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Law in Numbers

The Poiesis of the Crowd

Lucy Finchett-Maddock

Having written on protest and its variant forms for some years now, whether in squats or on the streets, through law or otherwise¹, it has become more and more apparent how the right to dissent is altering, with the definite feel there are diminishing spaces in which to resist. This is an obvious comment considering the increasingly public percolated with the private and the new legal obstacles faced by those wishing to voice their discontent. There is a resounding feeling of futility in the face of an uncompromising system of social organisation which has forgotten any of the philosophical persuasions for the rule of law, using more a simulacra of legislative franchise that seeks to justify the rights of the marketised individual, more and more so over the collective, the crowd. At once the private encroachment of the public has meant the actual spaces and their crowds have been either subsumed into commercial enterprises, or the consciousness for crowding and protest itself is now intoxicated with a feeling of claustrophobia, a lack of means of escape. At once space is so crowded with mechanisms and designs of control and the regulation of protest, whilst at the same time disallowing room for the collective, the crowd, the numbers of law and law in numbers. Protest in its basic form is thought of as the crowd, the riot, the mob or the plurality of constituent powers that create constitutionalism, thus to alter and compromise the space of crowds is to alter and compromise the space of law itself.

As I write these words I am aware of a necessity to alleviate this tiredness of the lexicon of Neo-Liberalism against which protest tries its best to place itself, and the need to bring forth a new language through which we can discuss the possibilities for change, and how room can be made for a new understanding of resistance that is not hindered by percolations of the economy and a feeling of confusion and uncertainty. I speak obviously in response to the thematic of this call for contributions where the crowd is the question itself, what questions do the gathering of people for a dynamic multiplicity of reasons – or even just one purpose is enough – pose in regards to space and thus simultaneously how does authority swallow crowding? How does it tolerate, make room for, accommodate crowds? Or the question may be – does law ultimately seek to keep the crowd, the original multitude, within law, and never more allow it outside of its real or imaginary bounds? How often are crowds illegalised? These are some of the questions this issue seeks to disentangle. Flipping it over on the other side – why do we crowd, why do we gather, how do we *do* crowding, how do we consort, conspire, escape and is there always a political motive? What about when we gather

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¹ See research on social centres, squatting and the role of law and space in occupation protest in Finchett-Maddock (2015).

together to share, to experience, to bond or create? What about when we need to escape, the stop-valve of life and law as party, music, poesies and transcendence? This concern for the escape route, the way out, the path to freedom, is a defining one and resonates through protest movements, whether through the fight for freedom from slavery, to fascism through the reclamation of land from dispossession, no less religions and attempts to temper the banality of the everyday across time. All these pleas have resonated in signs and symbols, expressions in the form of music and art, an aesthetics of collective retaliation that finds

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itself either lashing back in a scream of Punk or an enveloping melancholy of Blues that brings forth the pain and suffering of almost physiognomic return. One of the central questions might be – where has this aesthetic manifestation of protest gone,

where are the signs of resistance now? Where are the signs and symbols of the crowd today?

It seems as though there are voices acting as separate entities, a cacophony drowning out the silence, a fitting response to a system of law and democracy that is obsessed with the singular, the individual, whilst at the same time a paradoxical commercialisation of the collective through reams of social networking and online interaction. Where does the crowd happen if the parameters in which they are allowed are purely based on individualist assumptions, the data crowd managed by the aspirations of a contingent philosophy propelled by the singular? Canetti (2000) would call this the 'twin crowd', where there is both a mediated and unmediated manifestation of gatherings occurring in synchrony. When there is a common cause bringing together an aesthesis of protest, this unification, the sum greater than its parts, crowd theorists would argue a collective consciousness that drowns out the silence. The original *fin de siècle* descriptions of group interaction determine a contagion and experience that is beyond the level of the single participant. In terms of aesthetic movements, the Arts and Crafts movement or the Bauhaus spring to mind, the Situationists and even the Impressionists, in their day. A paradigmatic shift that whether consciously or not affects a new era, a breaking of the mould and a similarity in tactic and style, one based on a collective movement and assumption of collaboration, the mechanics of numbers coming together to create a greater aesthetic understanding and sharing, a group contribution to knowledge; the crowd in poiesis, the poetry of the people. On the other hand there are indications of individual protest that are effective by their very solitude, their shadowiness, such as the midnight subversions of street artists and the less acceptable daubs of graffiti artists, or very poignantly the lone protests of Brian Haw and his Peace Camp outside parliament from 2001 until 2010 and the portrayal of his resistance by artist Mark Wallinger. These aesthetic interventions demonstrate the singular taking up of space as opposed to the widely understood occupation model which connotes the crowd immediately.

To think of the role of aesthetics within movements and indeed the aesthetics of the movements just mentioned, is perhaps to remind ourselves of the role that signs and images have in resistance, and not least law. The coming together of voices in numbers suggests a choral or sonorous interjection; this strength in numbers is palpable and can be felt by law through its reactions. As in a famous riot case in 1970 (*R v Caird*), "The law has always lent heavily on those who use the threat that lay in the power of numbers. The acts of any individual participant could not be approached in isolation." This approach has very much

been replicated in the more recent cases coming out of the Magistrates and Crown Courts after the London Summer Riots of 2011, where sentencing guidelines were realigned to create the new offence of 'Riot-Related-Offending', the culpability of the masses taken into consideration in the actions of the one individual (see *R v Blacksaw and Sutcliffe*). How does this portray the resistance that occurred and what are the referents of dissent that are either there or somewhat missing? Perhaps we need to re-consider how the image, or sound, or light, or film, or any other form of media that can be used to communicate dissent, can be revolutionised once again by the crowd, whether the aestheticisation of life has brought forth the de-symbolisation of protest through the simultaneous dissolution and contagion of the collective by and through law, to coin a Benjaminian understanding.

The case of Brian Haw, a protestor raising his voice against the British involvement in Afghanistan and subsequently Iraq who singularly camped outside the Houses of Parliament for nine years, crosses art and law, questions of the singular and the collective (and the role of the agent in the crowd) in resistance. In the April of 2005, the Serious Organised Crime and Police Act (SOCPA) was passed, setting up the Serious Organised Crime Agency (SOCA), the act had pinned to it further Sections 132 to 138, regarding 'Demonstrations in the Vicinity of Parliament'. These sections imposed restrictions upon demonstrations within a 1 km radius from anywhere within the boundaries of Parliament Square. On 23 May 2006, the majority of Haw's placards and banners were removed by the police in a night raid, in accordance with ss 134 and 135 of SOCPA. Wallinger's 'State Britain' was a meticulous reproduction of Brian's confiscated display on show at the Tate Britain. Half of the display itself actually fell within the 1 km exclusion zone, thereby posing questions as to the legitimacy of the display, its status as whether art or protest, and whether of course, art can be a form of protest in itself. Most importantly both Haw and Wallinger were expressing a palpable (collective) discontent with the foreign policy decisions of the then Labour government, Haw through individual protest and Wallinger through a replication of this palpability in the form of art as protest or protest art.

But was Haw creating singular moments of protest or was he acting in numbers? Arguably he was affecting what Boaventura de Sousa Santos would refer to as a 'destabilising image' (Santos, 1999), a schism within the norm that allows a moment or a juncture of rupture, empathy for the other, and connection with the group. Haw's stance in front of Parliament was laden with the semiotics of resistance, and not just that of his own but the connotation of the crowd. Wallinger distorts and re-distributes the matter further with his reappropriation of the placards, a literal copy of the protest that is at once legal and illegal, resistance and law, protest and art. The presence of the collective becomes clearer as the message is relayed perhaps, that the displays were not just those of one person, but at least two (Haw and Wallinger). It is interesting to think back to that time and I do remember taking part in a 'Mass Lone Demo' where comedian Mark Thomas had invited individuals to request permission to protest in parliament square, all with separate causes, and yet all the protests took place at the same time. This was effectively showed the short-sightedness of the SOCPA law and is poignant as an illustration of the individual in the collective, and how the law perceives this, critiqued and subverted by the creative crowding and political comedy of Thomas.

A semiotics of the crowd can also be clearly remembered through the tactics and strategies of the Reclaim the Streets (RTS) movement. The RTS were more specifically entrenched within the forms of direct action which dominated the political spectrum of 1990s Britain; their inspiration lay in the reactionary nationwide uprising to the introduction of the 'Poll Tax' by the then Conservative government in 1990, which managed to capture the country's

discontent and distrust of politicians, and their politics. RTS were first formed in the Autumn of 1991, coinciding with the emergence of the anti-roads movement. The use of subversive, Situationist-inspired humour, alongside a little bit of civil disobedience, was typified directly through their symbolic occupation of time and space. The road became the epicentre of the activity and resistance; it was transformed into a 'TAZ' – a 'Temporary Autonomous Zone', liberating the area temporarily, from the constructs of land, time and money. TAZ as an idea was first formulated by autonomist theorist Hakim Bey, and describes the transient and spontaneous character of this form of crowding very well. Playful antics and inverted humour were used as weapons against the enemy; symbolic referents, in the form of 'pedestrianised cars', and others with RUST IN PEACE painted on their sides, and shrubs planted in their interiors. Before long, the street itself became a living, breathing occupied space.

Another example of law responding to the crowd would be the Criminal Justice and Public Order Act (CJA) 1994. The law again here was trying to identify its constituent in numbers, its determination to keep the crowd, the plural, the collective, within its bounds. The CJA was made law on 3 November 1994, and was part of a series of previous legislation, dating from 1987, the final draft being the most comprehensive and overarching part of the Bill. It is the contents and implications of Part V of the Act that concerns the collective the most, the final part which covers 'Collective Trespass or Nuisance on Land'. This part of the Act lays down the powers that the authorities have in relation to the removal of trespassers on land (Section 61), in relation to raves (Section 63), retention and charges for seized property (Section 67), squatters (Section 72), and campers (Section 77), to name but a few. Not only were the rights to protest and party curtailed but so too the rights of the nomadic civilisations, namely the Romany gypsies (in their post-modern contingent as the much maligned New Age Travellers), were directly affected, alongside those of the anti-hunt saboteurs, whose rights to oppose what they believed was wrong, were unceremoniously taken away.

So what might be the lessons we can take away from this discussion and bring to the table of contemporary crowding, protest, symbolism and law? It is worth not underestimating the role of escapism within crowding, and as intimated at the beginning, the apparent lack of time to briefly run away, the norm is ever present with an impossibility of creative retreat. As we have seen, aesthetic resistance doesn't have to be purely an artist's re-hashing of a protestor's placards, it does not have to be visible as such but can affect itself with declarity through other forms of aesthetic connection. Music and art and creativity put into collective kinesics that which we cannot describe, that which cannot be categorised, and yet the law has to categorise no matter what. By creating new forms, new schisms, new openings for destabilising images, there may be enough time between the creation and the category, for us to escape and resist through the law of numbers, the poiesis of the crowd, as opposed to the law of one at the expense of the foundations of constitutionalism.

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