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'A deadly weapon aimed at our hearts': the scope and composition of Lord Scarman's 1981 public inquiry

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ABSTRACT

State-led inquiries have been prominently positioned within British political and social cultures, seemingly popular with its citizens. They are often tactically utilized to depoliticize issues and provide the appearance that ministers share public concern, arguably acting as a political device to maintain the state through apparent declarations of unflinching commitment to 'accountability' and 'legitimacy'. Lord Scarman's 1981 inquiry into anti-police uprisings, portrayed by the State as violence belonging in 'less-civilised countries', provoked opposition to its unrepresentative membership and narrow focus. Some local groups, such as the Brixton Defence Campaign, viewed Scarman's inquiry as the state's attempt to legitimize characterizations of the 'riots' as 'blameless forces of law and order [battling] black criminals'. Characterizations of the uprisings as simply 'irrational' criminality attempted to remove legitimacy from actions by politically marginalized Black Britons, previously denied access to processes more widely defined to be 'legitimate'. Throughout, this article highlights the colonial legacies of inquiries, through their aims, operation, and membership. Scarman also refused to investigate accusations of police misconduct, which depict a different situation than accepted narratives, demonstrating the state's influence on knowledge production and suggesting the potential for such records to reveal violence conducted in the name of the state. By marginalizing certain voices and limiting the inquiry's scope, the uprisings were characterized as simply a 'crisis' of law and order. This aspect of discussion adds to recent debates on the use of the concepts of 'militarisation' and 'martial politics', demonstrating practices that reproduce violence in the name of liberal governance.

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In 1981, early into Margaret Thatcher's divisive Conservative Government, anti-police uprisings spread around England (Keith 1993; Peplow 2019). In response, the British State announced a measure perceived to be a central tenant of its liberal democracy: the public inquiry. Events in 1981 had been preceded by disorders in Bristol the previous year, as forceful protest emerged in response to repeated police drugs raids of a local café popular with Black residents. Violence directed towards the police led them to

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withdraw for nearly four hours, ostensibly to obtain reinforcements but prompting widespread fears that police ‘no-go’ areas were appearing within mainland Britain (Peplow 2018). Calls for an inquiry into Bristol were rejected by Conservative Home Secretary William Whitelaw, who argued that ‘pressure to hold a public inquiry into every controversial matter affecting the police ought to be resisted’ (Cabinet Conclusions 1980). Although not stated by Whitelaw, their potential to undermine the authority and reputation of the state are key reasons why inquiries are reserved for only the most significant or controversial events: in essence, a calculated governmental belief that ‘a full public investigation of facts that are likely to help its political opponents is not a price worth paying for the stilling of public clamour’ (Sedley 1989, 470). This has also been linked to a Thatcherite ‘New Right’ ideology of a rejection of compromise and movement away from apparent post-war consensus politics (Smith 2015). Nevertheless, the scale, severity, and even proximity of disorders to Westminster ensured that an inquiry was deemed a necessity in 1981, chaired by respected judge Lord Scarman.

Despite their prominent position within British political and social cultures, state-led inquiries focussed on events within Britain have been relatively underexplored in existing literature. Usually chaired by a prominent judge or lord, public inquiries investigate issues of serious concern under its established remit; or, in Sedley’s (1989, 469) definition, ‘the organizing of controversy into a form more catholic than litigation but less anarchic than street fighting’. The nature of inquiries – accepting evidence from the public and organizations, conducting hearings in a more open forum than typical government mechanisms – has fostered perceptions that they are a form of discourse between authorities and local communities, rather than simply impositions from above, therefore playing an important role in the ‘theatre of government’ (e.g. Grube 2014). Indeed, Thatcher and senior ministers in 1981 preferred that investigations into anti-police disorders be conducted behind closed doors, demonstrating their desire to remove the issue from public scrutiny – but this was rejected by Scarman, who declared he ‘deprecate[d] enquiries of this sort in private’ (Whitmore 1981). As no other apparatus appears to provide the same potential for participation and dialogue between state and citizen, inquiries have been ‘Britain’s favoured mechanism for ascertaining the facts after any major breakdown or controversy’ (Jasanoff 2005, 218).

However, further to ostensibly visibly holding individuals and organizations to account, inquiries are often tactically utilized to depoliticize issues by removing them from the political arena and portray that ministers share public concern. Hegarty (2002, 1149) thus contended that inquiries are employed as a political device, ‘not as a tool to find truth and establish accountability ... but as a way of deflecting criticism and avoiding blame’. Despite their perceived independence, inquiries are still largely under state control – in membership, reference, and publishing or implementing their reports – and they exist within a political environment, influenced by the intentions, language, and scope of those commissioning them. Therefore, writers like Lipsky and Olson (1977) concluded that the establishment of inquiries often creates expectations that simply cannot be fulfilled. Research (Holdaway 1982, 85; Newburn and Hayman 2002, 5) has also highlighted how political ‘outsider groups’ face additional barriers to obtaining inquiries, particularly noting ‘the difficulties in securing any form of official condemnation of police action’ who are afforded ‘considerable protection from public scrutiny’. Particularly before numerous high-profile controversies and miscarriages of justice

damaged their reputation, the police enjoyed high levels of public trust – essential for a system ostensibly based on Peelian principles of ‘policing by consent’, in which the police act as the physical incarnation of the coercive power of the state.

This article explores the establishment and investigations of Scarman’s 1981 public inquiry, which many people hoped would address racial discrimination and disadvantage. However, Scarman’s inquiry was also criticized and boycotted by some Brixton residents who deemed it a means for the state to legitimize explanations that criminalized those involved in anti-police uprisings and invalidate their aims and motivations. This article identifies inquiries as an inherently political device, presented as a transparent and objective means of sense-making, but intrinsically linked with the colonial legacy of the liberal state. As Johnson (1978, 268) concluded, the ‘major function’ of colonial commissions of inquiry was often ‘to gain wide acceptance for a course of action ... officials had [already] decided was expedient’ – as well as their ‘propaganda value’ in providing ‘supporting evidence for Britain’s claim to being a “benevolent” colonial power’. Such a legacy can be seen in other structures within postcolonial Britain. For instance, Rex (1987, 103) noted the appointment in the early 1960s of a former colonial officer as police ‘Liaison Officer for Coloured People’ in Birmingham, demonstrating the perceived link between such roles. Similarly, ‘quasi-colonial buffer institutions’ – such as community relations councils, created by the state to manage racial issues outside of traditional political arenas and disperse political pressure for change – have been portrayed as a continuation of Britain’s imperial policies, as methods of indirect rule in maintaining social control appeared within the metropole: ‘national and local liaison committees were not meant to be spokesmen for the newcomers or organised pressure groups. Rather, their orientation was consensual’ (Katznelson 1973, 177). Further to such points, I argue that a clear legacy of empire can be identified in the state’s actions in 1980–81, following a period where ‘Colonial racism was transformed into indigenous racism’ (Bowling 1998, 29).

The choice of Lord Scarman to lead this inquiry was also criticized, due to his past actions and unfamiliarity with the area. Moreover, accusations of police misconduct submitted to Scarman’s inquiry – which Scarman refused to investigate, despite appeals for his inquiry to deliver ‘accountability’ – reveal a different situation than accepted narratives. By marginalizing certain voices and limiting the inquiry’s scope, response to the uprisings was constructed through the lens of methodological individualism (e.g. Wight 2003) and characterized as a ‘crisis of law and order’, utilized to legitimize an increasing militarization of the British police rather than tackling wider socio-political issues and racism. Therefore, this article also builds on recent discussion around Howell’s (2018) call to move away from the concept of militarization to instead utilize the lens of ‘martial politics’.

Response to the 1980–81 Uprisings

While sympathetic British politicians called for consideration of ‘the underlying causes’ of the uprisings, such as police-community relations and unemployment (Hansard 1981), many – particularly right-wing figures – portrayed them as pure criminality. Perry (2015, 89–125) demonstrated that perceived ‘un-British’ racist violence in 1958 was popularly blamed on increased immigration and the deviant working class, to avoid blemishing notions of ‘the tolerant British’ – and similar responses appeared in 1980–81.

Reaction to the disorders demonstrated attitudes of imperial superiority fostered through the racism and subjugation of Empire, as various responses exhibited beliefs that ‘riots’ belonged in other, less-civilized countries and were not a ‘British problem’ (Brain 2010, 15), despite the country’s long history of popular protests and disorders. For instance, Conservative MP and active member of the anti-immigration Conservative Monday Club, John Stokes, proclaimed ‘what a peaceable country England has been’ and provocatively questioned ‘Are not these riots something new and sinister in our long national history?’ (Hansard 1981). When Labour MP Alex Lyon pointed out that most people involved in the uprisings had been born in Britain, Home Secretary William Whitelaw retorted that ‘a large number of those concerned came here between 1957 and 1962’ – prior to the introduction of stricter immigration controls under the 1962 Commonwealth Immigrants Act – and concluded that ‘all of us who were in the House at that time bear a similar share of the responsibility’ (Hansard 1981). By disregarding Britain’s extensive history of violent protest and staunchly retaining long-standing attitudes that racial harmony could best be achieved through stricter immigration controls to limit the numbers of racialized people within Britain (e.g. Spencer 1998), this attempted to shift focus away from wider social issues or governmental policies and portrayed immigration – and, by extension, migrants and particularly Black Britons – as the cause of supposedly ‘new and sinister’ disorder.

Therefore, allegedly ‘un-British’ uprisings were portrayed as straightforward rejections of law and order from Black people considered to be ‘more predisposed to criminality’ (e.g. S. Hall 1978). For example, Prime Minister Margaret Thatcher repeatedly contended that any explanations other than ‘sheer criminality’ were merely attempts to excuse violence. Thatcher’s staunch support of the police is well-documented (e.g. Brain 2010; Reiner 2010), and Conservative ideologies were unlikely to recognize disorder as ‘a result of ineffective social policies and economic distribution’ (Rowe 1998, 180). However, Thatcher’s legitimization of anti-immigration sentiment through rhetoric presented in terms of nationalism and patriotism, a supposedly more ‘acceptable’ form of expression than explicit biological racism, had already been seen through her 1978 television appearance sympathizing with voters ‘afraid that this country might be rather swamped by people with a different culture’ (*World in Action*. 30 January 1978). Furthermore, the introduction of the 1981 British Nationality Act and numerous remarks, such as Thatcher’s depiction of the British Empire as having brought ‘both freedom and the rule of law to countries that would never have known it otherwise’ (Hansard 1983), demonstrated prevailing attitudes that British national identity had always centred around so-called ‘respectable values’. Writers such as Rowe (1998, 3–4) have asserted that respect for the law is often considered part of the British national character and arguments regarding broader social, economic, or political factors are thus generally rejected when public disorder itself is regarded as being ‘un-British’. For instance, Conservative MP David Mellor declared it ‘grossly wrong and unfair to talk about social protest’ when the 1980–81 uprisings should be dismissed as ‘sheer criminality’: ‘the day that we confuse the two is the day that we shall be speaking of the end of civilised society’ (Hansard 1981).

As Kettle (1982) concluded, attempts to depict the uprisings as irrational criminality ‘denied legitimacy to the rioters, their actions and their views. It made them events without cause, and events that therefore posed no direct threat to any existing

assumption'. As reiterated by response to Black Lives Matter protests and the toppling of the statue of enslaver Edward Colston in Bristol – an action criticized by Home Secretary Priti Patel (Hansard 2020, HC Deb 8 June 2020, vol.677) as 'shameful' and that 'people should work through the correct democratic processes... to achieve the change that they want to see', despite years of local attempts to do just that – it must be acknowledged that 'not all groups enjoy the same opportunity to participate politically through channels defined as legitimate' (Solomos 2003, 199). In response to violence portrayed as being influenced by 'less-civilised' populations, the British State turned to mechanisms utilized throughout its empire. For instance, during Britain's so-called 'imperial century' of expansion of empire, 'commissions of inquiry were sent to ... almost every British colony between 1819 and 1838' (Doherty et al. 2021). Indeed, as the American political scientist Harold Foote Gosnell highlighted in 1934 (92), 'The varied problems of colonial administration ... give rise to the appointment of many royal commissions'. As a case in point, following the 1919 Amritsar massacre that killed at least 319 civilians, the British Raj established a committee of inquiry that was rivalled by an unofficial investigation, the Indian National Congress Punjab Inquiry. While the 'official' inquiry only heard testimony from officials allied to the colonial administration, the Congress Punjab Inquiry gave voice to residents. However, as Wagner (2019, 232) concluded, 'The Government could ... afford to ignore the Congress report as long as the official inquiry was perceived to be fair'. UK institutions following colonial examples can also be seen elsewhere, with Sinclair and Williams (2007, 77–78) noting how police in Britain increasingly 'followed the example of the colonial police ... designed to maximise the ability of governments to control specific populations'. Alternatively, James and Whittall (2016, 180–181) argued that, 'while [colonial] commissions [of inquiry] were intended as a bureaucratic apparatus that would control the terms of debate, black activists in Britain in the 1930s used them as a means of activating their colonial and racial identity ... the beginnings of the discussion, not the ending of it'. However, in 1981, the British State aimed to utilize an inquiry to marginalize and control sections of its population.

Scarman's Public Inquiry

After the Brixton uprisings in April 1981, Whitelaw established a public inquiry ostensibly to explore the immediate causes and local police-community relations. Appointing as chair Lord Scarman, a widely respected judge, appeared an obvious choice – not least because he previously presided over inquiries into disturbances in Northern Ireland and the 1974 Red Lion Square disorders (Scarman 1972, 1975). During a televised interview (*World At One*, 14 April 1981), Scarman himself noted his 'considerable experience of ... enquiries of this sort'. His repeated involvement illustrates the widespread notion that such state responses require a trusted institutional figure to lead its investigations and therefore avoid accusations of prejudice from any personnel deemed to have a political or personal 'axe to grind'. However, Scarman did not enjoy universal support. A prevalent opinion existed that, in the Red Lion Square inquiry, Scarman wrongly absolved the police of responsibility for the death of Kevin Gately (e.g. *Guardian*, 28 February 1975). The same authority figure leading multiple investigations into accusations of police transgressions provoked concerns that this would simply reproduce unfavourable outcomes; as proclaimed by the Brixton Defence Campaign (1981a), an organization

established to support those arrested in relation to the uprisings, ‘Scarman has a history which we can’t afford to ignore’. Criticism of Scarman also came from right-wing commentators who disagreed with his recommendations for union recognition and the reinstatement of sacked workers during the 1976–78 Grunwick dispute (McGowan 2008). Demonstrating the impossibility of satisfying everybody, Scarman was simultaneously viewed as either a conservative establishment figure or too left-wing.

The establishment of an inquiry was itself criticized by some Conservative MPs who suggested it legitimized violence; that this response may encourage others to follow such ‘illegitimate’ methods of obtaining attention and resources. However, Whitelaw rejected suggestions that launching this inquiry ‘encouraged violence on the streets’ (Hansard 1981). In a letter to Thatcher on 27 April, summarizing a review of the ‘potential for civil disturbance in 1981’, Whitelaw (1981) warned that the report ‘clearly indicates that further violence in the ethnic minority communities is likely. We have made it clear that violence is not an acceptable way of expressing a sense of grievance, but we shall need also to do what we can to reassure these communities of the Government’s concern for their problems’.

However, actions to ‘reassure these communities’ did not include further consideration of the inquiry’s membership. Its composition was questioned, with Labour MP Stanley Clinton-Davis arguing that, while he had ‘the greatest respect for Lord Scarman, should not the membership of the inquiry be extended so that the black community may feel that it is represented, as justice should not only be done but should be seen to be done?’ (Hansard 1981). Local community groups echoed these sentiments; for instance, a joint statement by the Brixton Neighbourhood Community Association, the Melting Pot Foundation, and the Brixton Domino Working Men’s Social Club (1981) contended that a wider-ranging inquiry, including ‘one or more ... Privy Councillors from the Black Commonwealth’, would have ‘allayed the scepticism of many members of the Black Community’. However, Whitelaw rejected the basis of such arguments by citing the need for swift action: ‘If more people served on it the inquiry would be longer, which would not be the best way to solve the problem’ (Hansard 1981). James and Whittall (2016) noted how colonial commissions of inquiry similarly often contained no racialized people within their membership. Further to launching something arguably resembling a continuance of investigations controlled by colonial elites, this response was consistent with previous dismissive positions. For instance, a National Council for Civil Liberties investigation into the death of Blair Peach, an anti-racism protestor who died as a result of police action during a demonstration in Southall in 1979, advised Whitelaw that an inquiry was required to reassure people that their concerns were being heard, but the Home Office privately deemed this a ‘tedious correspondence’ (Phillips 1980).

Likewise, the scope of Scarman’s inquiry prompted much criticism. Established under Section 32 of the Police Act 1964, this ‘local inquiry’ was designed to focus more on policing of the Brixton area rather than wider-ranging explorations of social, political, and economic issues. Brain (2010, 68) concluded that it ‘certainly suited the Conservative government, already under fire for rising unemployment and cuts in unemployment benefit, to have the main focus on the police’. Unsurprisingly, Metropolitan Police Commissioner Sir David McNee (1983, 117–119) similarly characterized this focus as an attempt to make the police ‘political scapegoats’. Whitelaw rejected such criticism, proclaiming that ‘it was crucial ... to take firm, clear and decisive action at the earliest

possible opportunity' (Hansard 1981). While at the time Scarman maintained his inquiry would 'undoubtedly' examine broader underlying issues, he later acknowledged that it lacked the necessary scope and research to place it effectively within its wider social setting (*The Times*, 25 November 1982).

The somewhat narrowed focus of Scarman's inquiry onto issues of law and order – and the state's general emphasis on 'criminality', especially largely unrelated looting – threatened to suppress the discontent at the heart of initial uprisings. Commentators noted that looting was generally conducted by persons not involved in anti-police disorders, often by white people arriving after reports on the evening television news. Keith (1993, 101–104) analysed arrest statistics for Brixton, concluding that there were two disturbances: a localized confrontation between residents and the police; and looting and criminality that occurred some distance away.

Scarman also contended that his inquiry could not provide the necessary safeguards to investigate specific accusations of police misconduct and violence, despite numerous local organizations and individuals appealing for his inquiry to deliver 'accountability'. Tilly (1969) demonstrated the contested boundaries in distinction between actions by authorities viewed as legitimate 'force' and illegitimate 'violence'. Events of the 1970s/80s – wrongful convictions related to bombings carried out by the Provisional Irish Republican Army, the policing of industrial disputes and political protest, the Hillsborough disaster – saw increased questioning of the forces of British law and order (e.g. Bowling 1998, 64–71). For instance, the populist *Daily Star* newspaper (12 March 1980) argued that the traditional worldwide image of the 'British bobby', with its reputation for honesty and fair play, was being challenged. As Newburn (2011, 94) concluded, 'Against this background, public consensus about, and satisfaction with, the style and nature of policing appeared precipitately to decline'. However, the police have historically held high levels of public trust, essential for their position of subjecting citizens to state authority – the system relies on the belief that the police wield that power legitimately. For instance, the 1962 Royal Commission on the Police reported that 'No less than 83% of those interviewed professed great respect for the police', the first British Social Attitudes Survey in 1983 saw 79% of respondents either very or quite satisfied in the way the police were doing their job, and even the 1988 British Crime Survey found that 85% of the public rated the police as very or fairly good in the job they did (Reiner 1992, 763). Within this context, perhaps unsurprisingly, Scarman generally rejected criticism that the police over-reacted in their response to the 1980–81 uprisings and maintained that any allegations of wrongdoing should be directed through the courts or police complaints system – a process that various studies (e.g. Maguire and Corbett 1991; Stevens and Willis 1981; Whitaker 1979) demonstrated to be inadequate, discriminated against Black complainants, and were distrusted and deemed ineffective.

Records of Scarman's inquiry – including police radio messages, witness statements, and submissions from interested groups/organizations – contain numerous accusations of police misconduct that were not fully examined. When such allegations are considered, a different picture emerges than the version of events generally suggested by Scarman's Report, demonstrating the significance of state influence on knowledge production and formulating a widely accepted narrative. Addressing the gaps between evidence submitted to Scarman's inquiry and the 'official' account that emerged out of it raises the potential for such records to act

as a resource for documenting state violence and transgressions. However, when considering these witness submissions, it must not be overlooked that some accusations of police misconduct may have been fuelled by motives other than attempts to chronicle factual events. Similarly, as Benyon (1984, 37) highlighted, an observer only sees a portion of what occurs and that view was amid riotous confusion. Nevertheless, the potential of these sources to reveal violence conducted in the name of the British State certainly warrants their consideration.

One recurring criticism of police action during disorders was their throwing bricks and bottles. While officers defended this as necessary to ‘keep [rioters] at a distance’ (“P.S. 31” 1981), it was noted that this antagonized crowds and Scarman (1982, 112) deemed allegations of officers using unlawful weapons to be ‘particularly worrying’. Similarly, records indicate that the police repeatedly utilized water hoses for improvised crowd control, despite firefighters advising against it. While Scarman (1982, 62–64) acknowledged one such example, characterizing it as a unique reaction to a particularly calamitous situation, police and witness statements reveal that horses were used against crowds more often and for much longer than suggested in Scarman’s report. Despite this, Scarman did not criticize these actions and McNee (1983, 113–114) even later specifically praised a ‘brave and outstanding police officer’ who had ‘prevented disaster’ by directing a hose against a crowd of people. Moreover, Scarman’s report suggested that dogs – utilized in methods of crowd control known to be antagonistic and officially banned by the police – had only been present during disorders because dog handlers had responded to general calls for urgent assistance. As such, no disciplinary action followed, and Scarman (1982, 113) simply recommended introducing arrangements to prevent a recurrence of such confusion. However, transcripts of police radio messages (1981) clearly record that, a short time after disorders began in Brixton on 11 April 1981, a specific request was made for ‘more assistance and in particular dog units’.

Despite generally supporting police action and reiterating that his inquiry was unable to investigate specific incidents of misconduct, Scarman (1982, 112) did conclude that, from the amount of submitted evidence, he had ‘little doubt’ that there had been police transgressions. However, no officer received any form of punishment and, contrasting with the authorities’ efforts spent pursuing convictions against the public in the name of ‘law and order’, it appeared that the police were not held accountable for their actions. Scarman repeatedly insisted that the police complaints system was the appropriate mechanism to examine such allegations, thought to be effective in identifying and remedying individual ‘bad apples’. However, despite high levels of criticism against the police, only nineteen official complaints were made. This demonstrates beliefs that the complaints system was not a suitable investigatory mechanism and further suggests disappointment that, despite Scarman’s inquiry being provided evidence, it failed to provide ‘justice’ and ‘accountability’ – something Scarman (1984, 259) himself later acknowledged his report was widely criticized for. Scarman’s inquiry did not provide ‘an active, not a passive, site for discussion’, comparable to colonial commissions of inquiry being utilized by ‘colonial subjects in Britain to bring matters of race and empire to the fore’ (James and Whittall 2016, 181), as main areas of discontent were simply rejected from consideration.

The Brixton Defence Campaign's Boycott

While prompting a generally critical reaction from the British establishment, the uprisings and subsequent response demonstrated how politically marginalized Black Britons were somewhat divided on how to counter racial discrimination and disadvantage. A dichotomy existed between those receptive to state mechanisms – exemplified by Scarman's inquiry – and those believing such political devices were ineffective, a 'whitewash', or would provide authorities with evidence to use against them. To the latter group, inquiries 'were perceived as means to legitimate state interests [rather than] the apotheosis of democratic pluralism' (Scraton 2004, 50). However, despite growing discontentment at the failings and inactions of British authorities, public inquiries – a central tenet of that political establishment – were seemingly regarded by many almost as a panacea, whether through genuine belief that inquiries would address the issues more successfully than other responses or simply as a method to obtain resources and provide a platform for local voices 'to be heard'. Particularly compared with the disparaged police complaints system, the nature and apparent reputation of inquiries seemed to result in their enjoying more widespread support. Jacobs (1986, 145) concluded that, although some militant Black organizations did refuse to provide evidence to Scarman's inquiry, most 'seem to have believed that Scarman provided them with an opportunity to express their concern'. However, support was far from universal.

One prominent critic of Scarman's inquiry was the Brixton Defence Campaign (BDC): in their own words (1981b), 'an organisation of black (African and Asian) groups and individuals' aiming to mobilize 'the black community to be fully involved in the legal and political defence of those arrested/charged/injured as a result of the Uprising' (for collective 'Blackness', see, e.g. Narayan 2019). In a leaflet circulated throughout Brixton, the BDC (1981c) accused Scarman's inquiry of being a method for the state to introduce strengthened riot legislation by giving 'subtle legitimacy to the totally racist view ... that the Brixton Uprising was simply a confrontation between, on the one hand, fundamentally blameless forces of law and order, and, on the other, mainly black criminals!' Depictions of the 1980–81 disorders as 'exceptional threats to law and order which required exceptional responses' (Benyon 1985, 410) was a recurring theme – for instance, Thatcher proclaimed that 'The veneer of civilization is very thin' (*New York Times*, 11 July 1981). B.B.C. reporter John Clare (1984, 52) criticized Scarman for proliferating such views in his official report: 'far from stepping back from what happened and judging it coolly, [he] has propelled himself into the very thick of it and been overcome by the smoke'. Such portrayals encouraged what some have termed the 'paramilitarisation' of policing (Jefferson 1990) – which 'occurred without public debate or accountability' (Waddington 1992, 185) – as, on the streets of England in 1981, significantly transformed police tactics, riot control equipment, and even CS gas became commonplace.

Howell (2018, 125) countered that portrayals of the 'militarisation' of the police falsely suggests a possible return to before this process occurred. Instead, Howell argued that war-like relations are central to institutions imposing social order and utilizing force against those deemed to be a threat: 'Policing cannot be said to have been "militarized", but rather forms part of a broader "martial politics" directed against racialized, Indigenous, disabled and queer people with the aim of reproducing liberal order'. It is

significant that, throughout discussion of the anti-police uprisings in 1980–81, constant comparisons were made to war – even Scarman’s official report repeatedly likened Brixton to warfare. The tactics employed by the police on the streets of postcolonial Britain, such as ‘over-policing’ and flooding areas with huge numbers of officers, have been characterized as something of a continuation of colonial policing practices. As Hall (2021, 5) stated, ‘contemporary “militarized” policing is connected to a longer modern history of racial and anti-Black violence’.

BDC posters also warned residents that providing evidence to Scarman ‘represents a clear and present danger to defendants yet to stand trial’, due to no guarantees of immunity for inquiry witnesses or others incriminated by their evidence. They wrote to organizations and individuals believed to be intending to provide evidence, warning that Scarman’s inquiry was ‘a grave danger to the black community’ and ‘a deadly weapon aimed at our hearts’. Local Black residents and organizations who cooperated with the state were branded by the BDC as ‘enemies inside the community’ and ‘betrayers of the people ... persistently working against the interests of the Black community’ (Brixton Defence Campaign 1981c). When a joint statement was released by some local organizations, declaring both their intention to provide evidence to Scarman and urging others to, the BDC (1981d) circulated a poster proclaiming: ‘They are HANGING the community by their actions’.

Despite boycotting Scarman’s inquiry, the BDC (1981a, 1981b, 1981e) also criticized previous rejections of ‘repeated requests’ for an inquiry ‘into police brutality and malpractice’ – as well as noting that other investigations were of more value due to ‘Black people in the Borough [having been] actively involved in collecting and giving evidence’, opposed to Scarman’s inquiry, which they contended ‘does not have the confidence of local people’. The BDC clearly objected to the membership and scope of Scarman’s inquiry, instead promoting actions that centred Black voices. They even launched an independent ‘local peoples’ enquiry’, although this proved difficult to organize and fund, thus remaining unfinished. While many people appeared to perceive inquiries as engaging with those concerned more so than other state mechanisms, this sentiment clearly was not unanimous.

Scarman’s Report

When disorders spread throughout England in July 1981, the geographical scope of Scarman’s inquiry was expanded. Although cursory visits were undertaken to Birmingham, Coventry, Wolverhampton, and Liverpool, other locations did not receive the same scrutiny as Brixton. Rex (1984, 191) unfavourably compared Scarman’s inquiry to the 1967 Kerner Commission into racial disorders in the United States, which collected vast quantities of social science evidence, including teams of researchers interviewing participants and adding their voices to the analysis – although this investigation was not without its own critics. Rex pointed out that Scarman was not a social scientist and was ‘totally unequipped’ to consider violent disorders in England, resulting in his attempts to obtain similar levels and forms of evidence as the Kerner Commission proving to be ‘both random and trivial’.

Scarman (1984, 259) later defended his inquiry, highlighting the comparatively few people involved and short timeframe. While legitimate points, demonstrating the state's ability to shape inquiries through limiting their personnel and duration, such explanations do not fully explain his inquiry's shortcomings. Similarly, some commentators claimed Scarman's inquiry was established purely as a political exercise in being seen to be doing something, but that his eventual report would be disregarded: 'The scenario was familiar. Both the law-and-order lobby and its liberal critics would be reassured that the outbreak was not being ignored, the politically weak black community would be divided, the media would soon lose interest – and in the autumn there would be a judicious report on race relations in the inner city to place along side all the other judicious reports on the same subject in the Home Office library' (*Observer*, 13 September 1981). While consistent with arguments that inquiries are utilized as political devices, writers such as Benyon (1985, 415) contended that widespread disorders and Scarman's apparent ability to inspire the confidence of many Brixton residents rendered it impossible for the Government not to acknowledge and respond to his findings and recommendations. This was, of course, not the opinion of groups like the BDC and those they maintained they represented.

Scarman's Report was published on 25 November 1981, with a largely liberal tone as Scarman concluded the uprisings had emerged out of political, social, and economic disadvantage, as well as widespread racial discrimination. Hall (1982) believed Scarman understood the roots of the uprisings as the combination of long-term social conditions, 'short-term, contingent triggers', and 'distinctive policing norms in places like Brixton' – but, discussed further below, 'his discourse cannot allow him to think that they may be structural or institutional'. Scarman's (1976, 7) own self-description was of being 'somewhat educated, in a very established way, in the mainstream of very orthodox English law'. Rich (1986, 212–213) described Scarman's view as resembling that of the mid-Victorian era; untouched by 'the last phase of imperial expansion, Scarman was especially concerned with the "plight" of the ethnic minority communities in the inner cities'. In many ways it was, to use Young's (1993, 234) words, 'a rare artefact of the Thatcher years couched in pre-Thatcherite language'. At times, Scarman (1982, 36) hinted at more radical interpretations, suggesting that some participants believed anti-police uprisings were an effective way of protesting because alternative methods had been denied to them. Yet, aspects of Scarman's Report demonstrated a more conservative response, such as suggesting the 'thrill' of participation and 'reward' of looting as motives, and above all maintaining there could be no excuse for violence. Moreover, Benyon (1985, 415) highlighted how Scarman generally perpetuated interpretations of these disorders as exceptional threats to British law and order, demanding exceptional responses in police training, tactics, and equipment. Keith (1993, 78) concluded that, while any judicial inquiry is doomed to shortcomings rendering its conclusions disappointing – such as an inherently favourable view of authorities – Scarman's focus had become too general: 'In striving for the universal, Lord Scarman neglects the particular'.

Scarman examined many aspects and policies, but his recommendations focused on the police. Although a focal point of the uprisings, this emphasis was criticized for concentrating upon the consequences, rather than causes, of racial disadvantage (Profitt 1984, 204; Rex 1984, 191). Despite Thatcher's (1981) handwritten note of 2 November on a summary of Scarman's Report expressing concern that it 'seems highly

critical of the police', Scarman's judgement was somewhat restrained. For example, as with his Red Lion Square Inquiry (1975), Scarman refused to recommend discontinuing stop-and-searches or the dissolution of the infamous police Special Patrol Group, as well as allocating some blame for disorders to local 'community leaders'.

Most notably, Scarman (1982, 98) concluded that police policies were not racist, but simply that 'racial prejudice' and the proclivity for 'harassment' existed in some officers. His report (209) concluded that "Institutional racism" does not exist in Britain: but racial disadvantage and its nasty associate, racial discrimination, have not yet been eliminated'. Scarman's lack of a detailed definition of 'Institutional racism' was criticized (Layton-Henry 1984, 163; Scraton 2007, 30), as his rejection focused on intentional actions rather than a consequence of years of predominantly white institutions. Scarman's analysis was thus deemed characteristic of 'the blinkered approach to matters about race which can affect even well-meaning white people' (Greaves 1984, 71). Bowling (1998, 81–82) summarized how Scarman's consideration of police racism became known as the 'bad apple' thesis, emphasizing individual wrongdoing rather than broader structural issues or failures. In comparison, the 1999 Macpherson Report – investigating the racist murder of Stephen Lawrence and subsequent ineffectual police investigation – significantly labelled the Metropolitan Police institutionally racist, partly due to Macpherson's definition of the term being far broader and as a more pervasive issue, where racism is a product of how an institution 'normally' functions. But 1980s postcolonial Britain witnessed a Thatcherite individualism and shift towards what Hall (1997) termed 'authoritarian populism' and 'defensive exclusivism' – 'a narrow, national definition of Englishness, of cultural identity... When Thatcherism speaks, frequently asking the question, "Are you one of us?" Who is one of us? Well, the numbers of people who are not one of us would fill a book'. Similarly, Brake and Hale (1992, 37) contended that attempts to shift blame and responsibility onto individuals was part of Thatcher's governments' desire to dismantle the welfare state – and that crime and authority was utilized in constructing this hegemonic notion of individual responsibility, since 'No rational person supports crime or the breakdown of authority'.

Further to changes in police training and efforts to recruit more Black officers, Scarman encouraged greater consultation between authorities and residents. Keith (1993, 173) outlined that this aimed to produce an arena in which Black Britons' grievances could be addressed, to 'institutionalize conflict, taking it off the streets and into the committee room'. Or, in Ramamurthy's (2013, 147) summary: 'the establishment of a whole array of community participation projects and systems which were eventually to buy many activists off the streets'. Groups such as the BDC (1981f), who repeatedly criticized anyone cooperating with the police, remained opposed to 'community policing' techniques, which they portrayed as a means of convincing an oppressed group to trust their oppressor through 'exercises in psychological warfare and community control' aimed at 'sabotaging and weakening our struggle'. By utilizing the concept of martial politics, community policing is identified as a practice that continues to reproduce violence through liberal governance that links war and policing through the production of 'the enemy of the state' (K. Hall 2021).

Scarman (1982, 183) did acknowledge the discontent towards the police and existing systems, concluding that the only way to restore faith in the complaints system was through an investigations service truly independent from the police. While some baulked

at the potential expense, Boateng (1984, 156) countered by citing the costs of the disorders and ‘of the crisis of confidence which the present arrangements have generated’. The Police Federation announced it would support a new independent body to investigate police complaints, but senior police officials contended that no system would ever fully satisfy critics, even suggesting that officers felt the existing ‘oppressive’ complaints procedure was actually unfair against them. Police officials repeatedly exhibited beliefs that criticism came solely from minor sections of society – often with the implication that complaints were forwarded for ulterior or nefarious reasons – whereas the ‘average man’ was not particularly concerned (Goodson 1984, 147; Griffiths 1984, 130–131). This language of exclusion – the ‘enemy within’, to borrow Thatcher’s notorious phrasing – could be read against the marginalized group who attempted to voice their dissent through anti-police uprisings in 1980–81, as other means of protest had been denied to them.

The Scarman Report received a generally favourable response upon publication. An Opinion Research Centre poll suggested ‘massive support’ for Scarman’s proposals (Anwar 1981) – although it is relevant to highlight that most respondents were white. Venner (1981) summarized newspaper reaction as largely positive but that some aspects could have been improved, such as suggestions for preventing further disturbances, solving policing issues, or positive action to counteract racial discrimination. On the other hand, boycotters of Scarman’s inquiry believed their position had been vindicated. Prominent activist Darcus Howe described Scarman’s Report as a ‘failure’ that was ‘way off beam’ due to the lack of radical suggestions regarding police power (*The Times*, 26 November 1981), and a BDC poster (1981c) dubbed Scarman’s Report a ‘powerful anti-Black statement ... the most successful diversionary mechanism that the state could have constructed’.

Conclusion

Despite an inquiry ostensibly examining the issues highlighted by the Brixton uprisings – a potential arena for active engagement with mainstream political processes for marginalized Black Britons – this inquiry refused to investigate accusations of police misconduct and its conclusions were deemed limited and disappointing. Many contributions at a conference discussing Scarman’s Report (Benyon and Solomos 1987) similarly criticized it for failing to ensure appropriate action would be taken after placing several issues onto the political agenda. Some, such as Lea (2004, 188), blamed the mechanism of inquiries themselves as lacking the ability to generate ‘any shift in the structure of social power’: ‘Recommendations are made and then the inquiry packs its bags and moves on ... Once Scarman had packed his bags, what then was to stop policing returning to its grim normality?’ There were certainly specific shortcomings with Scarman’s inquiry – such as its personnel and their epistemological boundaries, and a tendency towards individualism – but many of its failings can be attributed to the nature of inquiries as a political device and difficulties in challenging the fundamental legitimacy of the state. Scarman countered criticism by declaring that, ‘Even if the Report has achieved no more than an awakening, it would have served a useful purpose’ (Scarman 1984, 261). However, there was little evidence this ‘awakening’ actually happened.

Before Scarman published the report of his inquiry initially focused solely on Brixton, further anti-police uprisings appeared across England. The authorities' response, concentrated more upon criminality and reshaping police equipment/training than addressing issues faced by Black Britons, did not appear to give much hope that racial discrimination and disadvantage would be addressed. As Solomos (2003, 174) concluded: 'Having spent the whole summer denying any link between its policies and the riots', the Government was not likely to implement economic and social policy proposals suggested by Scarman. As seen since – such as the refusal to hold an inquiry into the 2011 disorders following the police shooting of Mark Duggan, and the government's controversial 2021 Commission on Race and Ethnic Disparities that, seemingly by design, rejected the existence of institutional racism in Britain – the liberal state tightly controls inquiries, resulting in a performative political device that is often too restricted to be an arena for transformative politics. Even the Macpherson Report, praised as a 'major break-through in UK race and ethnic relations' that forced a fundamental rethink of institutional practices (Gifford, Jamie, and Santokh 2013, 65) and which became 'part of the UK's self-congratulatory narrative' (Burnett 2014), had a limited impact and has been criticized (e.g. Wight 2003 highlighted that it retained an 'implicit individualism'). Nonetheless, Goulbourne (1998, 69) suggested that 'Brixton led to the recognition that the police needed to be more accountable to the communities they ostensibly serve'. The extent to which this occurred, and the value of public inquiries in actually achieving such structural changes, remains up for debate.

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