

The right to protest

As Quebec erupts over plans to increase tuition fees by the equivalent of £200, and twelve people (including Professor Joshua Clover) who protested against a campus bank at University of California–Davis begin a trial that could see them imprisoned for eleven years and fined \$1 million each, what of the scores of people arrested during the UK student and public-sector protests of late 2010 and early 2011? Anyone who has ever had to deal with the glacial pace of British ‘justice’ will not be surprised to learn that, a year and a half on, some trials are yet to take place and that the personal and institutional fallout for many of the individuals charged and imprisoned has been severe. Yet there are signs that the CPS decision to repeatedly use the second most serious public order charge ‘violent disorder’, which carries a maximum five-year sentence, is beginning to backfire: of the dozen or so protesters who recently pleaded not guilty to the charge relating to Millbank and the 9 December 2010 protest (the day the £9,000 fee increase was voted through), all but one have been acquitted, including several following retrials (and for one poor individual after their *third* retrial).

There is a feeling among defence lawyers involved that judges are increasingly frustrated by having to deal with serious charges that in practice amount to little more than throwing a lightweight banner stick or pushing a barrier, where no one has been injured: given that just 3–5 per cent of criminal cases (the most serious) are tried in the Crown Court, the gross disparity between the seriousness of the charges brought and the actual allegations of which protesters stand accused is becoming ever more obvious. The political nature of the vindictive mass use of the charge of violent disorder, also evident in the huge number of riot charges, a proportion of which involved the same charge, demonstrates that the government is out for revenge on behalf of the ‘public’, even as prisons are full to bursting point.

More than a hundred charges were brought against protesters following the four main student demos. Of those who pleaded guilty or were found guilty by a jury, custodial sentences of 6–32 months were handed out. Early high-profile cases – Edward Woollard, who pleaded guilty to throwing a fire extinguisher from

the roof of Millbank; Charlie Gilmour, who made the mistake of having a famous stepfather; and first-time protester Frank Fernie, who got a year’s sentence for throwing two placard sticks – provided the media and the government with useful scapegoats. Much was made by the judges of the ‘deterrent’ element of such lengthy jail terms. But what has become obvious, particularly with the less publicly visible cases, is the way in which protesters are being punished several times over: often injured by police during the protest, then charged, spending months awaiting trial, tried, sent to prison, released and then forced to face humiliating para-legal committees set up by the very universities and colleges which the student had been fighting to preserve. This ‘punishment by violence’ aspect is particularly grotesque in the widely reported case of Alfie Meadows, the Middlesex Philosophy student who underwent life-saving surgery on the day of the fees protest after being hit by a police baton, was later charged with violent disorder, and is currently awaiting retrial in October after a jury failed to convict him in April this year.

The stress of awaiting trial and living with the real threat of jail is obviously difficult enough for defendant, friends and family alike, but afterwards to have to face ‘criminal conviction committees’ and similar bodies at educational institutions, with no guarantee of being allowed back to study, adds a further punishment that one would imagine most academics would want to resist (and as for those who eagerly volunteer to sit on such committees, a special place in academic hell surely awaits). Several successful campaigns to highlight this potential academic penalty – one that also makes a mockery of any idea of the ‘rehabilitation’ dimension of state punishment – have been waged in recent months, with petitions and meetings organized at Sussex and Kingston universities, among other places, where the threat of students going into occupation to protest the exclusion of fellow students appears to have put the frighteners on managers terrified that any bad publicity might impact on student numbers under the new fee regime. The NUS, which under Aaron Porter (now a higher education consultant) had refused to support any protest after Millbank, has substantially improved its position, going so far at their recent

conference to pass a motion that included the claim that ‘excessive punishing of protesters and “exemplary” sentencing are devastating to those individuals’ family and friends and are designed to intimidate others from protesting in the future’ and that ‘the best way to defend the right to protest is by protesting’. The UCU and the NUS have also called for a public inquiry into the arrests and violence used against demonstrators and ‘an inquiry into the overcharging of protesters’ and, perhaps more significantly in terms of where the struggle might go next, have called for ‘universities to be places of political asylum’.

Waves of occupations in recent years over Israel’s bombing of Gaza, the threatened closure of departments (early occupations in 2010 at the universities of Sussex and Middlesex were key here), the fee increase and cuts to arts and humanities funding have once again revealed the campus to be a serious site of political contestation. This time around the increasing privatization and securitization of the contemporary campus, combined with the desperation of universities to secure high-paying students and avoid negative press, perhaps make the campus an even more complex nexus of forces than it was in the 1960s. The banning of protest at Birmingham and Sheffield universities in recent months is a worrying sign, as is the proposal circulating at various institutions to use police officers as security guards on campus (this was thankfully vetoed by teaching staff at Goldsmiths). The already existing instructions for teaching staff to monitor and report Muslim students exhibiting any signs of ‘fanaticism’ to the authorities were extended to incorporate ‘domestic extremists’ under a broader definition. On a related note, counter-terrorist police were heavily involved in the investigations and arrests of student protesters from 2010 onwards. Such arrests are often used partly as information-gathering exercises, as the revelation of ‘protester databases’ have revealed, after students and others started to receive letters *before* protests, warning them not to engage in criminal behaviour: Big Brother is watching you. Back on campus, some management-circulated instructions as to what to do in the event of a student occupation were as bizarre as they were chilling: ‘do not try to reason with them ... do not engage them in political discussion’.

The attack on protest and protesters, and the specific punishment of individuals, students and non-students alike, is of course part of a larger global scenario in which angry populations take to the streets to protest against austerity measures and their impact. Speaking with reference to the rushed Bill 78 in Montreal that

seeks to impose restrictions on protest, but also in relation to the global situation more broadly, Judith Butler recently stated:

Some would even say that those kinds of laws that prohibit assembly and free speech on grounds of state security are emblematic of fascism. I’m not saying we live in a fascist society, but I am saying those are the hallmarks. So it’s extremely important that these kinds of legal decisions not become normalized or accepted as reasonable.

The crackdown on protest, and the mass criminalization of protesters, whether on student marches, TUC demonstrations or following the riots, is unsurprising at a time when the ruling classes are doing their best to consolidate their power by explicitly forcing others to shoulder the economic and moral blame for a crisis those others did not create. Recent proposals to cut sections of the police force surprised some who remembered Thatcher’s improvement of police pay and conditions in the months before she called upon them to attack the miners, but as a prelude to the privatization of elements of the force this should not come as too much of a shock. Serious concerns about the accountability of a privatized police force have been raised, but as many of the families fighting for justice for the lives of those who have died in police custody are all too aware, the pre-privatized police are already extremely unlikely to be held responsible for their actions. (The last successful prosecution related to a death in custody was in 1969, when two officers were charged with the death of David Oluywale, the first black man to die in police custody in the UK.) The first-hand experience of police violence by many of the protesters (along with kettling, horse charges and other tactics designed to make protesting as unpleasant as possible) has no doubt led to a greater awareness of the systematic nature of state violence, and there is much urgent work to be done on linking up protest and student organizations with families and communities fighting for justice for their loved ones and against the daily racist harassment by police using stop and search and other antagonistic tactics.

The NUS have called another protest for the autumn: the new fee regime comes into effect at the same time, with many universities apparently at risk of going to the wall. Whether students can once again form part of a greater mobilization against austerity in the name of toppling an unstable coalition government remains to be seen. But the protests and the state reaction to them have provided serious and important, if depressing, lessons for the immediate political future.

Nina Power

The Quebec student movement boils over

The Quebec student strike that began in February has exploded into a broad popular movement following the passing of an Emergency Law that criminalizes any spontaneous gathering of more than fifty people. Popularly referred to as the ‘Truncheon Law’ (*Loi matraque*), this effort to stifle public protest has had the opposite effect, producing social upheaval unmatched since Quebec’s ‘Quiet Revolution’ of the 1960s, and broadening the debate around access to education to one around the privatization of what remains of the Commons in general.

Since the beginning of the strike students have organized demonstrations and engaged in creative direct action, ranging from painting entire government buildings red to liberating swarms of locusts in private business schools; from playful street theatre to detonating smoke bombs in the subway. This last provoked enormous controversy: the media began to categorize striking students as ‘terrorists’ and internal debates around appropriate tactics proliferated. With the end of semester approaching, a minority of students in certain schools obtained injunctions forcing classes to resume, but striking students and their parents blocked the doors and professors refused to teach. During the same period, another threshold was crossed: after a march convened in Montreal one evening, people continued to march every night since – now thirty-seven nights in a row. This nocturnal ‘snake-march’ with its spontaneous trajectory is despised by the authorities because it weaves around in fickle ways, annoying drivers and

successfully evading police. The new emergency law (Law 78) specifically criminalizes such spontaneity.

As soon as Law 78 came into effect, however, the intensity and spontaneity of rebellion increased. Many student groups immediately announced their intention to defy the law. A march pre-planned in Montreal for a few days later – 22 May, the hundredth day of the strike – attracted almost 400,000 people who marched against Law 78 as well as in support of student demands. By the following midnight, the police had kettled and arrested over 700 protesters. In response, an idea ripped through social media networks: if it is illegal to demonstrate, let’s stand on our balconies and bang pots and pans at 8 p.m. every evening. This tactic, traditional in Latin America – called a *cacerolazo* – is largely unknown in Quebec. The next day, not only did people make noise on their balconies but they went out, accumulated on corners, and when they grew to groups of forty-nine persons (just under the new ‘legal’ threshold) they began to walk around in the middle of the streets. Dozens of small noisy marches, including children, senior citizens and people in wheelchairs as well as the standard crowd of young people, covered the city, rendering the new law effectively unenforceable – and thus ridiculous. Throughout the week the phenomenon spread throughout the province, and every day the clanging crowds continued to grow larger.

It’s worth mentioning that those days also marked the first week of hot weather in Montreal. Anyone who has lived in the city knows that we go from six months



of sub-zero temperatures to 30 degree sunshine in a few short weeks; this year's spring fever has been even more intense than usual. By Saturday the *marches de casseroles* in Montreal were thousands strong (nobody seemed to care any more about the fifty-person limit). Many marches ended up bumping into each other and ultimately coalesced into one enormous crowd of 40,000 people, all of whom were banging on one thing or another and screaming as loud as they possibly could. Sometimes they screamed the already classic slogan 'We don't give a shit about your Special Law!' (*On s'en colisse de ta loi spéciale!*), and sometimes they just screamed cries of joy. Danceable rhythms rose out of the racket, and even cars that had been stuck in the mess for over an hour honked along happily with the emergent beats. People who lived along the way set up speakers outside and blasted music to complement it all, which the drumming crowd immediately echoed. Everyone was either dancing, laughing or crying in a trance of collective euphoria, some tearing their clothes off and skipping down the street completely naked. Whichever theoretical flavour you choose – 'eros', the 'carnavalesque', 'communitas' – one thing is certain: the police, following at a distance, looked completely terrified.

On a more serious note, autonomous neighbourhood general assemblies have formed in at least four neighbourhoods (probably more). These assemblies, which are taking place in parks, are not organized by or for students but rather among citizens concerned about our civil liberties being revoked, and are spawning debate about a wide range of social issues as well as creative plans to resist Law 78.

To understand why all this is unfolding so forcefully, it helps to understand the history of Québécois resistance – a cultural reservoir that fuels the current militancy. During the 1960s Quiet Revolution, which transformed Quebec society and furthered the development of a Québécois national identity, the demand for affordable French-language education was a central issue. The proposed 82 per cent tuition increase not only threatens access to education for most students, but is an affront to deeply held Québécois values. Ever since its Quiet Revolution, Quebec has had the most socialized welfare state among the Canadian provinces. The history of Québécois resistance has always involved a unique blend of nationalist sentiment and class struggle, because francophones were historically kept in a subordinate class position on the basis of their language. The current movement is

thus characterized by a bizarre pastiche of anarchist and nationalist symbolism that would otherwise be impossible to understand.

Understanding the organizational structure of the student movement is also key to understanding its staying power. Students are represented by one or another of the traditional institutional unions, but over 100,000 students also form part of CLASSE (la Coalition Large de l'Association pour une Solidarité Syndicale Étudiante, ASSE), a broad coalition of student groups that have joined up with ASSE, the most militant of the student federations. CLASSE is not a hierarchical institution but rather a horizontal network of student associations and collectives that are articulated together via weekly General Assemblies where decisions are made democratically, with respect for a 'diversity of tactics' (those familiar with the global justice movement might recognize CLASSE as a sort of 'spokescouncil'). The government doesn't understand CLASSE's organizational logic and is infuriated by the resilience of this leaderless network. The media try to drive a wedge between the 'good protestors' and the 'violent protestors' of the CLASSE. The authorities are afraid of CLASSE – as perhaps they should be.

Whereas the traditional unions simply seek a tuition freeze, CLASSE has maintained an explicitly anti-capitalist position throughout the strike and demands free education for all. CLASSE links the current predicament faced by Québécois students with that faced by students in Chile and other countries undergoing neoliberal austerity measures, and proposes to fund education via a bank tax, starting at 0.14 per cent and increasing to 0.7 per cent over five years.

With his Law 78 having failed so magnificently, Quebec Premier Jean Charest once again had to enter into negotiations with students – which are again breaking off without a resolution as this issue goes to press. Unless the government concedes to a tuition freeze – and even if they do – it's hard to imagine a return to business as usual any time soon because the current unrest now concerns much more than tuition. Many think the only course of action the Liberal Party has left to try to reclaim some legitimacy is to call an election, and hope for an outcome similar to the one that helped stifle the May '68 protests in Paris. Whatever happens, this creative and tenacious social movement in Quebec is making waves that will echo for years to come. The pot is already boiling over and it will be difficult to put a lid on it.

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