

Brendan O'Leary reviews the Patten report on Northern Ireland policing

There are two ways in which the report of the Independent Commission on Policing for Northern Ireland (the Patten report) should be read: first, as an able expression of contemporary democratic thought on policing — with thoroughgoing implications for the whole of the United Kingdom, and beyond; and second, as the fulfilment of the commission's mandate under the Good Friday Agreement.

Chris Patten articulates a vision of the governance of policing that will be seen as pioneering. Several fresh logics are apparent, consistent with the report's title, *A New Beginning*. The subject is "policing Northern Ireland" not the "police in Northern Ireland". This logic is understated. Policing should not be the monopoly of a force, or a service. It should be organised in a self-governing democratic society by a plurality, indeed a network, of agents and organisations.

The logic is apparent in the title of the proposed "policing board" recommended to replace the present un-elected Police Authority — which has no authority and less legitimacy. The board

will bring together ten elected politicians, drawn in proportion to their respective strength in seats from the parties that comprise the new Northern Ireland executive, with nine appointed members representative of a range of sectors of civil society, "business, trade unions, voluntary organisations, community groups and the legal profession".

The elected members must not be ministerial office-holders. The unelected members (under a devolved government) will be appointed by the first (unionist) and deputy first (nationalist) min-

isters. The board is therefore to be representative and at one remove from direct executive power.

A similar logic lies behind giving the board responsibility for negotiating "the annual policing budget with the Northern Ireland Office, or with the appropriate successor body after devolution". Not a police budget, not a budget for the police, but a policing budget, ie public monies proposed and disposed of by representative, democratic bodies.

New and old democratic thinking on accountability is evident. In a telling phrase, "policing is not a task for the police alone"; the report builds on Geoffrey Marshall's argument that police should be accountable in two senses: the "subordinate or obedient" sense, and the "explanatory and cooperative sense".

A New Beginning: Policing in Northern Ireland. The Report of the Independent Commission on Policing for Northern Ireland

HMSO, 128pp, free
Details from:
copyright@hmso.gov.uk

requires officers to let people "understand what their police are doing and why", in contrast to the prevailing custom which is "defensive, reactive and cautious in response to questions, as experienced ourselves in relation to some of our own queries".

The report is intended to let police managers manage, but to hold them, *post factum*, to account for their implementation of the Policing Board's general policing policy, and to enhance the audit and investigative capacities of the board in holding the police to account. The new service will have "operational responsibility", but it will have to justify its managerial discretion.

A bright future — and less orange

Most encouragingly, the report recommends rolling back the centralisation of policing that has occurred both in the UK and Ireland during the past two centuries. Accountable decentralisation is proposed through giving directly elected local governments opportunities to influence the policy formulation of the Policing Board through their own District Policing Partnership Boards. The latter will not merely have the power to question police district commanders but also have the ability to use their own resources to "purchase additional services from the police or statutory agencies, or from the private sector".

The decentralisation of political accountability is to be matched by the internal decentralisation of the police. The devolution of budgets to local district commanders, obliged to be accountable to local District Policing Partnership Boards, will encourage them to experiment — to be accountable for locally sensitive outcomes. They might decide, after local discussions, to organise local groups of unemployed to remove graffiti (to create a more secure and less threatening environment) rather than spend their budget on more officers. Likewise their freedom to choose over internal resources will give meaningful content to decentralisation.

A final new logic is the report's

Machiavellian skill in handing some responsibility for order to civil society organisations as well as to the police. For example, the Loyal Orders will be obliged to have their own trained marshals, and their own policing plans, to accompany any requests to organise specific parades. This is a splendid example of combining a right — freedom of assembly — with a duty — the obligation to preserve the peace, law and order in a democratic society.

More immediately, the report has fulfilled its terms of reference under the Good Friday Agreement. The commission was required to propose how to establish a fully "representative" police. Correctly observing that peace and the agreement's implementation will increase the likelihood of Catholics, nationalists and republicans joining the police, the commissioners propose recruiting Catholics and non-Catholics in a 50:50 ratio from the pool of qualified candidates for the next decade.

This matches the population ratios in the younger age cohorts. Given early and scheduled retirements of serving officers, this policy should ensure that 30 per cent of the service will be of Catholic origin within ten years, and between 17 and 19 per cent within four years (above the critical mass claimed essential to change the character of the police).

This is a slower pace of change than some of us advocated, but the commissioners justify it to avoid a service that would have non-Catholic chiefs and Catholic Indians. By making each successive cohort religiously representative now, and by ensuring that the new service is impartial, the commissioners have an arguable case. Steps may need to be taken, however, to ensure that the new Catholics are broadly representative of the Catholic community — ie mostly nationalist or republican in political opinion.

Patten chose to avoid propos-

ing an explicitly bi-national or bi-cultural police. Instead he plumped for neutrality between unionism/loyalism and nationalism/republicanism. The Northern Ireland Police Service is a neutral title, not least because nationalists in the 1998 referendum, north and south, accepted the current status of Northern Ireland as part of the UK as long as a majority so determine.

The Royal Ulster Constabulary was not a neutral title — so it must go. The display of the Union Jack and of the Queen's portrait at police stations are to go, so as to disassociate the police from identification with the Union, the Crown and the British nation. Full marks to the commissioners.

Where the report is insufficient is in its tolerance of Orange Order, Ancient Order of Hibernian and Masonic membership by serving officers. One can be a fully paid-up liberal but still hold that certain public offices — such as electoral returning officers — require their incumbents to be seen to be impartial. The commissioners' counter-argument, that "it is action or behaviour not attitude that matters", forgets that to belong to a sectarian or secret organisation is an action and a behaviour.

The commission had to recommend arrangements "free from partisan political control". Their brief was not to propose policing divorced from the political environment — a recipe for leaving policing to the police — but to ensure democratic accountability "at all levels" while preventing any dominant political party from being able to direct the police to their advantage.

The Policing Board and the District Policing Partnership Boards (DPPBs) at local government level should meet this objective — 20 out of 26 local government districts now have office-rotation or power-sharing agreements — though those tasked with implementation might con-

First Impressions

This week's competition, in which you have to identify a book from its opening sentence, is taken from a notorious novel whose title became a byword for a practice once thought to be injurious to the participant's sight.

"She was so deeply embedded in my consciousness that for the first year of school I seem to have believed that each of my teachers was my mother in disguise."

Entries should be sent to First Impressions, *The Times* Admiral House, 66-68 East Smithfield, London E1W 1BX, faxed to 020-7792 3300 or e-mailed to theschat@thes.co.uk

B BLACKWELL'S
BOOKS

The winner receives a £25 Blackwell's book token and the closing date is 23 November.

The winner of last week's competition, who correctly identified Thomas Hardy's *Jude the Obscure*, is Carole Mallia of Nottingham.

David Papineau

Brilliant youth to pedestrian old age

On the surface, Sir Alfred Ayer's life was an unbroken sequence of glittering prizes. Scholarships to Eton and Christ Church. The electrifying *Language, Truth and Logic* was published in 1936, when Ayer was just 25. Grote professor of philosophy at University College London in his thirties. Back to Oxford as Wykeham professor in 1959. Knighted in 1970.

In addition, Ayer had a full life outside philosophy. Before the war, he was a Labour activist, fighting a local election. He served as a captain in the Welsh Guards. His broadcasting, especially on the Brains Trust, made him famous, and in the Butskellite years he was one of the greatest of the good. His private life was glamorous and kaleidoscopic, and he juggled an astounding number of affairs alongside his four marriages, right up until his death in 1989.

All this is elegantly narrated in Ben Rogers's excellent new biography, which fills in many of the personal lacunae in Ayer's own

A. J. Ayer: A Life

By Ben Rogers
Chato and Windus
402pp, £20.00
ISBN 0 7011 6316 X

two autobiographical volumes, and adds insightful commentaries on the philosophical writings. Yet the overall impression created by Rogers's book is of promise unfulfilled. The young author of *Language, Truth and Logic* had set himself to sweep away the dusty metaphysics of his teachers and to make philosophy new. Yet, although Ayer kept working steadily until the end of his life, this early ambition petered out in a series of pedestrian essays.

It is tempting to associate this philosophical falling off with Ayer's personality. As a number of Rogers's informants testify, behind the social glitter Ayer was something of a cold fish. He was obviously charming, but he seems to have been curiously deficient in many normal sentiments. Some commentators have linked this emotional shallowness to Ayer's dogmatic empiricist insistence that there is no reality beyond sensory appearances. Others have offered a brisker diagnosis. "There goes a great mind ruined by sex", a senior Oxford figure is supposed once to

have said of the passing Ayer.

However, I think there is a deeper reason for the failure of Ayer's philosophical hopes. The problem was not Ayer's personality, but his time and place. The philosophical doctrines that attracted the young Ayer were bold and important, and in other countries they bore healthy fruit. But in the unsympathetic intellectual soil of mid-century Britain they merely shrivelled and died.

Language, Truth and Logic was a manifesto for the Austrian doctrines of logical positivism. Ayer had spent his first winter after graduation visiting the Vienna Circle, the famous discussion group led by the philosopher-scientist Moritz Schlick. Rudolf Carnap and Otto Neurath. There Ayer learnt of the "verification principle", according to which no statement is meaningful unless it can be reduced to sensory experience or linguistic definition. Empirical science was held to qualify on the first ground, logic and mathematics on the second. All else was nonsense. At a stroke all metaphysical systems were swept away.

Rogers describes the initial enthusiasm with which Ayer's young colleagues at

and finds its lucid and considered proposals a pleasure to read



RUC officers at the Apprentice Boys' parade in Londonderry, 1996

sider extending the d'Hondt principle to the party representatives on the DPPBs. This would be a step consistent with the agreement, and applicable elsewhere in the UK.

The commission was required to promote "efficient and effective" policing arrangements. Here it scores highly. It avoids false economies. Generous severance and early retirement packages will ease fast changes in the composition and ethos of the current personnel: slow and soft disbanding by other names. An initially over-sized Northern Ireland Police Service will be able to:

begin a novel experiment in community policing; deter the hard-line paramilitaries opposed to the agreement; manage large-scale public-order functions (mostly occasioned by the "Loyal Orders"); and facilitate faster changes in the service's composition than might otherwise be possible. The provisions enabling local government to out-source policing services will also "market-test" effectiveness, while greater "civilianisation" should free personnel for mainstream policing tasks and deliver long-run savings.

The new arrangements will be infused with a human-rights culture. Officers will have knowledge of human rights built into their training and retraining (provided by academic personnel) and their codes of practice. The astonishing absence of legal personnel within the RUC with expertise in human rights will be remedied. The incorporation of the European Convention into public law, and Northern Ireland's forthcoming provisions to strengthen the rights of national, religious and cultural minorities, will further ensure that policing arrangements have to perform to higher standards.

The report sensibly recommends significant internal decentralisation within the police, stripping away redundant layers of management to free up district commanders to deliver

sensitive policing according to local needs. Better still, Patten recommends matching police internal management units to local government districts. Had the commission recommended a fully two-tier or federal model of policing, it would have facilitated even more rapid changes in the composition and ethos of police officers and made the new arrangements less dependent upon the success of the Good Friday Agreement. The objections to this idea — fears of "balkanisation" and concerns about creating services with different status — are the least convincing part of the report.

The last implicit mandate for Patten was feasible policing arrangements consistent with the spirit of the Good Friday Agreement. The report delivers on this, including recommendations for better-structured cross-border cooperation with the Garda Síochána. Significantly, the recommendations mostly do not depend upon the agreement's institutions for their implementation. The commissioners explicitly recommend most of their changes come what may and give no excuses to the Northern Ireland Office and the British government for overly long delays in implementation. The commissioners thought deeply about implementation, have recommended an office to oversee the required multi-organisational implementation, and have called upon political parties and civil society organisations to play their roles in turning the report from recommendations into reality. It is a novel pleasure to see such lucid and considered proposals formulating British government policy in Northern Ireland.

Brendan O'Leary is professor of political science, London School of Economics. He is the author (with John McGarry) of *Policing Northern Ireland: Proposals for a New Start* (1999), which was extensively cited in the Patten report.

— did sex and no science ruin a great mind?

Oxford greeted his announcement of this creed. It was modern, it was progressive, it suited the iconoclastic 1930s. A group including Ayer, Isaiah Berlin, J. L. Austin and Stuart Hampshire met weekly in All Souls, and discussion centred on Ayer's book. However, there is a sense in which these figures did not know what to do with logical positivism. This was a philosophy founded on an analysis of science, yet most of these young Oxford dons knew no science at all. Their background was in classics, and they came to philosophy through the established route of Greats and ancient thought. So they had no choice but to take positivism's analysis of science on faith, and therefore reverted instead to traditional topics, like sense perception and the nature of philosophy.

It is illuminating to consider the contrasting fate of positivism in the United States. The American philosopher-logician Willard van Ormand Quine provides an exact mirror image to Ayer. He was just a year or two older, he spent the same winter in Vienna, and he was equally entraptured by the views of the circle. But when he

returned to the US, he subjected the foundations of positivism to a searching critique. Working closely with the now-emigrated Carnap, he showed that logic and mathematics cannot be reduced to mere definition, and that the scientific description of the world cannot be decomposed into a substantial synthetic component and a conceptual analytic component. These were powerful and original contributions, and they have exerted a lasting influence on philosophy.

Ayer was fully aware that he was hobbled by his lack of a scientific training. He often bemoaned his ignorance, and in the years around the war he made efforts to remedy it. At University College London he built bridges, and his discussion group included figures like the scientist Peter Medawar and the philosopher of science Karl Popper. But nothing much came of these forays. London was still on the philosophical fringes, and when the chance came Ayer returned to Oxford. Yet back in Oxford his interest in science waned, and he was increasingly caught up once more with the stuff of the conventional curriculum.

Things went differently in the US. The moral of Quine's critique was that philosophy and science cannot be separated. Since any significant analysis of concepts will inevitably be caught up with substantial issues of scientific theory, the right place for philosophy is within science. The now-dominant "naturalist" tradition in American philosophy looks to physics and biology, rather than the wisdom of the ancients, to explain the relation between humanity and nature.

Britain has not followed America in breaking down the barriers between philosophy and science. In 1946 Ayer gave a talk in which he contrasted philosophies that conform to natural science with those that aim for some alternative vision. He would surely be distressed to learn how many British philosophers today belong to the latter party, aiming to delineate aspects of reality that lie beyond the realm of science. Indeed many in this anti-naturalist camp look back to just those continental metaphysicians, like Hegel and Heidegger, that the young Ayer so derided.

Perhaps this is healthy. At least it

replaces the century-long mutual incomprehension of "analytic" and "continental" philosophy with a fruitful debate between naturalism and non-naturalism, a debate whose eventual resolution is still far from clear. At the same time, it is striking how far the naturalist side is under-represented in Britain. Still, perhaps this is unsurprising in a country where most bright children drop science at the age of 15, and where prominent figures sometimes express smugging pride in their scientific ignorance.

It may seem odd to suggest that Ayer was an intellectually isolated figure, forced to suffer for his nonconformist views. He became Wykeham professor of logic, after all, and a knight of the realm. But, even so, the story told by Rogers confirms that this is the right diagnosis. Ayer was a philosopher who backed science, in a milieu where science was viewed with suspicion. He would surely have made much more of his philosophical life if he had been able to flourish in a more sympathetic environment.

David Papineau is professor of the philosophy of science, King's College, London.

BOOKS

'Zizek's Ticklers'
Subject is: magisterial work from one of the major

philosophers of our age — though most English philosophers have probably never heard of him
TERRY EAGLETON

25

Nearly all of the senior managers employed by Sony USA have been Jewish... The book reveals

Sony as almost a Jewish family business
ALAN CAINSON

28