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Commentary



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Social Resistance and the Disturbing of the Peace

Abstract

Argues that preserving the Peace maintains injustice, and that it is morally just and historically necessary to challenge it with acts of social resistance.

Keywords

Civil disobedience--Law and legislation; Political activists--Legal status, laws, etc.; Civil rights; Canada

Commentary

SOCIAL RESISTANCE AND THE DISTURBING OF THE PEACE[©]

BY JOHN CLARKE*

In order to make a case for disobeying the Law as a significant element of social mobilization, it is necessary to establish three things. First, you have to demonstrate that the society you propose to challenge is very seriously unequal and unjust. If the grievance does not rise to this standard there is little basis for taking defiant action. Second, you have to show that the state structure and laws of this same society serve, in a fundamental fashion, to perpetuate the injustices you are opposing. Third, beyond demonstrating a deep degree of unfairness, you have to show that the historical record and the present situation would suggest that defying the rules of society offers the distinct possibility of success. Indeed, you must prove such methods of resistance to be a better option than “working inside the system.” I will examine each of these issues in turn.

The task of proving this society to be fundamentally exploitive and unjust is onerous only in the sense that the supporting material stretches to infinity. For instance, consider the situation in Toronto, which is the wealthiest city in Canada—a highly privileged country. In this showpiece urban centre, a veritable model suite of capitalism, two thousand people are evicted from their housing every month for sheer inability to pay their rent. At the same time, sixty thousand people sit on housing waiting lists that are now seven to nine years long. Growing numbers of people are being rendered destitute, and, according to the Toronto Disaster Relief Committee, homeless shelters in the city fail to meet standards set by the United Nations for refugee camps. Every month in Toronto, one hundred and fifty thousand people must turn to private charity in order to inadequately feed themselves and their families. The Daily Bread Food Bank reports that 26 per cent of the children who use their services go hungry at least once a week.¹ Food bank staff that I have spoken to report that they consider the numbers who turn to them to be only one half of those in need. This would suggest that at least 12 per cent of Toronto’s

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* Ontario Coalition Against Poverty.

¹ “Enough Study and Talk, it’s Time to Fight Poverty” *Toronto Star* (13 October 2002) A18.

population are inadequately nourished. This is an astounding level of deprivation in a major centre of wealth generation.

It should also be said that social grievances affecting the poorest sections of the population are only the sharpest expressions of much more wide-ranging injustices. As the prevailing, regressive social agenda asserts itself, health care and education systems deteriorate and broader public services rapidly erode. Furthermore, all of these ills are longstanding and self-evidently worsening. These are not social injustices that can be overturned by way of some eloquent briefs being read into the record of a parliamentary hearing or a few insightful letters to the editor. We are dealing with willful and mounting injustice. Already, a few individuals in Canada own more wealth than 50 per cent of the population and they and their close rivals are not satisfied yet. This society is fundamentally unequal and devoid of social justice.

That the Law is a means of perpetuating this very injustice is also a proposition for which the evidence at hand is rich and ample. Apart from the obvious and fundamental fact that the Law sanctions property relations that are based on inequality, it also operates in key ways to preserve the societal status quo we have set our sights on challenging. Most obviously, legal codes have been drafted on the basis of a set of double standards when it comes to dealing with the rich, on the one hand, and the poor and working people, on the other. The enormously socially damaging behaviour in which the wealthy engage is subject, for the most part, only to timid and reluctant restraint. It is quite another matter with the despairing outbursts, the acts of survival, or the conscious resistance of the poor. Actions like these are dealt with by way of criminal sanction. A worker who robs the employer's cash register will go to jail. On the other hand, an employer who maliciously withholds wages that he or she is legally obligated to provide to an employee can expect, at worst, that the Ministry of Labour may, months after the fact, make an order for payment of the wages. In the jails across Canada, rapacious employers, slum landlords, and polluters of the environment are conspicuously absent. "Crime" is an intensely class-based concept in terms of both definition and application. It is as if sucking blood was a criminal offence for mosquitoes but not for vampire bats.

It is not, however, simply a matter of the Law regulating the behaviour of the rich very mildly and that of the poor with great severity. Beyond this, the Law is devoted to maintaining a social equilibrium that continues to reproduce inequality and injustice. Let me illustrate this by means of an imaginary but typical incident on a strike picket line. Suppose that a group of workers have walked off their jobs to try to counter low wages, bad working conditions, and their ongoing exposure to dangerous substances. Their employer has refused to bargain in good faith and has

hired replacement workers, not just with the intention of blocking their demands, but with the goal of breaking their strike and replacing them with more malleable employees. As the scabs are bussed into the factory, the power of the state is used to ensure the “right” of the employer to “enjoy” the use of his property in this way. An angry and frustrated worker tries to confront the scabs and a cop blocks her path. He would like to achieve his purpose with minimum fuss so he tells her, “Look, we’re not taking sides here, you know. We’re just here to keep the Peace.” Let’s note this term but extend our illustration before we look into its content.

This same worker, we shall imagine, has lost her job, thanks in no small part to the Law and its enforcers. She applies for welfare, and, as is the case in such situations, has to wait until her modest savings are exhausted before she is eligible. She is actually quite entitled to assistance but, very typically, the welfare bureaucracy finds ways to deny her assistance. Her situation becomes desperate. Her landlord is close to evicting her and the Children’s Aid Society is looking into her case. The loss of her housing and the removal of her kids are looming in her life. She goes to the welfare office to try and resolve matters and is met with a wall of indifference. She explodes in anger and the police are called. The police charge her with “causing a disturbance.” This “Peace” of theirs has again been threatened. When she goes to court, she endeavours to explain the injustices she faced and the threats under which she was operating. She is quickly dismissed and told: “This might have some relevance in a sentencing hearing but right now we are only interested in whether or not you disturbed the Peace.” As they define things, she is guilty and is convicted.

It is time we looked into the nature of this curious creature, the Peace. The first thing we must note is that it offers us a very selective notion of tranquility and good order. In the illustration just given, the exploitation of workers, the loss of their jobs, and the destitution and misery of a family were things the Peace could tolerate and accept. Indeed, I understate the case in that the Peace is not just accepting of these things but devoted to perpetuating them. This is because, of course, the reverse side of this suffering is the enrichment of the employer who gained from this whole unfolding of events. The general social class he is part of requires this societal balance of forces in order to maintain its position and increase its level of wealth.

The keeping of a Peace that is measured in terms of successfully preserving inequality spans the centuries. In the 1830s, impoverished and malnourished agricultural workers in southeastern England engaged in a series of riotous gatherings that became known as the “Swing Rebellion.” They rose up against landowners, burned property, and destroyed some of

the threshing machines that were impoverishing them. The Whig government of the day crushed the uprising, even bringing the famous Duke of Wellington out of retirement to take charge of some of the repression. Hundreds of prisoners were hauled before a series of Special Commissions for trial. Nineteen were ultimately executed and hundreds more were imprisoned or transported to Australia. At one of the hearings, the defence tried to introduce evidence regarding starvation in the agricultural districts. Justice Alderson thwarted the attempt with a memorable and illustrative statement: "We do not come here to inquire into grievances," he pronounced, "we come here to decide law."² Then, as today, the Peace is preserved by way of a system of Law that dares to claim that it hands out "Justice."

In the summer of 2001, my own inadequate allegiance to the keeping of the Peace caused me to spend a month in Whitby Jail. It was a fascinating glimpse at how Order is actually maintained in this society—not in the 1830s but in the opening phase of the new millennium. In an antiquated and dirty facility where, in the words of one jail guard, the prisoners are "stacked like cordwood," I met dozens of men who were there simply because they were poor. Very few of my fellow inmates would have gone to jail, and almost none of them would have had to stay there, if they had money and the contacts and influence that it can buy. For a while, I shared a cell with one young man who was homeless and, having holes in his shoes, had stolen a pair of dry socks. They had just refused him bail and issued a detention order against him. There was another man in his late fifties on my range. He spent days trying to get his blood pressure medication and was in generally bad shape. Every day, they would pack him into the cramped and overheated wagon for the agonizingly long drive to the Oshawa courthouse. Every day, he sat shackled in the bullpen waiting to be taken up to see the Justice of the *Peace*. Every day he would be asked if he had found the five hundred dollar surety required for his release and he would reply that he did not know anyone who had the money. Every day, they would bring him back, exhausted and sick, to the jail. Justice Alderson would be gratified to know that the passage of time had not eroded the things precious to him.

Based on this record of past and present, I would like to suggest that this Peace of theirs is, in fact, a monumental dose of hypocrisy. It is not actually peace at all but a one-sided war in which those with economic power can exploit and oppress others with full legal sanction, while any form of resistance on the part of the victims is criminalized and punished.

² Eric Hobsbawm & George Rudé, *Captain Swing* (New York: Norton & Company, 1968) at 259.

In this context, I argue that to preserve the Peace is to maintain injustice, and that it is morally just and historically necessary to challenge it with acts of social resistance. We are entitled and impelled to hunt the King's Deer and disturb the King's Peace.

Having established that this society is fundamentally unequal and unjust, and having seen that the Law clearly serves and protects the beneficiaries of this injustice, we must still meet the last requirement in proving our case. Namely, is there evidence to support the proposition that those who are oppressed can make gains by acting defiantly? As a general rule, we can say that whatever economic, social, and legal rights that oppressed people have secured thus far have been obtained through social resistance that disrupted the status quo to the point of generating crises. Such activity was rarely conducted with official sanction, and it often occurred despite legalized efforts to destroy any uprising.

When the Great Depression created a mass of unemployed and destitute people, the governments of the day had no immediate intention of implementing any significant measures of social provision. In Canada and in many other countries, the organized resistance of the unemployed at that time was bitter and ubiquitous. Veterans of those struggles have told me of the frequent fights that went on at relief offices, when mass delegations of the unemployed would march on the offices to ensure that families denied help would be able to obtain assistance. Evictions during that period were often physically blocked by huge gatherings of people. It required a strong mobilization of police and a bitter conflict with the unemployed before a single family could be evicted from their housing.

This relentless and disruptive pressure sometimes took the form of huge political events that, like the "On to Ottawa Trek" of 1935, have passed into the history books. More often, however, it was a daily challenge to authority. Snake marches of the jobless would disrupt commercial centres. Large groups would enter restaurants, order food, and then announce they had no money to pay the bill. Angry and volatile marches on city halls would be organized to demand work projects for the unemployed. A mass of people began to present the authorities with an ongoing and infectious manifestation of open defiance.

The unemployed movement of the 1930s forced all levels of government to provide relief on an unprecedented scale. The work camps that unemployed single men had been forced into were closed. Prime Minister R.B. Bennett, who had earlier dismissed the very notion of provision for the unemployed as a "premium on idleness," and who had promised to crush resistance under "an iron heel of ruthlessness," tabled a bill for the introduction of unemployment insurance in 1935. That same year, Bennett's throne speech promised to make the capitalist system serve

the people more effectively.³ The desperate resistance by the unemployed did win some important concessions, but the organizing momentum and experience it created went on to fuel a movement that achieved much more sweeping and lasting changes.

During two great waves of activity, in the late 1930s and in the immediate aftermath of World War II, the industrial trade unions took hold in the United States and Canada. The right to unionize and bargain collectively was recognized and a process of working class organizing was initiated that led to huge improvements in living standards and the establishment of social rights that went well beyond the immediate membership of the unions.

Though this great leap of union organizing took place within living memory, the record of it has been sanitized and made to look retroactively respectable. The fact is that acceptance by the major employers of unionized workplaces was a hard fought battle that would never have been won if workers had not been ready to defy the Law. The famous sit-down strikes of the 1930s were bitter confrontations between workers and the state power. The very term “sit-down” has had its edge blunted somewhat to suggest only a very mild form of disobedience. The pivotal Flint sit-down of 1937 was not simply an occupation of a factory, but a siege in which the workers defended the property they had taken over from all efforts by the authorities to dislodge them. To demonstrate this, consider the following quote from one account of the police attempt to retake the Fisher Plant.

[The strikers] dragged one firehose to the main door and another to an upstairs window, and began hosing the cops away while other strikers inside and out, threw two pound automobile door hinges at them. ... [The police] their uniforms freezing on their bodies, retreated. Unionists cried out in wild joy and prepared themselves for the next battle, dumping hinges, empty soda pop, and milk bottles on the sidewalk for the use of the pickets outside.

About 9 PM [a second assault began]. Vic Reuther shouted: “We want peace. General Motors chose war. Give it to them.” And the strikers did just that. ... From the roof sitdowners with homemade slingshots heaved hinges at the beleaguered police, and the outside pickets hurled nuts, bolts, empty bottles, and an assortment of other missiles at them. The police never made it to the plant.

Enraged by their setback ... the police ... reached for their weapons ... and the engagement took a more serious turn. ... Fourteen union men were wounded, and thirty six police were sent to hospital for treatment. ... At midnight, five hours after the fighting had started, the police made another attempt to rush the plant and were again driven off by the strikers’ high pressure hoses and a rain of missiles. ... GM made no further attempt to retake any of its

³ Richard B. Bennett, “Bennett - Speeches - Ottawa, January 2, 1935 - First Among Equals,” online: National Library of Canada and National Archives of Canada <www.nlc-bnc.ca/2/4/h4-4049-e.html> (date accessed: 11 June 2003).

factories by force.⁴

If there was a pivotal moment in Canada in the struggle to win union rights (though developments north and south of the border were quite interrelated) it was the Ford Strike of 1945. This strike won the famous "Rand Formula," or dues check-off system, that legitimized and recognized unions to a vast degree. This struggle, too, was not fought through to victory without explosive confrontation. The workers defended their strike and their union with a massive blockade of vehicles around the Ford Plant. This involved the requisitioning of cars and buses (some of which were taken by force by the union Flying Squads), and prompted the Attorney General to declare that the strikers' behaviour "constituted open insurrection."⁵

While these upsurges led to very real gains for working people, the State was most careful to deliver concessions in a form that ensured stability and good order. Unions had the right to bargain, but had to operate within a legal framework that limited their freedom of movement and even demanded that they police and discipline their own members. Social programs were incrementally strengthened, but a vast network of public and private agencies developed to ensure that these limited improvements to the welfare state were negotiated through stakeholder discussion and polite lobbying. Of course, unions still went on strike and the systems of control sometimes failed, but, overall, the class struggle was blunted and compartmentalized. Protest movements still arose, but they largely confined themselves to officially sanctioned expressions of moral pressure as opposed to the defiant social explosions and disruptions of an earlier period.

By the 1970s, however, the post-war settlement was breaking down. A sustained economic boom, which had made concessions that were palatable to those in power, had reached its limits and a new agenda began to emerge. A weakening of unions, an erosion of social protections, and a general assault on legislation and policy that in any way limited the generation of profit became the new and favoured political agenda. The neoliberal approach to politics has continued to gather momentum for nearly three decades. The Common Sense Revolution launched by the Progressive Conservative government in Ontario was a particularly sharp local embodiment of just this way of operating. In equal measure, the

⁴ Sidney Lens, *The Labor Wars: From the Molly Maguires to the Sitdowns* (Garden City: Doubleday, 1973) at 310-11.

⁵ Bryan D. Palmer, *Working-Class Experience: Rethinking the History of Canadian Labour, 1800-1991* (Toronto: McClelland & Stewart, 1992) at 281.

inability of unions and social movements to fashion an effective response to this regime is an embodiment of the dilemma that faces us in this period. We have lived under the terms of a deal that largely tamed social resistance in return for measured and limited improvements in the conditions of life. Now that the other side has unilaterally revoked this deal, the issue is to get away from the unfortunate notion that we have to keep adhering to our end of the bargain. Using some examples drawn from the struggles of the Ontario Coalition Against Poverty (OCAP), I want to now explore the question of rediscovering an earlier combativity and defiance of authority.

The situation in Ontario has been dominated over the last few years by an astoundingly regressive political agenda, implemented by a regime that has displayed unprecedented intransigence in the face of opposition and challenge. Mass protests that would have jarred the nerves of previous governments have left the Tories unperturbed.

The determined and relentless assault on social gains and public services launched by the Tories in Ontario has provided a striking test case in the matter of social mobilization. A successful challenge to the Tories would need to be based on an understanding of what they represent. They are the very face of neoliberal restructuring. They are not playing by the rules that previously existed and the government will not be stopped by moral arguments or mere indignation over the damage they are inflicting. Only the kind of defiant disruption that established trade unions and laid the basis for the post-war social infrastructure could stop them in their tracks. However, the problem we have seen in Ontario is precisely that the movements that are in a position to initiate such action, especially the trade unions, are dominated by a bureaucratic layer that is unable and unwilling to embark on such a course. The closest we came to decisive action was the Ontario Days of Action: the series of citywide strikes and protests that the Ontario Federation of Labour organized in the late 1990s. Unfortunately, these strikes were never developed to the point where they could shake the Tory regime, and once the attempt to use them as a bluff was called by the Tories, they were junked by their vacillating organizers.

It was in this context of a vacuum of effective resistance that OCAP took up the question of the means to fight back. We were poorly resourced and mobilized a constituency with much less inherent power than the labour movement, but we did have a clear orientation of “fighting to win.” On this basis, we asked ourselves how we could start to make a difference and actually defend the poor and homeless people we represented. The most immediate thing we grasped was that we had to be able to resist the inhuman political agenda we were confronting at the most basic level—in the lives of individual people and families. We developed a method of operating that we came to describe as “direct action casework.” For the

most part, we do not deal with denials of social assistance, evictions, non-payment of wages, and other such injustices, by going to the tribunals and similar bodies that are set up as a means of seeking redress in such situations. Instead, we use disruptive collective action (or the threat thereof) to settle grievances. For example, when people come to us having been denied welfare benefits, we will send the office involved a clear demand for a remedy. If the demand is not responded to favourably, we bring a mass delegation to the office to press the matter. In those rare cases where this fails to produce results, we will escalate our tactics. On one occasion, we brought a mass of people into a restaurant where a group of high-ranking welfare officials were dining. Another time, we took over the mayor's office to resolve a matter. Our success rate in these cases is almost 100 per cent.

We use the same methods for other kinds of unjust treatment. There was one particular immigrant worker who came to us after he had worked for five days at a gas station. At the end of this period, they laid him off, and, when he tried to collect his wages, told him that his period of employment with them had not actually been "work" at all. Apparently, they were merely "training" him and as a result he was not entitled to get paid. All of this is completely illegal, of course, but his only recourse is to go to the Ministry of Labour and file a complaint. Since the Tories have cut the Ministry's budget by 40 per cent, it now takes approximately eighteen months to resolve such cases. Given the time delay, we followed a quicker route and established a picket line at the gas station. A couple of hours without pumping gas convinced the manager to pay the worker the money he was owed. Interestingly, the police came to our action and arrested one of our members on an assault charge, only to drop the charge after a couple of hours. Yet, not only did the employer abscond without facing any penalty for willfully denying his former employee money to which he was legally entitled, but the employer could also rely on the police to "serve and protect" his act of theft.

Direct action casework methods have also been applied in a variety of other desperate situations, such as when people are facing deportation or other life threatening abuses that affect refugees and their families. We had one particularly compelling situation where a man was denied landed immigrant status. He had fled to Canada and claimed refugee status. The adjudicator rejected his claim for asylum, but the relevant appeal body upheld it over the Minister of Immigration's objections. It had been hard for the government to make a credible case that the man was not a victim of persecution since he had come to Canada without a tongue. However, despite winning the right to stay here as a refugee, the man was still unable to secure landed status. This prevented him from bringing over his family

members who were living in great poverty and acute danger. In fact, while we worked on his case, his nineteen-year-old son was murdered by death squads. The delay in securing landing was due to the fact that the Canadian Security Intelligence Service (CSIS) was indefinitely prolonging his security clearance investigation. As a response, we uncovered the location for CSIS' office in Toronto and marched on it. We brushed past CSIS officers and formed up in the outer lobby. CSIS does not exactly welcome public rallies at their locations. As a result of our action, the investigation was fast tracked, and, after other battles with immigration officials, the family was finally reunited.

This kind of relentless pressure on officialdom tends to make the going easier over time. Welfare grievances are usually solved, these days, with a letter to the office. Last year, we sent the Toronto housing inspectors' office at City Hall a list of apartments in Parkdale in which basic and necessary renovation and maintenance work was being neglected. All the tenants involved had been complaining for months to no avail. We explained that we would be coming to their office *en masse* if the problems were not dealt with in a timely fashion. Subsequently, a special team was assigned to issue and enforce work orders.

Much of the mobilizing we have done against the Tory-led and inspired "war on the poor" has been around defending the homeless and destitute. As a brand of urban redevelopment takes hold that stresses upscale commercial and residential housing construction, pushing homeless persons out of the central part of the city becomes an ever more important part of official strategies. The previous Police Chief of Toronto gave a series of media interviews in which he described the removal of panhandlers as his officers' key priority. We responded with a mass panhandle, involving at least two hundred homeless persons, that passed through the Eaton Centre and other meccas of downtown shopping. The chief's public campaign was terminated. In a similar fashion, we held another large-scale panhandling session at the entrance to the opening gala of the Toronto Film Festival to fight the way in which homeless people were being driven out from the surrounding area in preparation for the event. The huge force of police that were called in to guard the movie elite from us only added to the effectiveness of the action. The organizers of a major book festival that followed soon afterwards met with us and issued a public letter asking that the homeless not be cleared from the streets where they would be holding their event.

As we stood up to the impact of the Tory government's social onslaught, we realized that, for the present, we lacked the power to force the withdrawal of reactionary legislation. What we were able to do, however, was to use methods of disruptive collective action to hamper the

implementation of such measures. A case in point is the fight we took up against the introduction of forced labour workfare programs. We concentrated our fire on the individual agencies that were taking workfare placements. We picketed their operations, invaded their annual general meetings, and employed other similar tactics. A senior municipal bureaucrat told a visiting British academic (who might not appreciate being identified) that OCAP had “created a climate of intimidation that makes it very hard to introduce workfare in Toronto.” This comment was not intended as flattery but it does speak to a degree of effectiveness.

The struggles and skirmishes I have described all point to an ongoing effort to use disruptive action in such a way as to provide an oppressed constituency with some power and a genuine ability to influence the course of events. However, it also illustrates the successful track record of an organization, up against superior odds, trying to harass and hamper the progress of a hostile agenda. Undeniably, in order to talk in terms of defeating that agenda, it would be necessary to pass beyond such defensive methods and to take up a generalized resistance, bringing in much broader forces that could elevate the methods of defiance to a much more serious and punishing level. As I have indicated, while this has been OCAP’s orientation and goal, the extraordinary durability of notions such as token protest and sedate accommodation have proven to be a massive obstacle for us. We have tried to make the case for building the kind of explosive social resistance that can effectively oppose the Tory government, but the degree to which the bureaucratized union and social movement leaderships have been incorporated into a regulatory edifice of legality and respectability is astounding.

Throughout 1991, we worked to build a campaign of economic resistance to the Tories. Our goal was to convince unions, First Nation’s communities, and social movements to become participants in a wave of actions in the province that would all be based on targeting and adversely affecting the provincial government’s corporate supporters. Whether it was strike action, road or rail blockades, or other forms of disruption, we argued for methods of resistance that would go beyond officially sanctioned statements of opposition. We suggested that it would be possible, if such tactics were employed seriously, to put a literal price tag on the Tory agenda that its corporate beneficiaries would find prohibitive. We travelled the length of the province and visited dozens of communities advancing this goal. Some impressive actions were initiated in the latter part of the year. On 16 October 2002, 2,500 people marched through the financial centre of Toronto, shutting down a considerable portion of the business operations in the area despite the efforts of hundreds of riot cops to prevent it. Similar marches occurred in a range of communities. Mohawk people set up road

blockades that closed down factories and the operations of a major industrial dump site. Students in dozens of schools walked out. Still the dead weight of an historically conditioned reluctance to cross the boundary line and challenge the Peace proved, at that point, too great for us to overcome.

Over the last few months, we have made another attempt to work towards a form of resistance that can offer a wide grouping of social forces the opportunity to employ tactics that can disrupt a mechanism of oppression to the point of crisis. We have begun to challenge the deplorable situation where, in the midst of a homelessness crisis that continues to claim human life, hundreds of buildings in Toronto are boarded up and left to rot. The reasons for this are somewhat varied, but the common denominator is profit. Whether it is a matter of speculation or cost-effectiveness, buildings are sealed up on a scandalously widespread basis. In July 2002, while the Pope was visiting the city, we took over a property in Toronto's west-end. We deliberately chose a location where ownership was a somewhat murky issue. Three months later, the property was providing shelter to dozens of formerly homeless people. This is no small achievement since, in Canada, there has never been any concept of "squatters' rights." To enter an empty building is an act that is immediately subject to criminal sanction.

OCAP has taken this direction as a wave of squatting has emerged throughout Quebec and Canada. We have now tried to extend the whole initiative into something quantitatively and qualitatively greater than the random occupation of a few buildings. Under the slogan, "Give it or Guard it!", we have begun to build up an alliance of forces that can move systematically and relentlessly to reclaim abandoned housing. Our notion is to create a situation where it is simply impossible for the authorities to seal up property and walk away from it. If we can go after such property with enough regularity and on a large enough scale, the government will have to choose between the creation of housing and the ongoing mobilization of police forces to "serve and protect" empty buildings. On 26 October 2002, we marched on a site in Toronto's east-end while union and social justice allies simultaneously forced the police to stand guard over two other properties. Astoundingly, hundreds of riot police were mustered to defend three empty buildings from homeless people seeking shelter. Most encouragingly, people in seven other cities, from Vancouver to Halifax, took action on the same day. If we can maintain and extend this pressure, our challenge to the "right of property" may well produce concessions in the realm of much more fundamental and important human rights—the right to shelter and dignity.

I will give one more example from the struggles that OCAP has taken

up and it is one that rather strikes at the heart of the matter. On 15 June 2000, we marched 1,500 homeless people and supporters to the Ontario Legislature. We did not come to simply make our moral case but, instead, sought to compel a notoriously arrogant political regime to deal in good faith with its victims and to respond to their grievances. On this basis, we demanded that a delegation of people able to speak to the homelessness crisis be allowed to address and present its demands to the provincial legislature in session. This tactic was, once again, an attempt to pass beyond the framework the government has laid down for us to adhere to and to proceed on the basis of the needs and aspirations of those they would silence and push to the margins. The delegation was blocked and a mass of riot officers and mounted police proceeded to clear the grounds with repeated and brutal charges into the crowd. Dozens were injured on both sides, and about forty-five of the protesters were arrested and charged. In January 2003, three OCAP members faced a jury trial on very serious indictable charges. While we are most assuredly not guilty of the “planned riot” the Crown will seek to prove took place, the legal definition of a “riot” is telling and it brings me back to my original theme. A riot is an unlawful assembly that has “begun to disturb the peace tumultuously.” Developers who wipe out low income housing stock and grow rich from condominium development, politicians who destroy what few shreds of social provision are available to the poor—all these purveyors of human misery operate with the blessing and protection of the Law. However, homeless people who demand to be heard and call for the right to shelter are swept from public view and locked away as disturbers of the Peace. Those who create a system of Law that is founded on such presumptions can have no reason to be shocked if their edicts are despised and defied.

A participant in a recent major housing takeover in Vancouver told me that shortly after the takeover was broken up by the police she read in a newspaper that this state operation had “restored the Rule of Law.” If the Rule of this Law means that some must sleep and die out in the open so that others can grow rich from their suffering, then we must call for the Law to be defied, the Peace it protects to be shattered, and the institutions it serves to be disrupted. Without the Law’s permission and, over its objections, we must fight to win.

