

The analysis of the reasons the UK is unlikely to become a police state

Jinjing Ge

Emerson College, Boston, 02116-4624, USA;

Abstract:

In today's society, there is tension between the exercise of public power and the protection of free speech. In Britain, nearly 1,000 people have been arrested for freedom of speech in the past five years. There has been discussion about whether Britain is becoming a police state. The system of the police state is undemocratic and authoritarian and serves a particular class. Under such a system, the police can arbitrarily use public power to arrest citizens, and citizens' fundamental freedoms cannot be guaranteed. Today's British society is civil, and citizens enjoy fundamental rights, including freedom of speech. The law establishes the boundaries of freedom of speech. Regarding limiting police power, the scope of police power can be clarified at the legislative and judicial levels, and the relationship between public power and private rights should be balanced. Thus, this paper argues that Britain will unlikely become a police state.

Keywords: police state; police power; freedom of speech; civil right.

1. Introduction

According to a Guardian investigation in 2019, 277 university students were disciplined or expelled for making inappropriate comments on topics such as racism, homosexuality, and so on. It is easy to see that the jurisdiction of freedom of speech has covered most social groups, and the consequences of freedom of speech are dealt with seriously rather than lightly. And the frequency of such incidents is very high. To be specific, 104 cases occurred in 2018, which means that such problems are not accidental but have gradually penetrated people's lives [1]. Given the fact that nearly 1,000 people have been arrested for freedom of speech in the past five years, the power and influence of police officers dealing with such situations directly reflect the attitude of the country. Therefore, the question of whether Britain will gradually become a police state has formed an unavoidable discussion. This essay argues that Britain is unlikely to become a police state and analyzes from different views, such as the definition of a police state, the characteristics of police power, and the relationship between police power and citizens. Next, it will use the case study method to expand this analysis based on real situations and to understand and solve the problem by dismantling the meaning of the police state and the freedom of speech.

2. Police State and Police Power

2.1 Definition and Characteristics of Police

State

"Police State" is a translation of the German word *polizei-staat* [2]. This term is derived from the German roots of police and state, which indicate the public's awareness of how police power is related to the functioning of state power [3]. The first citation of the term by the Oxford English Dictionary comes from the Times (London) of 1851: "Austria has become more of a police state than before." In the book *Police State*, Chapman, an American scholar, analyzed the institutional content and characteristics of police states from the perspective of Western countries and analyzed the related causes and evolutionary trends [4]. With the development of the society, the connotation of the police state is constantly improving. Under such a political system, any police state is undemocratic and authoritarian. This means that such a political system is limited. The management of the police state is conducive to the development of authoritarian rule, allowing those rulers to achieve the political environment they want so that they are more inclined to serve a particular class of people rather than the whole society. Therefore, the fundamental rights of any citizen cannot be guaranteed, and the interests of the class at the bottom cannot be safeguarded.

2.2 Definition and Characteristics of Police Power

The exercise of police power is an essential feature of the operation of the police state. Police powers are the fundamental ability of a government to enact laws to coerce its citizenry for the public good [5]. In such countries, the police undoubtedly enjoy a broad and unquestioned pow-

er to interpret the law. The exercise of the right is mainly embodied in four aspects: the right of investigation, the right of investigation, the right of arrest, and the right of punishment. In particular, the use and standards of police power reflect the government's attitude towards the people's interests. As the power users, the police influence directly reflects the society's standard code of conduct. When making an arrest, the police can use violent means without control or interference, which means that the safety of citizens themselves is also at risk, and being outside government control increases the risk of police abuse. In the context of a police state, the actions made by the police have replaced some administrative organs of the government, which means that their investigation and investigation powers are constantly expanding. Even in some specific situations, police power is above the law. Then, the state will not have a set of objective and standardized judgment criteria; the public will regard the police's ideas as subjects and question the accuracy of the results. This reflects the essential characteristics of the authoritarian social system, so the authoritarian police power can only protect the rights of a specific class. Under such circumstances, the police can arbitrarily use their power to arrest any citizen, and the freedom of citizens cannot be guaranteed. As a result, mandatory regulation is likely to damage the government's credibility. It is also unfair that the level of punishment depends on different police officers rather than a set of standards.

3. Civil Society and Freedom of Speech

3.1 Citizens' Basic Rights under Civil Society

Civil society refers to a dense network of groups, communities, and ties between the individual and the modern state [6]. It means that the relationship between the state and its citizens is equal rather than subordinate. For the understanding of society, Rousseau mentioned in the Social Contract Theory that human beings are born free and equal, and the country's sovereignty lies in the people. In civil society, the most basic function of the citizens' rights is to ensure their lives. Meanwhile, the basic rights of citizens are also the norms of behavior under the management of the state. For example, each citizen has the right to ensure their freedom to participate in the formation of opinion and the collective decision-making of society (public autonomy), as well as the right to guarantee their freedom to determine their way of life (private autonomy). Civil society should treat every natural person equally to guarantee the rights mentioned above of citizens to participate in political activities. This idea dates back to 17th-century English egalitarians and liberals such as Lilburne and Locke, and it found dramatic expression

during the French Revolution with its Declaration of the Rights of Man and of the Citizen and the overthrow of entrenched hierarchies and autocratic rule [7].

3.2 Freedom of Speech and Its Boundary

Freedom of speech is an integral part of citizens' basic rights. Freedom of speech is a fundamental part of our democracy [8]. So, freedom of speech is not only a fundamental right but also a constitutional right. The First Amendment to the U.S. Constitution prohibits the government from making any law that infringes on free speech-violations of freedom of expression, including direct violations and indirect improper interference. The concept of freedom of speech in the United States is the most extensive in the world. In the US, political views, social views, and artistic expression can be protected under most circumstances. However, racist speech, obscene speech, etc., are not protected by the First Amendment of the US Constitution. Although China guarantees its citizens freedom of speech under the Constitution, the government has set up censorship procedures for the press, Internet, publishing, and other fields. Malicious criticism, incitement to overthrow the government, and terrorist speech are not protected.

In the UK, the right to freedom of speech is protected under common law. It is also guaranteed under Article 10 of the European Convention on Human Rights (ECHR), where "everyone has the right to freedom of expression." The Human Rights Act (HRA) 1998 incorporated this right into UK law. HRA requires the courts to interpret legislation in a way compatible with Article 10 of ECHR. Under Article 10, freedom of expression includes the right "to hold opinions and to receive and impart information and ideas without interference by public authority" [9]. This means people have the right to express their thoughts and opinions freely and openly without fear of government interference or punishment. However, freedom of expression is not an unlimited concept, and no protection against speech may harm the fundamental rights of others. The forms of speech are diverse, such as oral, written, video, and other communication methods. This means there are many ways for the government or the police to receive what people say and think.

While assessing the UK's approach to regulating social media posts, it is essential to differentiate between legal action and oppression. The arrests for inappropriate comments are part of a legal system that tries to maintain order and protect an individual's freedom. Thus, it cannot be discussed as Britain's transition to a police state. Thus, when analyzing the specific legal actions and judicial supervision of such actions, it can be stated that they are not random but are based on a legal procedure designed to

prevent social conflict and protect the weaker members of society from potential harm.

4. Measures to Restrict Police Power

4.1 Clarify the Scope of Police Powers

In order to prevent the abuse of police power, restrictions should be carried out at the legislative and judicial levels [10]. From a legislative point of view, it is necessary to introduce a statutory accountability mechanism. In practice, the police's discretion and selective law enforcement must be restricted. The penalty is quite conducive to limiting the scope of police law enforcement. At the judicial level, the implementation of an administrative litigation system, through the way of administrative litigation to achieve the supervision of police power and their own rights compensation relief. Specifically, the essence of the administrative litigation system is the supervision of the judicial power of the court over the police power; the accused police should bear the Burden of Proof of administrative litigation. In other words, the police should prove that there is no excessive law enforcement or violation of the fundamental rights of the people to achieve the interest balance between police power and the basic personal rights of citizens. Third, the standard of proof of administrative litigation should be appropriately raised. The standard of proof refers to the extent to which a police officer can prove his or her conduct to convince a court that there was no excessive law enforcement. To what extent? It is essential to be clear about a standard [11].

4.2 Reasonable Balance between Public Power and Private Rights

The most important aspect of restraining police law enforcement is balancing the relationship between public and private power. In other words, citizens' basic rights limit and supervise the police power. It includes the boundary distinction between the fundamental rights of citizens and the power of the police [12]. Specifically, it is the restriction and supervision of the police power by citizens' freedom, freedom of speech, and commerce. When the total amount of social rights is certain, the wider the boundaries of freedom of speech, the more restrictions and interference the police power will be subjected to. First of all, from the perspective of the constitution, it clarifies the boundary, connotation, and extension of citizens' freedom of speech, as well as the boundary and composition of freedom of speech. For example, online speech is also protected by freedom of speech, thus reducing the interference of police powers with freedom of speech. Laws should be passed to specify the circumstances of freedom of speech and the circumstances of speech not belonging

to freedom of speech to provide a reference basis for restricting police power. Secondly, the corresponding complaint reporting mechanism should be improved to realize the real-time supervision of police abuse of discretionary power, which has a sufficient realistic and legal system basis.

5. Conclusion

In today's society, there is a tension between the exercise of public power and the protection of free speech, so it is argued that attacks on free speech constitute an expansion of police powers. However, Britain cannot become a police state. As John Locke put it, liberalism is the right of every individual to be free and independent of government authority [13]. Specifically, Britain is trying to limit the expansion of police powers through various means. Public power should be restricted by law and supervised by society, and citizens' rights should also be freely exercised within a reasonable range stipulated by law.

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