Vigilantism, Transition and Legitimacy: Informal Policing in Northern Ireland

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Introduction

The declarations of ceasefire by the main paramilitary groupings in Northern Ireland in 1994 threw into stark relief the role that these organisations played in forms of 'policing' within the residential areas that they dominated. Where the previous focus had been on paramilitary activities directed at the state and the security forces, now greater attention was paid to the role of the paramilitaries in responding to crime, anti-social behaviour and forms of indiscipline, and on the use of 'punishment' beatings and shootings, which left the victims with broken and bruised limbs and bodies, to enforce their sense of order on their communities. From one perspective such attacks highlighted the cruelty and viciousness of the paramilitary groups and their continued need to impose their authority on reluctant communities, while from another it highlighted both the lack of legitimacy of the state and the police in many working class areas and the demand for some degree of order and justice in the absence of an acceptable police force.

The trajectory of the peace process since 1994 has included on the one hand a wide ranging reform of the Royal Ulster Constabulary (it became the Police Service of Northern Ireland in 2001) and the criminal justice system,[1] and on the other hand

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1. As part of the Belfast/Good Friday peace agreement of 1998 the British government established a review of policing and the criminal justice systems. The two reports *A New Beginning: Policing in Northern Ireland. The Report of the Independent Commission on Policing in Northern Ireland*, Belfast, 1999 (widely known as the Patten Report) and *The Review of the Criminal Justice System in Northern Ireland*, Belfast 2000, have served as the basis for ongoing and wide-ranging reforms.

attempts to address the continued role of paramilitary organisations as active agents in the arena of policing and justice. The police reform process placed a prominent emphasis on the need for the PSNI to engage more openly and effectively with the communities that they police and for greater levels of accountability both at a regional level and to the local communities. But unlike the situation in South Africa, which those involved in the Northern Irish transition kept in constant view, there was no option for former members of armed groups to be incorporated within the state structures. Instead the debate focused on the necessity of the decommissioning and demilitarisation of paramilitary weapons and structures as part of the transition to a peaceful and democratic society. Although there was some acknowledgement that paramilitary prisoners had acted out of political conviction, the role of paramilitary groups in policing their communities was considered to be no more than vigilantism, and therefore they could therefore have no role in future models of policing.

The exclusion of paramilitary activists from participation in the policing and criminal justice system was not challenged by the broad movements of which the armed groups were a part.[2] There was no demand by republicans or loyalists that their members should be eligible to join the police. Even though the political movements linked to the paramilitary groups accepted the in-principle legitimacy of a radically reformed police service and acknowledged the state monopoly over policing, all the paramilitary groups continued to carry out 'punishment' attacks in their areas[3]. Furthermore, over recent years the two broad movements have extended their work in imposing and sustaining a form of order within their communities through the creation of a number of restorative justice projects and the development of community-policing activities to monitor sectarian rioting and anti-social behaviour.

This chapter discusses the main forms of informal policing and justice-related activities that have emerged in Northern Ireland in the context of developing a greater understanding of the boundaries of contemporary vigilante activity. The use of

2. The two main communities in Northern Ireland are the Catholics and Protestants. Catholics generally favour Northern Ireland's incorporation into a single Irish state, and are also known as nationalists. The militant form of nationalism is known as republicanism. The republican movement includes a paramilitary wing, the IRA, and a political wing, Sinn Fein. Protestants generally favour the retention of links with the United Kingdom and are known as unionists. The militant form of unionism is known as loyalism. This movement includes two main paramilitary groups, the Ulster Defence Association and the Ulster Volunteer Force, which is linked to the small Progressive Unionist Party.
3. Sinn Fein accepted the reforms to policing proposed in the Patten Report but have not recognised the legitimacy of the PSNI as they claim the full range of proposed reforms have not been implemented. Republicans have not therefore participated in any of the new policing bodies.

punishment violence is a classic form of retributive vigilante activity, but the development of restorative justice projects and community policing patrols suggests a desire to move beyond such shadowy activities and implies a willingness among those associated with republicanism and loyalism to accept a more formal involvement in policing and justice matters. To some extent this desire has been acknowledged and reciprocated by the state. This chapter explores some of the issues that emerge at the interface between formal and informal policing and justice.

Vigilantism, Force and Autonomy

Recent discussions of vigilantism have highlighted the diverse and ambiguous nature of activities covered by the term.[4] Although it appears to be a relatively straightforward and commonly understood activity, discussions of vigilantism acknowledge that it involves actions that can be characterised both as forms of policing and as forms of justice. Some vigilante activities are primarily a response to a perceived failure of the criminal justice system to suitably punish offenders and are therefore described as a form of popular or informal justice. In other cases vigilantism involves more public forms of policing activities that are designed to act as a deterrent or to prevent something happening. Whereas vigilante justice is readily assumed to involve the use of violence, vigilante policing may involve a much less obviously threatening range of activities. This broad understanding helps to explain why, although vigilantism has historically been viewed as activities that take place beyond the bounds of the rule of law, recent work by Ray Abrahams and Les Johnston have noted that it is not necessarily illegal or unlawful, nor is it carried out as a challenge to the state or the formal criminal justice system. Instead both authors highlight the fact that vigilantism involves activities that are undertaken due to a real or perceived failure of the state to deliver on its claims to hold a monopoly in managing law and order and delivering justice. Abrahams identifies vigilantism as a form of frontier activity that is undertaken in the absence of the agents of the state (and thus follows on from earlier studies of this theme which focused on vigilante activity in the context of white settler expansion across the USA[5]). But he also retains a very broad view of the types of activity that should be incorporated within the notion of vigilantism. Johnston on the other hand argues for a narrower view in his

4.   The most prominent considerations have been from anthropology by {Abrahams, 1996 #157; Abrahams, 1998 #158}, and criminology {Johnston, 1992 #10998; Johnston, 1996 #10156}.
5.   {Brown, 1975 #9553; Rosenbaum, 1976 #7608}.

description of vigilantism as 'autonomous' activity. He excludes a range of policing and justice activities, such as the role of state agents acting on their own volition, private policing activity and forms of 'responsible citizenship' from his classification of vigilantism. But he does set out six key characteristics of vigilante activity that provide a useful framework for consideration of the subject. Johnston argues that vigilantism involves private (but not commercial) voluntary activity, which involves planning and organisation that is autonomous from the state, and that vigilantes use or threaten force in response to crime or deviancy to increase collective safety or security[6].

The key elements that appear to distinguish vigilantism from other forms of activity that aim to increase a collective sense of safety and security are the use of force and the autonomy of those involved in the activity. Johnston's definition of force, in which he includes both actual use of force and threatened use of force, is very broad. For example, he classifies the American Guardian Angels as a vigilante group as their activity 'certainly involves the potential to use or threaten the use of force – albeit for defensive purposes,'[7] and because Angels' members are trained in martial arts and the use of non-lethal restraining holds while their operational philosophy does not exclude the use of defensive force. This broad categorisation of the concept of use of force, which includes merely the possibility of the use of force for defensive purposes, effectively ensures that almost any form of autonomous or non-state activity aimed at improving levels of safety and security would probably have to be classified as vigilantism. Few examples of active citizenship are specifically predicated on such a formal adoption of non-violence.

The potential use of force is also the factor that brings vigilante activity into conflict with the state, as the state's monopoly over the legitimate use of force remains one of the defining characteristics of modern democratic societies. Vigilante activity may not challenge the state in the sense that revolutionary groups do, but it does undermine the authority of the state, in so far as it emerges in response to the failure of the state to carry out its responsibilities.

In contrast to the broad definition of the use of force, the concept of autonomous citizenship is relatively narrowly defined in Johnston's classification. Autonomous activity is defined as private voluntary activity carried out without the support or authority of the state. It is contrasted primarily with 'responsible activity', which is also carried out by private citizens with the backing of the state but necessarily

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6.   {Johnston, 1996 #10156}.
7.   {Johnston, 1996 #10156@227-8}.

excludes forms of activity that might involve or threaten force. Autonomous citizenship also excludes commercial or profit making activity and thus all forms of private security activities, which are designed to increase safety or security, are excluded from this classification of vigilantism. One is thus left with a concept of vigilantism that exists in tension with other forms of public activity that aim to ensure that public order is maintained. It is contrasted to the work of the police because vigilantism does not seek the authorisation of the state. But it is also distinctive from forms of commercial security because vigilantism is not carried out for profit, and it is contrasted with 'responsible' citizenship because it does not espouse the use of force nor engage with the state.

The broad definition of use of force and the narrow definition of autonomy effectively means that much informal or community-based activity that aims to improve local levels of safety or security will necessarily be classified as vigilantism, with all the pejorative connotations that come with the term, whereas similar forms of commercial activity are not defined in such negative terms. But, while community-based crime and order management initiatives are poorly documented, they are probably more widespread than is assumed.[8] Furthermore the relationships between such autonomous activities and the state and its formal criminal justice system may not be as fixed nor as antagonistic as Johnston's perspective suggests. The remainder of this chapter explores recent developments in Northern Ireland in relation to informal systems of justice and policing, the issues of autonomy and use of force and the matter of relationships with the state.

Conflict and Northern Ireland

British influence in Ireland dates from the twelfth century, but in the seventeenth century extensive settlements from England and Scotland, which were encouraged to impose greater levels of order and control, had a permanent impact on the island. The native Catholic Irish were increasingly marginalised, demographically, economically and politically by the Protestant settlers, while the victory of the Protestant King William III at the Battle of the Boyne in 1690, not only secured the English throne for his religion, but also confirmed the Protestant domination of Ireland. British rule in Ireland was challenged by armed uprisings on numerous occasions before the 1916 Easter Rising triggered events that led to the withdrawal of Britain from the larger part of Ireland. Although Catholics favoured independence, the majority Protestant population of the

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8.   See {Jarman, forthcoming #11000}.

north-east opposed separation from Britain, and in 1921 Ireland was divided into two political entities, the Free State, with its capital in Dublin, and Northern Ireland, which remained part of the United Kingdom.

Northern Ireland was a divided and contested state. Between 1921 and 1972 the Protestant majority dominated all aspects of the political and economic sphere, while Catholics experienced extensive discrimination. Many Catholics did not recognise the state and favoured the re-unification of Ireland. The Irish Republican Army (IRA), which had been formed after the Easter Rising, maintained a presence in some Catholic areas and occasionally carried out military attacks. Emergency laws remained in force throughout the period and the overwhelmingly Protestant Royal Ulster Constabulary (RUC), which was heavily militarised, was used to control any expression of Catholic opposition. Catholics were thus hostile to the police, which they considered to be primarily focused on keeping them 'in their place'.

In the 1960s the Northern Ireland Civil Rights Movement began to actively challenge discrimination against Catholics, but their demands were resisted by the Government. Civil rights protests and demonstrations were closely managed by the police and countered, sometimes violently, by many within the Protestant community. As tensions increased Catholics became more militant in their challenge to the Unionist state. In 1969 Catholic opposition to a parade by the Protestant Apprentice Boys in Derry led to rioting. As violence spread to Belfast the RUC lost control of the situation and the British Government sent in troops to restore order. This marked the beginning of what is known locally as the Troubles, a period of armed conflict in which the IRA challenged the continued union with Britain. They fought a military campaign in which their opponents were the RUC, the British army, and the loyalist paramilitary groups, which had been set up to defend the interests of the Protestant community. The Troubles led to an increasing segregation of working class communities in Northern Ireland. Residential areas became increasingly defined as Protestant or Catholic, and the armed paramilitary groups had a prominent role in defending 'their' territories from attack. In the early 1970s many Catholic areas were effectively no-go areas for the state forces and, although they eventually re-established some level of control, the police and the army were regarded as hostile forces and 'legitimate targets' for the IRA. Similarly, as the state sought to confront armed groups in Protestant areas, they too became estranged from the security forces. The Troubles thus left a vacuum in the provision of law and order in many working class areas.

Paramilitary Policing and Justice

From the early years of the Troubles paramilitary organisations on both sides of the sectarian divide have been involved in a range of activities that have been variously interpreted as forms of policing, acts of 'alternative' or 'informal' justice, or as means of imposing control over sections of the local population.[9] These activities became known as paramilitary 'punishments'. The punishments have involved an escalating scale of actions that begin with the issuing of threats and warnings, but lead on to beatings, shootings, expelling people from their home areas or forcing them to leave Northern Ireland. The vast majority of victims have been young men. The paramilitaries targeted people who were, or who were accused of being involved in crime and anti-social behaviour, people who had been acting as informants and (particularly in the early days of the conflict) people who were considered to have been fraternising with the enemy. Violence was also used to punish members of paramilitary groups who had broken internal rules or discipline. Forms of paramilitary violence are only used to discipline people from the same community as the particular group carrying out the attack. They have not therefore been considered as part of the conflict per se, but rather as a matter of internal control.

Although it might be considered understandable for organisations, which considered themselves at war to deal with recalcitrant members and informants, the adoption of a more formal role in responding to crime and threats to local order appears to have been something that was undertaken, in part at least, under pressure from the local community. The origins of paramilitary policing activity in the early 1970s are poorly documented, but they appear in large part to be a response to the absence of state policing. The nationalist population had long been hostile to the predominantly Protestant RUC, but the sustained conflict also created tensions between loyalists and the police, and in working class areas there was increasingly a deficit in authority, which was filled to some extent by the paramilitary groups. With little or no formal police presence on the ground members of the local resident communities began to contact local members of the paramilitary organisations to identify individuals responsible for criminal activities or 'joy riding' and demand that the organisations punish those involved. It is still frequently asserted that paramilitary involvement in the 'punishment'

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9.   {Bell, 1996 #11002; Conway, 1997 #11003; Human Rights Watch, 1997 #11004; Kennedy, 1994 #11006; Morrissey, 1982 #11007} . {Munck, 1988 #11009; Silke, 2000 #10133; Thompson, 1994 #11010}. {Winston, 1997 #11011}.

of crime and anti-social behaviour is due to pressure from members of local communities who demand 'justice' that is both swift and sharp.

Although there were some attempts to establish a more formalised system of 'alternative' justice in republican areas through the creation of 'people's courts,'[10] paramilitary policing was soon limited to the use of force as a means of 'punishing' those who were considered guilty of some form of deviance. Throughout the Troubles these activities were popularly known by the generic term of 'kneecapping', the practice of shooting the victim in the leg, usually through the flesh rather than through the knee itself, or being beaten with wooden staves or iron bars. It is generally accepted that there was something of a formalised tariff system, which structured the form of the punishment being delivered. An individual who was identified as a 'hood'[11] might be warned or threatened a number of times before being shot, and depending on the seriousness of the 'offence' the victim might be shot in one or both legs, or in the legs, ankles, wrists and elbows. Individuals might also be kneecapped on more than one occasion for persistent 'offences'. There was also a potential escalation of punishment involving the exiling of individuals from Northern Ireland or shooting them dead. Despite the brutality of the violence many people in working class areas appeared to regard kneecapping as an acceptable and necessary form of deterrent and retribution. The annual number of attacks fluctuated over the course of the Troubles, but punishment violence has remained a prominent form of paramilitary activity.

Between 1973 and the declaration of paramilitary ceasefires in 1994 there were 1,997 recorded punishment shootings, while the police recorded 619 such beatings between 1982 (when they first began to record such attacks) and 1994[12]. While the ceasefires signalled an end to the military campaign against the state and to attacks between the rival communities, they did not lead to an end to punishment attacks. In fact, the average annual figures increased. Between April 1995 and the end of March 2005 the police recorded a total of 2,646 punishment beatings and shootings.[13] There was a reduction in the number of shootings after 1994, as the use of guns was considered a potential breach of the ceasefires, and instead beatings became the dominant form of

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10.   {Munck, 1988 #11009}.
11.   The term 'hood' is used to describe someone involved in non-political crime or violence. It has subsequently been appropriated as a term of identity by young people. Graffiti stating 'UTH' (up the hoods) is widespread in both Protestant and Catholic areas as marks of defiance against the paramilitary authorities.
12.   {Monaghan, 2004 #11012}.
13.   PSNI, *Statistical Report: 1st April 2004-31st March 2005*, Belfast, 2005, pp. 45-6.

attack, but there was also an increase in the severity of the beatings[14]. A number of people suffered multiple fractures to the bones, while in two of the worst cases individuals were hung upside down on railings and nailed to a fence in a form of crucifixion after they had been beaten.

These forms of paramilitary violence most clearly fall both within the popular understanding of vigilante activity and the characteristics of vigilantism as defined by Abrahams and Johnston. Whether they are regarded as attempts to establish a system of alternative 'justice' or as a means of maintaining an acceptable level of order within the local communities, extreme violence has frequently been used as an act of retribution and a response to the perceived or actual demands of local people. Paramilitary punishment violence has been condemned by the government and by those political parties not associated with paramilitary groups, but people within the republican and loyalist movements have rationalised it, if often in an apologetic way, as both a necessary response to the conflict and to the absence of a policing system that is acceptable to many in working class communities[15].

One reason that the attacks have continued is that few people have any sympathy for the victims of the violence.[16] These victims are usually young men on the margins of society who are alienated from, and hostile to, dominant forms of authority, whether the state, the paramilitaries or the local community. The continuation of these attacks indicates that there is still a lack of belief in the state police and the criminal justice system, which cannot deliver the desired form of swift and appropriate 'justice', that is demanded by some within the local communities. The persistence of the attacks also suggested that the paramilitary organisations, and the wider movements with which they are associated, believe they have a role, and even a responsibility, to play in imposing order within their areas. This remains the case, even though the IRA acknowledged the need to move away from the use of force when its command ordered an end to their armed campaign and moved to decommission their weapons in July 2005. The eighth report of the International Monitoring Commission (IMC), published in February 2006, noted that in the six months following this statement IRA members had not carried out any authorised paramilitary attacks. However, the report also noted that the organisation

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14 See for example the reports on attacks in 1999 and 2001: http://news.bbc.co.uk/1/hi/uk/300521.stm and http://news.bbc.co.uk/1/hi/northern_ireland/1503496.stm

[15] For discussions of the history of policing in Northern Ireland and the relationships between working class communities and the police see Ellison and Smyth, 2000; McGarry and O'Leary, 1999; Mulcahy, 2006; Weitzer, 1995; Wright and Bryett, 2000.

16.   {Knox, 2001 #11013}.

'has used other methods of exercising community control' and there were signs that it was an 'organisation which wants to maintain its traditional role within its communities.'[17] In particular, the IMC report highlighted the growing advocacy of community-based restorative justice as a means by which paramilitary structures might continue to try to exert influence within their communities.

From Punitive to Restorative Justice

The broad republican and loyalist political constituencies have always argued that the persistence of paramilitary 'punishment' violence is a matter of responding to the continued tensions between their communities and the police, which discourages people from reporting crime. It is also claimed to be a response to ongoing demands from within their communities that something must be done to try to reduce the levels of crime and disorder. Although the violence has continued through the period of political transition both the republican movement and sections of the loyalist community (particularly those associated with the Ulster Volunteer Force) began to consider whether alternative forms of 'community based justice' might remove the rationale behind paramilitary punishment violent and provide an effective response to the problems of crime and disorder. This approach links the emergent thinking of the wider constituencies with the early analysis of paramilitary punishments as a form of 'alternative justice', but which it was not possible to develop or implement effectively within a context of urban warfare that existed in the early 1970s.[18] The republican movement, for example, views itself as the legitimate inheritors of the independence movement of the early twentieth century and of the first Irish government, there is therefore a logic to its willingness to 'police' its communities and to impose forms of 'justice' on criminals and other recalcitrants. In both loyalist and republican areas the paramilitary organisations have claimed a legitimate status and also a social responsibility to help in the maintenance of forms of order, under the peace process there has been a practical and conceptual space to translate this from a simple use of brute force to the development of more widely acceptable forms of localised social control.

The loyalist and republican constituencies have followed separate paths in exploring ideas for providing an alternative community-based response to crime and

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17. International Monitoring Commission, *Eighth Report*, London, 2006 pp 18-9. The International Monitoring Commission was established in 2003 to monitor all forms of paramilitary activity. It normally issues reports every six months.
18. {Morrissey, 1982 #11007; Munck, 1988 #11009}.

disorder, but they each decided that a system of restorative justice should be developed to replace the existing system of punitive justice. The principles of restorative justice are based on an assertion that crimes create breakdowns in relationships between offender and victim and between offender and the wider community, and these fractured relationships need an appropriate response if the impact of the crime is to be addressed. Whereas the formal state approaches to justice are based, at least in part, on seeking retribution through punishment, restorative approaches aim to rebuild the networks of relationships and to re-incorporate the perpetrator of crimes into the community rather than exclude and stigmatise them. Both constituencies claimed that restorative approaches drew on long-established practices among native peoples in New Zealand and North America, while it was also asserted that the model proposed through the republican community drew upon an indigenous Irish history of communal justice from the time of the Brehon Laws of the eighth century through to the colonial period[19]. But concepts of restorative justice have become widely analysed support and promoted over recent years[20] and by 1998 the concept had received political support from Sinn Fein and the Progressive Unionist Party, and the Community Restorative Justice and the Greater Shankill Alternatives projects had been set up to develop the work in the Catholic and Protestant community respectively[21]. Each group has subsequently established restorative justice programmes in a number of locations.

The restorative justice projects involve a mix of people, some may have a paramilitary background, but many will not, some are volunteers, others are paid staff. The projects work predominantly with young males who have been accused of acts of crime or anti-social behaviour (precisely the group who have been targeted in punishment attacks). In each community the restorative justice projects investigate complaints, they may organise mediations between victims and offenders, and they agree appropriate restitution or reparative work. The perpetrators are usually referred to the programme by people from within the community or from paramilitary groups, many of those who are referred will be under threat from a paramilitary group, but participation in a programme is voluntary, some prefer to opt for the formal criminal justice system, other are simply prepared to accept a paramilitary punishment. Participants undergo a process that involves coming to terms with their activities and agreeing a process of

[19] Auld et al, 1997 pp 13-15; Bell, 1996 pp 146-150.
[20] See for example McEvoy and Newburn, 2003; Zehr and Toews, 2004.
[21] See {Greater Shankill Alternatives, n.d. #11015}, and {Auld, 1997 #11014}.

personal change. This may involve stopping criminal behaviour, coming of drugs and stopping drinking. The programme may involve forms of education or training, as well of forms of community reparation, which may involve working as a volunteer to help local groups, clean up the area or assist in communal activities. For example, the Alternatives project is working with a young man who has been using drugs heavily and supporting this through forms of criminal activity. Having been referred to Alternatives because of a threat by the paramilitaries he has agreed to participate in the programme, the first stage involved coming to an understanding of how he seen by others, how he might hope to change and defining goals for himself. He then worked with the youth worker at Alternatives to develop a programme focussing on physical fitness and education activities, and exploring options for work, while at the same time is helping to keep the local community centre lean and tidy. To fulfil the programme he must complete 30 units of activity lasting between 50 and 70 hours in total. This will be spread over a period of up to a year. The programme is thus formally structured and the participants are mentored and supported by the project staff for the duration. Furthermore their behaviour is monitored for a period of up to twelve months after completing the programme by project workers, family member and people within the wider local community. While the programmes can only be undertaken with the consent of the perpetrators, the incentive is that the perpetrators avoid both the formal criminal justice system and the informal system of paramilitary punishment, but also end up with more positive personal goals and a better relationship with their local community. Although the two approaches are broadly similar, there is one significant difference regarding their relationships with the police. The Community Restorative Justice projects working in Catholic areas refuse to engage with the police in any way, while the loyalist Alternatives project works closely with the PSNI. These contrasting approaches are a direct outcome of the broader republican and loyalist attitudes to the police, but this situation will presumably change when the police reform process is considered acceptable to Sinn Fein and they take up their role on the various policing accountability bodies.

The restorative justice projects have been considered a relative success in working with perpetrators in their respective areas. The number of projects has steadily increased and both Community Restorative Justice and Alternatives are seeking funding that will allow a consolidation and extension of their work. Nevertheless, many outside the republican and loyalist constituencies remain suspicious of the community based

restorative justice projects, even though the principles of restorative justice has been accepted by the state and adapted by the PSNI.[22] The main concerns are due to the close links between the projects and the wider republican and loyalist movements, Mark Durcan, leader of the Social Democratic and Labour Party, for example, encapsulated many of the concerns when he argued 'We can't have local warlords turning into local law lords'[23]. The leaders of many of the political parties without links to a paramilitary group have questioned whether those participating in community restorative justice programmes have any real choice if the alternative is a punishment beating by the paramilitaries. Thus, although the community restorative justice projects have sought to become a legitimate element of a responsive system of justice, they are still frequently condemned as simply another form of vigilantism. This attitude came to the fore in late 2005 when the British Government issued a consultation document designed to consider how the various community restorative justice projects should relate to the criminal justice system.[24] The document accepted that community-based restorative justice schemes had a legitimate role to play as long as they worked within a basic set of guidelines that would be framed by principles of human rights and accountability. It was accepted, however, that the schemes would not have to engage formally with the police, although they would be expected to engage with the criminal justice system via the Probation Board or the Youth Justice Agency. It was generally interpreted in the media that this was an important phase in mainstreaming community-based restorative justice and providing a framework for their future funding by the state, and this would mean that such schemes would be part of the formal criminal justice system. But, the proposals provoked strong reactions from many politicians and within the media as the proposed guidelines allowed the restorative projects to avoid any contact with the police, and this was regarded as nothing more than a means of legitimising a form of vigilante activity.[25]

This approach raises interesting issues for the theoretical consideration of vigilantism. Johnston's analysis argues that the mere possibility of the use of force requires extra-state activity to be classified as vigilantism, and therefore the close relations between those involved in restorative justice projects and paramilitarism suggests that there remained an implicit threat of violence if someone resisted the invitation to follow

22.   {Criminal Justice Review, 2000 #11016; Dignan, 2000 #11017; O'Mahoney, 2002 #11018}.

[23] Belfast Telegraph 19 October 2005.

24.   {Northern Ireland Office, 2005 #11019}.

25.   See for example Garret Fitzgerald 'Vigilante Groups may be given control of law', *Irish Times*, 21 Jan 2006 and 'North's justice scheme threatens democracy' *Irish Times* 4 Feb 2006.

the restorative programme. This is the view of the opponents of the Government proposals. But, once the state appears willing to support, and thus legitimise, such activities, subject to appropriate guidelines and a framework of accountability, should they still be considered as forms of vigilante activity? This would appear to represent a loss of the critical element of autonomy from the state, and may be part of the process of incorporation of formerly autonomous activities into the formal criminal justice system, a critique that had already been voiced by some within the wider republican community.[26] In a study of 'community police patrols' in the USA, Gary Marx and Dane Archer, identified four types of relationship between such patrols and the police defined by whether the patrols were supplemental or adversarial to the police, and whether they were supported or opposed by the police.[27] They suggest that the police tended to co-opt those patrols which saw themselves as supplemental to the police, while those that were adversarial tended to develop more hostile relationships, resisted engagement with the police and eventually became subject to police surveillance and investigation. In contrast in Northern Ireland the Government seems to be adopting an approach that is attempting to neutralise the impulse towards autonomy and the potential for continued use of extra-state violence, and to incorporate the erstwhile vigilantes into the formal justice system. This type of approach undermines any sense of an absolute gulf between vigilantism and state justice, but rather appears to acknowledge that they are taking different routes to similar objectives.

Community Patrols

The third community-based policing initiative involving people who have been associated with paramilitarism is the mobilisation of networks of activists to maintain a physical presence on the streets to monitor potential flashpoint locations and events. This is effectively a form of community policing patrol. These networks draw upon diverse groups of people, and while some may have a paramilitary history, others have a base in faith groups, political work or community activity and while there may be some individuals involved in both the community networks and the restorative justice projects, the two activities are otherwise completely separate. The monitoring or policing activity, which may be initiated for political reasons, in response to crime or disorder, because of a lack of appropriate policing, or because of a combination of all of these factors, has

26.   {McEvoy, 2002 #11020}.
27.   {Marx, 1976 #11021}.

only occasionally been documented but may be more widespread than at first thought.[28] The small number of existing studies of community patrols draw upon a variety of approaches to the phenomenon but reach similar conclusions. Marx and Archer discuss numerous examples in 1960s and 70s USA, and situate their analysis within the context of vigilantism. They conclude that in the absence of police resources, the patrols may be a necessary response to some situations. More recent discussions of community patrols in Australia describe the phenomenon as a means of 'self-policing' and argue that while the patrols do not fit within mainstream approaches to policing, nevertheless they should be considered as a legitimate means of providing security and increasing safety in some contexts.[29] The development of such patrols in Australia, South Africa and the USA has been in a context of ethnic or racial tensions, and within working class or marginalised communities. Whilst community patrols may be a practical counterbalance to the growth of private policing in wealthy residential areas, concerns have been raised that such activities may be little more than a form of second-class policing and serve to legitimise an avoidance of responsibility by the state[30]. There is therefore a degree of ambivalence about how far such autonomous policing patrols should be welcomed.

In Northern Ireland, the community patrols have been initiated in a context of recurrent outbreaks of public disorder, sectarian tensions and continuing mistrust in the police and as an attempt to reduce violence and conflict. There are two main potential sources of disorder, the numerous parades organised by the Orange Order and similar organisations, and the boundaries or interfaces between Protestant and Catholic working class residential areas.[31] The tensest period is during the summer 'marching season' when parades passing close to interface areas are frequently challenged by protesters and readily erupt into violence. These events may in turn set off a spiral of exchange attacks, which may last for weeks or longer. In 1996, protests over one parade in Portadown sparked a week of riots across Northern Ireland, while the inter-communal tensions in North Belfast, the most heavily divided and contested part of the city, which are sustained in part by parades, have resulted in 376 riots and 1,014 disturbances in the eight years between 1996 and 2004.[32] The 'culture of violence'[33] is such in Northern Ireland

28.   See for example: {Sagar, 2005 #11022} for a discussion of patrols in Britain; {Cullinan, 1999 #11024}, discusses patrols in South Africa, as does {Baker, 2002 #11023}. See also {Abrahams, 1996 #157} for patrols in Tanzania and the papers by Pratten and Jensen this volume.
29.   {Marx, 1976 #11021; Blagg, 2004 #11026; Blagg, 2004 #11025}.
30   Marx and Archer, 1976 p155; Sagar 2005, 109-110.
31.   {Bryan, 2000 #11027; Jarman, 1997 #11028}.
32.   {Jarman, 2004 #11029}.

that exchanges of verbal abuse can rapidly escalate into rioting, which includes the throwing of stones, bottles, fireworks, petrol bombs, blast bombs and on occasions to the use of live fire. In response the police have a variety of weaponry including batons, plastic bullets, water cannons and live ammunition.

Following the extensive violence in July 1996, community workers in North Belfast co-ordinated grass-roots activists into localised networks and provided them with mobile telephones (a new and expensive technology at the time) to ensure that all members of the networks could keep in touch with each other at all times[34]. The phones enabled the members of the networks to monitor the main flashpoints, and to co-ordinate responses to the mobilisation of crowds or outbreaks of disorder. For example, on one occasion crowds of youths were throwing missiles at each other from their bases on either side of the Crumlin Road in North Belfast. Neither side were willing to give way and stop their attacks while the other side was still a threat. The two community activists could see each other, although they could not speak face to face because of the violence. However, they could speak by phone and thus were able to synchronise a de-escalation of the violence. Youths on each side were persuaded to move back, and the participants could in turn see their counterparts on the other side moving back. The activists were thus able to bring the trouble under control with recourse to police intervention.

In other situations the phones have enabled people to respond quickly to rumours and to counter claims of attacks or provocations. On one occasion at the Torrens interface people on the Catholic side could hear loyalist music and could see smoke rising over the barrier, rumours spread that people on the other side had attacked a house and were gathering a crowd for further trouble. Phone calls between members of the network were able to confirm that it was only young people burning wood at a bonfire and their was no threat to the neighbours, however the young people were also encouraged to move away from the interface and the music was stopped. In this case the rumour was undermined and the good faith and standing of the members of the phone network as 'being able to sort things out' was enhanced.

As the members of the networks have became more confident and developed trust in their counterparts in the other community, the phone links have increasingly enabled them to synchronise their responses and co-ordinate attempts to diffuse

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[33] Jarman 2004, p 435.
34.   {Jarman, 2003 #11031; Jarman, 2005 #11033}.

tensions. As well as monitoring tensions at interfaces, the localised networks have often mobilised much larger numbers of people to help manage crowds at parades. In some areas the community activists marshal those protesting against the parades; in others they have been involved in marshalling people supporting the parades. In both cases members of the wider republican and loyalist movements have been prominently represented on the ground.

Over recent years, the community patrols at interface areas have become an established feature of community activity and have been one of the key factors in reducing the scale of the violence in such areas. Members of the local networks readily acknowledge that they are often at their most effective when they have the involvement or support of the main paramilitary organisations. However, this appears to be not so much due to the threat of force, as to being an indication of a wider communal desire to prevent disorder. The paramilitaries can actively foment disorder and they can actively work to prevent disorder, but they can also take a neutral position where their non-intervention can give scope for others to take a lead. We have noted that an essential element of vigilante activity is a willingness to use force or violence, even if only for defensive purposes, and although the community networks in Northern Ireland aim to prevent violence and disorder, there is a certain vagueness about the limits of their restraint. On occasions people have been accused of not making a serious attempt to stop acts of violence from within their own community, and a small number of individuals have been accused of active involvement in rioting. Some of those involved in co-ordinating the peaceful management of interfaces have also said that they would not stop people who responded aggressively to an attack from the other side, as this would be an understandable reaction to an external threat. There are thus a diverse range of view about how and when it is appropriate and reasonable to use force or violence, and issues around the use of violence are never clear-cut.

Furthermore, once the IRA announced their members would no longer engage in any acts of violence, it became clear that they no longer had the same capacity to control a crowd in some situations. Protests against two parades in North Belfast in June and July 2005 erupted in serious violence as many young men ignored the remonstrations of senior republicans and attacked the marchers and the police with a range of missiles and weapons. This raises two key issues. First, it suggests that at least some of the capacity to control crowds and prevent disorder derives from the status and or presence of key individuals, and that this presence might impute a potential threat of violent retribution

against anyone who challenged their authority. Second, it indicates something of a possible sea-change in the status of the political actors associated with paramilitarism within some communities and thus the potential for communal self-policing. In recent years the presence of certain prominent politicians has been an important element in attempts to manage public order and events in 2005 suggests that their capacity to control crowds may well be diminished without the underlying threat of force. These two points together highlight the uncertainty of how far the effectiveness of forms of community policing are associated with the 'authority' of the actors and the process of policing, and how far it is due to an underlying potential threat of the use of violence against those that challenge local structures of authority. This issue remains unresolved and the ambivalence over the possible use of force perhaps serves as a potential factor that helps minimise the actual need to use force.

Despite the underlying potential for the use of force by community activists many senior police officers have come to acknowledge the value of the role they have played in managing disorder. When the community-based policing networks were first established very limited contacts were maintained with the police. The local police commander was informed of the initiative and some contacts were maintained with neighbourhood police among activists from the loyalist communities. However, over the years senior officers in many areas have come to recognise the benefits of having local networks willing to try to reduce trouble. The police are now often willing to wait until the members of the community networks have attempted to intervene before they send police officers in riot gear into a situation, and in some cases police officers have telephoned activists at home to ask them to intervene when they can see people beginning to gather at flashpoints. This recognition of the potential of community activists has in turn led to complaints that the police are expecting too much. One activist recalled how he had been woken in the early hours by a call from the police asking him to sort out some trouble in his area. He told them they would have to sort it out themselves as he was on holiday in another country! Similarly, although republican activists will not liase directly with the police, chains of communication have been established to enable messages to be sent to the police to ask them to withdraw or to allow the activists more time to intervene. Both the police and the activists know that there are times when the police will have to intervene, but both also know that police intervention can all too readily serve to escalate a situation on the ground. The community networks thus remain autonomous from the police but work together

informally to achieve mutually desirable aims. Furthermore, most if not all community-based projects receive funding from the state for staffing, project costs or to pay for mobile phones. Like the restorative justice projects, therefore, they have to an extent been brought into the ambit of the formal criminal justice system.

In more recent developments in some Catholic areas the community policing activity has been extended and expanded through the establishment of a number of Community Watch programmes. These involve similar patrolling activities that are designed to respond to problems of public disorder such as anti-social behaviour, noise, alcohol consumption and joy-riding, but whereas the community interface networks aim to reduce disorder between Protestant and Catholic communities, the Community Watch projects deal with disorder within the Catholic community. While there has been a general expansion of community policing activities, there is some debate within the republican community about whether they should be acting as 'the police' and whether they will want to police their areas in the longer term. This suggests that the future will perhaps be similar to the situation discussed by Marx and Archer, who found that maintaining autonomy over a longer term was difficult and that most community patrols were either incorporated into formal policing systems or disbanded once the immediate crisis context had passed.[35]

Conclusions

This chapter discusses three forms of community-based activity that respond to the concerns of local communities with crime and disorder in Northern Ireland. Over the course of a sustained conflict and a period of political transition, the two political-paramilitary constituencies of republicanism and loyalism have developed a varied and interconnected network of informal forms of policing and justice. Each of the three activities, 'punishment' attacks, restorative justice projects and community policing networks, can be considered as forms of vigilante activity, primarily due to their autonomy from the state and their attitudes towards the use of force. However, classifying the activities as vigilantism has become increasingly problematic in relation to Johnston's definition for two reasons. First, the activities in Northern Ireland retain an ambiguous relationship to the potential use of force and second, both the active participants and the state have sought to reach forms of accommodation with each other

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35.   {Marx, 1976 #11021@136-7}.

and this raises issues about the autonomy of the non-state actors.

The issue of the scope for use of force is problematic because Johnston regards even the potential use of force by non-state autonomous actors as crossing the bounds into vigilante activity. In Northern Ireland the punishment activity clearly falls within this classification system, however in the case of the restorative justice projects and the community policing networks, violence has not been used and has in fact been disavowed specifically by those involved in restorative justice. But because individuals with paramilitary backgrounds are involved in both activities there remains, certainly in the minds of some commentators and possibly in the minds of some within the community, a potential for the use of force for those who refuse to respond to the requests of the community activists. It is difficult to see how this ambiguity will be dissipated except over time and through experience. Yet it also raises questions about the value of retaining 'potential for use of force' as a factor in classifying autonomous activity as vigilantism. The potential use of force is as much a factor of the work of bouncers and some forms of private security workers as it is among autonomous policing actors[36]. This suggests that we need to give further consideration to our understanding of vigilantism and view it as part of a wider continuum of policing activities, rather than as something beyond the bounds of legitimacy.

This understanding of vigilantism as activity that exists as part of a continuum and which is adaptive and adaptable appears to have been acknowledged by some state actors in Northern Ireland and this has challenged the status of the erstwhile autonomous activists. The paramilitary forces have essentially agreed to stop their recourse to retributive punishments and the state has developed working relationships with the restorative justice projects and the community policing patrols. The state has thus legitimised much of the autonomous activity, while at the same time attempting to incorporate it, formally or informally, into the orbit of the wider criminal justice system. For their part the proponents of the informal activities have been willing to work with the state, but at the same time are trying to maintain their autonomy. This process is ongoing and the outcome is far from clear, but it marks a departure from normative state responses to vigilantism. This may in part be due to the specific context of Northern Ireland, as a society in a political transition and with well-established patterns of community activism though similar experimental approaches to policing and justice have

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[36] Hobbs et al, 2003, chapter 7.

been developed in South Africa[37]. The explorations between erstwhile vigilantes and the state may well be a factor of the conflict transformation process, and the need to explore a wider range of order management processes as part of the period of transition, rather than having any wider significance.

However, it is also a fact that in all societies elements of public order and low level crime are managed informally, by families or kin groups, local communities, peer groups and other informal structures of authority, and without the involvement of institutional police agencies. But there is also a growing recognition of the need to involve a broader range of groups and organisations in the management of public order and control of anti-social behaviour. Recent developments across the United Kingdom include the use of community support officers and neighbourhood wardens to patrol estates and residential areas, the use of stewards to control crowds at sports events, door supervisors to manage the night-time economy, and private security patrols to monitor wealthier residential areas and shopping centres. Increasingly the police are but one of a wide range of agencies with a responsibility for the management of order in public space. The evidence from Northern Ireland suggests that there is a growing (although by no means universal) acknowledgement of the valuable work that can be done by informal and autonomous groups in responding to violence and crime. It remains to be seen whether such activities will continue, whether they will retain their autonomy or whether they will be more fully incorporated as the actions of responsible citizens.

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[37] Brogden and Shearing 1993 pp 130-165; Scarf and Nina, 2001; Sekhonyane and Louw, 2002.

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