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'The Outrage was Really Quite Visceral'[1]: Overt and Covert Deterrence Effects on Social Movement Activism

Introduction

In April 2006 a group of environmental activists set up a protest camp at the site of a proposed coal mine and remained in place until April 2009 when participants were served with an eviction notice (The Press, 2009). The year after the camp was established news emerged that there was a paid informant feeding information to Solid Energy, the state-owned enterprise behind the mine (Hager and Mussen, 2007). In March 2011 a flotilla of boats sailed from Auckland to the East Coast with a plan to disrupt a survey of offshore oil deposits. This action led to confrontation between activists and the oil exploration ship, with the government deploying a navy vessel to assist police in serving trespass notices and arresting the captain of one of the boats (see O'Brien, 2013a). Finally, April 2013 saw the New Zealand government revise the Crown Minerals Act to include maximum penalties of 12 months in prison and $50,000 fine for damaging or interfering with an offshore oil rig, with a fine of up to $10,000 for entering any predefined exclusion zone of up to 500 metres (Smellie, 2013).

These vignettes illustrate the actions the state can take to manage the tension between the desire to allow free expression of claims and the perceived need for unfettered economic development. Contentious politics challenges the institutions of the state by operating at the margins of behaviours that are tolerated, forcing a response from the state (Tarrow, 2011). Direct action is particularly challenging for the state in this regard, as it requires the authorities to physically engage activists, removing them from industrial sites and high-profile locations. When coupled with the proliferation of media technologies the reputational costs can be high, with activists highlighting heavy-handed forms of social control to reinforce collective action (see Vicari, 2015). Activist groups also risk their position if their actions are deemed to be too far from what is deemed acceptable, as the message may be obscured (see Evans, 2016). Therefore, in the case of the state and social movement organisations, image maintenance is central in maintaining the legitimacy of the actions and positions taken.

[1] Former activist's reaction to allegations of spying in the New Zealand environmental movement. Quoted in O'Brien 2015, p. 793.

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State actors can turn to social control as a form of deterrence in an attempt to dissuade social movements from taking particular actions. The decision of an individual to take part in a protest action can present personal costs in terms of time, threat of physical harm or social sanction, requiring an assessment of whether these can be borne (Carson, 2014). In building its deterrent capacity, the state can draw on overt and covert forms of social control. Overt actions, including banning orders, legal restrictions or the reclassification of certain actions can be effective in dissuading participation, making the costs obvious and explicit. However, they risk reinforcing portrayals of the state as heavy-handed, preventing free expression of deeply felt concerns and also providing a target for further disruptive or transgressive actions. In such an environment, states have turned to covert actions, by which the state can gain information to develop more sophisticated social control tools and subvert from within. The deterrent effect of covert actions is more difficult to identify, given their hidden nature, but potentially more damaging (see Marx, 1974).

This chapter considers forms of covert and overt actions to deter environmental activism in New Zealand. The open, democratic character of the state presents a challenge when deterring social movement activities, as it seeks to manage the tension between its progressive image and the need to restrict actions deemed harmful to economic performance. The aims of the chapter are to (1) map the relationship between social movements, social control and deterrence, and (2) examine how New Zealand deters certain environmental activists through the deployment of overt and covert social control mechanisms. The chapter consists of three sections. The first section provides an overview of contentious politics, considering how and why people engage in protest, with a focus on the environmental movement. Deterrence is examined as a form of social control in the second section, outlining the range of overt and covert actions that can be deployed. The third section introduces the environmental movement in New Zealand before examining attempts to deter environmental activism through overt and covert forms of social control. This section focuses on episodes targeting protest over mining and offshore oil exploration as these have proven the most contentious issues.

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Contentious Politics and Social Movements

The decision to engage in an act of protest requires a degree of commitment on the part of the participant, as the costs and benefits of breaking the 'crust of convention' (Tarrow, 1993: 302) cannot be known in advance. Democratic states are more likely to tolerate a broad range of such actions, but as Tilly and Tarrow (2007: 83) argue, 'every regime divides known claim-making performances into prescribed, tolerated, and forbidden.' In engaging in protest, individuals and groups are demonstrating the failure of the existing order and the need to redress perceived injustices or wrongs. To be effective, actors need to operate closer to the forbidden space in order to present a challenge and generate sufficient attention to bring about meaningful change. This form of action has been located in the broader space of contentious politics, specifically transgressive contention, which McAdam, Tarrow and Tilly (2001:7-8) have argued:

> consists of episodic, public, collective interaction among the makers of claims and their objects when (a) at least one government is a claimant, an object of claims, or a party to the claims, (b) the claims would, if realized, affect the interests of at least one of the claimants, (c) at least some of the parties to the conflict are newly self-identified political actors and/or (d) at least some parties employ innovative collective action.

This definition captures the relational character of such actions, as participants struggle to generate meaningful support for their position. It also demonstrates the uncertainty involved, as challenging the status quo requires the formation of new solidarities or the adoption of unanticipated or novel actions to advance the claims of the collective.

The external environment plays a key role in determining the emergence of contentious actors as well as their chances of success. Describing the factors that can facilitate or hinder actors, Tarrow (2011: 32) notes that 'political opportunities [are] …consistent – but not necessarily formal, permanent or national – sets of clues that encourage people to engage in contentious politics.' Defining political opportunities, Tilly (2008: 92) pointed to five specific characteristics – openness of the regime, coherence of the elite, stability of political alignments, availability of allies, and repression/facilitation. These opportunity structures are not static and change over time in response to shifts in the external environment, including those of contentious actors. It is also important to note that each can move independently.

For example, loss of elite coherence and increasing availability of allies for contentious actors may lead to a hardening of political alignments and reduced facilitation (or increased repression) among state actors.

The nature of claim-making under the banner of contentious politics brings actors with common interests together as social movements. Operating in the broader sphere of civil society, Offe (1985: 820) argues that social movements adopt 'practices that belong to an intermediate sphere between "private" pursuits and concerns… and institutional, state-sanctioned modes of politics'. This means that in order to be successful social movements have to bridge the gap by collectivising or representing the views of their members. Aggregating claims in this way and challenging the status quo also brings social movement actors into conflict with entrenched interests and established groups (see Dalton, Recchia and Rohrschneider, 2003; Gale, 1986). Navigating between these pressures requires social movement actors to recognise the nature of the threats and opportunities distinguishing between 'effects of structural changes in opportunities… [and] effects or signals sent by the political system.' (Meyer and Minkoff, 2004: 1464) Misreading these signals can lead to increased threat or loss of legitimacy and support among followers.

Within the broad scope of social movement forms, the environmental movement has emerged as a significant site of action since the 1960s. Environmental issues are particularly open to contentious action, as their uncertain character involves constant adjustment, feedback and negotiation between affected parties (Lidskog and Elander, 2007). These complex relationships have led Rootes (2007a: 610) to argue that:

> an environmental movement may be defined as a loose, noninstitutionalised network of informal interactions that may include, as well as individuals and groups who have no organizational affiliation, organizations of varying degrees of formality, that are engaged in collective action motivated by shared identity of concern about environmental issues.

Variation within the environmental movement is also reflected in the range of organisation forms and actions undertaken. While some groups that have moved towards professionalisaton (van der Heijden, 1999) and away from the adoption of forbidden performances, others continue to maintain a more radical stance (Kousis, 2004). Taylor (2008:

27) notes that 'Radical environmentalism most commonly brings to mind the actions of those who break laws in dramatic displays of "direct action" in defense of nature'. The ability of these distinct organisational to exist within the same movement clearly presents challenges to the state in attempting to manage and respond to claims, requiring a diverse range of approaches.

A further feature of contentious politics that needs to be considered is spatial construction and positioning of such actions. Actions at the local level differ from those at the national or transnational level, as Rootes (2007b) argues, 'Local campaigns are the most persistent and ubiquitous forms of environmental contention… [they are] persistently recurrent.' Localised protests resort to spectacle to generate attention (Kousis, della Porta and Jimenez, 2008), as the targets of their claims are generally less prominent. Protest campaigns at the national or transnational level are more significant, as they potentially present a more direct challenge to the governance of the state, attracting greater media attention and support from multiple communities. Space plays a role in the effectiveness of contentious politics at the national level, as the lack of geographical rootedness allows a more creative use of space when compared with the opportunities available to local actions. Endres and Senda-Cook (2011; also Sewell, 2001) argue that the social construction of space provides opportunities for protest actors to challenge existing norms and practices through their actions, thereby amplifying the claims being presented.

Operating in this space, social movements have decisions to make regarding how and where they act. Opportunities and threats in the environment suggest enabling and constraining features, which will be important in shaping these decisions. However, given that social movement actors are seeking to break with the status quo, such signals will be interpreted in different ways depending on the level of risk and cost the actors are willing to bear. It is also necessary to consider the ways in which targets of contentious actions may attempt to deter or prevent such actions from having the desired effect. Additionally, the character of the opportunities and threats may not be clear, requiring actions to be based on expected reactions of targets and opponents and assessing whether their stated positions will be followed through (see Meyer and Minkoff, 2004). Targets of claims may engage in hidden

behavior to deter contentious acts, potentially raising the costs associated and potentially undermining trust and collective resolve amongst those involved (see O'Brien, 2015). In order to understand the potential for such behaviour to impact contentious actions it is necessary to consider the range of approaches that can be deployed to deter claimants.

Deterrence and Social Control

Social movements target the state as the actor most able to address claims, also the actor most vulnerable to challenges that threaten its legitimacy. Gale (1986: 203) reinforces this significance arguing that 'Because the state significantly affects the distribution of… [resources], movement activists interested in change must negotiate with its representatives.' In turn, states have various tools at their disposal to answer or attempt to dissuade protest claims. In democratic states, such actions are more limited, due to the need to maintain support from the broader population. As such, deterrence is a more effective form of management of claims, alongside response that directly address the issue, where possible. Examining the meaning of deterrence in the context of radical environmental groups, Carson (2014: 487) argues that it 'centers on the idea that an increase in costs, as measured through punishment, will influence criminal behaviour.' The difficulty with this definition is that much social movement action is not criminal, raising the issue of how states deploy deterrence.

Broadening the scope of deterrence is possible by focusing on norms and behaviour deemed acceptable. Zald (1978: 83) captures this in the concept of social control, which he identifies as 'the process by which individuals, groups and organizations attempt to make performance, the behaviour and operations of other groups, organizations and individuals, conform to standards of behaviour or normative preferences.' Given the aim of social movement actions is to disrupt, they are automatically at risk of breaching normative preferences of wider society. In such a context, Marx (1974: 403) notes that 'efforts of the larger society to control or accommodate to social movements… should be viewed as an integral part of the environment of these groups'. More recently, Davenport (2017: 258) has argued that:

> the key to understanding how states establish and maintain control over their territorial jurisdiction resides more in the minds of their constituents than in observing behavior enacted on the streets and hills of the polity.

The result being that to deter social movement action the state is able to use social control mechanisms to define what is acceptable and restrict what is not.

When considering the enactment of social control, it is necessary to consider who is involved and their respective influence. In identifying the control agent, Earl (2004: 62) distinguishes between national political actors, local political actors, and private actors, noting that 'processes that drive private protest control may be distinct from the processes that drive local and/or national state-based protest control.' The distinction between national and local political actors is important, as the capacity of the former to exercise control will be much greater than the latter. While both public and private actors are likely to be concerned with legitimacy or reputation, private actors may also be driven by concerns around profitability. Walby and Monaghan (2011) challenge the distinction between public and private actors, arguing that there has been blurring of boundaries as public bodies draw on privately sourced intelligence and private actors are able to activate public control agents in service of their ends through the provision of information. This illustrates the composite character of social control, as the agents involved are able to work together to achieve shared goals.

Turning to the ways in which social control is exercised in the management of social movements there are a number of factors to consider. Earl (2004) draws a distinction between coercion and channelling, where coercion involves attempts to directly influence actions of protest actors through policing, surveillance or the mobilisation of counter movements. 'Channelling involves more indirect repression, which is meant to affect the forms of protest available, the timing of protests, and/or flows of resources to movements.' (Earl, 2003: 48) This can involve actions such as requiring permits for protests and restrictions on tax-free status (Earl, 2004). The targeting of groups is not precise, considering the actions of the FBI in targeting the New Left in the 1960s Cunningham and Browning (2004: 365) argue that as:

> social control agencies are often attracted to… [a] broad brush logic… (through which even peripheral adherents and sympathizers could be tainted as 'deviant-by-association' with movement leaders), the impact of these repressive acts spreads well beyond their particular targets.

Expanding on the mechanisms underpinning such actions, Boykoff (2007: 287) identifies resource depletion, stigmatization, divisive disruption and intimidation. Each of these can be implemented through a variety of means (direct and indirect) and the effects can also lead to emulation, whereby groups not directly affected change their actions to avoid targeting by social control agents (Boykoff, 2007).

The exercise of social control can be further be divided according to whether the actions adopted are overt or covert. Examining the actions of the state, Davenport (2017: 259) argues 'that a perception of order is created… through a well-crafted performance put forward by political authorities and directed toward the mass public within the relevant territory.' Creation of such an order allows the control agents to determine the appropriate norms and behaviour and sanctions for deviation (Zald, 1978). There are various means available to achieve this end, but the dissemination of such norms through the mass media provides a useful tool for the state (Boykoff, 2007). In a more direct form, King (2013: 466) identifies protest permits as a form of 'Negotiated management [that] has become a normative structure defining what legitimate protest is, labelling "good" and "bad" protesters in relation to the norm'. In exercising its control, the state must be careful not to overstep, as 'Revelations that the state is something other than what is projected could… result in mass outrage and defection as individuals feel betrayed.' (Davenport, 2017: 271-2) This places limits on the range of overt actions open to a particular state, leading to a search for alternatives to supplement this form of control.

Alongside overt forms of social control, the state is able to draw on covert or hidden actions to disrupt movement coherence or external credibility. As Tilly (2008) noted, worthiness in the eyes of observers is key to a movement being able to persist and present credible claims. The use of covert actions by the state varies in form and intensity, and is difficult to identify with certainty (Cunningham, 2003). Addressing the effects of covert actions, Marx (1974: 403)

argued that 'undercover agents… can serve as mechanisms of containment, prolongation, alteration, or repression' and that 'considerable damage may be done to an unpopular yet legal group without necessarily evoking legal sanctions' (436). At the same time, Cunningham and Soto-Carrión (2015: 160) note that 'ostensibly repressive efforts can have divergent or ambivalent effects on their intended targets.' Rather than disruption, perceived infiltration may lead to increased solidarity and commitment from members, driven by an emotional response (Aminzade and McAdam, 2001; Rodgers, 2010) or by a heightened perception of threat (Goldstone and Tilly, 2001). Revelations of covert actions by the state may also have negative effects on its own standing among the broader public (Davenport, 2017).

This all demonstrates that the ability of the state to adopt social control measures is not straightforward. The existence of competing interests and linkages between agencies within the state shape its ability to operate in a unitary manner as agencies seek to maintain access to resources (see Cunningham and Browning, 2004). Morgan and Orloff (2017: 18) also point to the complex relationship between state and non-state actors, arguing:

> we are better off charting the linkages and flow of resources and power between these spheres or investigating where boundaries blur, why that may be the case, and what implications this has for power, authority and legitimacy.

The compound nature of the state and social movement 'speaks to players each having their own (sometimes multiple) strategic agendas and interests' (Cunningham and Soto-Carrión, 2015: 158). Attempts at social control need to be considered in the light of the interests of the actors (public and private) responsible, as they may not fit directly with those of the state.

Deterring Environmental Activism in New Zealand

Contemporary environmental movement action in New Zealand can be traced to the 1960s and protests around the construction of a large hydroelectric dam on Lake Manapouri (Mark et al, 2001). This was followed by sustained campaigns over the logging of native beech forests and mining during the 1970s and 1980s (Downes, 2000). The movement was also involved in the campaign to remain nuclear free and prevent nuclear powered ships entering New Zealand waters in the 1980s (Meyer, 2003). As O'Brien (2013b) argued when examining the evolution of the movement, more recent developments have involved more nuanced

campaigns. The loss of 'black and white' issues has resulted in a scaling back of environmental movement organisations and a subsequent rise in small-scale community focused groups. Although this development has been facilitated by state action in addressing environmental issues, this is not universal and can be sacrificed in the interests of economic development (O'Brien, 2017).

In this context, relations between the state and social movement actors have varied. Since the late 1990s this has entailed greater participation and involvement of non-state actors. Downes (2000) identified a shift from hostility to one of collaboration under the Labour government that was elected in 1999, a pattern that was also seen under the 1984-90 Labour government (Bührs, 2014). However, the extent of collaboration was always shaped by the nature of the groups concerned and their actions. In managing these relationships the state sought to influence behaviour, exercising different forms of social control. Radical groups were marginalised and faced sanction for unacceptable behaviour. Large, mainstream groups also faced sanction when they deviated from the defined script, as was illustrated by the removal of charitable status from Greenpeace after their campaigning was deemed to be political (*New Zealand Energy and Environment Business Week*, 2011). This suggests that while the state is willing to tolerate and engage the environmental movement, it seeks to do so on terms it defines while deterring actions and actors deemed unacceptable. The challenge in identifying covert acts of deterrence is that they are by their nature hidden. However, at certain points it is possible that they emerge into the open or at least sufficient indications will emerge to suggest their presence.

In assessing the extent of the state's willingness to deploy social control mechanisms it is useful to consider previous periods of heightened contention. Large-scale opposition movements targeting the South African 'Springbok' rugby tour (MacLean, 2010) and nuclear ships (Meyer, 2003) during the 1980s challenged the ability of the state to manage dissent. The 1981 rugby tour by a team from apartheid South Africa led to a severe divide in society and intense levels of social conflict, due in part to the significance of the sport in the national cultural identity. Describing the atmosphere during the 56 days of the tour, In the case of the 1981 anti-tour protests MacLean (2010: 72) notes that:

> thousands of New Zealanders twice a week faced riot police who had logistical support from the military. They were baton charged, assaulted and imprisoned. They had telephone calls intercepted, police surveillance became routine, organizing meetings were infiltrated, and there was public discussion of the possibility of the declaration of, in effect, martial law.

The intensity of the protests and the response of the security services was unprecedented, something illustrated by the fact that 'use of realistic bomb threats was contemplated as a deliberate tactic by protest movements to stretch police resources' (Battersby, 2017: 3). This episode revealed the willingness of the state to use a range of covert and overt tactics to deter behaviours it deemed unacceptable and maintain control. Work examining contemporary practices has shown that the public sector has increasingly come to rely on private security actors to support its ends (see Bradley and Sedgwick, 2010). This suggests the state has an interest in using social control mechanisms for deterrent purposes, but is wary of reputational damage, making indirect and covert tools attractive.

Environmental movement actors have not escaped scrutiny from the state and have been subject to covert actions to observe and disrupt their actions. In particular, groups engaged in more disruptive and radical actions that presented a more direct challenge to perceived economic interests have been targeted. Radical environmental groups are likely to receive more attention from the state, as they are more willing to breach accepted practices. Examining radical environmental actors in Australia opposing native forest logging and Japanese whaling, Cianchi (2015: 1) has argued that they:

> are willing to undertake what for most of us would be an unacceptable level of discomfort, disobedience and confrontation. Their tactics include forms of lawbreaking such as trespassing on facilities to record breaches of environmental laws and conditions, blockading entrances to logging coupes, locking themselves onto industrial equipment and placing themselves in small inflatable boats between whalers and their prey.

The level of commitment required to engage in radical action is therefore higher than most people are willing to bear, also limiting the effectiveness of standard deterrent practices, such as legal restrictions. However, the risk and hardship entailed in such actions potentially open the space for infiltrators to operate; as such groups are potentially more accepting of those apparently willing to demonstrate commitment. Where covert actions are successful, they

can have a more significant damaging effect on members and organisational cohesion, due to the risks and depth of commitment. Questions are also likely to be asked about 'strangers' and the potential threat to individuals of unintended disclosures, leading to greater enclosure and potential withdrawal (see Marx, 1974).

The effects of covert social control on radical environmental groups and the wider movement were demonstrated by the infiltration of Save Happy Valley (SHV). SHV emerged as a group opposed to the development of a coal mine on the remote West Coast of the South Island of New Zealand. The target of the action was Solid Energy, a state-owned enterprise (SOE) responsible for managing coal resource exploration and extraction (McClintock and Taylor, 2002). The first actions of the campaign involved 20 students hiking into the forest and attempting to set up camp in April 2004 before being chased off (NZPA, 2004). The subsequent campaign against the mine lasted until 2009. A more permanent occupation camp was established in April 2006 and remained until activists were evicted in April 2009 (*The Press*, 2009). In conjunction with the occupation, protests against the mine took place involving marches and gatherings at Parliament in Wellington (NZPA, 2006a) and through Auckland (NZPA, 2008). More radical actions involved temporary occupations of Solid Energy's offices in Christchurch (NZPA, 2005a; 2006b), blocking of coal transports (NZPA, 2005; NZPA, 2007) and a high-profile disruption of Solid Energy's AGM by entering dressed as Santa Claus, throwing pies and pouring coal (Hall, 2008). These actions placed SHV at the radical margins of the environmental movement and a clear target for deterrent actions.

The willingness of SHV activists to engage in disruptive actions of questionable legality and potential risk presented a challenge to the state. As arms length's bodies, SOEs have a greater degree of independence and are required to return an economic surplus. During the occupation it became apparent that one of the participants had been paid by Solid Energy to infiltrate the group and feed information back the enterprise (Hagar and Mussen, 2007). This was in line with subsequent cases involving other SOEs and findings by Bradley and Sedgwick (2010) regarding the use of covert private security companies to obtain information on protest groups. The effects on the actions of SHV were minimal, as they continued to maintain pressure on Solid Energy until the mine was granted final approval. There was an effect on

the wider movement, as information rippled outwards. Describing the feeling in the movement, one former activist argued 'the outrage was really quite visceral because it was such a betrayal of trust and a stripping bare of how vulnerable groups can be' (quoted in O'Brien, 2015: 793). The idea that the state and other actors were willing to use paid informants to gather information and potentially disrupt activities had a chilling effect on members of the movement, potentially deterring further actions by more moderate actors.

Alongside covert actions, the New Zealand state has the ability to introduce overt restrictions or guidelines that attempt to influence environmental movement actors. The democratic character of the state precludes outright bans, but does allow for more subtle forms of regulatory control. As noted above, the ability to deter actions is shaped by the character of the group concerned. Shifts toward institutionalisation and professionalization within social movement organisations (see Tarrow, 2011) mean that they are more vulnerable to such regulatory constraints. Van der Heijden (1999) identified this tendency as being linked to building and maintaining a sufficiently robust funding base to ensure organisational longevity. This can present a difficulty for groups that seek to challenge the status quo, as they encounter established interests (Dalton et al, 2003) and organised countermovements (Gale, 1986) that may threaten their continued viability. In attempting to deter such actors the state is able to rely on less contentious and controversial forms of control.

A clear example of attempts to deter certain activities can be seen in regulations governing classification of charities. The Charities Act (2005) introduced restrictions on the range of activities that could be undertaken, particularly political campaigning, with the loss of tax free status. Inability to register as a charity can have a significant impact on such groups, as their non-profit status makes them vulnerable to loss of income that may result. Greenpeace was a high profile victim of the change, as the Charities Commission refused to register them in 2010, on the basis that (Greenpeace New Zealand, 2014):

> although the bulk of Greenpeace's purposes and activities, such as the promotion of the protection and preservation of nature and the environment, were charitable, the promotion of disarmament and peace would not be charitable.

Challenging this decision through the courts, Greenpeace was granted the right to be recognised as a charity by the Supreme Court in August 2014 (Papatsoumas, 2014). Lee (2015) argues that the extent of the victory was tempered by the fact that public benefit must be generated from political activities. The challenge of this position is that it can be seen as limiting the extent to which such organisations can engage in disruptive behaviour without risking decertification. There are also less visible impacts on the movement, as organisations that rely on their charitable status may self-regulate to ensure they are not similarly threatened.

The state has also engaged in more direct forms of social control to limit disruption by social movement actors. Attempts to restrict protest actions targeting offshore oil exploration provides a clear example of how deterrent efforts can escalate over time. In March 2011 when surveys of potential oil deposits began in earnest off the East Coast of the North Island, Greenpeace and other actors formed a flotilla that travelled from Auckland to the coast near the exploration site. Following this display, a small group of boats remained in the area, disrupting the survey by putting swimmers in the way and generally attempting to prevent the normal operation of the survey vessel. The government responded by sending a naval vessel to assist police, leading to protest vessels being boarded and trespass notices issued and arresting Elvis Teddy, captain of the fishing boat *San Pietro*. The protest ended in May when the survey was complete and the ship left the area (see O'Brien, 2013a). The actions of the police hindered, but failed to stop the protest, showing the limits of control effects when faced with actions already underway.

Faced with the threat of ongoing actions targeting offshore oil drilling the state developed more comprehensive measures. In 2013 amendments to the Crown Minerals (Permitting and Crown Land) Bill were introduced to create tougher legal penalties for protest. Dubbed the Anadarko Amendment, after one of the companies involved in exploration, the amendment made it a criminal offence to interfere with or damage any ship or equipment involved in offshore mining, with a maximum penalty of 12 months in jail and $50,000 fine ($100,000 if corporate body). It also allowed for the creation of non-interference zones of up to 500 metres, with a fine of up to $10,000 for breaches (see McMenamin, 2013). The deterrent

effect of amendment is clear, as it significantly raises the risk of participation in protest, so that individuals and groups will be wary of the risks involved in facing such punishments. It also demonstrates the willingness of the state to use significant legal force to deter direct action against economic interests.

These three cases demonstrate the willingness of the state to use social control to protect its perceived interests. Radical actors, such as SHV and groups targeting offshore oil have faced more robust forms of social control given the more extreme character of their actions, but the resulting deterrent has a wider ripple effect. The discovery of a spy in SHV was a shock to the group, but served as a stronger deterrent on less radical actors, as it demonstrated the lengths the state could go if pressed. In a similar fashion, the legal restrictions on offshore oil protests directly impacted only a small part of the movement. However, it sat within a broader pattern of behaviour where the state attempted channel environmental action in acceptable directions. Participation and engagement with the state has increased over time, but as the experience of Greenpeace shows there can be limitations associated with greater access. Social control in this case acts as a deterrent by reinforcing the boundaries of permissible behaviour, although these remain partially obscured, potentially raising the costs of participation.

Conclusion

The purpose of this chapter was to examine the way in which covert and overt forms of social control can contribute to deterrence. Social movement actors draw on a range of behaviours that seek to challenge and disrupt the status quo. Contentious politics in this sense draws on identifiable values and expectations to present claims operating on the margins of what is tolerated. The legal nature of the majority of these actions means that the state is less able to resort to direct restrictions. Social control addresses this issue by providing the state with tools to coerce and channel such actors, defining the boundaries of what is tolerated. Overt actions focus on openly specifying these boundaries, through tools such as regulations and laws. By contrast, covert actions can be seen as an attempt to exercise social control from within, subverting or disrupting the actions of targeted actors. The deterrent effect results from the extent to which social movement participants are willing and able to bear the costs

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of action. This is compounded by the degree of uncertainty, as the costs of participation may not be immediately apparent.

The experience of the environmental movement in New Zealand has been used to provide an illustration of the operation of deterrent effects. The state has opened a space for non-state environmental actors, but has done so on terms that it has defined. Where groups engage in contentious politics that deviates from what is tolerated it has been willing to use both cover and overt forms of social control. Radical actors have been challenged by infiltration and punitive legal regulations that have attempted to restrict their ability to operate. More mainstream groups, such as Greenpeace, have also faced restrictions on what they are able to do, with costs associated with deviating from tolerated forms of participation and activism. The forms of social control exercised are carefully calibrated to ensure that they do not overstep the mark and conform to the normative standards prevalent in society. Rather than banning groups, the state has sought to restrict their behaviour on the grounds of public interest, safety and other acceptable terms. The more significant impact of social control falls on the wider environmental movement, as the perception of robust actions by the state serves as a deterrent, raising the costs of participation in contentious politics.

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References:

Aminzade, R. and D. McAdam (2001) 'Emotions and Contentious Politics', pp. 14–50 in R. Aminzade, J. Goldstone, D. McAdam, E. Perry, W. Sewell, Jr, S. Tarrow and C. Tilly (eds) *Silence and Voice in the Study of Contentious Politics*. Cambridge: Cambridge University Press.

Battersby, J. (2017) 'Terror Where Terror is Not: Australian and New Zealand Terrorism Compared', *Studies in Conflict and Terrorism*, ifirst. doi: 10.1080/1057610X.2017.1287501.

Boykoff, J. (2007) 'Limiting Dissent: The Mechanisms of State Repression of the USA', *Social Movement Studies*, 6(3): 281-310.

Bradley, T. and Sedgwick, C. (2010) 'Policing Beyond the Police: A "First Cut" Study of Private Security in New Zealand', *Policing and Society*, 19(4): 468-92.

Carson, J. (2014) 'Counterterrorism and Radical Eco-Groups: A Context for Exploring the Series Hazard Model', *Journal of Quantitative Criminology*, 30(3): 485-504.

Cunningham, D. (2003) 'State versus Social Movement: FBI Counterintelligence Against the New Left', pp. 45–77 in J. Goldstone (ed.) *States, Parties and Social Movements*. Cambridge: Cambridge University Press.

Cunningham, D. and Browning, B. (2004) 'The Emergence of Worthy Targets: Official Frames and Deviance Narratives Within the FBI', *Sociological Forum*, 19(3): 347-69.

Cunningham, D. and Soto-Carrión, R. (2015) 'Infiltration' in J. Duyvendak and J. Jasper (ed) *Breaking Down the State: Protestors Engaged*. Amsterdam: Amsterdam University Press.

Dalton, R., Recchia, R. and Rohrschneider, R. (2003) 'The Environmental Movement and the Modes of Political Action', *Comparative Political Studies* 36(7): 743-71.

Davenport, C. (2017) 'Performing Order: An Examination of the Seemingly Impossible Task of Subjugating Large Numbers of People, Everywhere, All of the Time', in K. Morgan and A. Orloff (eds) *The Many Hands of the State: Theorizing Political Authority and Social Control*. Cambridge: Cambridge University Press.

Downes, D. (2000) 'The New Zealand Environmental Movement and the Politics of Inclusion', *Australian Journal of Political Science*, 35(3): 471-91.

Earl, J. (2004) 'Controlling Protest: New Directions for Research on the Social Control of Protest', in D. Myers and D. Cress (ed.) *Authority in Contention*. Bingley: Emerald Group Publishing Limited, pp.55 - 83

Earl, J. (2003) 'Tanks, Tear Gas, and Taxes: Toward a Theory of Movement Repression', *Sociological Theory*, 21(1): 44-68.

Endres, D. and Senda-Cook, S. (2011) 'Location Matters: The Rhetoric of Place in Protest', *Quarterly Journal of Speech*, 97(3): 257-82.

Evans, E. (2016) 'Bearing Witness: How Controversial Organizations Get the Media Coverage They Want', *Social Movement Studies*, 15(1): 41-59.

Gale, R. (1986) 'Social Movements and the State: The Environmental Movement, Countermovement, and Government Agencies', *Sociological Perspectives*, 29(2), 202-240.

Goldstone, J. and C. Tilly (2001) 'Threat (and Opportunity): Popular Action and State Response in the Dynamics of Contentious Action', pp. 179–194 in R. Aminzade, J. Goldstone, D. McAdam, E. Perry, W. Sewell Jr, S. Tarrow, and C. Tilly (ed.) *Silence and Voice in the Study of Contentious Politics*. Cambridge: Cambridge University Press.

Greenpeace New Zealand (2014) 'Greenpeace Win Supreme Court Battle', August 6 http://www.greenpeace.org/new-zealand/en/press/Greenpeace-Win-Supreme-Court-Battle/ [accessed 24 November 2017].

Hager, N. and Mussen, D. (2007) 'I Was Paid to Betray Protestors', *Sunday Star-Times*, 27 May.

Hall, K. (2008) 'Solid Energy Boss Dodges Stunt', *The Press*, 25 November.

King, M. (2013) 'Disruption is Not Permitted: The Policing and Social Control of Occupy Oakland', *Critical Criminology*, 21(4): 463-75.

Kousis, M. (2004) 'Economic Opportunities and Threats in Contentious Environmental Politics: A View from the European South', *Theory and Society*, 33(3): 393-415.

Kousis, M., della Porta, D. and Jimenez, M. (2008) 'Southern European Environmental Movements in Comparative Perspective', *American Behavioral Scientist*, 51(11): 1627-47.

Lee, R. (2015) 'Charity Without Politics? Exploring the Limits of "Politics" in Charity Law', *Journal of Civil Society*, 11(3): 271-82.

Lidskog, R. and Elander, I. (2007) 'Representation, Participation and Deliberation? Democratic Responses to Environmental Challenge', Space and Polity 11(1): 75–94.

MacLean, M. (2010) 'Anti-Apartheid Boycotts and the Affective Economies of Struggle: The Case of Aotearoa New Zealand', *Sport in Society*, 13(1): 72-91.

Marx, G. (1974) 'Thoughts on a Neglected Category of Social Movement Participant: The Agent Provocateur and the Informant', *The American Journal of Sociology*, 80(2): 402-42.

McAdam, D., Tarrow, S. and Tilly, C. (2001) *Dynamics of Contention*. Cambridge: Cambridge University Press.

McClintock, W. and C. Taylor (2002) 'Business Ownership in Natural Resource Dependent Industries in New Zealand', paper prepared for the 9th International Symposium on Society and Resource Management, Indiana University, Bloomington, 2–5 June.

McMenamin, M. (2013) 'Protest at Sea: An Analysis of the Crown Minerals Amendment Act 2013', LLM Research Paper, Victoria University Wellington, http://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/3405/thesis.pdf?sequence=2 [accessed 24 November 2017]

This is an Accepted Manuscript of a chapter published by Springer in A. Filippidou (ed.) *Deterrence: Concepts and Approaches for Current and Emerging Threats*, 141-55. Springer. [ISBN: 9783030293666] on 3 February 2020.

Meyer, D. (2003) 'Political Opportunity and Nested Institutions', *Social Movement Studies*, 2(1): 17-35.

Meyer, D. and Minkoff, D. (2004) 'Conceptualizing Political Opportunity', *Social Forces*, 82(4): 1457-92.

Morgan, K. and Orloff, A. (2017) 'Introduction: The Many Hands of the State', in K. Morgan and A. Orloff (ed.) *The Many Hands of the State: Theorizing Political Authority and Social Control*. Cambridge: Cambridge University Press, pp 1-32.

NZPA (2004) 'Protesters Occupy Proposed Mine Site', *New Zealand Press Association*, 13 April.

NZPA (2005a) 'Cold and Rain May Drive Coal Protesters Away', *New Zealand Press Association* 7 March.

NZPA (2005b) 'Protesters Lock Themselves to Rail Line – Stop Coal Trains', *New Zealand Press Association*, 13 August.

NZPA (2006a) 'Save Happy Valley Protesters Take to the Streets of Wellington', *New Zealand Press Association*, 4 November.

NZPA (2006b) 'Anti-Mining Protesters Target Solid Energy Headquarters', *New Zealand Press Association*, 15 February.

NZPA (2007) 'Two Arrested Over Anti-Coal Mining Protest on Chch Railway Line', *New Zealand Press Association*, 29 April.

NZPA (2008) 'Climate Change March to Begin on January 28', *New Zealand Press Association*, 19 January.

NZPA (2010) 'Mining Protest Digs in at Parliament', *New Zealand Press Association*, 30 March.

O'Brien, T. (2017) '"Cut Pollution, Create Jobs? Yeah, Nah": Partisan Effects on Environmental Protest in Aotearoa New Zealand', *Political Science*, ifirst. doi: 10.1080/00323187.2017.1387032

O'Brien, T. (2015) 'Social Control and the New Zealand Environmental Movement', *Journal of Sociology*, 51(4): 785-98.

O'Brien, T. (2013a) 'Fires and Flotillas: Opposition to Offshore Oil Exploration in New Zealand', *Social Movement Studies*, 12(2), 221-26.

O'Brien, T. (2013b) 'Fragmentation or Evolution? Understanding Change within the New Zealand Environmental Movement', *Journal of Civil Society*, 9(3), 287-99.

Offe, C. 1985 'New Social Movements: Challenging the Boundaries of Institutional Politics', *Social Research*, 52(4): 817–68.

Papatsoumas, N. (2014) 'Greenpeace Wins Right to Register as Charity', *New Zealand Herald*, 6 August.

This is an Accepted Manuscript of a chapter published by Springer in A. Filippidou (ed.) *Deterrence: Concepts and Approaches for Current and Emerging Threats*, 141-55. Springer. [ISBN: 9783030293666] on 3 February 2020.

Rodgers, K. (2010) '"Anger is Why We're All Here": Mobilizing and Managing Emotions in a Professional Activist Organization', *Social Movement Studies* 9(3): 273–91.

Rootes, C. (2007a) 'Environmental Movements', in: D. Snow, S. Soule, & H. Kriesi (eds) *The Blackwell Companion to Social Movements.* Malden: Blackwell.

Rootes, C. (2007b) 'Acting Locally: The Character, Contexts and Significance of Local Environmental Mobilisations', *Environmental Politics*, 16(5): 722-41.

Sewell, W. (2001) 'Space in Contentious Politics', in R. Aminzade, J. Goldstone, D. McAdam, E. Perry, W. Sewell, S. Tarrow and C. Tilly (eds) *Silence and Voice in the Study of Contentious Politics*. Cambridge: Cambridge University Press.

Smellie, P. (2013) 'At Sea with "Anadarko Amendment', *Stuff.co.nz* April 10, http://www.stuff.co.nz/business/opinion-analysis/8536316/At-sea-with-Anadarko-amendment [accessed 7 September 2017]

Tarrow, S. (1993) 'Cycles of Collective Action: Between Moments of Madness and the Repertoire of Contention', *Social Science History*, 17(2): 282-307.

Tarrow, S. (2011) *Power in Movement: Social Movements and Contentious Politics* (3rd ed). Cambridge: Cambridge University Press.

Taylor, B. (2008) 'The Tributaries of Radical Environmentalism', *Journal for the Study of Radicalism*, 2(1): 27–61.

The Press (2009) 'Group Brings Protest to City', 24 April.

Tilly, C. (2008) *Contentious Performances*. Cambridge: Cambridge University Press.

Tilly, C. and Tarrow, S. (2007) *Contentious Politics*. Boulder: Paradigm.

van der Heijden, H. (1999) 'Environmental Movements, Ecological Modernization and Political Opportunity Structures', *Environmental Politics*, 8(1): 199-221.

Vicari, S. (2015) 'The Interpretative Dimension of Transformative Events: Outrage Management and Collective Action Framing After the 2001 Anti-G8 Summit in Genoa', *Social Movement Studies*, 14(5): 596-614.

Walby, K. and Monaghan, J. (2011) 'Private Eyes and Public Order: Policing and Surveillance in the Suppression of Animal Rights Activists in Canada', 10(1): 21-37.

Zald, M. (1978) 'On the Social Control of Industries', *Social Forces*, 57(1): 79-102.