A turning point, securitisation and policing in the context of Covid-19: building a new social contract between state and nation?

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*Coercion and compliance in a context of international norms.*

While the biological threat posed by Covid is of course a primary focus of analysis, what is often less salient are considerations of the security implications of the global epidemiology. At this particular stage the highly contagious status of the virus has created an unprecedented global response as Governments internationally have attempted to curtail its spread. As a result, a primary driver of political responses has been the emerging and evolving context of international norms that have pushed nation states in the direction of highly securitised measures, involving new laws allowing for draconian constraints of basic democratic freedoms and increased powers of police enforcement. One of the most recent examples of this has been in Hungary, with the Government of Viktor Orban securing an open-ended extension of state of emergency powers that will allow his right-wing nationalist and authoritarian administration to bypass parliament. In other countries, conflicts have emerged as police seek to enforce ‘social distancing’ measures upon communities who have been systematically disadvantaged by them. Given the measures taken by Governments to control disease often produce outcomes that can threaten the very basis of functional democracy in this commentary we provide a brief analysis of some of the security implications of Covid-19.

*The U.K. Response*

As the virus spread into continental Europe the U.K lagged behind other countries in terms of crossing the threshold of firm action to supress the otherwise unstoppable community-based transmission. However, on Friday 20th March, the U.K Prime Minister gave a speech that laid out a series of highly restrictive social distancing measures. This announcement represented a major shift in Government policy, from the previously much more liberal position he announced just eight days earlier. In the wake of that first announcement, it was immediately apparent that there was considerable public appetite for much stricter controls. Additionally, the unintended consequences of Government messaging and the spread of the virus, meant events rather than Government leadership began take control. First, the Football League authorities in the UK decided on their own volition to suspend all competition. Media narrative began calling for much firmer action. By the following week Universities came under pressure from unions across the U.K. lobbying to protect staff as well as students and began to close, again without any direct requirement to do so from Government. Soon afterwards schools also began to shut because staff and pupils were increasingly reluctant and unable to attend. Facing the inevitable, on the 18th March the Education Minister announced schools would be required to close and just two days afterwards the U.K entered into ‘lockdown’ for the foreseeable and uncertain future. These rapid developments were quickly followed by new emergency legislation and police powers that are unprecedented in peacetime and which have now placed the issue of policing, public order and enforcement at the heart of consideration, policy and analysis. The central question therefore emerges concerning how the police should approach enforcement in this new, unprecedented and insecure Coivd-19 reality?

*Key theoretical models.*

From an academic perspective there are at least two theoretical models that appear immediately relevant to the specific question of policing and Covid-19, both within and beyond the UK. The first is Procedural Justice Theory (PJT), built from the seminal work of Tom Tyler (1990). At its most basic PJT is a social psychological analysis of ‘why people obey the law’ and has seen widespread adoption as a conceptual framework both in criminology and among police forces internationally. Arguably, the uptake among police is in part because of its resonance with, in particular, the foundational democratic ‘Peelian’ principles of the so called ‘British’ model of policing by consent. Its core proposition is that there are two distinct modes through which people conform to the directives of powerful authorities. The first, instrumental compliance, revolves around fear of the capacity of authority to impose punishment upon those that transgress. The second, normative compliance, is adherence assumed to come about because people judge that the directions of authority are morally appropriate and enforced in ways that are fair. The second theoretical approach is the Elaborated Social Identity Model and its assumptions of the dynamics of intergroup conflict in situations where police exercise force against public gatherings. According to this perspective where police coercion is experienced as illegitimate this can and does create a psychological reaction that enables sections of particular communities to feel justified and empowered enough to confront that authority. More recent research in both these areas has begun to show how these theoretical approaches help understand the processes through which major riots spread and how policing can be developed to help deescalate community tensions.

*The benefits of a consent-based policing model.*

Pushing aside for a moment important issues with regard to the issue of structural inequalities, a key implication of both theoretical perspectives is that if the police exercise state authority in ways that are perceived as legitimate, adherence to government-imposed measures should increase because communities will self-regulate. In contrast, an authoritarian approach could fundamentally damage relationships between the state, police and, in particular, marginalised communities. In this respect, the Covid-19 pandemic is a potential ‘tipping point’ point for policing across the world. A narrowly ‘securitised’ approach – one that is seen solely as an expression of state power – could erode trust in policing and in government. But if the state and police are seen to protect collective security – against both the epidemic and the consequences of the disruption resulting from it – this would present a significant opportunity to nurture and reconstruct the fundamental principle of policing by consent.

There is no getting away from the fact that security is an essential element of public health. Indeed, the very notion of ‘public health’ developed historically from the security concerns of Mediterranean city states in the early Renaissance. However, security was not the sole consideration. Even then, notions of the ‘public good’ conferred the required legitimacy on politically driven quarantine and other restrictive measures. In other words, the existence and policing of restrictive measures rested on some degree of consent and legitimacy. Much of the discussion of security in relation to public health has ignored these complexities, thinking of security, for good or ill, simply as a blunt tool of state power. What is actually required in the context of Covid-19 is in effect the negotiation of a new ‘social contract’ in which security concerns are both acknowledged as legitimate within a public health response and at the same time grounded in the communities they are designed to protect.

*Theory and practice*

As has been seen before with respect to the policing of public order, scientific theory matters. How we understand the dynamics of police citizen encounters has important implications for how we approach managing them. To address the security problems raised by Covid, research and theory suggests it is imperative to develop a strategic approach and policing model centred around facilitating public needs and exercising police powers with fairness, proportionality, respect for human rights and legitimacy. Such considerations in the assertion of police powers are going to be particularly important in respect to the more draconian and intrusive aspects of the legislation. If this can be achieved it is likely that policing will be seen as legitimate and the crisis could actually serve to engender a deeper and positively reciprocal relationship with citizens.

A core danger with a more heavily securitised approach to Covid-19, such has been seen in places such as India, Russia, France and South Africa, only serves to anger a population and generate multiple sites of disorder. Historical examples also provide important supporting evidence, such as the heavy-handed policing of the plague in the 1890s in Hong Kong and then India. In both cases, the authorities were forced to move towards policing by consent because of the backlash and also the sheer expense of enforcing restrictive measures. Such conflicts only foster longer term community resentment and resistance for an already over-stretched police service to deal with. Indeed, more recent examples highlight that it is always more difficult to police epidemics in communities that have little trust in government, especially where there have been recent conflicts, such as in Monrovia in 2014.

The basic principles underpinning theory and research led good practice are already well established and have been utilised with good effect at a global level. The principles relate to possessing good knowledge and understanding of the identities, values and cultural norms of the communities being policed. When this is understood, there is a priority upon focusing strategically on facilitating legitimate needs, as opposed to merely controlling negative behaviours. It is also vital for the police to develop good capacity for communication and dialogue. Finally, if police use of force is required then it should be used in a targeted, information led and differentiated manner so to avoid coercion against large numbers of people within a community or gathering if only a few are behaving problematically. The best way to operationalise these principles is to build policing responses based on a capacity for dialogue led interventions and from the ‘bottom up’. In other words, policing needs to be developed from within and in partnership with the local community, rather than perceived by that local community as an external force imposing ‘their’ order upon ‘us’.

While there is no ‘one size fits all’ approach, examples already exist in some U.K. police forces’ as they establish their operational responses to Covid. At this time, national police guidance in the UK is stressing the importance of a graded approach built on the concepts of ‘engage, explain, encourage’ and then only if necessary ‘enforce’. This dialogue led and graded approach is exactly what is required. Equally in some areas, local policing teams are investing heavily in partnership building, developing ‘key individual networks’ and ongoing community ‘sentiment’ and ‘impact’ assessments at the neighbourhood level. This ‘intelligence gathering’ is occurring at the same time as police forces in the UK are also experiencing major reductions of demand due to normal crime rates plummeting. This change is allowing their response officers to empower the neighbourhood teams by assisting vulnerable people and supporting other specific local needs. However, if serious tensions do emerge, then it will be necessary for the police to establish a public order command structure and mobilise officers from outside the local areas who could inadvertently amplify tensions because they lack knowledge of local sensitivities, cultures and identities. To reduce this risk, at least one force in the UK has developed command protocols that require all public order operations to immediately appoint a ‘community bronze’ commander who has to be an officer from the local neighbourhood team within which the incident is occurring. The idea being, the public order operation can utilise local knowledge and social capital developed by the neighbourhood team to help understand sensitivities and draw on local networks to assist in de-escalating emerging tensions and avoiding unnecessary and undifferentiated coercion.

*Conclusions*

Taken together this all suggests priorities for the current policing mission, which in these early stages, should be focused on developing as much good will and legitimacy within local communities as can be achieved. As quarantine measures may need to be imposed for some considerable time, difficult challenges may lie ahead across the coming weeks and months if disadvantaged communities become disaffected. A reservoir of support generated now through supportive community-based policing may make all the difference between a successful policing response and one which actually exacerbates tension and makes citizens feel less safe. In this sense, ‘success’ is the absence of arrests, use of force and hard enforcement, not a militarised army of lock down and occupation in one’s own country.

The Covid-19 crisis is a genuine turning point for police and community relationships. In this emergency societies all over the world have forged new networks of mutual support, solidarity and compassion. If handled correctly, the state security and civil contingency response to the epidemic could be used to reach out to these communities, particularly those that have been marginalised socially, politically and economically. The capacity of the police to achieve this mission will be measured in their capability to work alongside their other civil contingency partners in the provision of adequate assistance of various kinds. Great efforts are being made to identify the vulnerable, engage with them, provide supplies and community initiatives to wrap support around them. In short, an outbreak of collectivism and a renewed sense of community. This is a moment and an opportunity for law enforcement to take its place in this new dynamic, to map and link with these new groups, and help build momentum for a style of policing that is consent based and therefore more sustainable both now and long into the future.