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TITLE: Friends, foes or estranged: A proposal for a critical analysis of police during protest events.

ABSTRACT

Past researchers have constructed typologies of policing styles that describe protest interactions across a wide range of variations, including across time, regions, and types of protests. However, most of this literature assumes an antagonistic relationship between protestor and police officer, which I argue is unwise. Drawing from archival data, interviews and participant observation of the 2011 occupation of the capitol building in Madison, Wisconsin, I show how this relationship was not antagonistic; here, police were identified as allies by protestors, even though police treated protestors as antagonists. After describing the capitol occupation, I propose theoretical avenues to better analyze the complex role of police officers. I then propose a framework for analyzing the strategic interactions between police and protestors, and hypothesize the effect of police presence on protest outcomes given these interactions. Research adopting this framework could better analyze the effect of policing on protest events, rather than treating police officers as fixed, one-dimensional agents.

Introduction

From the beginning to the end of the occupation at the capitol building in Madison, Wisconsin in early 2011, demonstrators roared continuously. Among their chants, “What’s disgusting? Union busting!”, “Recall Walker” and “The people … united … will never be defeated”. The strangest of those chants, however, was also one of the simplest: “Thank you”. At times, this was chanted with their other slogans, but it was more commonly in opposition to demonstrators that were badgering the targets of these accolades, namely police officers. They thanked the police for their continued service in the midst of the ongoing protest, which entailed extra hours for nearly every officer. They also thanked them for their restraint and their tolerance of the protest itself. After all, this protest was fundamentally concerned with worker’s rights, which included the men and women working as police officers during the protest.

How can social movement theory account for this relationship? Prior literature in policing of protests and police repression takes as a seemingly uncritical assumption that protestors opposing the state (usually by opposing a law or policy originating from [a] state actor[s]) fundamentally view police officers as antagonistic. But counter to this assumption, the self-avowed “peaceful” protestors at the capitol were ideologically centered on the shared identity of “worker under-siege”, which encompassed any worker seeking fair working conditions despite a government which threatened them. As such, antagonizing police officers was antithetical to the shared identity developed by the protest, and would lead to disorderly behaviors that directly legitimize an escalation of force by police officers.

In this paper, I argue that the relationship between police officer and protestor must be critically examined. Specifically, I propose a theoretical framework to begin unpacking these dynamics by analyze the relationship between police officer and protestor during the protests in Madison.

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2 The primary target of the protests, Governor Scott Walker.
The repression of the capitol occupation was intrinsically affected by the reciprocal strategic conceptualizations of either party of each other. First, I review the literature of protest policing, and identify the gap that I hope to start filling. After a brief discussion of my method, I review the Madison case, with a special focus on protestor-police relations. Finally, I analyze these interactions, proposing a conceptual framework for understanding the role struggle of police, and effect of the dynamic relationship between protestor and police on protest outcomes. To be clear, I am not proposing a new model for police practices; prior research by della Porta and Fillieule (2004) has described differences in policing strategies quite adequately. Instead, I am proposing a framework for understanding the effects of micro-interactions and mutual conceptualizations of each other in the context of social movement policing.

**Literature Review**

**Policing of Protests**

Prior research on protest policing is largely focused on four interrelated kinds of questions. First, past researchers analyzed the various factors that determine the style of policing. Della Porta and Reiter (1998a) outlined a series of analytical indicators of policing strategies, ranging from the number of prohibited activities, to the extent that police “respect” the law (outlined in Table A). For example, a particular protest may be characterized by preventative, but brutal tactics, while another may be characterized by flexibly tolerant tactics. Taken together, researchers have constructed three common policing strategies: escalated force, negotiated management and (most recently) strategic incapacitation (see della Porta and Fillieule, 2004; and della Porta, 1998 for alternative typologies).

Barkan (1984) first posited two broad styles of protest policing, and Gillham and Noakes (2007) later posited a third. When police first began responding to protests, escalated force was their preferred method (see also Schwiengruber, 2000; and McPhail et al., 1998). The term, “escalation of force”, is a direct reference to the progression of force used by a police officer to subdue a suspect, ranging from a verbal command to lethal force. In regards to protests, this translated into breaking up mass crowds through increased use of force, often physical restraint, rather than controlled policing of a coordinated demonstration. Their communication with protest participants is minimal, and their overarching goal is terminating the demonstration through an escalation of the repressive activities used over time. These techniques often resulted in a significant number of arrests and injuries. However, as the media became a significant factor in protest dynamics, external agents (such as non-participants and political actors) began to question the legitimacy of such repressive strategies.

As a result, negotiated management became the dominant strategy for policing protests after the Civil Rights Movement and the Anti-War Movement of the 1960s and 1970s. In this model, police emphasize regular communication with protest leaders to assure that the protest stays within the agreed upon boundaries that both police and protestors mutually outline (see della Porta and Fillieule, 2004). For the police, this usually means that the protest stays within the parameters of local laws, and allows them to maintain order in the given community. For protestors, this generally translates into the acquisition of permits, an agreed upon venue for protesting, and at times, the training of voluntary protest marshals. The intent is to prevent animosity between the police and protestors, which often digresses into the hostile and/or violent techniques of escalated force. This continues to be the dominant policing strategy in the United
States, unless protestors push back. In some events (becoming increasingly common for large demonstrations), demonstrations that arise from negotiated management are antithetical to the protest goals themselves (Gilham and Noakes, 2007). Permits cost money and significant planning, and confer strict limits (place and time) on how the protest can proceed.

In such instances, a third policing model takes precedence, blending elements from both escalated force and negotiated management. Gilham & Noakes (2007) outlined strategic incapacitation as a policing strategy that emphasizes incremental, often legal, restrictions on a protest to slowly end a protest event without attracting negative media attention. There may still be elements of negotiation between parties, but the focus this approach is on the incapacitation of the protest through other legal channels. Negotiations are geared towards terminating the protest rather than promoting its orderly progress. In this style, police emphasize surveillance, court injunctions, restrictive permits and infrastructural restriction (such as moving the protest activities away from their desired target) to purposefully disrupt actions, or make activities ineffective or insubstantial for achieving their goals.

A second kind of question takes these policing strategies and analyzes their association with the effect of repression on protest outcomes. In nearly every case study of protest events, including the countless actions that transpired during the American Civil Rights Movement (Morris, 1986; McAdam, 1982), researchers pay at least passing attention to the effect of repression. Often, the analysis of repression is an extension of the typologies mentioned above, used as a kind of universal proxy for police actions. In general, escalated force tends to be associated with a greater degree of repression than negotiated management, at least in the character of the associated policing activities (McPhail et al., 1998).

However, the extent of this repression is often associated with the third focus of research activities, namely those seeking to understand the variations that arise across different contexts. This may be something unique about the protest itself, including the demography of its participants, their actions or their goals. For instance, Davenport, Soule and Armstrong (2009) found that there tended to be an increased police presence in protests which were both violent and had a large proportion of black participants. Others found differences across other indicators, including the political orientation of protest goals (White, 1999), the kind of media attention the protest receives (Wisler and Giugni, 1999), and the region in which activities took place, such as among Latin American or European countries (see della Porta and Reiter, 1998b for several regional examples).

Finally, a smaller set of researchers have attempted to understand micro interactions of police officers in the protest settings, especially how the impact of culture or other non-protest agents affect repression dynamics. For instance, Winter (1998) considered the effect of political agents on police intervention more generally, while Waddington (1994) discussed how police officers view legitimacy in protest. Lacey et al. (1990) analyzed common heuristics that police officers use when policing protests, in a sense enabling their actions, whatever they may be. More general ethnographic accounts like Cain (1973) and Collison (1995) attempted to understand the culture of policing itself, not necessarily in relation to policing protests. Unfortunately, unlike the other three questions, this question has received very little attention. Research on policing culture and their micro-interactions generally comes out of theories of policing itself, or other sub-disciplines like social psychology or urban anthropology.

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3 Barkan (1984)’s original paper actually seemed closer to strategic incapacitation than negotiated management.
Movement Strategy

While not explicitly analyzing the association with protest policing, other theories of social movements are useful for understanding the potential relationship that can arise between protestor and police officer. I considered three lines of research when developing my analytical framework: tactical innovation, oppositional consciousness, and strategic framing. After proposing my framework, I revisit each of these theories in the “Discussion” section.

-Tactical Innovation: McAdam (1983)’s theory of tactical innovation suggests a kind of ebb and flow of protest tactics in relation to some kind of opposition. Specifically, as a new tactic is developed, protest events spike in their frequency, until their strategies have been countered by some opposition or by lack of innovation, resulting in a decreased rate of activity. Protest frequency increases because new tactics tend to increase interest in protesting by protestors, as well as pose a problem for opposing parties to effectively respond. During spikes of activity, protest participation should increase, and rapidly diffuse across a wider number of activities across a given, interested region. As counter-agents respond to the tactic, participation and frequency of activity should decline, until the adoption of a new tactic that restarts the cycle again.

In the context of police interactions with protestors, tactical innovation is especially relevant for the particular actions that either party take in any given set of closely linked protest events. However, this theory fundamentally operates longitudinally, across many protest events. In the context of a single protest event, there are interactions that take place between protestor and police officer that are overlooked in by this macro-theory. The expectations of either party are overlooked, including their intended strategies. More importantly, it does not necessarily address the ideological considerations of either party, which are directly relevant for the kinds of relationships that form between police and protestor.

-Oppositional Consciousness: Another somewhat relevant approach may by the ideational development of oppositional consciousness. Mansbridge (2001) and Morris and Braine (2001) suggested oppositional consciousness as an important step in forming a kind of group identity around a particular grievance or shared experience. Most importantly for this process is the development of a group identity in opposition to another group, often the target of movement action. By doing so, the consciousness raising group strengthens their sense of cohesion, while constructing a concrete target for movement adherents to orient their goals. Morris and Braine (2001) originally constructed their argument in the context of the Civil Rights movement, where they argued that the deliberate self-extraction of interested adherents out of the White-dominant culture was integral for developing a strong sense of identity and ideological cohesion throughout the movement.

While this theory highlights the importance of the developed relationship between opposing actors in constructing group identity, this is not sufficient for understanding the kinds of interactions which I am interested. While this kind of consciousness is surely developing as a protest unfolds, the majority consciousness raising occurs early, before actions event begin. Also, their “opposition” is often a party other than the police, such as government agents, private entities, or a destructive cultural norm. While police may be more likely to ally with social movement targets (as they surely did during the Civil Rights Movement), they are not formal allies; they are first, protectors of the state, however defined.

-Strategic Framing: The social movement literature on framing is rich and developed. I find
Ferree and Merril (2000)’s definition of the framing process to be the most useful: “the ongoing cognitive activity of picking ideas from discourses and the social negotiations involved in writing, speaking, and composing communications that relate events, ideas, and actions to each other”. Framing is an active, continually unfolding process that is subordinated to a prevailing discourse, but not completely beholden to it. Any party in a given protest will frame their position to best achieve their goals, while simultaneously attempting to recruit new participants or supporters. While nearly always constructed as a means of understanding the actions of protestors, framing has been extended to non-protestors, such as the targets of action, government agents or police officers themselves. This often entails a connection to media sources, which, as Wisler and Giugni (1999) have argued, police are deeply interested. More relevant for my argument is the use of strategic framing, or framing made in direct consideration of the framing of a second party. Perhaps the dynamic strategic framing of protestor and police officer is of direct relevance to a theory of their interactions.

However, relying solely on framing theories is not sufficient to understand the complex strategies used by either side in a protest event. A common critique of framing is that framing does not capture the complex, ongoing ideological development that unfurls throughout a protest event (see especially Oliver and Johnston, 2000). Associated with this, framing is nearly always constructed as an intentional means of marketing a message based on the immediate needs of the situation. Also, the majority of framing may have occurred before the kinds of internal decision making and unfolding strategic relations have taken place. Sure, framing processes, especially strategic framing, may be a part of the set of behaviors that characterize the association between police and protestor at a given event; however, it is not sufficient to understand the complex series of internal interactions that take place. It does not explain the intentional actions that either party may take.

Flaw in Literature

At the core of my framework is a critical examination of the assumed adversarial relationship between police and protestor. Past researchers have assumed (possibly inadvertently) that police officers and protestors occupy distinct social positions, with differing and opposing goals. Protestors construct their strategies in opposition to police, whom are often viewed as allies of their targets. Police, acting as agents of the state, oppose political actions that threaten either the traditional social order which they must protect, or the laws and traditional political channels that were designed to direct civil political behavior. But this “obvious” dualism hides the deliberate conceptualization of the relationship itself by both parties. The assumed dichotomy is actually a strategic choice which directly affects the expectations and that either side adopts. Akin to Swidler (1986)’s cultural toolkit, the assumption sets a discursive environment that excludes strategies that break the assumption. Therefore, a different conceptualization of this relationship is necessary for explaining those instances where such expectations arise, especially in contexts where the relationship between police officer and protestor differs from the prevailing adversarial assumption.

Before delving into the dynamics between the parties, I consider the interests that separate the two parties. Protestors are ostensibly interested in achieving those goals which precipitated the protest itself. These goals may be broad or specific, and may vary across protestors within a particular event; but some shared goal binds and guides all protestors in a given demonstration. In the case of the Madison protests, protestors were concerned with preventing the immediate passage of a piece of anti-labor legislation, and more broadly, securing the collective bargaining
rights of workers in Wisconsin. To achieve these goals, protestors acted to advocate for their goals and to support the protest itself. In the context of an organized demonstration, these actions are often coordinated by a smaller group of leaders or through the coordination of many organizations. Depending on their organizational capacity, these leaders (broadly defined) drive the ideological and strategic capacity of the demonstration itself. In all cases, this means interactions with the police, whether through negotiations or physical confrontations.

The police, interested in order maintenance, must respond to the demonstration, regardless of its size. They must ensure two potentially conflicting goals: to broadly ensure that protestors can exercise their legally protected rights of assembly and freedom of speech, and to ensure that non-protestors are not significantly disrupted by protest actions. To this end, police treat protestors as a special case of everyday police work. They are not (usually) participating in criminal behavior, but their actions, if not regulated, may escalate beyond tolerable disruption, to something akin to a riot. As such, police leaders must decide how to best deal with the disruption, whether it be through negotiated management, escalated force or strategic incapacitation, broadly conceived. Regardless of their approach, they are fundamentally interested in assuring that the demonstration does not escalate into significantly disruptive or violent actions. In such cases of civil disobedience or worse, police actively disrupt and attempt to end the demonstration, using whatever crowd control techniques they can muster.

Case Study – The Madison, WI Protests

Methods

I reconstructed this case primarily from my own experiences directly participating in the occupation. I did not plan this paper when participating; therefore, I did not take ethnographic field notes, nor did I treat it as a case study. Instead, during the event, I documented events and activities through social media (as public Facebook posts or notes) and took brief notes when I felt something interesting had occurred. As a graduate student interested in the labor movement, I scrambled throughout the event to help and absorb as much as I could. I participated in organizational meetings (as a member of the Teaching Assistants’ Association, I also attended daily membership meetings), recruited volunteers, assisted with food transportation, testified against the bill, and slept several nights in the building, among other things. I am aware of my personal stake in these events. I drew additional information from publically available resources, including news reports, organizational updates (such as from the Teaching Assistants’ Association), and personal blogs. I supplemented this information with many informal conversations with participants and Wisconsin natives, as well as four formal interviews with organizers of the occupation. I did not interview representatives from the police; therefore assumptions about their expectations are based on their actions, not on their self-affirmed reports.

It is important to note that I am first proposing a new way to analyze the effects of repression on protest events, and second supporting it with empirical evidence. Others constructed more detailed ethnographies of the Madison protests, while still others have collected large data sets to analyze other effects of policing. Instead, I am presenting a theoretical angle to more accurately analyze the effects of policing on protests. The Madison occupation represents an exception to

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Matthew Kearney is working on an ethnographic manuscript of the protests, while Anouk van Leeuwen is analyzing the atmosphere of protestor-police relations using data from the European Union (www.protestsurvey.eu). Both of these are not published in any form yet.
the antagonistic relationship that often forms at large protests; I am offering an analytical framework to understand this case, while suggesting conceptual tools to increase validity in future explanations of police repression.

**The Occupation Begins**

Leading up to the occupation of the capitol building on February 15, 2011, news had begun to spread about an upcoming anti-public union bill to be introduced by the newly elected governor, Scott Walker. Rationalized as a means of controlling the budget (aptly named the “Budget Repair Bill”), the bill included extreme limitations on the legal power of public unions (Mayers, 2011). Among the provisions, the bill would exclude all but wage concerns from collective bargaining, prohibit wage increases beyond inflation projections from the Consumer Price Index, require increased contributions by employees to healthcare and pension benefits, and required unions to annually recertify their legal status as bargaining agents. The substantive impact for unions was staggering, pushing them out of the public sector by choking their capacity to collect dues, and eliminating their legal power. Needless to say, labor advocates were concerned.

In reaction to these prospective changes, organizing began before the occupation did. Several labor organizations began organizing rallies for the week of February 14, including the Wisconsin chapter of the American Federation of Labor (AFL-CIO), the South Central Labor Council, and a variety of unions, especially local chapters of the teachers unions (such as the Wisconsin Education Association Council of the National Education Association and the Teaching Assistants Association (TAA) of the American Federation of Teachers) and those of the major public employee union, the American Federation of State, County and Municipal Employees. A Valentine’s Day demonstration previously organized by the TAA in opposition to state legislation that would increase University tuition and fees was slightly recast as a protest in opposition to Walker’s legislation. A meeting made up of labor scholars, leaders and advocates held February 11, the Friday before the demonstrations began, shifted from its purpose of developing greater collaboration in favor of labor scholarship across the University, to a frantic meeting of labor organizers exchanging ideas and contemplating steps for action against the Budget Repair Bill.

On February 14, 2011, the TAA held their demonstration. Hundreds of graduate students, undergraduates, faculty and staff delivered a petition in the form of thousands of signed valentines directly to the governor’s office. Their march from the western end of State Street to the capitol building at the eastern end signaled the beginning of the protests. Expecting a small, legally permitted march and rally, police presence was minimal: three to five police officers stood outside of the governor’s office, and a few police officers escorted the protestors down State Street on the sidewalk. When inside the building, the protestors chanted slogans, waved placards and pounded the rails. Those pushing the carts filled with valentines dramatically dumped them outside the governor’s office. After being refused a meeting by Governor Walker, the protestors filed out for a brief rally on the steps outside. Peter Rickman, former co-president of the TAA, gave a short speech, and concluded with a final plea: “Return”. Return the next day, the day after, and the day after, until Governor Walker responded to their grievances. As a skeptical participant, the message seemed more symbolic than substantive.

The next day, however, protestors returned in force. As required by state law (outlined in van Hollen, 2010), public testimonies were held to field questions and concerns about the pending budget legislation. A typical testimony hearing for new legislation lasted less than an hour; this
hearing, however, attracted many more interested people. Aside from the hundreds of concerned citizens testifying against the bill, organizers used this as their opportunity to begin long-term actions against the legislation. As a provision of the Open Meetings law, the capitol building was required to remain open as long as testimonies were in progress. Organizers seized this opportunity, funneling demonstrators into the hearing rooms; testimonies thus continued throughout the day, and into the night. Capitol employees scrambled to accommodate the massive numbers of people seeking to testify, resulting in a queue of speakers lasting four to five hours. People arrived with computers, snacks and sleeping bags, planning on remaining in the capitol no matter how long their wait time was to be. Students brought homework, friends staked out areas to rest and chat, and others posted placards throughout the rotunda. The occupation began.

Shortly after these testimonies began, the TAA set up an organizational hub on the third floor to coordinate protest activities within the building. Overtime, the office became the “brain” of the occupation (“the situation room” to TAA members), coordinating volunteers and organizers for testimonies, providing a (relatively) quieter space for volunteers to recuperate before returning to the ruckus of protest activity, and later to helping with other activities, such as coordinating petitions and recall email lists, processing food deliveries, distributing medical supplies, organizing trash clean-up, and training volunteer marshals. On the ground floor, in the center of the capitol building, the “drum circle” formed. If the TAA meeting space was the brain, this was the heart. During the day, protestors streamed in through the doors to the center where participants packed the rotunda, shoulder to shoulder. They chanted, cheered, drummed, and stomped. Dedicated protestors continued their chants into the night, echoing throughout the entire building day and night.

As organizers realized the occupation had formally arrived, they refined their organizational capacity to accommodate necessary logistics. In the first week, volunteers were tasked with prioritizing food donations for those participating in non-violent resistance throughout the capitol building. This included organizing sit-ins to prevent access to the Senate chambers thus stalling votes for the bill, circulating petitions for immediate and future recall efforts, and continuing to inform and recruit people for the on-going testimonies. However, as the occupation continued, it slowly transitioned from a radical, exciting strategy into a battle of attrition. Coordinators rotated volunteers across a multitude of political activities and daily rallies focused political attention on the prevention of the bill’s passage; but the excitement of the occupation subsided.

Amidst the occupation and protests, police were continually present. Most importantly, protestors seemed to include police officers in their goals and actions. They were rarely vilified, and were often thanked by passing protestors throughout the events. In other words, the police were not viewed as protest opponents, but as allies. The stated goals of the protest were fair labor laws regardless of occupation; police were seen as another occupation that deserved laws that supported free association under the legal framework of labor union. Although police and fire fighters were explicitly exempt from the proposed collective bargaining restrictions, most protestors were operating as if all workers were united in opposition to the bill. Demonstrating

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5 Most of the pro-Budget Repair Bill testimonies occurred in the morning, while anti-testimonies occurred for days after. Also, most of the demonstrators conscripted by organizers arrived much later in the first night of hearings. Unfortunately, because of the massive number of testifiers, it is nearly impossible to determine the ratio of non-organized citizens testifying out of concern to organized demonstrators tactically using the hearings to enable the occupation.
fire fighters, for instance, became a rallying point for the ongoing march around the capitol. When they marched past onlookers in step and in full uniform (and later with bagpipes), surrounding participants roared in excitement; participants who knew their technical exclusion from the bill weren’t questioning or looking on in confusion. Along with the technically unaffected police unions whom came out in explicit support of protestors, participating members of these professions were explicitly conceptualized as allies.\(^6\) Given their explicit support, resisting working police officers was even less rational; these were fellow, aggrieved workers.\(^7\)

**Policing of the Protests: From Negotiated Management to Strategic Incapacitation**

The Capitol Police have primary jurisdiction over the capitol building, with somewhat overlapping jurisdiction by the Madison Police. Then Capitol Police Chief Charles Tubbs answered directly to the Department of Administration, headed by a political appointee, Michael Huebsch. In the first few days of the occupation, police operated no more differently than they usually did: preserve the safety of participants, capitol visitors and capitol employees (including state legislators) by focusing on prevention and assistance when necessary. Officers guarded key locations around the capitol, such as stairwells, doorways and outside the governor’s office, and set up small patrols of pairs of officers.

Early on, members of the police began meeting regularly with organizers of the occupation. They held morning briefings to exchange information; police shared how they planned to proceed with their policing, and organizers tried to learn how they could proceed effectively and safely. These briefings progressed throughout the entire occupation, though their effectiveness fluctuated. On the side of the police, Chief Tubbs was the primary negotiator; but as additional officers from other precincts and jurisdictions began contributing their resources, conflicting political motivations were likely in play. On the side of protestors, at least three organizers regularly met with police; however, they usually received information regarding reactionary tactical changes rather than cooperatively exchanging information about the entire event’s functioning. The most obvious outcome of negotiations was the training and coordination of volunteer marshals. Not only were protestors now policing themselves, but police delegated to them minor security duties, allowing police to focus on other more pressing activities.

Through the course of the occupation, rumors of impending police raids were common among protestors, fearing that police were planning on evacuating the capitol in a massive show of force. While the number of officers indeed increased and the strategies changed overtime, a raid never occurred; again, why should they? Police were allies of their cause for workers everywhere. Capitol Police alone were no longer sufficient to police an on-going, 24-hour protest with tens of thousands of participants. Additional officers trickled into the capitol over the course of the demonstration, with additional police guarding various posts and patrolling.

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\(^6\) As a compromise while the protests continued, their exclusion was removed in later negotiations. This occurred roughly a week days into the protest, and though rationally pushing law enforcement into protesting, the magnitude of activity of law enforcement during protests didn’t seem to increase.

\(^7\) To be clear, the participation rate of police officers was likely quite low. Relative to other occupations, participants protesting as members of the police seemed fewer. Unfortunately, this is strictly an estimate based on experience and from interviews. Better demographic data was not available, and gathering of it is beyond the scope of this paper. Also, participating unionized police officers were not just a subset of police officers, but a subset of unionized police officers. Thus, if measured by the number of participants, the extent of the support of police officers was likely very small. Therefore, protestors’ assumption that police officers were allies during the protests was likely founded in a resonance of goals rather than in a measure of participation.
more regularly outside the building. While the size of the occupation increased over time, the increase in police presence was too much to be simply for supervision. Instead, their presence was directed at incremental, albeit minor, restrictions. These were often implemented late at night when only the few sleeping occupiers could offer any resistance. Of course, the majority of protestors rarely discussed resisting these actions; the police were allies, hence resisting their actions would alienate them from their cause. Thus when new restrictions were added, protestors rarely resisted in any form beyond verbal complaints.

Police began by restricting access within and into the capitol. Their rationale was quite simple: safety. In the beginning, this meant dealing with a space that was not designed for so many people. The capitol has four floors with regular access to the public, along with a basement/ground level primarily for parking and an observation floor far above the fourth. Four main entrances into the building were at each axis of the compass; the Western entrance was the main entrance for protestors marching from one end of State Street, beginning at the edge of the University of Wisconsin campus, to the other end, terminating at the capitol building. As the occupation continued, police officers restricted access to higher levels of the building. On Wednesday, February 16 (three days into the protest), police restricted access from the fourth floor, as well as several stairwells. This floor mainly housed the same testimony rooms that signaled the beginning of the protest the day before; the on-going testimonies thus moved to the third floor. While these restrictions may have been important to consolidate security for a limited police force, free access to each floor facilitated protester movement substantially. The capitol building is not conveniently constructed; the third floor, housing testimony rooms, the TAA organizational center, and prime floor space for food, sleeping and non-occupation related work, was split up. Only office-space hallways connected them in these splits, which had spotty access. Moving between floors was necessary to move to any third-floor location swiftly. As police began restricting access to stairwells, having access to multiple floors became even more important.

With increased restriction to access becoming a reality, long-term protestors became experts of the building layout. After the fourth floor was restricted along with several stairwells, protestors made an effort to post signs directing demonstrator traffic, and to help volunteers get to areas that needed them. This was followed, however, by a key restriction within the first week: entrance into the building was prevented after 10:00PM. Most significantly, protestors were not informed of this change after implemented; instead, they learned about the change after receiving reports that demonstrators trying to enter the building were denied. The net effect was to make sleeping in the capitol more difficult, but more importantly, to make re-entry in the morning even more challenging, as it contributed to the already large crowds. Soon after, police permanently closed the western and eastern entrances. Again, a seemingly minor change, but of the four entrances, these two were the most important. Most traffic into the building entered through the western entrance beginning at State Street where marching protestors could immediately enter the building; instead, marching protestors ended at closed doors, where those who were unaware

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8 Important to this rationalization was the discovery of stray bullets outside the building shortly after the occupation began. Police commonly used this discovery to rationalize most of their restriction efforts, though the source of these bullets was never discovered.

9 The building, shaped like an “X” from overhead, had open entrances at the ends of each wing or leg of the “X”. Four additional entrances were located between each wing, closer to the rotunda in the center of the “X”. These were closed from the beginning. However, this is usually the case; access to these entrances is nearly always restricted despite the large numbers of protestors.
of the other entrances simply left. The eastern entrance was the site of the majority of rallies, since the governor’s office was directly above its doors; now ralliers funneled to either side of the building rather than directly through the doors behind the stage.

These early restrictions were accompanied by floor by floor, stairwell by stairwell, entrance by entrance restrictions. Again, since these minor, individual changes were implemented late at night, protestors dealt with a new landscape for protest activity every day. Before closing off floors, however, police restricted sleeping. Sleeping was an essential activity that sustained the protest; target efforts to make it more difficult could make terminating the occupation easier. Again, citing safety concerns, sleeping was banned on floors and in spaces which were quickly closed the following day. This occurred on entire floors, such as the fourth, as well as in quieter spaces, such as closed hallways. The obvious reason for sleeping restrictions aside (facilitating new space restrictions), banning sleep on a given floor also pushed sleepers to lower levels, where the ongoing drum circle made it harder and early morning protestors ended it prematurely.

The most important space restriction arrived roughly two weeks into the occupation: a new policy that prohibited meeting spaces from those without legislative identification. With this change, the organizing body of the TAA, whom staked out a meeting space reserved by a state representative, was forced to vacate. This minor policy change effectively removed the central organizing body that sustained the occupation. To be clear, these coordinators were not dissolved; they just moved into a separate building across the street. But now that it was outside the capitol building, its coordinators faced the same daily access restrictions that made entering the capitol increasingly difficult. As such, their efforts to move supplies around the occupation were severely curtailed, and night-time support activities effectively ended. This wasn’t the final nail in the occupation coffin, but it was surely the heaviest.

On top of these incremental space restrictions, police implemented incremental item restrictions. In the name of safety, for instance, sleeping bags, pillows and mattresses were eventually banned, further complicating sleep quality. Earlier, internet access was restricted, making communication both outside and within the capitol more difficult. At first, bandwidth was restricted, but for a single day, access was terminated on websites which were directly used to coordinate the protest, most significantly the TAA’s newly formed DefendWisconsin.com. Unlike other restrictions, however, coordinators made sure to immediately circulate the site’s closure. Later in the same day it was restricted, access was again enabled; unfortunately for occupiers, this was the only restriction that was reversed while the capitol was still open.

As the restrictions continued to ramp up, the occupation became increasingly difficult to sustain. The third floor was now closed, as well as most stairwells. Entrance was limited to a single entrance, and access was severely curtailed. Combined with the restrictions that made sleeping more difficult, police restricted all food; thus occupiers were literally forced out by hunger. Medical supplies were banned, which rationalized the logical presence of a significant health concern to end the occupation. Of course, being late February in Wisconsin, colds were common; but now these minor ailments could not be treated. Soon other items were banned, including drums.

By now, the number of occupiers had declined significantly. One of the last restrictions was a 1:2 policy for capitol entrance; for every two occupiers who left the building, only one was

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10 It is hard to say whether this was deliberate or a result of a massive increase in the number of internet users.
allowed entrance. Before occupiers realized this new policy, the number of occupiers had decreased substantially. Precipitated both by these kinds of restrictions and by the passage of time, the number of occupiers in the building was a tiny fraction of its original glory. At this point, a police raid was no longer necessary to clear the building. On February 28, police simply closed the building to new entrants.

The day the capitol closed, the remaining occupiers stood firm, though confused. Like before, this change occurred at night, but unlike other actions, Chief Tubbs informed occupiers of their intended action much earlier. Specifically, he informed coordinators that the capitol would be temporarily closed to allow cleaning staff to clean the building; when done, people would be allowed back into the building. With the promise of access in the morning, many occupiers left; they returned the next day to locked doors. Only a small group of occupiers remained who refused to leave for building cleaning. Coordinators attempted to transport supplies into the building through open windows and allied legislators. As such, windows were promptly locked, some even bolted. The protestors inside, though severely restricted, were not expelled.

The same day the building closed, lawyers working on behalf of the Wisconsin State Employees Union filed suit, citing the action as an unlawful restriction of free speech and assembly. State attorneys defended the closure, citing safety and health concerns, as well as exaggerated estimates of building damages. Lasting a few days, the judge finally decided in favor of protestors on March 3. Building administration was forced to open the capitol under a court injunction. However, they were slow in their implementation, requiring a further court mandate to finally open the building; it seemed occupiers caught a break. Unfortunately, the judge also mandated a deathblow to the occupation: any non-employee still in the building after normal hours would be considered in violation of the injunction. Now, occupation held a significant legal penalty. After a confusing assembly within the building between legislators and protest leaders, most of the occupiers left the building (see Wrigley-Field for an in-depth account of the final moments). In a word, the occupation ended.

DISCUSSION

During the Madison occupation, the relationship between police and protestor was not strictly antagonistic. To be clear, the actions of either side were theoretically unsurprising. Occupiers resisted evacuation of the capitol, but never used non-violent resistance to oppose police restrictions. Police officers used restrictive measures akin to strategic incapacitation, along with negotiations to inform protestors of their intended actions. What was interesting in this case was the ideological inclusion of the police in the protest goals of worker rights. They were not a clear enemy whom protestors easily rationalized action against. Instead, they were conceptualized as allies from the beginning, which made police actions quite simple to implement.

This case suggests a need for a deeper analysis of the interactions between police and protestor. Such a typology would increase our understanding of the association between police presence (including repression) and protest outcomes. Among the discussion, I propose a simple typology to better understand the dynamic relationship that forms between these actors. Most integral to

11 This prompted quite a reaction from protestors. While many cited obvious fire hazard concerns, building administration assured that this was a temporary procedure planned months before the occupation to renovate affected windows.
12 See Wrigley-Field (2011) for an in-depth account of the final moments.
this typology is breaking the assumption that the actions and goals of either side are always consistent. In other words, that both operate in mutual cooperation with each other (allied), or in mutual opposition (antagonistic). Instead, protestors and the police must deliberately construct each other as allies or enemies based on their own interpretations of the protest itself.

I consider three future avenues for social movement research. (1) Who are the police, and what is their role in social movements? (2) How do the interacting effects of the personal beliefs of police officers and the necessary duties of police officer affect the intensity of repression? (3) How do the interacting roles of protestors and police influence outcomes? Finally, I consider which, if any, current theories can adequately address these questions. I consider analytical and theoretical challenges that arise from these conceptualizations, such as time or number of separate group affiliations in Appendix A.

Who are the police?

I undergird my analytical framework with a key assumption: the police and protestors operate as a set of agents within a broader protest event. Since prior theories have conceptualized the role of protestors (for instance, Polletta and Jasper, 2001 review collective identity) I will focus on the role of police only. The police, in the traditional since of their role, are an agent of the state. More specifically, they are the organized body which enforces laws developed by the state, and ensures order in a civil society. Considering this affiliation with the state, one may make a conceptual leap and suggest that an enemy of the state is fundamentally an enemy of the police. However, this argument ignores the fact that, in a democratic society, police officers are also voting citizens with free power to affect the functioning of the government with which they protect. If we simply characterize police as just the sum of their occupational responsibilities, they become the faceless enforcers and mindless messengers of state laws and demands. They are nothing more than the interface by which the state (whoever composes this body) ensures that their laws are carried out followed by its citizens. In a sense, they are a part of the sword of Hobbes’ Leviathan.

But if we consider police as more than a tool of the state, as freely acting citizens of a complex society, then their role in protest events becomes more complex. For when police officers carry out their duties as enforcers of a democratic state, they are doing so also as citizens of a nation. Depending on the grievances presented in a protest event, they may take on other roles as well. For instance, in the case of the Madison protests, they were also workers, concerned with fair working conditions and acceptable wages. They may not support collective bargaining or even care about workers rights; but they were still, fundamentally, workers. So in the course of the Madison protests, police officers embodied at least three different roles: police officer, citizen and worker. They needed to negotiate through a protest event while juggling their personal opinions, political orientations and occupational duties.

Potential conflicts between these roles aside, I only hope to illustrate that police cannot be simplistically analyzed solely as agents of the state. Yes, as agents of the state, they must defend against actions which directly threaten state infrastructure. Protestors may target a governing body, but they may also target a specific state actor, such as a state governor. In either case, police officers must defend against such attacks, because their job requires it. However, as

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13 It is important to note that such defense can be influenced by other actors. Early in the Madison Protests, the Department of Administration sought the assistance of the Wisconsin State Police at the capitol building. State
citizens, they may choose whether to support or oppose any protest goal, and freely advocate for their chosen position. If protected by provisions for freedom of speech and of assembly (such as in the United States), citizens may freely support or oppose political protests in whatever legal capacity they choose. Finally, police officers may have any number of other unique identities, such as worker, woman, Christian, etc. The personal identity of a police officer is intimately connected to their role as agent of the state and as a citizen. As a worker, the officer is fundamentally concerned with reasonable wages, decent benefits, job security, professional advancement, acceptable working conditions, and even pride in their workplace. This role does not presume solidarity with all other workers; but adopting this role enables that possibility.

I have obviously simplified this final role substantially; I only expounded on one possible identity under an umbrella of hundreds. For the sake of this paper, I consider the first two roles to be of greater significance. The role of “agent of the state” is the primary, assumed classification of police officers adopted by past social movement theories. The role of “citizen” is of primary importance for understanding the actions of all actors in an established polity. When police officers embody both roles, perfect alignment is possible; however, the potential for conflict also seems possible. For instance, a police officer may directly oppose the political beliefs of neo-Nazis; but as agents of the state, they must protect their freedom of speech in a peaceful rally. Logically then, protestors need not only conceptualize police officers as agents of the state; when appealing to other roles, such as their role as citizen or worker, conceptualizing police as allies may directly benefit their cause. Of course, depending on the character of the protest, police may not reciprocate that alliance (such as in a large rally purposively disrupting social activities). In other contexts, appealing to police officers’ role as citizen may be irrelevant. For instance, if social movement participants ideologically oppose a state actor or body, police are likely to be conceived as enemies solely for their role as state agents. For example, protestors in the Battle in Seattle in 1999 specifically opposed meetings between world political leaders concerning free trade policies. As such, protestors likely conceptualized police officers, operating as agents of the state, as antagonistic to their broader movement goals.

A multiple role interpretation of police officer must include an important qualifier: regardless of the political opinions of the officer, the officer must, if on duty, police. In other words, at a given protest event, a police officer will usually obey their commanding officer regardless of personal opinion or political affiliation. Instead, the officer’s performance or willingness to obey may vary given their personal beliefs. Therefore, I separate my framework into two levels; the conflicting roles are important for the first (relating to intensity of repressive activities), not necessarily for the second (relating to protest outcomes). In this sense, I consider the varied roles of the police officer important in the foundation of the relationship between these roles and

Sheriff Dave Mahoney refused, stating, “our deputies would not stand and be palace guards”. Thus, the role of agent of the state will certainly not be the dominant role in a given protest event (Nichols, 2011).

I do not argue in either direction, for I have no reason to believe any to be more likely.

For instance, considering that in protests that target government bodies are often subject to greater police attention (White, 1998).

Protestors may also operate in such contexts where they directly support actions of the state; for instance, protestors may be holding rallies in support of some legislation such as in supporting a ban on gay marriage or gun laws. However police action is generally most influential in protests that oppose state interests. Classic theories of social movements, for instance, supported the now untenable idea that those who protest are simply rationally bypassing institutional channels because those channels are insufficient to achieve a specific goal (reviewed in Gurney and Tierney, 1982).
different actors, but I consider it only indirectly relevant for affecting protest outcomes. The officer may support or oppose the event; but if on duty, they will police.

**How do the political leanings of police officers affect their policing of protests?**

[[[NOTE: This section is rough, and I will be adding/adjusting it much between now and ASA]]]

Police officers must police. But the quality of that policing may be directly affected by their political opinions and personal beliefs. In Figure 1, I propose a simple analytical framework for understanding how the conflict between the officer’s opinions may affect their duties as police officer. Specifically, how does the police officer’s opinion of the protest that they are policing interact with how they must police, given the character of the protest even? And how does the interaction between these two variables affect the intensity of repressive policing tactics?17

**Support Goals, Orderly Protestors:** If most of the officers support movement goals, and protestors are expected to be fairly orderly, then repressive policing tactics seem unlikely. For if the protestors are not giving police officers any reason to act repressively (by acting orderly), then being repressive seems unlikely. And if the majority of police officers support the goals of the protest, then it is reasonable to assume that they will be unlikely to use repressive tactics willingly. One would expect, then, an orderly, pro-police rally to face little repressive policing.

**Oppose Goals, Disorderly Protestors:** Opposite the prior combination of expectations and political opinions is a situation that seems to precipitate that greatest likelihood of repressive tactics. If protestors are expected to be disruptive, and the majority of police officers oppose the goals, then repressive activities seem very likely. Not only would the job rationally utilize tactics that disrupt or prevent disorderly tactics, but since police officers fully oppose the actions of the protest, they will carry out those tasks to the fullest of their ability. One would expect, then, an anti-police demonstration involving large numbers of disorganized participants to be very likely to face repressive tactics.

**Support Goals, Disorderly Protestors:** The next two variations are more significant than the others. These are situations of dissonance between role as citizen (embodied by relative support of protest goals) and role as agent of the state (embodied by expectations of protestor orderliness). For instance, how will policing transpire in contexts where the majority of officers support movement goals, but protestors are expected to be disorderly. For instance, how likely are repressive tactics in an event with a large number of disorganized participants who are collectively demonstrating for greater police officer job benefits? Police may consider it extremely important to disrupt and precipitate a quick conclusion to an otherwise disorderly event; but their support of the activities may influence the willingness of police officers to enthusiastically terminate the protest. I believe that the occupational requirements would subordinate personal beliefs, but as in workplaces where employees dislike their working conditions (Greenberg, 1990), police performance in these tasks may take a steep decline.

**Oppose Goals, Orderly Protestors:** Opposite the prior combination is one where the protestors are expected to be orderly, but the majority of police officers opposed the goals of the protest.

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17 This is an association that is best applied individually, officer by officer. As such, measuring such associations would be exceedingly challenging without gathering data from every individual participating officer. However, the personal opinions of individual officers may also be analyzed as a proportion of the total police officers at a given event who are for or against a given goal.
Imagine an anti-police rally with a small number of organized participants. In such situations, because the occupational duties take precedence over personal opinions, the intensity of repressive tactics is likely to be low. However, one would expect a relatively higher intensity of repressive activities in these kinds of events relative to the same kind of event advocating for a goal that most police officers support. The opposing role demands challenge the police officer to carry out actions that may be counter to the opinions of the officer. It is likely that if there is a conflict between these roles, that analysis of such events would find a significantly higher relative amount of repressive activities (measured either by number or by type of activities) than in ideologically supported similar events.

**How do the goals of police officers and protestors interact in determining protest outcomes?**

The complexity of the role struggle of police affects the kinds of interactions which can develop between police officer and protestor. However, as I have argued, the occupational necessities of “agent of the state” will likely take precedence. As such, the often competing strategic interactions between protestor and police likely play a more significant role in affecting protest outcomes than potential role struggles. Particularly, the interaction between the degree of protestor orderliness expected by police officers and the intent to cooperate with police officers by protestors is most significant in determining how police presence affects protest outcomes. I conceptualize protest outcomes simply as the likelihood of achieving the goal(s) or part of the goal(s) of the protest event; thus a positive association means that police presence increases the likelihood of achieving those goals, while a negative association suggests that police presence hinders the likelihood of achieving those goals. I outline this relationship in Figure 2, and follow up each proposed classification with an example and hypothesis for its effect on protest outcomes.

**Peaceful Cooperation:** When police expect cooperation, and protestors in turn plan on cooperating, it is likely that police presence will have a minimal effect on protest outcomes. Interactions between the two parties would be characteristic of allies, whereby the actions of either party are not perceived to negatively impact their specific goals. Protestors rationally choose to cooperate with police, and hence, police rationally expect orderly behavior. Police would likely utilize negotiated management, and protestors would happily file the necessary permits.

Consider the beginning of the protests in Madison, specifically the Valentine’s Day protest march to the capitol. Organizers of the event had obtained permits for the march long before the protest occurred. On the day of the march, protest participants convened at the Memorial union, chatting and waiting. After organizers dispersed placards to participants without, the march down State Street began. Police stood by at a few intersections along their path, and in a few spots within the capitol building, fully aware of the planned event. Organizers specifically instructed marchers to stay in the sidewalk, so as not to impede traffic. The marchers ended at the steps of the capitol, listened to a short speech, marched into the building, shouted for action and, once denied, filed outside for a final speech. Protestors then dispersed, ending the event.

Here, protestors expected and embraced orderliness. Overtly rejecting permits did not detract from the goals of the protest, and organizers did not necessarily seek disruptive actions (beyond shouting indoors). Instead, they directly communicated with police, whom understood the goals of the march, and thus police without restrictive actions. There was a sense of peaceful
cooperation, in that participants offered little resistance to police requests, and police officers did not try to prematurely terminate the march.

I hypothesize that the outcomes of protest events characterized by peaceful cooperation are minimally affected by police presence. Police are not impeding on the goals of the event, for participants are giving them no reason to do so. Instead, they allow protesters to carry on, and instead watch for unexpected, but never completely unlikely disruptive actions, as well as actions that negatively affect non-participants. Thus, the substantive outcomes of the event are squarely in the hands of the protesters.

**Mutual Antagonism:** Opposite peaceful cooperation, events characterized by the intent to not cooperate by protesters, as well as an expectation of disorder by police, are those of mutual antagonism. I predict that in these instances, police presence will have a weak negative effect on protest outcomes. In these situations, protesters are forthcoming about their intent to support actions that oppose police action. In turn, police rationally expect protesters to be disorderly despite likely efforts to negotiate. Thus, police must carefully determine if protesters’ actions will move beyond peaceful resistance and into obstruction order maintenance. Police expecting disorder focus actions on the termination of the event; thus, policing of these events transitions from prevention to repression.

For example, I conceptualize the 1999 Battle in Seattle as mutually antagonistic. Protestors explicitly opposed police negotiations, and instead marched against officers that they conceptualized as allies of their target. Throughout the protest, police easily rationalized numerous repressive actions, given the protestors upfront intentions of non-violent (and sometimes violent) resistance. In terms of their goals, protestors in Seattle were variously successful. Global trade polices continued to be marked by free market ideology, but the massive resistance surely increased consciousness about the dangers of it. Unlike instances of peaceful cooperation, police presence surely affected the outcomes of the Seattle protests, both by creating a lasting memory of the repressive policing of the event, and by severely restricting protestor action.

As I mentioned above, contexts of mutual antagonism entail a weak negative association between police presence and protest success. Negative, because police will be trying to terminate the protest as quickly as possible. If successful, the protest will not last long enough to achieve its intended goals. However, I consider this association weak, because organizers of well planned protests generally consider law enforcement when holding their protest events. This may suggest a zero-sum association between these effects, resulting in no effect on protest outcomes. But the resources of police departments tend to substantially dwarf those of most protests; therefore it seems reasonable that any kind of police opposition is present, it will nearly always be more effective than the resistance that protestors can offer. In contexts of mutual antagonism, then, favorable protest outcomes become less likely.

**Willful Incapacitation:** The first two types of interactions logically presuppose two additional types: those where police expectations are wrong. The first, willful incapacitation, is the worst for protest outcomes. Here, protesters find cooperation conducive to their goals, but police believe protesters will act disorderly. Considering their mismatched expectation, police officers will try to quickly terminate the event; but unlike mutual antagonism, the direction of the protest is firmly controlled by police officers. Protestors who chose to cooperate will willfully follow the repressive demands of police officers; thus, they are willfully incapacitating themselves,
whether conscious of this incapacitation or not.

The occupation of the capitol building in Madison was such a situation. Protestors explicitly supported police officers, as mentioned above. These were not oppositional agents seeking to terminate the protest; these were workers who were fundamentally affected by the legislation that protestors sought to change. As such, organizers followed the requests of police officers, ensuring that the occupation be as simple as possible for police officers to police. This association fluctuated over time, but the conceptualization of police never changed: since police officers were workers, we should not make their jobs any harder than it already was.\(^{18}\) Judging by the actions of police officers, it seemed clear that they believed protestors were disorderly, and hence sought to slowly terminate it. As I discussed above, police officers were incrementally enforcing a series of actions that, collectively, heavily contributed to the termination of the occupation.

In these contexts, police presence has a strong negative effect on protest. Since protestors are cooperating with efforts to terminate the protest, police will be well positioned to end the protest prematurely. Thus, combined with their higher proportional resources, they can easily determine the direction of the event.

**Protestor Misinformation:** Opposite willful incapacitation is deliberate misinformation. In this combination, police officers expect protestors to be orderly, without realizing that protestors have no intention to cooperate. Unlike willful incapacitation, this mismatch of police expectations and protestor intentions is likely a result of misinformation. The major indicator of an orderly protest would seem to be a combination of discussions with its organizers before the event takes place, and the lawful filling of permits to carry out the protest. Without any of these, police would rationally assume that protestors will be disorderly. Therefore, organizers in situations or protestor misinformation would have communicated with representatives of the police and filled the necessary permits. Thus, the intent to resist police would never be given to police beforehand, suggesting some form of misinformation before carrying out the protest. The only other alternative here would be unplanned disorderly behavior, which may occur in a large protest; but again, police trained in dealing with large crowds of any kind would expect this, thus expect disorderly behavior. Because of the unlikelihood of this kind of situation, I expect this combination to be the least likely of the four potential interactions.

Unsurprisingly, I am at a loss to give an example where such an interaction took place for the entirety of the event. It is more likely that such combinations occur briefly as protestor strategies change over the course of a larger event. For instance, in the context of long-lasting protests, this kind of relationship may exist in the beginning. Police officers expecting a short orderly protest do not fully realize that the event will last weeks until the protest has already made significant ground in staking their claim to space (as in an occupation) or positioning (outside of a target’s office). As the event progresses, police quickly shift their expectations, and begin to act against disorderly protestors bunkering down for a protracted protest; protestors in turn may continue to support non-cooperation (becoming mutual antagonism), or may believe that cooperation resonates with their message (becoming willful incapacitation).

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\(^{18}\) Many variables surely influenced the willingness of protestors to resist police action. Before the court injunction, those willing to non-violently resist were trained by legal aides from the American Civil Liberties union and volunteers assisting with the protest. Therefore I do not claim that this was the only reason for an unwillingness to resist; rather, it surely contributed to that choice.
In these brief periods of protestor misinformation, police presence likely has no effect on protest outcomes, and may even facilitate reaching the protest goals. Protestors have the advantage here, able to control the direction of the event whether they realize it or not. The show of resistance against an unprepared police force may electrify protestors, and allow organizers to easily push towards their goal. Of course, this is likely a brief period, quickly replaced by either mutual antagonism or willful incapacitation.

**Can these associations be explained with current theories?**

To what extent can past theories explain these strategic interactions? As I have argued so far, not really. However, with my framework proposed, I think it useful to revisit the three theories discussed above: tactical innovation, oppositional consciousness, and strategic framing.

**Tactical Innovation:** Perhaps we could explain these strategic interactions in the context of tactical innovation. In other words, perhaps the different kinds of combinations mentioned in Figure 2 can be placed along the fluctuating intensity of protest activity proposed by new types of protest strategies, and their eventual tactical adaptation by opponents. Since these interactions are primarily related to interactions between protestor and police, this theoretical perspective seems best poised to explain deviations from the more common antagonistic relationship. However, while theories of protest dynamics find tactical innovation to be the driving force for protest activity, I argue that it is the mismatch between the two sides’ expectations and intentions that drives potential protest outcomes (rather than the activity itself). Police are not just responding to changes in protestor strategies; they are also constructing their position in relation to their expectations of protestors. Their actions are directly dependent on the same fallible decision making processes that protestors use to advocate for their cause. Tactical innovation surely drives protest activity; but it is not sufficient to describe the conceptual development strategies that I outlined above.

**Oppositional Consciousness:** Oppositional consciousness may offer an explanation. While seemingly more relevant to the initial development of a social movement ideology, perhaps the focus on a target for developing consciousness is relevant for the kinds of role developments of police, and strategic interactions of police and protestors. Immediately, however, there rises a key distinction; social movement actors develop oppositional consciousness in relation to a target of their grievances, not necessarily against police. As I have suggested, police and protestor need not be oppositional. Such a relationship is constructed in the course of a protest event; it is not given. For Morris and Braine (2001), the oppositional relationship between protestor and target is essential for development of identity for social movement adherents. Here, while identity construction is influential, I am more concerned with the strategic behaviors of social movement adherents and police officers.

**Strategic Framing:** Perhaps we could understand these associations with a theory of strategic framing. Either side is constantly reframing their position to best achieve their specific goals. Protestors are attempting to frame their actions and message to facilitate movement recruitment and achieve their goals, while police officers are attempting to ensure an orderly event (which can mean framing protestors as disorderly rioters). However, framing does not capture the complex interactions and subsequent effects on outcomes that I discussed above. Protestors, for instance, may frame their goals as best achieved by being orderly, while proceeding in disorderly actions; police, also may frame their actions as rational measures to deal with a disorderly protest, when their actions are anything but rational. My proposal pushes beyond framing, and
into role struggles and interactions that are based on subsequent behaviors. In a word, framing is insufficient because it is meant to answer different kinds of questions.

Conclusion

I have proposed a theory of protest policing to achieve a particular goal: break open the black box of how police view themselves and protest policing. For too long, police as agents in a protest event have been conceptualized as one dimensional agents concerned with upholding the values of the state, often in the form of repression. I argue first and foremost that this assumption impedes theorizing about police behaviors, potentially invalidating conclusions. I propose that we analyze the varied roles of police, and their dynamic decision making in the context of protest events. We should understand how police officers expectations and internal decision making processes affect policing strategies and how they differ across regions and types of protests.
References


Tables and Figures

Table A: Analytical Indicators of Policing for Protests

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Dynamic (roughly in relation to repressive activities)</th>
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<tbody>
<tr>
<td></td>
<td>Low</td>
</tr>
<tr>
<td>Degree of Force Used</td>
<td>Lenient</td>
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<tr>
<td>Number of Prohibited Behaviors</td>
<td>Tolerant</td>
</tr>
<tr>
<td>Number of Repressed Groups</td>
<td>Selective</td>
</tr>
<tr>
<td>Police Respect of the Law</td>
<td>Legal</td>
</tr>
<tr>
<td>Timing of Police Intervention</td>
<td>Preventative</td>
</tr>
<tr>
<td>Degree of Communication with the demonstrators</td>
<td>Consensual</td>
</tr>
<tr>
<td>Degree of Adaptability</td>
<td>Flexible</td>
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Figure 1: Hypothesized relationship for the interacting effects of police expectations of protestor orderliness and aggregate support of protestor goals, on the intensity of repressive policing activities. Lower rank implies a lower intensity of repressive tactics.

<table>
<thead>
<tr>
<th>How orderly do police expect protestors to be?</th>
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<table>
<thead>
<tr>
<th>Do the majority of officers support the goals of the protest?</th>
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<tr>
<td>Yes</td>
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<tr>
<td>No</td>
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Figure 2: Proposed Hypotheses Concerning the Effect of Protestor and Police Cooperation on Protest Outcomes.

<table>
<thead>
<tr>
<th>Police’s Expectation of Protestor Orderliness</th>
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<tbody>
<tr>
<td>High</td>
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<table>
<thead>
<tr>
<th>Does Cooperation Support Protest Goals?</th>
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<tr>
<td>Yes</td>
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<tr>
<td>No</td>
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Appendix A – Theoretical Considerations

When analyzing these potential associations, at least four effects should be closely considered: the relative importance of the content over the mismatch of choices; the importance of time; the within group variation, as well as variation across different contexts (including region, social movements, etc.); and the effect of third parties, especially the target of the event.

Mismatch vs. Content of choices: In general, I argue that the combinations that actually affect protest outcomes are those of mismatch. In these situations of mismatch, the miscommunication, intentional or otherwise, manifests as a strategic advantage for achieving immediate goals.

In terms of the content of these choices, police have the advantage. This is a significant conjecture, but I support this assumption with research on policing of protests, which demonstrate the effectiveness of both negotiated management and strategic incapacitation techniques. Combine with this the relatively larger amount of resources, both human and physical, at the disposal of policed officer relative to the average protestors, the police officer is at an advantage to achieve their goals, whatever they may be. In this sense, in three of the situations above, the content of police decisions are more important in determine the direction of the protest event. Only in situations of mismatch where the police officer believes the protestors to be orderly when they are not does the advantage transfer strongly in the hands of protestors, counter to the goals of the police officers.

-Why does the mismatch occur? The implications of my hypothesis lead invariably to why a mismatch would ever occur. If both sides are in dialogue throughout the course of a particular protest event, why would there be a situation where the two become mismatched in their expectations, etc.? And if my hypotheses are correct, that police are best positioned to dictate the direction of a protest, then why ever put oneself in a situation except an alliance or a mismatch in the protestors favor?

Such answers can only be speculated, but in general, mismatch situations likely arise from competing expectations and conflicting communication somewhere in the complex network of decision makers on either side. For instance, on the side of protestors, large protests are not simplistically made of one leader with a cohesive, united group of protestors. The occupation of the capitol was composed of a loose alliance of labor advocates, unions, and other unaffiliated but interested participants. Many organizations were working together to operate various parts of the larger occupation, from phone banking to marshaling to petitioning. While in the capitol, the TAA seemed to take point on communicating with Capital Police, many other organizations were influential in determine the course of the occupation itself, in addition to the substantial number of protestors who were unaffiliated completely. It is understandable, in such instances, that a breakdown in communication could contribute to a mismatch of expressed goals or intentions when conveyed to each other, as well as to police officers.

While police officers are generally conceived as a cohesive, like minded opposition, they are still susceptible to the same kinds of breakdowns apparent for protestors. Obviously, the degree of organizational diversity and personal motivations that drive them towards the capitol are likely less than that of protestors. They are all police officers that share the goal of public order maintenance, and upholding the statutes that support that maintenance in their given jurisdictions. But the potential for organizational complexity, which can in turn negatively
impact communication processes, thus leading to a mismatched situation, are still present. At the capitol occupation, an increased number of police officers participated in the protest from across a diverse set of jurisdictions. The capitol itself was under the jurisdiction of Madison and Capitol police stations, and may be influenced by Campus police (from the nearby university) and Dane County sheriffs, all of whom contributed to policing efforts at the capitol at some point. From the top, police answered to their own stations, while the capitol police answered to the Department of Administration within the capitol. These officers, though apart of the same organizational identity, did not know each other or even work together.

Though despite this, their shared goals at the scene were directed towards order maintenance. Their relative organizational capacity for achieving that goal was surely greater than that of protestors, given their shared goals and organizational infrastructure geared specifically towards their goals. This is counter to the protestors, whom approached the capitol occupation from differing backgrounds, organizational affiliations, goals, and means of achieving those goals. Sure, the protest was ostensibly targeting the recent anti-labor legislation, and the shared identity of worker was strong. But the organizational capacity of the protestors, holistically, likely did not match that of the police.

\textit{-Can the mismatch be deliberate?} My prior argument of a breakdown in communication presumes that the major factor driving the mismatch of group expectations is basically unintentional. That is, if both sides were at least cohesive enough to accurately and truthfully convey their intentions for the majority of their constituents, whomever they may be, then mismatches would be unlikely. This begs the alternative explanation for mismatches, namely those situations where a mismatch is intentionally conveyed. In other words, it seems conceivable that some situations occur where one side, or both, is intentionally giving the other party misinformation as to give themselves a strategic advantage over the other.

If correct, my hypothesis would support an organized protest association to always convey cooperation with police, even if they will use disorderly tactics. For if disorderly tactics are conveyed to police, and the police in turn believe that protestors will be disorderly, the outcomes of the protest will likely be counter to the goals of the protestors. So a tactically minded protest organizer would seek cooperative relations and intentions with police officers, no matter the goals of the protest itself. The protest may proceed in whatever course it may, and it is likely that a protest attempting to mislead police officers will not last long. But the intentional misleading of one side or the other is clearly possible.

\textit{Time:} Depending on how long the protest progresses, the conceptualizations and goals can change. For instance, in the context of a peaceful protest, broadly conceived, the police may see the protestors as orderly as long as it ends within a “reasonable” amount of time. Like the Madison protests, the police did not crack down on protestors immediately. Rather, they ramped up resistance and enforcement overtime, until it reached a point where the actions of the police and those concerned with security and enforcement where clearly working against the goals of the protest.

In this sense, the dynamic between police officers and protestors can clearly change over the course of a protest, or over the course of a larger social movement. During the Madison capitol occupation, if conceived as starting on Valentines Day, and progressing until the expulsion from the capitol several weeks later, the dynamic began as peaceful cooperation, transformed into protestor misinformation over the course of the next day or two, as the occupation increased in
size and media significance, and slowly transformed into a willful incapacitation, and finally, during the last few days, was likely a situation of mutual antagonism. These dynamics also differed across groups within the larger protest. Understanding how these different dynamics relate to each other, and in relation to the course of a particular protest event, would help improve our understanding of social movements more broadly.

**Differences across groups and regions:** This theory is centered around American law enforcement structures, and specific to policing of protests by police officers, rather than military agents, federal officers or other law enforcement agencies such as Immigration & Customs Enforcement. Though the tenets of this theory could be applicable to any situation involving direct contact between police officer and protestors, this theory was constructed under the pretense of American politico-legal structures.

With that said, the diversity of interactions across different kinds of protests, across the variety of possible issues, groups and regions, seems extremely complex. Following research about right and left leaning social movement civility, it seems feasible that right leaning protests are more likely to be peacefully cooperating, while left leaning protests are more likely to be mutually antagonistic, this still seems conjecture.

Added to this is the complexity within groups. For instance, those more radical protestors are likely going to view police as enemies regardless of the circumstances, while those not wishing to enter into substantial conflicts will likely always think the opposite, or that the police are always an ally. For this matter, it is important to understand what the majority conception of the police is at any given moment.

And obviously, this cannot be limited to the protestors. In the Madison protests, the Madison police and the unions representing the police were vocally supportive of the protestors. Much of the policing of the protestors occupying the capitol was administered by the capitol police, and outside police officers from surrounding counties. These different police forces, though likely in communication in terms of coordination, may have had very different goals and opinions of the protests.

**Influence of other groups on either party:** A special variation among groups is the influence of third parties on the actions of either. In terms of the classic delineation of social movement actors, there could be differential effects arising from (1) the social movement target, (2) movement allies, (3) count movements, and most importantly, (4) unaffiliated citizens. I will use the capitol protests as a touchstone for examples for each case.

- **In relation to target:** The primary strategic focal point for social movement actors is the target of those actions, whomever that may be. For the capitol protests, the major target was Scott Walker and his loosely conceptualized Republican allies. As a tactic, occupying the capitol was meant as a symbolic move to pressure Walker into action. Most importantly, for my purposes, is that the olive are rarely the direct targets of interested protestors. But the position of police officers as protectors of the state commonly translates them into an ally of the target, especially if the target is directly affiliated with the state.

Regardless of the exact configuration of police officers in the dynamic between protestor and target, influence on police action will have a dynamically changing effect on the course of lice and protestor action. In the capitol protests, police were under the authority of the department of administration, whose leader was **politically appointed by the governor**. In this case, there is a
strong conflict of interest in the hands of police officer, who are no longer working on behalf of public order, but on the behalf of a target of the protestors. Understanding the interconnections of these group dynamics would increase validity in understanding protest outcomes.

- In relation to counter movements: As movements develop, other movements arise in opposition to the goals of the original movement. During the capitol protests, the announcement that a tea party protest was being held on the first weekend came as a nervous shock to members of the organizing TAA. As the police also must have predicted, the potential for disorderly conduct would seem to increase as a counter protest form during the larger protests. How protestors and police officers plan for and deal with counter-protestors affects how they then deal with each other. Depending on the influence of counter-protestors, interactions between protestor and police officer may transform dramatically.

- In relation to movement allies: Both within and outside the event itself, other allied actors may have an impact on intergroup dynamics. For analytical clarity, it might be helpful to separate passive allies from those actively involved in the event itself. I have already considered potential effects for active allies, so here it would be useful to consider passive allies, in the sense that they are not actively involved in the organization of the protest event itself. For instance during the Madison protests, many leftist organizations expressed solidarity with the actions at the capitol, though never really organized, and in many cases never really participated. But the influence of these parties may have an effect on the direction that protestors choose to take, whether feeling empowered to take radical action, or motivated towards conventional political channels.

- In relation to unaffiliated citizens: Perhaps the most important group to affect both sides of the police officer-protestor dynamic, unaffiliated, perhaps even uninterested, citizens seem to make up the largest, and hence most influential group affecting either party. How this group is framed within the context of the protest has a direct effect on how either group interprets their own actions both independently and in relation to each other. Police officers are, ostensibly, most interested in protecting every citizens right to liberty, etc, often enforced through order maintenance. If the protest event is interpreted as harming or preventing that freedom of expression from other citizens, the likelihood of an antagonistic police towards protestors seems likely.

The question of legitimacy becomes very important when framing in terms of the broader population. If the actions of the protest are opposed by the majority of unaffiliated citizens, in either a real or imaginary sense, the likelihood of a long term protest event secured by police officers seems unlikely. However, if the actions of the protest are supported by the majority, then antagonistic actions by the police would be hard to legitimate, in whatever form those actions may take. While I originally outlined the dynamic above in terms of expectations of orderliness and protestor intentions, how these positions are arrived upon is directly related to how these actors understand the broader population to react to their position.