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10. Protest Crowds and Police in the Context of Democracy

P.A.J. Waddington calls the policing of protest in democracies ‘intrinsically morally ambiguous: protesters are not criminals, but citizens participating in the political process; ... and conflict between protesters and the police tends to be a battle of moral equals in which both sides are seeking the approval of bystanders.’ (Della Porta, 23)

Within most democracies, there is now consistency around the figure of 90 per cent of protest crowds that take place without incident. There is an acceptance that the right to assemble for protest is essential to the functioning of a democratic government. There tend to be registration systems in place so that police get advance basic information about potential protest crowd activity. Many protesters look to police for advice around protest logistics. In many instances police play a helpful role.

For those whose reality means living and working in a non-democratic environment—totalitarian, dictatorial, fascist, Communist, under occupation, with a religious autocracy, or in a post violent conflict—this chapter puts into perspective the evolution of democracy and the drama of evolving new forms of governance. The significance is brought into sharp relief through the observations of the General in charge of the Police Academy of Sudan in Khartoum in 2003. In a conversation with Vern Neufeld Redekop about the importance of Community-Based Conflict Resolution, Third Party Neutral training and reconciliation, he remarked, ‘We have been training our officers to kill for the last few decades; we really need to develop new skills so they can deal with problems in ways that do not involve the use of force.’ However, lest Canadians or any others be smug, a priest friend tells the story of wanting to show a poster to President Bush a few years ago. He happens to be Ukrainian and the context was the Orange Revolution. The President was visiting Ottawa and had publicly announced plans to visit Moscow. The poster read, ‘Tell Putin to stay out of Ukraine.’ Our friend lived a few blocks from the motorcade route. He positioned himself at a spot where there was at least a chance the President might see his message. An Ottawa police came by and, talking in coarse language and with harsh terms, coerced my friend to leave his spot. The experience left him with a bad taste

in his mouth regarding the police. Even if for ‘security’ reasons he might have had to leave, the manner in which it happened revealed a forceful control paradigm attitude.

For those living in a democratic environment, this chapter is meant to show how important protest crowds and police have been in the evolution and maintenance of democratic institutions. It will also provide a vision for roles each might play in taking us to new forms of governance that transcend our current conceptions of democracy.

We will start by looking at the emergence and evolution of democratic institutions as a function of protest and policing. A comparison of protest policing within a number of different democracies will show how policing and democracy as institutions develop in counter point to one other. Finally we will look at protest and protest policing in the development of ever new forms of governance.

Protest and the Emergence and Evolution of Democratic Institutions

The very emergence of democratic institutions can be traced to protest. The American Revolution can be seen as a sustained protest event that turned violent. The protest was against the non-democratic hegemony of Britain over the Thirteen Colonies. Eventually it would take a military victory to decide the question. For several years after their victory, representatives of the Colonies met in Philadelphia to negotiate and write the Constitution of the United States. The protesters became the creative thinkers to design something new. The form of democracy upon which they decided was designed to minimize the possibility of a sustained tyranny. It did this through checks and balances and periodic elections. Later, amendments to the Constitution strengthened the institutions of democracy.

In France, the transfer of power from the king and aristocracy took place with the violence of the French Revolution. Security forces became complicit in the revolutionary movement. It was in part, the negative model of revolution that encouraged the English elites to make timely concessions to avoid something similar in England.

The emergence of democracy in England meant first a transfer of power from the Crown to the aristocratic lords, then a transfer from the lords to parliament and then increasing transfers of power from the upper and middle classes to the people. The transfers were and are not complete but

in relative terms, they represent significant changes. Each new reform in the process was preceded by protest. In the 1840s the Charter of the People focused the energy of diverse pockets of protesters around six demands for democratic reform discussed in greater depth in chapter two. Even though the Chartist movement was defeated in the short run, over time five of six of their demands became a reality. The evolution of democracy through the nineteenth century came as a result of a complex interplay among protesters who established a de facto right to protest, a form of protest policing that allowed for effective protest and calculated decisions to give in to some of the demands of protesters by the ruling elite.

In the 1830s there were strong protest movements in both Upper and Lower Canada. These were in reaction, once again, to the non-democratic hegemonic governance of Canada by Britain. These protests prompted the British, who had shown themselves responsive to protest demands back home, to put in motion processes that led to the emergence of Canada as a separate Federal, democratic state in 1867. Subsequently in the 20th century, democracy was strengthened when, in response to protests, women gained the status of persons and the right to vote. Eventually Chinese and other non European groups likewise gained the vote as did First Nations people who, for years were left out of the democratic equation. Many of them continue to feel left out and additional protests by Indigenous peoples in Canada can be foreseen in the years to come.

In Canada, some protest movements have been transformed into political parties which have come to power at the provincial level. During the 1930s, protests by labour over working conditions and the lack of rights for workers combined with protests over the lack of health care for the poor evolved into the Canadian Commonwealth Federation (CCF) which ran candidates for office and took control of the Saskatchewan provincial legislature under the leadership of Premier Tommy Douglas in 1944. The CCF was in the position of a protest group in charge of creating new policies. The result was a comprehensive Medicare system introduced to Saskatchewan in 1964. This became the model for the Canada Health Act which established Medicare across the country.

In the 1960s during which time there were global protests against colonialism, a protest movement against English dominance in Quebec evolved; one organization within this movement was the *Front de Libération du Québec* (FLQ). At its zenith in 1970 it resorted to violence,

including kidnapping and murder, and was violently repressed with the help of the Canadian Forces, but not before the death of one Quebec minister and the hostage taking of an international diplomat. Subsequently and in a much less violent mode, those who wished to see French Quebec gain mastery of its own future organized themselves politically and legally as the Parti Québécois which gained power in Québec in 1976. The Québec Province then succeeded in enacting language laws which had the effect of reversing the linguistic hegemonic structure, making French the dominant language. They also organized two referenda calling for Quebec sovereignty and a radically new relationship with Canada. Sovereignty efforts were not realized; however, social and political change in Quebec and with Canada did happen.

In Canada, the Mohawk protest around land rights in 1990 and the Oka/Kanesata:ke Crisis led to the Royal Commission on Aboriginal People. However, most of its recommendations were ignored by the Government and likely will continue to be until there is a significant enough protest on the part of Canada's Aboriginal peoples and those that stand in solidarity with them.

In recently formed democracies, public protests are 'related to deep-seated quality of life issues; employment, housing, education, representation in government political power that cannot be resolved until sweeping social, economic, and political changes occur.' (Kratcoski et al., 2001) In Zambia, for example, full democratic rights were granted in 1991, since then 'the country has seen a proliferation of civic organizations such as political parties, non governmental organizations, religious associations, cultural groups, trade unions and student bodies.' (Kratcoski et al., 2001) The shift from an authoritarian communist country to a war situation then eventually to a fledgling democracy involves the dramatic shift in the identity of the police. In Bosnia and Herzegovina (BiH) in 1996, the 45,000 police had been trained only as soldiers, were not distinguishable from the military and had a history of human rights violations (Vejnovic & Lalic, 2005). An International Police Task Force has been working since 1996 at training personnel in such things as human dignity and community policing, restructuring organizations, building institutions, and strengthening the role of parliament and civil society in the oversight of the police (Vejnovic & Lalic, 2005). The many facets of preparing BiH police to function in a democratic environment highlight what has already been developed over a long period of time in older democracies.

Some countries have particular challenges when it comes to protest crowds. In India, one of these is sanitation facilities and water; the police help by providing some of these services to crowds (Kratcoski et al., 2001). Given religious cleavages in India, it is important to find demonstration routes that do not pass temples or mosques. In most cities there is a demonstration area referred to as 'Dharna Sthan' where protest can happen and violence is avoided (Kratcoski et al., 2001). In Ghana the challenge for both civil protest and democratic development is that police can delude themselves into thinking that they can interpret and shape the law, resulting in the oppression and intimidation of law abiding citizens (Kratcoski et al., 2001).

Protest Policing in the Current Context

Governments are essentially conservative when it comes to forms of governance; they are risk adverse and will tolerate protest within certain limits. This leads to a number of ambiguities in the role of protest police within a democracy. There was an awareness of these ambiguities before September 11, 2001 and they increased significantly since.

One of the most eloquent expressions of the complex nature of protest policing before the terrorist attacks in the USA on September 11, 2001 comes from P.A.J. Waddington:

Mass action can be the defender or destroyer of democracy. Official repression can extinguish freedom and liberty or defend the weak and vulnerable. Liberal democracies must steer a precarious path between these opposing evils. In liberal democracies, those who repeatedly find themselves treading that path are the police. They in effect decide, within the law, the boundaries of freedom of protest. (P.A.J. Waddington, 1994)

Protest policing within democracies has been affected by those terrorist attacks. There is constant contingency planning for a terrorist dimension to large protest crowd events. In 2002, when Canada hosted the G-8 Summit, the venue was moved from Ottawa to Kananaskis in the Rocky Mountains of Alberta. The venue itself was made totally inaccessible to protesters and, because of the terrain, required protection by military troops.

In 2006 the G-8 Summit was hosted in Saint Petersburg where security forces repressed all protest, showing a combination of vulnerability and risk

aversion. This phenomenon of protest repression is the norm in countries around the world that have not yet established secure democracies.

Beyond Current Forms of Democracy

At this point, there are only a few isolated examples of policing moving into the Mutual Respect Paradigm. If anything, governments are even less comfortable than the police with this new paradigm. In reaction, protest movements who are determined to bring about change are prepared to push the limits in terms of disruptive tactics. Considering the fear in the air since the terrorist attacks on September 11, 2001 and the commitment by governments to use whatever means necessary to combat violence, the behavioural and geographic boundaries of what might be allowed before decisive strong armed tactics are used have been pushed back in the direction of increased safety for the targets of protest. Paramilitary organized crowd control paradigms are very strong even though they are camouflaged by discursive control tactics.

Nicholas Charney has argued that occidental democratic institutions contain within them latent violence (Charney, 2006). He uses the mimetic theory of René Girard and the memetic theory imbedded in spiral dynamics as developed by Beck and Wilber to make his point. He argues that the discourse of political parties in Canada represents the first Tier thinking of the less complex levels of consciousness (this corresponds to the Crowd Control and Discursive Management Paradigms). As such they include highly partisan non inclusive forms of rhetoric. Not only do parties attempt to make scapegoats of one another during election campaigns, the election victory of one party, which in Canada almost never represents a majority of the population, makes scapegoats of all the others since the winner gets exclusive rights to power. Charney argues that democratic institutions as they exist today are products of lower levels of consciousness. As the level of consciousness of populations increases, at a certain point there will be the emergence of new forms of governance that are more inclusive of higher levels of participation in decision making and hence higher forms of complexity.

Richard McGuigan has argued that individuals who function at a higher level of consciousness can handle complex conflict competently (McGuigan, 2006). For them, the conflict is an occasion for creative thought and the generation of new policies and practices that satisfy multiple parties. For

those who are willing to try, it is possible to integrate the positive aspects of diverse positions into something new—a whole that is greater and better than its parts. The orientation towards attempting this and the capacity to do it are indicators of a higher level of consciousness.

The Mutual Respect Paradigm coupled with a mimetic structure of blessing infusing the protest crowd–police relational system could be the beginning of the emergence of new forms of governance that reflect a higher level of consciousness, comfort with complexity, a willingness to exist for a time at the edge of chaos, and an openness to surprising insights that transcend the perspectives of any one party. Eventually political leaders who exemplify both a higher level of consciousness and a willingness to risk change will play a role.

The potential for these developments to occur is not without risk. However the risk of latent conflict turning violent if they do not occur may be greater. Any good goal, process and institution can be subverted in the interests of narrow partisan interests or of outright violence. The evolution of democracy has occurred gingerly in an effort to avoid a worst case scenario. The cautious warning of the chaos that would ensue should women be allowed to vote, for example, seems ludicrous at this point. But the subversion of democracy in the direction of tyranny and violence in Mugabe's Zimbabwe show that democracy in and of itself is not a panacea.

In the end, we conclude with a spirit of hope and optimism that a new paradigm will emerge to guide all of the stakeholders through the complex conflicts represented by protest crowds.

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