

## **Why is there no just riot theory?**

Jonathan Havercroft

Associate Professor of Politics and International Relations

University of Southampton

15 February, 2020

**Abstract:** Given the prevalence of riots throughout human history, the lack of normative theorizing about riots when compared to other forms of political violence is striking. I hypothesize this is due to the riot's extra-institutionality. Riots are extra-public because crowds riot rather than institutionalized groups such as parties or social movements. Riots are extra-state because they violate the state's monopoly on violence. Riots are extra-legal because they are a form of unlawful assembly. Riots are extra-Parliamentary because they operate outside of the normal legislative process. By considering the justifiable reasons for resisting each of these foundational institutions I propose some provisional criteria for a justifiable riot and argue that political theorists should pay attention to the normative dimension of riots.

"And I would be the first to say that I am still committed to militant, powerful, massive, non-violence as the most potent weapon in grappling with the problem from a direct action point of view. I'm absolutely convinced that a riot merely intensifies the fears of the white community while relieving the guilt. . . . But it is not enough for me to stand before you tonight and condemn riots. It would be morally irresponsible for me to do that without, at the same time, condemning the contingent, intolerable conditions that exist in our society. These conditions are the things that cause individuals to feel that they have no other alternative than to engage in violent rebellions to get attention. And I must say tonight that a riot is the language of the unheard."

– Martin Luther King, March 14, 1968<sup>1</sup>

"Riots work. And I've never said it in that way before. I am an American because of a riot. The [Boston] Tea party is sold to us from the time we are kindergarteners to the time we graduate high school – we are told that Americans and patriots got so fed up with paying taxes to the crown that they decided to burn some shit to the ground. . . . So, when people say riots don't work: Ferguson was over 60 percent as a black community. They had less than 60 percent representation in politics, far less. Post-riots, they have two new black city council members, they have actual advocates in the community now, and the police chief retired. So if it was argued that riots worked for Ferguson, absolutely they did."

-- Killer Mike, August 6, 2015<sup>2</sup>

## **Introduction**

Very few people defend rioting as a justified political action. Political opponents point to riots to delegitimize the political movement that instigated the violence. Even supporters of a political cause quickly condemn protests when they become riots.

<sup>1</sup> (King Jr. 1968)

<sup>2</sup> (Kreps 2015)

Consider for instance the reaction of prominent figures to the April 2015 anti-police brutality riots in Baltimore. Baltimore resident, and co-creator of HBO's *The Wire*, David Simon issued a statement as the riots were ongoing that read in part "If you can't seek redress and demand reform without a brick in your hand, you risk losing this moment for all of us in Baltimore. Turn Around. Go home. Please" (Taintor 2015). President Obama expressed similar sentiments when he said "One burning building will be looped on television over and over and over again, and thousands of demonstrators who did it the right way, I think will be lost in the discussion" (Davis and Apuzzo 2015). Both of these statements share a common concern that riots run the risk of undermining political progress that is more effectively achieved through non-violent means.

More radical writers have been quick to push back against the condemnation of riots as ineffective. George Ciccariello-Maher refuted the claim that rioting only encouraged a political backlash (Ciccariello-Maher 2015). Ta-Nehisi Coates argued that calls for the Baltimore rioters to be nonviolent in the face of violent repression by the Baltimore Police Department were hypocritical (Coates 2015). Hip hop artists Killer Mike defended the anti-police brutality rioters by arguing that riots were an effective tool for bringing about political change – a view that was echoed in subsequent political analysis (Friedersdorf 2015a, 2015b; Kreps 2015; Lopez 2006). These commentators argue that while riots may not be "wise" or "correct" (Coates 2015), they were a last resort after members of the communities had tried and failed to gain redress for their grievances using non-violent means. In every instance of recent anti-police rioting in the

U.S. the political authorities responded to some of the rioter's key demands.<sup>3</sup> Yet these defenders point to the riot's effectiveness rather than its legitimacy. They do not defend rioting on normative grounds.

The lack of normative theorizing in academic scholarship about riots is even more striking. There is an extensive literature in history, sociology, and empirical political science about riots and rioting. Historians have a long tradition of interpreting the changing meaning and significance of riots across time and culture (Rude 2005; Thompson 1971). Political scientists and sociologists have explored the causes of riots and policies for minimizing and preventing riots (Wilkinson 2009; Graham and Gurr 1979; Tilly 1976, 1983). Yet there is very little normative scholarship about riots.<sup>4</sup> There

<sup>3</sup> This included a U.S. Justice Department investigation of systematic police abuse by the Ferguson Police Department, indictment of the six Police Officers involved in the death of Freddie Gray, and a Justice Department report on the Baltimore Police Department.

<sup>4</sup> A notable exception is D'Arcy (2014) who I discuss below. He devotes one chapter to a normative defense of some types of riots as part of a larger project on militant protest in democracies. While I am broadly sympathetic to his defense of riots, I break with him on the question of violence, his critique of looting, and his conception of rioting as a form of exit rather than voice. Celikates (2016, 44) acknowledges that riots might be politically legitimate in a footnote. Shelby notes in passing that riots might "be necessary for the ghetto poor to maintain their self respect" (Shelby 2007, 156). Yet neither theorist develops a systematic theory of a just riot. Walzer, in discussing civil disobedience, argues that "it is wrong [for the moral theorist] . . . to attempt to justify" riots (Walzer

are, however, significant bodies of literature about other forms of political violence and militant resistance. There is a long tradition in political theory, stretching back to the early modern era, considering the justifications for revolutions and resisting rulers (e.g. Locke 1988; K. Marx and Engels 2015; Finlay 2015). Political theorists have written normative defenses of terrorism (e.g. Held 1991; Nielsen 1981). The political obligation literature spells out conditions under which citizens may resist state authority (e.g. Pitkin 1965; Delmas 2014; Klosko 2005). The just war theory tradition explores both when a war is justified and what is appropriate conduct in a war (e.g. Coady 2008; Walzer 2006).<sup>5</sup> Scholars of civil disobedience have elaborated upon the conditions under which citizens may intentionally and publicly breaking the law (e.g. Celikates 2016; Morreall

1982, 65). Social theorists such as Clover (2016), Badiou (2012), and Balibar (2007) focus on the meaning and significance of recent riots rather than normative defenses of these riots.

<sup>5</sup> Consider, by way of example, two leading undergraduate textbooks on political theory, both published by the same press. One focusing primarily on domestic political theory has an image of a protestor confronting police on the cover, but has no chapters discussing legitimate uses of violence in domestic politics. It does, however, have a chapter on political obligation (with a brief mention of anarchy as a political doctrine) and a chapter on just war theory. See (McKinnon 2014) Conversely the textbook on normative international politics has two chapters on the ethics of war, one on the ethics of humanitarian intervention, and a chapter on the ethics of terrorism. See (Bell 2010)

1976; Markovits 2005; Scheuerman 2015; Zinn 2014). While riots are similar to these other political phenomena, they are distinct in some crucial ways.

Riots are worthy of attention in their own right. Riots are not the same as revolutions. Revolutions seek to replace the entire system of government with a new system, whereas riots are very localized and protesting specific grievances. Riots are not the same as civil disobedience or conscientious objection. In cases of civil disobedience and conscientious objection the law-breaker intends to be convicted of law breaking as part of the protest, whereas rioters often attempt to avoid arrest. The only other tradition to take riots seriously would be radical and Marxist scholars (Sorel 2002; Clover 2016; Lenin 1975; Fanon 1963) Yet they do not develop a normative defense of rioting. They usually bracket normative questions as bourgeois moralism, and instead focus on the effectiveness of rioting for bringing about revolutionary change. The lack of normative theorizing about riots is doubly surprising given the analytical focus on riots in more empirically oriented fields, and the attention to other forms of political protest, violence, and resistance in political theory.

This essay asks why is there no just riot theory? I argue there is no just riot theory tradition in western political theory because the riot is extra-institutional in four ways. The riot is extra-public because rioting crowds self-organize rather than being formally institutionalized groups such as parties or social movements. The riot is extra-state because rioting disrupts the state's monopoly on violence. The riot is extra-legal because a riot is an act of breaking the laws concerning public assembly. The riot is extra-parliamentary because rioters express their grievances outside of the normal political process.

To understand what I mean by rioting's extra-institutionality, let us consider a legal definition of a riot taken from Britain's Public Order Act of 1986:

“Where *12 or more persons* who are present together use or threaten *unlawful violence* for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot” (United Kingdom 1986 emphasis added).

Two key parts of this definition – the presence of 12 or more persons and the use or threat of unlawful violence -- point to the two essential features of a riot – it is a crowd action and it involves violence. The first two sections will consider each of these two forms of extra-institutionality – the fact that riots are enacted by crowds and involve violence – in turn. These sections will ask what could justify political action outside of normal democratic procedures and what could justify the use of violence? Yet even if these two aspects of a riot's extra-institutionality are justified, there are still crucial questions about the riot's extra-legality and its tendency to operate outside of normal parliamentary procedures. These questions will be addressed in sections three and four. In the conclusion I argue that because each of the four elements of a riot that is normally deemed illegitimate has well theorized instances in which legitimate exceptions are made, there is no reason in principle that a theory of a just riot is not possible. The four types of extra-institutionality point the way towards criteria that could justify a riot.

### **The Crowd as an Extra-Public Actor**

The crowd has an ambiguous place in the history of political theory. McLelland observes that “[i]t could almost be said that political theorizing was *invented* to show that democracy, the rule of men by themselves, necessarily turns into mob rule” (1989, 1). Political theory’s bias against the crowd revolves around two main arguments. First the elitism of most canonical political thinkers made them suspicious of crowds for lacking the expertise and leadership for effective political action. Second more populist theorists suspected crowds of being too disorganized to be capable of sustained political action.

An early example of the first tendency is Plato’s critique of democracy in *The Republic*. Plato worried that the people were not temperamentally suited to govern, and demagogues would manipulate the mass into establishing a tyranny (Plato 1992, ll. 565 d-e). Hobbes expressed a different concern. He drew a sharp distinction between the people and the crowd. “A *people* is a *single* entity with a *single* will; you can attribute an act to it. None of this can be said of a *crowd*” (Hobbes 1998, 137). According to Hobbes the crowd only exists in a state of nature. Only a crowd can carry out a rebellion. When a rebellion happens, the individuals participating cease to be people, and turn into a crowd. The crowd returns the people to the state of nature (Hobbes 1998, 76). Whether the crowd leads to tyranny (as with Plato) or to anarchy (as with Hobbes) both lines of thinking agree that the crowd is unruly and prone to facilitating dangerous political outcomes. This line of reading even endorsed by radical pluralists thinkers such as Hannah Arendt who in her reading of the Dreyfus Affair distinguishes between the mob – a proto-fascist, extra-institutional mass movement prone to anti-semitism and violence – and the people – a deliberative public, capable of resisting mob rule through political action (Arendt 1973, 106–20). What this historical distinction between between *demos*,



multitude, crowd, and mob, on the one hand, and the people on the other hand shares is the belief that an institution must mediate between the masses and the government. Without a mediating institution, the mass will either prop up a tyrant, or promote anarchy.

In the case of more radical and populist theorists the concern about the crowd is that it is disorganized and incapable of effective political action. Lenin argued that riots were emblematic of spontaneous resistance by the proletariat to capitalism (Lenin 1975, 36). He chastised socialists who celebrated spontaneous acts by the working class because “the spontaneous development of the working–class movement leads to its becoming subordinated to the bourgeois ideology” (Lenin 1975, 49). Without the institution of the party, the crowd was incapable of accomplishing anything. In reflecting on her experiences in the Occupy Wall Street movement, Jodi Dean makes a similar argument. Left wing social movement since the 1960s, such as Occupy, reveal a split between “mob or people”. Dean argues that “[t]he individualism of [Occupy’s] democratic, anarchist, and horizontalist ideological currents undermined the collective power the movement was building” (Dean 2016, 4). Only through a political party, Dean argues, can the collective will of the crowd be transformed into political power (Dean 2016, 28). These thinkers argue that institutions such as the party turn the disorganized crowd into a people, and the party turns the grievances of the crowd into clearly articulated demands that can lead to political change.

While many theorists see the tumult brought about by crowds as creating division in the polity, there is a counter-tradition that celebrates tumult as a means of preserving freedom. Consider Machiavelli who in *The Discourses* observes “those who damn the

tumults between the nobles and the plebs blame those things that were the first cause of keeping Rome free, and that they consider the noises and the cries that would arise in tumults more than the good effects they engendered” (Niccolò Machiavelli 1996, chap. II.4.2 (p.16)). Machiavelli’s point is that tumults – mass popular disturbances that included rioting<sup>6</sup> -- served as an extra-institutional check on the power and ambition of the elites. Machiavelli conceives of the tumults of the people as not just a check on the power of the elites, but as necessary for preserving the freedom of the republic (Niccolò Machiavelli 1996, chap. I. 4 p. 17).

Elias Canetti sees the crowd as a creator of perfect equality through processes of de-individuation. Many classic crowd theorists present the crowd as dangerous because it unleashes “animalistic” and “primitive” behaviours that are normally repressed by society (Freud 1793; LeBon 1896; McClelland 1989, 248–49). In *Crowds and Power* Canetti upends this traditional understanding of the crowd in several ways. While not denying the crowd’s potential for violence, or its possibility of being manipulated by a leader, he develops a theory of the crowd as fundamentally egalitarian and as the first source of

<sup>6</sup> The Mansfield and Tarcov edition of *The Discourses* cites Livy, Book II, 23 – 24 and 27 – 33 as the passages Machiavelli is commenting on. In II. 23 – 24 Livy recounts a riot started by former Roman soldiers who had been enslaved because of their debts. The result of the riot was that the Senate was pressured to convene and consider their grievance, and subsequently the consul issued an edict making enslaving a Roman citizen illegal, and prohibited the seizure of a soldiers land while he was on military service. Rioting led to the development of basic protections for Roman citizens.

justice. Canetti argues that “[a]ll demands for justice and all theories of equality ultimately derive their energy from the actual experience of equality familiar to anyone who has been a part of the crowd” (Canetti 1984, 29). Crowds, in Canetti’s theory, are ontologically distinct from individuals. In joining a crowd an individual loses him or herself, and experiences a sense of de-individuation. This de-individuation creates a radical equality and erases the numerous hierarchies through which societies maintain order (Canetti 1984, 18).<sup>7</sup> Canetti pushes back against the tradition in western political thought that sees the crowd as always prone to demagoguery and violence. To do this, Canetti develops an elaborate typology of crowds. When Canetti combines each of these sub-classifications of crowds he generates 280 distinct types of crowd (Canetti 1984, 29–63; McClelland 1989, 302). While Canetti does not discuss rioting directly, his theory does recover three virtuous traits of the crowd: its state of pure equality; its ability to issue demands outside of formal institutions; and its temporary undermining of social

<sup>7</sup> (Canetti 1984, 16) He also notes that sports crowds and religious gatherings, in which a crowd is enclosed within a church or sports arena, are examples of domestication of the crowd. (Canetti 1984, 25) Contra most political theorists that see such institutionalization as a positive means of controlling the crowd, Canetti laments it as a loss of the crowd’s freedom, equality, and power.

hierarchies.<sup>8</sup> Canetti's nuanced account of the crowd recognizes both its potential for destruction and its capacity for justice.

Finally contra many who argue that there can be no moral order in crowds (LeBon 1896; Arendt 1973, 106) several defenders of crowds have noted how the orderliness of riots (Tilly 1983; Wilkinson 2009, 331–36; Rude 2005, 49–51; Thompson 1971, 77–79; G. T. Marx 1970, 27–28; E. Hobsbawm 2017, chap. 6). Empirical studies of riots note the tendency of crowds to self-police. Rioting crowds act in a manner that is connected to the grievance that triggered the riot. The crowd's activity is neither “capricious nor random” (Gilje 1999, 7).<sup>9</sup> In the 18<sup>th</sup> century crowds frequently protested against price gouging by “raising a mob” to visit the local farms and estates of the wealthy and demand that grain be sold to the poor at a reasonable price. Thompson notes how orderly the crowd was in both the articulation of its grievance and its willingness to pay for the grain, so long as it was at a price the poor could afford (1971, 107–15). Workers, prior to the recognition of collective bargaining rights, would use mass protest to increase wages and to protest high prices. Crowds of “Luddites” destroyed machinery to protect their jobs (E. Hobsbawm 2017, chap. 6; E. J. Hobsbawm 1952). Historians of crowd behavior have long demonstrated that crowds have their own “moral economy” (Thompson 1971) whereby

<sup>8</sup> He does discuss how crowds are prone to war and violence (Canetti 1984, 19), but he also sees crowds as essential to social change through mass protest (which he classifies as a reversal crowd) (Canetti 1984, 58).

<sup>9</sup> For example attacks during the 1992 L.A. riots “had an eerie resonance reflecting the image of white police beating of Rodney King” (Gilje 1999, 7).

mass protest is motivated by a norm violation by the authorities. Crowds tend to behave well in protests, limiting their actions to the target of their grievances, and being proportional in their responses to those grievances.

The conventional reason for rejecting the crowd as a legitimate political actor is that it is irrational and does not operate through rational and deliberative institutions. Throughout the history of political theory (from Plato to Arendt) and across the ideological spectrum (from Hobbes to Lenin) there has been a strong fear about the dangers of mob rule. The crowd either promotes anarchy, tyranny, or it is too disorganized to rule effectively. When we turn to the counter-traditions that defend crowd action, however, we find four criteria by which we can judge whether a rioting crowd is behaving justly or unjustly. First following Machiavelli, one key question to ask is: “*Is the crowd’s action freedom preserving*”? Second following Canetti’s defense of the crowd as a field of equality, a key question to ask is “*Does the crowd’s action promote equality?*” Third following historians and sociologists of crowd behavior such as Hobsbawm, Rude, Tilly, and Gary Marx, a key question to ask is “*Does the crowd’s action give voice to the grievances of marginalized group?*” Fourth following from Thompson, a key question to ask is “*Are the crowd’s actions orderly and self-policing?*”. A crowd that acts in a way that positively answers these four questions is not promoting tyranny (a key concern of elitists crowd critics), and is certainly acting in a concerted way to bring about a political end (a key concern of the populist crowd critics). While these alone are not sufficient criteria to justify a riot, they are necessary criteria in order to justify a rioting crowd’s actions.

## **How does a riot violate the state's monopoly on violence?**

In practice the violence<sup>10</sup> in riots tends to take three forms. The first is physical attacks on other people. The second is vandalism of property (both public and private). The third is looting, which generally takes the form of rioters stealing goods from stores. This violence immediately raises two questions. First, why and when is violence bad? Second, what could possibly justify these acts of violence by rioters?

Because riots are violent political acts, they have an uneasy relationship with the western political theory tradition's normal understanding of violence. Frazer and Hutchings (2007, 2011b, 2009, 2011a) observe that the dominant thinkers in the western tradition see violence as related to politics instrumentally – either as a means for achieving political ends (Clausewitz 1968; Niccolo Machiavelli 1988; Weber 2004), or as antithetical to politics (Arendt 1970; Rawls 1999). They also identify a counter-tradition that treats violence as creative and expressive. These theorists see violence's role in politics as constitutive of character and community or as expressive (Sorel 2002; Benjamin 1978; Fanon 1963).<sup>11</sup> If we consider both the dominant and counter-narrative

<sup>10</sup> I use the term violence in the narrow sense of direct violence, which is often defined as “the use of physical force to inflict injury or to cause harm to a person or property” (Thomas 2011, 1828).

<sup>11</sup> By Frazer and Hutchings own admission this schema is very much a set of ideal-types meant to draw out the different ways in which political thinkers in the western tradition relate violence and politics. One of the main claims in their project is that many of the thinkers associated with the instrumental reading of violence – Machiavelli, Weber,

positions on the relationship of violence to politics, the idea of a just riot does not fit well into any of these categories. This is most obvious in the Arendtian position, where the riot, because it is violent, is difficult to justify and impossible to legitimate (Arendt 1970, 52).<sup>12</sup>

In the more conventional reading of violence as a means to achieve specific ends, a crucial issue is who may legitimately wield the instruments of violence? Normally the state reserves that privilege for its agents, as the fear is that if anyone may use violence to achieve political ends, then the state's monopoly on violence breaks down. From this perspective the state must keep the riot beyond the pale in order to maintain order. Conversely the counter-narrative tradition of violence and politics eschews questions of justification altogether. In this reading the riot might be expressive of the grievances of the rioter, or perhaps even constitutive of a new political entity (Canetti 1984), or useful

Clausewitz – also have significant features of the creative/excessive narrative of violence, but that this reading has been suppressed by later interpreters who tend to be bound to the ends-means way of theorizing how violence and politics relate. See (DPIRWestminsterUni 2014).

<sup>12</sup> Arendt observes that “Violence can be justifiable, but it will never be legitimate. Its justification loses in plausibility the farther its intended end recedes into the future” (Arendt 1970, 52). In her perspective self-defense, because the end is immediate, is justifiable, yet she was doubtful that the inner city rioting in 1960s U.S. was close enough to the political ends of abolishing racial inequality to be justifiable.

for fashioning a new sense of self (Fanon 1963), but these political theorists do not consider the riot through the framework of justification.

Critics of riots point to the acts of violence committed by rioters as justification for condemning the riot. Could anything redeem the violence of the rioters? The social contract tradition suggests that there are two criteria which justify using violent means to resist or overthrow the government. Since rioting is less of a threat to the state's authority than an armed insurrection or revolution, anything that would justify those more significant transgressions of state authority would also justify rioting. I call these two criteria the *grievance* criteria. In order for the violence of the riot to be justified, the rioters must be motivated by a significant enough grievance that it justifies their use of violent protest.

The first grievance criterion follows from the Lockean tradition of revolution. The revolution and resistance tradition recognizes that if a government violates the rights or welfare of its citizens, then the people have a right to resist the government and replace it with a new one (Locke 1988, 225).<sup>13</sup> More contemporary theorists also recognize a

<sup>13</sup> My focus is here is primarily on the Lockean-liberal revolutionary tradition where the justification for revolution focuses on a government losing its legitimacy to govern if it systematically violates the rights to life, liberty, or property of its citizens (Locke 1988, 225; Tully 1993, 41–43). Other revolutionary traditions justify their revolutions on different grounds. The communist tradition justifies revolution as the necessary means to overthrow the exploitative relationship of capitalism (Lenin 1975). The de-colonial tradition sees revolution as a necessary step in ending imperialism and colonization



similar right. Rawls recognizes a right of militant resistance when conditions under the basic structure are unjust (Rawls 1999, 323), but does not fully state what would constitute such an injustice.<sup>14</sup> While it is difficult to spell out how severe a violation of the basic structure justifies resistance, one criteria for justifying a riot on these grounds is whether or not the polity systematically violate one of the constitutional triad of democracy, human rights, or the rule of law. As these constitute the basic structure of a just liberal society, a polity that does protect these basic structures with respect to its citizens creates a coercive relationship between citizen and state, negating the legitimacy of the state's monopoly on violence.

Not all injustices involve violations of fundamental civil and political rights. Shelby draws upon Rawls' standard of "intolerable injustice" to defend disobedience to the state. He notes however that Rawls never specifies what that limit is (Shelby 2007, 145). Shelby suggests that the standard be a duty of self-respect, which is fulfilled by affirming one's equal moral worth as a person. When a society systematically violates the

(Fanon 1963). The anarchist tradition argues that the state itself is an unjust form of coercion, and revolution is necessary to end its domination over people (Sorel 2002; Proudhon 2007; Bakunin 1990). Since these radical traditions are more open to the legitimacy of rioting as a political tactic, I focus on the liberal tradition in this section as it offers the most difficult case for justifying riots.

<sup>14</sup> By the term basic structure of society Rawls means "the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation" (Rawls 1999, 6).

self-respect of a portion of its population, such as poor urban blacks in the US, then there is a legitimate reason to protest and resist injustice. Shelby defines deviance as “sharply divergent from widely accepted norm” (2007, 128) and lists crime, refusing to work in legitimate jobs, and having contempt for authority as examples of deviance. Gary T. Marx draws a similar distinction between two kinds of deviance – nonconforming and aberrant. Nonconforming deviance is “a thrust towards a new morality” (G. T. Marx 1970, 24) and violates existing norms with an aim “to replace them with new norms” (G. T. Marx 1970, 24). Conversely aberrant behaviour “deviates out of expediency and for the momentary gratification of personal ends without seeking social change” (G. T. Marx 1970, 24).<sup>15</sup> These non-civil and political justifications for resistance point to a second potential criterion for justifying a riot. Rioting is certainly a deviant behavior, but if the riot involves non-conforming deviance (as for instance with the Stonewall riots contesting the anti-LGBT policies of the New York police), or if the riot expresses contempt for the authority of a social and economic system that does not afford the basic minimum required for self-respect (as in the 1960s inner city riots in the U.S.), then these types of deviance point towards legitimate grievances. The second grievance criterion that justifies a riot is: *“Does the polity systematically fail to guarantee conditions of reciprocity to its most disadvantaged members?”*

<sup>15</sup> Marx introduces these two kinds of deviance to distinguish between riots that have a clear grievance (for example food riots, industrial riots, prison riots, and anti-police violence riots) and riots that have no clear grievance such as riots in victory (sports teams winning championships for example) and riots during police strikes.

What kind of violence within a riot could be legitimate? While the grievance that motivates the riot must be a just one, a just grievance does not permit any type of violence in a riot. A riot could be just if it is in response to a systematic violation of the rights of the rioters by political authorities, but the actions of the rioters would be unjust if the violence was not proportionate to the oppression the rioters were confronting or if it did not target those responsible for the grievance. The three types of violence in a riot – violence against persons, vandalism, and looting – all have acceptable and unacceptable targets. If rioters use violence in self-defense, either against police dispersing a just protest, or against the targets of their grievances, then this form of violence may be justifiable (cf. Brennan 2016). Conversely if the rioters target either innocent bystanders, or use the riot to target individuals that did not act violently against them, then the use of violence cannot be justified. Similar criteria would be applied to vandalism. Attacking the equipment or property of the police in a violent street clash might constitute a legitimate target, but targeting the personal property of bystanders could never be justified. Finally looting could be justified if the rioters use the looting to redress an economic injustice, as in 18<sup>th</sup> and 19<sup>th</sup> century food riots or as in the case of survival looting undertaken by the residents of New Orleans after Hurricane Katrina.

The first two forms of extra-institutionality that we have surveyed are essential to all riots. In order for there to be a riot, it must be a mass public demonstration and it must be violent – either against property or against people. Even if a riot has a crowd that is promoting conditions of freedom and equality, enabling marginalized groups to articulate demands, and the crowd's behavior is self-policing, and even if the violence is aimed at legitimate targets and is proportional, it does not follow that the reason for the riot is

justified, and it does not follow that rioting in this instance is a reasonable tactic. Not all (or even most) riots are driven by grievances. People riot to celebrate sports victories. People riot to persecute marginalized groups. People riot when the police power of the state is withdrawn (as during a police strike or break down in civil order). In none of these cases is a grievance present. Yet even if a legitimate grievance is present, one must first determine if other, non-violent and normally legitimate means of redressing a grievance are possible. The issue of a legitimate grievance points to the riot's extra-legality. The issue of exhausting legitimate means of redress points to the riot's extra-parliamentarianism. Let us consider each of these in turn.

### **How is a riot extra-legal?**

A riot is extra-legal because it breaks the law against rioting. Both the riot and unlawful assembly are forms of public assembly that disturb the peace through noise and violence. Disturbing the peace statutes criminalize public assembly. There is a long history of the authorities using these statutes to target political protestors across the political spectrum, as they are written and enforced in a way that gives great discretionary power to police forces to interpret ongoing and potentially future acts as violent and threatening the public (Inazu 2017, 5–6). Three things are worth noting about the connection between rioting and unlawful assembly. First, as we saw above, a riot is a form of public assembly that turns violent. Second state authorities can use riot law to

restrict legitimate protest.<sup>16</sup> Third the use of unlawful assembly and riot laws to arrest and charge protestors also has a chilling effect on risk adverse citizens. For these reasons we should not automatically assume that if protestors are charged with rioting or unlawful assembly that their actions are illegal. The power of local authorities to turn a protest into a riot means that many legitimate protests may be delegitimized by state officials as a means of policing and controlling dissent.

Political theorists generally recognize an obligation of citizens to obey the law. There are four general traditions that defend a citizen's obligation to obey the law: the voluntarist position, the utilitarian position, the fairness position, and the morality of law position (Green 2012; Hyams 2012, 11; Smith 1972, 953). All of these four traditions acknowledge exceptions to a citizen's obligations to obey the law. Rawls, for instance, argues that "once society is interpreted as a scheme of cooperation among equals, those injured by serious injustice need not submit" [to the law] (Rawls 1999, 336). Locke argues that if the government violates the social contract through threatening its citizen's rights to life, liberty, or property, then the citizens may legitimately overthrow the government (Locke 1988, 412–13). Bentham argues that when the law no longer maximizes the utility of a country's citizens, then citizens can disobey the law (Bentham

<sup>16</sup> Inazu (2017, 4–6) provides numerous examples of police forces in the U.S. using unlawful assembly orders to shut down protests on issues ranging from anti-Police violence, to antiwar protests, to organized labour protests even in instances of non-violence.

1948, 55).<sup>17</sup> And Raz argues that the government and the law “is legitimate to varying degrees regarding different people” (1986, 104) and that “disobedience to law is sometimes justified” (1986, 101). Every tradition of political obligation recognizes that individuals may disobey unjust laws, and may engage in acts of resistance against unjust regimes. Even Hobbes, the thinker most famously associated with the absolute and unlimited authority of the sovereign recognizes “the Liberty to disobey” the sovereign, when the sovereign threatens the individual (Hobbes 1996, 151).<sup>18</sup>

Even though theorists do recognize some forms of justifiable law breaking, how the law is broken matters just as much as the fact that the law can be broken. There are at least six different types of principled law breaking that political theorists recognize have as justifiable exceptions to obedience to the law. These exceptions include: testing the

<sup>17</sup> Bentham argues: “*so long as the probable mischiefs of obedience are less than the probable mischiefs of resistance*: why, in a word, taking the whole body together, it is their *duty* to obey, just so long as it is their *interest*, and no longer” (1948, 55)(Bentham 1948, 55)

<sup>18</sup> For a argument that reconciles these two apparently contradictory positions in Hobbes’ thought see Steinberger (2002).

law<sup>19</sup>, civil disobedience<sup>20</sup>, democratic disobedience<sup>21</sup>, disruptive disobedience<sup>22</sup>, whistleblowing<sup>23</sup> and deviance<sup>24</sup>. There are crucial differences between rioting and most

<sup>19</sup> A person tests a law by challenging its validity in court through judicial review. Yet unlike other forms of disobedience, in this instance the citizen agrees to abide by the court's decision (Edyvane and Kulenovic 2017, 1360)

<sup>20</sup> Rawls defines civil disobedience as “a public, nonviolent, conscientious yet political act contrary to the law usually done with the aim of bringing about a change in the law or policies of the government” (Rawls 1999, 320).

<sup>21</sup> In democratic disobedience citizens break the law to address deficits in the democratic decision making process. Whereas liberal accounts of civil disobedience focus on cases that protect rights, Markovits developed the term democratic disobedience to cover cases such as the Vietnam War protests, anti-nuclear protests, anti-austerity protests, and movements like the Weather Underground, where protections of liberal rights are not the main issue (Markovits 2005).

<sup>22</sup> Disruptive disobedience is “covert and nameless civic resistance” that disrupts institutions and practices (Edyvane and Kulenovic 2017, 1363). Edyvane and Kulenovic developed the concept to account for forms of hacktivism, such as the Aaron Swartz leak of 4.8 million research articles from JSTOR.

<sup>23</sup> A whistleblower publicly discloses information or actions that are illegal or unethical, often at great personal risk to themselves, their family, or their career. For an examination of Edward Snowden's whistleblowing activities as a case of civil disobedience, see Scheuerman (Scheuerman 2014).

of the above forms of justified law breaking. First in the cases of testing the law, civil disobedience, disruptive disobedience, and democratic disobedience one consciously breaks a specific law because it is unjust – the law itself is immoral. Deviance contests the unjustness of the entire system by breaking laws that are not necessarily unjust in and of themselves. Conversely the rioters are contesting the legal limits of public protests. Rioters do not generally riot against laws on rioting. When they riot on grievance grounds they are contesting some other perceived injustice. Rioting may be conscientiously motivated if it is a grievance riot. Most of the other forms of resistance – testing the law, civil disobedience, democratic disobedience, disruptive disobedience – must be conscientiously motivated if the law-breaking act is to be a legitimate act. Many forms of rioting are not, but that would be a basis for testing a riot’s legitimacy. Deviance is the sole exception to this conscientiousness test, as Shelby tends to frame justified deviance as necessitated by conditions of intolerable injustice – i.e. because the system itself is manifestly unjust, those disadvantaged by the system no longer have an obligation to abide by its laws (2007, 155).

Scholars generally recognize justified law breaking if the illegal action is contesting a greater injustice (Rawls 1999, 319; Shelby 2007, 127; Scheuerman 2015; Celikates 2016, 43; Edyvane and Kulenovic 2017, 1361; Markovits 2005, 1898) Edyvane

<sup>24</sup> Tommie Shelby defines the deviant as “Sharply divergent from widely accepted norms” (Shelby 2007, 128). He considers activities by the ghetto poor such as crime, refusing to work in legitimate jobs, having contempt for authority as legitimate forms of deviance in the face of deeply unjust social arrangements (Shelby 2007, 127–28).



and Kulenovic argue that law breaking is “justified when it functions to disrupt exclusionary practices that contribute to the incapacitation of citizenship” (Edyvane and Kulenovic 2017, 1360). Shelby uses the criterion of “intolerable injustice” as a justification for law breaking and defines it as the “constitutional essentials” in Rawls’ basic framework. Shelby argues that in cases where the basic structure is inequalitarian, and the prevalence of an ideology in a society is manifestly unjust, then those put in a position of intolerable injustice (in Shelby’s case America’s “ghetto poor”) have no obligation to abide by the law (Shelby 2007, 145). The criterion which determines if breaking anti-riot law is justified is *whether or not the riot is protesting a fundamentally unjust action or unjust law by the state*. Just as other forms of justified law breaking recognize a right to resist unjust laws, a riot would be justified if it is protesting an unjust law by the state. The easiest way to test this is if the law in question contradicts a more fundamental principle of constitutional law, or the basic law of a society.

In addition to rioting being potentially justified under conditions of unjust laws, the riot also has the peculiar feature of being made illegal by the public declaration or judgment of the police. While crowds may gather to protest a grievance, it is only when the authorities declare the protest a riot, that the crime of riot happens. Legally this post-facto constitution through labeling is most explicit in the idea of “reading the riot act”. The expression reading the riot act grows out of a peculiar feature of 18<sup>th</sup> century British law. The Riot Act of 1714 empowered local officials to read out a proclamation that ordered any group of 12 or more individuals who were publicly assembled and behaving riotously to disperse within one hour. If any participants failed to disperse, they were guilty of a riot. Rioting was invented as a crime by the British Crown in order to set

limits on protest and dissent. The state, through its officers, decides what protests count as a riot and in making this decision turns a protest into a riot.

Authorities can use both unlawful assembly and riot dispersal orders as a means of controlling and stopping the expression of dissent. Sometimes authorities issue dispersal orders knowing that they will not hold up in court simply as a means for preventing or ending a protest (Inazu 2017, 34). Anti-rioting laws are partially about controlling the basic freedoms of public assembly and speech. Sometimes these rules are either over applied or applied in bad faith. This points to a second criterion of justified law breaking with respect to riots –*are the authorities using riot law to disperse a lawful and peaceful assembly?* There must be a very high threshold in order for authorities to invoke disturbing the peace laws to end a protest. Invoking public safety as a reason to disperse a protest must be closely scrutinized, and should only be invoked when the crowd directly threatens the safety of public bystanders not participating in the protest.

### **How is a riot extra-Parliamentary?**

Democratic theory assumes that procedures exist through which individuals can shape laws and public policies, and through which individuals can express their dissent. The normal mechanisms of democracy are voting, petitioning one's representatives in government, the free expression of ideas through mass media outlets, public demonstration, and protest. When a riot expresses a grievance it operates outside of these normal parliamentary processes in two ways. First it abandons the normal means of petitioning the government. These mechanisms are premised on the idea that a portion of the citizenry can use persuasion to bring about policy change. Persuasion uses spoken and

written words to change a person or person's beliefs through a combination of reasons, rhetoric, and emotion. Conversely a riot is expressive and a form of resisting the government's authority through uncivil disobedience. Expression is concerned solely with making one's own thoughts public, and has no regard for using reason to change the beliefs of others. The riot expresses noncompliant rage. If the rage expressed by the rioters is a justified rage then the riot may prompt the authorities and the public to confront the underlying injustice that the rioters are contesting. Fear rather than reason is a crucial component of the riot.<sup>25</sup> The rioters use fear to intimidate bystanders, targets, and authorities in the hopes that the fear will compel policy change.<sup>26</sup> In addition to the expressive dimension of the riot, the riot is also a mode of resistance rather than persuasion. It is an instance of acting in such a way so as "not to be governed *like that*" (Foucault 2007, 44). Whereas parliamentary practice assumes that groups will try to use the force of the better argument to petition a group to change its policy, the riot tries to provoke change through expressive rage and militant disobedience.

<sup>25</sup> Many anti-riot statutes note that for a protest to be a riot bystanders must be terrorized (Kelsey 1906, 468; Inazu 2017, 13, 16).

<sup>26</sup> Not all riots (or even most) are motivated by a specific grievance. Gary Marx identifies "issueless riots" – i.e. riots where a generalized belief is absent amongst the rioters and the riot is not instrumental to solving the rioter's problems – as an understudied form of rioting. Examples include riots after festivals and celebrations, riots after victories by sports teams, and riots when the police go on strike (G. T. Marx 1970).

Second a riot is extra-parliamentary in the sense that the rioting crowd is not an organized group that fits within the normal political process. While a group may call a demonstration that might break out into a riot (such as the Poll Tax Riot in London in March 1990), or in some instances (such as the Black Bloc<sup>27</sup> protests at the Hamburg G20 riots in July 2017) a group might actively instigate a riot, the rioting crowd does not operate in a way that is normally recognized by parliamentary processes. The rioting crowd is not a political party or social movement or special interest group. It is a spontaneous organization – spontaneous not in the sense of being unplanned, but spontaneous in the sense of being *sui generis* and temporary.<sup>28</sup> A group might instigate or organize a riot, it may even use a riot as a political tactic, but the riot is a distinct and discrete event. Riots, like a temper tantrum or a thunderstorm, are intense but fleeting.<sup>29</sup> Riots are not institutions, nor are they institutionalisable in the sense of “an arrangement for maintaining order, resolving disputes, selecting authoritative leaders, and thus

<sup>27</sup> The Black Bloc, contrary to many media reports is not so much an organization as a protest tactic or formation. Black Blocs form as fringe groups within protests. Their members dress all in black and attempt to conceal their identities to avoid identification by the Police. Only once on site do the members of the Black Bloc then decide upon what actions they will use that day. See (D’Arcy 2014, 120–23).

<sup>28</sup> I thank XXXXX for making this distinction to me when commenting on an earlier draft of this paper.

<sup>29</sup> As Canetti observed, “For just as suddenly as it originates, the crowd disintegrates. In its spontaneous form it is a dangerous thing” (Canetti 1984, 16).

promoting community between two or more social forces” (Huntington 1968, 9). A riot does none of these things, and is not a stable and recurring pattern of social behaviour. Each riot is a unique occurrence. The riot cannot be accommodated within the normal parliamentary process because it cannot take the form of an institution or practice that a legislature and its officials can formally recognize.

Riots that enable those within the community whose grievances are either not voiced within normal parliamentary procedures or are systematically ignored through normal political mechanisms are permissible. D’Arcy argues that militant political action, such as rioting, is appropriate when it conforms to what he calls the democratic standard. The democratic standard rests on two principles. First democracy is “the self-governance of the people through inclusive, reason guided public discussion” (D’Arcy 2014, 4). Second there are circumstances when “it is consistent with the democratic ideal to set aside discussion and apply forceful pressure through adversarial, confrontational protest” (D’Arcy 2014, 5). D’Arcy argues that in circumstances where a community lacks an effective means for having their grievance heard, then one can think of a riot “as a kind of exit: a temporary withdrawal from attributing authority to the legal order” (D’Arcy 2014, 154).<sup>30</sup> In most instances of grievance rioting the participants in the riot lack the ability to

<sup>30</sup> D’Arcy develops the idea of riots as giving voice to the voiceless through an innovative reading of Albert O. Hirschman’s *Exit, Voice, and Loyalty*. Under Hirschman’s classic analysis of dissatisfaction and power, participants in any organization have three possible responses when unhappy with the behavior of the organization: to leave (exit); to communicate their grievances and propose possible

exercise their voice; institutions often silence these communities through their structures. We can think here of Ferguson and the massive under representation of African Americans in both the Ferguson Police Department and the City Council as an example of a polity failing to provide voice in a systematic way for an extended period of time.<sup>31</sup> Contra the claim made by many liberal critics of riots, grievance riots do work, if by “work” we mean provoke a response from the authorities. As D’Arcy notes in high profile and large scale riots the public authorities normally respond by appointing a commission of inquiry that investigates the causes of the riot and proposes recommendations (D’Arcy 2014, 155). While riot → official inquiry → policy change is not the most desirable (or even efficient) means of giving voice to the voiceless, when a political order systematically blocks all other means of airing and receiving redress for a grievance, then a riot is justified. The criterion by which one may justify a riot’s extra-parliamentarianism is *whether or not the parliament has systematically ignored or blocked a group from receiving redress for their grievance through normal*

changes (voice); to remain silent and comply (loyalty). See (Hirschman 1990). Contra D’Arcy I would argue that the riot is actually a form of voice, as Hirschman observes that one feature of the state is that outside of migration one cannot exit that institution.

<sup>31</sup> At the time of the Michael Brown shooting, the population of Ferguson, Missouri was 65%. The Ferguson Police Department had 53 commissioned officers, 3 were black, and there were two other minorities. (Raab 2014) Before the Michael Brown shooting, the Ferguson City Council had 5 white members and 1 black member. In the first election after the shooting, 2 new black councilors were elected (Pearce 2015).

*parliamentary procedures*? Riots usually target local problems and specific grievances.<sup>32</sup> The riot, when political, expresses a distinct grievance that is normally dealt with through parliamentary procedures. But if the parliamentary system either ignores or blocks the grievance, then the riot is an extra-Parliamentary act of last resort.

## **Conclusion**

To return to the question of why is there no just riot theory, the reason political theorists do not think about the riot as a form of legitimate political resistance is because the riot operates outside four of the main institutions that most western political theorists defend. If we consider these four forms of extra-institutionalism together – the fact that riots are extra-public, extra-state, extra-legal, and extra-parliamentary -- we can see two things. First because there are widely accepted justified exceptions to these institutions in other areas of political theory, these reasons can also apply to the cases of riots. Second because a riot is extra-institutional in four ways it needs to meet the criteria of a justified exception in each of these four institutions in order to be justifiable. This makes the

<sup>32</sup> Compare Tilly who observes that one riots and other pre-industrial revolution forms of social protest such as “rough music”, seizures of grain, turnouts, and field invasions, were all local in nature and targeted patronized power holders. Conversely post-industrial revolution protest tends to be national in scope and targets autonomous power holders. Clover (2016) draws upon Tilly’s distinction to develop a more general theory of the decline of the riot during capitalism, and its return as “riot prime” in contemporary politics.

threshold for justifying a riot potentially higher than other forms of political resistance, but this higher threshold does not mean that no riots are justifiable. Through the four sections of this paper I have identified eleven different criteria that can be used to assess the legitimacy of a riot.



## Just Riot Criteria

Table 1

<b>Institution</b>	<b>Criterion</b>	<b>Question</b>
Public	Freedom preserving	Is the action freedom preserving?
Public	Equality promoting	Does the action promote equality or reinforce hierarchy?
Public	Voices of the unheard	Does the action give voice to the grievances of marginalized communities
Public	Crowd behaviour	Is the crowd's action orderly and self-policing?
State	Basic liberal democratic framework	Does the polity systematically violate the basic rights of a liberal democratic regime?
State	Conditions of a polity's most disadvantaged	Does the polity fail to guarantee genuine conditions of reciprocity to its most disadvantaged?
State	Legitimate targets	Are the targets of the rioters (property and persons) either the cause of injustice or threatening the protestors?
State	Proportionality	Are the actions of the rioters proportionate to the injustice the rioters are contesting?
Law	Unjust law	Are the rioters contesting an unjust law?
Law	Unjust dispersal order	Are the authorities using riot law to disperse a lawful and peaceful assembly?
Parliament	Inability to seek redress through parliamentary procedures.	Has the parliament has systematically ignored or blocked a group from receiving redress for their grievance through existing parliamentary procedures?

The point of these criteria is not to provide a simple check box exercises for assessing a riot. Rather these criteria should be used to reflect on the features of individual riots, on a case by case basis. These criteria provide the means by which political theorists can judge an individual riot as being either justified or unjustified. At a minimum in order for a riot to be justifiable it must offer legitimate reasons for disobeying each of the four institutions that is on par with the recognized forms of legitimate extra-institutionality in other practices of resistance. The more criteria that a riot satisfies, the more confident that we can be that the riot was justified.

Why would we need to make such a set of judgments? In the case of just war theory (at least in the ideal case) the argument about a war's justifiability should take place prior to the outset of a war in order to determine whether or not the war is justified. In the case of riots such a process of deliberation is unlikely. Instead what a just riot theory would provide is a means for assessing the validity of a particular riot after the fact, so that that we can then determine what are the appropriate means of responding to that particular riot. At a minimum we need such a theory to distinguish between riots after a sports team wins and riots resisting murders of unarmed citizens by the police. To treat all riots *a priori* as illegitimate is to dismiss the grievances of the unheard, to potentially deny some of the most marginalized members of a society any possibility whatsoever of giving voice to their concerns. Conversely if we have a vocabulary of just riots we can make judgments both about whether or not particular riots were justified, but also about how the authorities should respond to the rioter's grievances, and how the individual rioters should be punished (or excused) for their actions. We need a theory of the just riot in order to make these judgments. It is time for political theorists to stop

ignoring the riot as a form of politics. It is time for political theorists to develop a just riot theory.

### Works Cited

Arendt, Hannah. 1970. *On Violence*. New York: Harcourt Publishers, U.S.

———. 1973. *The Origins of Totalitarianism*. New edition. New York: Harcourt, Brace, Jovanovich.

Badiou, Alain. 2012. *The Rebirth of History: Times of Riots and Uprisings*. Reprint edition. London ; New York: Verso Books.

Bakunin, Michael. 1990. *Bakunin: Statism and Anarchy*. Edited by Marshall Shatz. Revised ed. edition. Cambridge ; New York: Cambridge University Press.

Balibar, Étienne. 2007. "Uprisings in the Banlieues." *Constellations* 14 (1): 47–71.  
<https://doi.org/10.1111/j.1467-8675.2007.00422.x>.

Bell, Duncan. 2010. *Ethics and World Politics*. Oxford ; New York: Oxford University Press, USA.

Benjamin, Walter. 1978. "Critique of Violence." In *Reflections: Essays, Aphorisms, Autobiographical Writing*, edited by Peter Demetz, 177–300. New York: Schocken Books.

Bentham, Jeremy. 1948. *A Fragment on Government with an Introduction to the Principles of Morals and Legislation*. Edited by Wilfrid Harrison. Oxford: Basil Blackwell.

- Brennan, Jason. 2016. "When May We Kill Government Agents? In Defense Of Moral Parity." *Social Philosophy and Policy* 32 (02): 40–61.  
<https://doi.org/10.1017/S0265052516000108>.
- Canetti, Elias. 1984. *Crowds and Power*. New York: Farrar Straus Giroux.
- Celikates, Robin. 2016. "Rethinking Civil Disobedience as a Practice of Contestation—Beyond the Liberal Paradigm." *Constellations* 23 (1): 37–45.  
<https://doi.org/10.1111/1467-8675.12216>.
- Ciccariello-Maher, George. 2015. "Riots Work: Wolf Blitzer and the Washington Post Completely Missed the Real Lesson from Baltimore." Salon. May 4, 2015.  
[http://www.salon.com/2015/05/04/riots\\_work\\_wolf\\_blitzer\\_and\\_the\\_washington\\_post\\_completely\\_missed\\_the\\_real\\_lesson\\_from\\_baltimore/](http://www.salon.com/2015/05/04/riots_work_wolf_blitzer_and_the_washington_post_completely_missed_the_real_lesson_from_baltimore/).
- Clausewitz, Carl von. 1968. *Carl Von Clausewitz on War*. London: Penguin.
- Clover, Joshua. 2016. *Riot. Strike. Riot.: The New Era of Uprisings*. London: Verso Books.
- Coady, C. A. J. 2008. *Morality and Political Violence*. Cambridge ; New York: Cambridge University Press.
- Coates, Ta-Nehisi. 2015. "Nonviolence as Compliance." *The Atlantic*, April 27, 2015.  
<http://www.theatlantic.com/politics/archive/2015/04/nonviolence-as-compliance/391640/>.
- D'Arcy, Stephen. 2014. *Languages of the Unheard: Why Militant Protest Is Good for Democracy*. 1 edition. London: Zed Books Ltd.
- Davis, Julie Hirschfeld, and Matt Apuzzo. 2015. "President Obama Condemns Both the Baltimore Riots and the Nation's 'Slow-Rolling Crisis.'" *The New York*

- Times*, April 28, 2015. <http://www.nytimes.com/2015/04/29/us/politics/events-in-baltimore-reflect-a-slow-rolling-crisis-across-us-obama-says.html>.
- Dean, Jodi. 2016. *Crowds and Party*. Brooklyn, NY: Verso.
- Delmas, Candice. 2014. "Political Resistance: A Matter of Fairness." *Law and Philosophy* 33 (4): 465–88. <https://doi.org/10.1007/s10982-013-9189-y>.
- DPIRWestminsterUni. 2014. *Reflections on Politics and Violence: Kimberly Hutchings (LSE) and Elizabeth Frazer (Oxford)*.  
<https://www.youtube.com/watch?v=500fVWXOrWs>.
- Edyvane, Derek, and Enes Kulenovic. 2017. "Disruptive Disobedience." *The Journal of Politics* 79 (4): 1359–71. <https://doi.org/10.1086/692666>.
- Fanon, Frantz. 1963. *The Wretched of the Earth*. Translated by Constance Farrington. Reprint edition. New York: Grove Press.
- Finlay, Christopher. 2015. *Terrorism and the Right to Resist: A Theory of Just Revolutionary War*. Cambridge, United Kingdom: Cambridge University Press is part of the University of Cambridge.
- Foucault, Michel. 2007. "What Is Critique." In *The Politics of Truth*, translated by Lysa Hochroth, 71–81. South Pasadena, CA: Semiotext (e).
- Frazer, Elizabeth, and Kimberly Hutchings. 2007. "Argument and Rhetoric in the Justification of Political Violence." *European Journal of Political Theory* 6 (2): 180–99. <https://doi.org/10.1177/1474885107074349>.
- . 2009. "Politics, Violence and Revolutionary Virtue: Reflections On Locke and Sorel." *Thesis Eleven* 97 (1): 46–63. <https://doi.org/10.1177/0725513608101908>.

- . 2011a. “Avowing Violence: Foucault and Derrida on Politics, Discourse and Meaning.” *Philosophy & Social Criticism* 37 (1): 3–23.  
<https://doi.org/10.1177/0191453710384359>.
- . 2011b. “Virtuous Violence and the Politics of Statecraft in Machiavelli, Clausewitz and Weber.” *Political Studies* 59 (1): 56–73.  
<https://doi.org/10.1111/j.1467-9248.2010.00841.x>.
- Freud, Sigmund. 1793. *Group Psychology and the Analysis of the Ego*. W. W. Norton & Company.
- Friedersdorf, Conor. 2015a. “Remembering the Real State of Emergency in Baltimore Amid Fires, Looting, Riots, and Clashes With the Police - The Atlantic.” *The Atlantic*. April 28, 2015.  
<https://www.theatlantic.com/politics/archive/2015/04/what-policing-justice-in-baltimore-requires/391598/>.
- . 2015b. “The Number of Cops Indicted for Murder Spikes Upward.” *The Atlantic*, August 19, 2015.  
<http://www.theatlantic.com/politics/archive/2015/08/the-shocking-number-of-cops-recently-indicted-for-murder/401732/>.
- Gilje, Paul Arn. 1999. *Rioting in America*. Bloomington, Ind: Indiana University Press.
- Graham, Hugh Davis, and Ted Robert Gurr. 1979. *Violence in America: Historical and Comparative Perspectives*. London: Sage Publications.
- Green, Leslie. 2012. “Legal Obligation and Authority.” In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Winter 2012. Metaphysics Research Lab,

- Stanford University. <https://plato.stanford.edu/archives/win2012/entries/legal-obligation/>.
- Held, Virginia. 1991. "Terrorism, Rights, and Political Goals." In *Violence, Terrorism, and Justice*, edited by R.G. Frey and Christopher W. Morris, 59–85. Cambridge: Cambridge University Press.
- Hirschman. 1990. *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and States*. New Ed edition. Cambridge, Mass: Harvard University Press.
- Hobbes, Thomas. 1996. *Hobbes: Leviathan: Revised Student Edition*. Edited by Richard Tuck. Rev Stu. Cambridge University Press.
- . 1998. *Hobbes: On the Citizen*. Edited by Richard Tuck and Michael Silverthorne. New York, NY: Cambridge University Press.
- Hobsbawm, E. J. 1952. "The Machine Breakers." *Past & Present* 1 (1): 57–70.  
<https://doi.org/10.1093/past/1.1.57>.
- Hobsbawm, Eric. 2017. *Primitive Rebels*. London: Abacus.
- Huntington, Samuel P. 1968. *Political Order in Changing Societies*. New Haven Conn.; London: Yale University Press.
- Hyams, Keith. 2012. "Political Authority and Obligation." In *Issues in Political Theory*, edited by Catriona McKinnon, 2nd ed., 9–26. Oxford ; New York: Oxford University Press.
- Inazu, John. 2017. "Unlawful Assembly as Social Control." *UCLA Law Review* 64 (1): 3–52.
- Kelsey, Fred. 1906. "Disturbing the Peace." *Central Law Journal* 63: 467–73.

- King Jr., Martin Luther. 1968. "The M.L. King Speech." 1968.  
<http://www.gphistorical.org/mlk/mlkspeech/>.
- Klosko, George. 2005. *Political Obligations*. Oxford ; New York: Oxford University Press.
- Kreps, Daniel. 2015. "Run the Jewels on Ferguson: 'Riots Work.'" Rolling Stone. 2015.  
<http://www.rollingstone.com/music/news/run-the-jewels-on-ferguson-riots-work-20150806>.
- LeBon, Gustav. 1896. *The Crowd: Study of the Popular Mind*. T. F. Unwin.
- Lenin, V.I. 1975. *What Is to Be Done?* Peking: Foreign Language Press.
- Locke, John. 1988. *Locke: Two Treatises of Government Student Edition*. Edited by Peter Laslett. 3rd Student Manual/Study Guide edition. Cambridge England ; New York: Cambridge University Press.
- Lopez, Germane. 2006. "Riots Are Destructive, Dangerous, and Scary -- but Can Lead to Serious Social Reform." *Vox.Com* (blog). August 15, 2006.  
<http://www.vox.com/2015/4/30/8518681/protests-riots-work>.
- Machiavelli, Niccolo. 1988. *Machiavelli: The Prince*. Edited by Quentin Skinner and R. Price. Cambridge ; New York: Cambridge University Press.
- Machiavelli, Niccolò. 1996. *Discourses on Livy*. Translated by Harvey Claflin Mansfield and Nathan Tarcov. Chicago: University of Chicago Press.
- Markovits, Daniel. 2005. "Democratic Disobedience." *The Yale Law Journal* 114: 1897–1952.
- Marx, Gary T. 1970. "Issueless Riots." *The Annals of the American Academy of Political and Social Science* 391 (1): 21–33. <https://doi.org/10.1177/000271627039100103>.



- Marx, Karl, and Friedrich Engels. 2015. *The Communist Manifesto*. Edited by Samuel Moore. London: Penguin Books.
- McClelland, J. S. 1989. *The Crowd and the Mob: From Plato to Canetti*. London ; Boston: Unwin Hyman.
- McKinnon, Catriona. 2014. *Issues in Political Theory*. 3 edition. Oxford: OUP Oxford.
- Morreall, John. 1976. "The Justifiability of Violent Civil Disobedience." *Canadian Journal of Philosophy* 6 (1): 35–47.
- Nielsen, Kai. 1981. "Violence and Terrorism: Its Uses and Abuses." In *Values in Conflict*, edited by Burton Leiser, 435–49. New York: Macmillan.
- Pearce, Matt. 2015. "Ferguson Voters Turn out to Elect 2 More Black City Council Members." *LA Times*, April 7, 2015. <http://www.latimes.com/nation/la-na-ferguson-election-20150407-story.html>.
- Pitkin, Hanna. 1965. "Obligation and Consent—I." *American Political Science Review* 59 (04): 990–99. <https://doi.org/10.2307/1953218>.
- Plato. 1992. *Republic*. Translated by G. M. A. Grube and C. D. C. Reeve. Indianapolis: Hackett Pub. Co.
- Proudhon, Pierre-Joseph. 2007. *General Idea of the Revolution in the Nineteenth Century*. Cosimo, Inc.
- Raab, Lauren. 2014. "Turmoil in Ferguson, Mo.: What You Need to Know." *LA Times*, August 11, 2014. [www.latimes.com/.../la-na-nn-michael-brown-ferguson-missouri-shooting-20140811-...](http://www.latimes.com/.../la-na-nn-michael-brown-ferguson-missouri-shooting-20140811-...)
- Rawls, John. 1999. *A Theory of Justice*. Revised edition. Cambridge, Mass: Harvard University Press.

- Raz, Joseph. 1986. *The Morality of Freedom*. Oxford : New York: Clarendon Press ; Oxford University Press.
- Rude, George. 2005. *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848*. 2nd edition edition. London: Serif.
- Scheuerman, William E. 2014. “Whistleblowing as Civil Disobedience: The Case of Edward Snowden.” *Philosophy & Social Criticism* 40 (7): 609–28.  
<https://doi.org/10.1177/0191453714537263>.
- . 2015. “Recent Theories of Civil Disobedience: An Anti-Legal Turn?” *Journal of Political Philosophy*, May, n/a-n/a. <https://doi.org/10.1111/jopp.12055>.
- Shelby, Tommie. 2007. “Justice, Deviance, and the Dark Ghetto.” *Philosophy & Public Affairs* 35 (2): 126–60. <https://doi.org/10.1111/j.1088-4963.2007.00106.x>.
- Smith, M. B. E. 1972. “Is There a Prima Facie Obligation to Obey the Law.” *Yale Law Journal* 82: 950–76.
- Sorel, Georges. 2002. *Reflections on Violence*. Edited by Jeremy Jennings. Reprint. Cambridge Texts in the History of Political Thought. Cambridge: Cambridge University Press.
- Steinberger, Peter J. 2002. “Hobbesian Resistance.” *American Journal of Political Science* 46 (4): 856–65. <https://doi.org/10.2307/3088438>.
- Taintor, David. 2015. “‘The Wire’ Creator David Simon Calls for End to Violent Baltimore Protests.” MSNBC. April 27, 2015. <http://www.msnbc.com/msnbc/the-wire-creator-david-simon-violent-baltimore-protesters-go-home>.

- Thomas, Claire. 2011. "Why Don't We Talk about 'Violence' in International Relations?" *Review of International Studies* 37 (04): 1815–1836.  
<https://doi.org/10.1017/S0260210510001154>.
- Thompson, E. P. 1971. "The Moral Economy of the English Crowd in the Eighteenth Century." *Past & Present* 50: 76–136.
- Tilly, Charles. 1976. "Major Forms of Collective Action in Western Europe 1500-1975." *Theory and Society* 3 (3): 365–375.
- . 1983. "Speaking Your Mind Without Elections, Surveys, or Social Movements." *The Public Opinion Quarterly* 47 (4): 461–78.
- Tully, James. 1993. *An Approach to Political Philosophy: Locke in Contexts*. Edited by Quentin Skinner. First Edition edition. Cambridge: Cambridge University Press.
- United Kingdom. 1986. *Public Order Act 1986*. Vol. c. 64.  
<https://www.legislation.gov.uk/ukpga/1986/64/contents>.
- Walzer, Michael. 1982. *Obligations: Essays on Disobedience, War, and Citizenship*. New Ed edition. Cambridge, Mass: Harvard University Press.
- . 2006. *Just And Unjust Wars: A Moral Argument With Historical Illustrations*. New York: Basic Books.
- Weber, Max. 2004. "Politics as a Vocation." In *The Vocation Lectures*, edited by David Owen and Tracy Strong, translated by Rodney Livingstone, 32–94. Indianapolis: Hackett Publishing.
- Wilkinson, Steven I. 2009. "Riots." *The Annual Review of Political Science* 12: 329–43.
- Zinn, Howard. 2014. *Disobedience and Democracy: Nine Fallacies on Law and Order*. Reprint edition. Chicago, IL: Haymarket Books.

