

A threat to democracy

Basic freedoms to protest are being systematically undermined by anti-terror legislation

If we have learned anything over the past 18 months it is this: that the first rule of politics – power must never be trusted – still applies. The government will neither regulate itself nor be regulated by the institutions which surround it. Parliament chose to believe a string of obvious lies. The media repeated them, the civil service let them pass, the judiciary endorsed them. The answer to the age-old political question – who guards the guards? – remains unchanged. Only the people will hold the government to account.

They have two means of doing so. The first is to throw it out of office at the next election. This works only when we are permitted to choose an alternative set of policies. But in almost every nation, a new contract has now been struck between the main political parties: they have chosen to agree on almost all significant areas of policy. This leaves the people disenfranchised: they can vote out the monkeys but not the organ-grinder. So voting is now a less important democratic instrument than the second means: the ability to register our discontent during a government's term in office.

Applying the first rule of politics, we should expect those in power to seek to prevent the public from holding them to account. Whenever they can get away with it, they will restrict the right to protest. They got away with it last week.

The demonstrators who have halted the construction of the new animal testing labs in Oxford command little public sympathy. Their arguments are often woolly and poorly presented. Among them is a small number of dangerous and deeply unpleasant

characters who appear to respect the rights of every mammal except Homo sapiens. This unpopularity is a gift to the state. For fear of being seen to sympathise with dangerous nutters, hardly anyone dares to speak out against the repressive laws with which the government intends to restrain them.

It is not as if the state is without the means of handling violent extremists. Murder, arson, assault, threatening behaviour and intimidation are already illegal in the United Kingdom. Instead, it has seized the opportunity provided by the violent activists to criminalise peaceful dissent.

The Home Office proposes “to make it an offence to protest outside homes in such a way that causes harassment, alarm or distress to residents”. This sounds reasonable enough, until you realise that the police can define “harassment, alarm or distress” however they wish. All protest in residential areas, in other words, could now be treated as a criminal offence.

The new measures, if they are passed, will also ensure that most protesters can be charged with stalking: they need only to appear outside a premises once to be prosecuted under the 1997 Protection from Harassment Act. The government will also seek to “suggest remedies” for websites which “include material deemed to cause concern or needless anxiety to others”. As my own site has already been blacklisted by at least one public body, I have reason to fear this proposal, alongside every online dissident in Britain.

If all this goes ahead, in other words, legal protest will be confined to writing letters to your MP. Or perhaps even that could be deemed to cause “concern or needless anxiety” to the honourable member.

When Caroline Flint, the Home Office minister, introduced these proposals to a grateful nation on Friday, she promised that “we are not talking about denying people the right to protest”. We have every reason to disbelieve her. The same promise was made with the introduction of the 1986 Public Order Act, the 1992 Trade Union Act and the 1994 Criminal Justice Act, and immediately broken. When the 1997 Protection from Harassment Act was passed, the government swore that it would not be used against demonstrators: it was intended solely to protect people from stalkers. The first three people to be prosecuted under the act were all peaceful protesters. The government also assured us that it would not misuse the antisocial behaviour orders it introduced in 1998 to deal with nuisance neighbours. They, too, were immediately deployed against peaceful demonstrators. It is hard to think of a better tool for state repression: once an order has been served on a protester, he is banned from protesting until it lapses. The police now use it to neutralise the most effective activists. The government liked this new power so much that in 2003 it wrote it into law, with an Anti-Social Behaviour Act

designed to restrict peaceful protest.

When some of us complained that the Terrorism Act 2000 was so loosely drafted that it could be deployed against almost anyone seeking political change, the government told us we were being hysterical. Since then, peaceful protesters all over Britain have been arrested as potential terrorists. At the Fairford air base, for example, the police used the act to terrorise the peace campaigners protesting against the Iraq war. The protesters were repeatedly stopped and searched: often one team of police would let someone go after a full body search, and another one would immediately seize her and repeat the whole procedure (this happened to one protester 11 times in one day). On March 22 last year, the police seized three coaches carrying people to a peaceful demonstration at Fairford, held them for two hours, confiscated their possessions, then sealed off the entire motorway network between Gloucestershire and London, and escorted them back to the capital. The police and the home secretary knew full well that these people were not terrorists. They also knew that the law allowed them to be treated as if they were.

It doesn't end here. The civil contingencies bill, which permits the government to suspend parliament and ban all rights to assembly whenever it decides that it is confronting an emergency, passed its second reading in the Lords last month. It could become law later this year.

A similar clampdown is taking place all over the world. The US Patriot Act, passed by Congress before any representative had read it, allows the state to treat dissenting citizens as if they were members of al-Qaida. For the past three years, the European Union has been seeking to reclassify the protesters who travel to European gatherings as terrorists. This is the contract the powerful have struck with each other: to agree to a single set of neoliberal policies, and to criminalise all those who seek to challenge them.

We are often told that the passage of laws like this is dangerous because one day it might facilitate the seizure of power by an undemocratic government. But that is to miss the point. Their passage is the seizure of power. Protest is inseparable from democracy: every time it is restricted, the state becomes less democratic. Democracies such as ours will come to an end not with the stamping of boots and the hoisting of flags, but through the slow accretion of a thousand dusty codicils.

By the time we have lost our freedoms, we will have forgotten what they were. The silence with which the new laws were greeted last week suggests that the forgetting has already begun.