

PRIVILEGED CITIZENS AND THE RIGHT TO RIOT

A REPLY TO PASTERNAK

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SOMETIMES, “political rioting . . . can be justified in democracies under circumstances that are not far from the reality of many states in the world.”¹ This is the conclusion Avia Pasternak reaches in her article “Political Rioting: A Moral Assessment.” I wholeheartedly agree with this conclusion. But in reaching this conclusion, Pasternak restricts who, on her account, may permissibly participate in such justified riots. Specifically, Pasternak insists that only genuinely oppressed citizens may permissibly riot. Due to a difference in political circumstances, which will be discussed below, privileged citizens may not permissibly riot on Pasternak’s account.

This discussion note argues that such a constraint should be eliminated from an account of permissible riots. I argue, specifically, that Pasternak’s account is able to accommodate the permissibility of privileged citizens rioting and that doing so improves her account on its own terms. I first lay out the definition and understanding of political rioting that Pasternak uses before discussing the conditions her account imposes on rioters. Understanding what she takes to constitute a political riot and how it differs from other forms of violence (political or otherwise) will be important to the rest of my argument. I then argue why privileged citizens can be justified in rioting alongside oppressed citizens.

1. WHAT IS POLITICAL RIOTING?

Pasternak defines a political riot as “a public disorder in which a large group of actors, acting spontaneously and without formal organization, engages in acts of lawlessness and open confrontation with law enforcement agencies.”²

1 Pasternak, “Political Rioting,” 418.

2 Pasternak, “Political Rioting,” 388. This is admittedly open ended. I do not have space here to more fully flesh out the notion of rioting, and I do not think much in my argument turns on any such considerations. While it would surely be useful and important to examine

Riots are typically a response of an oppressed group to the shared experience of “subjective deprivation, social exclusion, political powerlessness, and moral outrage.”³ Pasternak’s account is importantly limited to rioters responding to “severe and pervasive social injustices,” such as that reflected by the persistence of the American urban ghetto.⁴ Riots typically involve violence or harm carried out specifically with the aim of bringing about political changes that will “eradicate, or in the least ameliorate, the substantive violations of justice” rioters take the state to be responsible for.⁵ This feature of political rioting distinguishes it from “maddened” or “senseless or opportunistic” violence, which is often how political rioting is characterized.⁶ It is this characterization that leads to many commentators offering the kinds of blanket condemnation of rioters that Pasternak’s account of permissible rioting intends to refute.

The key feature here is that permissible political rioting seeks specifically to eliminate or ameliorate the gross injustices to which the rioting Pasternak and I have in mind respond.⁷ Pasternak maintains that for rioters to be justified in rioting, they must “remain fundamentally committed to the realization of the democratic ideal.”⁸ This combination of the presence of severe injustice and

different forms of rioting in a more systematic manner, I take any such examination to be beyond the scope of this paper. My focus here is not on the merits or demerits of particular actions rioters might take but rather the antecedent question (in my view, anyway) of which citizens satisfy the conditions that must be met to justify the resort to any sort of “public disorder . . . lawlessness and open confrontation” in response to “severe and pervasive social injustices.” As a result, I feel comfortable leaving aside concerns about the open-endedness of Pasternak’s notion of rioting. I would like to thank an anonymous reviewer for pressing this point.

3 Waddington, “The Madness of the Mob?,” 681.

4 Pasternak, “Political Rioting,” 389.

5 Pasternak, “Political Rioting,” 392.

6 Pasternak, “Political Rioting,” 391, 389.

7 It is important to note that this is an objective criterion and not one the satisfaction of which turns on whether a rioter considers himself oppressed or otherwise subject to “gross injustice.” I, therefore, do not take it to be the case that much rides (here, at least) on the distinction between “oppressed” and “privileged.” Given the brutal history in the United States, for example, of decidedly privileged citizens rioting in response to objectively misguided and immoral senses of injustice, there is a need for a clear distinction between oppressed and privileged citizens for any comprehensive account of rioting, especially one that seeks to defend at least some participation of privileged citizens. However, I regretfully lack the space for this here, leaving such hard questions for later consideration. This paper assumes the presence of clear and undeniably gross injustice, and I think starting with such “easy cases” will, in fact, help us to address these hard questions at the level of specificity warranted by such an important issue once the contours of a plausible account of permissible rioting have been developed.

8 Pasternak, “Political Rioting,” 395.

a commitment to the democratic ideal—albeit one that manifests in destructive acts of public defiance—is necessary for political rioting to be justifiable. While Pasternak does not articulate the point in this way, I take it that these two conditions jointly ensure that political rioters have what we might call “just cause” to engage in rioting. Riots with a just cause are the only ones I consider in this paper.

On Pasternak’s view, for a given case of rioting to be justified, it must meet two further conditions—a success condition and a necessity condition: the rioting must have a reasonable chance of successfully achieving its just aims, and it must be necessary in order to achieve its just aims. In the next section, I lay out the success and necessity conditions and argue that the necessity condition is too narrow insofar as it implies that only citizens who suffer the injustices that give rise to rioting’s just cause may permissibly riot. I argue that other citizens can be justified in participating in a permissible riot and that expanding the scope of Pasternak’s view in this way will actually increase the chances of success.

2. THE SUCCESS AND NECESSITY CONDITIONS

Pasternak’s account of permissible rioting adopts a defensive violence framework, acknowledging that while defensive violence can be justified, it must meet certain conditions.⁹ The first condition Pasternak lays out is that political rioting must have a “reasonable prospect to avert, or in the least ameliorate the attack that triggered it.”¹⁰ In arguing that political rioting in response to severe injustice can possibly meet this condition, Pasternak relies on empirical evidence to suggest riots can, in fact, play an important role in bringing about positive policy changes that constitute substantive amelioration (if not elimination) of the injustices to which the rioting responds. Given the difficulty of creating genuine social change, even just ameliorating the injustices can constitute a significant victory in the fight for justice. A compelling example is the

9 Pasternak’s account, following accounts of defensive harm, rests on three conditions: success, necessity, and proportionality. In what follows, I set aside proportionality because my argument regarding the permissibility of privileged citizens rioting does not turn on considerations of proportionality like it does on considerations of success and necessity. If resorting to rioting as a response to gross injustice, as opposed to other kinds of response, is itself disproportionate to the injustice to which the rioting responds, even if it has a reasonable chance of success and is necessary to eliminate or ameliorate the injustice to which it responds, then neither oppressed nor privileged citizens will be permitted to riot. If rioting is proportionate, then whether privileged citizens may riot will turn on other considerations.

10 Pasternak, “Political Rioting,” 398.

US race riots of the 1960s that led to the Kerner Report, which “had a substantive impact on federal aid programs to inner city populations.”¹¹ It is not only that these policy changes were substantive changes, but they were changes that had a real (though certainly incomplete) ameliorative effect on some of the injustices that the 1960s race riots were responding to. This case demonstrates that rioting can indeed achieve at least some of its aims, bolstering Pasternak’s argument that rioting can indeed be justifiable.

In addition to having a reasonable chance of success, political rioting must also be necessary. To meet this necessity condition, it must be the case that there are no other less violent ways to bring about the policy changes that rioting seeks to bring about.¹² An obvious objection to the justifiability of rioting insists that, at least in the democratic societies Pasternak’s account focuses on, the very nature of democracy provides multiple nonviolent ways to bring about policy change, thus precluding the necessity condition from being met. But, as Pasternak correctly points out, this “underestimates the debilitating impact of pervasive socioeconomic and racial injustices.”¹³ The poverty experienced by many oppressed citizens makes it difficult to participate politically in multiple ways (sometimes even including the ability simply to cast votes in elections). Histories of oppression often involve the entrenchment and persistence of prejudicial views of oppressed citizens, silencing whatever political voices are able to make it into public discourses. And sometimes governments make policy decisions that overtly diminish the political power oppressed citizens are able to wield (e.g., through gerrymandering).

The upshot is that in some ostensibly democratic societies, one of the primary injustices political rioting responds to is the fact that the various nonviolent means of bringing about policy change are ripped out from under oppressed citizens’ feet. Under such conditions, political rioting may conceivably be the only way for oppressed citizens to secure policy changes that eliminate or ameliorate the severe injustices they suffer.

3. PRIVILEGED CITIZENS AND THE SCOPE OF NECESSITY

Pasternak’s discussion of the necessity condition limits itself to oppressed citizens. She explicitly notes that “in the case of political riots, it must be the case that the injustice the protesters face affects their own lives in ways that render

11 Pasternak, “Political Rioting,” 400.

12 Pasternak, “Political Rioting,” 401.

13 Pasternak, “Political Rioting,” 401.

other forms of protest inaccessible to them.”¹⁴ The result is that privileged citizens lack moral license to participate in political riots, even ones that respond to gross injustices. On the surface, this makes sense: in the kinds of democratic societies Pasternak’s account focuses on, presumably, such privileged citizens have access to less violent means to seek the policy changes that riots aim to achieve. By virtue of their being privileged citizens, they are typically much better off economically, possess a fully respected political voice, and lack trouble casting votes in elections. As such, it would seem that the circumstances of privileged citizens render it impossible for them to satisfy the necessity condition.

This is where I disagree with Pasternak and believe her account could be substantially improved. It can sometimes be the case that participation of privileged citizens in otherwise justifiable political rioting can indeed satisfy the necessity condition and, in doing so, bolster the rioting’s chances of success. I, therefore, submit that we should modify the scope of Pasternak’s necessity condition and be willing to acknowledge the permissibility of privileged citizens rioting.

Pasternak’s principal objection to privileged citizens rioting is that they have alternative options available to them that are closed off to oppressed citizens. While it might be true that privileged citizens as a class have options available to them that oppressed citizens as a class do not, it may be the case that not enough individual privileged citizens are willing to avail themselves of the alternative options to successfully ameliorate the injustice via less violent means.¹⁵ To be sure, one can easily imagine a case where there just are not enough privileged citizens seeking the kinds of change required to eliminate or ameliorate the injustice to which rioting may be a permissible response, and this fact is an important part of why the kinds of protests that can lead to riots begin to emerge in response to the injustice.

If privileged citizens using their political power do not have a reasonable chance of success, most likely because a critical mass of fellow privileged citizens fails to see the need to change policies, then such alternative means are not substantively available to the privileged citizens cognizant of the need for change, undermining Pasternak’s claim to the contrary. As a result, when a privileged citizen deliberates about whether she, as a conscientious individual, ought to participate in some riot that may unfold, she should only be required to seriously consider those alternative options that she reasonably believes could be successful in ameliorating the injustice. If it is clear that, say, waiting months or years to cast a single vote in a blood-red state for the progressive candidate and that beseeching fellow privileged citizens to do the same simply

14 Pasternak, “Political Rioting,” 403n78.

15 Indeed, this is often precisely why systemic injustice persists.

will not be enough to affect the kinds of change required to ameliorate injustice, then there is a morally significant sense in which such alternative options are not plausibly available. As such, it might genuinely be the case that the participation of privileged citizens is necessary despite the theoretical availability of alternative options that are closed off to oppressed citizens. The point here is that, at least in cases where the injustice is entrenched, it is very unlikely that the few privileged citizens willing to resist the injustice will succeed by less violent means. Joining the oppressed citizens in rioting, that is, may be the only course of action reasonably open to privileged citizens.

An additional reason to support expanding the necessity condition to permit privileged citizens to riot on behalf of and alongside oppressed communities concerns the importance of eliminating or ameliorating the injustices to which the rioting responds. The stakes for oppressed communities are extremely high. The kind of severe oppression that might warrant political rioting often results in the deaths of innocent members of society. Through things like police brutality based on racist social norms, entrenched impoverishment forcing many members of oppressed communities to resort to criminal behavior to survive, or even, more mundanely, the lack of federal aid programs resulting in significantly worse health outcomes for members of oppressed communities, many oppressed citizens' lives are lost or severely impacted by the injustices to which rioting responds. This makes the need to eliminate or at least begin ameliorating such injustices an urgent moral imperative. If it is the case that participation of privileged citizens in rioting can improve the chances of success, then their participation is therefore supremely morally important—important enough, I submit, that an account of permissible rioting ought to accommodate such possibilities.

This ties closely to my understanding of the necessity condition. It will often be the case, I think, that such participation will increase the chances of successfully eliminating or ameliorating the injustices to which rioting responds. Given the political alienation that oppressed communities often suffer—the “sense of powerlessness, or the lack of belief in one’s capacity to bring about change via the standard channels”—there will almost certainly be a large proportion of the population that dismisses oppressed rioters as mere criminals because the privileged citizens that dismiss their concerns are incapable of understanding the alienation and injustices against which their rioting justifiably lashes out.¹⁶ But when privileged citizens see fellow privileged citizens rioting on behalf of and in solidarity with oppressed citizens, it seems plausible that at least some

16 Pasternak, “Political Rioting,” 402. I would like to thank Donald Wagner for insightful discussion on this point.

heretofore unconvinced privileged citizens would come to recognize the need for change. It is not difficult to imagine a situation in which media coverage depicting privileged citizens rioting alongside and in solidarity with oppressed citizens has a positive impact on the attitudes and beliefs of ambivalent privileged citizens regarding the urgent need for change, thus increasing the chances of success. This is admittedly speculative. But it seems much more likely than privileged citizens' rioting *reducing* the likelihood of success. The upshot is that if rioting is morally permissible for oppressed citizens, it may also be the case that rioting is equally morally permissible for privileged citizens.

4. CONCLUSION

I have argued, contra Pasternak's suggestion, that an account of permissible political rioting should include the possibility that privileged citizens may permissibly take part in at least some otherwise justified riots. I have done so on two grounds: (1) at least in cases of entrenched injustice, it seems likely that rioting will be genuinely necessary for privileged citizens every bit as much as it is necessary for oppressed citizens; and (2) given the political alienation experienced by oppressed communities that are justified in rioting, permitting the participation of privileged citizens in riots will likely increase the chances of success. I have ultimately advanced a very narrow argument: *only* insofar as rioting by oppressed citizens specifically in response to gross injustice is permissible, it *may* be permissible for privileged citizens to participate in the rioting alongside and in solidarity with oppressed citizens.

An important upshot of my argument is that there will almost always be an important affinity between political rioting that is justified on Pasternak's modified account and more conventional civil disobedience, which is typically understood not to admit of violence.¹⁷ Many theorists understand civil disobedience to be inherently nonviolent because of the fact that it should express an inherent respect for the authority of the state. Such respect for authority involves a public commitment to realizing the ideals of the shared democratic project. I take it that this is exactly what is expressed in cases where oppressed and privileged citizens riot alongside each other: the rioting I have in mind occurs only because it has become necessary to remind the democratic society of the ideals and shared political project to which it is ostensibly collectively committed but is failing to realize. Both civil disobedients and justified rioters, therefore, express a similar commitment to and demand for just social

17 Rawls, *A Theory of Justice*, 336–37; Lefkowitz, "On a Moral Right to Civil Disobedience," 216; Brownlee, *Conscience and Conviction*, 29–46.

conditions.¹⁸ Expanding the scope of our necessity condition, then, both improves Pasternak's account and helps show that justified instances of rioting are morally closer to traditional civil disobedience than many people seem willing to concede. This affinity should result in less condemnatory responses to political rioting.

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REFERENCES

- Brownlee, Kimberley. *Conscience and Conviction: The Case for Civil Disobedience*. Oxford: Oxford University Press, 2012.
- Lefkowitz, David. "On a Moral Right to Civil Disobedience." *Ethics* 117, no. 2 (January 2007): 202–33.
- Pasternak, Avia. "Political Rioting: A Moral Assessment." *Philosophy and Public Affairs* 46, no. 4 (Fall 2018): 384–418.
- Rawls, John. *A Theory of Justice*. Rev. ed. Cambridge, MA: Harvard University Press, 1999.
- Waddington, David. "The Madness of the Mob? Explaining the 'Irrationality' and Destructiveness of Crowd Violence." *Sociology Compass* 2, no. 2 (March 2008): 675–87.

18 Pasternak, "Political Rioting," 395–96.