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Theoretical, Ethical and Political Perspectives

Edited by
Stefania Achella, Francesca Forlè, Roberto Mordacci

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CAN RIOTS BE DEMOCRATIC?
On the fight for recognition via Violent means

Philip Højme

Abstract

This essay seeks to examine D'Arcy's notion of *sound militancy* to discern whether this term can be fruitfully applied to establishing rioting (riots) as a democratic form of resistance to injustice or negligence. The first part of the essay provides an account of Frazer and Hutchings' critique of political violence, a critique that perceives violence (used in politics or for political aims) as *never being justifiable*. In opposition to this position, the second part of the essay posits, through both theoretical (Marcuse, Celikates) and practical (Soei, Sutterlüty) references, the case for an understanding of political violence (riots) as justifiable or defensible in certain circumstances – those that adhere to D'Arcy's concept of sound militancy and seek to address a particular and present grievance. In conclusion, the essay suggests that (Hegelian) recognition provides an account of why marginalizing seems so pervasive in contemporary Western societies.

Keywords: Democracy, Grievance, Recognition, Riot, Violence.

It begins with the oppressed

This essay begins with a short outline of a theoretical position against violence as a justifiable political means. Following this, I engage with D'Arcy's *Languages of the Unheard.*[1] A book which develops an argument similar to Marcuse's claim that "there is a 'natural right' of resistance for oppressed and overpowered minorities to use extralegal means if the legal ones have proved to be inadequate […] if they use violence, they do not start a new chain of violence but try to break an established one".[2] Having made the point that violence is a justifiable political means (in certain circumstances), the essay continues with an examination of a limited

1 D'Arcy 2013.
2 Marcuse 1965, pp. 81-117.

selection of contemporary riots; the 1992 riots in the USA, the 2005 riots in France, the 2008 riots in Denmark, the 2011 riots in the UK, and the land defence of Kanehsatá:ke (also known as the Oka crisis). D'Arcy's concept of *sound militancy* provides a theoretical framework for stipulating the democratic nature of militant protests. I conclude the essay by suggesting Butler's notions of precarious and grievable lives as a potential framework for drawing out novel nuances in D'Arcy's argument. This juxtaposition leads to a summary of the essay within a Hegelian framework. Before concluding this introduction, allow me briefly to make two notes in relation to the terminology used. The term society used here designates both government and non-government entities, which, through laws, a monopoly on violence and media coverage, dictate the normative standards for what is conceived as socially acceptable behaviour. The term minority are used for any group or groups situated either on the margins or completely demarcated from society for various reasons (economic, ethnic, racial, and so on). However, it is not within the scope of this essay to engage in a thorough discussion of these terms.

Against the compatibility of violence and democracy

Allow me to begin by outlining a position that is influential because it provides a critique of positions that will be taken up later (and thus provides a point of departure against which this essay can take its shape). In *Can Political Violence Ever Be Justified?* (2019) Frazer and Hutchings set out to examine and subsequently dismiss the notion that political violence can be justified. Their dismissal was followed up the subsequent year with the claim that "[t]o fight violence with violence is not to challenge it but to endorse it […] Evidence suggest that the normalisation of violence in response to violence […] is far more dangerous than a commitment to fighting violence otherwise".[3] For the sake of brevity, the following deals exclusively with the former book.

Frazer and Hutchings provide a critique of the justification of the consequentialist position in favour of violent action revolves around the claim that to allow some "political actors"[4] to engage in violence for the sake of "justice" introduce a degree of ambivalence and thus opens up for discussion what counts as a justifiable *telos*. The consequentialist position holds

3 Frazer, Hutchings 2020, p. 190.
4 Frazer, Hutchings 2019, pp. 13-23.

that whether or not violence is justifiable is determined based on the consequences of the violent acts.

However, since the term justice is often contested among the wide variety of political actors engaged in both parliamentary and grass-roots politics it is, according to Frazer and Hutchings, doubtful whether or not this position can provide a political (ideal) justification for the use of violence in politics. Particularly since the discrepancy between a battleplan and the actuality of violent acts can be taken as yet another argument against using violence to achieve one's goals – "things can go wrong, and the expected (or hoped-for) consequences might not transpire".[5]

Having dismissed the consequentialist position, Frazer and Hutchings move on to dismiss the notion that violence *in* the historical situation (the actuality of life) can be a necessary action for righting a wrong. Such a position can be found in the above-mentioned quote from Marcuse's important essay on repressive tolerance. Frazer and Hutching frame their critique of this position in relation to Merleau-Ponty, de Beauvoir and Fanon, rather than Marcuse. It is, however, the case that both "[m]arxist and existentialist thinkers emphasize that such value judgements [which violent acts we judge as "stylish" and which as "ugly"] trade productively on ambiguity".[6]

Distinguishing between three justifications of the necessity for violent action: strategic ("violence […] motivated by a desire to further distinctively political goods […] such as order, liberty and prosperity"),[7] virtue ("violence that displays characteristics of judgement, courage and resilience in the face of […] one's own […] defeat"),[8] and lastly, aesthetic ("violence is stylish or tragic […] political impresario, or the heroic assertion […] in the face of overwhelming odds"),[9] Frazer and Hutchings argue (towards the end of their book) "our ethical and political attention should be on the world that violence instantiates, as opposed to the world it is supposed to produce".[10] Following from this claim, there is no recourse but the dismissal of political violence *qua* its "complicit[y] with the conditions that enable political violence to flourish".[11] Against this position, I must voice my doubts, and this essay will seek to show (by way of examples)

5 Frazer, Hutchings 2019, p. 19.
6 Frazer, Hutchings 2019, p. 70.
7 Frazer, Hutchings 2019, p. 58.
8 Frazer, Hutchings 2019, p. 58.
9 Frazer, Hutchings 2019, pp. 58-59.
10 Frazer, Hutchings 2019, p. 59.
11 Frazer, Hutchings 2019, p. 121.

how political violence (in some circumstances) is a necessary condition for marginalized groups in gaining political recognition. Additionally, concerning stipulating any clear-cut distinction between *kinds of violence (*as Frazer and Hutchings do) does not mean that violence is *partout* wrong or unethical. Instead, this ambiguity could potentially be imagined as a point of departure for a productive discussion of *when, where and how* violence could function as a politically viable option.

For a nuanced understanding of violence as being democratic

D'Arcy suggests that the term *sound militancy* is useful for distinguishing between rational and irrational militancy. Furthermore, D'Arcy posits that the defence of Kanehsatá:ke constitutes a prime example of sound militancy. In defence of their land, local Mohawks began a confrontation with local police and the Canadian Armed Forces in Quebec, Canada, which lasted from July 11 to September 26, 1990, resulting in one fatality and around 100 injured.[12] D'Arcy states that there are four characteristics inherent to this defence which can be extrapolated as conditions necessary for deeming any form of militancy sound. D'Arcy describes these four characteristics as

> 1. The Mohawks had a sound grievance that they had already tried without success to resolve by means of discussion […] 2. This action was led by the people most affected by the grievance, […] 3. The effect of the action was to empower the community to govern itself autonomously […] 4. The land defenders acted, at every stage of the process, in ways that they could defend to reasonable people, appealing to considerations of common decency and the common good.[13]

According to D'Arcy, all four characteristics were fulfilled before the Mohawks took up arms in defence of their land. It was within their rights to use violence towards police attempting to disperse peaceful protesters who had barricaded the construction site of a local golf course that encroached on a sacred burial site. This defence of their right to use violence is a comment on the fact that all earlier attempts to persuade the local government to ban the expansion had failed. As such, we must understand the choice of taking up arms as a last resort to make their grievances heard. According to Marcuse, this was not even an escalation of the situation. Instead, the

12 See Obomsawin 1993.
13 D'Arcy 2013, pp. 62-64.

Mohawks were left with no other choice, and only by taking up arms were they able to enhance their democratic possibilities within a system lacking sensitivity towards their initial plight. D'Arcy states that sound militancy is capable of giving a minority "new opportunities to resolve substantive and pressing grievances".[14]

D'Arcy and Marcuse agree that the use of extralegal force (i.e. violence perpetrated by an entity not sanctioned to do so by the State) by an oppressed minority can often be a last resort in an attempt to create 'new opportunities' for being heard. What is particularly interesting here is Marcuse's suggestion that this use of violence ought not to be understood as an initiation, but rather as a continuation of the violence to which society already subjects these minorities. In the case of the land defence of Kanehsatá:ke, this means that the differing accounts of who fired the first shots become less important, since the expansion of the golf course and neglecting the Mohawk grievances can now be conceived of as initiating the chain of events that led to those shots being fired. Marcuse's claim even maintains that had the protesters fired the first shot: they would only have continued the violence, not started it. Such an argument provides us with a nuanced understanding of violence which relies less on the necessity of it being physical and more on its psychological and structural aspects. Additionally, D'Arcy argues that the community of Kanehsatá:ke had previously tried to negotiate with the local government and that their opting to blockade the construction site was a tactic implicitly 'forced' on them due to the lack of recognition of their grievances. The actual situation on July 11, which led to the firefight between the Mohawks and the local police, was prompted when the local police force decided to use both tear-gas and shock grenades to breach the barricades around the construction site. The brief firefight lasted 15 minutes and left one officer dead.

By escalating the situation, the protesters were able to force a new paradigm on the stalled negotiations – they were able to force other actors to interfere, and this interference proved, in the end, to be beneficial to their cause (in the end the federal government's threat of monetary loss forced the local government to halt the expansion and sell the land to the federal government). The violence used during this defence was thus pivotal in forcing the local government back to the negotiation table. Hence, the escalation of the situation gave the protesters a real opportunity to make their voice heard. It this, therefore, not unreasonable to posit that these actions

14 D'Arcy 2013, pp. 65.

were a major cause of the successful conclusion of the Mohawks' political agenda. Had the protesters not resorted to this violence, their efforts would probably have been in vain.

If we take a look at the situation before the day of the incident, we can see how the escalation came in stages. The first stage can be characterized by the Mohawks trying to halt the expansion through the local political structure. When this was not possible, they proceeded to barricade the construction site in order to force the politicians to return to negotiations. When this second attempt failed, the Mohawks resisted the police breaching their barricades with chemical and explosive weapons, a reasonable form of resistance as they were left with no other options. Hence, it is easy to see how the Mohawks were incrementally forced to 'up the ante' if their grievances were not to remain unacknowledged by the local government. This example clearly shows that D'Arcy's notion of sound militancy is a useful term for examining acts of violence perpetrated by non-state groups.

In the following section, this term will be used to examine a limited selection of riots. D'Arcy concludes the book with the statement that "rioting may serve as a vehicle for fostering social inclusion and civic equality",[15] a statement that provides us with grounds for attempting the aforementioned examination. The particular point stressed by D'Arcy is that rioting *can* serve as a way to give a (political) voice to those who have been muted by the political majority, by the state, or by the media. Hence, by giving a voice to the voiceless, who, having exhausted all other possibilities of voicing their grievances, have become compelled to resort to a violent refusal of the *status quo*, which marginalizes them.

However, before moving on to an examination of specific accounts of rioting, a short elaboration on this term and its associated political means or actions is in order. The federal Anti-Riot Act of 1968 defines the term 'riot' "[as] a public disturbance involving (1) an act or acts of violence […] or (2) a threat or threats of the commission of an act or acts of violence".[16] Hence, riots are often distinguished from civil disobedience by a qualitative reference to violent acts or threats.[17] This definition has, however, been rejected in reference to

15 D'Arcy 2013, p. 140.

16 U.S. Code. 'Title 18, Chapter 102, §2102'. Legal Information Institute (Cornell Law School). 11 April 1968. https://www.law.cornell.edu/uscode/text/18/2102. Accessed 27.03.2021.

17 Celikates 2014, pp. 213-218.

> a notorious series of cases, [where] German courts have in the past ruled that it constitutes an act of violent coercion incompatible with peaceful protest to exert psychological pressure on others […] by blocking the road and thus forcing them to stop their cars in order to avoid an accident. Equally, the American Civil Rights Movement has often been criticized as violent on account of the violence its 'nonviolent' protests have (intentionally and for strategic reasons) provoked on the part of the state's security apparatus.[18]

While I do acknowledge that a universal account of the legal definition of riots is impossible, the above definition serves the purpose of providing a point of departure for a critique of the notion that riots (and political violence) are *never justifiable*.

> [G]overnments pursue a tactic of divide and conquer […] portraying and celebrating certain forms of protest as good […] and labeling and repressing other forms of protest – often those of marginalized groups – as violent, uncivil, and criminal […] we should therefore insist that civility is quite compatible with a variety of actions often classified as violent by the media and the state.[19]

With this statement, Celikates muddies Frazer and Hutchings rejection of a justification of political violence.[20] By now, it should be clear that during the Oka crisis, the instigation of armed violence must be attributed as a decisive factor in overturning the decision by the local city council to expand the golf course (in the end, the federal government purchased the land in question so that it could be left undisturbed). If immanent violence or the threat thereof is a condition for acts being classified as a riot, and if (according to liberal political theory) civil disobedience is delineated from a riot precisely by it being a non-violent form of acts already at the margins of what is legally acceptable, then it becomes questionable if Frazer and Hutchings argument would even allow for the latter kinds of acts. In the following, I will therefore use the term riot, as opposed to civil disobedience precisely because the four instances of my case study utilized violence as the *prima facie* mode of political engagement with the institutions that had, similarly to the Oka crisis, refused to hear the grievances of the marginalized groups in question.

Before concluding this section, it is necessary to prefigure the following with a short elaboration on the two interrelated notions of violence as *jus-*

18 Celikates 2014, p. 214.
19 Celikates 2014, p. 67.
20 For a more radical defence of the 'right' to riot see: Hart 2015.

tifiable and *democratic*. Justifiable violence is those form of non-governmental violence that conforms with D'Arcy's characteristics of sound militancy (riots, civil disobedience, and so on). On the other hand, democratic violence are violent forms of resistance whose primary goal is to increase a minority's democratic right to have their grievances acknowledged. To have their mistreatments and abuses recognized in a manner that respects their experiences. Democratic violence aims to force those who have wronged a minority to acknowledge their wrongdoing and seek to rectify the situation. However, this brief description of justifiable and democratic violence does not aim to describe these in a precise manner. Instead, the description is only preliminary and aims to facilitate the reader in seeing the nuances, overlaps, and future possibilities in the case studies in the next section of this essay.

Riots, a contemporary democratic right

By examining the riots mentioned in the introduction, this section aims to assess whether or not these riots could be classified as instances of sound militancy. At this point, I would, however, like to briefly remark upon the title of this section and D'Arcy's and Marcuse's claims. Both of these thinkers insist that it is rational for minorities to meet the State (i.e. the majority) with extralegal means if their grievances are not heard.

It is, however, not the case that D'Arcy sees all riots as being viable democratic acts. D'Arcy stresses that riots should not be rejected as democratic actions "when they are defensible […] [but that we must be prepared to] condemn them, when they are not".[21] Refuting a common liberal critique stating that extralegal "militancy is undemocratic because it is coercive",[22] D'Arcy posits that riots might not be undemocratic through and through because of their ability to weaken "the capacity of elites and institutions to thwart reason-guided public discussion from dictating the terms of social co-operation".[23] By refusing this liberal critique, D'Arcy provides us with a viable theory to give us a more nuanced understanding of the actions of rioters.

D'Arcy's characteristics, which separate sound from unsound militancy, make it possible to provide an argument for riots that is not liable to the lib-

21 D'Arcy 2013, p. 141.
22 D'Arcy 2013, p. 37.
23 D'Arcy 2013, p. 71.

eral critique. Clearly, D'Arcy never attempts to argue that everyone has the right to engage in extralegal violence. Rather, that in certain very specific situations (those which comply with the necessary characteristics), some marginalised groups may find themselves 'forced' into a corner where their survival (i.e. the survival of their needs and wishes) would not be secured if they did not resort to violence as a last resort.

Another response to the liberal critique of riots can be gleaned from Marcuse's notion of *repressive tolerance*, a term similar to D'Arcy's general claim. Repressive tolerance seeks to resolve the paradox within liberal theory of everyone's equal right to be heard, which becomes problematic as it is often used to protect those who commit hate speech. Marcuse's main argument for a repressive tolerance (a form of tolerance which is repressive towards certain voices without being undemocratic) is that any tolerant society must necessarily promote the repression of some groups.

Marcuse might be criticised for simply propagating the reverse argument of this critique; however, this is a misrepresentation of Marcuse's actual claim. The argument goes well beyond the simple dichotomy between tolerance and intolerance. Since Marcuse is prepared to accept intolerance towards intolerance in those circumstances where it increases the overall tolerance of society towards minority groups, this suggests a critique of the classical liberal understanding of tolerance which solves the problem of – *tolerance towards whom?* There can be no need for tolerance towards a majority, precisely because they are the majority and are not, therefore, subjected to any will but their own. Leaving this digression aside, let us now move on to examine D'Arcy's characteristics of sound militancy and their taxonomy of riots.

D'Arcy offers a taxonomy of riots which concludes that only one of the four proposed kinds of riots are democratically defensible. Closely connected to sound militancy, the defensible riot is a riot where the rioters are members of the community affected by the grievance which gave rise to the rioting (D'Arcy 'logically' calls this form of rioting: *grievance riots*). Such a riot is, above all, defensible because it empowers the community to practise self-governance, and the actions of the rioters appeal to everyone's right to be treated decently and to the common good of the community affected by the grievance.

The remaining three indefensible riots are the acquisitive, recreational and authoritarian riots. Which I will briefly describe before moving on an elaborate examination of grievance riots.

Recreational riots are often associated with football derbies (e.g. West Ham United against Millwall), while the authoritarian riot is exemplified

by the Independence Day march in Warsaw on November 11th 2013, during which the rioters turned to widespread vandalism towards shops and a LGBTQ+ art installation.[24] Lastly, acquisition riots, strictly speaking, serve no other purpose than looting for the sake of enriching oneself. This taxonomy is, however, not as strict as it might seem in the above description, and riots often contain a multiplicity of elements associated with each kind of riot. A case in point are the US and English riots, which turned into acquisitive riots at some point.[25]

Two years after the defence of Kanehsatá:ke, Los Angeles experienced massive rioting after the police officers charged with the beating of Rodney King were acquitted. The riots lasted four to five days and cost 63 people their lives. Hearing about such violent riots, outsiders are often perplexed by what caused them, and some might even claim that the riots were a clear overreaction due to the subsequent death toll. These are, however, simplistic understandings of the event and disjoined from other events preceding it. Instead, we ought to inquire into the assault on King as the catalyst which ignited a pyre already doused with gasoline. D'Arcy writes that "[f]or most, the rioting was directed against the impunity of the LA police, which for decades had targeted racial minorities for abuse, assault, and humiliation, not exceptionally or in the single case of Rodney King, but persistently and routinely".[26] Something which all of the riots we will examine here have in common.

Similar to the LA riots, both the French (2005) and English (2011) riots started when, respectively, two young men of Magheralin (North African) descent and a "dark-skinned man"[27] were killed by the police. In both of these instances "[t]he rioters invoked […] [a] demand for equality and equal treatment as citizens".[28] To keep the examination of these two riots brief, a single interview with rioters from each riot will suffice to underline the above claim. The first interview captures the anger which this individual feels towards the police – the individual describes a stop-and-search which happened to this 13-year-old – "[I] was stopped by two police officers who then proceeded to have a conversation with one another: 'One of them said: Mate, why don't you ask him where Saddam is. […] The interviewee continues: 'They're supposed to be the law enforcement. I don't hate the policing system, I hate the police on the streets. I hate them

24 Goettig, Florkiewicz 2013.
25 For a defence of looting during grievance riots see: Vasquez 2014.
26 D'Arcy 2013, p. 148.
27 Sutterlüty 2014, pp. 39-40.
28 Sutterlüty 2014, p. 46.

from the bottom of my heart'".[29] The second interview, or slogan, shows how during the French riot, participants focused on the rights unavailable to them, even though these are the rights of all French citizens. "'Liberté, égalité, fraternité, mais pas dans les cités' – 'Liberty, equality, fraternity, but not on the outskirts!' – was a slogan often heard during the unrest in France".[30] Thus, what brings these three riots together is a disenchantment with the treatment of minorities by the police.

I will now turn to the 2008 riots in Denmark, which differ slightly from the others only in the fact that they were sparked neither by a death nor by physical beatings. Instead, these riots were instigated by the pent-up anger which exploded as a result of racial profiling. While the riots originated in Copenhagen, they would spread to other cities, such as Aarhus, Aalborg, Odense. The main source for my examination of this is Aydin Soei's book *Angry Young Men – Riots and the Fight for Recognition in a New Denmark*[31] (my translation). This is an important work because of the breadth of its examination of these riots and what caused them (it quotes a wide variety of sources – local police officers,[32] social workers, and rioters – and contextualises the riots in relation to the newly-created stop-and-search zones).[33]

A very powerful quote from a social worker recalls reporting to the authorities that "you have crossed a line with these stop-and-search zones […] [the social worker then proceeds to describe the situation as] chaotic and we warned against the possibility that the situation would evolve in a dangerous direction".[34] The effect of these stop-and-search zones was an increase in tension between those who, because of either where they lived or how they looked (their ethnicity), came to feel that they were targeted for stop-and-search more than the average citizen (Soei 2011, 29). This was even known to local police officers, one of whom states that "it was not the searches in themselves that were the problem. It was rather the way

29 Guardian and LSE, 2011, 19; Klein 2012, p. 137, in Sutterlüty 2014, p. 48.

30 Castel 2006, p. 788, in Sutterlüty 2014, p. 46.

31 See Soei 2011. To the best of my knowledge, this book is only available in Danish.

32 These are officers who work from a smaller police station often situated in the areas they patrol. The officers are often tasked with patrolling and community-related duties.

33 In this particular context, in Denmark, stop-and-search zones (in Danish *visitationszoner*, lit. visitation zones) are zones where the police can stop and search people and vehicles without first having to charge the person with a crime.

34 Soei 2011, p. 30. Translation mine: "I er gået for langt med de her visitationszoner […] Der var kaos, og vi advarede om, at det her kunne udvikle sig i en farlig retning".

they were talked to and that they were stripped on the street that made it problematic".[35] The latter part of this conduct (strip-searching in public) was, and still is, in contradiction to the Danish police code (as such it is it an illegal action warranting reparation). As another interviewee puts it, "multiple times I have told young people: why don't you complain about it? 'Nothing happens when we do' they replied. 'The police always win'".[36] What this shows is a situation where a group has come to find themselves so marginalised and thus completely disillusioned with the system and its procedures that they have given up. They have no trust that the system will handle their complaints objectively, and therefore no way of having their grievances heard.

Grief and the recognition of precarious lives

In the previous section, we have seen how the selected riots had a shared reason for their instigation, and it seems that all four riots are compliant with D'Arcy's necessary characteristics for sound militancy. In the case of the Danish riots, however, it is interesting that the riots managed to create a dialogue with the police and that this dialogue altered the conduct of the police (at least for a short while). Soei writes that the riots

> succeeded [… and] at the end of the riots in February the police and youth from Blågårdskvateret [an area in Copenhagen where the riots began] started a dialogue which led to a discontinuation of the public strip searches by the small number of officers who practised this. This meant that young people felt that their voice was acknowledged and heard.[37]

In relation to the fourth characteristic, that the riot can be deemed reasonable by an appeal to decency and the common good, the above warrants a separate examination. It is quite reasonable to assume that any rational person would perceive these riots as, at least initially, justified

35 Soei 2011, p. 29. Translation mine: "det var ikke selve kontrollerne, der var problemet. Det var måden, der blev talt til dem på og afklædningerne midt på gaden, der gjorde forskellen".

36 Soei 2011, p. 29. Translation mine: "Jeg har flere gange sagt til de unge: så klag da over det? 'Der sker jo ikke en skid,' siger de. 'Politiet får alligevel ret'".

37 Soei 2011, p. 29. Translation mine: "lykkes […] ved slutningen af optøjerne i februar politiet og de unge fra Blågårdskvarteret at indgå i en dialog, der førte til, at det mindretal af betjente, der afklædte unge på gaden stoppede med denne praksis, og til at de unge følte, at deres stemme blev anerkendt som værd at lytte til".

because the systematic racism to which the rioters were subjected clearly constitutes an infringement on their rights. Not everyone will agree with this, however. Riots like these are therefore always at risk of further antagonising either the State or of widening the divide between the rioters and the public. The latter is a particular risk if we take into account the role that the media can play in portraying riots to the audience as violent hooligans. Such portrayals are common amongst right-wing media and politicians, who often portray rioters as attacking the foundation of the State and cultural norms of society itself, while the left, on the other hand, often jump the gun in their attempts to conceptualize the riots within their own political-ideological framework.

The notion of grievance seems to play an integral part in D'Arcy's argument. For this reason, it seems interesting to open the door for an exploration of Butler's notion of grievability concerning the notion of grievance riots. In *Frames of War* (2009), Butler describes how societal norms can delegate precariousness to groups "whose lives are not 'regarded' as potentially grievable […] [whose lives are thus] made to bear the burden of starvation, underemployment, legal disenfranchisement, and […] exposure to violence and death".[38]

Both precariousness and grievability are, therefore, concepts which can be utilized as describing the lives of the rioters. These marginalised groups, and particularly their lives, have become precarious because of the lack of recognition of their grievances. This was the case in all four riots, as well as in the case of the defence of Kanehsatá:ke, where the community was not only ignored, but their culture and connection to their past came under attack. By employing Butler's notions of precariousness and grievability, D'Arcy's argument becomes more nuanced regarding its understanding of how grievances play a role in contemporary society.

In the case of the riots we have looked at, we can interpret the frustration of the rioters as a reaction to society's treatment of them. It was not only the fact that they felt like second-class citizens but also that they were designated as dispensable by society. Butler describes elsewhere this experienced lack of institutional protection as people being ungrievable. Butler writes that "[if] I have no certainty that I will have food or shelter, or that no social network or institution would catch me if I fall, then I come to belong to the ungrievable".[39] While beyond the current scope of this essay, an interesting discussion could be developed by examining the four cases above using

38 Butler 2009, p. 25.
39 Butler 2009, p. 197.

Butler's concepts within a broader discussion of agency versus responsibility. This examination might successfully answer questions of the following sort. *Who has agency during a riot or land defence? How does violence impact or enhance their agency? Which responsibilities can be attributed to those without agency and those with? Do governments have a particular responsibility for certain groups marginalized or lacking agency?*

Recognition, of vulnerability or one's life, therefore, seems to provide a schema for conceptualizing whether or not a riot has been successful in creating a space for the actualization of previously unheard grievances. In *The Phenomenology of Spirit* (2018, pp. 108-116) Hegel describes how the subjectivity of the master is conditioned on the subjection of the servant. While this enables the master to become a self-sufficient consciousness, it also ties the master to the servant. In fact, the master comes to rely on the servant for all their 'bodily' needs. The master's carefree life is only attainable because someone else ploughs the fields. In other words, society needs those it marginalizes to sustain it, and it is this dependence that gives the vocalization of the 'servants' grievances a threatening ring to it.

What this means is that while the city council (in the case of the *Oka crisis*) had no need for the holy sites of the local tribe, it can be questioned whether society would function if these people did not partake in the day-to-day grind. The blockage of the construction site is exactly such an example of the *hoi polloi* breaking the ossified norms of socially accepted behaviour. By doing so the masses are able to halt the proverbial hamster-wheel and provide an occasion for their grievances to be heard.

This is only part of the story, however. Because it follows (as shown above) that disturbances like these cannot be tolerated by the society against which this violence is directed. This brings to light an important paradox in contemporary societies. Namely, that it is only by positioning themselves in opposition to a normative society that marginalized groups have a chance of making themselves and their grievances heard. Such acts do, however, question the validity of the *status quo*, which in turn, breaks the spell of contemporary society. 'Declarations of war' such as these are, on the one hand, met with punitive measures that seek to expel them (for their transgressions), and on the other hand, with measures that seek to integrate them into contemporary culture. By attempting to be acknowledged as well as positing a radical difference from society, socially marginalized groups will often find themselves engaged in a (Hegelian) struggle for recognition where the victor enslaves the defeated, while at the same time providing the conditions for the emancipation of the latter.

Therefore, a 'successful' riot might constitute, within the proposed Hegelian framework, a political action that conjures into being the political potentiality of a marginalized or abjected group. Nevertheless, by becoming unified with the Other (society), those previously marginalized or abjected enter into a new relationship with their 'enemies'. There is no guarantee that this new constellation will not revert to abjection or marginalization of some new Other – of someone else.

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