

BIG FLAME



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REPRESSION

A Law Unto Itself

REPRESSION - KEY FEATURES

Unlike generalised oppression or oppressive law or systems, repression is a set of actions and institutionalized responses to a threat or threats to the authority and functioning of the State. Its main features are that it is TARGETTED at specific groups or movements, OVERT, LEGAL (according to the State, that is "State sanctioned"), ARBITRARY, delivered by SUMMARY JUSTICE, and usually involves SEVERE PUNISHMENT (ie above the norm for non-political 'offences'). Typical forms of repression include arbitrary (Chile 73,) and judicial (China, Arab States) executions, long periods of hard or forced labour (Soviet Gulags, China, Cambodia), house arrest and internal exile (Russia, Arab States, Burma), restrictions on residence and movement (pass laws in S.Africa and Israel, deportations in Stalinist Russia), torture, (China, Pakistan) beatings (Malaysia, China), detention and imprisonment without trial (everywhere), restrictions on freedom of expression and association (everywhere). The specific form of repression will vary according to the source, purpose and composition of those threatening the State and the level of threat posed. Let's look at a modern example: China

China is a one-party state with massive political interference in the judicial process. Torture is institutional, abortion programs coercive and thousands are executed yearly to instil fear through public displays. The intention is to maintain state authority at a time of rapid economic development, widening inequalities and a floating 'underclass' of over 70m, largely rural poor forced off the land. Hundreds of thousands of people are detained without charge each year or sentenced without trial or after unfair trials - punishment can be years of forced labour or death.

China had no criminal legislation until 1979 when a 'reform' introduced 12 classes of political offences and 'codified' punishments ranging from 'deprivation of political rights' to internal exile, re-education by labour and death. Article 98 bans any critical or unrecognized group while A102 bans dissenting religious, political or cultural views. Two other articles deal with "plots against the government" and "feudal or secret societies" which are used to jail prisoners of conscience and nationalist activists, as are "disturbing public order" and "hooliganism". The 1993 State Security Law is a catchall law banning freedom of speech and publication, association and religion when they 'threaten state security' (deliberately vague). The State Secrets Law 1998 bans the publication of any state information (thus insulating government and concealing corruption or agitation for reform, making it an offence punishable by death. Although there are laws against arbitrary arrest, executive decrees frequently abridge them. 'Shelter and detention' allows the police to hold

people for up to three months although many are held for much longer. The law is used most against the urban poor, illiterates, rural migrants, political dissidents or striking workers - there are never less than 900,000 such sentences each year. 'Suspended residence' is used against political dissidents - it is a kind of house arrest of unlimited duration. These are both determined by local Party magistrates via secret hearings without defendant or lawyers present. These 'court adjudication committees' are a common feature of thousands of trials held each year.

Summary & Arbitrary Punishment

The 1983 Party Executive "Decision of the National People's Congress Standing Committee Regarding The Procedure For Rapid Adjudication of Cases Involving Criminal Elements Who Seriously Endanger Public Security" provides for summary trial, a presumption of guilt and a rapid procedure whereby defendants can be tried without a lawyer or knowing what charges they face until brought to court. The Decision reduced the period for appeals from 10 to 3 days, including appeals against death sentences. This procedure can be put into context by the information that 90% of all transplant kidneys in China come from executed prisoners. Foreigners seeking organs are advised to travel at times of State-sponsored celebrations when there are mass public executions (2050 recorded executions in 1994).

The Response To Tienanem Square

Since 1989 hundreds of thousands have been imprisoned for advocating political reform or forming dissident or protest groups. Typical sentences handed out have been: 18 years for defacing a statue of Mao; 16 years for criticizing state repression in Beijing; 12 years for putting up 'reactionary' slogans. Large-scale arbitrary arrests clamp down on groups publishing pamphlets, making speeches etc and long sentences are handed out. There have been numerous attempts to form independent unions (1989, 1992 and 1994) and all have been crushed on the grounds of "counter-revolutionary propaganda and incitement". Peasant protest against economic conditions, local work levies, high taxation and officials abusing power (such as failure to pay for requisitioned crops or officials stealing land to be developed in return for kickbacks) are met by beatings and jailings. National and cultural groups (such as Tibetans and ethnic muslims) also suffer from a systematic and very harsh regime of arrests, beatings, torture, detention without trial, heavy fines, sisting. Those breaking the severe birth control law suffer fines, arrest, torture, forced abortion and sterilization. Levels of repression have accelerated as the rural poor press into the 'enterprise' zones, corruption spreads rapidly and the level of urban and rural unrest grows, especially at the margins.

The Apparatus of Repression

None of this would be possible without total Party domination of police, lawyers and magistrates who operate an entirely closed and self-serving system of (in)justice. It would not be possible without the informers who infest protest organisations, paramilitary formations, plain clothes police gathering evidence and meting out summary beatings, teachers and social workers who peddle State doctrine, higher officials who issue the decrees voiding them or giving wide scope to those implementing the laws and the judges who ignore rights conferred by the constitution. The judicial system relies on a presumption of guilt and (forced) confessions. Apart from beatings, prisoners are subject to torture and other degrading treatment often to extort money. Regular, arbitrary and indiscriminate use of torture is widespread.

REPRESSION IN BRITAIN

- * Socialist papers were suppressed during WW1
- * The 1797 Incitement To Mutiny Act was used to prosecute communist agitators in 1925'
- * Strikers and shop stewards on Red Clydeside were deported to non-strategic industries in England
- * In 1919 a Cabinet committee formed to keep services going during a general strike proposed the Strikes (Exceptional Measures) Bill giving power to arrest TU leaders and sequester strike funds - this proved to draconian for the government of Lloyd George (but not Margaret Thatcher).

The greatest period of repression in Britain was the period 1790-1840, a time when workers had still not accepted the disciplines of the market and the factory and when the rule of the state by the industrial masters was strongly contested. To put the period in context, this was the time of the great United Irish rebellion in Ireland, two huge naval mutinies at Spithead and The Nore, periodic anti-Catholic riots and pogroms, the Luddites, Chartist rebellion and Captain Swing Riots and frequent propaganda through ballad and pamphlet calling for revolution and insurrection. - no wonder the ruling class responded ferociously. While industrial demands were usually pursued through direct action (boycotts of masters, sabotage, vandalism, threats and intimidation, all secretly), civil and political demands were pursued through non-violent means (petitions, demonstrations and marches). The state response was uniform: military action (Peterloo Massacre), executions (Chartist leaders), transportation (Tolpuddle Martyrs), long sentences to hard labour (Chartists, Luddites, Rebecca Rioters) and heavy fines (everyone).

As in China, under the Combination Acts, unlicensed groups (unions, political groups etc) were illegal as a conspiracy against the Crown carrying sentences of hard labour, transportation and death. Radical groups went underground and workers bound themselves to each other with blood-curdling oaths. Taking oaths was itself illegal and people formed innocuous 'friendly' or social societies where petitions were written, demonstrations planned and the *Rights of Man* read. The Acts were seen as a 'reform' by liberals and Whigs since they attempted to codify the common law of conspiracy and Elizabethan statutes against leaving work unfinished (strikes). This did not stop them being used against woolen workers, clothiers, wearers, compositors, cutlers, knitters and calico printers in 1802, 1806, 1808, 1810, 1813, 1814, 1818 & 1822. Habeas Corpus was suspended for 8 years and there was military suppression of industrial revolts and strikes largely by agrarian workers throughout the 1810-30s and during resistance to the introduction of a draconian Poor Law in 1834 (Rebecca Riots and Merthyr Uprising).

The Two Acts

Introduced in 1795 in response to a three day riot following a mass meeting of over 100,000 which shook the ruling class, the Two Acts made it a treasonable offence to publish, speak or incite people against King, Constitution or Government (compare this with China's State Secrets and State Security Laws) while the second prohibited meetings of over 50 with defiance of a magistrate's order to disperse being punishable by death. Like China, these laws were a response to economic demands or political demands made to solve economic problems. Unlike China, it is fair to say that sections of the ruling class (both Tories and Radicals) ferociously resisted the laws or refused to enforce them. Repression therefore follows a similar pattern: severe and arbitrary justice, executions, beatings (the authorities usually let the mob perform this function), deportations, suppression of dissent and protest.

DEPORTATION: THE CRIMEAN TATARS

One way in which repression works is by the destruction of the physical, cultural and symbolic foundations of society. A favourite way to do this is through deportation or expulsion (as opposed to the gradual acquisition of land). Although the act often has political or ideological trappings, there is always an economic benefit to the ruling elites. The aim is twofold: to finally end a threat or challenge to the State after a long period of resistance and to intimidate other groups, with the population either annihilated or controlled for whatever reason the ruling class decides is most profitable. Usually this occurs after military or political defeat (the Native Americans, for instance) but is always 'constitutional' or 'legally-sanctioned' - the State makes its own rules.

The Crimean Tatars were forcibly deported in the 1940s to Kazakhstan (where they remain). Of a population of 240,000, around 110,000 died during the deportation or immediately after of starvation, disease or deprivation. They were forbidden to leave and had to report monthly to the police. The official history of the Tatar people was rewritten in a wholly negative way, ending hundreds of years ago and ignoring their role in the Revolution. The Tatar language was initially forbidden and Tatars could not undertake higher education. As a KGB Major said: "its more difficult to control the intelligentsia than manual workers - so let them be manual workers". What he meant was that where people show initiative, organise indirectly and have extensive social and political networks, they are harder to control and intimidate. The Tatars became "unpeople", periodically reported in the press as happy and grateful to the Party, yet completely isolated, their true status totally unknown. Campaigns for basic rights and return were met by arrests, purges, long prison sentences and sackings during the 1950s and 1960s and the struggle had to be taken up by successive waves of intellectuals and students. Interestingly, the Tatars used informal and non-hierarchical methods of organisation and petitioned 'non-political' organisations for help (reminiscent of modern methods using the internet and affinity group networks). New criminal codes punished meeting organisers, and *samizdats* with trumped up charges of "hooliganism" or "defaming the state" etc. Again, the definitions of these offences were deliberately vague, providing catch-alls for the police and authorities to ensure punishment is inflicted and none go free. Rehabilitation for their 'fascist crimes' (a punishment some deserved but exacted on the entire population indiscriminately (a common feature of repression)) came in 1967 but even then Tatars attempting to return were arrested, fined, imprisoned, expelled, had houses they had bought confiscated and they were sacked from their jobs. A community in exile has developed close to the Crimea of people expelled again but unable to return to Kazakhstan.

Protest & Repression In Italy 1965-75

Repression is caused by protest by particular groups and is the response of the State to the challenges posed by such protest. The protests and campaigns that paralysed the Italian state and convulsed the country between 1965-75, but which unfortunately died away or degenerated into Red Brigade 'terror' is a very important one for understanding the cycle of protest and state repression.

A militant labour offensive in the North in 1962-3 was met by strong management resistance, repression via the police, state collusion with the bosses and a panicked forced recession. However students and, later, workers, part of a radicalized Left began a long wave of collective action among the intelligentsia, students, organised labour, consumer and regional groupings in the form of strikes, rent strikes, situationist actions, occupations, boycotts and demonstrations. Initially these were directed against academic authoritarianism (which was the cause of the French student uprising in 1968) and a reactionary Church (in fact Catholic students led many of the first campaigns) but soon spread to a range of other issues the Left traditionally challenged the state on: pay and conditions, anti-fascism, housing, welfare and freedoms.

The students were 'early risers' who created a peak of mobilization that had elements of spontaneity, utopianism and violence but also elements of organization, pragmatism and convention [which] undercut the traditional student associations [and] demonstrated to others the vulnerability of the system to disruption.

There were two keys to the student movement's appeal: first, its message of liberation and, second, its activism. Both were reflected in its shifting and disruptive tactical repertoire. By occupying premises, bursting into classrooms and blocking traffic, students attracted media attention, gained new supporters, outflanked opponents and forced authorities to take repressive actions which made new allies.

New forms of action are invented to capture people's imagination, to outwit or baffle elites and diffuse disruption to new sites. They succeed one another rapidly as their power to surprise declines and elites devise strategies to counter them.

This began a long cycle of protest, state reaction, and new types of protest. The state's response was to reactivate the use of administrative detention, supervisory orders and internal exile which were hangovers from the fascist era, to introduce new laws and increase punishments. For instance, the Reale Law made it a serious criminal offence to organize criminals or ex-criminals after one armed group of ex-prisoners was uncovered by the police. Local and state police were given a free hand to smash protest with violence (for instance the police ended an occupation by ejecting the protesters and occupying the building themselves. A mass protest of students and workers trapped the police inside the building and when a blockader ironically called out "right! you have ten minutes to leave the building", the crowd was baton-charged. This was also the time when death in police custody was frequent - the "Accidental Death of An Anarchist" occurred after a fascist bomb exploded killing 13 in Piazza Fontana. The response was mass arrests of anarchists, political trials and deaths at police hands. Finally, on top of the usual repertoire of authoritarianism (sackings and expulsions) the campaigners had to contest with fascist attacks, including murder and bombings, which went unpunished by police and magistrates.

The presence of a militant and militarized extreme Right - not to mention the tolerance the police seemed to exercise towards it - was a crucial factor in socializing a generation of young people into the idea that politics was a form of violence.

The intensification of disruption to gain mass support exposes the movement's organisations to demands from supporters to attack authorities more directly; to competition from other groups in the social movement sector; to hostility from opponents and repression by the state.

Protest spread and took new forms. Within the traditional left and the unions the idea of soviets and factory councils re-emerged as collective bargaining at the national or industry level broke down (the old Keynesian consensus) and people demanded things the old structures could not accommodate. A major grouping was the Lotta Continua which bears many similarities with RTS and EFL (tactically) and Class War (ideologically). Dynamic, non-hierarchical, innovative, focussed on social rather than economic demands, extraparlimentary, it worked through affinity groups in local and social struggles and environments but had a strong proletarian base. It depended to a great degree on the militancy of workers, who had suffered from the intensification of work and rising prices without corresponding increases in pay. However it became estranged from the traditional left because of its tactics of disruption and fluid ideological rationale. It also became squeezed over time between the 'workerist' demands and structures of the unions (USI/PSI) and extreme Left groups. After the union successes of the Hot Autumn (1969) - a series of mass strikes and mobilizations - and the institutionalization of the councils of delegates, worker mobilization declined. Government concessions made the struggle 'to take the city' (as Lotta Continua urged) seem far less necessary than before. But there were others such as Potere Operaio, formed by mainly communist ex-students.

The demands and activities of a movement tend to activate the mechanisms of formal decision-making

The government made concessions on issues like abortion and pay which disarmed and divided the movement. During troughs in levels of mobilization, mainly Maoist groups would fill the vacuum with terror, further narrowing consensus and the social base of the movement. This gave the government easy propaganda victories and the green light for police and paramilitary repression.

The terrorism of the mid to late-70s was a result in the decline in mass mobilizations and developed through an interactive process among the forces of order, politicians, the press as well as [reform-minded] leftists and rightists.

The decline of mass mobilization not only encouraged elites to intensify repression, forcing some activists underground and causing others to leave politics, it also narrowed the breadth of the movement's constituency leading less militant groups to disband or enter electoral politics or more radical ones to adopt the armed struggle. When elites sense that the mass base for collective action is in decline, they reknit the fabric of hegemony by repression, press campaigns against violence and selective reform. The particular combination of stratagems used to choke off dissent depends on the balance of forces at the time and will vary from system to system.

The New Terrorism Bill

Introduction

The main features of the Terrorism Bill which is a clearly repressive piece of legislation is the wide-ranging catch-all nature, the severe punishments for small 'crimes', the power of the police to control prosecution and punishment. It is aimed at a relatively small number of radicals and revolutionaries but can be used against a very wide number of people and groups. A crucial difference to the Criminal Justice Bill is the political nature of the Bill and the offences it creates. 'Terrorism' and associated offences have been so widely defined that a huge and uncertain range of activity is covered, with the only safeguard being that a government appointee, the DPP, must approve prosecutions before they go ahead.

The New Definition of Terrorism

Instead of the narrow "violence and intimidation in the pursuit of political aims" which underpin the Northern Irish EPA and PTA in Britain, there is now a much wider definition including the *threat* of action (as opposed to actual acts of terrorism) and such action for "advancing a political, religious or ideological cause" - virtually all 'moral' or ethical campaigns for instance. The Act (if passed) provides for action where there is a "serious" threat but who decides what is "serious" - the police and government. Even where actions do not actually 'terrorise' or 'coerce' anyone, this could still be defined as 'terrorism' - for instance putting up stickers like "Kill The Rich" would be terrorism even if no-one actually believes hordes of red revolutionaries are ready to murder them in their beds!

The Bill also proposes that damage to property (including the mere threat to damage property) should be treated as terrorism. The threshold for invoking the law is lower for groups advocating action in Britain as opposed to abroad - clearly the Bill's target is domestic groups, not international terrorists using Britain as a base - its cover story! The Bill lowers the threshold definition of 'terrorism' by widening the range of actions that fall within it, without paying any attention to actual outcomes - its intent is DETERRENT, a common feature of repressive systems.

The Bill would shift the balance and allow police to harass activists and anyone with even slight involvement, to gather information or to support campaigns in passive ways (by donating money or signing petitions). Although a range of fairly draconian laws and oppressive instruments exist (conspiracy laws, the CJA, Crime & Disorder Act, PACE, PTA etc), they have proved ineffective in recent years against a rising tide of direct action and new methods of organising.

Clauses 1(b) and 1(c) describe terrorism as endangering life or causing a serious risk to the health and safety of the public or sections of the public (such as bailiffs or the police). Clearly, this would include hunt-sabbers, road protesters, squatters, anti-GM protests and actions such as tunnel-building, lock-ons etc. Articles entitled "Winning The Eco-War" in the *Police Review* advocate getting rid of protest sites before they have been fortified and manipulating the press to raise the perceived level of threat to property, life or health. Of course, building tunnels and mobilising people to occupy them or donate materials is 'terrorism' even if the lives being threatened are our own!

A New Police State

The Bill provides for sentences of up to 14 years and an unlimited fine for FUNDRAISING (including providing, property,

inviting others to provide property, or receiving property the main way people support campaigns), for USE & POSSESSION of property (a printer? camera? lumber? banners?), FUNDING ARRANGEMENTS, or MONEY-LAUNDERING (where the definition is very wide and there is a presumption of guilt) for any 'terrorist' purpose. Given that 'terrorism' would encompass all direct action groups, this is a clause affecting tens of thousands of people supporting 'good causes'.

It also includes a duty to disclose suspicions whereby if you believe someone has committed an offence as part of information gained from your trade, profession or employment, you must report this or risk an unlimited fine and 5 years in prison. This would include journalists, sympathetic lawyers, printers, trade unionists and officials in fact anyone activists might become involved with. Of course, if you got information about corporate 'terrorism' from the internet, this would not compel you to report it to the police!

Under Clause 32 a police officer who 'considers it expedient for the purpose of an investigation' can declare a "cordon" whereby entering or refusing to leave a designated area commits an offence (a protest site? picket line? factory occupation? squat?). The cordon can be for 14 days or even 28 days. Under Clause 36 searches can be undertaken without warrants in cases where "immediate action" is necessary and requires suspects to provide explanations for any material found and makes it an offence to say nothing or to mislead the police (a case of hanged if you do, hanged if you don't!). Under Clause 37 it is an offence to impede an investigation (by destroying evidence or telling someone they're under suspicion or investigation) - this applies even if no investigation is under way but you should reasonably have expected one to be likely (although in a police state this is one presumption you can count on!).

Counter-Terrorist Powers

Given that any threat to property is 'terrorist' then any action or event which has been marked by violence in the past would be a terrorist activity even in the planning stage, where the intent is to be non-violent (such as anti-hunt demos, RTS, anti-capitalist demos etc). Also given the widespread use of agent provocateurs and informers, it is extremely likely that investigations and arrests will start to be used widely against domestic direct action groups. Under the Bill, there is a greater power to arrest and hold on suspicion alone and, for hearings to extend the period of detention, to exclude the suspect and her/his lawyers (compare this to the Chinese "court adjudication committees"). Additional clauses extend powers to search buildings, stop and search vehicles and pedestrians (on your way to a demo?). The offence of "directing a terrorist organisation" enables the police to target anyone involved in direct action using a non-hierarchical form. Certainly the relatively small and shifting group proposing, promoting and planning an RTS would be guilty of this offence and liable to life imprisonment - who they catch is entirely dependent on how active YOU are and WHEN they move in.... Copies of *Green Anarchist*, the Genetix Snowball Handbook or *Resistance*, lists of overseas protest organisations or corporate scumbags, anything you can't explain falls under the offence of possessing or collecting information for terrorist purposes - these offences carry 10 year sentences if proven. Again guilt is presumed.