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KETTLING AND THE 'DISTRIBUTION OF THE SENSIBLE'
INVESTIGATING THE LIMINALITY OF THE PROTESTING BODY
IN A POST-POLITICAL AGE¹

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Introduction

On December 9, 2010, up to 30,000 students, lecturers and labour leaders – who were protesting the British coalition government's plans to triple tuition fees while making 40% cuts to university teaching budgets – converged on Parliament Square to make their opposition heard on the day the historic vote was to take place (Addley, etc. 2010). This was the fourth demonstration against unplanned tuition hikes (generating crowds of up to 52,000), led by the National Union of Students, the University Lecturer's Union and the National Campaign against Fees and Cuts (Lewis, etc. 2010; Phibbs 2010; Mail Online 2010; Power 2010). The protesters were angered by the fact that the coalition government was forging ahead with plans to triple tuition fees without an electoral mandate and in spite of the promise by the minority party in the coalition not to raise tuition fees if elected to office. There are, of course, a variety of frameworks available to interpret this story and the events that would unfold on that day – events which culminated in the decision by police to corral thousands of

people, including many school age children, for up to 8 hours without food, water, or toilets in freezing cold conditions, in a tactic known as kettling (BBC News 2011b). Certainly, the events could be read as one of ideological confrontation – where questions were raised about who gets what, the nature of the state, the appropriate divide between public and private, and who gets to decide. But it was a policing, rather than political, framework that overshadowed the mainstream media's portrayal – in sources as diverse *The Guardian*, The BBC and *The Daily Mail*. Within this framework the events of December 9th began with police being 'caught on the hop,' as one journalist put it, in the preceding protests – underestimating their size and, in one case, being unprepared when a group of approximately two hundred people left the main peaceful demonstration to ransack and occupy the Tory headquarters (quoted in Paige 2010; also see Addley, etc. 2010). The story, told thus, was one of a tactical game between protesters and police and the relevant question became whether order would be restored.

This article's interest lies less in the question of how effectively 'order' was being restored than in the type of political order that was being (re)produced in and through this framework and the police tactics that both followed and enabled it. Taking the student tuition fees protests and media representations of them as my backdrop, this article critically examines the police tactic known as kettling. My claim is that the police were, wittingly or not, directly involved in (re)staging the scene from one of political protest to one of violence and disorder. Although this article will examine both police actions and media representations, it is particularly interested in the role that police tactics played in channelling and shaping events: re-directing the energies of the protesters themselves. And it is interested in what this might tell us about the current state of politics, democracy and the peculiar situated-ness of the bodies that protest in a post-political age.

While recognizing that the protesting body has always occupied a liminal space even in the so-called advanced Western democracies – seeking, in Austin Sarat's words: 'to define and occupy an in-between space, resistant to prevailing orthodoxy but engaged with it nonetheless' (2005: 1) – this article aims to outline something of the specificity of this relation as il-

luminated by the practice of kettling. It will argue that kettling establishes a particular relation between sovereign authority and the protesting body, exemplifying, on the one hand, a rationality of administration and, on the other hand, a paternal exceptionalism and inherent violence. While the violence of the latter tends to be obscured by the former, I will show them to be co-extensive – with the violence of the latter ultimately stemming from the hegemonic rationality of administration (or biopolitics). Kettling, a technique originally devised to separate rival football teams, to contain and reduce the possibility of confrontation (ostensibly in the same way a kitchen kettle works to contain heat and steam), has been transposed and reworked for the purposes of managing and containing political protest: but to what end? I will argue that the specific liminality of the protesting body in late modern capitalism emerges precisely to the extent s/he is not read as a political protester at all.

Starting Assumptions

To understand this, it is important to get beyond the conceptual straight-jacket that would have us see the emergence of kettling as a favoured policing tactic according to an evolutionary logic or even in terms of the ‘co-evolution of police and protester tactics’ (Gillham and Noakes 2007: 342). As Didier Bigo explains, ‘such a version of the world creates a kind of functionalist vision of security where security is explained through the evolution of insecurity (threats, risks, dangers, fears and so on)’ (2001: 92) as though any of these things might be established objectively. It is necessary, rather, to understand policing and its tactics as, on the one hand, part of a broader set of power relations and to pose questions about how a practice that originally emerged for separating rival football fans became reinvested and redeployed for the purposes of policing political protest: when and how did the aim of policing protest become that of seeking to corral and segregate? To borrow the words of Judith Butler (2002: 220) it is to pose the question ‘about the order in which such a demand becomes legible and possible.’ On the other hand, it is necessary to see policing and its tactics as involved in the (re)production and reconfiguring of power relations – ‘to consider that police do not only answer to [problems] but

are an active actor of the social construction of [crime and/or protest] as a political, social or security problem’ (Bigo 2001: 92).

This is not to deny that kettling emerges, seemingly naturally, from a particular social context. From a strictly functionalist point of view, it has emerged in response to the changing shape of political protest. As Duncan Campbell (2009) explains, ‘The nightmare scenario, as far as police are concerned, is a repeat of the poll tax riots when control of the centre was lost. Everything is now done to try to avoid a repeat.’ Writing in a blog for *The Times* on the day before the 2009 G20 summit in London, a former senior policeman described the rationale of the policing strategy to be employed: ‘The tactics are to herd a crowd into a pen, known as “the kettle” [...] the police will not want groups splintering away from the main crowd’ (quoted in Joyce 2011). Eventually the police noose is made tighter with the result being that the protesters are contained and the risk of street battles with splinter groups is minimized. But this explanation barely scratches the surface.

It is tantamount to advancing the case for water cannons on the grounds that they are an effective means for dispersing protesters. This may be, but thus far, despite suggestions by senior commanders in Scotland Yard and the Metropolitan police that it ‘would be foolish if we did not take time to look at tactics such as this’ (precisely ‘to combat the kind of violent [student] protests’ seen in London), it has been deemed by the Home Secretary, Theresa May, (amongst others) as inconsistent with the British culture of policing (Freeman and Doyle 2010). All of which is to say that the decision to employ one tactic or another (whether it be the use of excessive force or, as was done previously, the use of snatch squads to move into large demonstrations to target trouble-makers) cannot be reduced to a functionalist logic. It is embedded in a host of other assumptions about the nature of democracy, the relative value of human rights and societal tolerance for displays of state violence.

This article will begin by highlighting some of the key assumptions at play in the tactical usage of kettling as revealed by the legal challenges to its practice brought before the British Courts and European Commission of Human Rights and by the recommendations for its usage outlined in the

2009 HMIC Report, titled *Adapting to Protest*. It will show these to be part of a larger governmental rationality – a part of the contemporary *distribution of the sensible* that made kettling not only a legible and possible response to the student protests, but a reasonable and desirable course of action. From there, using the events of the day (and those leading up to it) as a case in point, it will show kettling to be both the product of a particular governmental rationality as well as a tactic that draws upon and extends this logic in particular ways. The result is that exceptional politics becomes not only the norm, but part and parcel of a slide towards an authoritarian politics disguised as a benevolent paternalism – i.e., part and parcel of the governmental task of administering life.

Kettling as Exemplary of a Particular Governmental Rationality

According to the police, kettling offers ‘a vital public order policing tactic that prevents disorder and protects the public’ (BBC News 2011d). This view has been upheld in the courts and echoed in the 2009 HMIC Report, produced in the aftermath of the G20 protests to review policing tactics with a focus on the use of containment. In response to charges that kettling infringes on the civil liberties of protesters and constitutes an unlawful form of mass detention, the official view, reinforced both in court judgments and later in the HMIC Report, is that kettling is justified insofar as it is ‘necessary’ and ‘proportionate’ and insofar as it is tempered by the responsibility of police, in a democratic society, to facilitate peaceful protest (see HMIC 2009: 4, 8). The point is that kettling is discursively positioned as emerging from *the balance of rights*. As stated in the HMIC Report (2009: 42), presently ‘police are required to act as arbiter, balancing the rights of protesters against the rights of the public, business and residents.’ Just as it was deployed to separate rival football teams, kettling, in this view, works insofar as it contains and segregates.

The idea of kettling as a means to balance the rights of protesters against the rights of the public might sound reasonable, but it is precisely the nature of this ‘balance’ that must be queried: what is this balance? Which rights? Who decides? Furthermore, how might we understand the concep-

tualization of *the public* in this account if protesters are positioned outside it? I will begin to unpack some of this by stating what may seem to be the more obvious assumptions that underpin its usage. For instance, it emerges from the assumption that the tactic of escalated force (on display, for example, in the anti-Vietnam war protests in the United States and in suggestions to use plastic bullets or water canon) is inappropriate.² Indeed, it might be said to emerge from a particular liberal opposition to violence. As read in the court cases, it is affirmed to the extent it *protects* – that it is necessary to ‘prevent violence and injury to people and property;’ that, amongst the various options, it has been deemed the ‘least drastic’ way of preventing a breach to the peace; and, in one judgement, that it was ‘necessary for the crowd’s own protection’ (see Lewis 2012). Public opinion also seemingly supports it on these grounds.³ As will be detailed in the next section, the protesters are not presented within official readings as enemies of the state, but as the objects of its care – as part of the life to be administered and managed such that the right to peaceful protest is maintained. And, indeed, the HMIC Report (2009: 5, 40) reminds us that ‘the right to protest in public is a synthesis of iconic freedoms: free assembly and free speech,’ but in ways that are least disruptive to the day-to-day business of the state.

Paternalism of State Response

For this reason I am not describing the relation between protester and state as simply an enemy/state relation (although it is a slippery slope). Rather, and perhaps somewhat more insidiously because the relationship I am referring to obfuscates the element of ideological competition that comes to the fore in protest politics, I am describing a paternal relation to state authority. It is similar to what Iris Marion Young (2003) has described in terms of a patriarchal logic or a masculinist logic of protection whereby citizens come to occupy a position vis-à-vis the state akin to that of subordinates within a patriarchal household in exchange for the promise of protection. In Young’s words:

‘To the extent citizens of a democratic state allow their leaders to adopt a stance of protectors toward them, these citizens come to occupy a subordinate status like that of women in a patriarchal household. We are to accept a more authoritarian and more paternalistic state power, which gets its support partly from the unity a threat produces and our gratitude for protection.’ (2003: 2)

Young’s paradigm is useful because it goes some way towards explaining the emotional attachment to paternal state authority. But, there is more to this sense of gratitude that citizens feel (or are expected to feel) than that which comes from the state’s real or manufactured protection – and this too is key to understanding the figuration of state authority in terms of a paternal relation. This, I will describe, stems back at least as far as Socrates. For Socrates the key is that the Laws are not only that which protect, they are also that which generate life (see Brown 2005). Hence, the gratitude and deference Young described within the terms of a patriarchal logic echoes Socrates, who judged the very laws he rallied against as parental and ultimately submitted to them on that basis; but Socrates also suggests other factors at play. He described the laws as ‘more precious and higher and holier by far than mother or father or any ancestor’ (quoted in Brown 2005: 30). This is because, as Wendy Brown explains, for Socrates the laws were, in a sense, his ‘true parents’ – not just because they were authoritative or could promise protection from threats, but because ‘when the laws say to Socrates, “we have brought you into the world and reared you and educated you” [...] they are reminding Socrates of his own constitution by the polis he has criticized’ (2005: 32). The laws, explains Brown, frame and permit Socrates’ work:

‘[I]n idealizing this authority as both powerful and wise (and yet also vulnerable to injury) and in personifying this authority as parental, Socrates has recalled the libidinal and emotional attachments that citizens must have.’ (Brown 2005: 32-3)

This tells us something about the liminality of the protesting body in any society which owes its life to the order it rallies against. But there are two additional points worth bearing in mind.

First, this is only one way of imagining the proper relationship between citizen and state – and one that Young has pointed out is not particularly democratic. Much like the Hobbesian Leviathan, it is fundamentally rooted in subordination – the assumptions being that ‘[t]he sovereign decides what is necessary to protect the commonwealth and its members’ and ‘what actions and opinions constitute a danger to peace and properly suppresses them’ (Young 2003: 8). The problem, as Young describes it, is that ‘[d]emocratic values and freedoms would be easier to assert [...] if the face of authoritarianism were so ugly and easy to recognize’ (2003: 7).

Second, although the (seemingly benevolent) paternalism at the heart of state authority may be as old as the state itself, it has acquired a particular salience in the current context – one that may make it all the harder to recognize. Young suggests this also, but focuses on the role the American state has taken as protector, stemming from the so-called ‘war on terror.’ I will describe its current salience in terms of what Slavoj Žižek (2009: 34), borrowing from and building upon the work of others, has called ‘post-political biopolitics’ – a term he has used to describe ‘the predominant mode of politics’ in the West today. Žižek describes this as follows: “‘post-political’ is a politics which claims to leave behind old ideological struggles and, instead, focus on expert management and administration, while “biopolitics” designates the regulation of the security and welfare of human lives as its primary goal’ (2009: 34). The way in which they overlap, suggests Žižek, is quite straightforward: ‘once one renounces big ideological causes, what remains is only the efficient administration of life... almost only that’ (Ibid.).

For Žižek this is the predicament of Western civilization. Refusing higher causes or even an ability to imagine what one would fight for, modern man goes the way of Nietzsche’s Last Man who stands for nothing, takes no risks and seeks only security, daily pleasures and basic expressions of tolerance for one another. In this depoliticized realm, freedom becomes freedom from victimization or harassment and passion is mobilized primarily through moral indignation or fear (2009: 25, 36).

While this may be over-stating the case, it does resonate with one of the more curious definitions of democracy outlined in the HMIC *Adapting to*

Protest Report. The report suggests that while some measure democratic maturity ‘by the ease with which peaceful protesters can protest’, others believe ‘equally strongly’ that ‘a mature society is measured by the security that they have to go about their business free from protesters or anybody else’ (2009: 6). If, as already stated, the practice of kettling is envisaged as a means to balance the rights of protesters against the rights of *the public*, this might tell us something about the presumed nature of this balance. Specifically, while the report makes clear that the right to protest still plays a legitimating role in British politics (and thus must be facilitated), it situates a view of democracy that includes the right to protest (with its associated freedom of public assembly) against a view of democracy in which freedom from harassment essentially becomes the highest good. The problem with the latter view, of course, is that at its core there is nothing essentially democratic about it. As Young makes clear, it could just as easily lead us to an authoritarian as to a democratic politics. So when it becomes positioned as one of two competing definitions of democracy, it is worth taking note.

As Anastassia Tsoukala (2006) has noted, it reflects a broader reframing of the notion of freedom – one that she has traced through a textual analysis of the ways in which emergency measures have been legitimated in both the U.K. and France in response to the war on terror. As she illustrates, the notion of freedom being employed is negatively defined – i.e., ‘as a release from a threat’: ‘Terrorism is not perceived as a threat posed for the freedom of people to act in democratic terms but as a threat from which people set themselves free’ (2006: 622). Freedom then is no longer as readily associated with ‘freedom of action in a democratic society’ (622). Instead freedom, here and elsewhere, is being defined in ways that restrict civil rights and liberties such that the freedom pursued is a freedom from fear.

This is a reflection of the broader discursive terrain on which discussions are taking place about how societies balance and police the balance of the rights of different constituencies – as made quite explicit in the HMIC Report. Using Žižek’s (2009: 34) notion of ‘post-political biopolitics’ to usefully illuminate certain features of our political age, I will suggest that as big political questions are set aside and the focus increasingly becomes ‘the

efficient administration of life’ such that people can basically go about their lives unhampered (assuming the restriction of civil liberties will not apply to them), protest itself becomes mere disruption. We exist in a time when protest groups emerge with names like ‘Defend the Right to Protest’,⁴ and I am glad they do. But why protest? Protest what? To what possible end? The name is an indictment of our times, but it also raises questions.

The questions are indicative of what Jacques Rancière (2009) has described as a left-wing melancholy (itself a product of our post-political biopolitical age) – i.e., a situation in which even if we desire something *other* we can no longer imagine its possibility. Moreover, it is a situation wherein the critic’s critical capacities are mobilized in ways that direct our attention not only to the overwhelming power of capitalist logics and disciplining functions (the ‘power of the beast’), but to ‘the illusions of those who serve it even when they think they are fighting it’ (Rancière 2009: 33, 35). In critical works of art, for example, it is to move from illustrating linkages between American over-consumption and its distant wars towards illustrating the futility or hypocrisy of the demonstrators protesting against these very things – highlighting, for example, ‘the cans spilling out of the dustbin which have probably been thrown into it by [them]’ (Rancière 2009, 28). Protest becomes mere spectacle.

While Rancière has traced this in critical art and academic traditions, it can also be documented in the musings of left-wing public intellectuals. Take, for example, Naomi Klein, who has warned that the anti-globalization movement was at risk of becoming a fan culture ‘with activists flocking to cities around the world [for the latest mass demo], following the G8 and World Trade Organization leaders ‘as if they were the Grateful Dead’ (2002: 270-271). Klein’s ‘touristic analogy’ points precisely to the fear that contemporary protest is always already caught up with what it criticizes; it is all part of the commodity spectacle. (Robertson 2006: 269). Arundhati Roy (2004) makes a similar criticism, arguing that although in ‘a spectacular display of public morality 10 million people on 5 continents marched against the war on Iraq [...] nobody had to so much as miss a day of work.’ ‘Holiday protests,’ she says ‘don’t stop wars’ and on this basis she urges a move from mere symbolic politics to *material* action

– to something that would make it ‘materially impossible for Empire to achieve its aims’ or, in other words, to something that would really stab at the heart of the beast.

Klein and Roy are quite right to point out that mass gatherings have been unable to stop the beast, but this need not lead to a false dichotomy between the symbolic and the real. As the editors of this special edition of *Krisis* have expressed it, ‘[o]n a theoretical as well as practical level we are today faced with the question whether civil disobedience requires a moment of real confrontation for it to be politically effective.’⁵ This is the question the contributors to this journal have been asked to engage with, but, as the editors themselves acknowledge, it seems to displace the problem. In their words, ‘it seems that civil disobedience does in fact have an irreducible symbolic dimension’ which suggests that if we want another world we have to be able to imagine it. Any hope of transformative political practice hinges not simply upon our actions, but also and inextricably on what Žižek would call ‘a shift in our symbolic universe’ (2009: 58). Pointing to evidence from the student protests and their representations, I will argue that ‘real confrontation’ is and must be at the level of the symbolic. This is because it is the realm of symbolic confrontation that is being precipitously foreclosed while we are distracted by images of street battles, scenes of violence and the spectre that *this is ‘the real.’*

As stated, the student protests occurred over a period of a month, converging in the form of street marches or mass assemblies on four separate occasions. Various media sources noted that the protests were peaceful on the whole (See Lewis, etc. 2010; and Addley, etc. 2010). And yet, across the spectrum, the media event had less to do with the debates surrounding the funding of higher education than the on-going ‘cat and mouse’ game, as referred to by *The Guardian*, between student protesters and police (quote from Paige 2010; also see Addley, etc. 2010). In this and other ways, the media coverage of the student protests highlights what I have been describing as the rationality of administration (police logic) intertwined with what Rancière (2009) has described as the merger between left-wing melancholy and right-wing antipathy, or the ease with which the denunciations of protest as mere spectacle, voiced by those on the left, slide into the recriminations of those on the right.⁶ This is the point at which ‘your

protest is meaningless’ turns into charges of self-indulgence and moral condemnation: ‘what do you think you are doing?’ and ‘who do you think you are?’ It need not be that the one follows from the other, but the overlap is revealing.

As Richard Littlejohn (2010), columnist with the *Daily Mail*, expressed it, ‘Their cause is always the same: demanding other people pay for their upkeep [...] As for tuition fees, it is hard-working taxpayers who must foot the bill for students to spend on meaningless media studies courses.’ Harry Phibbs (2010), another columnist with the *Daily Mail*, pointed to the ‘self-indulgence of [the student protesters] antics’ specifically: ‘Thousands of students are planning to take a break from boring old lectures and studying today to go on a demo to claim how much they value their education.’ There was an overwhelming focus within the right-wing press on the age of the protesters (with emphasis placed on the fact that many of those involved were university students or secondary school students still in uniform who had staged walk-outs from class) and their presumed socio-economic class.⁷ Both of these real and imagined attributes served to portray the protesters as self-indulgent youth lacking in responsibility. This, of course, was despite the fact that university students on the protest lines had nothing to gain from protesting as the fee rates would not affect them and that many university lecturers were involved.

Yet, on the issue of class specifically, the *Daily Mail* set out to show that at least four of those involved in the protests came from privileged homes (with photographs of their homes included by way of evidence).⁸ The matter of class was also at the heart of the anger and moral outrage specifically directed at Charlie Gilmour, student protester and son of David Gilmour, guitarist for Pink Floyd.⁹ Gilmour, who happened to be high at the time, was later charged with violent disorder. But more than any of these things, what outraged the nation was the image of him swinging from a Union flag on the cenotaph (a monument to the nation’s war dead in Whitehall) while shouting ‘Let them eat cake!’ and ‘They broke the moral law. We’re going to break all the laws’ (quotes from BBC News 2011b and Bates 2011).¹⁰ The former was a reference to the words famously, even if wrongly, attributed to Marie Antoinette upon learning that the peasants of France had no bread and has been thought to signify

her obliviousness to the plight of the masses. But, more than the words Gilmour used, it was the image (caught on camera and circulated in the papers) which raised the ire of many.¹¹ Here was the nation’s prodigal son – privileged and spoon-fed (or such is the assumption), railing against what Socrates might describe as *the laws which gave him life* – acting ‘disrespectfully’ to the nation’s war dead and bereaved families. In the words of Christine Odone (2011):

‘Gilmour was sticking his fingers up at history, tradition, and authority. Such disrespect from someone who has benefitted greatly from all three, offends ... [F]or the Oxbridge golden youth ... Britain is punting and Pimm’s, famous friends and inspiring tutors.’

Rightly or wrongly, for many, Gilmour epitomized the self-indulgence of the nation’s youth and was a visual affront to tradition and authority – to no less than the nation’s forefathers.

Worth noting is that while some referred to Gilmour’s actions as treasonous, he was not generally positioned as an enemy to the state (as a terrorist or spy, for example), but as a youth gone astray. The fact that he was high – a fact often attributed to recent rejection by his biological father – only furthered this view (see Bates 2011; Singh 2011; and Roberts 2011). In these ways, Gilmour and the student protesters writ large were read by the media through a paternal gaze and found to be *out of order*, generating a public demand for discipline to be restored. Jan Moir (2010) of the *Daily Mail* captures the mood well and the socio-political (even if not quite legal) justification for kettling that stems from it. It is worth quoting at length:

‘[T]he Met police detained thousands of the students for hours in a “kettling” movement, providing a difficult but neat introduction for those wannabe revolutionaries to the moral intricacies [...] of civil disobedience. Chief among which is that you might not get home for your tea. Naturally, many of the corralled youngsters furiously texted and tweeted their middle-class mums who were suitably enraged. No doubt feeling that the civil liberties of their little darlings were being breached. Maybe so, but if you are a mem-

ber of a group which moves from peaceful protest into causing violence and damage, even if you do not participate in that damage yourself, you have got to be prepared for the disobliging fallout and inconvenience that might come your way.’

Although several factors were at play in eliciting reactions such as this (including class grievances), it is worth noting that the paternalism evident in this media and public gaze depicts an identification with a patriotic ideal reflected through *the eyes of the state*. Symbolic identification, as Žižek describes, is ‘identification with the very place from where we are being observed’ (quoted in Brown 2005: 39). It is an identification with power, but one that is dissimulated through another image of purity or woundedness – e.g., *the hard-working British people* who are being asked to foot the bill and/or *the traumatized families of the war dead*. The imagined trauma suffered by the British people at the hands of one of their own diverts attention from state violence and aggression as well as their own.

From this vantage point, the incidences of violence by Gilmour and the student protesters might be usefully read as emerging within a context of what Žižek might call absolute violence:

‘[W]hen we perceive something as an act of violence we measure it by a presupposed standard of what the ‘normal’ non-violent situation is – and the highest form of violence is the imposition of this standard with reference to which some events appear as “violent”.’ (2009: 55)

Indeed, there are many instances of violence here – beginning with the denial of the protesters’ status as legitimate political actors. This can be extended to the suggestion that the appropriate response to the ‘offence’ caused by protesters is containment regardless of whether it breaches their civil liberties. Through the paternalistic gaze we can trace the easy slide to authoritarianism that Young identified in her *masculinist logic of protection*. The implications of this I will explore next.

Paternal Exceptionalism

In the final section of this article I want to illustrate that kettling is not only *the outcome* of a biopolitical, post-political frame. What I intend to demonstrate are the ways that kettling extends this frame by acting on the bodies of police and protesters in ways that reaffirm and extend the paternalism and inherent violence of this relation. The violence of the kettle takes many guises, not *merely*, as some would have it, at the level of the symbolic. There is also a material violence insofar as the kettle is a form of collective punishment, if not, as suggested in court challenges, a form of unlawful imprisonment. In the words of a lawyer, expressing the significance of one court challenge, ‘This case could determine once and for all, whether corralling people into police pens and coercively holding them for hours [against their will] amounts to an unlawful deprivation of liberty’ (Lewis 2012). It is the indiscriminate and increasingly routine usage of kettling that has particularly raised the ire of civil liberties groups, becoming the focus of public debates (see BBC 2011c; and S. Laville and D. Campbell 2009). As signified in the shift in policing tactics from ‘strategic incapacitation’ (which involved targeting and incapacitating those likely to offend) to one whereby protest itself is contained, kettling functions as both a punishment and deterrent for any and all protest activity.¹² Many student protesters noted this ‘chill’ effect – reporting that they felt they were being punished for simply exercising their democratic rights with the aim being to discourage them from protesting again (see Addley et.al. 2010; BBC News 2011b; and UK Indymedia 2010).

No one, neither the courts nor the press, need deny this because kettling is justified *anyway* – insofar that it is necessary and proportionate. Kettling is inscribed within the logic of exceptionality, even as it becomes the norm. The language of the courts – the language of proportionality and necessity (the language of administration) – obscures this. Borrowing from Giorgio Agamben, it obscures the fact that the kettle inscribes a state of exception, a space wherein ‘the individual is deprived of his or her prior condition as a citizen’ – i.e., the kettle inscribes ‘a zone of indistinction [...] where there is no difference between law and force, wherein individuals are subject to the law but not subjects in the law’ (quotes taken from Meade 2010; Salter 2008: 367; also see Agamben 2005). What is excep-

tional, albeit normalized through state paternalism, is the willingness of the police and courts to deny the protester their full status as political citizens with recognizable and inalienable rights: freedom of assembly and basic civil liberties. In Agamben’s words, ‘Here the theory of necessity is none other than a theory of the exception by virtue of which a particular case [in this case, the policing of protest] is released from the obligation to observe the law’ (2005: 26).

The fact that, according to the courts and HMIC Report, the onus is on police to demonstrate that the forceful confinement of people for hours meets the test of necessity and proportionality also obscures. It obscures the fact that it is the police themselves, acting as petty sovereigns in an administrative state (where the locus of sovereign power has become diffuse), who are charged with the responsibility to *deem* the dangerousness of a situation (to the best of their knowledge) – and on these grounds they have never lost a case (see Butler 2004: 56). Referring to an earlier decision by Metropolitan police to kettle Climate Change protesters at Bishopsgate, police acknowledged the protesters were peaceful but defended their choice on the grounds they were protecting them from dangerous infiltrators (see Dodd and Lewis 2011). Similarly, in the case of student protests, it was the police who told us ‘the game has changed’ – pointing to the involvement of the nation’s children specifically (not just radical ‘anarchists and extremists’) to claim that ‘Britain is entering a new era of lawless riots and violent disorder’ (quotes from Mail Online 2010; and Camber 2010). This was the conclusion despite the rather obvious reason of why children were involved in this particular protest and despite the fact that the vast majority of protest activity was peaceful – with many instances of violence occurring only after the implementation of the kettle. Here we can trace a shift in the target of police action from *illegal acts* (the focus of strategic incapacitation techniques) to *the potential for a more general unruliness* that lies in the protesting body itself.

In all of these ways the act of containment literally creates a zone of lawlessness – and this is what is ultimately obscured by the language of the courts and administrative reports. There are two key points I am making in regard to this statement. First, containment creates a zone of lawlessness to the extent that those contained are deprived of their previous

rights as citizens – i.e., are subject to the force of the law while not recognized as subjects of the law with inalienable rights and freedoms. Here we see the potential slippage from a benevolent state paternalism to a paternal exceptionalism – the point at which the paternal sovereign who has given us life and who protects (i.e., the source of law) is also the one who has ‘the power to punish transgressions and to suspend the rules and norms in times of emergency or need’ (Gunn 2008: 9). ‘Sovereign is he who decides on the state of exception,’ wrote Schmitt (quoted in Gunn 2008: 16). As Joshua Gunn (2008: 16) explains, this view is comparable to Lacan’s image of the symbolic father; ‘the sovereign – be it group or an individual – has the legal power to determine when there is an exception to the Law.’ In his words, ‘[j]ust as a child sees a real father as a god-like figure who has the power to transgress his own rules, so may the sovereign come to function as a kind of legalized figure of lawlessness in the eyes of his subjects’ (Gunn 2008: 16). The paternal sovereign is he who has the power to abandon the subjects in his care to the force of law. He has the power to say ‘No’ and, in answer to the question of ‘Why?’ to say ‘Because I say so!’ (Gunn 2008: 9). It is *He* – or, in the post-political administrative state, the police, in the form of petty sovereigns – who has the power to deem the exception and, in the process, de-subjectivate members of the polis with regards to protection under the law.

It is for this reason that Agamben reminds us that before the sovereign, ‘we are all [potentially bare life]’ (1995: 115); we are all at risk of having our status as political citizens with rights denied such that we are neither recognized as subjects within the law, nor as existing outside it – but are bodies to be administered. The indiscriminate and increasingly arbitrary usage of the kettle highlights this point well. Although Agamben’s concepts of *bare life* and *the state of exception* have typically been used to illuminate the emergence of perhaps more obviously *exceptional* extra-legal practices by contemporary Western states (evidenced in things like Guantanamo Bay and extraordinary rendition), his broader aim was to demonstrate the extent to which ‘the state of exception tends increasingly to appear as the dominant paradigm of government’ (Agamben 2005: 2). He refers to this as ‘governance through administration, through management’ which he describes as ‘in the ascendancy’, while rule by law ‘appears to be in decline’ (quoted in Raulff 2004, 611). While academics have pre-

dominantly drawn upon Agamben to illuminate the processes by which certain bodies, usually raced bodies, have been denied the full rights accorded to political citizenship (being identified rather as the foreigner within), what the kettle illustrates is the more radical point that in a post-political age, ‘the foundation of political community is not solely in the enemy [or the real or imagined *foreigner*]’ as all citizens are ‘always available for potential exclusion’ (Salter 2008: 375).

This is not to deny that what is acceptable for some bodies is not acceptable for others, such that black bodies are still far more likely to be beaten up in police custody while white bodies are, as Moir expressed it, made late for tea.¹³ But, it points to what Agamben describes as the ‘new “normal” biopolitical relationship between the citizen and state’ (2004: 169). In his words, ‘[w]hat we are witnessing here is no longer the free and active participation on the political level’ (ibid.); what we are witnessing is what Michel Foucault (quoted in Agamben 2004: 169) described as ‘the progressive animalization of man through extremely refined techniques.’ Focusing on the plight of the Guantanamo Bay inmates specifically (who were denied legal status as prisoners of war), Judith Butler wrote, ‘[t]here is a reduction of these human beings to animal status where the animal is figured as out of control, in need of total restraint’ (2004: 78). Could not the same thing be said about the corralling of protesters? This is why the language of proportionality and necessity – bolstered by the figuration of the kettle as a non-violent policing tactic – may be described as ‘bureaucratic fig leaves which conceal the raw power of the sovereign to “denaturalize” citizens’ (Salter 2008: 377). So effective is this technology that from the outside looking in all we see is the protesters’ incitement to violence. The violence becomes theirs – exemplifying Žižek’s point that there is ‘something suspicious, indeed symptomatic’ about *the liberal* ‘focus on subjective violence’ – the visible acts of violence ‘enacted by social agents, evil individuals, disciplined repressive apparatuses, [and] fanatical crowds’ (2009: 9).

To illuminate this point, I want to turn attention back to the protest events themselves, with particular attention to the protest on December 9th when police decided to kettle those amassed outside parliament. This occurred despite arguments made by former Labour MP Andrew Dismore

that, contrary to official police statements, the game had not changed and police should be trying to ‘de-escalate problems, not escalate them’ (quoted in Mail Online 2010). It also occurred despite widespread reports that the protests were peaceful prior to the police’s containment efforts.¹⁴ ‘There was a danger of protesters breaking the lines and storming the Houses of Parliament,’ the Met Police Commissioner said in defence of kettling (quoted in Camber 2010). Police recalled the occupation of the Tory Headquarters and the strange incident involving a police van. The latter served as another example of the protesters’ ‘wanton violence’ as protesters were caught by media cameras kicking a police van, smashing the windows, and spraying it with graffiti.¹⁵ What made the incident ‘suspicious’ (although under-investigated by the media) was that the van was abandoned in the area the protesters were cordoned. What made it interesting was that it was the protesters themselves who were left to restore law and order. After failed pleas by some protesters, a group of young girls linked hands and formed a human chain around the van until the violence stopped (see UK Indymedia 2010). In this instance and in the events of December 9th, what becomes apparent is not only the protesters’ incitement to violence and the role of the kettle in producing this response, but the kettle’s larger role in producing a zone of lawlessness.

This leads to the second key point I want to make in relation to this claim. Here I am referring not just to the legal lawlessness involved in denaturalizing citizens, but, more radically, the enforced instantiation of what many protesters described as ‘a scene out of Mad Max or the underground in Robocop’ (UK Indymedia 2010). In the beginning, protesters describe a camp-like atmosphere within the containment zone with some people gathered around small fires with radios or instruments and others parading and singing protest chants. People were free to enter even though no one was permitted to leave. But, later in the day police started to *tighten the noose* – pushing the crowd inward from the edges with their riot gear and redirecting the crowd via horse charges. People reported feeling angry, scared or both. As one protester described, ‘We had been kept in one place for too long [without food, water, or toilets], we were being attacked by police on the edges and thugs in the centre’ (UK Indymedia 2010). A regular complaint was that police did nothing to stop the violence or help the injured (see Hudson 2011). Alastair Hudson (2011), a professor of law,

reported watching a ‘young man in a balaclava repeatedly hurl chunks of concrete at the windows of the [Supreme Court] as two cordons of riot police watched in silence.’ He also watched it become a public toilet: ‘It seemed to become a metaphor for the human rights abuses that were going on around me’ (Hudson 2011). Many protesters suggested the police wanted to start a riot, attributing a new meaning to the kettle: ‘to raise the temperature in an enclosed space until there is an explosion of energy in the form of public disorder’ (quote from Hudson 2011; also see UK Indymedia 2010).

Hence, it is without exaggeration that the kettle established on December 9th created a legally lawless zone of violence. It was a space wherein protesters were both abandoned by the law and subject to the force of law – sometimes literally as in the case of Alfie Meadows (who suffered brain damage as a result of being beaten by police during the demonstration) and Jody McIntyre (a cerebral palsy sufferer who was pulled from his wheelchair and dragged across the ground). Notably, even in the face of blatant displays of police violence, many protesters noted this alongside acts of kindness by individual members of the police, perhaps testifying to a point by Butler that petty sovereigns ‘are not true sovereigns: their power is delegated, and they do not fully control the aims that animate their actions’ (2004: 62). The descriptions of those present also attest to the kettle as a materialization of *the camp* in an Agambian sense – a state of exception – and the role of the police in producing the unruliness they claim to be containing. As Agamben describes, the camp as ‘an apparently innocuous space [...] actually delimits a space in which the normal order is *de facto* suspended and in which whether or not atrocities are committed depends not on law, but on the civility and ethical sense of the police who temporarily act as sovereign’ (1997: 113). Later in the evening, the cordon was moved from Parliament Square to Westminster Bridge with protesters crowded together until 11:30 p.m. – some having been kettled for close to eight hours. When finally permitted to leave they were ‘forced to walk through a tunnel formed by baton-wielding, shield-toting riot police’ and then (in a further violation of their civil rights) to have their pictures taken (Hudson, 2011).

This is what I am describing as the liminality of the protesting body in a post-political age. In and through the re-staging of protest events, which occurred first via police actions and then in media re-presentations (i.e., through the instantiation of the state of exception), *the normal* was (re)instantiated as well. In this case, a traumatized national public was brought into being – traumatized not by the evidence of a wounded political citizenship, but by a self-indulgent youth, the clamour of democracy, and fear of harassment in the public domain.¹⁶ The freedom that was conceptualized as threatened was not the freedom to act or demand accountability from one’s elected representatives but the freedom to go about one’s daily life undisturbed... ‘and almost only that.’¹⁷ The police told us that ‘Innocent Christmas shoppers [were] being caught up in the violence’ (quoted in Addley, etc. 2010). In this statement, as elsewhere, a cultural ordinariness and, indeed, *the distribution of the sensible* were reaffirmed and imagined as protected by a benevolent and paternal national sovereignty – even as the logic of the market seemingly extended and tightened its grip.¹⁸

Conclusion

Berlant has argued that in contemporary liberal democracy ‘it is possible for anyone to claim that challenges to their desire for an unconflicted world have produced the kind of pain that ought to set in motion the recuperative justice [and] moral outrage previously deemed appropriate only in response to structural oppression’ (2005: 53). This too is a sign of our post-political age. And it offers a useful vantage point from which to revisit the case of Charlie Gilmour who, in addition to swinging from the Cenotaph, was charged with violent disorder for throwing a rubbish bin and leaping on a bonnet of a Jaguar car. Not incidentally, this car formed part of the royal convoy that (in what might be hailed a ‘Marie Antoinette moment’) did not change its route to bypass the student protests as it escorted Prince Charles and the Duchess of Cornwall to the Royal Variety Performance – assuming, of course, that tuition fees protests figured on the royal register at all. By revisiting the story of Gilmour I will return to the question posed by the editors of this journal of ‘whether civil diso-

bedience requires a moment of real confrontation for it to be politically effective’ and will summarize my argument generally.

I am not arguing that protesters should avoid *real confrontation* – traditionally defined as direct or material action. I am taking issue, rather, with the false divide that emerges between *real* confrontation and symbolic forms of protest – as direct action is also always symbolic and *real* confrontation must occur at the level of meaning. More specifically, my argument is that the focus on what Žižek (2009: 3) calls ‘subjective’ violence displaces the inherent state violence at work in the paternal relation established between state and protester – a relation exemplified in the tactic of kettling. In so doing, it obscures the role of the kettle in re-staging all protest as disobedience – and *almost only that*. The danger is that protest increasingly becomes positioned as a mere hindrance to the smooth governing of *the public* (wherein the rights of citizen workers/consumers are advanced over those of citizen protesters) rather than integral to it – if conceived in terms of an active and participatory democracy.¹⁹ Hidden from view are not only various forms of structural violence at play, but symbolic violence – the ‘more fundamental form of violence’ that pertains ‘to language as such, to its imposition of a certain universe of meaning’ (Žižek 2009: 1).

Indeed, what is notable about Gilmour’s sentencing is not only the lengthiness of the sentence delivered relative to the offence, but the factors that informed his sentencing – that gave it meaning.²⁰ One of these was Gilmour’s class (as Gilmour had ‘many advantages which are denied to most young men who come before this court’) and the other was Gilmour’s ‘deeply offensive behaviour’ towards the war dead.²¹ Although his ‘antics’ at the Cenotaph did not form part of the charge against him (because it is not illegal to swing from a flag), the judge indicated it signified the extent of his transgression – showing just ‘how out of control [he was] on that day’ (quoted in Camber 2011). Interestingly, the judge said he had no doubt that Gilmour ‘felt strongly about the legislation regarding tuition fees’ (quoted in Camber 2011) but divested him of the right to such political passion because, it would seem, political passion belonged elsewhere – not to this body, this time, this place. As others had done before, the judge pointed out that it was the war dead who ‘fought for his free-

dom to protest' (Odone 2011) – reiterating the idea that it was their laws that enabled him, generating his life and privilege. Nonetheless, just as others were pissing on the Supreme Court, one might ask whether Gilmour's actions were not symbolically calling into question what they died for – for *this* (an unaccountable government, a stripping away of civil liberties, and, in fact, a stripping away of any meaningful right to protest)? To re-invoke a popular protest chant in response to the image of Gilmour swinging from the Cenotaph whilst screaming about the moral laws, *isn't this what democracy looks like?* This is real confrontation – at the level of the symbolic and the level of meaning.

Yet, the national news media story was not one concerned with what democracy and liberty mean (or might mean), what might be worth dying or living for, or even what might be worth getting angry about. What was seen and heard, from the comfort of our living rooms (from the position of comfortably administered subjects) and reaffirmed in the court sentencing, was Gilmour's 'violence' and the public offence generated by his and fellow protesters' actions and anger. The student tuition fees protest event, as (re)staged by police actions and (re)presented in the media, was the story of a group of self-indulgent students who were, at the very least, threatening to disrupt our day-to-day affairs and, at most, causing mayhem – terrorizing innocent Christmas shoppers on the streets. Herein lays the liminality of the protesting body in a post-political age. The body is cast, contained and processed as neither an enemy of the state, nor necessarily a political subject; it is a body to be administered and, arguably, to be administered better.

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¹ I am taking the concept of 'the distribution of the sensible' from Rancière (2009). I would like to thank the editors of this special edition, René Gabriels and Robin Celikates, for their support throughout. I would also like to thank René and the two anonymous reviewers for their helpful and thoughtful feedback on earlier drafts of this essay. Last, but not least, I would like to thank my research assistant, James Clarke, for diligently digging up materials on my behalf.

² For more on historical shifts in the policing styles of political protest (including escalated force), see Gillham 2001.

³ According to an Ipsos MORI survey '77 percent [of people in the U.K. surveyed] agree that holding protesters in a controlled area for a number of hours to reduce disruption to the general public's day-to-day activities was justified in all or some circumstances' (HMIC 2009: 29-30). This was generally preferred to tactics involving 'the use of force' – although reflects a surprisingly high degree of support on the grounds of mere disruption when respondents were given a chance to qualify their answers (i.e., to only support kettling in particular instances such as when there was a threat to private property or 'public safety') (HMIC 2009: 29-30). On the whole though, the preference to use kettling as opposed to escalated force arguably reflects a more benevolent paternalism – one also expressed in the HMIC *Adapting to Protest* report more generally wherein chief among

the reasons that society should tolerate protest is that it has proven to be 'an important safety valve' for those with strongly held views to blow off steam (HMIC 2009: 5).

⁴ For more on this group, see their website: <http://www.defendtherighttoprotest.org/> [viewed 10 Dec. 2012].

⁵ Quote from the call for papers for this issue.

⁶ Worth noting is a point picked up by one of the external reviewers of an earlier draft of this article – i.e., that the depoliticization of political protest in the media is not uniquely characteristic of our post-political age. And yet I highlight the media's specific (and paternalistic) portrayal of the student protests, in combination with my larger discussion about that which is uniquely characteristic of our post-political age, because I think the two things combined tell us a great deal about *the distribution of the sensible* within which kettling emerges as a legible and reasonable response to protest activity.

⁷ Emphasis was placed on the fact that many of those involved were university students or secondary school students still in uniform who had staged walk-outs from class. For more on this and other examples of attention given to age and class, see the following: Moir 2010; Phibbs 2010; and Harper 2010.

⁸ See Harper.

⁹ For more on the issue of Gilmour's class, see the following: Odone 2011; Penny 2011; and Ellen 2011. Thank you to Joshua Chandler-Morris for noting an error on an earlier version of this article regarding the name of the Pink Floyd guitarist.

¹⁰ For more on the anger towards Gilmour, see, for example, Penny 2011 and the blog responses to it.

¹¹ See Penny 2011 and the blog responses to it.

¹² For more on historical shifts in the policing styles of political protest (including strategic incapacitation), see Gillham 2001.

¹³ A black person in the U.K., for example, is far more likely to be subject to the ‘stop and search’ powers of police and to die in police custody than a white person. For more on this see the following: Power 2011; and Defend the Right to Protest 2011. For more related to the point that while every body carries the capacity for bare life, ‘every body does not carry this capacity equally’ see, for example, the following: Kruger, etc. 2008 (quote from p. 102); and Butler 1993.

¹⁴ See, for example, Royston 2010 and UK Indymedia 2010. For more on the general argument, brought forth by crowd control experts amongst others, that ‘kettling is counter-productive, inflaming crowds and encouraging confrontations’ see Lewis 2012, where this quote was taken from, and Joyce 2011.

¹⁵ Police describe the ‘wanton violence’ of the student fees protests in Addley, etc. 2010.

¹⁶ This concept of a traumatized national public borrows from Berlant’s understanding of ‘post-traumatic citizenship ideology.’ See Berlant 2005, quote from p. 71.

¹⁷ Here I am recalling Žižek 2009: 34.

¹⁸ For more on the way a positive valuation of cultural ordinariness becomes reaffirmed through the manufacture of emotional clarities in ways that further elite interests see Berlant 2005: 61.

¹⁹ This formulation is borrowed from one of the anonymous reviewers of an earlier draft of this article.

²⁰ These factors seemingly informed Gilmour’s sentencing as both were cited when the judge delivered his sentence – although the judge was careful to note they did not form part of the violent disorder charge against him.

²¹ These were the words of the judge in Gilmour’s case, quoted in Camber 2011.