

“Seconds Out, Round Two”: An Attempt to Analyse Non-Peaceful Protest, and the Extent of Reasonable Disagreement Regarding its Use

Any adequate analysis of the use of non-peaceful direct action – i.e. the causing of physical damage to property, thus eliciting the potential of violent confrontation with the coercive power of the state (in the form of police or possibly even military) – must divide into at least two sub-components, which are, however, necessarily and intimately interconnected. I label these the “analytic” and “strategic”, and address them in turn, though division is necessarily somewhat artificial.

Analytic

Under this heading I consider the bare principle of whether citizens may damage property – and elicit potentially violent confrontation with the state’s forces – as part of a political protest against the policies of an incumbent government. I take the answer to be straightforwardly that at certain times, in certain circumstances, such action may be justified.

This is for the reasons broadly set-out in my original post, and which I stand by. Namely, that it is possible for a government to pursue policies which are so detrimental to the interests and well-being of citizens that those citizens are entitled to resist non-peacefully. I will broadly steer clear here of using the controversial and emotive label “violence”, both regarding acts of vandalism by protestors, and of what a government may do to (sections of) a citizenry via its policies, which may not however involve the (direct) use of jackboots and truncheons. Instead, I simply make the claim that if (sections of) a citizenry find that their interests are intolerably threatened by a government, then they may retaliate, with the aim and purpose of forcing the government to abandon – or at least ameliorate – its policies.

Importantly, I do not propose to (be able to) set a threshold for *when* citizens may non-peacefully protest. I take it that a) it is not possible to set such a threshold *a priori*, that b) it is *pointless* to attempt to set such a threshold *a priori*, as what matters is when *citizens themselves* judge things to have gotten so bad that they choose to act non-peacefully, and yet that it is c) nonetheless self-evident that at *some point* citizen-interests may be sufficiently threatened such that no reasonable person could deny an entitlement to non-peaceful protest in attempts to safeguard those interests.

Point c) needs clarifying. Although I cannot – and do not wish to attempt to – demarcate a threshold above which non-peaceful resistance is justified, I take it that 1) such points can be reached and 2) there is no inherent reason why governments in western democratic societies cannot reach those points (though they may be less likely to do so than other forms of regime). To expand: imagine a (fanciful) society in which the government of the day enacted a law which decreed that the first born of each family in a given sub-territory would be taken into slavery. The interests of families and of the first-born (as well, perhaps, of wider communities) would be dramatically threatened – and it seems obvious that they would accordingly be entitled to resist the government’s actions, and to resist them non-peacefully, especially if we also further assume, for argument’s sake, that no *peaceful* measures could possibly succeed. I take it that no reasonable person would disagree with this, because the only alternative to non-peaceful resistance in this (fanciful) thought experiment is for families to passively sit-by as their first-born are enslaved. (As for those – if they exist – who

would continue to adhere to non-reasonableness as I have labelled it on my schema, I simply have nothing further to say to them as they do not fall within the level of political exchange that I can tolerate. This line of argument is not addressed to their views and concerns; they are outside the “discourse” of politics within which I conceive it possible to purposefully engage. I trust, however, that this will encompass relatively few readers, especially when any lingering worries about political *process* are addressed below).

This example is, of course, extremely fanciful. I use it only to make the point that some things that governments may do are so bad that forcible resistance can (obviously) be justified. I do *not* mean to say that this is some sort of minimum-threshold example. Government policies which are less (but still substantially) damaging to the interests of citizens may nonetheless still be considered as sufficiently threatening to the point of legitimating methods of non-peaceful resistance. Of course, deciding *which* cases do and do not qualify will be (inherently) controversial. This is a matter of political *judgement*, about whether or not the threshold of harms has indeed been reached, as well as of judgement for the individuals directly affected both in terms of harms-incurred, and of successful *strategy* worth pursuing (more on which below). Cases at the margin will be contested, and probably ferociously.

As for point 2), I again take this to be acceptable to all reasonable people, though I suspect it is likely to be more controversial. The most obvious – and oft-heard – objection to the use of non-peaceful protest in western nation states is that it goes against the norms and mechanisms of *democracy*. For example, it might be argued that non-peaceful protest is never justified in a democracy, because the social settlement in a democratic state provides explicitly for the *non*-use of violence, such that citizens have agreed to pursue politics at the ballot box, and at the ballot box *only* (or almost only; issue-campaigning, private lobbying, joining of parties and pressure groups etc. excepted, as being supplementary or constituent activities to the democratic process). The line of objections I am considering, however, claims that: the use of non-peaceful protest in a democracy is illegitimate *ipso facto*, just because of the fact it *is* a democracy being considered.

I take this argument to fail for two sets of reasons. However the first set rests on a controversial understanding of democracy; it can therefore be jettisoned by those possessing more “ideal” views of the processes and mechanisms of politics in Western democratic nation states. The second set of considerations I take to be nonetheless decisive, even if taken alone.

The first (controversial) argument is that modern mass democracy in Western nation states is sufficiently non-ideal so as to defeat any claim that non-peaceful protest is ruled out *ipso facto* by the mere existence of democratic structures. For I take it that the systems of rule we currently experience are founded upon histories of class-privilege and exploitation that were ultimately established to safeguard the rich and privileged from the poor and destitute. Ours are societies founded upon violence, and maintained by the continued threat of violence by the agencies of the state. As Adam Smith remarked when reflecting on the historical foundations of society:

“some have great wealth and others have nothing, it is necessary that the arm of authority should be continually stretched forth, and permanent laws or regulations made which may ascertain the property of the rich from the inroads of the poor, who would otherwise continually make incroachments upon it, and settle in what the infringement of this property consists and in what cases they will be liable to punishment.” (*Lectures on Jurisprudence*: Feb 22, 1763)

Furthermore, the system of government we experience today is not one of the “people” ruling in any identifiable sense. It is a system of rotation between (usually extremely wealthy) political elites who vie for the balance of favour amidst a tiny number of crucial voters, in turn returning parties to government based on wildly general (and frequently broken) manifesto pledges representing programmes of government so eclectic and enormous it cannot be said that the “people” have seriously endorsed any such a thing. Given that I take what we call “democracy” to be in fact rule by rotated elites, I find the claim that non-peaceful resistance against the policies of such elites can never be justified to be bizarre, and due more to a romanticised and unrealistic understanding of “democracy” than to any rational analysis of the conditions of real-world government and politics.¹

Yet this view is controversial, so I do not rest my case upon it. Instead I make the more straightforward point that just because a government is elected via democratic mechanisms, it does not follow either that it is somehow incapable of harming the interests of (some) citizens beyond a tolerable point, nor that those citizens lose any entitlement to resist non-peacefully simply because a government harming their interests was selected via a certain form of (electoral) mechanism. If a government – democratic or otherwise – enacts policies that are sufficiently damaging to the interests of (some) citizens, I take it to be obvious to reasonable people that those citizens are entitled to resist non-peacefully if necessary. What is *not* (always) obvious is when the threshold for non-peaceful resistance has been breached in any particular instance. And again, I admit that is a matter of judgement and therefore likely to be of (extreme) controversy in any particular instance. But to continue to claim regardless of the above that non-peaceful resistance is “never” justified in a democracy is in fact to miss a major point of *why* democratic government is usually desirable in the first place: that it leads to and secures (amongst other things) the respect and protection of citizens. When democratically-based governments fail in this crucial aspect, they lose a large component of their underpinning legitimacy, justification and the very grounds upon which they deny the entitlement of citizens to use force instead of the ordinary democratic channels of political communication and action alone. To fail to see this is to fall into a form of process- or system-worship, whereby the *reasons* for preferring democratic processes and systems are abandoned in favour of an infatuation with processes and systems themselves.

Thus far I take myself to have sketched the grounds for accepting the following (basic) claim as obvious to all reasonable people: that governments may harm the interests of citizens, and that citizens may resist that harm non-peacefully at certain times. Of course, the question of *when* that harm-threshold is crossed becomes paramount. But I repeat: that is a matter of case-specific judgement, and we cannot say in advance of any actual context and circumstance in which to judge. For what it is worth, I believe that the policies of the present Coalition government are in the process of crossing the line in terms of harm to (some) citizens, and thus non-peaceful action in retaliation, with the aim of halting or ameliorating the current Coalition policies, is likely to be justifiable in terms of a reaction to harm-inflicted. Others will disagree. I accept that it is *reasonable* for them to so disagree; because the core analytic point I am making here – that non-peaceful resistance *can* be justified – is not the same as saying that, on Wednesday, it necessarily *was* justified. Reasonable people may well say that the relevant harm thresholds have not yet been

¹ Which is not to say that I oppose modern mass democracy. I do not. It is quite clearly the best system of politics and government yet tried. But that is no reason not to see it for what it really is.

breached (or, further, that non-peaceful protest was likely to have worse *consequences* – though again more on that below).

However, before turning to the question of “strategy”, some final points in relation to and based upon the above need to be addressed. Many responses to my original piece complained that d) I would not support direct non-peaceful action against other targets or for other causes (e.g. against the Labour Party HQ, or in the name of racist bigotry), and that e) I was opening the door for mob rule.

Charge d) is misplaced. Whilst it is true that I may not support *particular* instances of the use of non-peaceful force – say against Labour HQ, or in the name of bigotry – this simply means precisely that in *those* instances I would oppose the use of direct non-peaceful action. This does nothing to undercut my *general* position that sometimes non-peaceful action is justified, nor my case-specific judgement that *on Wednesday*, in relation to the policies of *this* Government, non-peaceful direct action was indeed probably justified as a reaction to harm-about-to-be-incurred.

As for charge e), my response (in addition to the above) is that mob rule is a perennial danger in any political society. It is true that I would not *like* it – and no right-thinking person should – if government were dictated-to by pitch-fork wielding hordes. But I take one of the key functions of government to be to create circumstances in which pitch-fork-wielding hordes do not arise. The control of violence by the state is, after all, one of its basic functions. If such hordes are arising, then a political society is in serious trouble. But to suggest that a belief that citizen use of non-peaceful force can sometimes be justified in turn opens the flood-gates to mob rule, is to employ a somewhat implausible picture of how prone citizens are to demand direct power over decision-making at the point of a pitch-fork, and of the similarity between non-peaceful *protest* and the coercive position of an armed and angry rabble able to dictate terms to a (by implication, seriously weak) government. In short, the idea that endorsing some acts of non-peaceful protest either opens the flood-gates to mob rule, or is somehow synonymous with endorsing mob-rule, is simply implausible, and can be dismissed.

Strategy

I take myself to have established that it is reasonable to hold that citizens may use non-peaceful means to resist – or attempt to influence or dissuade – governments that are harming their interests sufficiently. The question that now arises – intimately connected to the question of *judgement* repeatedly encountered above – is whether the use of non-peaceful protest can be justified in terms of a systematic policy, *chosen* and *consistently pursued*, in order to exert pressure upon a government.

In order to get an adequate grasp of this (very challenging) question, we need to delineate two possible circumstances, one of which does not apply to Britain at present and one which probably does. However, there is likely to be no *firm* point of demarcation between these two situations (and within the broad sketches I will draw there will in reality be enormous variation). And again, deciding when a country is in one or the other (or neither) of these rough situations is a matter of judgement, about which reasonable people may, again, disagree.

The first situation I wish to consider is one in which a government (democratic or otherwise) systematically attacks the fundamental interests of (a group of) citizens such that (some of) those citizens organise themselves in a concerted manner so as to resist that attack, and resist it consciously and with full meditation. Examples of this might include South Africa under apartheid, the situation of blacks in the American South in the 1950s, and (more controversially) the occupation of the West Bank and the Gaza Strip by Israel, or (at the far less extreme end of the scale) mining communities in the Britain during Margaret Thatcher's battle with the National Union of Mineworkers.²

In these situations, organised resistance is likely to be directed by leaders of the group(s) whose interests are being attacked (whether directly or indirectly, whether by commission or by continued omission of recognition) by the government. In such a stand-off situation – which may well begin to approach something more like civil war, or secessionist struggle, though this will not always be the case, as the Thatcher example indicates – a decision will fall to the leaders of the threatened groups as to whether or not to pursue non-peaceful (and perhaps even overtly-violent) methods.

In this context it makes sense to talk of “strategy”; it makes sense to discuss whether a group (or the representative or sections of a group) would do well to direct members and associates to pursue non-peaceful action. Whether the answer is in the affirmative will depend heavily on contingent context-sensitive factors, and ultimately be a case of judgement for the people choosing to resist (though often in practice, for the leaders of a resistance-organising group). In some cases peaceful action may be pursued, and pursued successfully (e.g. Ghandi's policy of non-violence in India, and the non-violent strands of the Civil Rights Movement as when led by Martin Luther King). In others, non-peaceful (and even violent) options may be pursued, successfully or otherwise (the ANC in South Africa, and more controversially Hamas in Palestine).

Yet it seems to me clear that the situation faced by Britons today is *not* analogous to any of the above. At present, the harms inflicted by the Coalition are more *anticipated* than experienced. And there is no clear citizen-interest group(s) that is in a position to *co-ordinate* mass action against the government, opting to choose a policy of non-peaceful protest in resistance to government policy. Which is not to say that such a situation cannot arise. Indeed, it is arguable that such a situation precisely did arise in the Miners' Strikes of 1984-5. And crucially, in such a context, whether or not it is *strategically sound* for government opponents to use non-violent measures will become a matter of judgement for those involved. Yet it is also important to note that it is only in something like that sort of context that it will make any sort of sense to talk about *strategy* at all.

At present, we are not in a situation where it is possible to meaningfully discuss whether or not to use a “strategy” of non-peaceful protest. This is because the outbreaks of non-peaceful action seen on Wednesday were *spontaneous* (and indeed, *spontaneity* tends to be more a feature of “riots” proper than co-ordinated, pre-planned programme of non-peaceful direct action – a distinction I failed to draw in my original piece, but which perhaps is not so important after all). They were the non-coordinated venting of anger by students seized by rage of the moment. Now, one may lament that those students so-acted; one may think that given the negative coverage in the media that

² I should point out that I do *not* think these cases are straightforward or possess anything like moral equivalence. The point I wish to make is that it is at least *prima facie* plausible that they may be considered as *structurally* similar.

resulted their non-peaceful actions did more harm than good, not least by being liable to alienate public opinion. Conversely, one may believe (as I actually do) that the images of rioting splashed across the national media would have sent a useful chill down the spine of Coalition ministers. (My sense is also that politicians happily ignore peaceful demos as utterly quaint and untroublesome, and hence just ignore them. Tumults are altogether more troubling). Furthermore, the non-peaceful protest in Millbank was pretty much the only reason the demo got anything like the serious media coverage it did (as the media simply didn't bother to turn up until things were being smashed). However, this rapidly turns into an argument about consequences and likely outcomes, and nobody has final answers on that. Historians will have to decide.

But the point is that at present no group, or leader, is in a position to call for a *co-ordinated* use of non-peaceful measures against the coalition government. So in an important sense any talk of "strategy" is currently misguided. And I can now attempt to explain why I used the following sentence (which was pretty misleading, and in hindsight should not have been employed):

"British citizens should do it [non-violently protest] again and again, until our lords and masters understand."

This gives the impression of advocating a concerted, thought-out use of non-peaceful action to resist the Coalition's policies. In truth I do not think we are yet at the structural situation whereby this can be brought about by any organised group, or can yet be justified in terms of harm (definitely) done by this government to citizen interests (though I suspect both of those points may come sooner than many think – and I may well then decide, on balance, that non-peaceful methods are justified).

What I actually intended to convey (however misleadingly in practice) was the sentiment that if people are *angry enough to riot then things are getting very bad*, and that is something the government needs to have directly channelled back to it to ensure consideration of a policy change. More fundamentally: I take it that the vast majority of people prefer a quiet life. If significant numbers of them feel so angered as to destroy property and risk violent confrontations with the police, then that is indicative that lives are being seriously disrupted and interests seriously harmed. In such instances, the use of non-peaceful methods sends a vital communication to the government, and warns them that the policies being pursued are at the very least *dangerous* (in at least two senses), and in the eyes of the protestors, and those who support the protests, severely unjustified.

This is not a position about "strategy"; it is a position about the instrumental importance of spontaneous resort to non-peaceful methods – and how that is not necessarily a bad thing when recalling that such non-peaceful resistance may be a response to a real harming of people's interests by the government, that in justifies the use of non-peaceful action (though, again, reasonable people may disagree about whether this is in fact the case).

Conclusion

I take it that citizens may resist governments when their interests are sufficiently harmed by that government, and no reasonable person can deny this. However, deciding when this is in fact so is a matter of *judgement*, and reasonable people may disagree on this (and in practice, almost certainly will). To talk of *strategy* in the use of non-peaceful methods presupposes an organised capacity to enact and co-ordinate such a strategy. Deciding whether to employ such a strategy will be a matter

of judgement, both in terms of whether such a strategy of non-peaceful protest can be *justified*, and whether it is likely to *succeed*. Reasonable people can disagree about those things, too. However, there is another form of non-peaceful protest: the *spontaneous* form, as witnessed on Wednesday, and which is better characterised by the term “riot” than pre-planned non-peaceful direct action. It is *ipso fact* pointless to talk of “strategising” spontaneous non-peaceful protest. However, spontaneous non-peaceful protest also exhibits a relation to *judgement*, albeit judgement existing after the fact, i.e. relating to whether such a case of spontaneous non-peaceful action was justified in terms of a resistance to harms being suffered, and also from the perspective of whether that action was likely to succeed.

Clearly, one thing that emerges is that “judgment” is complex issue in these matters, and that its meaning and different application is going to impact not only how people decide, but what the nature of different options under consideration turn out to be, and how different people view them. Unfortunately, any attempt explore the concept of political judgement further is clearly far beyond the scope of this piece. Nonetheless, I hope that the above demarcation moves some way to mapping the terrain of the use and justification of non-peaceful protest. Or rather, what the terrain looks like *to me*, and where *I* take it people can have reasonable and unreasonable (or confused) differences about the use of non-peaceful protest.