

# Why Riot?

## An Expressive Theory of the Justification of Rioting

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### ABSTRACT

Political rioting is a durable feature of societies across time, space, and political structure. It is also highly morally contentious. Among those who take rioting to be justifiable, the dominant approach has been to appeal to the ethics of war and its interpersonal counterpart, the framework of defensive ethics, in order to determine which harms rioting may permissibly inflict. I raise several novel problems for this approach and argue that it is unlikely to succeed. I then propose and develop an alternative analysis, according to which the expressive norms to which rioting as a form of protest is subject may license its characteristic harms directly.

The discontent is so deep, the anger so ingrained, the despair, the restlessness so wide, that something has to be brought into being to serve as a channel through which these deep emotional feelings, these deep angry feelings, can be funneled.

Martin Luther King, Jr., “Showdown for Nonviolence” (1968)

### 1. Introduction

Political rioting<sup>1</sup>—roughly, political protest events characterized principally by, or substantially including, moments of decentralized violence<sup>2</sup>—is a durable and significant social phenomenon. Indeed, it is a recurrent feature of societies across wide differences in time, space, and political structure.<sup>3</sup> It is also highly morally contentious. Leaders across the political spectrum regularly condemn the practice, which much of the general public appears likewise to stand against.<sup>4</sup> Many others regard rioting as neither altogether condemnable nor morally justifiable, but rather as an understandable, perhaps inevitable, perhaps excusable reaction to social injustice.<sup>5</sup> Still others take

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<sup>1</sup> I confine my discussion here to political rioting, insofar as it may be thought to be a distinct subclass of a more general phenomenon. Some prefer the terms ‘uprising’ or ‘revolt’ as a way of avoiding the historically negative connotations of the word ‘riot.’ However, because rioting is, in my view, a distinctive mode of social protest, which these more general terms fails to capture, I believe it is worth using its distinctive name. I also believe that in academic contexts, the term is now sufficiently evaluatively neutral.

<sup>2</sup> A more complete characterization is offered in the next section.

<sup>3</sup> An early recorded example is the Nika riots of 532 AD, which reportedly saw half of Constantinople burned, led to 30,000 deaths, and nearly resulted in the fall of Emperor Justinian (see Greatrex (1997)). On other historical cases, see especially Rudé (1964); Thompson (1971). On the distribution of riot events globally and by regime type, see Raleigh, Linke, & Hegre (2010); Salehyan et al. (2012).

<sup>4</sup> See, among many others, Obama (2015), Trump (2020), Erdoğan (quoted in Harding, 2013), Lam (2019). On the attitudes of the public, see, e.g., YouGov (2020).

<sup>5</sup> This is the view taken most notably by King (1968a) and by many academics and policymakers (e.g. Governor’s Commission on the Los Angeles Riots (1965); Kerner Commission (1968); Fogelson (1971)).

the view that rioting may be, at least in principle, morally justifiable.

Among those who hold the latter position, the principal burden lies in offering a satisfactory account of how the violent harms characteristically involved in rioting can be justified. The dominant approach to this question, represented in recent literature by Avia Pasternak (2019) and Jonathan Havercroft (2021), has been to regard rioting as akin to an act of collective defense and thus as governed, morally, by the principles of war and self-defense.<sup>6</sup>

I too believe that political rioting can be morally justified—or rather, as I prefer to say, that rioters can be justified in their rioting.<sup>7</sup> However, I believe that the just war tradition and its interpersonal counterpart, the framework of defensive ethics, is inadequate to this task. This is not because rioting is completely unlike cases of war or self-defense—in some respects the two are similar, and in other respects they are not. Rather, it is because rioting is not rightly regarded as, in Pasternak’s words, “a form of defensive harm” (386). The first aim of this paper is to establish this conclusion.

If we are to think productively about the justification of rioting, we would do best, I believe, to look elsewhere. Drawing on the tradition of expressive theories of the justification of harm in political and interpersonal contexts (e.g. Feinberg (1965); Anderson (1995); Duff (2001); Flanigan (2023)), I outline a theory according to which rioting—including the violent harms it involves—is justified insofar as, and because, it is a form of fitting expression. Rioting is not only, in King’s memorable formulation, “the language of the unheard;” it may also be, in the very same dimension, their righteous sword.

## 2. Characterizing riots

The phenomenon of rioting is notoriously difficult to characterize.<sup>8</sup> At the same time, the normative dynamics of rioting depend, as do many social practices, on central characteristics of the practice itself: its nature, aims, and so on. It is therefore important to attempt to accurately characterize it.<sup>9</sup> Indeed, as I’ll argue, differences in characterization turn out to have important implications for the normative analysis of the practice.

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<sup>6</sup> Pasternak proposes that in making a “moral assessment” of political rioting, “we ought to examine [rioters’] actions in light of the various constraints offered by just war theorists” (p. 386), and Havercroft claims that to offer a “normative defense of rioting” would be to offer “a theory of a just riot” (p. 3). These authors, whose views I discuss at length below, offer the only sustained philosophical discussions of the moral dimension of political rioting. (I cite their work in what follows using page numbers only.) Partial treatments of the phenomenon are also offered by D’Arcy (2014); Delmas (2018); Hooker (2016); and Shelby (2018). (Thompson (1971) offers a notable historical account of what he calls the “moral economy of the crowd” in 18th-century England, and Truong (2017) discusses some moral aspects of rioting from the standpoint of sociology.) Chrisman & Hubbs (2021b), using tools from the philosophy of language, address rioting’s communicative aspect but officially set aside the matter of moral justification. Rioting is discussed but dismissed by Arendt, who claims that violence is “instrumental by nature” and that riots “can only promote violence in the end” (1969); by Rawls, who suggests that resistance should be either non-violent or else revolutionary (1999, sec. 55); and by Walzer, who calls riots (inexplicably) “spontaneous terror” and rioters “spontaneous terrorists” (1982, pp. 65–66).

<sup>7</sup> Why I prefer this way of speaking will become clear later on.

<sup>8</sup> Many make this point. For example, Daniel Myers (2015, p. 1) writes that “although most social scientists have an intuitive sense of what constitutes a riot, the edges of the definition are fuzzy and it can be difficult to determine whether or not some events are actually ‘riots’”; Thompson (1971, p. 107) writes that “it has been suggested that the term ‘riot’ is a blunt tool of analysis for so many particular grievances and occasions ... it is also an imprecise term for describing popular actions”; and Hobsbawm (1965, p. 7) writes that “the mob” (in his terminology) “is a particularly difficult phenomenon to analyse in lucid terms.”

<sup>9</sup> I use the language of “characterization” rather than “definition” because rioting is not amenable to precise definition. It may be more of a family of action types than a single clearly definable practice. See Brownlee’s (2004, pp. 338–340) remarks on the methodological point. See also Weber (1949, p. 90) on ‘ideal types’ and Waldron (2020) on the same vis-à-vis political demonstrations.

Avia Pasternak offers a careful, empirically-informed characterization, which makes for a good starting point.<sup>10</sup> For her, a political riot is

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 ... [leading typically to] damage to public property, ... damage to private property, ... and harm to persons ... [as] a response of a disadvantaged group to shared experiences of “subjective deprivation, social exclusion, political powerlessness, and moral outrage.” (388, quoting Waddington (2008))

It is also, she emphasizes, “a form of political protest”:

The political riot is a communicative episode—its participants intend[] to deliver a message to the police, the government, and to fellow citizens ... [of] anger ... condemnation of [] injustice ... demand for change ... [and] defiance. (391)

As for rioters’ aims, Pasternak characterizes them as threefold. The first is “to bring about a change of public policy that will eradicate, or in the least ameliorate, the substantive violations of justice they experience at the hands of the state” (392); the second is “to resist ... political marginalization” (393); and the third is to “communicate anger toward the state and defiance of its political authority” (394).

This characterization is (in my estimation) largely accurate, but not entirely so, and some of the inaccuracies bear directly on the question of rioting’s justification. So let me now mark a few points of difference.

First, several ameliorative suggestions. For one thing, referring to riots as “spontaneous,” while common, is not entirely apt. Although riots are usually unannounced and unplanned and their occurrence difficult to precisely predict, they also “do not,” as King said, “develop out of thin air” (King, 1967).<sup>11</sup> They are, rather, moments of inflection in much broader and deeper social and political currents. For this reason, I think it is better to call them ‘eruptive.’<sup>12</sup> This stands in sharp

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<sup>10</sup> Pasternak is one of the few writers who attempts to fully characterize the phenomenon. Havercroft does not offer a characterization that is separate from his normative analysis, though he emphasizes that riots express grievances, are violent, respond to injustice through law-breaking, and circumvent normal democratic processes—all of which give rise to justificatory demands. Chrisman & Hubbs (2021b) call riots “internally multiform events, comprising minimally coordinated acts by people who [are] pursuing a variety of objectives,” and they distinguish political riots as those that “communicate disapproval of the standing political authority” (379).

<sup>11</sup> Thompson notes that 18th century food riots in England (and Wales) became, over time, highly ritualized affairs, which were sometimes even announced in advance. Here is an example of a flyer distributed by hand in Wakefield, Yorkshire, in 1795 (quoted in Thompson, 1971, p. 116):

To Give Notice

To all Women & inhabance of Wakefield they are desired to meet at the New Church ... on Friday next at Nine O’Clock ... to state the price of corn ...

By desire of the inhabitants of Halifax  
Who will meet them there

Of course, the more these events are led, coordinated, outcome-directed affairs, the more we may doubt they are to be analyzed as the same kind of phenomenon as other riots.

<sup>12</sup> I borrow the term from Carmichael and Hamilton (1992), who describe riots as “eruptions” (48) and as “explosions of frustration, despair, and hopelessness” (160). Compare also one participant in the Stonewall riots’ account of the first evening:

contrast with other forms of social action, which are often the product of movements built slowly and painstakingly over time.

Pasternak's claim that riots are characteristically "without formal organization" also bears emphasis and further articulation. The key point, in my view, is that rioters are only loosely coordinated, and they lack directive leadership.<sup>13</sup> Each participant's activity is at their own discretion and direction, even though it may be locally closely coordinated with others ("let's overturn this car") or globally loosely coordinated ("people are gathering near City Hall"). Rioting represents, in this way, an uncommon type of joint activity: rioters clearly act together, but they do so in an especially diffuse way. A consequence of this is that individual participants, rather than the group of rioters *writ large*, represent the primary site of moral decision-making—and so too, therefore, of moral assessment.

This is important, because it means that we should not, except in a loose or summative sense, ask whether some *riot* was justified. Rather, we should ask whether individual riot participants were justified *in their rioting*. (Compare: it is odd to ask whether the outcome of some election is justified, but it makes perfect sense to ask whether some voter's vote is justified.)

For another, while many riots involve confrontation with law enforcement, not all do,<sup>14</sup> and this feature strikes me as incidental, rather than central, to rioting as a practice. When rioters engage with the police, this is often as a response to law enforcement activity in the midst of a riot; only sometimes are the police also specific targets of rioters' anger and action.<sup>15</sup> The underlying point is that rioters often target those they take to be responsible for the wrongs to which they are responding (or the agents of those responsible).

Now for the point of substantial disagreement. Pasternak claims that rioters act "in order to bring an end, or at least to ameliorate, their on-going unjust treatment at the hands of their state" (386) and to bring about a change in policy. This is, I believe, typically false. But, as I shall argue in what follows, it matters a great deal what we take the characteristic aims of rioters to be, and particularly whether we take their aims to be oriented towards the instrumental achievement of social change.

Very rarely do riot participants express the view that their activity is aimed at improving the conditions against which they are rioting.<sup>16</sup> On the contrary, rioters commonly describe their activity as taking place against a background feeling of hopelessness or inability to expect, much less effect, the political change that would ameliorate their condition. As one representative

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... it was just kind of like everything over the years had come to a head on that one particular night in that one particular place. (Michael Fader, quoted in Carter, 2013, p. 160)

<sup>13</sup> Riots may have leaders in the sense that they have vanguards—the Stonewall riots were reportedly begun by a small group of drag queens who were present at the bar that night, even though the mass of participants were more traditionally gendered gay men—or in the sense that leadership may arise against the background of a riot—Rodney King famously pleaded during the 1992 Los Angeles riots for people to "all just get along." By *directive* leadership, in contrast, I mean leaders in a position to substantially coordinate or otherwise direct riotous activity.

<sup>14</sup> A recent riot in Haiti was carried out *by* police officers angry with the government's inability to protect them from gang killings (see Gozzi, 2023). During the 1992 riots in Los Angeles, police did not engage substantially with rioters until late in the first evening of the unrest, and wider law enforcement action did not take place until the second day (see Berry, Jones, & Powers, 1999, pp. 15–16; Rohrlach & Berger, 1992).

<sup>15</sup> Police are often but *not always*, and also often *not the only*, targets of rioting. The 1992 riots in Los Angeles, for example, also (in)famously targeted Korean American grocers, and the Stonewall riots were equally directed at the Mafia, which ran the Stonewall Inn and was widely regarded as exploitative of the gay community (see Carter, 2013; Di Brienza, 1969).

<sup>16</sup> This is supported by research into the attitudes and aims of riot participants, which, however, is comparatively rare. For systematic evidence on this point, see Lewis, Newburn, Taylor, McGillivray, et al. (2011), who interviewed 270 participants in the 2011 UK riots. (Pasternak does not cite evidence to support the contrary claim.)

participant in the 2011 UK riots said:

Fuck knows, don't know, don't really care about [change] no more. I've gone past caring. Just think there's no point in me wishing, wanting things to happen." (quoted in Newburn, Lewis, Addley, & Taylor, 2011)

Similarly, a participant in the Stonewall riots remarked that "of course you couldn't" achieve the liberatory ends hoped for ("go after the police and free the Stonewall or whatever you want to call it")—but that the events of the riot "were symbolic gestures, and they were enough" (Michael Fader, quoted in Carter, 2013, p. 166).

Insofar as rioters share an aim, that aim seems better characterized as principally and distinctively *expressive*. Riots are, of course, moments of intense political affect, and a desire to express anger or frustration, among other similar emotions and attitudes, is a commonly cited aim. Also cited is the aim of making others "take notice" against a pervasive feeling of social or political "invisibility."<sup>17</sup> In the words of one riot participant, "it's not like your voice is heard; they don't care about you because you're poor" (quoted in Newburn et al., 2011). Similarly, at a community meeting with Martin Luther King following the 1965 Watts riots, one participant said:

You couldn't talk to anybody because there was nobody to talk *to*. ... The only way—the *only way*, it seems—that we can ever get anybody at any time to listen to us is to start a riot. (Connie Griffin, quoted in Hezakya Newz, 1965).

Riot participants, in other words, characteristically understand their activity as a form of protest and as a claim to be heard, which is to say as a principally expressive activity, *rather than* as instrumental action oriented towards the achievement of political ends.

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<sup>17</sup> For evidence supporting this point, see again Lewis, Newburn, Taylor, McGillivray, et al. (2011). These data match first-personal accounts of other riots. Participants in the Stonewall riots described that event as involving "all kinds of people, all different reasons, but mostly ... total outrage, anger, sorrow" (Michael Fader, quoted in Carter, 2013, p. 161) and as "a slight lancing of the festering wound of anger at this kind of unfair harassment and prejudice" (Morty Manford, quoted in Carter, 2013, p. 161). Similarly, King described rioting as centrally involving "moments of anger" and also "moments of deep bitterness" (1967).

Closely related to the aim of making others "take notice" is the aim of asserting one's agency. King described rioters in Watts as *joyful* because:

They were destroying a physical and emotional jail; they had asserted themselves against a system which was quietly crushing them into oblivion and now they were "somebody." (1998, p. 293)

A north Londoner echoed these sentiments in 2011, saying that rioters there "are coming out to prove they have an existence, to prove that if you don't listen to them ... potentially this is a destructive force" (quoted in Newburn et al., 2011).

Also worth mentioning is the aim of small-scale economic opportunism ("looting"). This was a significant stated aim of many participants in the 2011 UK riots (Lewis, Newburn, Taylor, & Ball, 2011, p. 5) and has been a common feature of many American riots as well. It is important to note, however, that not all riots involve looting, and those that do, often do so in a way that is governed by moral norms reflecting substantive views of distributive justice, e.g. by targeting certain classes of shops or avoiding damaging others. The targeting of Asian-owned shops in Koreatown in Los Angeles in 1992, for example, reflected a feeling of exploitation of the Black community by the Korean American community. See e.g. Omi & Winant (1993), pp. 104–105; Ice Cube (1991). Many participants in the 2011 UK riots, which involved substantial looting, said that they restricted their activity in that respect to large chains, which they viewed as complicit in the social and economic injustice they were protesting against (see Adegoke & Lewis, 2011). This is also a central point made by Thompson about 18th century food riots (1971, pp. 112–114).

The aim of looting is thought by some to be in service of the other aims discussed here rather than independently motivating. King, for example, claimed that those who engage in looting "often do not want" what they take, but want "the experience of taking" (in a way related to the assertion of agency) or alternately to "shock" the wider community "by abusing property rights" (1968b, p. 181).

In summary, then, I suggest that we understand riots as (characteristically) large, eruptive public disorders in which participants act at their own discretion and direction in order to violently express a family of emotions and attitudes—anger, frustration, disaffection, despair, etc.—as a response to shared experiences of social injustice toward those—typically agents of the state, regime, and/or government, and also sometimes fellow citizens—taken to bear responsibility for that injustice.

### 3. Rioting as defense

While Pasternak recognizes the importance of the expressive aim of rioting to those who participate in it, she takes the justificatory issue raised by the practice to be distinct.<sup>18</sup> For her, it is the characteristic harms involved in rioting—to public and private property and to persons—that call for justification, which she takes to require recourse to the principles of defensive ethics:

The most serious challenge rioters face ... is that although their political goals may be worthy, the resort to violence (rather than peaceful protest) in order to attain them violates [the] natural duty [“not to inflict unjustified harm on others”]. In order to determine whether there exists a form of political rioting that can avoid this charge, we need to turn to existing standards of permissible defensive harm. (398)

She adds that “political rioting has clear defensive goals” and that “it follows ... that the permissibility of [rioters’] actions should be assessed in light of the constraints offered by ethicists of self-defense and war” (398).

Jonathan Havercroft makes similar claims. For him, the normatively significant aspect of rioting is that it is a practice which operates outside the major institutions of politics: it is carried out by groups that are not formally organized, disrupts the state’s monopoly on the legitimate use of political violence, contravenes the law, and acts outside of established deliberative forums. Because rioting is “extra-institutional” in these ways, Havercroft argues, “if rioters use violence in self-defense ... then this form of violence may be justifiable” (7).<sup>19</sup> The principles of justification Havercroft ultimately arrives at closely resemble standard principles of war and defense: rioting must be necessary, proportionate, and a last resort to the protection of permissibly adopted defensive ends, and it may harm only liable targets.<sup>20</sup>

However, there are good reasons to doubt that a defensive justification of rioting can succeed.

As I argued above, evidence indicates that riot participants often do not, as Pasternak puts it, have “clear defensive goals.” That is, rioters characteristically *do not* riot in order to end or ameliorate conditions of injustice.<sup>21</sup> Rather, rioting is often a response to the perception that

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<sup>18</sup> Pasternak writes that “under ... conditions of serious injustice, the communication of anger and defiance can become a valuable political goal in itself” (396). She implies, however, that the value of achieving this goal could not (by itself) justify the harms characteristic of rioting.

<sup>19</sup> Havercroft specifically mentions the ends of freedom and equality (4–5) and the protection of fundamental rights (6–7) as grounds of justifiable rioting, and so as permissibly adopted defensive ends. He also counts the expression of serious grievances (6) and the pursuit of economic redress (8) among permissible defensive ends, though these are typically thought not to license acts of or defensive harm. Since he does not offer an argument for the inclusion of these latter ends, I’ll set them aside now. (See Statman (2008) and Frowe (2016) for a view according to which protection of one’s honor, dignity, or standing licenses defensive harm, though see Flanigan (2023) for sustained criticism of that view.)

<sup>20</sup> This summary is condensed from the original. See Havercroft’s table of “Just Riot Criteria” (12) for a list of the conditions he argues bear upon the permissibility of rioting. Because Pasternak’s analysis is more developed with respect to the question of moral justification, I’ll engage principally with it in this section. However, I take the objections I raise to apply to both authors’ views.

<sup>21</sup> Pasternak also suggests that rioters’ aim to “resist their political marginalization” and that this too is a “clear defensive goal” (398). However, she develops the idea of resistance to political marginalization in terms of “gain[ing] public

change remains too far beyond the horizon and that acting for change is futile. Rioters may of course *hope* that unjust conditions will end, and some may even hope that their acts will hasten the arrival of more just conditions, but acting with hope for some end is not the same as acting in order to bring that end about. If the defensive justification of rioting requires that participants intend their acts to bring about defensive ends, then the view faces an immediate difficulty: it divorces the justification of the practice of rioting from participants' own characteristic understandings of what they do, and why, when they riot. But it does not only separate the justification of rioting from the characteristic aims of its participants, it makes rioting's proper aim *at odds with* what many rioters take their aims to be. Unless we have good reason to think that rioters misunderstand their characteristic aims, this counts as a strike against the view.<sup>22</sup>

Moreover, by insisting that the justification of political rioting depend on the ends it achieves, we make the permissibility of rioting as a response to oppression largely dependent on the attitudes of the oppressor.<sup>23</sup> In ordinary defensive cases, such a restriction makes sense. For example, in order for my defensive punch to be justified, it must have a reasonable chance of preventing or curtailing your assault. But in characteristic circumstances of rioting, non-accommodation, and indeed failure or refusal to even hear rioters' grievances, is a major part of what is at issue. To tell those who would riot that they are permitted to do so only if their acts succeed in appealing to the goodwill of their oppressors may seem to miss the point.

These objections, while (to my mind) compelling, partly depend upon the premise that rioters characteristically do not participate in rioting in order to ameliorate their conditions. Further objections arise regardless of the view one takes on this empirical matter.

According to the *necessity condition* on permissible defensive action, a justified act of defense must be the least harmful effective means of achieving a defensive aim. According to the closely related *success condition*, a permissible defensive act must stand a reasonable chance of successfully achieving that aim.<sup>24</sup> As Pasternak (398–403) notes, theorists often read this condition according to an evidentiary standard: a person is justified in some defensive act only if she reasonably believes, based correctly on the evidence available to her, that the act would be both necessary and successful.<sup>25</sup> Pasternak claims that, because we have reason to believe that some

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presence" and being "heard" (393), neither of which is typically thought to license defensive harm. Since she does not offer an argument for the application of defensive principles to these aims, they should not be classed among the set of clear defensive goals.

<sup>22</sup> It might be objected that many first-order moral theories separate the justification of acts from individuals' naive theories of the justification of those acts. Arguably, however, this *does* count against such theories, which explains the efforts of many philosophers to reconcile their theories with common-sense morality. More importantly, there is a special significance, in my view, to the considered and widely shared judgments of participants in costly or risky practices about whether and how those practices are morally justified. Absent good reason to do otherwise, our theories should aim for compatibility with those judgments.

Relatedly, one might object that ordinary defensive justifications appear, in some cases, to be independent of defenders' goals, motivations, or intentions. Soldiers' harms may be justified even if they fight merely because they are conscripts in a justified war, and an individual might accidentally but justifiably achieve a defensive aim—say, when an errant shot in target practice happens to disarm a liable attacker. The relationship between aims and justification in complex coordinated collective acts like war, however, differ importantly from those in the case of rioting. (See my further remarks below on the differences between war and rioting.) In individual cases, I am inclined to say that accidentally successful defenders engage in something less than justified action: merely permitted, vindicated, or perhaps even merely excused. For an argument supporting this kind of distinction, see Frick (2023). My thanks to David Clark for this objection.

<sup>23</sup> Pasternak recognizes this: she writes that in order for a riot to be permissible, "the means that rioters deploy [must] have a reasonable prospect of generating an accommodating response from state authorities" (404).

<sup>24</sup> This statement of the principles oversimplifies, though it should suffice for present purposes. (It is also in line with how Pasternak treats necessity.)

<sup>25</sup> Whether and when our moral theories should be evidence- or fact-relative is of course an interesting and open question, including in the defensive ethics literature. But as Lazar (2012, p. 8) says, "it is clear that our primary interest when exploring the ethics of self-defense and war is in this evidence-relative perspective."

riots are effective in ameliorating of anti-oppressive ends, and because those who riot often have no more effective means available to them, rioters could reasonably believe that by rioting, they are engaged in necessary defensive action.

But this conclusion does not, I think, plausibly follow. The moral question facing would-be rioters is not “Shall we riot?,” because rioters do not engage in collective deliberation of this kind. Rather, the moral questions faced by rioters are faced by individual participants: whether to fight the police on some particular street, whether to break some particular window or overturn some particular car, and, most generally, whether to *participate* in a particular riot. But there is a great gulf between these questions and the question of whether riots in general are both necessary and effective means to political progress, and then whether this can be said prospectively of any particular riot, and whether an individual’s contributory acts can be justified by these judgments. These are questions on which social scientists have only recently begun to make progress, and about which there remains significant disagreement and uncertainty.<sup>26</sup>

Notice that this is unlike similar questions facing, for example, individual soldiers in wars. Unlike soldiers, rioters cannot rely upon officers, directing the collective effort, who can plausibly make judgments about the necessity and success of some battle, or of the war in general. To make the justification of an individual’s decision to participate in a riot depend upon answers to such questions is thus to require that prospective riot participants make complex social-scientific judgments that scholars presently have difficulty making with confidence, or to act as generals in a fight in which they lack both a general’s directive power and information. But surely those who participated in riots in the past, when even the limited evidence scholars have now was unavailable, could have been justified in their action; and surely those who consider whether to participate in riots in the present can make moral judgments about their participation without consulting (or becoming) political scientists.<sup>27</sup>

Additionally, notice that even apart from the matter of evidence, this view dramatically narrows the scope of potentially justifiable cases of rioting. Pasternak suggests, for example, that participation in the riots of the civil rights era in the United States might not have been justified, since, as political scientists have noted, riots of that era led to retrenchment of anti-Black attitudes among white Americans who had otherwise been supportive of the racial justice efforts of the time.<sup>28</sup> But if an account of the ethics of rioting should be able to justify any historical cases, we might think that surely those riots should be among them.

Even if this substantive judgment is not shared, a related point is that these conditions may seem to make the justifiability of rioting vary along the wrong dimensions. The accommodative attitudes of oppressors, the current state of social-scientific evidence on the effectiveness of rioting, and (similarly) the evidence available to rioters (including at points in time *within* a single riot) all seem intuitively orthogonal to the moral judgment involved in an individual’s decision whether or not to participate in rioting.

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<sup>26</sup> See e.g. Wasow (2020), who finds that violent protests following the assassination of Martin Luther King “likely caused a 1.5–7.9% shift among whites toward Republicans” and tipped the 1968 U.S. presidential election in favor of Richard Nixon. See also Chenoweth & Stephan (2011) on the wider effectiveness of violent versus non-violent resistance movements. On the other hand, Enos, Kaufman, & Sands (2019) find that the 1992 Los Angeles Riot led to “a marked liberal shift in policy support at the polls” (1012).

<sup>27</sup> Similar remarks arise in light of the *proportionality condition*, which requires that permissible defensive acts be proportionate in the seriousness of the harms they involve to that of the defensive goals they aim to achieve, or to the seriousness of the wrongs to which they respond. These judgments may likewise be very difficult for individual participants to make. This version of the objection is weaker, however, since information about the destructiveness of rioting is more generally available than evidence about rioting’s effectiveness.

<sup>28</sup> See again Wasow (2020).



It might be thought that these objections could be avoided by abandoning the evidentiary standard of justification, claiming instead that rioters are justified not by their reasonable beliefs about rioting's necessity, efficacy, and proportionality but instead by its *actual* necessity, efficacy and proportionality. But this is not a promising line to take. If the standards for permissible rioting are divorced from rioters' beliefs about them, then the question facing prospective rioters becomes practically unanswerable. Instead, our beliefs about the justifiability of rioting would apply only retrospectively. But it is doubtful whether retrospective justification is any justification at all.<sup>29</sup> If you gamble your friend's life for some personal benefit, you could not justify this gamble by pointing out, after the fact, that the gamble succeeded. Moreover, this would do little to address the challenge that the scope of justifiable riots is too narrow, since this may be true even with objective knowledge of a riot's effects.

These are serious challenges to the view that rioting could be justified by the principles of defensive ethics. Even if they can be satisfactorily answered, they motivate the exploration of alternatives.<sup>30</sup> In the remainder of this paper, I shall sketch the contours of one such alternative. Namely, I shall argue that the moral dynamics of *protest itself* can sometimes justify harms to others.

#### 4. Rioting as fitting expression

Among those who reject the view that rioting is mere "lawlessness" or "criminality,"<sup>31</sup> the phenomenon is widely held to be a form of political protest. Taking this view is, even by itself, theoretically fruitful. From this frame, it has been argued, for example, that riots *qua* protest are ways of constituting an audience—vocative speech acts, like yelling "Hey, listen up!" in a noisy room—when a group is otherwise unheard (Chrisman & Hubbs, 2021b; see also Kukla & Lance, 2009, chs. 6 and 7); of disrupting the "motivated ignorance" of privileged political groups (Hayward, 2020); of enacting expressive "forms of democratic repair" (Hooker, 2016, p. 450); and of expressing "symbolic impure dissent" to political oppression in ways that realize intrinsic value, support self-respect, and perform similar non-instrumentally valuable functions (e.g. Boxill, 1976; Shelby, 2018, pp. 272–273). As Pasternak and Havercroft note, however, the non-instrumental ends realizable by riots, worthy as they may be, are not of the kind typically thought to justify the imposition of harms on others. The primary justificatory burden facing riot participants concerns, then, the justification of the characteristic harms that rioting involves.

My view is that the expressive aims—and the corresponding expressive demands—of rioting can themselves directly license many of rioting's characteristic harms. According to this view, rioting, when it is justified, is a way of engaging in *fitting political expression*; a way of giving proper voice to the family of interrelated attitudes and emotions that often give rise to rioting. Rioting, I shall argue, is a way of *adequately* saying what it is fitting to say—a way of meeting the gravity of the moment, given the expressive avenues available.<sup>32</sup>

While (as we shall see) this yields standards that are in significant respects alike those yielded by the view of rioting as defense, they are in several respects importantly different. First, they locate the application of the normative principles governing rioting at what I take to be the correct site: *individual decisions* (about whether to participate in rioting, whether to smash this

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<sup>29</sup> Even defenders of the idea of retrospective justification often call it "a certain kind" of justification (Salow, 2017), or something else, like "vindication" (Owen, 2020).

<sup>30</sup> The view I propose below is in principle compatible with the defensive approach to the justification of rioting. If the latter view can be rescued, a combined view is possible: rioting may be justified both by its expressive adequacy and by its defensive efficacy. I thank Victor Tadros for raising this point.

<sup>31</sup> These are the words of Joe Biden (quoted in Bradner, 2020) and David Cameron (2011).

<sup>32</sup> These claims are explained and defended in greater detail below. In this section (and in particular), I borrow from and adapt my "Futile Resistance as Protest" (Flanigan, 2023), which considers similar questions in interpersonal cases.

window, overturn this car, and so on). Second, they tie the justification of rioting closely to its central aims and nature as an expressive practice. And third, these principles permit (and indeed demand) significantly more riotous activity than the principles of defense permit, in ways that avoid the objections to which the view of rioting as defense is vulnerable.

#### 4.1. Expression

When we call rioting a form of protest, the implication is that (at least some of) the harmful and destructive acts characteristic of the practice *are themselves* expressions of dissent. For it is not as though riots involve marches, slogans, and signs on one hand and the destruction of cars and buildings on another. To participate in a riot *is* to engage in the latter sort of activity. Burning a car in protest, on this understanding, is like the act of resigning in protest: the message is communicated by, not in addition to, the act.

Unlike protest via signs and slogans, however, the message expressed by the burning of cars is typically not spelled out for all to see; and unlike resignations-in-protest, the breaking of shop windows is typically not accompanied by a formal objection to clarify its meaning. If riots are expressive episodes of protest, then what, more precisely, do riots say?

While what is expressed by rioting, both within and across riots, naturally varies, empirical research indicates that it is united by common themes. Researchers who studied the attitudes of participants in the 2011 UK riots, for example, wrote that in response to “a range of grievances,” it was

anger and frustration that was being expressed out on the streets ... They expressed it in different ways, but at heart what the rioters talked about was a pervasive sense of injustice. (Lewis, Newburn, Taylor, & Ball, 2011, p. 24)

Similarly, the Kerner Commission, which interviewed several hundred residents of riot-affected neighborhoods following the Detroit and Newark riots of 1967, concluded that those events were

linked in the minds of many ... with a reservoir of underlying grievances ... [resulting from] discrimination, prejudice, and powerlessness ... [and] severely disadvantaged social and economic conditions (1968, p. 64)<sup>33</sup>

These summaries match anecdotal data from other riots. Writing just after the Stonewall riots in the *East Village Other*, for example, one participant wrote that “we have reached the bottom of the oppressed minority barrel [sic]” and described the “predominant theme” of the first three nights of unrest as, simply, “this shit has got to stop!” (Di Brienza, 1969). Likewise, Connie Griffin, a participant in the Watts Riots of 1965 said:

Nobody wants to lay down and get kicked in the head. As long as we lay down, we know we’re gonna get kicked. We’ve got enough sense to know it. *This is what the noise is about.* (Quoted in Hezakya Newz, 1965, my emphasis)

We can, I think, draw several generalizations from these observations. First, rioting involves a claim to be heard by people who take themselves to be, in the relevant respects, ignored—that is,

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<sup>33</sup> Like many studies of riots, the Kerner Commission was most interested in rioting’s material causes. It therefore did not describe what those it interviewed took the riots to be *about*—it only described their grievances and asserted that rioting was the consequence of reaching a “breaking point” with respect to them. We can infer from this, however, that rioters there took part of the point of rioting to be the expression of those grievances. Similar remarks apply to the interviews conducted by the Detroit Free Press following the riots there in 1967 (see Meyer, 1967) and to the McCone Commission report following the 1965 Watts Riot (see Governor’s Commission on the Los Angeles Riots, 1965).

wrongly socially or politically marginalized. This is supported by King’s famous dictum that riots are “the language of the unheard” (1967) as well as by recent work on the linguistic function of rioting (Chrisman & Hubbs, 2021b).

Note, secondly, that if the characteristic expressive aim of rioting is a claim to be heard, it follows that rioting characteristically involves *directed expression*. That is, it is not merely a shout into the void, but a cry *to someone* who (it is thought) ought to listen. Who this is will vary with social and political circumstances, but often it will be a regime, government, or its agents, as well as, in democratic societies, one’s fellow citizens.

Third, while the specific grievances expressed by individual riot participants likewise vary, they are united in kind. Rioters characteristically express *frustration* (at their oppression, economic position, and other aspects of felt injustice) and *anger* (at these conditions and at the agents taken to be responsible for them) as well as a family of related attitudes and emotions: despair, disappointment, hopelessness, and so on. Beyond these specific attitudes, moreover, is the sense that these conditions are not merely wrong but *intolerable*. Riots are ways of saying “no” or “no more,” that “this shit has got to stop!”—often despite (and indeed because of) having no way to *make* it stop.<sup>34</sup>

These are, at bottom, simple messages—“Listen!” “This is wrong!” “No more!”—whose simplicity makes them amenable to expression via blunt means.

#### 4.2. Fit

In many of the conditions of oppression that characteristically give rise to rioting, the messages expressed are ones that are *worth saying*. Moreover, to express these messages *adequately* (or in other words, in a way that meets the gravity of the circumstances), it may not be enough to paint these words onto signs and carry them out into public. Rather, forceful expressive acts, like overturning a car, or burning a building, or destroying parts of a ghetto, may be what is *called for*. These bits of normative vocabulary—what is “worth” saying or doing,<sup>35</sup> what is “adequate” to the circumstances, what is “called for”—are pieces of the normative vocabulary of the *fitting*.

I take the fitting to be a basic normative category (see Berker, 2022; Howard, 2019), and I take the relation of fit to be one of metaphysical *matching* or *suiting* between two objects. More precisely, fit is the relation that stands between an object and a response to that object when, as Howard (2018; following Brandt, 1946 and others) puts it, “the object merits—or is *worthy of*—that response.” As I use the term, whenever we say that something is the “fitting” response, we can equivalently say that it is “correct,” “appropriate,” “called for,” “demanded,” and other synonyms. For example, gratitude is the *correct* response to kindness, and blame is the *appropriate* response to what is blameworthy. Likewise, I claim that rioting’s expressive content is often the correct response to the circumstances that give rise to episodes of rioting.

The category of the fitting yields normative claims, but they are distinct from familiar normative claims about value or duty. When we say that something is *worth doing or saying* in this sense, we do not mean that doing or saying it would bring about the best consequences, nor that it is what duty requires. Rather, we mean that it is the appropriate thing to do or say in the circumstances, that it is *worthy of* being done or said. Correspondingly, when we say that it would be fitting to do or say something, we do not mean simply that it would be permissible to do or say it, but neither do we mean, typically, that it *must* be done or said. (For example, it is not merely permissible to praise the praiseworthy or trust the trustworthy—they merit praise and trust!—but it is also

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<sup>34</sup> The idea that the active resistance of the oppressed is a way of saying “no” and “no more” is also a central theme of theorists of resistance such as Carmichael & Hamilton (1992), Douglass (1855), and Fanon (1961).

<sup>35</sup> “Worth” saying or doing is ambiguous between the latter’s having *value* and it’s being *worthy of* being said or done. The ‘worthiness’ sense is a fittingness sense. (I use “worth saying” and “worthy of being said” here interchangeably.)

not a requirement—one does no wrong, typically, by failures to praise or trust.) In this way, fitting responses appear to bear a distinctive, intermediate deontic status.<sup>36</sup> When we say that some fitting response is *called for* or *demanded*, we make this kind of intermediate normative claim. Moreover, this status can contribute to the justification of fitting acts. To say that something is worthy of being done or said is one way of saying it should be said or done, and thus also one way of (*pro tanto*) justifying doing or saying it.

This kind of justification is, like others, subject to being overridden by all-things-considered considerations. Thus, if it is fitting to say something, but saying it would cause great harm to innocents, it may be that I ought, all things considered, not so to say it. As a demand, it is also subject to prerogatives to do otherwise: I might permissibly opt not to say it, despite its being called for, if doing so would cause me distress that I would prefer not to endure.

Fit has, like other normative standards, necessary conditions for application. Interestingly, these are in some respects very much like the conditions for permissible defensive action. For one thing, fitting responses must be *proportionate* in their relative magnitude, just as defensive acts must be. For example, it would not be appropriate (that is, not fitting) to be furious over some minor slight, even in cases when a certain measure of anger or resentment is called for, because severe anger or resentment is a disproportionate response to minor wrongs. Similarly, participants in riots should avoid acts that would be disproportionate to the wrongs or injustices to which they responding.

The matter of proportionality in the case of rioting is complicated by the fact that we often cannot judge whether a riotous act is proportionate simply by comparing its severity to that of the wrong or injustice protested against, as we do when we (say) judge the proportionality of blame by comparing its severity to that of the wrong it responds to. This is because the harms of rioting often fall only indirectly on the targets of their expressive dimensions, or because these targets are groups made up of many individuals. It might be clear, for example, that breaking a shop window is expressively proportionate in response to conditions of deep social injustice, while remaining unclear whether it is proportionate with respect to what is expressed to the individual shopkeeper. Insofar as the shopkeeper is a proper target of an expressive harm whose wider aim is to say something to a group of which the shopkeeper is only one part (democratic society, say, or perhaps business owners operating in ghettos), the harm must be expressively proportionate not only in what it says to the group but also in what it says to the individual shopkeeper.

Of course, whether and to what extent someone (or their property) is an appropriate target of expressive harms in the context of rioting depends on complex and difficult questions, particularly in democratic societies, about individual responsibility for collective injustice. Ultimately, these questions demand substantive answers, and one's particular view about the extent of permissible rioting will simply (partly) depend on them. However, it is clear that expression that targets responsible collectives more directly will permit proportionately more than expression that targets only collectives' individual members. This offers one explanation for the commonsense judgment that in riots, greater harm to (for example) government property or to large corporate interests is more clearly permissible than similar harm to private property and persons.<sup>37</sup> Moreover, it is worth emphasizing that riot participants do regularly make substantive judgments of this kind, distinguishing different targets according to their perceived responsibility for, or complicity in, the wider wrongs protested.<sup>38</sup> This constraint is thus in line with what many, including riot

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<sup>36</sup> For more on this topic, see again Berker (2022, especially sec. 4).

<sup>37</sup> Considerations of solidarity may also make it the case that individuals should accept the imposition of somewhat greater expressive harm on themselves than is strictly appropriate, particularly when those harms target fungible or repairable interests like property.

<sup>38</sup> On rioters making distinctions between targets that follow substantive judgments of responsibility, see again Adegoke & Lewis (2011); Omi & Winant (1993), pp. 104–105; Ice Cube (1991); and Carter (2013), Di Brienza (1969) on the

participants, take to be the proper moral constraints on rioting.

This leads to the second necessary condition, which is that fitting responses must be *correctly directed*. When gratitude is appropriate in response to a kindness, for example, it is gratitude *to* the kind person, not gratitude to any passerby or gratitude in general, that is called for. Similarly, it was important that the participants in Detroit’s 1967 riot targeted property in *Detroit* rather than property just across the Detroit River in Windsor, Ontario. Conversely, a natural thought is that it is the culpability for wrongs of some—the misconduct of the police, say, or the unjust indifference of the majority—that *makes them* appropriate targets of the kinds of messages rioting characteristically expresses. This is like the principle of liability in defensive ethics, which requires that defensive acts harm only those who are proper targets of such harms.<sup>39</sup>

Liability and correct-directionality are not, however, entirely analogous, and two distinctive features of the correct-directionality requirement are worth noting. First, it is helpful to distinguish between the *addressee* and the *audience* of directed expression, which often come apart in cases of protest (generally) and rioting (specifically). For example, the addressee of a protest might be an absent political leader—“hey, hey, LBJ, how many kids did you kill today?”—while its audience might be other assembled citizens. Similarly, a riot participant might appropriately write “fuck the police” on the wall of a private citizen’s house, despite the apparent mismatch between the message’s addressee (the police) and the citizen that bears its cost (its audience).<sup>40</sup> Standards of fit apply both to expression’s addressee and audience, and thus, each aspect of such a message may or may not be correctly directed. Second, while both the correct-directionality requirement and the liability principle can explain why harms should target those responsible for wrongs, the correct-directionality condition can also explain why, in some cases, it is appropriate for rioters to target the very ghettos in which they reside (which are of course not *liable* to be destroyed on any understanding of that notion)—including when doing so causes them more harm than good. To put the point simplistically, if one is wrongfully confined, it can be expressively appropriate to destroy one’s prison, even if it is one’s only shelter. In this way, appropriate targets of one’s expression can come apart from considerations of liability for the matter the expression is about.

The biggest difference between the conditions on fit and permissible defense lies in the third necessary condition, which governs the non-relative magnitude of permissible harms. For defensive harms, this magnitude is limited by the *necessity condition*, which requires that defensive harms not exceed what is necessary to achieve the relevant defensive aim. For example, if I could stop you from wrongfully assaulting me either by spraining your wrist or breaking it, I must only sprain your wrist, since that lesser harm would be enough; to break your wrist would be *unnecessary*. By contrast, fit is concerned not with necessity but with *adequacy*. For example, to give sufficient thanks involves doing what would adequately convey one’s gratitude; to express fitting regret, an adequate apology is what is called for; and according to communicative theories of punishment, sufficiently severe sanctions are demanded in order to adequately convey disapprobation of criminal conduct. In other words, while necessity is concerned with avoiding excessiveness, adequacy is concerned with ensuring sufficiency. Necessity, in this way, imposes an upper limit on acts, whereas adequacy often imposes a lower limit.

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mafia’s involvement in the Stonewall.

<sup>39</sup> Indeed, one possibility is that responsibility grounds *separately* one’s liability to suffer harm and one’s being an appropriate target of certain kinds of expression. I am open to this suggestion. However, since (on my view) the harms of rioting constitute expression, it’s not clear that we gain anything by appealing to both liability and correct-directionality (separately) rather than just the latter. Thanks to Kim Ferzan and David Clark for raising this point.

<sup>40</sup> See Chrisman and Hubbs (2021b, p. 387; 2021a) for more on this distinction. Thanks to Kim Ferzan and Thomas Fossen for raising this issue.

This difference is crucially important with respect to the moral assessment of rioting. As noted previously, the necessity condition sharply curtails the scope of permissible acts of rioting, for it requires that such acts be necessary to achieve valid defensive aims—in other words, that such acts are the least harmful effective means of ameliorating the injustices that motivate rioting. Moreover, it also requires that the *fact of this necessity* be epistemically available to rioters—in other words, that they could reasonably believe, based on evidence available to them, that rioting is necessary means of improving their conditions. But in many cases, rioting is not even *a* means to achieve social progress, much less the only means. And in many more cases, even if rioting would lead to improved conditions, this fact is not epistemically available to would-be rioters, since it involves complex social-scientific judgments.

The view proposed here demands instead that acts of rioting *adequately* protest conditions of injustice by saying what is worth saying, and by saying it loudly and forcefully enough. The question facing prospective rioters is instead, “What will say what is worth saying—‘Listen!’ ‘This is wrong!’ ‘No more!’—*well enough?*” It is concerned not with achieving social justice *per se* but rather with adequately protesting injustice. If this contributes to social change, so much the better; but even if it does not—even if one has “gone past caring” about achieving change—these messages remain worth saying.<sup>41</sup>

The idea that, in order to say what is fitting to say, an *act* may be called for, and moreover that this might justify *harmful acts*, may seem extreme. After all, we often sharply distinguish between what one may *say* to someone and what one may *do* to them. But philosophers have long recognized that speech may constitute acts and that acts may carry principally expressive dimensions; and moreover, there is a robust history, particularly in the philosophy of law, which recognizes that expressive acts may be direct objects of fit, and that this may justify harms. For example, Anderson and Pildes, defending what they call an “expressive theory of law,” write that

There are some things we can express only with deeds because words alone cannot adequately convey our attitudes. (Anderson & Pildes, 2000, p. 1503)

And Feinberg, writing earlier, claims that expressive demands are what justify the harms involved in punishment, and that this is (partly) because

when [the state] speaks by punishing, its message is loud, and sure of getting across (Feinberg, 1965, p. 408)

Put generally, the idea is this: fit can demand not only certain attitudes or emotions but also certain actions or expressions. When it is fitting to give thanks, for example, it is not merely the attitude of gratitude that is called for but its expression. Moreover, sometimes an act is needed—a gift or a deep bow, say—in order to adequately express one’s thanks. Riots, I believe, are like this. The messages characteristically expressed by rioting are ones that are *worth saying*, and that the characteristic modes of protest represented by rioting are ways of expressing those messages *adequately*, given the severity of the circumstances of injustice to which they respond.<sup>42</sup>

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<sup>41</sup> If adequacy demands responses of a certain magnitude, are responses which fall short of this wrongful? This may seem deeply counterintuitive, for surely the oppressed do not act impermissibly whenever they choose not to protest their oppression. But while the demand of adequacy *calls for* certain kinds of protest, it does not *require* it. Moreover, victims of oppression have a prerogative to do less than would adequately protest their oppression, and of course considerations of prudence may often affect what the oppressed have most all-things-considered reason to do.

<sup>42</sup> This is compatible with the view that rioting should be a measure of last resort. Compare: the expressive demands appropriate as an initial response to wrongdoing (“hey, stop!”) are quite different from those that respond to repeated wrongdoing, or to one’s demands that the wrongdoing cease being ignored. Recall Connie Griffin’s remarks following the Watts Riots of 1965: “the only way—the *only way*, it seems—that we can ever get anybody at any time to listen to us is to start a riot” (quoted in Hezaky Newz, 1965).

Importantly, these principles—proportionality, correct-directionality, and adequacy—are all properly applied at the level of, and are epistemically available to, individual riot participants. Riot participants characteristically possess a robust sense of the magnitude of the grievances that motivate their protest, as well as a sense of who their protest is properly directed towards and who not (see Fogelson, 1971, p. 17; Newburn et al., 2011; Reicher, 1984). This, together with moral judgment, can yield correct verdicts regarding both the proportionality and adequacy of decisions to participate in rioting as well as of specific riotous acts.

### 4.3. Rioting

My central claims are that rioting is a way of saying what is *worth saying* (i.e. what is *fitting to say*), that it is often the only way to do so *adequately*, and that it may also be a *proportionate* and *correctly directed* response to the injustices against which rioters characteristically protest. In this section, I'll defend each of these claims more fully.

The first claim needs, perhaps, only little defense. When rioting is justified, it is a response to real and serious grievances—oppressive or otherwise deeply objectionable defects in the social or political order, which are, moreover, often unacknowledged by those in power or those who keep them there (such as a democratic majority). Serious wrongs call for protest, and the deeply objectionable calls for objection, both in interpersonal relations and in political society. Facing such circumstances, it is fitting to demand that one's grievances be heard and to demand that ongoing wrongs cease. This is so not primarily as a matter of duty, nor because of its prospects in righting wrongs (for of course it might not). It is so because it is *fitting*. It is fitting because to respond to those who do wrong by making claims that they stop, by giving them moral reasons to desist, *just is* how one responds appropriately to the way one is treated by others, just as (in other circumstances) one might respond appropriately to kindness with gratitude, wrongdoing with blame and resentment, and so on.

Strawson (1962) claimed that engaging in this kind of interpersonal responsiveness is what it is to be a “participant” in interpersonal morality (p. 195), to bear the “strains of involvement” (*ibid*), and to be “humanly connected” (p. 201) to one another, which, he says, is rooted “in our human nature and our membership of human communities” (*ibid*). In other words, to respond to one another with reasons, claims, and reactive attitudes is how we live together as members of a moral community. In a similar vein, engaging in the exchange of distinctively social and political reasons, claims, and reactive attitudes is, I believe, a core part of how we live together in social and political communities. When we are denied regard as proper sources of social and political claims and proper objects of social and political concern, it seems clear that the fitting response is to insist, loudly if necessary, that this is seriously wrong.

This thought is aligned, I take it, with Chrisman and Hubbs's claim that

one way to think of the communicative function of political riots is as a demand to be a participant in the process of political discourse. Being a participant means being able to give and to ask for reasons, which requires being heard. (2021b, p. 398)

Moreover, to insist upon this loudly *enough* may demand action. When I consider, for example, the racial terror, *de facto* and *de jure* apartheid, and ghettoization to which many Black Americans were subject in the mid-20th century, it seems clear that to adequately protest these very deep injustices required more than words alone could have achieved: dramatic, forceful, and indeed perhaps violent, acts of protest were what was called for instead.

This is supported by the thought, common to many traditions in political philosophy, that *responsiveness*—to the subjective or objective interests of subjects—is a primary virtue of good government (Pitkin, 1967). This is a pillar of the democratic tradition, which makes proper embodiment of this kind of responsiveness the core of its institutional design and (arguably) moral

justification, but it is also present even in non-democratic theories, including (for example) Plato's (see Kamtekar, 2001; Morrison, 2001) and those of the social contract tradition. As noted above, rioters often describe their motivations as having to do with a feeling of collective invisibility or voicelessness in political society.

The kind of invisibility and voicelessness in question is, very plausibly, incompatible with any suitably articulated norm of responsiveness. Clearly, in non-democratic societies, insisting upon visibility and voice may be especially urgent. In democratic societies, there is a different but also very deep significance to claims that one's interests are not taken account of, and are indeed ignored, in public affairs. When one's urgent social and political claims fail to be heard or taken account of, it seems that, in any political system, insistence on the opposite is the correct response.

But even if it is fitting to *say* the things that rioters characteristically say through their rioting, is it also fitting to say so in the *way* that rioters characteristically say it? Is violent protest the appropriate response to failures of responsiveness? For, while destruction and confrontation may be one way of speaking loudly, there may be other, less harmful responses that are also adequate to the circumstances and also capable of attracting attention. This was King's (1959) argument against early Black nationalist calls for violent resistance, which he saw as posing a false dilemma between being "cringing and submissive" on one hand and taking up arms on the other. Are there not, as he put it, "other meaningful alternatives"?

It is important to emphasize that non-violence movements, like Gandhi's and King's, can indeed succeed in insisting upon and demonstrating the dignity and righteous complaints of the oppressed. However, the presence of these examples, powerful as they are, does not license the claim that would-be rioters must opt for non-violent means of protest instead. This is for several reasons. First, as the bloody histories of Indian independence and the American civil rights movement demonstrate, non-violence movements can be extremely costly to those who participate in them. People have no duty in such cases to take the more dangerous path. Second, such movements' prospects for success are uncertain and depend on a wide range of contextual factors (see e.g. Chenoweth & Stephan, 2011). Even considering only expected results, then, it is not clear that non-violence is always to be preferred. Third, part of the power in non-violence, I believe, lies in the way in which it responds to wrongdoing with, if you like, an act of grace *rather than* with a fitting response to the wrong. (To "turn the other cheek" is not to *engage* but rather to *rise above*.) If this is correct, then it cannot also be claimed that non-violence is the *more* fitting response; it must be preferable on other grounds. Finally, and most decisively to my mind, non-violence movements are just that: social movements, which demand deep coordination, commitment, and leadership, and which take time, effort, and good fortune to successfully build. But in the circumstances that characteristically give rise to riots, organized social movements that could adequately protest the wrongs in question are often not available. We cannot claim that people must opt for an alternative that does not meaningfully exist.

## 5. Conclusion

Rioting is a form of protest. When things are bad enough—when the wrongs one suffers are intolerable, and when change seems out of reach—it is worth protesting these facts loudly; worth insisting, in the words of one participant in the Stonewall Riots, that "this shit has got to stop!" (Di Brienza, 1969). I have argued that this fact can itself license many of the harms that rioting characteristically involves. The violence that distinguishes rioting as a form of protest is *how* it speaks loudly—how it says what is worthy of being said, and says it in a manner befitting the seriousness of the circumstances.

The benefits of this approach are several. For one thing, it ties the justification of rioting to its distinguishing characteristics as a social practice. Rioting is justified by its distinctive expressive power and force, not in spite of it. For another, it makes this justification available to



individuals, rather than only to groups, and indeed to individuals possessing the limited information they characteristically possess. This is important because rioters do not characteristically make decisions as a group, and individuals are rarely in a position to judge how a riot will hasten or delay the realization of social justice. Finally, the normative verdicts yielded by this approach align with common intuitions about which episodes of rioting are justified and along which dimensions this justification varies. Rioting is most clearly justified when the wrongs it protests are most clearly worth protesting, rather than when it is most likely to receive sympathetic or accommodating responses, or otherwise to achieve liberatory aims.

Rioting is often the last resort of the powerless—a way of responding to wrongs that cannot be forestalled or overcome but, equally, cannot be tolerated. But even then, it is not a way of redressing those wrongs. It is, rather, a way of insisting loudly that they *are* wrong, and that they should cease. These are things worth saying, and that, I think, may well be justification enough.

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