

How to Read a Riot

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ABSTRACT: How should we think about public rioting for political ends? Might it ever be more than morally excusable behavior? In this essay, I show how political rioting can sometimes be positively morally *justified* as an intermediate defensive harm in between civilly disobedient protest and political revolution. I do so by reading political rioters as, at the same time, uncivil and ultimately conciliatory with their state. Unlike civilly disobedient protestors, political rioters express a lack of faith in the value or applicability of civility in interacting with the state under the political status quo. But unlike political revolutionaries who aim at separation from the state, political rioters paradigmatically seek fuller inclusion within it. By rejecting even the appearance of compliance with the political status quo's systems of justice, political rioters can create a unique venue for systemically marginalized citizens to express warranted disrespect for the state that maintains them in ongoing subjection, as well as their inviolable respect for themselves as persons with dignity *beyond* the boundaries of civility.

George Floyd, a 46-year-old Black man, was murdered by Derek Chauvin, a White police officer, in Minneapolis, Minnesota on May 25, 2020.¹ Although Chauvin was captured on video kneeling on Floyd's neck for around eight minutes, his official police report grossly misrepresented

¹ Taylor, "George Floyd Protests: A Timeline."

the nature of their encounter. In response, thousands of peaceful protestors gathered in the streets and marched on the 3rd Precinct Police Headquarters.²

Later that night, after the larger crowd had disbanded, a few hundred protestors threw rocks and water bottles at the building and began smashing police car windows in the parking lot. Police overreacted by firing tear gas and rubber bullets into the crowd, escalating and inciting further violence.³ And in the days that followed, militarized police continued to meet protests about their brutality with overwhelming force. While many protestors remained unambiguously peaceful, others blocked highways, set Chauvin's police station ablaze, and (infamously) looted a Target. As protests spread from Minneapolis across the nation, after-action evaluations in city after city consistently confirmed that police deployed and provoked violence irresponsibly.⁴

Yet the immediate response from elected officials at every level was remarkably uniform. Minneapolis Mayor Jacob Frey lamented that "What started as largely peaceful protests for George Floyd have turned to outright looting and domestic terrorism in our region." Minnesota Governor Tim Walz activated the National Guard, proclaiming that "The situation in Minneapolis is no longer, in any way, about the murder of George Floyd. It is about attacking civil society, instilling fear, and disrupting our great cities." And on Twitter, President Trump warned: "When the looting starts, the shooting starts."⁵

Comments like these make plain a variety of presuppositions: that political protests are legitimate only insofar as they are peaceful; that when they turn violent, they become a menace to society itself; and that in response, overwhelming state violence is justified. In these discussions, the word 'riot' itself often comes to be used as an epithet, and the very idea that political violence might

² Kaul, "Seven days in Minneapolis: a timeline of what we know about the death of George Floyd and its aftermath."

³ Caputo, Craft, and Gilbert, "'The precinct is on fire': What happened at Minneapolis' 3rd Precinct — and what it means."

⁴ Barker, Baker, and Watkins, "In City After City, Police Mishandled Black Lives Matter Protests."

⁵ Taylor, "George Floyd Protests: A Timeline."

count as a legitimate form of *protest* is gravely contested. In response, I offer a radical reassessment of political rioting as a deeply expressive rejection of the political status quo.⁶ I argue that political rioting, as “the language of the unheard,” can be a proportionate, minimally harmful means of directing the attention of the state and the broader public towards urgent structural injustices.⁷ Along the way, I situate political rioting between civil disobedience and political revolution to highlight its unique expressive force.

In Section 1, I note that political rioting goes beyond civil disobedience by openly contesting the value or applicability of civility under the political status quo. In Section 2, I argue for reading the immediate aims of political rioting as fundamentally opposed to those of political revolution. Where political revolutionaries aim at separation from the state, political rioters paradigmatically desire fuller inclusion within it. In Section 3, I build on Aria Pasternak’s innovative interpretation of political rioting as a defensive harm, while highlighting its function as a publicly *expressive* form of protest. I leverage this insight in Section 4 to expand the controversial Success Constraint on defensive harm to include not only material, but also *existential*, fundamentally respect-based harms.

1. Civil Disobedience and Political Rioting

What counts as specifically political rioting, as opposed to the sort of rioting that sometimes accompanies sporting events? I argue that political rioters do not break the law ‘mindlessly’ or for merely selfish gain, but to *ocularize*, or render spectacularly visible, some purported injustice. In other words, we should read political rioting as a form of principled lawbreaking.⁸

⁶ I say expressive, not communicative, as successful expression does not require uptake.

⁷ King, as quoted in Rothman, “What Martin Luther King Jr. Really Thought About Riots.”

⁸ I allow for the conceptual possibility of principled lawbreaking in support of morally wrong causes, such as apartheid. The principles at work in such a case are simply heinous, making such rioting *worse* than so-called ‘random’ violence.

To render this plausible, consider political rioting in relation to civil disobedience, a form of principled lawbreaking usually considered more acceptable on its face. Paradigmatic images of each are vivid enough: Civilly disobedient protestors stage lunch counter sit-ins, spoil draft cards with blood, and (more or less) cooperate when officers come to arrest them. On the other hand, political rioters smash windows, torch cars, and physically resist police intervention. How can we bring these clusters of images together to form the basis of a useful conceptual distinction?

Candice Delmas analyzes civil disobedience as

a principled and deliberate breach of law intended to protest unjust laws, policies, institutions, or practices, and undertaken by agents broadly committed to basic norms of civility. This means the action is public, non-evasive, nonviolent, and broadly respectful or civil (in accordance with decorum).⁹

Delmas conceives of civility as “decorum” concerning “the ways citizens ought to interact with each other in the public sphere, when debating political questions.”¹⁰ Building on this, civility involves ocularizing one’s own deference to discourse-relevant norms, usually long before implied threats of enforcement need become actualized or even too openly visible.¹¹ This requires visible cooperation with and anticipation of the public’s and the state’s responses to one’s actions.¹²

Of course, this is what makes civil disobedience so striking—even while breaking laws they deem unjust, civil disobedients *otherwise* ocularize their civility, for moral or other reasons.¹³ Thus, I distinguish between civilly disobedient protesters and political rioters at the level of tactics, in terms of how they ocularize the purported injustice they are protesting.¹⁴ After breaking the law, principled

⁹ Delmas, *A Duty to Resist: When Disobedience Should Be Uncivil*, 17.

¹⁰ Delmas, *A Duty to Resist*, 43.

¹¹ Compare Scheuerman’s notion of civility “as shared commitment to a common political project.” (“Why Not Uncivil Disobedience?” 11)

¹² For simplicity, I will speak of principled lawbreaking in relation to states, but there is no reason in principle barring corporations or other bodies from being resisted by these or similar means.

¹³ Note that this doesn’t mean that under civil disobedience, civility must be *total*. But civil disobedience aims to be read as cooperative (to make its motivating concerns more legible) in a way that political rioting spurns.

¹⁴ Candice Delmas argues convincingly that American civil rights groups in the 1960s “adopted their particular style of civil disobedience for context-dependent, tactical purposes. Yet theorists and pundits turned these tactics into deep moral commitments on the part of agents supposedly eager to demonstrate their endorsement of the state’s legitimacy,

lawbreakers can react more or less cooperatively to the state's response. And the distinction falls out of this: Civil disobedience involves breaking the law and then otherwise ocularizing one's own *relative* civility in interacting with the state's intervention of 'law and order,' thereby expressing confidence that justice can be achieved by means of procedural cooperation with state institutions, either directly (by these institutions' just operation) or indirectly (by leveraging outrage at their unjust operation). On the other hand, political rioting involves breaking the law and then ocularizing one's own violent rejection of civility in interacting with these same state response mechanisms, expressively contesting the appropriateness of even the appearance of procedural cooperation with the state given circumstances on the ground.¹⁵

In making a show of cooperating with the state's responses to them, civil disobedients are *tactically civil*, accepting, at least outwardly, the legitimacy of civil procedure under the political status quo, and upholding civility as a genuine civic virtue. In this way, they leverage the symbolic imagery of the state arresting and punishing dissenters who are otherwise visibly cooperative with the state, daring the state to perform mass arrests, overcrowd prisons, defend challenged laws in court, and so on.¹⁶ This desire to ocularize their civility often (though not always) leads civil disobedients to eschew physical violence altogether.

and placed these subjective requirements at the core of their defense of real-world civil disobedience." (*A Duty to Resist*, 27-28) While I do not deny that many protestors prefer civil disobedience for moral reasons, my analysis emphasizes the ultimately tactical and non-categorical basis of the distinction between civil disobedience and other forms of protest. See also Cobb, *This Nonviolent Stuff'll Get You Killed*, 8.

¹⁵ Compare Thomas E. Hill Jr.'s discussion of *disassociation* from evil. ("Symbolic Protest and Calculated Silence," 90-95)

¹⁶ John Rawls argued that willingness to *accept* legal punishment was necessary for civil disobedience to function as an effective mode of address to the majority holding political power while still showing fidelity to law. (*A Theory of Justice*, 366) But many contemporary theorists find the requirement of submission to legal punishment unduly restrictive. Piero Moraro argues that because there are other ways that a civil disobedient can be answerable to their fellow citizens for their legal wrongdoing besides accepting punishment, we should recognize a justificatory gap between "breaching the law" and "being liable to punishment." ("On (not) Accepting the Punishment for Civil Disobedience," 509) The underlying problem, Erin Pineda suggests, is that these "liberal and deliberative accounts" of civil disobedience misinterpret *all* civil disobedience "as either oriented toward moral suasion or as modestly reformist," overlooking the possibilities of more radical social disruption and solidarity-building. ("Civil Disobedience and Punishment: (Mis)reading Justification and Strategy from SNCC to Snowden," 20-21) These concerns extend to political rioters, who may also be accountable to their fellow citizens in other ways besides willingly accepting (often disproportionate, example-making) punishments.

Even so, note that on my analysis of civil disobedience, the lawbreaking act itself may be covert, evasive, offensive, or even violent, so long as its subsequent ocularization is not. Imagine a case where, to protest laws criminalizing rioting, a group of protestors with civilly disobedient principles *riots* in the streets (to pointedly break the law), and then, when the police show up, dutifully turns itself into the authorities for arrest and processing. It would be true that this group performed an act of civil disobedience by acting violently, at least initially, only ocularizing their civility afterwards. Similarly, I think civil disobedients might count among their numbers those who strip publicly for political purpose, or even some whistleblowers. Civil disobedience need not be as staid as we might commonly imagine, so long as it ultimately ocularizes civility.¹⁷

On the other hand, political rioters make a show of publicly breaking a whole slew of laws to create a zone of pointed lawlessness, and then refusing to cooperate with the state's responses to them. They are *tactically uncivil*, at pains to ocularize their rejection of civil procedure and its ease and comfort with the political status quo. In this way, they leverage the symbolic imagery of pointedly existing 'outside' the purview of the state's authority, if only for a moment, and then daring to resist the state's predictable physical reassertion of control over them. They cast the state as a militarized invader of its own public spaces, whose citizens resist the arrival of its mechanisms of 'law and order' as unwelcome via what (expressively) approaches a miniaturized domestic war. This desire to ocularize their uncooperativeness is why political rioters are usually eager to employ particularly visible measures of physical violence against property, such as torching buildings and overturning cars.¹⁸

¹⁷ Of course, cooperation may be not just imprudent, but morally corrosive. Edward Snowden would render himself complicit with grave political injustices were he to engage with the secretive kangaroo courts that await him in the United States. Scheuerman notes that "accepting penalties only makes sense if disobedients can count on legal proceedings embodying basic legal virtues." (*Key Concepts: Civil Disobedience*, 132-133)

¹⁸ *Need* political rioters be violent? Stephen D'Arcy emphasizes civil defiance instead, defining a *riot* as "an outbreak of civil defiance, in which a crowd openly, directly, and persistently rejects the authority of the established legal order and its enforcers in the military or the police." (*Languages of the Unheard: Why Militant Protest is Good for Democracy*, 145) Says D'Arcy, "I join the historians in treating violence, or harm to persons or property, as a nonessential feature of rioting. It is quite possible to join in a riot

Note that both civil disobedients and political rioters take on a great deal of personal risk, although some political rioters may take on even more risk by challenging law enforcement's capacity for physical violence head-on, potentially meeting force with force. But this additional risk brings certain advantages. It can render the standing threat of state violence more plainly visible, in the form of open conflict in the streets between militarized police and ordinary citizens.¹⁹ Additionally, it expresses a daring willingness on the part of political rioters to subject themselves to these additional risks, demonstrating just how illegitimate they take the state mechanisms of 'law and order' to be. By leveraging physical violence, political rioters openly announce that the norms of civility do not or should not apply given their *current* relationship with the state.

We already have quite a bit on the table, so allow me to summarize. I understand civil disobedience and political rioting as two forms of principled lawbreaking. They are distinguished by whether, apart from the lawbreaking act itself, participants ocularize their civility (roughly, compliance with discourse-relevant norms) or violently ocularize their incivility (non-compliance). This is ultimately a difference in *tactics* with significant expressive upshot.

and participate fully in it, without acting to harm any person or damage any property." (*Languages of the Unheard*, 146) Other theorists disagree. Jonathan Havercroft understands the riot as a self-organizing crowd that disrupts the state's monopoly on violence and breaks laws concerning public assembly to express grievances outside of normal political processes. ("Why Is There No Just Riot Theory?" 911) And Avia Pasternak insists that "Political rioters resort to spontaneous, disorganized, public collective violence in order to protest against and to defy their political order." ("Political Rioting: A Moral Assessment," 385)

Surely riots must use or at least threaten violence; after all, Gandhi's huge crowds were civilly defiant but certainly not riots. But D'Arcy's emphasis on defiance foregrounds the expressive nature of riots, which *explains* the political riot's violence. Havercroft argues that the "The British Crown...invented the concept of rioting as a crime in order to set limits on protest and dissent." ("Why Is There No Just Riot Theory?" 918) Instead of centering political rioting's violence, as law enforcement does to justify brutal crackdowns, we should read political riots as "mass rejections of constituted legal authority" that *use* (or threaten) violence to protest beyond the boundaries of civility. (D'Arcy, *Languages of the Unheard*, 146)

¹⁹ Admittedly, this benefit comes with corresponding costs in terms of *expressive clarity*. For some onlookers, the injustice being protested may be obscured by the public violence being used to ocularize it. Many seem to view any form of public violence as *ipso facto* unjustified, and harbor double standards regarding the use of the state violence. I don't think these reflect a common *considered* view—few condemn all public violence in principle—but it is a distinct barrier that political riots face when their grievances are not yet widely understood to be sufficiently deep to merit violent response.

2. Political Rioting and Political Revolution

Define *political revolution* as group political action with the end of separation from the state. (I have in mind both violent revolutions, such as the American Revolution, and nonviolent revolutions, such as the Indian independence movement under Gandhi.) In this section, I argue that unlike political revolutionaries who aim at separation from the state, political rioters paradigmatically desire fuller inclusion within it.²⁰

Avia Pasternak notes that while defensive wars are fought against foreign aggressors, political rioters clash with their own state.²¹ But I think, at least in the case of many citizens, this difference is largely nominal. Even modern liberal democracies regularly fail to ensure that all citizens' basic liberties are institutionally guaranteed in practice, either by inaction or active violation on the state's part. Call the resulting marginalized segments of the citizenry *deeply aggrieved*.²² In many cases, cries of injustice and efforts towards institutional reform by deeply aggrieved citizens have borne little fruit for decades or generations on end, leaving these citizens on the outside of the state looking in.

I submit that the political rioters who came out to protest the murder of George Floyd either were, or were protesting on behalf of, deeply aggrieved citizens. Police in America, acting as the state-sponsored arm of the law, have continued to brutalize Black citizens for generations. Katie Nodjimbadem notes just how *little* has changed since Martin Luther King's insistence in his famous 1963 "I Have a Dream" speech that "We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality."²³ Life under such a state is so precarious for Black

²⁰ Even so, to the extent that political rioting harnesses the material threat of political revolution, it operates with the *seed* of revolutionary violence already in hand.

²¹ Pasternak, "Political Rioting: A Moral Assessment," 386.

²² Of course, the same individual citizen may be deeply aggrieved along multiple intersectional axes.

²³ Nodjimbadem, "The Long, Painful History of Police Brutality in the U.S."

citizens, Stephan Schwartz argues, that it is often the same as life under a foreign occupier in all but name:

The truth that almost none of us who are White get is that 57 years after Martin Luther King's I Have a Dream speech, 56 years after the Civil Rights act of 1964, and 55 years after the Voting Rights Act of 1965, if you are Black or Brown, and particularly if you are a young Black man, for you America is like living in an occupied country where any interaction with the police is to be avoided.²⁴

I take this charge of foreign occupation very seriously. For the sake of argument, let's grant that citizens have *pro tanto* duties to observe the sovereignty of their state and abide by its laws.²⁵ But if civil disobedience can ever be justified, then the duty to abide by the state's laws must be defeasible when these laws are seriously unjust. Similarly, if political revolution can ever be justified, the duty to observe the sovereignty of one's state must be defeasible if the state does not systematically guarantee the basic liberties of its citizens.²⁶ Thus, a state that does not safeguard any of its citizens' basic liberties is no legitimate state at all; a state that does little to uphold many of its citizens' basic liberties is, at least for those citizens, hardly *their* state.

On this picture, the respect that a state commands is ultimately derivative of and conditional on its showing respect to its citizens. Thus, for as long as the state causes or remains deaf to pervasive, systematic violations of basic liberties, or even while it drags its feet in addressing them, it not only renders itself alien to its deeply aggrieved citizens; it also expresses that these citizens are alien *to the state itself*, that they are not full citizens.²⁷ By failing to acknowledge the full rights of all of

²⁴ Schwartz, "Police brutality and racism in America," 282.

²⁵ Even this much is seriously contentious; various theorists have argued that *there is no duty*, at least under circumstances of severe injustice. Candice Delmas argues that "the very grounds supporting a duty to obey also impose duties to disobey under conditions of injustice." (*A Duty to Resist*, 8-9) Ten-Herng Lai thinks that "Disobeying the law may be the best way of realizing the substantive or procedural values that underpin the duty to obey the law." ("Justifying Uncivil Disobedience," 90) David Lyons even argues that "the assumption of political obligation is morally untenable" in general. ("Moral Judgment, Historical Reality, and Civil Disobedience," 31) These theorists may be right, but my aim is to grant as much as possible to my interlocutor without minimizing the gravity of actual systemic injustices.

²⁶ This notion of reciprocally supporting rights has roots in Rodin, "Justifying Harm," 77.

²⁷ Consider Mike Pence's revealing proclamation to the 2020 R.N.C. that "The American people know we do not have to choose between supporting law enforcement and standing with our African-American neighbors to improve the quality of their lives, education, jobs and safety." (Epstein, "Full Transcript: Mike Pence's R.N.C. Speech")

its citizens, the state thereby releases those same citizens from any legitimate duties to recognize the full sovereignty of the state.²⁸ And then, how can the state complain when its citizens are uncivil, when they refuse to ocularize compliance with the state’s mechanisms of justice? This is not fully *their* state, these are not truly *their* mechanisms of justice, by the state’s own implicit admission.

To lay out some of the political responses available to deeply aggrieved citizens, I categorize various forms of principled lawbreaking below, based on their political means and ends:

Principled Lawbreaking: Selected Means and Ends

	Tactical Civility (Procedurally Cooperative Means)	Extreme Tactical Incivility (Violently Uncooperative Means)
Political Protest (End of Reform)	Protestive Civil Disobedience (Martin Luther King Jr.)	Protestive Physical Violence (Political Rioters)
Political Revolution (End of Separation)	Revolutionary Civil Disobedience (Mahatma Gandhi)	Revolutionary Physical Violence (George Washington)

How does political rioting, as the paradigmatic form of protestive physical violence, fit into this picture? Like protestive civil disobedience, political rioting involves protest of the state, with the (often implicit) end of reform—a political riot shouts that *THINGS MUST CHANGE*. And like revolutionary physical violence, political rioting pursues its aims by physically violent means. But political rioters are not revolutionary soldiers; they aim not to separate themselves permanently from the state by force, but to make themselves heard, if not by the state then at least by the public and, perhaps most centrally, by themselves.²⁹ Reading political rioting this way, as an expressive protest

²⁸ Defensive harms may be committed on another’s behalf, so I am comfortable with the claim that the state’s maintaining some of its citizens in a state of deep grievement is at least potentially sufficient for *all* of its citizens to find the state’s claims of sovereignty over them damaged. In this way, “injustice anywhere is a threat to justice everywhere.” (King, “Letter from Birmingham Jail”)

²⁹ Compare the emphasis on *user* interpretation of value-based protest slogans in Cherry, “Value-Based Protest Slogans: An Argument for Reorientation.”

for fuller inclusion within the state, lets us understand political rioting as an ultimately conciliatory effort to redemocratize protestors' relationship with 'their' state.³⁰

Of course, few groups act as uniformly as this idealization suggests. As a general point, large-scale group actions are rarely univocal, and they need not be to be justified in whole or in part. Differences in individual intentions affect both the ends and means that political actors adopt. (For example, a single group event could involve both civil disobedience and political rioting if one part of the group ocularizes civility, while another ocularizes incivility.) This is why we should prefer a generalized approach for justifying principled lawbreaking that can abstract away from at least some of these differences. In the next section, I attempt to provide just that.

3. Principled Lawbreaking as a Defensive Harm

Many might accept my line of argument thus far, but hold that the political rioter's means are too dangerous, or their ends too ill-defined, to be justified. My aim in this section is to undermine these intuitions by drawing out the deep continuities between the means of political rioting and political revolution, as well as the ends of political rioting and protestive civil disobedience. I do this by building upon Avia Pasternak's work to argue that political rioting can (sometimes) be justified as a form of *defensive harm*—a term of art lifted from the philosophical literatures on self-defense and contemporary Just War Theory.

Per David Rodin, a defensive harm is a harm inflicted in order to avert or ameliorate harm to oneself or others.³¹ We most often think of defensive harms in terms of physical violence: I punch a mugger to protect myself from harm, or a sovereign nation fights a defensive war to repel invaders.

³⁰ See Celikates, "Democratizing civil disobedience," for more on the idea that principled lawbreaking might play an essential democratizing role, counteracting the ossification of the state.

³¹ Rodin, "Justifying Harm," 74.

But non-physically violent defensive harms are also possible, as when I copy HR on an aggressive email from a coworker, or my union strikes in response to worsening labor conditions.

To be morally justified, defensive harms are subject to various constraints. Following Pasternak, I will focus on the Necessity Constraint, the Success Constraint, and the Proportionality Constraint in turn.³²

First, the Necessity Constraint: Roughly, a defensive harm is only permissible if it is the least harmful option that would still be efficacious.³³ To illustrate, if reasonable negotiation could prevent a neighboring country from invading, there would be no need to rush off and start a war instead. This level of force would be unjustified because open war would be completely unnecessary to avert the harms of a coercive military invasion, even if it would be successful.

Second, the Success Constraint: Roughly, a defensive harm must have a reasonable chance of averting (or at least ameliorating) harm.³⁴ Where the Necessity Constraint calls on us to find the least harmful option that would still be efficacious, the Success Constraint insists that a permissible justified harm must still have a reasonable chance of attaining efficacy in the first place. For example, if fighting back against an irresistibly superior invading military force has no reasonable prospect of success, the thought is that it seems unwise to compound the misery of an inevitable invasion with the pointless slaughter of one's own forces. (I will return to this sort of example with a more critical eye in Section 4.)

³² Pasternak, "Political Rioting," 386.

³³ There are immediate complications relating to the full distribution of possible outcomes, our epistemic handle on these facts, and so on. There are also objective and subjective interpretations of this constraint: We might say that the Necessity Constraint requires that actors *actually* choose the least harmful option that is still efficacious (the objective interpretation), or *reasonably believe* that they do so (the subjective interpretation). See Lazar, "Necessity in Self-Defense and War." For simplicity, I will analyze all three constraints in objective terms.

³⁴ Difficulties attend to formulating this constraint as well. See Statman, "On the Success Condition for Legitimate Self-Defense."

Finally, the Proportionality Constraint: Roughly, a defensive harm must be proportionate to the harm it aims to avert.³⁵ It may be questioned how much independent work is left for the Proportionality Constraint to do, given that, between the Necessity and Success Constraints, we already require the minimum amount of defensive harm that would still have a reasonable chance of success. But there could be cases where this amount of harm would be wildly disproportionate. Consider facing another nation's irresistible invading army. If the minimum efficacious defensive harm would be a massive nuclear strike obliterating the entire invading nation, this level of force would clearly be impermissibly disproportionate. Crucially, much of this force would be directed against civilians who would not be directly responsible for the invasion, or responsible with various partially excusing conditions, and so on.

The Proportionality Constraint, then, largely functions to govern the allocation of defensive harm to the responsible parties. Consider Jeff McMahan's distinction between narrow and wide proportionality: Where judgments of *narrow* proportionality involve those who are liable for the harm to be avoided, judgments of *wide* proportionality involve, effectively, bystanders who are not liable in this way.³⁶ This framing clarifies our judgments about the nuclear strike, where the obliteration of innocent civilians is incredibly disproportionate in this wider sense, even though the narrower obliteration of the conniving enemy general would not be.

³⁵ 'Proportionate' need not mean 'equal'; it is generally accepted that the defensive harm may *reasonably* outstrip the magnitude of the harm incurred. See Hurka, "Proportionality in the Morality of War."

³⁶ McMahan *Killing in War*, 20-21. David Rodin builds on this to argue that narrow proportionality corresponds to liability justifications for defensive harm, whereas wide proportionality corresponds to lesser evil justifications for defensive harm. ("Justifying Harm," 78) Within riots that are justified overall, some innocent bystanders might still be harmed unavoidably. We may need to turn to lesser evil justifications in these cases. Lesser evil justifications assume that some evil is unavoidable and we (tragically) must choose the lesser evil. But crucially, lesser evil justifications *do not* obviate the need to make amends. Thus, rioters may still be liable for harming innocent bystanders. Compare Chan, *Beyond Just War*, 67 with Rodin, "Justifying Harm," 86.

Crucially, for the defensive harm analysis to succeed, any political action must be justified not only in light of how it is executed, but also why.³⁷ The Necessity Constraint covers the ‘why.’ For a political action to be justified as a *defensive* harm, it must be the least harmful option that would still have a reasonable chance of averting or ameliorating some harm. *A fortiori*, there must be some genuine harm targeted by the intended defensive harm for the constraint to be met.³⁸ This is why even a peaceful sit-in protesting the 2020 Presidential Election results could not be justified as a defensive harm.³⁹ Morally speaking, your political ends matter, regardless of how polite you are.

On the other hand, to be justified as a defensive *harm*, we want to know the tactical considerations on the ground. Together, all three constraints require us to find means that will be suitably proportionate (and minimally harmful), while maintaining reasonable hope for success. Our political means are also morally relevant.

So, when might civil disobedience, political revolution, or political rioting be morally justified? In the end, the Necessity Constraint does most of the work charting the course of justified political action.⁴⁰ It is not difficult for things to be bad enough to warrant civilly disobedient protest; it is quite difficult for things to be so bad as to warrant political revolution. Within the chasm of space between these extremes, political rioting is at least sometimes the least harmful option that still has reasonable, proportionate prospects of success.

³⁷ Here I follow Delmas’s suggestion that “basic human interests constrain both the legitimate goals and the appropriate means of resistance.” (*A Duty to Resist*, 49)

³⁸ Again, I am speaking in objective terms for simplicity. But even if we say that the action itself is objectively unjustified, questions of whether and to what extent individual protestors are blameworthy are separate. I sideline these difficult issues here.

³⁹ The fact that the January 6th March on the Capitol amounted to an incipient *unjustified* revolutionary effort only further worsens its moral standing. See Tavernise and Rosenberg, “These Are the Rioters Who Stormed the Nation’s Capitol.” Here my account is somewhat revisionary, though I think calling these political actors ‘rioters’ (rather than, say, ‘insurrectionists’) dramatically underrepresents their true aims simply because they were unsuccessful. I would find it rather bizarre to call the storming of the Bastille a mere *riot*.

⁴⁰ Even so, all three constraints are required for political rioting to be justified. Further, if some constraints are unsatisfied, there is still the possibility that a riot is unjustified but excusable, if rioters’ actions remain reasonable given their circumstances.

Unsurprisingly, civilly disobedient protest is the easiest of these three actions to justify. Per the Necessity Constraint, it is very often the case that lesser forms of law-abiding action or protest might not generate enough expressive force to achieve their intended political aims. But we know from experience that civilly disobedient tactics at least sometimes lead to real change. Per the Success Constraint, civilly disobedient protestors are often treated with a presumption of civic nobility or uprightness, increasing their odds of success by lending credibility to their political goals. Earned or not, this moralized reputation is tactically useful. And per the Proportionality Constraint, civil disobedience involves breaking the laws of the state, directly targeting the state under narrow proportionality. Of course, the effects of this principled lawbreaking may harm others under wide proportionality, but these are effects to be weighed. (On these sorts of grounds, ambulance drivers might be slower to strike illegally than construction workers.)

On the other hand, political revolution is much more difficult to justify. Per the Necessity Constraint, it is only occasionally the case that the minimal efficacious harm will involve trying to separate from the state, rather than reform it. Per the Success Constraint, political revolutions are quite unlikely to succeed, particularly in highly militarized modern liberal democracies. And per the Proportionality Constraint, it is very hard to avoid the fallout of a political revolution causing indiscriminately wide harms, including against revolutionaries themselves. Political revolutions are dangerous, difficult undertakings whose effects are hard to foresee; even so, we still think they can be justified under extreme enough conditions. Indeed, we share a deep conviction that political revolutions of centuries past secured the universal basic liberties that ‘we’ now (at least nominally) enjoy within our modern liberal democracies.

So when might political rioting be justified? Pasternak argues that “even in democratic societies spontaneous violent protest can become the *only means* available for oppressed citizens to secure a range of valuable political goals,” including changes in public policy, resistance to

marginalization, and expression of angry defiance towards political authorities.⁴¹ This is an appeal to the Necessity Constraint. The claim is: Sometimes, a bit of uncivil resistance in the form of political rioting is needed to grab the attention of the state, the public, and even deeply aggrieved citizens themselves, potentially sparking changes in how their ongoing oppression is understood and addressed. Cameras show up for fires and broken windows.⁴² Note that in the United States, decades of legal action and lesser forms of protest, punctuated by very occasional riots, have not put an end to police brutality yet. Doing what we've been doing has done little to curb police brutality so far.⁴³

Per the Success Constraint, there is some chance that political rioting will achieve concrete policy changes, but more importantly, it may change the tenor and focus of the interlocking conversations between deeply aggrieved citizens, the broader public, and the state. In the aftermath of the Minneapolis protests, the city instituted disappointingly limited policy changes.⁴⁴ But there are more encouraging results. For example, public opinion about police has shifted dramatically, with calls to defund the police in particular increasing in popularity.⁴⁵ We should not be too quick to dismiss the possibility that rioting can achieve worthwhile political goals *qua* expressive protest.

Finally, per the Proportionality Constraint, political rioting can be targeted relatively narrowly: In Minneapolis, the police station, not the fire department, was torched. These sorts of distinctions are not only expressively significant, but also necessary to satisfy the Proportionality Constraint. Under wide proportionality, a certain amount of harm to bystanders may count as

⁴¹ Pasternak, "Political Rioting," 387. Of course there might be situations where political rioting is, in fact, the only efficacious option. But note that Pasternak never analyzes political rioting in connection with political revolution. Perhaps this is simply outside the scope of her project, or perhaps she thinks that once political revolution breaks out and war is in the streets, we cannot be said to live in a properly democratic society.

⁴² Political rioters report feeling that rioting is "the only way to make ourselves heard." (Waddington, "The Madness of the Mob? Explaining the 'Irrationality' and Destructiveness of Crowd Violence," 685)

⁴³ Note that in general, by the Necessity and Success Constraints, we need not necessarily exhaust less extreme methods such as lawful protest or civil disobedience before rioting if these lesser harms will not be efficacious.

⁴⁴ Herndon, "How a Pledge to Dismantle the Minneapolis Police Collapsed."

⁴⁵ Fleming-Wood, Margalit, and Schaffner, "Support for Cutting Law Enforcement Funding Has Spiked in the Wake of the Recent Protests."

acceptable collateral damage, although contextual features will figure prominently here. For example, smashing a Chase Bank window or looting a Target is very different from burning down a local mom and pop restaurant owned and beloved by deeply aggrieved citizens.⁴⁶

Admittedly, the Proportionality Constraint is the trickiest for political rioters to navigate on the ground. While Pasternak is right that riots are much less capable of inflicting collateral damage than armies, rioters may still endanger local shops, homes, and neighbors.⁴⁷ How can the harms caused by rioters be kept proportional to the harms they aim to avert? Armies face a similar problem. It is surely not morally sufficient to plan war crime tribunals for *after* the revolution—moral duties apply to agents during political action as well. But because political riots lack clear hierarchies of command, I think the responsibility of individual political rioters is arguably *increased* relative to that of soldiers. Thus, if one rioter begins to act outside the scope of the Necessity, Success, or Proportionality Constraints, it is principally on other rioters to intervene then and there.⁴⁸ Additionally, political rioters may incur duties to assist harmed members of their community after the riot is over.⁴⁹

Let's try putting this analysis into action. Assume, for a moment, the position of a deeply aggrieved citizen. For generations, your community has complained to the state about how it treats you, to little material effect. You have run up against the limits of the transformative potential of complaining to X about X.

⁴⁶ While Pasternak notes that targeting businesses may cloud the political rioter's expressive intentions, "an important exception here concerns the property of private agents who are themselves inexcusably complicit in the injustice against which the rioters protest." ("Political Rioting," 404) I agree that a similar line of argument could function against complicit corporations, potentially justifying the looting of the Minneapolis Target, although pursuing this would lie outside the scope of this project. See Mak, "Target Has a Long History With the Minneapolis Police," for relevant background.

⁴⁷ Pasternak, "Political Rioting," 415.

⁴⁸ Compare Pasternak's empirically grounded discussion of "crowd norms" ("Political Rioting," 414-415), or Havercroft's report that "Historians of crowd behavior have long demonstrated that crowds have their own 'moral economy'" and "tend to behave well in protests." ("Why Is There No Just Riot Theory?" 913)

⁴⁹ At stake here is not only the moral justification of the riot in terms of necessity and proportionality, but also its expressive clarity—that is, one of the primary drivers of its success.

Given this context, for you to resist the apparent mechanisms of institutional justice in your society by uncivil means, for you to create a targeted zone of lawlessness where the state's ongoing war against you can be acted out in physical miniature, expresses your wholesale rejection of the political status quo as unbearably illegitimate. It expresses the deep disrespect that has already long been mutual between the state and yourself. It expresses how serious you are that your only further recourse is that of political revolution, a complete *severing* of your protestive relationship with the state, a recourse you are not yet inclined to take. In this way, it might even express the lingering hope that your relationship with the state might be salvaged yet. It is precisely this hopefulness—this sense that your relationship with the state is still worth *fighting* for—that is overlooked when we view rioters as nothing more than reckless criminals or overeager revolutionaries.

Often, a political order that persistently refuses to hear or address the grievances of its deeply aggrieved citizens through established, ordinary channels can only be shaken to attention by unestablished, out-of-the-ordinary means.⁵⁰ Once we read political rioting as an expressive *protest* tinged with hope and optimism for a better future relationship with the state, we may be much more sympathetic to the moral case for political rioting. Importantly, we can at least see how lazy critiques of these political rioters as *lawless* miss the entire expressive point of their actions.

4. Success in Material and Existential Terms

How should we judge the success of political rioting, particularly when staring down the overwhelming force of the state? Suppose that you and I are deeply aggrieved citizens living under an unjust state in the not-so-distant future. The state—knowledgeable as it is of the contemporary defensive harm literature—decides to militarize its police to a nearly unimaginable degree. Our living

⁵⁰ Compare Hayward, “Disruption: What Is It Good For?” on how political disruption can shake the politically comfortable out of their motivated ignorance to attend to serious injustices.

conditions become increasingly impoverished as more and more resources are funneled into law enforcement, to the point where we citizens have virtually no prospect of successfully mounting public political protest of any kind. Robo-police effortlessly disperse the merest beginnings of any assembly with almost unnoticeably effective technological force; coordinated media blackouts ensure that, even if a large-scale collective protest *did* occur, its expressive reach would be extraordinarily stunted. On every front, our dystopian state ensures that public political protest is practically impossible. Would the state thereby render public protest *morally impermissible* for us as citizens, given the Success Constraint? Would we, the ruthlessly oppressed, be morally required to stand by?

In this section, I hope to leverage this initial intuition pump into broadening our criteria under which political protests should count as successful. If my arguments stand, then political protest in general—and political rioting in particular—meets the Success Constraint in a much wider range of circumstances than we might otherwise expect. As a result, political protest cannot be morally straitjacketed by overwhelming state militarization alone.

But we need not turn to science fiction to find critics of the Success Constraint. Saul Smilansky notes that it gives rise to deeply paradoxical results in real life:

In general, the more ruthless the aggressor, the more difficult it is to stop him from carrying out his threat. As a result, [the Success Constraint] is probably met less in ruthless aggressors than in more merciful ones. This implies that the more ruthless the aggressor, the less justified the victim would be in any attempt to kill him.⁵¹

Daniel Statman argues that the Success Constraint

demands submission to evil and passivity in the face of wickedness. If this is what some moral or legal theory demands of us, it seems like a *reductio* of the theory.⁵²

The intuition that defensive harm can be justified, even absent reasonable prospects of material success, has been formulated in a variety of ways. Honor-based accounts such as Daniel Statman's

⁵¹ Statman, "On the Success Condition for Legitimate Self-Defense," 666.

⁵² Statman, "On the Success Condition for Legitimate Self-Defense," 664.

suggest that, in the face of hopeless odds, defensive harm may be justified as an effort to uphold and defend the victims' *honor*—that is, not only their own sense of themselves, but other's sense of them as having value, of their not being mere objects for use. Sometimes, Statman explains, “We feel we must protect not only our body or our property but our *selves*.”⁵³ And in these cases, violent force may be the only recourse that remains. But these accounts are both controversial and difficult to elaborate without allowing honor to take on the perverse role that it does in (falsely) justifying honor killings, as both Pasternak and Statman himself readily acknowledge.⁵⁴

Even so, I think there is something deeply right about honor-based accounts. Statman's article is written with the paradigm case of the Warsaw ghetto uprising in mind, a calamitous yet noble effort by Jews facing Nazi extermination to “die with a gun in their hands rather than in Treblinka or another death camp.”⁵⁵ In a footnote, Statman approvingly quotes Rachel L. Einwohner's assessment that the goal “was to act honorably”—not, *per impossibile*, to vanquish the Germans.⁵⁶

Here David Rodin objects, arguing that “If inflicting harm on A would not prevent, delay, or ameliorate the threatened harm in any way, then it is hard to see how A could be liable to the harm as a matter of defense.”⁵⁷ Although I grant the objection, the assertion of oneself as a person with dignity and certain basic liberties is not reducible to purely material gain or loss. When A harms B by denying B's very personhood—say, when A (a state) actively or passively maintains B's status as a deeply aggrieved citizen, whose suffered injustices will not be redressed in the foreseeable future—B is harmed in respect-based or *existential* terms.⁵⁸ And then, for B to ‘soldier on,’ even to die on her

⁵³ Statman, “On the Success Condition for Legitimate Self-Defense,” 668.

⁵⁴ Pasternak, “Political Rioting,” 399; Statman, “On the Success Condition for Legitimate Self-Defense,” 670.

⁵⁵ Statman, “On the Success Condition for Legitimate Self-Defense,” 665.

⁵⁶ Statman, “On the Success Condition for Legitimate Self-Defense,” 665.

⁵⁷ Rodin, “Justifying Harm,” 93.

⁵⁸ I hope to bracket concerns relating to the group agency of A. At most, they should affect the form and not the content of this analysis.

feet, may be morally permissible or even praiseworthy, not because she acts for the sake of her Honor (some mysterious noun in the heavens), but because doing so expressively asserts and honors—as a verb!—her own personhood in her relations with others and the state here on earth.

Instead of defending their *honor*, I submit that actors in these desperate cases are expressively reasserting their *personhood* to themselves and to one another. This distinction is worth making clear: It is the difference between honor and dignity. What is at stake is not my *honor*, the respect due to me for the kind of person I am, but my *dignity*, the respect due to me for being a person at all.⁵⁹ And in general, my dignity carries great weight not just for me, but my society as a whole. As Delmas argues, “If the law’s failure to respect everyone’s dignity is sufficiently threatening or destructive, all people, not just those affected by indignity, may demand reform or revolution.”⁶⁰ Undermining my honor is largely a local offense, but undermining my dignity has consequences for all.

Pasternak primarily understands the Success Constraint in terms of whether rioters are able to influence the *policies* underlying “material deprivation and social exclusion.”⁶¹ But I suggest there is another way in which rioters can be successful, even beyond resisting marginalization or communicating anger and defiance, which Pasternak considers but does not champion:

Perhaps, it can be argued that the success condition is fulfilled even if rioters do not have a reasonable prospect of achieving all their goals. Perhaps, it would be enough, for example, if they have a reasonable prospect of resisting political marginalization and communicating anger and defiance, thus maintaining a sense of self-respect and pride. Some accounts of permissible defensive harm would support this conclusion, as they suggest that victims of aggression can be justified in inflicting harm on their aggressors even when doing so would have no chance of mitigating the original attack, if through their actions they demonstrate that they are not “just passive objects to be trodden upon.” But this position strikes many as controversial and anyway will be even less persuasive if the rioters would in fact worsen the condition of fellow oppressed citizens.⁶²

⁵⁹ Here I bracket whether non-persons can have dignity.

⁶⁰ Delmas, *A Duty to Resist*, 178.

⁶¹ Pasternak, “Political Rioting,” 398.

⁶² Pasternak, “Political Rioting,” 399.

Here is a defense of this controversial position. Even when tactical defeat in material terms really is inevitable, and the broader expressive reach of a political riot will be quashed, the higher-level goal of existential self-assertion always seems available and valuable for its own sake. By bringing attention to indignities suffered by the deeply aggrieved, political rioters uphold the conditions of the state's legitimacy better than the state does itself, challenging the state to do better. This is the optimistic thrust of the political riot: Unlike revolutionaries, rioters implicitly reaffirm that greater justice and legitimacy are achievable for *this* state. They haven't (yet) abandoned the state's political project. In this way, political rioting can even be *healthy* for an unjust state.

There may still be times when inaction is morally required by the Proportionality Constraint, if other harms incurred by action would be bad enough. (For an extreme example, suppose the state threatened not just to suppress our protest, but to slaughter our entire neighborhood if any one of us spoke out.) And the Necessity Constraint may require us to pursue lesser methods of protest if they too could reasonably attain success in material or existential terms. But now, these are questions to be weighed and considered, not assumed improper in advance.

To highlight this, I turn to the well-known case of Judy Norman, who was physically and mentally abused by her husband for twenty years.⁶³ He regularly made her prostitute herself, starved her, and broke glass against her face, among infinitely many other despicable evils. As his death threats towards her became more direct, public, and unmistakable, Judy Norman thoroughly exhausted all legal avenues available to her to try to save her own life. She repeatedly tried to escape, called the police until they no longer came, and attempted to have her husband committed to a mental health center, before fatally shooting him in his sleep.

⁶³ My summary draws from *State v. Norman* 1989.

It is generally accepted that in the Norman case, and cases like it, the victim is fully justified in using violent or even lethal force to defend herself.⁶⁴ And our defensive harm analysis delivers this result. First, it seems clear that Judy Norman's actions were necessary, in both material terms (to save her life) and existential terms (to reassert her personhood); she had exhausted every other avenue available to her. Second, her prospects of success were very good, not only in material terms (she was incredibly likely to succeed at killing her sleeping husband) but in existential terms as well (she was guaranteed to reassert her own personhood, just by continuing to fight for her own survival). Even if the past material and existential harms she suffered could not be undone, and would continue to impact her, she could still prevent further harms to herself. Finally, her use of force against her husband was clearly proportionate in light of his increasingly serious death threats, even before considering the rest of his material and existential abuse. Her husband was no bystander; he was fully liable under narrow proportionality.

In cases of individual self-defense, existential prospects of success spring to the fore of our considerations. But cases of *collective* self-defense are often much more complicated. In particular, note that the Proportionality Constraint, which calls on us to distinguish between bystanders and liable parties as best as we are able, may be more challenging to apply in the case of a political riot, where civilian bystanders might find themselves caught up in the violence, and liability for structural injustices may be difficult to assign to particular individuals. This suggests that political rioters should target state property and clearly liable state agents as narrowly as possible.⁶⁵

⁶⁴ See, for instance, Frowe, *Defensive Killing: An Essay on War and Self-Defence*, 140-141 or McMahan, "War as Self-Defense," 76 on cases with this structure.

⁶⁵ Given the ends of paradigmatic political rioting (seeking greater union with the state), I follow Pasternak in thinking that *killing* police officers would almost always be deeply expressively counterproductive. ("Political Rioting," 405) Note too that the relationship between deeply aggrieved citizens and police is at the very least more mediated than the relationship between Judy Norman and her husband.

But the analogy to the Norman case highlights that deeply aggrieved citizens can legitimately claim that they do not bring violence to the table *ex nihilo*.⁶⁶ At its best, political rioting expresses that the maintenance of deeply aggrieved citizens in their positions of relative subordination is itself the principal material and existential harm that is to be averted. And this is a level of standing violence at the hands of the state that thoroughly permeates the lives of deeply aggrieved citizens. This is because the *threat* of violence is itself already violence (if you doubt this, you have never been mugged). And to be a deeply aggrieved citizen is to live under the standing threat that your basic liberties may be violated, without proper restitution. The graveness of this existential harm is such that even significant material defensive harms may be proportionate in response.

Indeed, the existential side of the ledger is actually *more* fundamental than the material. We've already seen Pasternak argue that political rioters can affect public policy, resist marginalization, and express angry defiance.⁶⁷ D'Arcy stresses that militant protest may be required to uphold and even reclaim the democratic ideal of the people's self-governance.⁶⁸ And Havercroft emphasizes that political rioting can extra-institutionally preserve freedom, promote equality, and give voice to the grievances of marginalized groups.⁶⁹ But what underlies all three of these analyses is a firm commitment to the existential import of respecting the dignity of persons—this is core not only to our notion of justice itself, but also the state's own claims to legitimacy. A complete moral accounting of the status of riots should give central place to the existential benefits and harms which unite and underlie all these considerations.

⁶⁶ Note just how much is at stake when determining where this violence originates. State actors may point to the spontaneous public violence of rioters as reason to overwhelm them with force. But I've argued that justified political rioters may be using material violence to ocularize ongoing existential violence—and indeed, even to protest ongoing material violence at the hands of the riot police responding to them. Once we read justified political riots as *defensive* harms necessitated by ongoing existential violence, we can see that in a deeper sense, responsibility rests on those perpetuating these injustices.

⁶⁷ Pasternak, "Political Rioting," 387.

⁶⁸ D'Arcy, *Languages of the Unheard*, 72.

⁶⁹ Havercroft, "Why Is There No Just Riot Theory?" 913.

Violence comes with great costs, even when put to worthwhile political ends with the best of intentions.⁷⁰ Beyond the direct harms of violence itself, violent tactics may limit the public's ability or willingness to support or join protestors, and may even appear to legitimize violent state repression in response.⁷¹ These are important costs to weigh when determining the proportionality of political riots. But while the existing literature has focused on these sorts of costs, and various material benefits, our moral accounting should fully acknowledge *all* relevant benefits and harms—and in particular, the central existential benefit of reasserting one's own dignity as a person, and the tremendous existential harm of continuing to languish in disrespect.

Dara T. Mathis reminds us that “when violent state actors preemptively call for nonviolence to manipulate protestors to comply without addressing their grievance, nonviolence is another way to muzzle the voiceless.”⁷² In these cases, calls for civility inappropriately silence legitimate and urgent public expression. A political riot may provide a necessary, successful, and proportionate public forum for deeply aggrieved citizens to ocularize their warranted disrespect for the state that maintains them in ongoing subjection, as well as their inviolable respect for themselves as persons with dignity *beyond* the boundaries of civility. We must remain wary of arguments against political rioting which overlook the significance of systemic material and existential harms in favor of

⁷⁰ This is why *right*-wing agitators were caught vandalizing local businesses and firing bullets into the Third Precinct. (Beckett, “‘Boogaloo Boi’ charged in fire of Minneapolis police precinct during George Floyd Protest;” Peiser, “‘Umbrella Man’ went viral breaking windows at a protest. He was a white supremacist trying to spark violence, police say”) These right-wing agitators intended to incite violence that was truly disorderly (or ‘random’), that would confuse the political expression of the protestors and invite the violence of riot police upon them. There are two distinct kinds of harms here. Materially, these agitators not only smashed windows and lit fires, but invited the escalation of riot police against their political enemies. But existentially, they also knew that the appearance of open violence in the streets would be used to fuel perceptions of political rioters as disorderly ‘criminal types’ who were only capable of expressing themselves in this way, further disrespecting them as persons and directing public attention away from the expressive nature of their protests.

⁷¹ Although they focus primarily on movements with politically revolutionary goals, see Chenoweth and Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*, for empirical argument that these concerns should incline us towards adopting nonviolence.

⁷² Mathis, “King's Message of Nonviolence Has Been Distorted.”

upholding civility at any cost, thereby preferring “a negative peace which is the absence of tension to a positive peace which is the presence of justice.”⁷³

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⁷³ King, “Letter from Birmingham Jail.” This paper has benefited tremendously from comments and discussion with Matthew Adams, Zara Anwarzai, Marcia Baron, Gary Ebbs, Kjell Fostervold, Paul Howatt, Savannah Pearlman, John Robison, Paul Shephard, Kyle Stroh, Elizabeth Williams, and my anonymous reviewers.

References

- Barker K., M. Baker, and A. Watkins. "In City After City, Police Mishandled Black Lives Matter Protests," *New York Times*, 2021. www.nytimes.com/2021/03/20/us/protests-policing-george-floyd.html.
- Beckett, L. "'Boogaloo Boi' charged in fire of Minneapolis police precinct during George Floyd protest," *The Guardian*, 2020. www.theguardian.com/world/2020/oct/23/texas-boogaloo-boi-minneapolis-police-building-george-floyd.
- Bedau H. A. "On Civil Disobedience," *The Journal of Philosophy* 58, no. 21 (1961): 653-665.
- Caputo, A., W. Craft, and C. Gilbert. "'The precinct is on fire': What happened at Minneapolis' 3rd Precinct — and what it means," *MPR News*, 2020. www.mprnews.org/story/2020/06/30/the-precinct-is-on-fire-what-happened-at-minneapolis-3rd-precinct-and-what-it-means.
- Celikates, R. "Democratizing civil disobedience," *Philosophy and Social Criticism* 42, no. 10 (December 2016): 982-994.
- Chan, D. K. *Beyond Just War*. Palgrave Macmillan, 2012.
- Chenoweth, E. and M. J. Stephan. *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*, New York: Columbia University Press, 2011.
- Cherry, M. "Value-Based Protest Slogans: An Argument for Reorientation," In *The Movement for Black Lives: Philosophical Perspectives*. Edited by Michael Cholbi, Brandon Hogan, Alex Madva, and Benjamin Yost. New York: Oxford University Press, 2021.
- Cobb, C. E., Jr. *This Nonviolent Stuff'll Get You Killed*. New York: Basic Books, 2014.
- D'Arcy, S. *Languages of the Unheard: Why Militant Protest is Good for Democracy*. London/New York: Zed Books, 2013.
- Delmas, C. *A Duty to Resist: When Disobedience Should Be Uncivil*. New York: Oxford University Press, 2018.
- Epstein, R. J. "Full Transcript: Mike Pence's R.N.C. Speech," *New York Times*, 2020. www.nytimes.com/2020/08/26/us/politics/mike-pence-rnc-speech.html.
- Fleming-Wood, B., Y. Margalit, and B. Schaffner. "Support for Cutting Law Enforcement Funding Has Spiked in the Wake of the Recent Protests," *Data for Progress*, 2020. www.dataforprogress.org/blog/2020/7/3/support-for-cutting-law-enforcement-funding-has-spiked.
- Frowe, H. *Defensive Killing: An Essay on War and Self-Defence*, Oxford: Oxford University Press, 2014.

- Havercroft, J. "Why Is There No Just Riot Theory?" *British Journal of Political Science* 51, no. 3 (July 2021): 909-923.
- Hayward, C. R. "Disruption: What Is It Good For?" *The Journal of Politics* 82, no. 2 (April 2020): 448-459.
- Herndon A. W. "How a Pledge to Dismantle the Minneapolis Police Collapsed," *New York Times*, 2020. www.nytimes.com/2020/09/26/us/politics/minneapolis-defund-police.html.
- Hill, T. E., Jr. "Symbolic Protest and Calculated Silence," *Philosophy and Public Affairs* 9, no. 1 (Autumn 1979): 83-102.
- Hurka, T. "Proportionality in the Morality of War," *Philosophy and Public Affairs* 33, no. 1 (Winter 2005): 34-66.
- Kaul, G. "Seven days in Minneapolis: a timeline of what we know about the death of George Floyd and its aftermath," *MinnPost*, 2020. www.minnpost.com/metro/2020/05/what-we-know-about-the-events-surrounding-george-floyds-death-and-its-aftermath-a-timeline/.
- King, M. L., Jr. "Letter from Birmingham Jail," *The King Institute*, 1963. kinginstitute.stanford.edu/king-papers/documents/letter-birmingham-jail.
- Lai, T.-H. "Justifying Uncivil Disobedience," In *Oxford Studies in Political Philosophy Volume 5*. Edited by David Sobel, Peter Vallentyne, and Steven Wall. Oxford: Oxford University Press, 2019.
- Lazar, S. "Necessity in Self-Defense and War," *Philosophy and Public Affairs* 40, no. 1 (Winter 2012): 3-44.
- Lyons, D. "Moral Judgment, Historical Reality, and Civil Disobedience," *Philosophy and Public Affairs* 27, no. 1 (Winter 1998): 31-49.
- Mak, A. "Target Has a Long History With the Minneapolis Police," *Slate*, 2020. www.slate.com/business/2020/05/targets-long-history-with-minneapolis-police.html.
- Mathis, D. T. "King's Message of Nonviolence Has Been Distorted," *Atlantic*, 2018. www.theatlantic.com/politics/archive/2018/04/kings-message-of-nonviolence-has-been-distorted/557021/.
- McMahan, J. *Killing in War*, Oxford: Oxford University Press, 2009.
- McMahan, J. "War as Self-Defense," *Ethics and International Affairs* 18, no. 1 (March 2004): 75-80.
- Moraro, P. "On (Not) Accepting the Punishment for Civil Disobedience," *Philosophical Quarterly* 68, no. 272 (July 2018): 503-520.
- Nodjimbadem, K. "The Long, Painful History of Police Brutality in the U.S.," *Smithsonian Magazine*, 2017. www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/.

- Pasternak, A. "Political Rioting: A Moral Assessment," *Philosophy and Public Affairs* 46, no. 4 (Fall 2018): 384-418.
- Peiser, J. "'Umbrella Man' went viral breaking windows at a protest. He was a white supremacist trying to spark violence, police say," *The Washington Post*, 2020. www.washingtonpost.com/nation/2020/07/29/umbrella-man-white-supremacist-minneapolis/
- Pineda, E. "Civil Disobedience and Punishment: (Mis)reading Justification and Strategy from SNCC to Snowden," *History of the Present* 5, no. 1 (Spring 2015): 1-30.
- Rawls, J. *A Theory of Justice*, Cambridge: Belknap Press, 1971.
- Rodin, D. "Justifying Harm," *Ethics* 122, no. 1 (October 2011): 74-110.
- Rothman, L. What Martin Luther King Jr. Really Thought About Riots, *Time Magazine*, 2015. www.time.com/3838515/baltimore-riots-language-unheard-quote.
- Scheuerman, W. E. *Key Concepts: Civil Disobedience*, Cambridge: Polity Press, 2018.
- Scheuerman, W. E. "Why Not Uncivil Disobedience?" *Critical Review of International Social and Political Philosophy* (November 2019): 1-20.
- Schwartz, S. A. "Police brutality and racism in America," *Explore* 16, no. 5 (September-October 2020): 280-282.
- State v. Norman*. 324 N.C. 253, 378 S.E.2d 8 (1989).
- Statman, D. "On the Success Condition for Legitimate Self-Defense," *Ethics* 118, no. 4 (July 2008): 659-686.
- Tavernise S. and M. Rosenberg. "These Are the Rioters Who Stormed the Nation's Capitol," *New York Times*, 2021. www.nytimes.com/2021/01/07/us/names-of-rioters-capitol.html.
- Taylor, D. B. "George Floyd Protests: A Timeline," *New York Times*, 2021. www.nytimes.com/article/george-floyd-protests-timeline.html.
- Thoreau, H. D. "On the Duty of Civil Disobedience," *Project Gutenberg*, 1849 [1993]. www.gutenberg.org/files/71/71-h/71-h.htm.
- Waddington, D. "The Madness of the Mob? Explaining the 'Irrationality' and Destructiveness of Crowd Violence," *Sociology Compass* 2, no. 2 (March 2008): 675-687.
- Weltman, D. "Must I Accept Prosecution for Civil Disobedience?" *Philosophical Quarterly* 70, no. 279 (April 2020): 410-418.