



PROTEST AND PUNISHMENT: AN INTRODUCTION

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The criminalization of dissent has been a common feature of neo-liberal governance in the current period of capitalist globalization. It has accompanied various structural adjustment and free trade policies as the required force to impose such programs on unwilling publics. Police violence has been a constant feature of alternative globalization demonstrations. Examples of escalating state attacks on opponents of global capital include tear gas attacks, use of rubber bullets and concussion grenades, illegal searches and seizures, surveillance, and beatings of demonstrators. At the same time demonstrators have developed new repertoires of protest practice, including acts of violence and combat. Yet these engagements of escalation (as police and protesters adapt to each other's actions) have been understudied and undertheorized in recent social science works. *Protest and Punishment: The Repression of Resistance in the Era of Neo-liberal Globalization* offers an effort to advance current debates and discussions.

Criminalizing Dissent in Liberal Democracies: An Overview

Few events reveal the social constructedness or relativity of deviant labels and criminalization processes like political actions, demonstrations and "riots," and the policing practices associated with such events. Policing demonstrations and protests is also one of the most controversial and politically charged aspects of police roles. Indeed, even understandings and representations of the character and cause of so-called riots are politically contested and constructed. For police and government authorities, demonstrators or protesters are unequivocally and unquestionably responsible for initiating riots and bear responsibility





for any and all violence that results therefrom. In addition, riots and protests are understood as largely or entirely negative events that threaten social order. On the other hand many protesters speak of “police riots” to denote their view that the political protest took a violent turn or became a full blown riot largely, or exclusively, through unjustifiable actions of the police. For many protesters, riots are always precipitated by aggressive, violent, illegitimate, or intrusive policing practices, impeding rights to assembly and expression. Even more, for political organizers protests, even riots, may be viewed positively, as legitimate expressions of dissent or necessary challenges to authority, injustice, or exploitation maintained within the status quo. Rather than events to be feared, such actions might be welcomed as part of the process of social change.

A fundamental difference between liberal democracies and more totalitarian regimes is that liberal democracies are expected to be more tolerant of dissent and protests. Totalitarian regimes, conversely, approach all dissent and protest as potentially or inherently criminal. In totalitarian or authoritarian states the police, state militias, and even private paramilitary groups exhibit consistently repressive and typically violent approaches towards dissent and protest.

At the same time, in liberal democracies, police, a privileged sector of society as the holders of a monopoly on violence in society, those who carry deadly weapons, have a particular responsibility to maintain self-control and control of their fellow members. It is expected that special training in riot conditions can limit violence inflicted by police on civilians. Additionally, those jurisdictions in which expectations of police accountability are high and civilian oversight of police strong are expected to endure fewer instances of police violence against demonstrators. Police riots can contribute to a divide between civilians and police and encourage distrust of police.

Critical theorists view policing of demonstrations as a manifestation of class struggle. Such theorists argue that policing emerges with nation states to protect the material and social interests of powerholders. Policing of protests emerges where powerholders seek to control and regulate other groups. For proponents, police work to defend social order and protect all citizens alike from crime.

Overview

Political demonstrations occur for various reasons, including lack of access to political and/or economic decision-making channels, dissatisfaction with ruling elites or authorities, desire for social transformation, or more simply





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to register dissent with ruling practices publicly. Demonstrations can be directed towards radical, even revolutionary, ends such as the overthrow of a state or property owners, as in the revolutions in France and Russia that overthrew the feudal order of landed property and governance. They can also be more modest in character mobilized towards less dramatic ends, as when people seek social reforms or policy changes or simply seek to display publicly their disagreement with rulers or governments.

Demonstrations also take on a variety of forms. They can vary in terms of duration, intensity, range of activities involved, levels of organization, aggression, motivation, and composition of participants and supporting groups. They can involve participation from different backgrounds, often working class, peasantry, poor people, religious groups, ethnic and racial minorities, and even disaffected members of elite groups.

Some demonstrations are relatively spontaneous, unplanned, and brief. This can occur in immediate response to the passage of a particular piece of legislation or a court decision that is viewed as unsatisfactory. It can also occur where workers respond to notice of impending job loss or workplace closure. Most are planned and organized and address longer standing grievances, concerns, or economic or political policies and practices.

Protests often reflect a gap between goals and opportunities or between expectations or hopes and people's means to achieve those goals. Protests and riots occur where there is a sense that social change cannot, or can no longer, be achieved through discussion, debate, and democratic dialogue. Government or police responses that seek to prevent or crack down on public expressions of dissent will often intensify those expressions, giving rise to riots, violence, rebellion, even revolution.

Conventional political protests in the contemporary period in Western liberal democracies rarely involve acts of violence or property destruction. Direct action protests, which have become more prevalent in the period of globalization, do involve the targeting of specific corporations or symbols of corporate power, as in the attacks upon Starbucks's coffee shops and Nike stores during the Seattle protests against the World Bank meetings in 1999.

The special term "police riot" is often used to describe confrontations between police or other security forces and civilians in which police aggression or the use of disproportionate or improper force against civilians triggers a violent response or leads civilians to physically defend themselves against police. The term police riot is also used to describe a civilian riot sparked by a police attack on civilians or cases in which police acted as agents provocateur to initiate aggressive actions by civilians. One such attempt received notoriety during demonstrations against meetings involving business leaders and the



governments of Canada, the USA, and Mexico over the proposed Security and Prosperity Partnership (SPP) in Montebello, Quebec. There it was revealed that members of the Quebec Provincial Police acted undercover to infiltrate a protest and attempted to provoke peaceful protesters to throw rocks at police. The plan was spoiled by a vigilant union organizer.

Police riots, or perceptions that a riot was initiated by policing practices, can lead to more widespread violence and even retaliation against authorities. In specific cases, such as the Soweto Uprising in South Africa, police riots have been responded to by community violence and the collapse of state order more broadly. In Toronto, after the June 15th 2000 police riot, membership in the direct action group that organized the protest grew by the hundreds.

The term police riot is avoided by public officials, who dismiss it, since it suggests that police have acted in a way that encourages violence, threatens public order and the safety of civilians and may, in fact be criminal. Civilians and police often offer widely divergent interpretations of such events and disagree over the legitimacy of police use of force.

Contexts with lower degrees of police oversight and control and more aggressive policing, and histories of policing, experience riots more frequently. Riots typically require both aggressive protesters and aggressive police. Riots have been more common in the United States, continental Europe, and Latin America than in countries like Canada or Sweden.

The way in which demonstrations or political mobilizations or riots are handled and controlled greatly influences whether full scale riots will result from a precipitating event. Social regulation breaks down and new forms of sociation and collective sentiment among rioters emerges, supportive of riotous activities. As a result there have been shifts towards more tolerant, softer forms of policing in some Western democracies although more aggressive forms of policing have characterized recent anti-globalization protests.

Police and military partake in the escalation of violence from their side. In the US, cities with fewer riots were those with more racially integrated police forces. Race riots are typically sparked by incidents involving police in a minority neighborhood. Usually there is a real or perceived misconduct or act of aggression by police in the area.

Even with regard to looting in specific riots, most acts of looting and community violence were not random or "senseless" but in fact were directed at businesses that had histories of cheating or taking advantage of the local residents. The Kerner Commission investigating race riots in the 1960s in the US noted that almost every such eruption in the US in the 1960s and 1970s was sparked by a specific act of police violence in communities that had long suffered under such violence for generations. Despite this, the riots of the 1960s

were used as justification for the militarization of policing in local areas. A similar process has occurred in the context of alternative globalization demonstrations and calls for tighter security and policing of such demonstrations.

The vast majority of people regularly conform to social norms or rules and social expectations or conventions. Notions of normalcy and morality are supported by various social, cultural, political, and economic sanctions. Ongoing socialization engenders habitual responses to authority that favor deference, respect, and acquiescence. To break through layers of socialization requires significant shifts in perception and consciousness. Given levels of injustice, corruption, exploitation, inequality, and oppression, it is perhaps surprising that protest, rebellion, and resistance are not more regular features of social life. Even more curious is the relative infrequency of occurrences in which ordinary people challenge authorities and political or economic elites. Even fewer are those who directly resist the undertakings of governments in a forceful manner.

Given the inhibition experienced by people in violating even minor or insignificant social rules or conventions it is clear how difficult resisting the demands of the state might be. It requires courage, conviction and a sense of possibility or feasibility, purpose, or effect. One must overcome internal as well as external barriers to action.

Much research suggests that social structuring emerges within protests and riots such that participants develop their own moral sense, or what the sociologist Emile Durkheim calls a *conscience collective*, a set of shared values, priorities, and even beliefs. Thus myths and rumors can be taken up by riot participants to justify involvement in riots and to explain why a riot started in the first place. This *conscience collective* can express a strong “us versus them” sentiment in which protesters come to view opponents harshly as enemies to be contested and overcome. For activists, resistance to the state or police as representatives of state authority can be viewed as conforming to a higher moral or ethical standard. It is viewed as part of the process of broader social transformation and positive social change.

Interestingly, this “us versus them” sentiment is also a well researched, long recognized and commented upon characteristic of police subcultures. Thus harsh actions by police can initiate a cycle of escalation as each side reinforces “us versus them” sentiments, increasing solidarity and a sense of aggrievement both among protesters and police.

Policing demonstrations can contribute to a sense of social cohesion and group identity on both sides. Often it is the presence of mass and/or aggressive policing that spurs protesters to become more militant or aggressive themselves. It can play into the constitution or identification of “us versus them”



sentiments in which police and protesters harden within oppositional stances. One part of policing riots is working to communicate to dispel the rumors that can spark riots. Policing practices that are not attentive to and aware of this *conscience collective* can escalate violence or aggression within riots by violating the sense of solidarity and self defense within rioters. For protesters, even peaceful demonstrations can be spurred into riots when police act over zealously or irresponsibly.

Punishing Protest: An Ongoing History

Police have, since the earliest days of modern policing, regularly been deployed to disperse striking workers and break up picket lines. Much research shows that during the nineteenth century many of the gatherings against which police were deployed that were identified as “riots” were actually simply gatherings of striking workers. Targeting of such “riots” was clearly more than an issue of public order. Rather the suppression of strikes offered examples of policing to benefit economic elites. Police strikebreaking under the guise of riot control was an effort to defeat working class resistance to employers.

The first modern police forces in the US were developed in urban centres in the industrialized northeast. Their main emphasis was “maintaining urban order” in the face of class conflict as cities grew through waves of migrants seeking employment. In American history numerous cases show that local business people have had influence, even control, over directing police against striking workers. The earliest forms of policing in the southern US involved so-called “slave patrols” dating back to 1712 in South Carolina. The function of these patrols was to maintain discipline over slaves and prevent slave riots. Black people caught violating any laws were summarily punished.

State forces were formed to deal with striking workers. The Coal and Iron Police were created in Pennsylvania in 1866 to control striking coal and iron workers. In 1905 the state formed a state police agency for use in strikebreaking. These official state forces gave a legitimacy to strikebreaking that private security, which lacked state authorization as keepers of the public order, could not claim. Strikebreaking and union busting have also been a function of private police and security, most notably reflected in the history of the Pinkerton agency. In July 1934, striking longshore workers were involved in several engagements with police who attempted to break the strike. In response to the killing of two picketers by police, area unions initiated a general strike of all workers in the area. The result was the “Big Strike” of San Francisco. During the 1945 strike of United Auto Workers members against Ford in Windsor,



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Canada, picketers prevented police from dispersing the picket line to open the plant by creating a vehicular barricade surrounding the factory with parked cars, taxis, and buses.

The extensive and often militant social and political struggles of the 1960s impelled states to re-think methods of social control. The transformation of urban police forces from community forces managed at local levels in towns and cities in America to militarized forces organized along national lines and standards related to changes during the 1960s in which “law and order” became a matter of national politics. Much of the impetus for this change came from the visible social conflict and protests of the 1960s, beginning with civil rights marches and boycotts and followed by anti-war movements and student protests. The period of conflicts included the numerous urban uprisings and so-called “race riots” against racism in cities such as Detroit, Washington, D.C., and the Watts area of Los Angeles.

Anti-war demonstrators opposing the Vietnam War frequently clashed with police and were subjected to baton blows, tear gas, and mass arrests. Typically police claimed the protesters were rioting. The most infamous of clashes between anti-war/student protesters and police came during the mass protests during the August 1968 Democratic Convention in Chicago. National television coverage showed shocking instances of protesters run down and beaten severely by police. One protester was killed during the conflict. The violence in Chicago radicalized many in the movements who now viewed America as a police state rather than a functioning democracy and led to militant factions splitting from the main student organizations such as Students for a Democratic Society. Some went underground to wage violent campaigns against government targets through groups like the Weather Underground.

Images of the violent policing of civil rights marches, as under Bull Connor’s forces in Birmingham, caused American society and foreign audiences to recoil, providing an impetus for others to join the movement and leading to calls for restraint on local police and transformations in the structure of society itself. The use of police dogs and water cannons against non-violent protesters, consisting largely of regular citizens from the local community, rather than militant activists and organizers, shifted public opinion against police and southern governments and reinforced protesters’ claims of injustice, racism, and inequality.

The most common recommendations were an expansion of the numerical size of police forces and the militarization of police through provision of advanced technology, weapons, and training. Key in the expansion of police power in the US was the LEAA (Law Enforcement Assistance Administration) which was organized to extend policing along national lines through new tech-



nologies and strategies. Due in part to LEAA policies, military technology and weaponry, originally developed for use in warfare, were developed throughout police departments in the US as police organization adopted a largely paramilitary character.

Demands for greater democratization and equality have been met by conservative calls for a “moderation of democracy” and the use of police to stifle growing social movements. Part of that response has been the reconstruction of police forces and policing to maintain public order while limiting popular mobilization.

The period of alternative globalization protests has seen a number a dramatic clashes between police and protesters. The protests against the WTO in Seattle in November 1999 gained the nickname “The Battle in Seattle.” Demonstrations in Quebec City (2001), Genoa (2001), Miami (2003) and London (2009) have seen running street battles between demonstrators and police. The Genoa and London protests also saw the death of civilians due to police actions.

Practices of Punishment

States and ruling elites have a range of strategies, tactics, methods, and techniques to control, constrain, discourage, and defuse resistance or opposition from non-elites or citizens. Police have at various points, in dealing with demonstrations, played upon the moral inhibitions people feel in resisting state demands. In specific contexts, such as anti-poverty demonstrations in Toronto, Canada since at least 2003, police have approached elderly demonstrators and parents with younger children present, questioning their responsibility and judgement by virtue simply of their being present at a political demonstration. In addition, police have suggested that participants might be at risk of violence or physical harm. Even more, police have, as in Toronto, threatened parents with loss of children and the possible intervention of children’s service agencies, if parents remained at the demonstration site with their children.

Some demonstrations can be defused simply by providing a contained space in which they might occur. People can gather, blow off steam, feel a sense of empowerment or public engagement and then disperse. Attempts can also be made to police demonstrations ahead of time by warning organizing groups of police intentions to be pro-active in making arrests. More recently, particularly as part of policing alternative globalization demonstrations, pre-emptive arrests have become more regular features of policing demonstrations. Police will often attempt to infiltrate groups and influence the planning and or-



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ganizing for actions in a way that is less likely to be militant or threaten social order.

Police and security forces use a range of riot control measures to contain, disperse, discourage, or arrest civilians involved in protests or riots. Typically less lethal weapons, such as batons and clubs have been used initially to disperse demonstrations or crowds. During the alternative globalization demonstrations since the 1990s, riot police have made regular use of pepper spray, tear gas, rubber bullets, tasers and mounted police on horses. During the Quebec City demonstrations in 2001 against the meetings of the Organization of American States (OAS), police regularly ran through crowds with water cannons to cause them to disperse. In addition thousands of canisters of tear gas were fired into neighborhoods near the meeting sites to disperse crowds. During the alternative globalization protests in Genoa, Italy in 2001 police used armoured vehicles to disperse crowds. They also fired live ammunition at protesters, striking and killing Carlo Giuliani.

Typically riot police wear protective equipment such as riot helmets with face visors, body armor, and occasionally gas masks, where tear gas or other such agents are to be used. Usually they carry extended riot batons and large plexiglass riot shields. This equipment is designed to protect officers from direct contact as well as thrown objects such as bottles, rocks, and marbles. The equipment also provides ballistic protection.

In the era of globalization protests, police have moved from attempting to restrain protesters directly by using traditional means such as batons, riot squads, and pepper spray, which failed during the Seattle protests of 1999 and the demonstrations against the IMF and World Bank in 2000, to develop containment strategies prior to demonstrations occurring in events of global bodies such as the World Bank or WTO. During the protests against the Organization of American States (OAS) in Windsor, Ontario in 2000, a security fence closed off several city blocks around the convention center at which meetings were scheduled to take place. Official delegates were flown to the meeting site by helicopter from Detroit. Protesters who approached the fence were then pepper sprayed. The fence, sealing off several city blocks around the convention site, re-appeared as a crowd control technique during the 2001 protests against the OAS in Quebec City. There, protesters were bombarded by thousands of canisters of tear gas over three days of demonstrations. Rubber bullets were also deployed.

Indeed in recent years the policing of riots and demonstrations has undergone a substantial transformation in a very short period of time, as police and activists engage in a dialectical process of preparation, response, and innovation in relation to each other's actions and expectations of action. During al-



ternative globalization protests, activists have begun to expect or anticipate heavy police use of force, including tear gas and rubber bullets. As a result many have taken to dressing themselves in (often elaborate) homemade armor, including hockey pads and equipment, army surplus helmets, and shields fabricated from garbage can lids. Some have created suits of rubber inner tubes to protect from baton blows. Swimming goggles to protect against pepper spray and gas masks to guard against tear gas have become staples of activist attire.

Commentators and observers have suggested that many of the recent protests against corporate globalization have involved police riots. During the 1999 protests in Seattle against the World Trade Organization (WTO), riot police used rubber bullets, clubs, and massive quantities of tear gas to disperse and subdue peaceful protesters, many of whom were sitting down.

A 2009 inquiry report into policing of the G-20 meeting protests in Britain concludes that senior police officers risk losing the consent of the British public unless they abandon misguided approaches to public protests that are considered “unfair, aggressive and inconsistent.” The report of Her Majesty’s Inspectorate of Constabulary (HMIC) calls for a softening of the policing approach and advocated an “approachable, impartial, accountable style of policing based on minimal force and anchored in public consent.” The report argues that public order training should be overhauled, with a new emphasis on educating the 22,500 officers trained for protests in communication and diplomacy rather than in riot scenarios. Additionally, use of forward intelligence teams (FITs) who follow, film, and photograph protesters, then identify activists and retain filed information in databases raises fundamental privacy issues and should be reviewed.

Protecting Power

For critics, policing of demonstrations provides a mechanism for elites, those who control wealth and resources, to suppress attempts by non-elites to re-distribute wealth and resources. Such policing provides a powerful agency for maintaining inequalities of wealth and power in class societies. Critical theorists ask whose order is being maintained and what does this order look like in terms of inequality, liberty, freedom, or exploitation? In the view of critics, policing of protests reinforces and extends unequal class structures in society by focusing on activities predominantly of the poor and working class rather than the activities of elites, such as corporate crime, pollution, ecological destruction, or workplace injustice.





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It is not coincidental that historically the most aggressive policing has occurred during demonstrations organized and participated in by working class and poor people and racialized minorities, including indigenous people in the US and Canada. Only with the anti-war protests of the 1960s was such aggressive policing deployed against middle class or privileged students. During the alternative globalization protests of the twenty-first century aggressive policing has been directed at diverse groups, reflecting the plural composition of those movements, consisting of a range of participants acting together.

Policing of demonstrations reinforces existing unequal property rights and the limited political processes of parliamentary democracy as the preferred or privileged form of political expression. Forms of politics outside of such legitimized, and hierarchical channels, are treated as deviant, threatening, or even criminal. Very early in their history police were deployed by capital to harass picket lines and break workers' strikes. The strikes were a response to exploitation and economic deprivation yet police were not deployed against employers to end such harmful conditions. Police strikebreaking protects the interests of industrialists. Such actions serve to break working class resistance to the power of capital. Use of police to break strikes also defines collective organizing and assembly by workers as a criminal, rather than economic or political, act.

Protesters are presented by police as dangerous individuals who belong to fringe groups or are disaffected members of society and pose a threat to society's "normal" functioning or way of life. In some cases terms like "professional protesters" are used to disparage organizers and suggest they are not raising legitimate concerns but rather acting out of self-interest. All actions are called into question by focusing on the most extreme and aggressive members as being typical of the movement as a whole. In Toronto, the former Chief of Police identified direct action anti-poverty groups as "terrorists" and attempted to make simple membership in the groups illegal.

For some critics, governmental or state violence against demonstrators or political opponents is viewed as an act of state terrorism, designed to strike fear into potential protesters, dissidents, or even observers. Such aggressive policing and state violence is intended to send a message to future activists that political demonstrations will not be tolerated.

Public focus on policing can serve to shift attention toward technical processes and tactics, rather than the pressing need to expand social justice and end inequalities. For protesters there is the concern that riots will provide police with an opportunity to crack down, and even inflict violence, against protest organizers who have long been targeted for repression or retribution. Criminalizing protests is a method that states and ruling elites use to maintain power,



status, and authority, sustain existing social structures, and control opposition or rebellion.

Police have the authority of the courts and criminal justice system, and often government, to support and sustain their definitions of situations, a privilege that is not available to protesters. Charges of participating in a riot or counselling to riot are often laid against protesters. Such charges are not laid against police, regardless of their actions before, during, or after the outbreak of a riot.

Onward

The works collected in *Protest and Punishment: The Repression of Resistance in the Era of Neoliberal Globalization* examine developments in the repression of resistance in the neo-liberal context. They examine shifts and transformations in state approaches to dissent from early developments in the last decades of the twentieth century through to the present period of capitalist globalization in the twenty-first century. Through a discussion of a variety of protests and movements in different national contexts (Canada, Netherlands, US, UK) this collection offers a unique perspective on key practices and policies that mark neo-liberal governance and changing visions of citizenship and the accompanying shifts in economic and cultural structures in the current age. The works in this collection are based on contributions from engaged scholars, most of whom have direct firsthand experience in the protests that they analyze. The collection offers insights into the complex struggles that underpin the present period through an extensive and diverse examination of protests and punishment in the global era.

