

Bottles and Bricks:  
Rethinking the Absolute Prohibition against Violent Civil Disobedience

**Abstract:** In the wake of endless police shootings of black Americans, as well as various more general political upheavals, it has become common to hear politicians and other prominent public figures call for calm and nonviolent civil disobedience. Anything less than strictly nonviolent civil disobedience, they often say, is morally and politically unacceptable. But while this absolute prohibition against violent civil disobedience is commonly assumed, asserted, and reiterated, the grounds of this prohibition are very rarely articulated. In this paper, we consider three possible grounds (pragmatic, moral, and conceptual) for the absolute prohibition against violent civil disobedience, and determine that none of them succeed in justifying such an absolutist claim.

We consider a number of paradigmatic cases of civil disobedience, including the U.S. Civil Rights Movement and Nelson Mandela's South African movement. We are thus able to dismiss the pragmatic argument, that violent civil disobedience is counterproductive, as inaccurate. Rawls often writes as if the protesting party is a monolith; but in practice, this is never the case. What is the case is that multiple protesting groups work, sometimes independently and sometimes in tandem, to end oppressive, unjust practices, laws, and policies, using various violent and non-violent strategies and tactics. Pragmatically speaking, we find that non-violent civil disobedience works best when there is violence, or the threat of violence, in the background of the relevant society.

Then, we consider moral arguments in favor of non-violent civil disobedience. Perhaps violence is morally wrong, and so is absolutely prohibited as a civil disobedience tactic. But if we understand the civil disobedience of oppressed groups as a form of self- and other-defense, as seems appropriate, then it seems that we must either deny that violence can be justified in defense, or admit that violent civil disobedience is not absolutely prohibited. We argue that violence is sometimes justified in defense, and so conclude that violent civil disobedience is sometimes morally permissible.

Finally, we consider the conceptual argument for non-violent civil disobedience, which claims that violence is ruled out by the very nature of civil disobedience, considered as a form of communication. But the nature of communication, broadly speaking, does not rule in or out the use of violence. And furthermore, some messages can only be sent with violence: consider the message sent by both the Baltimore rioters and the Ferguson protesters, as they desperately used the meagre means at hand (bottles, rocks, and bricks) to protect their communities against a powerful invading force that appeared to be no longer operating within the accepted rule of law. This is not to say that violence is always or even usually permissible as a mode of communication; but it is to say that sometimes, violence is required to communicate a message about the nature of a particular injustice.

Ultimately, we argue that while violent civil disobedience is often prohibited, under certain conditions, it is permitted, if not obligatory. We hope our analysis will not only provide clarity as to what civil disobedience actually requires, but also provide theoretical support for those engaged in the BLM movement, especially where their tactics, or the tactics of those who closely identify with their cause, deviate from the accepted norm of absolute non-violence. Violence is not always simply lawbreaking; sometimes, it is protest.