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When is an assembly riotous, and who decides?

The success and failure of police attempts to criminalise protest

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This chapter explores the sensitive topic of police violence at political protests in Ireland in more recent times and in particular the question of when and how it is legitimised. Long experience of discussing the matter with students, colleagues, journalists and members of the public makes it clear that many people see police acts using force as *per se* legitimate and therefore not 'violent', a term thus reserved for illegitimate acts. Yet police behaviour can be contested publicly and on occasion found to be illegitimate (by expert opinion, by media commentators, by internal inquiries or indeed by courts of law). The question of how the use of force is legitimised – and what conditions make this achievement of legitimacy more or less likely – is then an interesting one, as is the broader question of why a police decision is made to use force in the first place, and at what level.

Thus a central theme of our chapter is the need to separate acts involving force (injury to civilians on Dublin's Dame Street, for example) from the question of whether or not they are subsequently legitimised (in the case of Dame Street in 2002 they were not; in the case of Rossport in Mayo in the years up to 2010 they consistently have been). In the contexts in question, police acts of force – far from being seen as automatically legitimate – have been widely condemned in the media and, on occasion, by internal inquiries; they have also been denied (rarely) or ignored (far more commonly), and (on occasion) explicitly justified.

Our general argument here is that (a) police officers commit violent acts, but are (sometimes) licensed to do so; (b) the question of when they are licensed to do so is an interesting one and worthy of research; (c) it has to do with a range of social actors, notably the media, courts and politicians; (d) all of this is separate again from the question of whether in some other sense they are justified or not, on which opinions will no doubt continue to differ.

A separate question centres on why particular acts of police violence are committed. A particular act may originate with a strategic decision by senior police management (or indeed a general directive by politicians); it may also be a decision by the immediate commander or it may indeed represent a loss of 'command and control' over individual officers. Given that some policing decisions will never be recorded, and others will be fully discoverable only in the event of independent legal inquiries or the subsequent release of state papers, a whole series of problems arise.

In this context, researchers have to draw on the available evidence and make reasonable arguments about (i) when genuine choices are being made – as with the 'no-arrests' policy, which was publicly stated in *Garda Review*, or the withdrawal of batons from front-line police at protests, visible between May and September

2002; (ii) at what level such choices are made – for example, the involvement of the navy in responding to the Erris protests and the borrowing of water cannon from the PSNI for the May Day protests were clearly not decisions within the remit of junior officers; and (iii) what explanations for such decisions can plausibly be suggested.

In other words, as citizens or (sociological) researchers, we have to do the best we can to understand why, when citizens protest, they are occasionally attacked (legitimately or not), though we remain aware that in some cases we may never know the answer. Comparable limitations, of course, apply to events in the past, where the data is also limited (albeit differently) and researchers also need to rely on chains of evidence, assumptions and reasoning to make convincing arguments about the reasons for particular acts.

Here we discuss some choices in the recent policing of protest in the republic, and possible explanations for these choices; we also ask about the processes through which the outcomes of such choices – in terms of the use of particular levels of violence against citizens – have been found legitimate or otherwise, and the conditions which influence these outcomes. We start, however, in the eighteenth century.

In 1787, Irish law introduced the 'reading of the Riot Act'. In this ritual, once the act was read, a popular gathering – irrespective of the participants' actions – became illegal, and subject to physical attack by the authorities. Similar 'warnings to disperse' are still employed by the Irish police at demonstrations in Ireland today, and the charge of 'refusal to obey the instructions of a garda' is routinely brought against protestors, whereas the 1994 Criminal Justice Act makes 'riot' an offence in itself, separate from any specific actions. In other words, if the police publicly define protests or other collective

actions as riotous, they are entitled to make extensive use of force in repressing them, and both participation and mere physical presence become criminal. Another way of describing such laws is to say that an assembly is riotous when the authorities say that it is. Such statements are what Jürgen Habermas calls 'performative utterances', statements which make something real by saying that it is so, like 'I do' at a wedding.[1] The implication is that the state can legitimate its use of violence against social movements, restrict the freedom of assembly and criminalise participants just by saying so.

However, police decisions to define a specific protest as illegitimate and illegal – and hence a legitimate target of violence – is not automatically the end of the matter. Protestors try, sometimes successfully, to undermine such decisions; and other social groups like the media and courts do not always give the consent needed to legitimise coercion. As the broad history of the popular assertion of political rights like the right of assembly suggests, the authorities' routine attempts to restrict such rights often fail.

The key feature of all these events – as with the series of simultaneous protests around the use of Shannon Airport by the US military, which deserve separate discussion – is their combination of peaceful protest with disruptive tactics (non-violent direct action) and a consequent refusal to negotiate protest events in advance with the police. This disruptive power is one of the major tools that those who are formally powerless have at their disposal.[2] Struggle over the legitimacy of such action is therefore a key site of political conflict. It is also important that we are discussing events which broadly fit within the 'alter-globalisation' (anti-capitalist, global justice, etc.) movement; policing strategies are very different in relation to different movements.[3] Our analysis leads us to ask three further questions:

- Why should police seek to criminalise the alter-globalisation movement in the first place?
- What conditions enable or prevent legitimation of the use of force by the police?
- What do police and protestors learn from these events?

Considering its origins, the Republic of Ireland is a remarkably peaceful state, as shown by international comparisons of murder rates or the availability and use of weapons, official and unofficial. This is tied to the successful pacification of the state during the post-Treaty 'counter-revolution' and more recently to the Northern Ireland 'Troubles', which have had a massive impact on political violence in the republic. The key security institutions of the state have – or at least had until the Good Friday agreement of 1998 – been justified by the Northern Ireland conflict (and by extension the supposed subversive threat to state power in the republic), to which they have directed most of their attention, with the support of most political forces and media in the south.

One major implication of this preoccupation was a sharp division in policing style for protest in the republic in the last third of the twentieth century. 'Routine' political demonstrations of whatever colour were (until 2000) essentially self-policing, with very low police presence and organisers determined that their protest should be fundamentally non-disruptive, in contrast to the routinely tolerated disruptive protests by insider interest groups like farmers and taxi drivers. Conversely, other kinds of political protest – notably republican events, but also working-class and Traveller protest, and rural protests against the development plans of multinational corporations – were met with a massive and coercive police presence as a matter of course.

Political riots have been rare in the republic's recent history.

After the 'Bloody Sunday' killings of protestors by soldiers in Derry in 1972, a crowd set fire to the British embassy in Dublin. It was again a target during the 1981 hunger strikes, but this time the crowd of 15,000 met a brutal response. This zero-tolerance security operation is seen as a watershed in Irish policing history.[4] Conversely, non-political collective violence on a small scale has long been a fairly routine feature of Irish life. For example, at the time of the 2004 EU summit protests in Dublin (twenty-nine arrests, but only half reached trial), the 'Rally of the Lakes' resulted in forty-three arrests in Killarney,[5] where one incident was reported thus:

> Officers were targeted by thugs when they arrived at the scene of a fight at the busy junction linking Main Street and Plunkett Street at 1.30 a.m.
>
> As they moved in to apprehend two culprits, other bystanders got involved and Gardaí were targeted with missiles when reinforcements arrived to break up the row. 'It was basically the crowd that couldn't get into the nightclubs that had congregated on the street – these were people who had come out of the pub and couldn't get in anywhere,' Sergeant Tom Tobin told *The Kingdom.*
>
> Around 300 people were present at the scene as Gardaí broke up the fight. Seven people were arrested under the Public Order Act as a result of the fracas, making up a quarter of the 28 public order arrests made on Saturday night and Sunday morning. Nobody was injured as a result of the street fight and those arrested will be brought before the courts.[6]

The contrast between the policing of the Killarney event and that of the EU protest, for which over half the republic's police force was deployed, is stark.

Similar conflicts at Traveller weddings and funerals have been a feature of life in the republic, and routinely provoke a 'moral panic' in the media as well as intensive policing. Yet another kind of response marks the frequent encounters between police and groups of youths on council estates in west Dublin and elsewhere, which are typically occasions for the deployment of state force but without any media fanfare. Such 'social violence' took an explicitly political form in 2006, with the so-called 'Dublin riots' in which an apparently spontaneous gathering of marginalised working-class youth prevented the loyalist Love Ulster organisation from marching past the GPO. This event highlighted both the organisational capacity of those involved and the separation of their networks from those of traditional republicanism: both republicans and the police were caught by surprise.[7] This event, however, stands out as exceptional, and is best understood as a transposition to the city centre of normally hidden conflicts on peripheral estates.

Despite this peaceful history, the alleged likelihood of anti-capitalist violence has frequently resulted in high-scale policing of protest, justified by implausible information fed to the media.[8] Equally interestingly, the co-operation of courts and media – routinely available to criminalise working-class youth and Travellers – has often been withheld. What is it about the alter-globalisation movement that seems to make the Irish police want to criminalise it and yet makes their attempts to do so fall flat? By 2002, senior Irish police officers were familiar with their European colleagues' picture of alter-globalisation protestors as 'the new subversive threat', a perspective highlighted in 2001 by the near-fatal shooting of three protestors in Gothenburg and the killing of one in Genoa. Dublin's 'Reclaim the Streets' (RTS) protests were equally international in inspiration and were by now traditional in

Dublin, highlighting the privatisation of public space by car traffic and disrupting it with street parties.

The 2002 street party began with about 400 people listening to music played from a rig blocking one of the city's busiest roads. Banners against car culture and commodification of the city called for free public space. Numbers rose to 700 and the party continued for three hours until the police became hostile and began making arrests. Partygoers decided it would be safer to walk *en masse* to Stephen's Green and disperse there but, as they began to move, an unmarked police car drove into the march, breaking it up. Several police vans arrived and participants alleged the gardaí started indiscriminately attacking people – partygoers, bystanders and passing shoppers. As police numbers rose to about 150, the crowd, now only 200, was still moving towards the park, but was blocked by police vans and bikes. One protestor recalled:

> This was the worst of the baton charges I saw. Previously they had been happy taking a few swings at a couple of people to frighten people back. This time they were knocking people to the ground and continuing to baton and kick people once they had gone down. I saw a young man being thrown against the side of a bus and batoned there by at least five gardaí … One advertising executive reported that he had been hit three times before seeing two motorbike cops banging a young man's head off a wall. A woman was knocked off her bike and beaten on the ground before being arrested, and many people were sent to hospital at this point.[9]

These events fitted into an increasing police hostility to alter-globalisation activism. On European Car Free Day in September 2001, a well-established and generally tolerated event in other EU states, five Dublin activists were arrested for obstructing traf-

fic. Three weeks later a protest against privatisation was met by a baton charge, with fourteen protestors being arrested and held overnight – a then unprecedented measure in relation to minor public order disturbances. A journalist recording the event was arrested and had his equipment confiscated. By the time the police attacked the Dame Street party, arresting twenty-four and hospitalising over a dozen people, a pattern of aggressive policing of anti-capitalist movement activity had already emerged. The *Irish Times* journalist William Hederman commented:

> Since last summer, there has been a remarkable shift in the garda's approach to dealing with protests by the 'anti-capitalist' or 'internationalist' movement. Activists report that gardaí have been moving in suddenly and aggressively, making arrests and bringing criminal charges under the controversial Public Order Act (POA).[10]

Protestors also noted that the riot units that attacked the crowd were not wearing numbers, a serious breach of discipline if it had not been sanctioned by senior officers.

What marked this event out from previous incidents was the availability of high-quality video footage of the events and the willingness of national television to broadcast images of police violence, resulting in what is now widely seen as one of the major police legitimacy crises in recent Irish history.[11] Uniquely, tabloid headlines the next day criticised the police rather than the protestors, and it became clear that the traditional licence accorded to students in particular to engage in unusual and colourful behaviour was widely accepted even among traditional, 'middle-class' supporters of the gardaí. A crowd of almost 1,000 marched the following week to demonstrate against the treatment of RTS protestors, the marchers representing a broad mix of socialists,

anarchists, republicans and the travelling community.

There were serious repercussions for the police: over €1 million was paid out in compensation to victims, while the Garda Complaints Board denounced the behaviour of the police involved in attacking the RTS protest. An internal inquiry was held (in which officers unanimously claimed not to be able to identify any of their colleagues as having taken part) and batons were taken away from the police at the next RTS demonstration, six months later. For their part, police participants in the September events held that they had been 'hung out to dry' by management. Plans to hold the European meeting of the World Economic Forum in Dublin the following year were scrapped after the Irish Social Forum and Grassroots Gathering mounted an anti-summit campaign. If, as activists believed, this represented an official acknowledgement of police inability to deal successfully with new kinds of protest, this was clearly a problem for the police (not to mention an embarrassment for senior politicians) and required a new strategy on their part, as well as a substantial investment in training.[12] As an aside, we can observe that Dame Street was by 2010 closed to private transport and used only by buses and taxis.

Two years after the events of May Day 2002, Ireland was scheduled to hold an EU summit meeting in Dublin's Phoenix Park. The old left used this opportunity to hold a conventional march against neo-liberalism in a location approved by the police, whereas the libertarian left established the 'Dublin Grassroots Network' and called for a march to the summit itself. Following the model of Argentinean *cacerolazos*, the aim was to 'bring the noise' – whistles, pots and pans – to discover whether dissenting citizens could in fact be heard by EU leaders. The key issues were opposition to what were seen as racist 'Fortress Europe' policies, the privatisation of basic services, neo-liberalism's perceived

contribution to social injustice and the increased militarisation of the European Union.

Although May Day 2004 was officially framed as a 'day of welcomes', anticipatory media coverage of the summit protests – drawing on the usual unattributed 'security sources' – warned the Irish public that hordes of EU citizens were planning to travel across the Irish Sea to protest. Elsewhere in the EU, similar attempts by citizens to exercise the right to demonstrate have routinely been met with the suspension of the Schengen agreement, the detaining of protestors at frontiers and the systematic demonisation of 'foreign' protestors. The Garda Representative Association claimed that everyone who had been in Genoa (some 250,000 according to standard estimates) would come to Ireland; another claimed that there were '20,000 anarchists' travelling from the UK. Rather more accurately, the final *Garda Review* analysis suggested a figure of twenty visitors intent on causing trouble.[13] The bizarre inflation of numbers seems to have been part of a disinformation campaign, which ran for months before the event, attacking alter-globalisation demonstrations and aiming to legitimise militarised policing. Stories were leaked of secret armies, arms dumps, a threatened gas attack on the Taoiseach and plans to burn down Blanchardstown shopping centre; journalists wrote of infiltrating 'secret meetings' which turned out to be publicly advertised and open to all.[14] Aisling Reidy of the Irish Council for Civil Liberties said they were 'very concerned that gardaí, through stories fed to the media, [were] trying to soften up public opinion for a show down, by talking of potential violence and well-planned attacks by subversives'.[15]

The summit's location, close to a residential area, was marked off by a four-mile exclusion zone, with between 4,000 and 6,000 police officers – half the national force – deployed on summit-

related duties, 1,000 in riot squads. Overtly alarmist measures included the deployment of over 2,500 troops, the use of the navy and air corps, placing the army's chemical, biological, radiological and nuclear unit on stand-by, detailing other troops to help gardaí secure key installations around the capital, including the airport, tightening immigration checks at ports and airports, cancelling all garda leave and borrowing water cannons from the Northern Ireland police, from whose tactics gardaí have historically preferred to dissociate themselves. More disturbingly, senior gardaí told hospitals to have their emergency contingency plans ready in case of serious civil unrest, space was cleared at the city morgue and body bags[16] were said to have been ordered, a wing of a Dublin prison was emptied in readiness, and gardaí visited city-centre businesses warning of serious violence and encouraging them to shut up shop for the weekend, producing a frightened, silent and militarised city.[17]

The right to protest was directly suspended with the announcement, two days before the protest, that the riot squad would be deployed at the march's starting point with orders to break up any attempt to assemble – a serious threat to those who might not hear of this in time. In the face of this, and the usual anonymous announcements in the media that the protest had been cancelled, Dublin Grassroots Network declared a new starting point. The eventual march brought 5,000 marchers within a mile of the summit venue, well inside the supposed inclusion zone, and safely back to the city centre, a distance of some eight or nine miles. In the confrontation at Phoenix Park's Ashtown gate between some protestors and police, the apparently overwhelming force available to police was restrained in the face of a massive media presence, legal observers, memories of 2002 and the presence of large numbers of interested local working-class men

on a warm Saturday evening. An attempt by a group of protestors to push through police lines was met with the use of water cannon, producing a stalemate, and protestors retreated in good order in the face of baton charges.

Police strategies were also less than successful in the public arena. Banning the march almost certainly boosted the number of protestors who were defending the freedom to protest. Serious media used the more ludicrous claims fed to journalists to mock the alarmism of the tabloid press. Journalist Harry Browne commented that the event was 'actually a garda riot control operation without a riot … and the virtual erasure of people who were involved in peaceful protest in a public place and were subjected to assault by baton and cold bath, then arrest by gardaí'. The denial of bail to the handful of protestors arrested (usually on trivial charges, and held over the bank holiday weekend) was the subject of newspaper editorials and it was rapidly reversed.[18]

Far from the organisers being charged with conspiracy to organise a riot, as would have been logical if the police had believed their own claims, only trivial charges were brought (most for 'breach of the peace' and 'refusal to obey the instructions of a garda'). The courts refused to entertain police requests to take into account the political context of the supposed offences. The most serious charge (of possessing stencils) was thrown out because the police had failed to bring any evidence to show their purpose.[19] We may note that four years later the Irish electorate rejected the EU's Lisbon Treaty and was 'sent back' the next year to vote again until the officially approved result was achieved.

The year after the EU protest, five men from an isolated rural community in north-west Ireland were gaoled for refusing to comply with an injunction against interference with Shell's plans, using the first compulsory purchase orders awarded to a private company in

the history of the state, to construct a gas pipeline on their land. Local residents, supporters and much expert opinion considered the experimental pipeline and refinery to pose a significant danger. After years of organising, local people resorted in 2005 to civil disobedience in a desperate attempt to halt the development. They picketed the gates of the refinery construction site on the day of the gaoling, preventing any work from taking place. Following the imprisonments, a major national and international mobilisation ensued in support of the locals, and Shell quickly changed tack, enabling their release and ending a serious PR disaster. The Shell to Sea campaign now came to be seen as an international example of local struggle against global capital.

In October 2006, the situation changed. Smears against the campaign were spread to the press, claiming that it had been hijacked by dissident republicans,[20] and the policing operation changed. That month, the picket line which had been held for nearly a year and a half was violently broken by hundreds of police who were brought into the area and remained there for the next couple of years. In an interview Superintendent Gannon explained the changed strategy:

> The entrance to the site was blocked for a year and a half. Local people had a veto on who went in and out of the site: it was out of this situation that the current operation was born … There were no arrests. That was part of our strategy: we did not want to facilitate anyone down there with a route to martyrdom. That has been the policy ever since.[21]

The net result of this 'no arrests' policy was the use of police violence rather than risking the uncertain support of the courts and media. It clearly followed from the major mobilising effect of the

imprisonment of the Rossport Five, which drew criticism from many quarters in Irish society. Other elements of the new policy evidently included the targeted use of off-camera violence and the intimidation of individuals through intense surveillance and harassment – this, however, was counter-productive, in that the local residents who were the main victims became more, rather than less, committed to their protests. The situation was intensified by the appearance of groups of masked individuals who hospitalised one local fisherman and sank his boat; it is hard to imagine this could go unnoticed by the massive police presence. Ironically, following the end of the 'no-arrests' policy, this same fisherman found himself targeted for imprisonment.[22]

The period of no arrests, but off-camera violence, ended in 2009. Though a full clarification of this strategy must await the release of state papers, the ending of the 'no-arrests' policy and the use of the military can hardly have been within the discretion of local commanders, and presumably represented a decision that the time had come to force the pipeline through at any cost. To this end, a substantial part of the Irish navy was brought in to protect the ship laying the pipeline. Fishing boats and kayaks had previously been used to prevent this; now there were targeted arrests of protestors with access to these skills and equipment. Leading protestors were given severe sentences, and a local judge even required a psychiatric examination of one protestor. When the mass arrests of less high-profile campaigners were brought before higher courts, however, twenty-five out of twenty-seven people had their cases withdrawn or dismissed, with criticism both of the local judge's refusal of bail and of the unlawful detention of another activist; evidently the breach between police and courts was not so easily mended.[23]

In this new strategy, media attacks on protestors continued – no doubt reflecting the fact that much of the broadcast and print

media is owned either by the state or by individuals with interests in offshore energy exploration. As before, most journalists assigned to the case were still crime reporters, reliant on the police for information. Nevertheless, it is worth noting that by 2010, some eleven years after the saga began, despite the best efforts of the police and corporations, planning permission had still not been granted for the onshore section of the pipeline. Let us now return to the three questions we asked earlier.

1. Why criminalise the alter-globalisation movement?

Police respond differently to different protest groups; and the treatment of campaigners involved in the anti-globalisation movement changed substantially around 2001–2. How should we understand this? Neo-liberal states reject on principle the kinds of investments and concessions needed to win popular consensus. This policy entails an attack on gains won by previous movements from below, including, importantly, political rights such as the right to protest or to exercise control over government policy.[24] This thus marks a shift from consent to coercion.

From this perspective, it is no coincidence that at this point in history a global anti-capitalist movement should develop, with a critical approach to state power and a willingness to adopt disruptive tactics as popular movements become increasingly distanced from decision-making; nor is it a surprise that these movements against neo-liberalism encountered an approach to policing protest that had not been seen since the early 1970s. The recent standard policing of transnational, alter-globalisation protest involves:

- The use of 'less-lethal' arms; databanks of 'travelling

troublemakers' have been constructed; special anti-insurgent units have been created; and in some cases the military has also been deployed for public order tasks.[25]

• Even though this shift came from the executive arm of the state, it had to overturn previous norms in the media and courts. To this end, alter-globalisation protestors were branded as terrorists, by association with foreign 'anarchists' or dissident republicans. Just as, in the USA, the end of the Cold War created the need for a new campaign – the 'war on drugs' – to legitimate the neo-liberal increase in state coercion, so in Ireland the alter-globalisation movement was chosen, we suggest, to fill the same gap.[26]

2. What conditions enable or prevent legitimation of the use of force by the police?

The failure of the Irish establishment to legitimise the use of force on May Day 2002 can be explained in part by the use of activist media, and in particular the ability of activists to produce TV-quality footage of police assaulting people who fitted popular images of 'young, middle-class students'. While the Irish police had a clear idea that RTS needed to be beaten down, as anti-capitalist subversion and as a threat to the free flow of private traffic in Dublin, journalists did not agree that it was acceptable to use such force against these particular groups.

Gramsci writes that power consists of 'consent armoured by coercion': in other words, the routine deployment of coercion against particular groups depends on the consensual relationship between the state and other groups. 'Bad' protestors, in the sense of protestors subject to heavy policing and the sudden use of

force, are a social category rather than a category representing a particular type of behaviour. It is worth reiterating that very few demonstrations in Dublin show any propensity to violence or rioting; not a single window was broken on May Day 2004.

While the new Irish policing tactics followed international models, they could not be successfully applied without a shift in the way anti-capitalist protestors were perceived by Irish society. Hence the anticipatory coverage of the EU protests, aimed at discrediting anti-capitalists and generating a moral panic to justify massive policing; hence too the media smear campaign in Erris, aimed at delegitimising the community through accusations that they were pawns in a subversive plot against the state.

The success of these strategies has been uneven. One suggestion is that the tabloid media had to be 'turned around' or influenced by some agency to change them from their 2002 hostility towards police violence to their 2004 crediting of implausible stories about the protests.[27] The serious media have been somewhat more resilient, and have on occasion used this process for an attack on tabloid journalism. In the case of Rossport, however, the apparent interest of economic and political elites in the transfer of offshore wealth to multinationals has seriously constrained both print and broadcast media, whether owned by the state or by wealthy individuals.

The courts present a similar picture: district courts, in which the police are routinely the *de facto* prosecutors and the only witnesses, have on the whole been more receptive to the police version of events, whereas higher courts have been willing to crack down on serious challenges to state interests but have shown little willingness to criminalise 'ordinary protestors' on the evidence of gardaí alone.

Public opinion, finally, remains contested and contradictory:

at one point accepting the use of the navy against a small rural community, at another point outraged by the imprisonment of members of that same community; willing to provisionally believe scare stories about EU protests but also to enjoy serious journalists' demolition of those same stories; less willing to engage in protest themselves but more willing to come out to defend the right to protest. In this respect, the right to political protest in Dublin probably remains better supported than the right of marginalised communities to resist development by large business interests.

3. What do police and protestors learn from these encounters?

Firstly, the Europeanisation of the policing of protests was part of a general 'professionalisation' of the gardaí, reflected in tactics like borrowing water cannons from the PSNI, using training by the London Metropolitan police, collaboration with Interpol in the use of spotters and the identification of known activists, the use of the military and the militarisation of police functions. At the broadest level, of course, it was reflected in the identification of anti-capitalists as 'the new subversives'.

This strategy, however, has met with limited success. There were severe constraints on using force of a kind unusual in UK or continental protest policing. On the other hand, a media offensive relying on police interdependence with crime journalists and local socio-historical factors helped to delegitimise protestors' claims. In particular, in the case of Erris, the argument that protestors were influenced or infiltrated by republicans and were against development (and hence jobs) made this offensive easier.

By contrast, there is little evidence of any improved police

strategy in the courts: interdependence between police and judges in low-level proceedings continues to produce some convictions, but police are still failing to convince senior, or more sceptical, judges in higher court appearances. Nor have police efforts at public relations proved uniformly effective at influencing 'serious' media. Rather, political controls – such as the refusal by Radio Telefís Éireann to broadcast the AfrI (Action from Ireland) advertisement campaign about Erris, or the private ownership of much of the Irish media – have meant that silence has been the more common 'serious' response.

Finally, the apparent outsourcing of state violence to private companies in Erris represents a worrying trend, perhaps a response to this blockage. Some aspects, such as night-time attacks on local campaigners by masked groups, have apparently been too sensational for 'serious' journalism. Independent media journalists have raised questions over IRMS (Integrated Risk management Services), a security company which operates in conjunction with the gardaí in policing protest and whose staff appear to have very dubious records abroad, but again mainstream journalists have avoided this story.

Movement activists, for their part, have shifted towards disruptive but non-violent protest as an effective strategy in a neo-liberal context where access to decision-making is increasingly constrained. This move is supported by the development of independent media sources in place of state and corporate media, and the development of solidarity and alliances with other groups on a national and transnational level, replacing two decades of 'partnership' politics in which most alliances were at best confined to a single sector.

The use of video technology and legal observers, with careful documenting of police behaviour, has become important in

attempts to limit coercive policing, as has an increased willingness to engage with media and courts. An awareness that in such battles protestors are sometimes successful also raises the costs (in both money and legitimacy) of attempts at repression. Attempts at widening the arena have also been significant, such as the use of human rights observers, academic and non-academic researchers, and the development of trade union and international links.

As in the past, the right to protest – and, when institutions block effective democratic control of decisions, the attempt to disrupt their normal functioning – remains an inherently contested area. What stands out most obviously from this Irish experience is that the result is not a foregone conclusion, but depends on the attitude of other social groups – themselves internally divided – and the learning processes of both police and protestors.