



University of
Southampton

Just/Unjust Riot

An Analysis of Militant Protest



Indicator 16.6.2 Proportion of the population satisfied with their last experience of public services



BACKGROUND AND CONTEXT

In the last 18 months there has been a significant uptick in the number of riots in the UK. This is an entirely predictable result due to the significant social disruption caused by the pandemic. In response to this the UK government has introduced a new Policing, Crime, and Sentencing Bill that contains many provisions to enhance policing powers around protests. The Bill has raised many questions amongst NGOs and activist groups about the impact this legislation will have on the right to protest in the UK. While the public usually draws a clear distinction between the democratic right to public protest and the illegitimacy of riots, my research demonstrates that in practice the divide between protest and riot has always been highly contested. Anti-riot legislation has always targeted political dissent. Therefore, enhanced powers for policing of public assemblies risks restricting UK citizen's rights to public assembly.

My research focuses on the long history of riots and protest in the UK – dating to the 1500s. Public order legislation has historically been introduced in response to social movements that are expressing legitimate social grievances ranging from demands for religious toleration in the 1500s to uprisings against excessive police harassment of minority youths in the 1980s. The current crackdown on protest through public order legislation is simply the latest instance of this historical tendency.

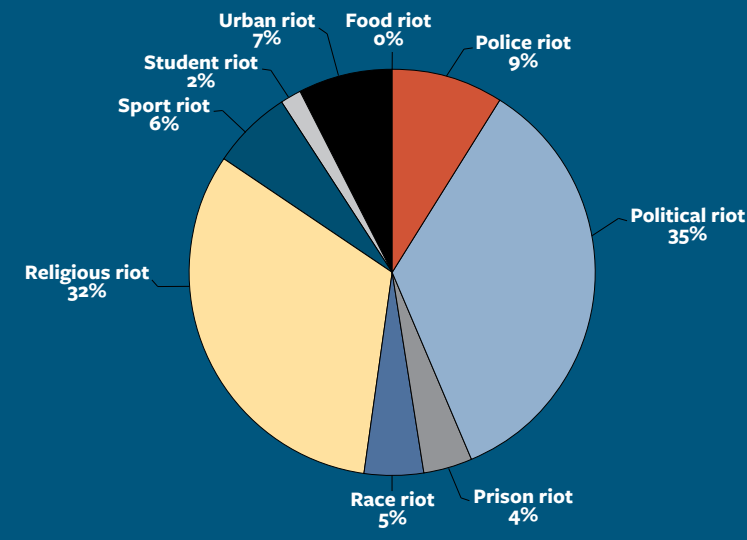
While riots in the popular imagination are spontaneous acts of crowd violence that threaten innocent bystanders, in practice most riots are organised protests of legitimate social grievances that have been criminalised by the authorities for political purposes. As such public order legislation represents a significant threat to UK citizens' rights to freedom of expression and public assembly. Public order legislation represents a form of collective punishment where an individual faces a criminal sentence merely for being part of a crowd, as opposed to most forms of criminal law where there is an individual perpetrator and a victim. These types of punishments have been used pre-emptively to punish non-violent protestors, and has a chilling effect on political dissent.

KEY FINDINGS

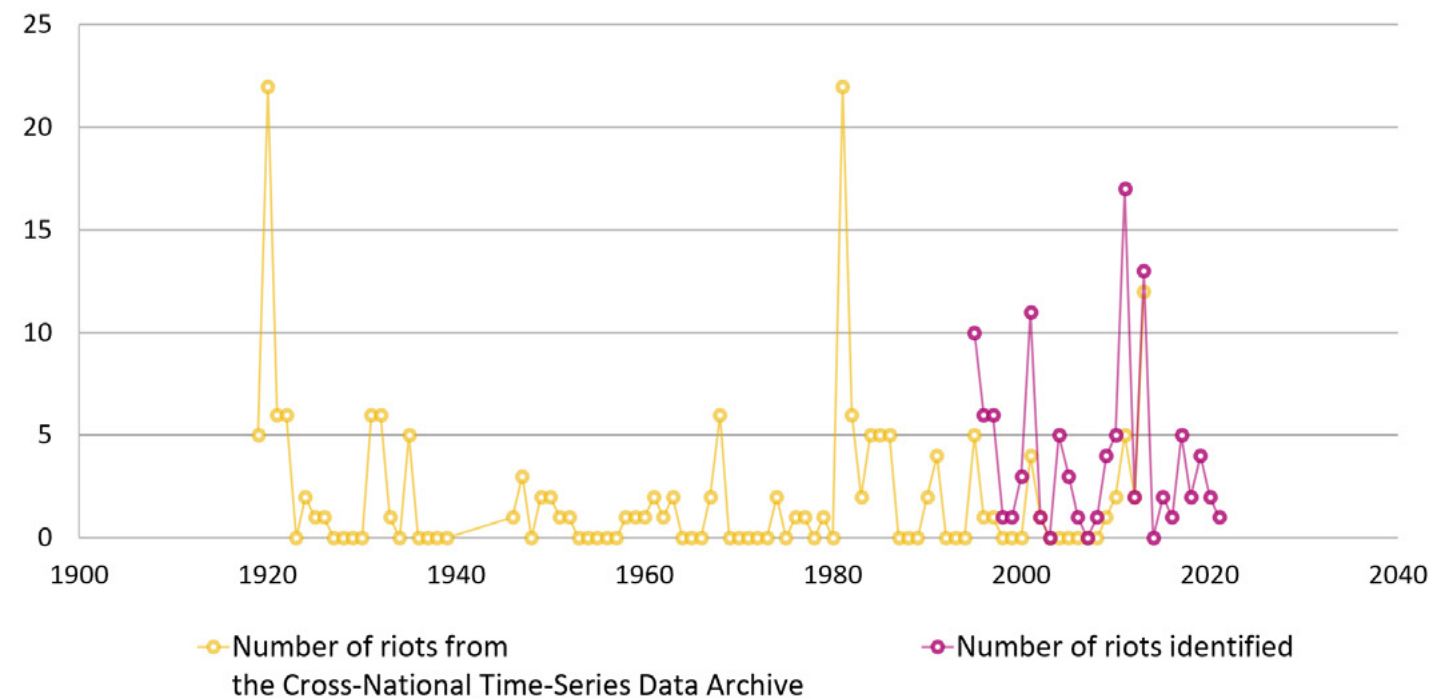
1. Riot control legislation is ineffective because it targets collective behaviour not individual crimes. Every significant piece of anti-riot/public order legislation from 1500s to the present has eventually been set aside because the authorities have eventually found the legislation unenforceable in practice. There have been two significant periods in English history (1640 – 1715) and 1920-1986 where anti-riot statutes have not been used by authorities. Instead, they have used other aspects of criminal law – such as laws against vandalism and physical assault—to punish rioters. The ineffectiveness of anti-riot legislation is due to two problems. First protestors will alter their tactics to comply with tactics banned in current legislation. Second in moments of significant mass protest the sheer size of the crowd becomes unmanageable for local police to control.

2. The reasons why riots have been outlawed have varied over time. Early modern anti-riot laws treated all forms of dissent from crown policy as treasonous. Protests that contested the policies of the monarchy were treated as riots. In the late 18th and early 19th century, the central concern with anti-riot legislation was on the size of the crowd. Laws focused on limiting the number of people who could meet in public for political purposes. It is only in the last 40 years that the focus of anti-riot legislation has been on the violent actions carried out by the crowd. The current Police, Crime, and Sentencing Bill focuses on criminalising non-violent tactics such as noise and static protests.

3. Government Must Respond Rather Than Repress Dissent. What has ultimately stopped periods of riotous upheaval is not criminalisation of crowd actions, but greater democratic participation and accommodation of the underlying grievance. Suppression of the rioters demands only ensures future riots and mass protests around those grievances. When democratic institutions have developed that permit feedback of critical demands by marginalized groups, riots have subsided. Recent spikes in mass protest and rioting can be partially attributed to backsliding in the responsiveness of political institutions to the demands of marginalised groups.

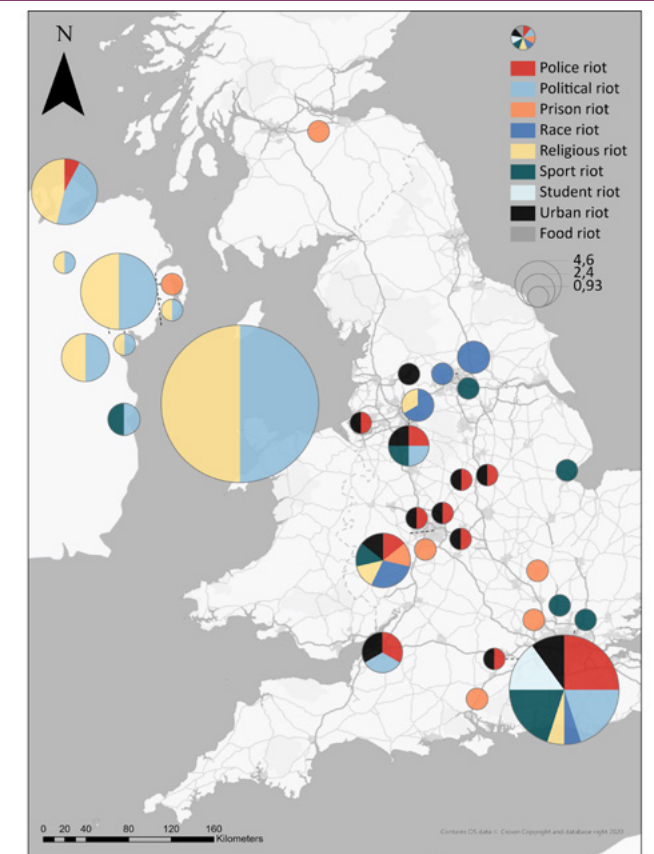


Riots in the UK from 1995 to 2021



IMPLICATIONS FROM FINDINGS

1. Focusing on expanding the scope of public order legislation is ultimately futile. Instead, legislation should de-criminalise crowd activity. Disruptive crowd behaviour can be controlled through lesser penalties such as cautions and fines. Activity that causes direct physical harm to property and persons can be punished with the relevant existing criminal statutes. This will offer more robust protection for rights of public assembly.
2. Recent attempts to criminalise non-violent protest activities such as noise, static protests, and other non-violent disruptive activities should be stopped. There has been **conceptual slippage** in the public discourse around the meaning of violence. Non-violent protest is legitimate precisely because it is the exercise of the right to protests which is a necessary for a democracy.
3. The key to minimizing incidents of rioting is to address the underlying grievances that trigger riots. In recent years these have been caused by social deprivation, high levels of youth unemployment, and concerns about excessive violence by the police. Developing local democratic institutions that can respond to these grievances before they develop into riots is key. For instance, my research demonstrates that one of the major historical causes of riots in the UK -food scarcity- caused zero riots over the last 25 years. In general the rate of riots have dropped significantly over time. As government addresses the root causes of social disturbances, the instances of rioting declines.



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