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Dangerous Subjects: UK Students and the Criminalization of Protest

In 1970, André Gorz claimed: “The university cannot function, and we must thus prevent it from functioning so that this impossibility is made manifest.”¹ While many sought to compare the student protests across the world of 2009 onward to student action in the late 1960s, Gorz’s statement makes clear at least some of the differences forty years down the line: the student actions of the late 2000s in the UK were, of necessity, far more about saving the university than destroying it; less toppling the old, conservative order than preserving what last shreds of the nonmarketized university exist, whether it be social bonds between students and their lecturers or the opportunity for sustained and original thought. These were not protests over curricula or reactionary lecturers—indeed, students and lecturers were, in the main, united in their opposition to proposals that would see both groups adversely, if not quite equally, affected. The student protests and actions of 2010 can be seen as formations of *negative* solidarity with other students, with lecturers, with those affected more generally by the cuts. During the events that took place in the UK during this period—protests, occupations, and so on—the “student” was constructed by the media in overwhelmingly disparaging terms. My primary aim in this essay is to situate these events in a historical context and to reveal a different, more politically productive image of the student as an indebted future worker without a future, a figure in whom lies, perversely, a certain strength.

The problems that Gorz identified with the university after 1968—that it was not “functional either in relation to the demands of capitalist

economy or in relation to the demands of those who want to overthrow capitalism”—sought to point out the ways in which the university failed to “match” either the expectations of employers or, on the other end, those who would see in the university a place to discuss radical ideas that would undermine the very structures whereby employers’ demands were even remotely important. Today’s students understand far more materially the contradiction that Gorz identified: saddled as they increasingly are with huge debt, jobs to fit around their studies, and very little hope of employment when their degree is over. Students in the 2009 California occupations, whose causes (fee increases) and actions (occupations) share much in common with their UK counterparts, put it this way: “We work and we borrow in order to work and to borrow.”² When everyday student life is so thoroughly shot through with economic considerations, present and future, how does a politics of resistance begin? The initial moment of resistance in the UK movement was, not surprisingly, economic: against university cuts, particularly in the arts, humanities and social sciences; against the raising of tuition fees from around £3,000 up to £9,000 per year (the single biggest fee raise in any country at any point in history); and against cutting the Education Maintenance Allowance, which allowed access to further education for those from low-income backgrounds. The question of what the university is *for* quickly followed the economic critique, even while the most urgent practical demand was to save the university in its current form. In occupations and other squatted buildings, several key questions were repeatedly asked: is the university a machine for producing debt? For creating citizens? For producing conformity? For reproducing class division? Is the university like “a factory,” as the banner for the earlier Middlesex occupation had it (a banner that subsequently did the rounds at many other occupations and protests), or is it more like a prison? Can the university serve to facilitate social mobility? Does it help or hinder the circulation of radical ideas? Some suggested that the best way to save the neoliberal university was to exit it altogether or at least to establish para-academic forms of learning that were free and nonassessed. (Many of these free schools were established not only in university occupations themselves but in squats and other locations around the country, and many continue to function, such as the Really Free School now based in an old pub in west London.) Others, including many lecturers less willing or able to give up on the institutions that they belonged to, argued that we had to defend the university at all costs, for fear that they would be lost altogether, that setting up nonuniversity models of education were all well and good but might make

the destruction of the contemporary university easier for our enemies. One of the most inventive forms of synthesizing the negative marketization of higher education with a positive desire for alternative models of learning appeared in the performance lectures given by the University for Strategic Optimism, which routinely took over banks and gave lectures there, arguing, quite reasonably, that if the market had come to education, then education would come to the market.

The occupations, which took place up and down the country, held in side rooms, main event halls, lecture halls, and sometimes even managing to take management offices, often the night before a major protest, were highly organized phenomena, with invited speakers, workshops, and media desks. The occupation of University College London received much media coverage, while others, such as that of the University of East London or briefer occupations at the University of Roehampton (forced out by false claims that asbestos was present in the occupied room) and elsewhere were less well covered but no less important. Some institutions responded with authoritarian and legal attacks, sending police to campuses, forcing students out with eviction notices, threatening students with expulsion, and assigning warning points to “bad” students (the occupation of the University of Middlesex set the precedent here). Some occupations lasted for many weeks—perhaps the greatest success of which was the Free Hetherington occupation in Glasgow that lasted six months, coming to an end in August 2011 with all demands met (no more courses cut, no compulsory redundancies, no cuts to student services, greater transparency, a public meeting with the principal, a new postgraduate club, and no repercussions—academic or legal—for any of the occupiers). In a direct and practical way, the occupations called into question who the university belongs to and raised the specter of property relations in general. It is no surprise that following the occupations, the government has turned its attention to squatting legislation that would make residing in both unoccupied buildings and educational institutions a criminal, rather than a civil, offense.³

The protests and occupations took many by surprise, particularly the first major action on November 10, 2010, when, as part of a fifty thousand-strong march against fees and cuts, many hundreds of students occupied the Conservative Party headquarters at Millbank in London, much to the frustration and irritation of the National Union of Students, whose stewards desperately tried to prevent the breakaway students from going into the building. The police were, on this first occasion, extremely slow to respond, an embarrassment that they did their best to cover up in the

increasingly violent and punitive way they dealt with subsequent student protests throughout November and December, a show of force that did much to disgust and outrage many, whether they were watching at home or standing on the streets. Police turned to crowd control techniques such as “kettling,” forcing large groups to stand for hours within a police cordon, regardless of the weather conditions, without letting people out, leaving protesters without food, water, or access to toilets (the legality of such a technique is still being contested in UK and EU courts). Police continued to harass and insult protesters throughout November and December, using horse and baton charges; dragging one student, Jody McIntyre, from his wheelchair; and ultimately, on the day when the proposed fee raise was officially voted through Parliament, nearly killing one protester, Alfie Meadows, by hitting him so hard with a truncheon that he required immediate life-saving brain surgery. Several weeks later he was charged with violent disorder.

Students began to find themselves constructed as a new kind of enemy—“domestic extremists.” Long criticized by the media for being politically “apathetic,” they were now demonized for becoming the opposite. There are distinct parallels to be drawn here between a certain liberal mantra—Why is nothing happening? Why don’t people *do* something?—and their utter horror and shock when something *does* happen, such as the 2011 civil unrest in London and elsewhere. The complaint that other people aren’t doing what it is you want them to do quickly turns into the demand to make it stop the moment people act, but not in ways that are approved of. When trying to understand the protests and the backlash against them, it is imperative that media reporting of the protests, the students themselves, the police behavior, criminal charges, court activity, and government policy and statements are seen in as complete a way as possible. Female students were singled out by the right-wing media for special attention, most evident in the *Daily Mail* cover story, “Rage of the Girl Rioters,” with photographs of masked-up women climbing over a police van (which everyone knew had been left in the middle of the crowd as bait so the police could “legitimately” kettle everyone in the area the moment it inevitably got smashed up and spray-painted).⁴ Distinctions between “good” and “bad” protesters were drawn—good protesters were always on their first protest, got caught up in the heat of the moment; bad protesters had been on many protests, were politically aware and active and knew what to say (or rather, to say nothing) when arrested or questioned by the police. Although this distinction was a useful one for the media, it held little weight in the court cases,

where those that pled guilty, had no criminal record and so on, archetypal “good” defendants, were punished incredibly harshly anyway. (Francis Fernie, in particular, a student on the Trades Union Congress protest in March 2011 who was sent to prison for twelve months for throwing two lightweight wooden sticks that went nowhere is representative of the first batch of prosecutions from the student and other demonstrations.) What used to be considered mitigating factors—having a political cause, being a student—are now considered to be aggravating features.

Constructing students as a dangerous collective subject, liable to erupt at any time, became something of a preoccupation in the weeks and months that followed the protest, with the baton (sometimes real, sometimes symbolic) moving from the media to the police and courts. Many dozens of students and other protesters were charged with serious public order offenses, particularly “violent disorder,” which carries a five-year maximum custodial sentence in the UK. Many are yet to go through the courts, though the signs from those cases in which defendants pled guilty are worrying indeed. It is worth pausing to reflect on the specific charge overwhelmingly used. “Violent disorder,” despite its media-friendly, ready-made scariness, does not necessarily involve violence or disorder, merely its “threat” (such as “would cause a person of reasonable firmness present at the scene to fear for their personal safety”). In every single court case that I sat through (by now many), where students and other protesters were hauled up on this charge, not one involved violence toward a police officer or anyone else. Thus we were treated to the ludicrous spectacle of the police prosecutor detailing just how “terrified” huge riot police (with their helmets, shields, batons, and protective gear) had been by whichever (unarmed, unprotected, weaponless, often very young) protester was being charged. Photos of protesters started cropping up everywhere, in the press, on the Internet, on posters. One young black student whose photo showed him with an “angry” expression, recognized and identified himself, knowing he hadn’t done anything illegal and that his “angry” expression was in fact fear. The rest of the photo, which had been cropped out by police, revealed that at the moment he was captured on camera he was being violently manhandled by two police officers. They charged him anyway.

While severe sentences have already been handed down, one no doubt fully-intended effect of the hundreds of arrests is to deter future protesters from emerging, whether from the student population or from the wider public. Another consequence is that the original political message—in the case of the students, the project of defending the public uni-

versity—has been drowned out by discussions about “violence,” about who gets to be a “good” or a “bad” protester, and, most worrisome, tainting legitimate protest with the aura of criminality. (The pre-emptive arrests of “known” activists just before the weekend of the royal wedding, accompanied by a ban on their entry into central London for the duration of the weekend, was particularly troubling.) Police assigned to Operation Malone (the name for the criminal investigation into the protests), many of whom work in counterterrorism, have been open about the fact that many of these arrests and charges are less about getting prosecutions than about gathering information. A few high-profile cases, such as the sixteen-month sentence for Charlie Gilmour, adopted son of Pink Floyd’s Dave Gilmour, for sitting on a car and perhaps throwing a bin, also keep the media happy and mask the true extent of the arrests and prosecutions. Information gathering is essential for a police and judiciary hell-bent on constructing certain key groups—the aforementioned domestic extremists, the “feral/criminal underclass” that is the current focus of government and media after the riots and a database of “known activists.” Of those arrested, all will have had to give personal details, fingerprints, and DNA. Those arrested also had mobile phones and computers taken from them. The arresting and charging of protesters at demonstrations after the student protests would indicate that police have identified those they consider to be “ringleaders” on the basis of information gathered at earlier protests.

But while the apathetic-turned-dangerous image of the student plays a significant role in ongoing attempts to construct new media demons, who is this “student”? It is important to note that, again contrary to ideas that students are naturally selfish and self-involved, the protests and occupations were in the main about cuts and fee rises that would not affect those currently in higher education, which of course suggests that the protests and those involved were altruistic and future-oriented. Second, and more important, today’s student is only in rare cases—and certainly less frequently than before—“merely” a student. That is to say, and this is particularly true for students in new universities (i.e., former polytechnics), the contemporary student is also and at the same time a worker, a parent, a caregiver, and so on. The contemporary student is already the polyvalent worker that contemporary capitalism desires. But the attacks on universities can be seen as a further form of exploitation. As Adam Ramsay writes:

Margaret Thatcher was famous for asset stripping—for “selling the family silver.” At the time, this meant selling physical assets—buildings, factories,

whole industries. But if the new economy is—as we are so often told—a knowledge economy, then these cuts are just a new kind of asset stripping: stripping a generation of the skills they will need to build new wealth, and a new society, from the ashes of the recession. The failure to invest in tomorrow is a classic way to destroy a company or a country. It is a failure that the government seems to be blundering into.⁵

“Asset stripping” is perhaps a useful way of understanding the role of students in the contemporary economy and the ideology of the cuts in general. When there is little left to extract from a population—no industry, no skills, very little production—you can indebt them to the hilt, turn them toward a consumer economy, engage in rampant speculation, and indulge the fictions of financial capital. When these strategies fail, as surely they must, and as it did from 2008 on, then what’s left? From what can you extract value? The treatment of protesters proves instructive: kettling reduces protesters to their basic human functions—the need to eat, drink, stay warm, and go to the toilet. It is, on some level, a *shaming* mission, but it reveals another truth: cognitive or generic capitalism reveals what cannot, finally, be removed from humanity. It is Paolo Virno’s “always already just now”: after skills, after production, and after consumption and the manipulation of libidinal desires, there is nothing left but a raw vision of humanity’s basic nature, its basic capacities. This is not straightforwardly an “essentialist” definition of humanity, against which philosophy and politics have argued for many decades, but an utterly pared-down vision, a residuum, a material limit beyond which the market cannot dominate, try as it might. Capitalism may have reached capacity in its ability to generate new desires, new anxieties, new illnesses, new pathologies. Something is fighting back, and it is revealing in the process the individualizing effects of these attempts to fragment and contain collectives. The bonds formed in protest, in occupation, and in meetings, however fractious, are difficult to erode. New collectives emerged from the student actions even faster than the attempt to demonize these same groups.

To expand personal debt (credit cards, mortgages) into intellectual debt (student loans, cost-of-living loans), which then becomes the basis for yet more personal debt (existential debt plus debt for the “privilege” of learning), creates a serious problem of limits. Reduced to nothing but pure capacity, but saddled with massive debt, how can people resist the burden of this economic and subjective weight? If you tell students, future workers, that they should be “flexible,” to expect nothing, to owe everything, to work

hard for little reward, to live without security and without comfort, *then they will do exactly this*. The students involved in the protests and occupations were and are utterly articulate, incredibly organized, faster, and smarter than those who would strip their assets—precisely because you forced them to be by creating an anxious world in which everyone must live by their wits in a constant state of precariousness. Asset-strip the students, and they will fight back, precisely because you have told us that they, and we, are nothing.

Karl Marx had this to say about the German situation in 1843:

Where, then, is the positive possibility of a German emancipation? In the formulation of a class with radical chains, a class of civil society which is not a class of civil society, an estate which is the dissolution of all estates, a sphere which has a universal character by its universal suffering and claims no particular right because no particular wrong, but wrong generally, is perpetuated against it; which can invoke no historical, but only human, title.⁶

Are students then to be understood as a “class” with radical chains? Yes, insofar as they are already workers and simultaneously indebted future workers without a future. They have nothing, less than nothing, and yet they are being told to bear the burden of an economic crisis that they didn’t create. The class difference between students is there, of course, and the indebtedness of an upper-middle-class student with good family connections graduating from Oxford or Cambridge is very different from that of someone without this money and cultural capital to begin with. Yet the mass of students is perhaps more homogeneous than we sometimes think, revealed particularly when they act together: the mobility of the student movement is its greatest strength and is the dimension most attacked by those who would seek to lock the movement down. Lengthy court procedures, legal charges hanging over people for months and even years, media shaming, creating individuals where previously there had been collectives—all these tactics are designed to block the student resistance to their continued, and continuing, impoverishment, in every sense. But people do not forget, or forgive, so easily.

The effect of the student movement can be seen in the reverberations and upheavals that followed. After several of the student protests, Len McCluskey, general secretary of Unite (the largest union in the UK), wrote: “Students have certainly put the trade union movement on the spot. Their mass protests against the tuition fees increase have refreshed the political parts a hundred debates, conferences and resolutions could not reach.”⁷ The strikes, the trade union marches, the formation of anticuts groups,

and the myriad actions that followed the student protests are indebted to them, for making visible what is possible when, on the other side, the side of stasis, everything and everyone is telling you repeatedly that nothing is happening and nothing can change, except, of course, for the worse. The students produced strategic optimism; what we need now is an optimistic strategy.

Notes

- 1 André Gorz, "Destroy the University," trans. Mitchell Abidor, at Marxists.org, www.marxists.org/archive/gorz/1970/destroy-university.htm (accessed October 18, 2011); originally published in *Les Temps Modernes*, no. 285 (April 1970).
- 2 Anonymous, "Communiqué from an Absent Future: On the Terminus of Student Life," in *Springtime: The New Student Rebellions*, ed. Calre Solomon and Tania Palmieri (London: Verso, 2011), 151–60.
- 3 See Shiv Malik, "Students Fear Plans to Reform Law on Squatting May Outlaw Sit-ins," *Guardian*, October 2, 2011, www.guardian.co.uk/law/2011/oct/02/squatting-law-student-sitins.
- 4 Rebecca Camber, Nick Fagge, Katherine Faulkner, Nick McDermott, and Laura Caroe, "Rage of the Girl Rioters," *Daily Mail*, November 25, 2010.
- 5 Adam Ramsay, "Students vs the Asset Strippers: Who Will Win?," *False Economy* (blog), December 2, 2010, <http://falseeconomy.org.uk/blog/students-vs-asset-strippers>.
- 6 Karl Marx, "A Contribution to the Critique of Hegel's *Philosophy of Right*," in *Karl Marx: Early Writings*, ed. T. B. Bottomore (London: Penguin, 1973), 256.
- 7 Len McCluskey, "Unions, Get Set for Battle," *Guardian*, December 19, 2010.