he was just having a drink then going to meet his girlfriend - and he ends up going off in an ambulance. I didn't have any door staff on and so no-one helped him, he just got battered for no reason, well except for being white

Co-author: So he wasn't EDL

Licensee: No, we had a few in here earlier on, but he was just a normal kid having a beer at the weekend
[Research field notes – Birmingham protest 5/9/09]

Much of the Birmingham disorder was instigated by the Casuals United faction among the demonstrators, showing how successful elements of the far-right have been in mobilising disaffected football hooligans to its cause. As Lowles (2009a: 6) reports, the businessman bankrolling the EDL sees football fans as 'a potential source of support. They are a *hoi polloi* that gets off their backsides and travels to a city and they are available before and after matches'. The views of an EDL spokesperson would appear to concur, seeing football supporters as 'patriotic and they will stand their ground if it comes to it' (*ibid*: 6). It is this mixture of patriotism and fighting ability - 'standing their ground' if there is disorder - that is apparently so prized by the EDL. Its close relationship with Casuals United means that it already has a supply of 'footsoldiers' that it can draw upon from clubs as disparate as Luton Town, Aston Villa, Queens Park Rangers, Southampton, Bristol Rovers, West Bromwich Albion, Lincoln City and Wolverhampton Wanderers (Lowles, 2009a), raising the distinct possibility that the events of 2001, that led to the outbreak of the Milltown disorders, could be repeated.

The Politics and Motivations of the EDL: Moving Beyond the Far Right Label?

One of the distinctive and peculiar aspects of the EDL's politics is the group's emphasis upon anti-racism and its vocal opposition to the British National Party and Combat 18. Apparently in an effort both to distance itself from the BNP and other far-right groupings, and in an attempt to create a united 'front' with those from minority ethnic groupings that may oppose aspects of Islam, the EDL has displayed 'Black and White Unite' banners at many of its demonstrations and repeatedly stressed its opposition to racism, fascism and Nazism. The rather theatrical burning of a swastika flag at an EDL press conference in October 2009 was, in the eyes

of sympathisers, proof of their anti-Nazi credentials (BBC, 2009b). The presence of several black and Asian EDL supporters at a demonstration in Leicester in 2010 was further evidence of this (fieldnotes, 9 October 2010), and at this rally, the EDL's leader stressed this point when he addressed the crowd:

We're not Nazis, we're not fascists – we will smash Nazis the same way we will smash militant Islam. We are exactly about black and white unite, every single community in this country can come and join our ranks, fill our ranks. We don't care if you arrived here yesterday; you're welcome to protect our Christian culture and our way of life (Speech by Tommy Robinson, recorded by researcher, 9 October 2010).

It would seem much of the EDL's energy is devoted to accusing the media of lazy journalism and point-scoring by highlighting how as a group they contradict the typical and traditional racism of the far right. The anti-fascist organisation Searchlight, however, would contend this claim, and has repeatedly highlighted the links between the EDL and the BNP including a number of individuals, influential in the former, that are also members of, or have been involved with, the latter, including the EDL's leader himself (Woodson, 2009). The EDL has also championed women's and gay rights in an attempt to prove its democratic, non-extremist credentials while at the same time trying to show that Islam is a religion opposed to homosexuality and women's equality. Some of its supporters also apparently have a pro-Israeli stance, evidenced by the appearance of Star of David flags at some of their marches (witnessed by the authors at a number of demonstrations during fieldwork in 2009 and 2010). These viewpoints are at odds with many of those normally associated with far-right parties that have long championed the 'traditional' ideas of the family and of the role of women within it, whilst being vocal in their opposition to homosexuality. Anti-semitism has, of course, been a feature of many of these extremist groupings since the 1930s (Copsey, 2008).

However, whether these 'tolerant' facets of the EDL's thinking can be taken at face value is a moot point. It could well be the case that many of these more moderate aspects of their ideological framework are simply adopted in order to be seen to be in opposition to the tenets of what they believe constitute 'extremist Islam'. This may well explain the adoption of Star of David flags, which may in reality be deployed by EDL marchers in order to provoke a reaction from Muslim observers who object to Israeli policies in the Middle East. Similarly, the championing of the rights of women and gay and lesbian people may merely be an attempt to persuade the public (and media) that the EDL is, in fact, a moderate movement in the face of an intolerant religion (Islam) that grants little freedom to women or those of minority sexualities. The EDL may well be hoping that by embracing 'liberal' causes the media will cast them in a moderate light and, in turn, Islam in a bad, extremist light.

However, the true nature of the EDL's politics may have inadvertently been given away by Tommy Robinson in his speech at the Leicester demonstration in October 2010, cited above. His reference to 'our Christian culture' reveal that his view of English society and Englishness is narrow and exclusive of those of different cultures and religious backgrounds, or of those who do not conform to his vision of what constitutes 'our way of life'. In the same speech, he went on to say: 'We will combat militant Islam wherever it raises its ugly, paedophilic, disturbed, medieval fucking head', in a passage of speech that comes close to inciting religious hatred, as defined by the Racial and Religious Hatred Act, 2006. Certainly, if the leader of the EDL is stressing conformity to 'our culture' on the one hand, and condemning aspects of Islam in such brutal terms on the other, then he is undermining the organisation's own claims to moderation and tolerance of difference.

Moreover, the insignia and apparel adopted by the EDL and Casuals United may inadvertently give away important aspects of their ideologies. The EDL has been marketing a range of apparel (that displays its name and other insignia) through its website and the auction site eBay. These items heavily rely upon the Flag of Saint George. Clearly, for many in the EDL and Casuals United, football, the St George's flag, and ideas of national identity and belonging, are inextricably interwoven, and the wide scale adoption of the St George's flag by these groups is perhaps in itself telling. Recent debates about the appropriateness of flying the St George's flag (such as those which inevitably occurred during the World Cup in Germany in 2006) have attempted to reposition the flag as a symbol of multi-ethnic Britain, whereas, previously and in contrast to this, the Union Jack was castigated for its association with colonialism and white racism (Gilroy, 2004). The obvious irony of course is that the St George's flag's older historical association with the Crusades, an earlier conflict between Christian Europe and Islam, means its adoption by the EDL is loaded with symbolism and meaning. In many ways, the very adoption of this flag as a symbol encompasses much of the message of these groups. It seems 'British Muslim' or 'English Muslim' are clearly regarded as unacceptable identities by many of the EDL's supporters, an assertion that is given further evidence by the types of discussions with white male EDL members witnessed by one of the authors when conducting covert ethnographic on EDL demonstrations:

See that [points at St. George's flag flying above a church] that makes me proud, it's what being English is all about, but where I come from that isn't seen anymore. The Pakis have taken over the churches and turned them into mosques, now what the fuck is that about, eh? [sings] Give me bullets for my gun and I will shoot the Muzzie scum, No surrender to the Taliban. (Bradford EDL Demonstration, 2010)

I am sick of the lot of them [Muslims] and their demands, all take, take, take. They take the piss out of us, bringing in hundreds of them

over through arranged marriages and that, looking after one another and fucking us over. It has to stop; this is England, not Afghanistan! (Bradford EDL Demonstration, 2010)

They can't live like us cos they are not evolved for it, they are simple, made for backward villages in the mountain where they can sit around eating stinking curries and raping chickens. They come over here and ruin England, I mean, would you want to live next to them? I don't, but they are taking over. That is why I want them gone. (Leicester EDL demonstration, 2010)

Although the EDL's organisers are at pains to distance themselves and the EDL from racist sentiments such as these, fieldwork suggests that this kind of racism and Islamophobia may well be more commonplace among the EDL's 'rank and file' than the group's leaders would publically admit. However, the EDL presents a more moderate, and much less overtly Islamophobic, public face by playing upon the present 'risky' status assigned to British (particularly Muslim) Asians in the popular press over the course of the last decade. As Mythen and colleagues have noted, Islam has variously been portrayed in the mainstream press as:

... connected to the problems of violent crime, 'honour killings', drugs, illegal immigration and fraudulent welfare claims. This perceived 'riskiness' operates mundanely as a threat to the 'fabric' of predominantly white British culture through transgression of school dress codes or refusal to neglect traditional forms of worship, and profanely through religious extremism and radicalization. In media and political circles ... dominant discourses have invariably defined British Muslims *en bloc* as a risky, suspect population, raising the intensity of scrutiny on Muslims in general and potentially exacerbating the degree of public suspicion directed towards young male Muslims (Mythen et al., 2009: 5).

In the eyes of many, therefore, Islam has become anti-British, anti-modern, anti-liberal and dangerous (Fekete, 2009; Williamson and Khiabany, 2010). The twin elements identified by Law (2010) that are often conflated within the umbrella term 'Islamophobia' – anti-Islam sentiment and hostility directed at Muslims – have been adeptly exploited by the EDL. In particular, the organisation has been clever in the way that it has tapped into the frustrations of a disenfranchised section of the white working class whose grievances arise from a dense tapestry of social, economic and cultural conditions (and neglects), the consequences of which are still being played out – post 9/11 and 7/7 – as part of a global, national and local narrative with, as Mythen et al. mention above, an increasingly explicit tone of cultural, religious and racial hostility. There is also a sense within these communities that the main political parties have prioritised service provision towards minority ethnic residents, migrants and asylum seekers.

This is a strong sense of injustice amongst some white communities, who feel that their own needs had been unfairly overlooked in favour of 'undeserving' minority ethnic, and especially Muslim, populations; and in such a climate the EDL's vocal opposition to 'extreme Islam' has been fused together with a determination to stand up for 'English culture'. Yet such sentiments commonly encountered in the *Daily Mail*, *Sun* and *Daily Star* are not far removed from those shared by many in the groups (the EDL included) that the press roundly condemn and label 'far-right'.

Without wishing to simplify explanations for racial or religious hostility (see Gadd, 2009, for a neat summary of relevant debates), much of the EDL's support appears to stem from communities that are situated where a large Asian and Islamic population is found (for example, the likes of Birmingham and Luton). It is often in these areas where poor, socially excluded white communities live in close proximity to large Asian populations where there can often be very little interaction between these groups, and where mutual suspicion and hostility can develop (McGhee, 2008). It is within such areas, where the tensions are stoked by agitation and aggression from the EDL, that the 'prospect of violence and communities tearing themselves apart is very real' (Lowles, 2009b: 7); yet it is also within these groups that the red top media tends to find its readership. Analysis of posts on EDL websites reveals that the opinions stated often chime with sentiments expressed on online comment pages linked to newspapers concerning stories about 'Islamic terrorism' or fundamentalist Islam.

Conclusion: How Dangerous is the EDL?

This article has traced the rapid growth of a new 'street army' political phenomenon, the English Defence League, from its roots amongst a handful of people in Luton in the spring of 2009 to its current status as a grouping that can attract over a thousand people to its marches. The importance of an affiliated (and indeed overlapping) group, Casuals United, has also been acknowledged, particularly in relation to the capability of the EDL to mobilise large numbers of 'street fighters' to its demonstrations. The similarities to the way that, historically, the far-right has tried to attract football fans, and in particular hooligans, to its cause, was also noted in the way that the relationship between the EDL and Casuals United has developed.

The nature of the EDL's politics has also been discussed, and it has been suggested that much of this is flavoured by overt hostility towards Muslim communities that is partly borne out of a sense that such communities are unfairly being allocated resources at the expense of poor, white, working class populations. Indeed, the logic that underpins the EDL and Casual United's agenda is that the British government has engaged in the promotion and elevation of the interests of Islam against the white, Judeo-Christian traditions of liberty and equity they regard as 'English' -

including the differential treatment that, in their eyes, most (if not all) Muslims have been demanding (the recognition of Sharia being the most obvious). It is in the State's perceived appeasement of Muslim interest groups that their logic is formed, even if, in reality, the State's response to Muslim groups post-9/11 and 7/7 has been marked by anything but appeasement (Chakraborti and Garland, 2009). For example, the increased use of stop and search against young Asian men has produced tensions between them and the police in many cities with large Muslim populations (such as Birmingham, London and Manchester, see Liberty (2005)).

A fascinating aspect of the EDL's politics is its supposed opposition to the BNP, Combat 18 and other far-right extremist groups, even though it appears to share some of their ideas, members, street tactics and insignia. It claims not to be racist and to oppose only radical Islam, but this veneer of respectability is rather thin. Indeed, the researchers can attest to the fact that songs favoured by the EDL and Casuals United are frequently overtly hostile to Islam in general and *all* Muslims. In a Birmingham bar both during and after the EDL's protests on 5 September 2009, and in Leicester pubs and on the streets on 9 October 2010, for example, the authors heard EDL members singing 'You can shove your f***** Allah up your arse', 'Ten Muslim bombers', as well as the aforementioned 'No surrender to the Taliban' and 'Give me a gun and I will shoot the Muzzie scum'.

Interestingly, this is not the only way that the EDL seek to challenge some of the legitimacy of comparing them to traditional, neo-Nazi organisations. Clearly the organisation does have (albeit very limited) support from black, Asian and mixed-race members. Also the anti-Semitism previously associated with extremist groups is not evident, as the EDL have positioned themselves as pro-Israeli, pro-women's equality and also supportive of gay rights - although, as noted, whether such enlightened attitudes exist among the organisation's rank and file is a moot point.

Nevertheless, Sibbitt's (1997) research into the influence of far-right groupings among urban, white working class communities suggests that, while parties like the BNP may garner little electoral support from the residents of the housing estates she studied, what they did achieve was to channel the sense of grievance and anger that some white people felt about their own poor living standards towards local minority ethnic people:

In general, the young people were not members of these organisations. However, they were aware that the far-right presence and propaganda were threatening towards ethnic minorities. The young people therefore co-opted the language and insignia of these organisations into their own activities, such as graffiti or writing and posting threatening notes (Sibbitt, 1997: 38)

It seems as though this may be reflected in much of the EDL's popularity, as it offers the chance for disenfranchised communities to latch onto a cause that seems to embody a sense of national identity and belonging while simultaneously presenting a scapegoat for much of those

communities' ills. It also has insignia that can be worn and chants that can be adopted and used in a threatening way towards those scapegoats – urban Muslim populations. If the EDL continues to grow at its present rate, and continues to provoke and to agitate, then it may well be that the racialised disturbances witnessed in 2001 will be repeated in the not too distant future.

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'Is my Cousin a Mass Murderer?'

The Case of the Oil-Trading Company Trafigura and Relatives' Perceptions of a 'Crime of the Powerful'

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Abstract

'Crimes of the powerful' often seem remote from us, carried out by faceless 'others'. In fact, however, all 'powerful' individuals exist not in isolation but in a family-context. Discovering that one is related to a white-collar criminal provides a rare insight into how family-members respond to illegal and profoundly immoral behaviour. This article uses the example of the dumping of toxic waste in Africa by the international oil company Trafigura in 2006, outlining the background and responses to this incident, including challenges by Greenpeace and Twitterers, before turning to an exploration of how those in the family-circle responded to the news. These family responses are considered within the context of the processes of silencing and the article concludes by considering the implications of the findings for other 'crimes of the powerful', and also for more quotidian crimes such as child sexual abuse or domestic violence.

Key Words: White-collar crime, Oil industry, Family responses, Processes of silencing, Whistle-blowing

Introduction

'Crimes of the powerful' often seem remote from us, carried out by faceless 'others', but in reality all 'powerful' individuals exist not in isolation but in a context of family, friends and colleagues. What if we discover that we actually know the alleged perpetrator; indeed, that they are a family-member? Such a situation provides a rare opportunity for insight into how those around a perpetrator respond to allegations or disclosures of illegal and profoundly immoral behaviour.

This paper uses the example of one such situation. It is based on the case-study of the dumping of toxic waste in Africa by the international oil company Trafigura in 2006 - an episode which had very significant effects

on many thousands of people and which led to major financial settlements in three countries. This paper briefly outlines some key facts about Trafigura and the toxic dumping incident in order to set the context, then moves on to explore responses to this incident, first sketching the responses by organisations including governments and NGOs, before offering an exploration of how those in the family-circle around a particular Trafigura executive responded to the news. The paper discusses these family responses in the light of theory on the processes of silencing. It concludes by considering the implications of the findings from this brief and exploratory empirical study for other 'crimes of the powerful' and also for more quotidian crimes such as child sexual abuse or domestic violence.

Before looking at Trafigura itself, it may be worth pausing to consider the language used in the title of this paper. It may appear somewhat controversial, even unnecessarily sensationalist and confrontational, but was carefully chosen to highlight key issues arising from the incident. The question posed - 'Is my cousin a mass-murderer?' - is in quotation marks to avoid potential libel while also being able to represent the sorts of questions running through the minds of relatives when considering the toxic dumping incident. The word 'cousin' is used here to indicate a broad constellation of family relationships and connections, thereby preserving anonymity and avoiding any direct description of exact family relations. The reference to 'murder' (as opposed to, for example, the concepts of 'industrial accident' or 'manslaughter') has been the most contested while researching this paper. While the death of individuals (due to industrial accident, for example) has contested legal definitions, for lay people the word 'murder' is used and understood colloquially as untimely death caused by another person, whether deliberately intentional or caused by reckless indifference and conscious disregard of risk. Mass murder can be defined as the murder of four or more victims at one location and within one event (Aggrawal, 2005). The incident described here fits within a colloquial lay definition of murder (untimely death caused by another) and, since it is thought that around a dozen or more people died in relation to this incident, the phrase 'mass-murder' seems apposite in this context.

Trafigura

This paper focuses on the case-study of the dumping of toxic waste by the oil-trading company Trafigura. We thus begin with a brief description of Trafigura.

Trafigura is a privately-owned international oil-trading company. It has been described by Greenpeace as 'the largest multinational you've never heard of' (Greenpeace, undated: online) and by *Business Week* as one of the world's top trading companies (Vickers, 2005), declaring profits of \$1bn in 2009. Headquartered in Switzerland, it operates in 36 countries. It is the world's third largest private oil and metals trader and was set up in

1993 by Graham Sharp, Claude Dauphin and Baron Eric de Turckheim, all of whom previously worked under oil trader supremo Marc Rich.

Trafigura is not only extremely powerful and wealthy, it is also very secretive. It is part of what *Business Week* terms, 'the ultrasecretive informal network of traders who dominate global independent oil trading': these traders 'operate in the world of onetime fugitive billionaire Marc Rich, the most-wanted white-collar criminal in U.S. history until his controversial pardon on President Bill Clinton's last day in office in 2001.' (Vickers, 2005: online).

Trafigura and other independent oil traders are known for their tactics which have been described as 'combat trading' and which can be seen as the psychopathic face of capitalism - getting trading rights from countries in turmoil regardless of human ruin. According to Vickers (2005), Trafigura's actions include buying oil from countries where corruption is extensive, acting as go-betweens to sell oil to mainstream US refiners from pariah states which back terrorism and engage in genocide, and sanctions-busting during the Iraqi Oil for Food programme - all 'hyper-aggressive' but, in most cases, legal tactics. As Vickers (2005) explains, Trafigura and similar companies apparently use 'front companies' based in secretive tax havens to disguise deals. Such tactics are only visible when they become the subject of legal challenge. As one example, according to Leigh and Evans (2007), in 2004 Trafigura and several other firms stood accused by Nigeria of inflating shipping costs by doctoring documents, for which the Nigerians demanded repayments of more than \$100 million. Other scandals in which Trafigura has been involved include smuggling and bribery during the Oil for Food programme in Iraq (Leigh and Evans, 2007), resulting in a fine of almost \$20 million (Knauer, Thielke and Traufetter, 2006). In 2006 Trafigura apparently gave \$31 million to the Jamaican People's National Party (Manning, 2010) in some kind of deal involving Nigerian oil (although the company denied bribing public officials or any other wrongdoing); and in 2007 an explosion of chemical waste in Sløvåg, Norway, in which a thousand people were made ill, led to a 50-minute documentary titled *Dirty Cargo* (dir. Bakke, 2008) broadcast by the Norwegian Broadcasting Corporation (NRK, 2008). Further investigation into the Norwegian disaster also provided evidence that Trafigura was deliberately adulterating high-quality European petrol with illegal sulphurous waste and then exporting the resulting dangerous 'fuel-like substance' to Togo, Cameroon, Côte D'Ivoire, Nigeria and Ghana for sale as petrol (Afrol News, 2009), in contravention of the 1992 Basel Convention which, together with European directives, forbids EU or OECD nations from dumping hazardous wastes in poorer countries (see <http://www.basel.int>).

Trafigura can therefore be characterised as a wealthy and powerful company with a reputation, stretching back over many years, for secrecy, hyper-aggressive 'combat trading' and apparently shady dealing.

Oil companies in general are very much in the public eye at present, with the leak by BP of oil into the Gulf of Mexico during 2010; but, as the

journalist Johann Hari has commented, the activities of the 21st century 'oilgarchy' affect all of us in myriad ways:

It's not just the pelicans of Louisiana that are flapping and flailing in an oil slick – it's all of us. We live permanently doused in petrol. Every time we move further than our feet can carry us, or eat food we didn't grow, or go shopping, we burn more barrels. Petrol pours off each of us like an invisible sweat (Hari, 2010: online).

The extraction, refining, trading and using of oil - and the disposal of its waste-products – become increasingly salient in a world in which fossil fuels are the dominant source of energy. We have become 'addicted to oil' (Friedman, 2006). The frantic scrabble for more oil leads inevitably to reliance on more technically-challenging sources, such as deep undersea, and treatment of dirtier oil, such as 'coker gasoline' which requires 'sweetening' or 'washing' by toxic chemicals before it can be used. The following case-study of toxic dumping therefore illustrates an increasing trend of what the social commentator George Monbiot has termed 'global fly-tipping' (Monbiot, 2009) and Gerd Leipold, Executive Director of Greenpeace International, has characterised as 'toxic waste colonialism' (Knauer et al., 2006). It is thus a phenomenon which can only increase as the world becomes more desperate in its search for supplies of this vital but diminishing resource.

Dumping of Toxic Waste

The details of the incident are still contested; but, according to leaked Trafigura documents made publicly available by Guardian journalist David Leigh (2009a), the story began in 2005 when Trafigura was offered the opportunity to buy up thousands of tonnes of "bloody cheap" dirty oil from Mexico. Company traders exulted: "This is as cheap as anyone can imagine and should make serious dollars". However, to clean the dirty oil and make it available for sale, they needed to 'wash' it by adding caustic soda to absorb sulphur contaminants: this process is banned in most countries as the resulting waste is toxic and hard to decontaminate. As the internal emails noted, "We should be talking to specialist chemical clean-up companies". However, specialist clean-up companies are expensive. Rather than go down a conventional route, they preferred "lateral thought" about "paying a disposal company to take the process waste away"; the CEO "wants us to be creative". After all, if they could find a way round the problem of washing and subsequent waste-disposal, "each cargo should make 7m".

They were fully aware of the nature of what they were about to do since, according to the internal emails, 'washing' with caustic soda "is no longer allowed in EU/US and Singapore. Caustic washes are banned by

most countries due to the hazardous nature of the waste ... Under EU law you [are] no longer allowed to transport such waste across EU borders”.

They could not find any refinery which would allow them to clean the oil. They hired two tankers, the Probo Koala and the Probo Emu. In the Probo Koala, they ‘washed’ three cargoes of dirty oil, storing the ‘slops’ in its tanks. At this point, according to the emails: “We ... still haven't tackled how we will dispose of the washings on board the vessel”. They tried to get rid of the waste in Rotterdam, Amsterdam, Estonia, Tunisia ... but there were problems. A fax notes that they needed to “perform a PR Exercise to reassure guys about Odour during a recent caustic wash operation” and emails reveal, “They desperately need someone down there [in Tunisia] tomorrow”; “We need something for the govt. guy later today for the current problem” and “kindly do not, repeat do not disclose the presence of the material [the caustic wash] to anyone at Laskhira [La Skirra, Tunisia] and merely declare it as tank washings [i.e. gasoline mixed with sea-water]”.

Finally, having processed the coker gasoline using caustic soda and having chosen not to pay the costs of waste disposal in Europe, on 19th August 2006 they took the Probo Koala to Abidjan on the Côte D’Ivoire. Abidjan is the largest port on the African Atlantic coast but it is mainly concerned with fishing vessels (Port Autonome D’Abidjan, 2009). Although there is a large oil refinery in the city (part-owned by French interests), the port does not have any waste recovery or disposal or treatment facilities. Nevertheless, despite the lack of specialist facilities, a small company, Compagnie Tommy, obtained a permit to ‘recover waste oil’. Tommy had never done work of this type before: its permit was obtained just ten days before the Probo Koala docked and its Ministry of Transport certification, issued on 12th July, covered only refueling. How did this company obtain the necessary permits? “It was all very quick, which is most unusual”, said an inside source. “Corruption is so widespread that you can buy absolutely anything” (Bernard et al., 2006: online). This company had no equipment, not even its own lorries (Dunt, 2009), but it was cheap – twenty times cheaper than the specialist waste-disposal facilities in Europe.

Over several nights, they took the waste and dumped it, untreated, around Abidjan, a city of four million inhabitants, pouring the stinking waste into vegetable fields, water-courses, and outside a baby-food factory. In total, some 581 tons of waste, around 530 cubic metres, were dumped illegally in up to eighteen different sites around the city (Ziriyo, 2007).

Over the next days there are, ‘at least 15 deaths, 69 people hospitalised and more than 107,000 medical consultations with treatment’ for respiratory, digestive, skin and eye problems, according to the Ivorian authorities (Ziriyo, 2007:29). The deaths include children. Autopsy reports suggest that the bodies of twelve people showed high levels of hydrogen sulphide, a poisonous gas which it is claimed was present in the waste (Leigh, 2009b).

One resident, a mathematics professor named Guy Oulla, reported that he was unable to work for four months after a truckload of sludge was

emptied into a dam near his house. He spent hundreds of pounds on private medical treatment. He explained, “To me it smelled like rubber burning. I began to shiver, and then began to throw up, before the stomach pain started ... We need to be told what was in the waste and how this is going to affect us in the future” (Rice, 2009: online).

Although the UN provided some \$64 million to deal with the resulting health care crisis, and a proportion of the waste was recovered and transported to France for specialist decontamination, there was no quick solution to this toxic dumping incident. Reports in 2009 showed that problems continued and apparently included “an increase in premature births, early menopause and miscarriages since the dumping occurred” (CIEH, 2009: online).

Responses by Organisations

Within a matter of weeks, the entire cabinet of the Government of Côte D’Ivoire resigned in the wake of this scandal and two Trafigura executives, investigating the incident, were imprisoned for several months. In February 2007, Trafigura arranged an out-of-court settlement with the President of Côte D’Ivoire in which they paid \$198 million (£152 million) for damages suffered by the State, but without accepting liability. As Marietta Harjono of Greenpeace Nederland commented, “Trafigura bought off the prosecution ... as a result of the deal the public will never know what actually happened and who was responsible, and won't be able to ensure that such a disaster never happens again” (Dunt, 2009: online).

Both Greenpeace and Amnesty International worked hard to expose the human and environmental cost of the toxic waste dumping. Meanwhile, Trafigura denied all allegations of wrongdoing and began a process of aggressive legal counter-challenge. A British legal firm, Leigh Day, represented 30,000 Ivorian claimants in the largest group injury claim in UK legal history and, late in 2008, Trafigura agreed that it would no longer defend its conduct in transporting toxic waste to the Côte D’Ivoire and it settled compensation claims with the claimants (Dunt, 2009). Finally, in July 2010, in a case brought by Greenpeace Nederland, Trafigura was fined one million euros for illegally exporting waste to Africa and concealing its hazardous nature, thus finally receiving a criminal conviction for its actions (Evans, 2010: online).

It thus took almost four years for Trafigura to be found criminally liable for its actions, having previously contested all claims strenuously – even to the extent of taking out injunctions against anyone who questioned their behaviour. Eric de Turckheim, as the representative of Trafigura, claimed in May 2009 in an interview with Jeremy Paxman on the BBC television programme *Newsnight* that the waste was “absolutely not dangerous to human beings ... smelly but not dangerous”, (Jones and MacKean, 2009). When *Newsnight* conducted its own investigation and disputed Trafigura’s official line, de Turckheim liaised with them in

December 2009 to retract their findings and apologise publicly. In a statement published on the Trafigura website (Trafigura, 2009), the company commented:

Speaking today, Eric de Turckheim, founder and director of Trafigura, said: Trafigura has always maintained that the slops cannot have caused the deaths and serious injuries alleged by the BBC. ... We are pleased the BBC has now acknowledged that it was wrong. ... Such is the international reach and high-regard [sic] of the BBC, we were left with little choice but to bring these proceedings – the only libel claim we have brought anywhere in the world against any media outlet.

Both *Newsnight* and *The Independent* newspaper were forced to issue apologies and retractions. However, this was not Trafigura's only brush with unwanted fame. Earlier, as revelations emerged from the BBC and other media outlets, Trafigura had employed Carter-Ruck, the 'reputation management' legal firm (famous to all readers of the satirical British magazine *Private Eye* as the rapacious Carter-Fuck) to place a secret injunction (a 'super-injunction') on *The Guardian* newspaper in September 2009. The super-injunction stopped *The Guardian* reporting a written question lodged in Parliament in October, mentioning both the secret injunction and a technical report on the chemical composition of the Probo Koala's cargo. *The Guardian* responded with a front-page article explaining that it was "forbidden from telling its readers why the paper is prevented - for the first time in memory - from reporting parliament".

The Carter-Ruck injunction on the British Parliament was, in fact, the first time in over three centuries in which freedom of speech had been threatened in such a way. The internet, and specifically Twitter, responded furiously. Among numerous others, the comedian Stephen Fry galvanized his more than 800,000 followers into action with tweets on the legal battle, commenting, "Outrageous gagging order. It's in reference to the Trafigura oil dumping scandal. Grotesque and squalid". Within hours, the editor of *The Guardian*, Alan Rusbridger, was able to tweet:

Thanks to Twitter/all tweeters for fantastic support over past 16 hours! Great victory for free speech. #guardian #trafigura #carterRuck (Mayer, 2009: online).

In response to the public outcry, Carter-Ruck were rapidly forced to climb down and remove (or 'discharge') their super-injunction, a result gleefully reported on 24th October 2009 by Ian Hislop, the editor of *Private Eye*, on the popular British TV show *Have I Got News For You*.

Responses by Family Members

While the heavyweights - governments, NGOs, media, courts and 'reputation management' firms – slugged it out in the public arena, what of the human element, the micro-level of individual and interpersonal response? What happens in the lives and consciences of family-members when they become aware that a 'crime of the powerful' has been committed by a relative? The social circle around a white-collar perpetrator has been little examined or theorized to date, yet it may hold a key to challenging and attenuating such crimes by some of the most powerful individuals in society.

When I first read in 2009 about the toxic dumping incident and realised a family-member was directly implicated, I felt shock and rage. It reminded me instantly of Bhopal. When I had first learned about Bhopal, I remember thinking 'Why did the perpetrators' families do nothing? Why did they not side with the victims and insist on justice?' Now I myself was in a similar situation, albeit not as one of the closest members of the family-circle involved. What of the immediate family-members? The Trafigura executive to whom I am related is a married man. What of his wife? I recalled that the journalist and social commentator Jill Tweedie, in a study on love (Tweedie, 1979/2000), commented perceptively on the loyalty of wives, an attribute regarded positively by society even when such loyalty protects criminals. In an extreme example, Tweedie writes of Teresa Stangl, married to the commander of Treblinka concentration camp. When asked if her husband would have left Treblinka if she had asked him to, Frau Stangl replied, with tears, that if she had ever confronted him, "with the alternatives: Treblinka or me; he would – yes, he would, in the final analysis, have chosen me" (2000: 54). But she never did confront him: instead, she comforted and consoled him throughout the war as he continued his murderous work. Tweedie observes that a woman acting in this way, as a 'faithful dog', is normative behaviour, and she notes robustly, "A social conscience in a woman is not nice, it is a violation of her role" (2000: 60). Women are culturally sanctioned not only to be mutely loyal but also actively to shield men from the consequences of their actions, to stand by their man. Rewards for such acquiescence include social approbation and, in the case of crimes of the powerful, considerable personal luxury.

With these considerations in mind, I wanted to explore further how individuals connected to the Trafigura executive thought about the toxic dumping incident but, ever mindful of 'reputation management' legal firms, among other considerations, I sought to protect as far as possible not only the anonymity but also the privacy and absolute confidentiality of all respondents. I put a small prospective study to the University ethics committee on 'social network responses to "white-collar crime"', When this had been approved, I conducted a piece of very small-scale preliminary research to informally seek views from around half-a-dozen family-

members. All the way through, this project was fraught with both practical and ethical difficulties. Data-gathering from one's own relatives is rarely easy, and when the subject is the (disputed) wrong-doing of a family-member, one must tread with extreme caution both ethically and emotionally. Since family-members would be able to identify other members through the use of quotations, no direct quotations have been given in this paper. Similarly, details of the sample are not disclosed, in line with the Statement of Ethical Practice of the British Sociological Association (BSA 2004), in order to protect identities: the aim of the project is to explore sociological themes, not undermine relationships or expose specific individuals to public opprobrium. As the BSA Statement makes clear, social researchers have a responsibility, "to ensure that the physical, social and psychological well-being of research participants is not adversely affected by the research. They should strive to protect the rights of those they study, their interests, sensitivities and privacy" (paragraph 13). The research was very much in the tradition of mainstream classical sociology, using Blumer's notion of 'sensitising concepts', a way of being alert to nuances which "gives the user a general sense of reference and guidance in approaching empirical instances. Whereas definitive concepts provide prescriptions of what to see, sensitizing concepts merely suggest directions along which to look" (Blumer, 1954:7). I was also able to draw on my previous experience in using grounded theory (Glaser and Strauss, 1967; Glaser, 1978; Strauss, 1987; Strauss and Corbin, 1990, 1997) when conducting research on sensitive subjects ranging from addicted mothers to paedophiles (Goode, 1994, 2000, 2007, 2009). The methodology of the project was broadly ethnographic, relying on my role as a participant observer and making use of informal opportunistic sampling. The data-collection method was naturalistic in that there was no interviewing or other formal method of data collection and no use of recording instruments other than hand-written notes jotted down after conversations. I relied on everyday conversations to draw out as far as possible individuals' initial reactions and then their more considered views. Despite the constraints of this methodology, considerable material was generated, demonstrating the engagement of family members in thinking about this topic. What was notable, in fact, was the large number of responses generated by the half-dozen individuals and the heterogeneity of the views given. However, as discussed further below, this was in a context which typically silenced discussion. Individuals were initially often very reluctant to talk, and I found myself reluctant to open discussion or press for comments. The comments which were given tended to be presented in a sustained conversation which was then dropped and not referred to again.

Ruminating on and working with this data, I sought to categorize the wide range of responses into coherent groups, choosing a word or phrase which best summed up each view expressed. This process took several weeks and the categories gradually emerged from the data and were tested against the actual phrases used by the respondents and written down. Where feasible, they were also fed back to the respondents to see if they

accurately reflected their views, and drafts of this work in progress were also circulated for comment among family-members, creating an iterative process of reflection and discussion. This analysis resulted in seventeen broad categories, which I have placed under three main themes. The themes covered Outrage (containing one category), Family-Specific Responses (containing eleven categories), and Non-Family-Specific Responses (containing five categories).

The first category, 'Outrage', can be summarised as 'Shock and Anger', with comments such as, 'This is an appalling crime! I am disgusted. This is wrong on principle and we should do something to register our views.' In this reaction, there was a focus on the details of the incident, wanting to find out more information about the dumping, including its background, its effects and wider public reactions to it.

The next eleven categories, which have been classified under the theme 'Family-Specific Responses', broadly focused not on the incident itself but on the family context and on the potential impact on family-members of any discussion of the incident. The eleven categories under this theme are:

- Denial (Can't be the same person. The facts can't be true);
- Distancing (They are not that close. I don't know them that well);
- Separation (Business has nothing to do with family);
- Family Loyalty (Family should stick together);
- Embarrassment (Intense social awkwardness at raising painful subject);
- Avoidance (Don't want to "rock boat", might upset people);
- 'Protectiveness' (People's feelings would be hurt. We don't want to upset the older generation);
- Excluding (Attempting to muzzle discussion, excluding from family events);
- Scolding (Don't be a trouble-maker!);
- Collusion (The relative says it was just a regrettable industrial accident, so that must be how it really was. We don't need to know any more than that); and finally
- Sympathy for Perpetrators (Trafigura executives had a terrible time in prison in Côte D'Ivoire, so they are the ones we should feel sorry for, not those who died or were made ill).

The responses coded as 'Non-Family-Specific' addressed the incident as it if was not specifically relevant to the family, but was only of general interest and all provided reasons for inaction. This theme included the following five categories:

- Legal Proof (Trafigura have never been found guilty in a court of law in relation to this incident, therefore there's no proof of wrongdoing);

- Minimisation (The incident didn't do that much harm. We shouldn't say "murder", it was just a tragic mistake);
- 'Tolerance' (I don't want to 'play God'. We can't judge others. We shouldn't over-react);
- Indifference (I don't have time. It's important and I'd love to do something but ...); and lastly
- 'Helplessness' (Anything we could do would make no difference anyway).

In total, therefore, there were seventeen categories, ranging from a focus on the details of the incident (Shock and Anger) to a focus on the perpetrator (Sympathy for Perpetrators; Collusion); a focus on emotions (Family Loyalty; Protectiveness; Embarrassment) to a distancing of the incident (Denial; Distancing) or a rebuttal of its significance (Legal Proof; Minimisation; Indifference). Reviewing the responses, it was noticeable that there was little if any empathy voiced for the victims. The strongest expressions of empathy were reserved for the perpetrator and family-members close to the perpetrator.

Discussion of Findings

An unexpected finding from this research was the overwhelmingly intense visceral reaction of social embarrassment and sense of helplessness that rose up when I was trying to discuss this incident with family-members. I found myself experiencing a very strong sense of displaced shame for raising the issue, with discomfort at my perceived 'disloyalty' towards family-members. As noted earlier, I found it difficult to initially open conversations on this topic and when I moved towards broaching the subject I experienced difficulty breathing, increased heart-beat, trembling, and difficulty speaking or making eye-contact. As a qualitative researcher, I was intrigued as well as perturbed by the very real psychosocial constraints which I experienced on raising the subject. Other family-members also seemed to share elements of this diffidence and reluctance either to raise the subject or to pursue it in any depth. If spontaneously raised at all, it was generally quickly dropped unless I persisted. Having expected that a relatively straightforward response of outrage, condemnation and activism would prevail, the responses I actually received (and experienced) appeared counter-intuitive and in need of explanation.

I wondered why we could not discuss the incident easily and openly and why the response of shock and anger (which one would assume would dominate, given the scale of the harm caused) was subsumed by other responses such as concern for the perpetrator and close family-members. The levels of embarrassment and reluctance to raise the subject seemed disproportionate and the shame and even guilt experienced appeared entirely misplaced: I felt ashamed to draw attention to another family-member's misconduct.

My discomfort led me to wonder if the intra-familial process of responding to a 'crime of the powerful' might have elements in common with other disclosure-related phenomena such as 'whistle-blowing' or with the 'processes of silencing' employed within families faced with other socially-taboo revelations, for example, child sexual abuse or domestic violence.

The psychiatrist Judith Herman, a pioneer into the study of post-traumatic stress syndrome, has studied the issue of social responses to perpetrators of abuse and has found that, regardless of whether the context of the abuse is State-sanctioned torture, or rape, domestic violence or child sexual abuse, the response is predictable. As she explains:

It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. ... Secrecy and silence are the perpetrator's first line of defence. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure that no one listens. To this end he marshals an impressive array of arguments, from the most blatant denial to the most sophisticated and elegant rationalisation. After every atrocity one can expect to hear the same predictable apologies; it never happened, the victim lies, the victim exaggerates; the victim brought it upon herself, and in any case it is time to forget the past and move on. The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail (Herman 1992: 7-8).

While Herman focuses on the role of the perpetrator in the silencing process, what is interesting in the Trafigura incident is that the perpetrator did not even need to participate. The silencing seemed not imposed from without but rather a form of self-censorship. The family-members seemed spontaneously to excuse, exonerate, justify and minimise. The 'predictable apologies', as Herman terms them, were trotted out not only by the perpetrator but by other family-members: it was just a tragic accident; perhaps it's been exaggerated; anyway, there's nothing we can do so we should just forget it.

Such behaviour appears motiveless: the bystander has nothing to gain by exonerating the perpetrator - other than, as Herman reminds us, the 'universal desire to see, hear, and speak no evil'. This desire may be the motivation for our self-censorship and the intense social embarrassment and shame I felt when I did choose to 'speak evil' of a relative. It may feel much more comfortable calling the toxic dumping incident a tragic accident, even though it is hard to explain logically how, in a situation where one takes illegal waste to a port without specialist waste treatment facilities and sells it to a company with no experience and no equipment,

the resulting mess can be described as accidental. Nevertheless, it is a wrench to 'speak evil' and challenge the comfortable view.

It is more comfortable, psychologically and socially, to be the person who 'does not judge' and who is 'tolerant' and 'loyal'. This applies whether we are the conventional wife described (and condemned) by Tweedie, or simply a bystander.

The processes of silencing are not only intrapersonal but also interpersonal. They involve those micro-processes of social interaction which are often conducted in the space where public and private intersect. Choosing the act of speaking about a crime challenges both 'the powerful' and also those who stand by, and the silencing processes engaged in by those around the perpetrator (accusations of disloyalty; scolding; excluding and so forth) send a powerful message that it is better to remain silent and not disturb the status quo. This is true in many other 'whistle-blowing' contexts, in which as a society we often have an ambivalent attitude, arguing for the necessary legal protection to 'speak truth to power' while at the same time frequently resenting or even despising the unfortunate person who does break confidentiality (Alford, 2001). It is clear that the concept of whistle-blowing "carries with it some very negative associations and anyone who does blow the whistle is seen as a sneak, a grass, a rat and all manner of other names" (Crook, 2000: 326).

At more macro levels, too, there is social inertia which militates against speaking out. As a range of recently-published books have demonstrated, from the violence waged by the West against Iraq (Gordon, 2010; Enloe, 2010) to the global injustice perpetrated by the wealthy on the poor (Pogge, 2010) to the continuing disaster of Bhopal (Mukherjee, 2010), a theme running throughout such tragedies is the indifference of the majority in the West – the very people who could step in to make a difference. As the philosopher Thomas Pogge argues, "our children should not grow up among killers" (2010, quoted in Subramanian, 2010: 56); but, in a global order structured by moral indifference, our children too often do.

Thus, at the intrapersonal, interpersonal and sociocultural levels, there are many factors contributing to the process of silencing. Paradoxically, while silencing processes draw on the rhetoric of indifference and helplessness, suggesting that ultimately the crime does not matter and we can do nothing about it, the very process of silencing is itself a powerful act and works to create a reality – a reality in which perpetrators are not challenged. The processes of silencing also work to reproduce and embed the stratification of credibility. As the sociologist Howard Becker identified, "credibility and the right to be heard are differentially distributed through the ranks of the [social] system" (Becker, 1967:241). The socioeconomic power which already inheres in powerful white-collar perpetrators is reinforced by the micro-level psychosocial processes of silencing within a 'hierarchy of credibility' in which those who disagree may indeed speak out but are thereby marginalised as 'crackpots' who may safely be ignored. The processes of silencing therefore not only

reinforce but actually create the reality of helpless inaction and reproduce the social power on which the ‘crimes of the powerful’ depend.

How may these processes of silencing be challenged and subverted? In order for ‘whistle-blowing’ to take place, in either occupational or domestic settings, there must be a sense that intervention can be effective. As noted earlier, the ‘super-injunction’ by the law firm Carter-Ruck back-fired within hours when it was exposed on Twitter. Spontaneous action by large numbers of people can counter-act ‘crimes of the powerful’, but this capacity is limited within family settings. Another possibility may be techniques of restorative justice which focus on the repair of harm to interpersonal relationships. As the criminologist John Braithwaite observes, “we should hope from restorative justice for micro-measures that ameliorate macro-injustice where this is possible” (Braithwaite, 2003: 57); and informal processes of reintegrative shaming by family-members may offer one way of effectively challenging ‘crimes of the powerful’ when other avenues are closed. Reintegrative shaming would place the experience of shame back onto the perpetrator rather than displacing it onto the family ‘whistle-blower’. As Braithwaite defines it, reintegrative shaming “means strong disapproval of the act but doing so in a way that is respecting of the person” (2003: 56).

Conclusion

This article has examined the issue of relatives’ perceptions of a ‘crime of the powerful’, using the question ‘Is my cousin a mass murderer?’ to highlight some of the dilemmas faced by family-members attempting to make sense of illegal and profoundly immoral behaviour by a relative. The case-study used in this article concerns the dumping, in 2006, of toxic waste in Africa by Trafigura, an international oil-trading company, arguably causing the death of over a dozen people and the ill-health of around 100,000, as well as leaving lasting environmental damage. While governments and international NGOs such as Amnesty International and Greenpeace responded urgently and effectively, expressing grave concern over the issue, and while individual outrage on Twitter effectively negated a ‘super-injunction’, family-members of one of the main perpetrators did their best to ignore and downplay the significance of the dumping incident.

This paper analyzed some family-members’ informal responses and considered why these minimized any discussion of harm. A surprising finding was the strength of social embarrassment felt at raising the subject of the toxic dumping and the sense of shame at ‘rocking the boat’ and being ‘disloyal’ in even mentioning the incident. The responses expressed by family-members appear to fit within a model of processes of silencing typically used within family-contexts when behaviour such as domestic violence or child sexual abuse occurs, for example the processes of denial, distancing, minimizing, exonerating and colluding. The pattern identified by Herman in relation to perpetrators of trauma (Herman, 1992) also had

relevance, although intriguingly this preliminary study suggested that processes of silencing are independent of the role of the perpetrator: it appears that family-members may self-censor and silence any attempt to 'speak evil', even in the absence of any influence from the perpetrator. This finding needs exploration in more detail for theorising crimes of domestic abuse which are so often managed - and minimized - within family settings.

'Crimes of the powerful', however, have specific characteristics: as Herman reminds us, "The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail" (Herman, 1992: 8). Socioeconomically powerful and successful people, protected by 'reputation management' lawyers and PR agencies, may be cosseted from shame and responsibility. In such cases, those around the perpetrator may be in a unique position to be able to break through such privilege and challenge the perpetrator to feel appropriate shame.

The illegal dumping of toxic waste outside Europe and North America - 'global fly-tipping' or 'toxic waste colonialism' - is part of an increasing trend, and is just one aspect of 'combat trading' and other ruthless and ruinous behaviour by multinationals exemplifying the psychopathic face of capitalism. What forms of social action or justice can effectively intervene to prevent multinationals from committing human rights abuses and environmental harm? Where law cannot provide remedy, it is suggested that action by families, perhaps with a focus on reintegrative shaming (Braithwaite, 2003), might be a method for addressing current harm and preventing future harm, if the processes of silencing can be effectively addressed and overcome.

This provisional and preliminary study has therefore linked the concepts of 'whistle-blowing' in the context of white-collar 'crimes of the powerful' with insights from the field of child sexual abuse and trauma studies. It has suggested that there are powerful intrapersonal and interpersonal psychosocial and sociocultural processes of silencing involved which make it hard for family-members to 'speak evil' and effectively challenge perpetrators, regardless of whether the context is a family-member beating their spouse or one making decisions which result in "one of the world's worst cases of chemical exposure since the gas leak at the Union Carbide factory in Bhopal" (Monbiot, 2009: online). Greater awareness of these processes may assist individuals in facing up to and dealing with 'whistle-blowing' whether this is within an occupational or a domestic context.

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Theorizing Change in Anglo-American Police Organizations:

On Making Meaningful Change-Claims in Police Scholarship

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Abstract

This paper develops a heuristic device for understanding and claiming change and stability as characteristics of Anglo-American public police organizations. Beginning by emphasizing organizational rather than police sociology, the paper characterizes Anglo-American public police as institutionalized organizations, and outlines the consequences of this view for studying change. The paper develops a vocabulary for describing police organizational change as change to the organization's 'domain', understood within its 'task environment', and outlines the aspects of the public police domain that are likely to remain stable. The paper suggests that analyzing police change through these axes leads to tenable, if modest and often unexciting, conclusions about the breadth and depth of changes actually characteristic of police organizations in recent years. The paper closes by offering guidelines for those seeking to develop tenable and comprehensible change-claims about public police organizations.

Key Words: Anglo-American police, public police, organizational change, organizational sociology

Introduction

What does it mean to say a police organization or the work of the public police has changed? Police scholarship concerned with shifts in policing in Anglo-American¹ societies currently lacks a common vocabulary, though this has not stopped the proliferation of change-claims in literature on

¹ The use of 'Anglo-American' in this paper follows Manning's (2003; 2010) use of the term. It is intended to connote the common organizational form of public policing in Canada, the USA and UK, though it certainly brushes over important differences between and within these countries.

policing. Authors have claimed *inter alia* that there have been shifts to the command orientation (Reiss, 1992), goal orientation (Ericson and Haggerty, 1997), officer culture (Chan, 1997), or structure more broadly (Bayley and Shearing, 1996) of public police organizations.² However, it is often hard to decipher the breadth or depth of change-claims in police scholarship, or whether any real change has actually occurred in each instance that claims of change are invoked. While there is a significant body of scholarship disputing these claims of 'epochal' or other change in policing, and claiming instead that much of policing has remained stable through recent change initiatives (e.g. Jones and Newburn, 2002; Maguire et al., 2003; Manning, 2003), these arguments suffer from often disparate terminology regarding change.

This paper is about how we conceive of change and stability in public police organizations. It seeks to develop a heuristic device for judging the grounds on which we may argue that change or stability characterizes a policing force, region, or organizational form, or more broadly, an era of policing. This entails, first and foremost, defining what the public police essentially *are*, and how we may understand change and stability in light of this form. It will also require, in all cases, determining a break from a policing past, a past which must be established explicitly.

In this paper, it will first be argued that the public police are best understood as an organization following organizational sociology, and so will begin by outlining some relevant organizational sociology concepts. This approach to police change has significant epistemological consequences for how we understand and identify change. It will further be argued that the police are an *institutionalized* organization, meaning that their essential mandate and practice have been formalized and entrenched in Anglo-American societies, which in turn stabilizes their resource base and limits their potential for change.

Following this, the paper will look at the domain - meaning broadly the present and latent areas of action - of the public police in the Anglo-American context. It will then examine examples of change-claims from studies of recent policing initiatives, and it will be argued that change-claims are more tenable when they are coupled with explicit conceptual boundaries around the past and present public police as a research object. It will consequently be asserted that studies that fail to set conceptual limits say little about change from a sociological perspective, though they may retain some political value. The paper concludes by offering guidelines for creating change-claims that are meaningful if modest or unexciting in many cases.

Before we begin this task, it is important for the reader to recognize that in characterizing the public police as an institutionalized organization, certain change/stability mechanisms will be implied and will follow

² This paper is concerned primarily with explicit change-claims regarding public police organizations, and does not deal directly with scholarship that implicitly assumes change or that discusses private, military, or international police organizations.

logically from this model of understanding police. Particularly, it will be asserted that conditions external to the police organization will be the major drivers of meaningful change. However, the actual mechanism by which this happens will not be elaborated upon, as that is outside of the scope of this paper.³

Organizations and Institutionalization

Organization is a contested term; this paper follows Etzioni (1961: xi, following Parsons, 1960) in focusing on distinct “social units devoted primarily to attainment of specific goals” and thus bounded by their goal domain. This paper takes an external perspective on organizations (Pfeffer and Salancik, 2003), recognizing that this is one perspective of many and a choice that has consequences to understanding change (Van de Ven and Hargrave, 2004). An external perspective asserts that the conditions outside the organization - the organization’s ‘ecology’ (Pfeffer and Salancik, 2003) or ‘task environment’ (Thompson, 1967) - are the primary determinants of the actions of the organization. One consequence of this approach is that internal organizational factors such as culture - seen as extremely important in general managerial and recent police sociological literature (e.g. Chan, 1997) - are treated as arising from, and thus largely reactive to, external conditions. Organizational culture, under this view, is much more symptomatic than causal of the actions of the organization.

But what external conditions are important to take into account? The short answer is the conditions under which resources can be secured. The broadest goal orientation of any formal organization is survival through obtaining resources; this may seem like an inelegant approach, but it remains the most sociologically viable from an external perspective. All other actions and goals are subservient to the goal of survival; this is in many ways a reflexive statement, since if an organizational goal conflicts with its survival, the subservient goal, and not survival, will by necessity perish or change.

Survival, in most cases, is determined by the effectiveness of the organization, not necessarily in achieving its subservient goals but in appearing as the best social unit for achieving goals that are important to those elements in the task environment that control available resources. This notion of effectiveness must be contrasted with ideas like “efficiency” or measurements of material outcomes, since an organization can be effective in securing resources without necessarily producing some result (Pfeffer and Salancik, 2003), though organizations in most cases will try to prove both efficiency and effectiveness even with minimal evidence to support their case (Thompson, 1967).

³ For anyone interested in the mechanisms that promote stability in police organizations, Manning’s (2010) discussion of the police *métier* is an excellent starting point; and for more general change mechanisms, see Van de Ven and Hargrave (2004).

Organizations struggle variably with this central goal of survival. Their survival is aided when other organizations in their field begin to exhibit similarities in structure and practice - a process of 'homogenization' where organizational adaptation becomes 'isomorphic' across the field (DiMaggio and Powell, 1983). Where an isomorphic organizational field emerges, and through some "critical juncture" (Thelen, 1999) - a point or period where task environment conditions promote a particular form over others - certain organizational forms become 'institutionalized' (Meyer and Rowan, 1977). In these cases, the organization - the goal-oriented social group - and the ways in which that group works to achieve its goals, become a social institution, a set of implicit and explicit rules about how organizations in that field should work. Organizations that violate these rules will do so at their peril. This is not a teleological or even necessarily evolutionary claim; institutionalized rules may be suboptimal or inefficient, but once institutionalized become hard to change (Thelen, 1999; Van de Ven and Hargrave, 2004).

Under institutionalized conditions the organization is not only reactive to, but also its form becomes an essential component of, its ecology or task environment. The organization's success reiterates its predominant position, entrenching its legitimacy against other potential organization forms. This creates a sort of 'myth' (Meyer and Rowan, 1977) that shapes and drastically constrains future options for practice as well as measures of effectiveness, which in turn provides a secure resource base. As Meyer and Rowan state:

[O]rganizations are driven to incorporate the practices and procedures defined by prevailing rationalized concepts of organizational work and institutionalized in society. Organizations that do so increase their legitimacy and their survival prospects, independent of the immediate efficacy of the acquired practices and procedures. (Meyer and Rowan, 1977: 340)

However, we do not want to build a conceptual foundation on which it is "hard to see any forks in the road at all" (Thelen, 1999: 386). Once past the point of institutionalization, the securing of resources ceases to be a survival issue and becomes largely an issue of growth from, or defence of, the organization's current resource position or 'domain' (Thompson, 1967). At all times an organization maintains a domain which it seeks to expand or defend, depending on task environment conditions. Thompson (1967) offers a tripartite definition of domain as relevant to organizational change, and this definition will serve as the basis for the change vocabulary in this paper:

In examining the concept of organizational domain... domain is defined by (1) *technology included*, (2) *population served*, and (3) *services rendered*. Major changes in design involve modifications of

the “mix” of these three elements. (Thompson, 1967: 40, emphasis added)

For Thompson the most important domain aspect is the type of technology the organization employs, and ‘technology’ for Thompson is not only high-technological but also includes techniques and forms of interaction, such that, in the case of police, technology can refer to practices from administration to surveillance to foot patrol to community policing forums (see also Stenson and Edwards, 2000). ‘Population served’ in the case of the public police is roughly equivalent to the notion of jurisdiction, which will be elaborated briefly below. ‘Services rendered’ refers broadly to the organization’s actions, via their technology, on or on behalf of the population served. Technology and services are thus inextricable and therefore artificially separated for analytical purposes.

Public Police as Organization

The public police are both a collection of organizations and an institutionalized organizational form. Describing police as an organization creates some fuzzy areas around which actors should be included in the social group called public police, given the existence of private police, police volunteers and citizen responsabilization efforts (Garland, 2001) that share goals and practices with “formal common-law vocational” (Manning, 2010: 25) public police organization members. While it is not within the scope of this paper to draw firm boundaries around the police organization, it nonetheless assumes that public police have distinguishing boundaries which can be drawn around them.

Going one step further, we are talking about geographic boundaries as well as goal orientation relationships, such that a jurisdiction - a population within a designated area, and a specified organizational remit over or regarding that population - can be defined with some specificity and be used to identify one public police organization from another, along jurisdictional lines. This is an important if mundane point, since we have to keep in mind that the study of any one policing district may not necessarily have much to do with the study of another policing district (Manning, 1977).

Treating the public police as an institutionalized organization - from an external perspective - does not presume that all domain aspects of each police organization are immutable. While certain rules, practices and structures become institutionalized and are likely to be found in all organizations called public police, other organizational aspects remain open to change based on local task environment conditions. If we consider police organizations under these terms, then we should be highly circumspect about claims about, and the possibilities for, fundamental change to the institutionalized aspects of the public police. It will be useful at this point to identify the essential institutionalized aspects of the public police organizational domain. We may say, following Loader and Walker (2007), that at its essence:

[T]he mandate of modern policing... can without undue strain be gathered under the holistic umbrella of the generation and maintenance of those conditions of general order under which the citizenry are most likely both to be and to feel secure (Loader and Walker, 2007: 96-97).

Further, following Manning (2010: 44), we can also say that they are “authoritatively coordinated, legitimate organizations” that work through “tracking, surveillance, and arrest” and remain “ready to apply force up to and including fatal force” in service of this essential organizational goal. These are the institutionalized aspects of their domain, and also the grounds on which they are a unique social institution (Bittner, 1970).

The public police in the Anglo-American context in the past century can be adequately, if only broadly, defined under these terms. Indeed, since the 1829 advent of Anglo-American public policing, it may be said that police organizations have been concerned with maintaining legitimacy, improving methods of tracking, surveillance and arrest, and limiting but maintaining the use of force and fatal force, in maintenance of ‘politically-defined order’ (Manning, 2010). It cannot be said that the public police field ever gave up for any amount of time these practices or goals. These are components of their domain that police organizations do not need to actively defend, and they are not aspects that police organizations have much power to alter. Under this view, the last major or ‘transformational’ (Tolbert and Hall, 2009) institutional change to Anglo-American policing should reasonably be seen as beginning in 1829 in the UK, and then somewhat later in North America (Manning, 2010). While some authors propose a “third type” (Rigakos, 2005: 265) of post- or late-modern policing, these authors are either not, or not compellingly, arguing that these core practices or goals have been superseded by some new formulation of policing.

To claim that an Anglo-American police organization or set of organizations has changed, we should understand and define the domain aspects to which we are ascribing change, as well as the task environment in which these changes occur. Change-claims implicating the core domain of the public police will be hard to sustain, while claims of shifts in other secondary domain aspects are more likely to be empirically tenable. The specific boundaries of the domain of any police organization or set of organizations may be defined in each instance by the investigating author, and these definitions must be defended empirically. The various task environments, services offered and technologies employed will vary between jurisdictions and over time. Through this process of defining past and present on these axes, we can map change.

Why Change Change-Claims? On the Virtues of Being Modest

Maybe the reader at this point is wondering how this conceptual model represents progress over previous attempts to describe police change. Recall that one purpose of this paper is to develop a vocabulary for discussing change; these terms are intended to provide a sort of rubric for assessing change-claims. Perhaps at some level this is only a semantic shift, since these terms could be transposed onto previously articulated change-claims easily with little obvious immediate benefit. However, the conceptual characterization of change and stability has consequences for analyzing the breadth, depth and veracity of change-claims. The subsequent discussion, using claims regarding recent supposed shifts in policing since the advent of community policing (CP), may serve as a useful illustration of some of these consequences.

The proliferation of CP initiatives from the mid to late 1980s through to perhaps the present day in most Anglo-American districts represented a major change, a rhetorical exercise, or a fad in the history of Anglo-American policing. CP has been variously and inconsistently defined since its introduction, but at their core CP initiatives coalesce around the notion that “police should transform communities from being passive consumers of police protection to active co-producers of public safety” (Bayley and Shearing, 1996: 588).

While it is hard to find consensus across police studies on the actual impact of CP reforms to the organization and practices of policing, it is not hard to find numerous well-researched claims regarding the histories and outcomes of CP in various districts. The following examples are from two articles - Maguire et al. (2003) and Deukmadejian and de Lint (2007) - that deal with the limited impact of CP reforms. I believe the differing approaches to change in these articles are exemplary of broader distinctions in police scholarship, and their starting conceptual characterizations of police change have major consequences to their conclusions.

Maguire et al. (2003) have claimed that CP reforms in major American police forces have had equivocal and inconsistent effects on police organizational structures. They explicitly state at the outset of their paper that they are inquiring into changes to one domain (or what I would suggest is one aspect of a broader domain, particularly, a technology)⁴, namely organizational structure, of six major American public police forces experiencing CP reforms. They specify the empirical measures which they use to gauge shifts in organizational structure and then analyze data to this end. Through this analysis they come to the conclusion that organizational structure has not changed consistently in line with CP reformers' intentions, and in some cases has changed in an opposite direction which results in equivocal conclusions on a number of research questions. They

⁴ In slight differentiation from this paper, Maguire et al. conceive of organizational structure as one of many 'different substantive domains' of police organizations.

further readily admit that organizational structure -- their measure of the ascent of CP reforms - is restricted in its explanatory value. In turn, at the end of their article, we are presented with a series of modest claims. Based on the evidence, while the organizational structure of American policing is not entirely stagnant in the wake of CP reforms, on the whole it is not changing in major ways, and it is changing in divergent directions. This is similar to arguments made by Manning (2003).

Deukmedjian and de Lint (2007)⁵ have also argued that CP did not take hold, in the context of the Royal Canadian Mounted Police (RCMP), and that it was subsequently replaced by a new initiative, Intelligence-led Policing (ILP), in recent years. They base their claims on extensive archival research, although in their article they do not specify a methodological approach, or the specific domain aspect to which they are ascribing change. They argue that the RCMP have “consolidate[d] a singular reform view” and that their “mission” has shifted (p. 240). While they do not provide a definition of what a reform view or mission are, they do provide a definition of the core police mission. They claim that the change has occurred, potentially to the entirety or at least to significant aspects of the RCMP organization, though at times it appears that the change is largely a public-relations effort. They begin by characterizing the change from CP to ILP as “radical” (p. 239), while at other times it appears that the shift is “cyclical” (p. 253). They provide some discussion of actual practice ostensibly related to ILP and CP, but more often than not appear to be discussing official or executive posture toward RCMP practice rather than practice itself. They nonetheless concern themselves from time to time with practice and its consequences, and conclude with concerns about the effect of ILP on police trust and legitimacy.

Both Maguire et al. and Deukmedjian and de Lint claim that external conditions in the form of public pressure - an aspect of what I have here referred to as task environment - led to shifts in a particular organizational technology, that is, administrative strategy, in the former case bringing about CP reforms, and in the latter bringing about a shift from CP toward ILP. Maguire et al. set their terms of inquiry clearly at the outset, and thus come to rather mundane and limited conclusions about organizational structure. Deukmedjian and de Lint, on the other hand, do not take pains to define their terms or methods, and thus construct a narrative that leads to the conclusion that the RCMP has undergone a unidirectional and possibly radical shift in its core mission, which may have serious implications for front-line practice.

The notion that initiatives promoting CP have not represented major change to policing is by no means novel (Mastrofski and Greene, 1988). The point here is rather that the degree to which we can call it and subsequent initiatives ‘change’ is unclear until we set the terms by which we are

⁵ Deukmedjian and de Lint’s article is intended as one example among many that confound clear understandings of change through overstatement or lacking specificity. As I state later in the paper, it is useful scholarship on other grounds.

studying change. When we do set these terms clearly, we may find very little change in policing, which can result in modest scholarship. When we do not, our change-claims lack a conceptual anchor on which they can be judged and allow significant ambiguity and potential overstatement.⁶ As noted earlier, transformational or fundamental change-claims should be looked on with suspicion. Perhaps in the end the difference between these two examples is, where Maguire et al. seek the empirical grounds for change-claims, Deukmedjian and de Lint seek to provide a warning against future directions and use change-claims as a means to support their warning. Unfortunately, the latter approach does little to aid understanding of police organizational change.

The Political Value of Overstating Change

Perhaps ultimately it is the *importance* of the police in modern civilization that leads to overestimations of change. Police organizations are rarely studied as organizations first (Manning, 2010), and the *police* aspect of the organization remains foremost in the sociology of police and policing. Yet, there is little sociologically special about police organizations. They change as other similar organizations - institutionalized organizations in particular - change, which is to say, rarely and with great difficulty. Police scholars are reticent to see police as mundane, and consequently often sociologically overvalue the potential ramifications of changes in police practice. This leads police scholarship to proclaim serious consequences to 'new' police initiatives and research findings, often without good evidence of either newness or consequences.

Police scholarship often uses proclamations of change as a device to alert people to the danger of certain shifts in specific organizational aspects. This is no more the case than in scholarship in the wake of late 1990s and early 2000s, particularly post-9/11, security-oriented police reforms. Similar to Deukmedjian and de Lint (2007), many scholars were quick to point out the multiple dangers to police practice of conceiving of and legislating public police as a national security or intelligence instrument (e.g. Ericson, 2006; Murphy, 2007; Sheptycki, 2007). These dangers include loss of trust, erosion of the local-level mandate of public policing, a decreasing concern for civil rights in police practice, and at worst an unending justification for police to proceed by exception instead of by rule. These criticisms remain highly relevant. However, we must keep in mind that evidence of trending toward a security orientation in police administration is not adequate to claim that major change has occurred. The public police domain has always at its core been the maintenance of social order through problematic means. Consequent shifts in practice, to the degree they actually occurred, are more a function of the political negotiation of that social order than a change to the institutional form.

⁶ Equally, lacking a grounded vocabulary could result in understatement of change for political ends.

While 9/11 certainly changed the task environment, it is not clear that the public police domain subsequently shifted. To make this claim we must keep in mind the potential domain that is ever-present in the public police. It would be a mistake to assume that prior to 9/11, or really at any point since 1829, there was an era where public police forces entirely shunned security - or intelligence-related activities. The public police domain has always included proceeding by exception: the use or potential use of the technologies of information analysis and distribution, and of surreptitious and deceitful behaviour in warding off perceived or real threats to public safety; and public police have historically provided the services of gathering information and developing informants for distribution to political-administrative powers (Brodeur, 1983; Manning, 2010). In practice, the emergence of securitized public police can probably be interpreted as claims that some secondary aspects of the domain of the public police had changed in response to changes in the task environment, rather than as fundamental changes to the police organization. Incidentally, little empirical study to date has been done to verify the veracity of claims of a securitized public police.

This is not to say that the consequences of these practices or other potential changes do not have significant political value, worthy of pre-emption and over-caution in many cases. The police, “are an agency that distributes and redistributes social goods” (Manning, 2010: 248), and not just the goods of security and safety. As such their actions and practices have more consequences for the lives of citizens, and particularly the least-advantaged citizens, than most other organizations. A literature on policing that fails to recognize this aspect of police activity risks becoming blind to the human cost of bad police practice.

However, an approach to police change that seeks to understand and describe change cannot at the same time risk being alarmist about these consequences (although should not necessarily pre-empt alarms either). This approach needs to set some terms and get comfortable with the possibility that very little is changing in the domain of the public police. In many cases a police practice that may be troubling is unlikely to be new in a meaningful sense, although it may remain troubling.

Meaningful Change-Claims

We define institutional change as the difference in form, quality, or state over time of an institution. Change in an institutional arrangement can be determined by observing the arrangement at two or more points in time on a set of dimensions ... and then calculating the differences over time in these dimensions. If there is notable difference, we can say that the institutional arrangement has changed (Van de Ven and Hargrave, 2004: 261).

The preceding discussion has given us a nascent vocabulary for discussing police organizational change, drawn from more general organizational sociology contexts. Now perhaps the most important hurdle remains - that of determining the difference between change and stability. Unfortunately, no clear dividing line exists, and this determination will remain in the hands of the individual author or investigator. In the strictest sense of the term, any fluctuation in practice, personnel, or technology employed by a police force may be considered 'change' in policing. However, without strong empirical evidence to the contrary, most of these fluctuations should be seen as limited forms of change, and not necessarily meaningful from a sociological standpoint. In other words, seeing the police as an organization, if another organization experienced a similarly limited magnitude of shift in task environment conditions or domain characteristics and we would not call it change, then we should also not call it change in the case of the police. This paper will therefore conclude by offering a set of guidelines for identifying change that may be considered meaningful.

1. Any change-claim must recognize the ever-present potential for police practice

Much of this has been outlined above. In general terms this means that evidence of police organizations undertaking their dominant goal and practice - order maintenance through coercive force, arrest, tracking and surveillance - cannot be evidence of fundamental change, despite the many apparently novel iterations of this practice. Absent consistent empirical proof to the contrary, most police practice is properly understood as in service of or in addition and peripheral to, rather than as an abandonment of, these central domain components. As well, most present practices - even those conceived of as new - have significant historical precedent; researchers ought therefore to look diligently for similarities with the past before proclaiming change. In turn, in most cases initiatives such as CP, ILP or securitization should be understood as minor organizational domain shifts. Again, this is as seen through organizational sociology concepts, rather than an approach that is at its core concerned with political consequences.

2. The police organization's actions on the outside world are of paramount interest

This is, after all, an external model of understanding organizational change, and change in turn should be measured primarily by the differences across time in the actions of police organizations on or on behalf of those in their jurisdiction, and/or by changes in jurisdiction. Major and minor change is expected to be related to changes in task-environment conditions, although given the institutionalized nature of police practice, not all task environment changes will result in changes in domain. It remains of secondary interest whether internal culture or structure have changed, if they are not accompanied by changes to the organization's external actions.

3. Any change-claim needs to be specific about the organizational and temporal locus/loci of change

In this paper, I have proposed that task environment and the constituent elements of domain provide a useful lexicon for describing police change. This is an attempt to develop a shared vocabulary, and other terms could be substituted so long as they perform a similar function. It is most important that when someone claims that the police have changed they are specific about what has changed, and by implication what has stayed stable or at least what has not been examined. Further, they must identify a past that can be differentiated from the present, or they cannot be said to be making a change-claim. This in most cases will result in a dulling, limiting, or making mundane of the change-claim.

4. Describing change and stability are questions of magnitude

In the preceding, I have kept purposefully opaque where the line between change and stability ought to be drawn. Ultimately there is no right answer about, for example, whether the advent of CP or the ascendance of ILP in most of the Anglo-American world was, remains, or will be change. Their magnitude must be gauged through empirical study, and the threshold for claiming change will be set through the initial defining of domain, task environment, past, and present.: “[E]very *de-finition* (i.e. every form of closure) is a *de-finition* (i.e. an incomplete order)” (Quattrone and Hopper, 2001: 410). By necessity the quality of any change or stability claim will rest on the quality of its initial definitions as well as its empirical grounding.

It may prove to be the case, under these terms, that *change* nearly ceases to be an employable term regarding police organizations. Quattrone and Hopper, referring to organizations generally, suggest that *drift* is a better conception of what is usually being described as change:

When things are drifting ... they cannot accurately define their location or the time though they are likely to continually try to do so ... In organizational terms, drift recognizes the existence of some knowledge of what an organization is, where it is and where it should go ... However, possession of such knowledge does not transcend actions or outcomes to unknown destinations (Quattrone and Hopper, 2001: 426-7).

This conception of change is certainly acceptable to the model proposed in this paper. Often it will be hard, if not impossible, to establish adequately a past of policing in a given district, and it will further be hard to get a sense of the importance or centrality of a certain practice or set of practices relative to the whole organization in the present. This becomes more pronounced of a definitional issue the larger the organization under study is, and large police organizations have been the essential territory of

police scholarship.⁷ Of course, this approach also produces an acceptable result - that change-claims regarding police organizations be used cautiously, sparingly and with as much precision as possible.

Conclusion

There are many extant claims about changes facing Anglo-American public policing. By promoting a sociology of police grounded in a sociology of organizations we can begin to determine the breadth, depth, and veracity of many of these change-claims. Looking at examples of claims made about recent police initiatives such as CP, ILP and security-oriented policing, we have seen the different types of conclusions that can be reached based on the initial conceptual orientation of pieces of police scholarship. In some types of police scholarship little emphasis is put on empirical specificity in anchoring or sustaining change-claims. In these cases, change claims may be over-stated and are used as a device to draw attention to troubling police practice, whether or not that practice is actually new. This approach to police change is not commensurable with the approach proposed in this paper, though it remains relevant for other purposes.

By developing a shared vocabulary mapping change-claims along the axes of domain and task environment and recognizing the institutionalized domain aspects of public policing, we face the probability that we will develop often mundane and unexciting claims about the reality of change in police organizations. However, by making this shift in vocabulary we will also create more tenable and comprehensible conclusions, and we can expand our understanding of police organizational change. The paper has offered guidelines for developing these types of change-claims, and argued that the result of this approach probably means sparing use of change as a descriptor of Anglo-American policing. In all cases, determining whether or not to characterize something as evidence of change will be a question of magnitude, and the quality of the change-claim will rest on the quality of the initial definitions of task environment and domain, past and present.

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⁷ This should not be seen as a fatal problem for police organizational studies. As Manning (2010: 98) asserts, the best studies of policing are synecdochal or metonymical, studying certain aspects of policing as either an analogy for the whole organization (*synecdoche*) or as an essential part of the organization (*metonymy*). Good police sociology does not need necessarily to provide the entire picture of the organization past or present, but does have to make a case for why the aspect under investigation is essential.

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