

# Public Order & "Breach of the Peace"

Concept	The Reality
<b>Public Order</b>	This refers to behaviour that causes, or is likely to cause, "alarm, distress, or harassment" to others. It is highly subjective and often abused to stop people from documenting public spaces.
<b>Breach of the Peace</b>	In Scotland, this is a common law offence. It involves conduct that is "severe" enough to cause alarm to ordinary people and threaten the order of the community.
<b>"Alarm and Distress"</b>	This is the crucial test. Simply filming or standing on public land, even if someone <i>dislikes</i> it, does <b>not</b> constitute "alarm or distress" under the law unless you are being aggressive, threatening, or engaging in harassment.
<b>The "Research Defense"</b>	Academic and journalistic inquiry is a protected activity. If you are conducting yourself professionally, documenting public life, and following your protocol, you are not committing a breach of the peace.

## How to Handle "Public Order" Accusations

If an authority or a bystander tries to claim you are "disturbing the peace" by simply being present with your camera, use these points to stay grounded:

- 1. Objective vs. Subjective:** If someone says, "*You are upsetting people,*" respond with: "*I am conducting legitimate research in a public space. If my presence is causing specific alarm or distress, please explain how my conduct—not my existence—is violating the law.*"
- 2. The "Harassment" Threshold:** You are not harassing anyone by filming in a public place. Harassment requires a course of conduct directed at a specific individual with the intent to cause distress. Your research is an observation of a general event; it is not targeting individuals.
- 3. Maintain the "Cool":** When they try to escalate the situation by invoking "public order," they are trying to trigger your adrenaline. **Don't give it to them.** The more calm, robotic, and procedural you remain, the more absurd their accusation of "disorderly conduct" looks.

## Why This Matters for the "Architecture of Absence"

The authorities use "Public Order" as a catch-all because it doesn't require a clear definition. It relies on the idea that if you act "out of place," you are inherently "disorderly."

By documenting this as a **procedural data point**, you are essentially saying: "*I am not causing disorder; I am observing the way order is imposed.*"