Disruptive Disobedience

Derek Edyvane, University of Leeds
Enes Kulenovic, University of Zagreb

This article addresses a neglected class of cases of civic resistance involving the anonymous and covert disruption of institutions and practices. Such cases have become more commonplace in the first decades of the twenty-first century with the rise of "hacktivism," but they sit uneasily within the traditional conceptual and normative framework of civil disobedience the legitimacy of which is premised on the publicity of dissent and on the willingness of dissenters to accept the legal consequences of their actions. To make sense of these new forms of civic resistance, the article introduces the concept of "disruptive disobedience." It elaborates the concept by contrasting it with other forms of civic resistance, and proposes a moral justification for it by presenting it as a corrective to democratic exclusion. Finally, it tests that justification by applying it to a prominent contemporary case involving Aaron Swartz's illegal download of JSTOR research articles.

On January 6, 2011, Massachusetts Institute of Technology campus police, with the assistance of a US Secret Service agent, arrested Aaron Swartz on two counts of breaking and entering with the intent to commit a felony. Swartz, a fellow at Harvard University and a well-known Internet activist, used his access to JSTOR, a digital library of academic journals, to illegally download over 4.8 million research articles. He concealed a small laptop connected to an external hard drive in the wiring closet in the basement of Building 16 at MIT, allowing him to download the articles with approximate worth of $50,000. Unbeknown to Swartz, and on the advice of the Secret Service agent, MIT security had installed a surveillance camera in the closet that enabled the identification of Swartz when he returned for the laptop and, subsequently, this led to his arrest. Federal prosecutions charged Swartz with wire fraud and 11 violations of the Computer Fraud and Abuse Act, a charge carrying a maximum fine of $1 million and 35 years in prison (Cohen 2013).

The story ended tragically when, in January 2013, a few days after the offer of a plea bargain was refused by the prosecution, Swartz committed suicide. Even after his death, the question remains as to whether his illegal procurement of electronic data from JSTOR was mere theft or morally justified civic resistance. There is no doubt that Swartz was practicing what he preached: in 2008, he published an online "Guerilla Open Access Manifesto," in which he calls upon those with access to research articles and data protected by pay-walls—"students, librarians, scientists"—to trade passwords and fill download requests for friends, and he invites hackers to "sneak through halls" and climb "over fences" to liberate "the information locked up by the publishers." "The world's entire scientific and cultural heritage," warns Swartz, is "being digitalized and locked up by a handful of private corporations," limiting access to those—like elite universities—willing to pay "enormous amounts" for it. He asserts that there is no justice in following unjust laws and that "in the grand tradition of civil disobedience," we should "declare our opposition to this private theft of public culture" (Swartz 2008).

Swartz was not alone in viewing the illegal hacking and sharing of access to protected scientific databases as acts of civil disobedience. In an article published in the *New York Times*, philosopher Peter Ludlow concludes that "Swartz engaged in the act of civil disobedience to liberate that knowledge" that should be available to everyone and not just the chosen few (Ludlow 2013). The language of civil disobedience was also used by the so-called Anonymous 16, a hacking group that used a DDoS cyber-attack (crashing websites by flooding them with data) on PayPal after it was revealed that PayPal, Amazon, Visa, and Mastercard had refused service to WikiLeaks after its release of thousands of classified US State Department cables. Anonymous and

Derek Edyvane (d.j.edyvane@leeds.ac.uk) is an associate professor of political theory at the University of Leeds, Leeds LS2 9JT, United Kingdom. Enes Kulenovic (ekulenovic@fpzg.hr) is an associate professor of political theory at the University of Zagreb, 10 000 Zagreb, Croatia.
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its lawyers interpreted this act as a "virtual sit-in," where, instead of using physical bodies to obstruct business, computer data were used to block web sites. Following the arrest of a few of the hackers from the Anonymous group, Sabu, one of the leading members, claimed: "The problem is not the hackers. It's the thinking of our governments. They need to show their citizens that the government can retaliate against civil disobedience" (in Olson 2013, 363).[1]

However, the actions of Swartz and Anonymous 16 sit uneasily within the conceptual framework of civil disobedience. We tend to think of civil disobedience as "an illegal, public, nonviolent, conscientiously motivated act of protest, done by someone who accepts the legitimacy of the legal and political systems and who submits to arrest and punishment" (Harris 1989, 2). Two essential elements of civil disobedience—its public character and the willingness of those involved to be arrested and prosecuted—are both absent from the law-breaking Swartz advocated. He never intended to get caught, and, when apprehended by MIT security, he tried to escape. Likewise, the members of Anonymous 16 went to considerable lengths to conceal their identities and evade capture.[2]

The problem, of course, is not that Swartz, Ludlow, and Sabu were failing to use the concept of civil disobedience with the precision expected of analytical philosophers. Part of the reason we think of civil disobedience as a morally justified act of law-breaking is just because it is public and those involved in such acts are ready to suffer the legal consequences. Even if we extend our understanding of civil disobedience to include anonymous and secretive law-breaking of the sort for which Swartz and Anonymous 16 were prosecuted, we cannot defend their actions by relying on the arguments that are employed in the justification of civil disobedience. That defense would need to provide a compelling justification for anonymous and secretive resistance in the context of a democratic society.

Apart from civil disobedience, there are other forms of morally justifiable civic resistance that involve law-breaking. Some of these forms involve public acts of resistance (e.g., conscientious objection or testing the law), and some do not (such as whistle-blowing). But none adequately captures the mode of resistance in which Swartz and Anonymous sought to engage. To do so, we argue that it is necessary to move beyond the existing typology and introduce a new concept that we term *disruptive disobedience*. This article is divided into three sections. First, we introduce the idea of disruptive disobedience by contrasting it with other forms of civic resistance, including civil disobedience, conscientious objection, whistle-blowing, and democratic disobedience. The aim of this section is to examine why publicity, nonanonymity, and legal responsibility for breaking the law are considered necessary conditions of morally justified disobedience in democratic societies. Second, we offer a normative account of disruptive disobedience as a morally and democratically justified mode of civic resistance. It is our contention that disruptive disobedience is justified where it functions to disrupt exclusionary practices that contribute to the incapacitation of citizenship. Finally, we return to the case of Aaron Swartz to consider how far his conduct may be interpreted as justified disruptive disobedience.

RETHINKING CIVIL DISOBEDIENCE

This article challenges the suppositions that legitimate civic resistance must be nonanonymous and public and that those involved must be ready to accept the legal consequences of their actions. In this section, we survey the tradition of thought about civil disobedience in order to explain the sources of those suppositions. To do so, it is helpful first to reflect on the purpose, or *telos*, of civil disobedience. A seminal text here is John Rawls's essay on "The Justification of Civil Disobedience." On Rawls's account, the purpose of civil disobedience is to appeal to the majority's sense of justice: "Civil disobedience, when it is justified, is normally to be understood as a political action which addresses the sense of justice of the majority in order to urge the reconsideration of the measures protested and to warn that in the firm opinion of the dissenters the conditions of social cooperation are not being honored" (Rawls 1999a, 176). Later, in *A Theory of Justice*, Rawls defines civil disobedience as "a way of addressing the sense of justice of the community, an invocation of the recognized principles of cooperation among equals" (Rawls 1971, 385).

This definition suggests two important distinctions. First, civil disobedience, understood as an appeal to the sense of justice of the political community, differs from other forms of political resistance such as testing the law or conscientious objection. Testing the law is a call for judicial review, and therefore the dissenter will respect whatever decision is made by the highest authority in the legal system. The aim of civil disobedience, by contrast, is not to question the law's validity but to question its justness. This means that the consistent dissenter will continue to disobey the law even if it is proclaimed to be constitutional by the court. As Rawls argued,

1. Sabu (whose real name is Hector Monsegur) later became an FBI informant and helped the government to arrest several prominent hacktivists. See also the documentary by Brian Knappenberger, *We Are Legion* (Knappenberger 2012).

2. There is a difference worth noting between the Anonymous 16 DDoS attack and Swartz's JSTOR hack: although both were committed anonymously, the DDoS attack was a public act of law-breaking, while the JSTOR download was performed in secret.

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civil disobedience "is indeed thought to be contrary to law, at least in the sense that those engaged in it are not simply presenting a test case for a constitutional decision; they are prepared to oppose the statute even if it should be upheld" (Rawls 1971, 365). The distinction between conscientious objection and civil disobedience resides in what motivates the dissenter to disobey: the conscientious objector aims to avoid doing something he or she deems to be morally wrong, while the civil disobedient aims to rectify the perceived injustice by educating the public. As Hugo Bedau writes, "When the conscientious objector violates the law, he or she does so primarily in order to avoid conduct condemned by personal conscience even though required by public law. . . . The primary purpose of conscientious objection is not public education but private exemption, not political change but (to put it bluntly) personal hand-washing" (Bedau 1991, 7).

This first distinction—between the purpose of civil disobedience and the purposes of other forms of civic resistance—helps us to understand why the public character of disobedience is an essential part of its moral justification. The reason the law is broken is to raise the awareness of the democratic public about the unjust nature of a specific law or policy. Breaking the law in secrecy would defeat the purpose. Civil disobedience, therefore, can be compared "to public speech, and being a form of address, an expression of profound and conscientious political conviction, it takes place in the public forum" (Rawls 1971, 366). This tells us why publicity is a necessary requirement of civil disobedience, but it does not explain why nonanonymity and willingness to bear the legal consequences of breaking the law are also required. One could try to address "the sense of justice of the majority" by breaking the law publicly while hiding one's identity or avoiding arrest.[3] To answer this question, we must turn to the second distinction.

The second distinction is that between the logic of the acts of civil disobedience in liberal-democratic contexts and the logic of such acts in the context of authoritarian or autocratic regimes. In the former context, we presuppose that the government in power (both its legislative and executive branches) has legitimacy to pass and enforce the laws. The act of civil disobedience does not question the legitimacy of the government but that of a specific law or policy. When faced with an undemocratic, authoritarian, or tyrannical government, what is disputed is not only a specific law or policy but the legitimacy of the government itself. The core of liberal thought is that a government that continually violates the basic rights of its citizens, or that comes to and remains in power not through general consent but through force, loses its legitimacy, and therefore its subjects have a moral right to rebel against it. Faced with an undemocratic and authoritarian regime, one uses disobedience not only as a form of resistance to unjust laws but also as a form of resistance to illegitimate government. In this context, civil disobedience has the same goal as violent revolution—to overthrow the government. The difference between the two modes of resistance resides in the choice of tactics. There are several reasons to favor the path of peaceful disobedience. Nonviolent and public resistance is often a more effective way of eliciting sympathy and support for a cause, both at home and abroad. It may also be the case that the police and military forces ranged against the dissenters are simply so overwhelmingly strong as to render violent resistance futile. Alternatively, there may be principled reasons to adopt a nonviolent approach, bound up with particular moral, religious, or political doctrines. In the history of the twentieth century, both political prudence and pacifist ideals have played a role in different resistance movements choosing nonviolent disobedience over violent revolution, guerrilla warfare, or underground armed resistance.

This second distinction, between disobedience in democratic versus undemocratic contexts,[4] is essential for understanding why "arrest and punishment," as Rawls puts it, "are expected and accepted without resistance" as a necessary condition of the legitimacy of civil disobedience (Rawls 1999a, 182). By publicly breaking the law and later accepting the legal consequences of that action, we acknowledge the legitimacy of the government. "The law is broken," Rawls argued, "but fidelity to law is expressed by the public and nonviolent nature of the act, by the willingness to accept the legal consequences of one's conduct" (Rawls 1971, 367). This line of argument echoes Martin Luther King's *Letter from Birmingham Jail*: "I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the com-

3. The hacktivism of the group Anonymous seems to fall into this category: acts of law-breaking that are public but where those responsible seek to avoid punishment by concealing their identities. There are also cases where the opposite is true: Brian Smart discusses cases such as activists releasing lab animals from captivity or vandalizing military infrastructure, which can only be done in secret, but who later publicly acknowledge their involvement (Smart 1991).

4. The dichotomy between reformers' and revolutionaries' use of disobedience is inevitably simplified. It does not take into account those cases of "uncivil disobedience" that Jennet Kirkpatrick discusses in her study of violent political protests and movements in US history (militant abolitionists, the Weather Underground, violent labor groups, lynch mobs in the post-Reconstruction South, the temperance movement, or contemporary right-wing militias). Although violent, these movements were more reformist than revolutionary in their character through their appeal to "concepts like law, rights, liberty, freedom, and popular sovereignty," the moral ideals of the American Revolution and the Constitution (Kirkpatrick 2008, 19).

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munity over its injustice, is in reality expressing the very highest respect for law" (King 1991, 74). A citizen of the liberal-democratic community involved in the act of civil disobedience is not a revolutionary trying to bring down the system, but a reformer appealing to "moral principles which define a conception of civil society and the public good" (Rawls 1999a, 181) to try to abolish an unjust law or policy. This explains why such acts should not be conducted secretly and why those involved should not try to avoid arrest and punishment. In the words of Michael Walzer, "A man breaks the law, but does so in ways which do not challenge the legitimacy of legal or political systems" (Walzer 1970, 24).[5]

It is worth noting that mainstream liberal thinking about the *telos* of civil disobedience did not go unchallenged. One such challenge came from Peter Singer, who argues that Rawls's insistence on a "shared conception of justice" as a guideline in determining if the law is just means that we can question a law only in the light of the principles that the community already accepts. If we conclude that civil disobedience is justified only when we are faced with an unjust law, that would mean that whatever falls outside the realm of this shared conception of justice (e.g., to use Singer's example, the rights of animals) does not furnish a valid reason to disobey (Singer 1973, 90). Singer's account of civil disobedience is much broader than Rawls's in the sense that it can include an appeal to the existing sense of justice of the majority but can also go further than that in trying to extend or transform the majority's sense of justice. A second noteworthy challenge came from Daniel Markovits, who argues that Rawls's model, by relying on the Civil Rights Movement as a historical paradigm of civil disobedience, offers too narrow an account that fails to provide justification for later cases of disobedience, such as protests against the Vietnam War, anti-nuclear protests in Western European countries in the 1980s, or recent anti-globalization protests (Markovits 2005, 1901). To amend this, Markovits introduces the idea of *democratic disobedience*, where, by breaking the law, citizens address deficits in the democratic decision-making process. His theory of democratic disobedience recognizes two such deficits: first, in representative democracies, different special interest groups can have an unwarranted impact on law making or policy making, which can lead to "manipulation and abuse" of the democratic process by these "special interests" (Markovits 2005, 1922); second, collective decision making sometimes leads to the exclusion of important political issues from the public discourse, thereby compromising the neutrality of the democratic process. The purpose of democratic disobedience is to tackle the negative consequences of these democratic deficits and to enhance democracy by going beyond the Rawlsian model of civil disobedience that is reserved exclusively for addressing the violation of common principles of justice and basic rights (Markovits 2005, 1937). Both Singer's and Markovits's challenges are important innovations in the liberal tradition of thinking about civil disobedience, but neither puts into question publicity, nonanonymity, and legal responsibility as core requirements of morally justified disobedience. Even if we redefine the purpose of civil disobedience in the way these authors have done, these requirements remain essential parts of its moral justification. There is consequently very limited consideration in the literature as to whether there can be, from a liberal perspective, any legitimate acts of civic resistance that are secretive, anonymous, and evasive of legal consequences.

Rawls himself discusses justified forms of covert political resistance: he refers to them as *conscientious evasion*, and he offers the example of secretive breaking of fugitive slave law before the abolition of slavery in the United States (Rawls 1971, 369). His argument is that covert resistance is acceptable in cases where punishment or the consequences of publicly breaking certain laws would be too dire.[6] James Scott's anthropological research addressing secretive and anonymous resistance in his books *Weapons of the Weak* (1985) and *Domination and the Arts of Resistance* (1990) confirms this line of thinking. Analyzing what he calls *infrapolitics*—"a wide variety of low-profile forms of resistance that dare not speak in their own name"—Scott concludes that "the fear of retaliation" is the main reason for covert and/or anonymous acts of resistance (Scott 1990, 19).[7] But both Scott's descriptive examples of infrapolitics and Rawls's normative concept of conscientious evasion involve situations where a dominant group ensures submission through systematic institutional op-

5. The use of this normative distinction between acts of peaceful resistance in undemocratic and authoritarian regimes and morally justifiable acts of civil disobedience in specific historical cases is challenged by David Lyons, who argues that peaceful law-breaking does not require moral justification in the context of deeply unjust regimes, which, on his historical reading, include not only British colonial rule in India or the pre–Civil War system of slavery in the American South but also the Jim Crow laws in the United States until 1964. "Insofar as civil disobedience theory assumes that political resistance requires moral justification even in the settings that are morally comparable to Jim Crow, it is premised on serious moral error" (Lyons 1998, 39). For discussion of the historical context—the Civil Rights Movement and the Vietnam War—in which Rawls and Walzer developed their theories of disobedience, see Forrester (2014).

6. Similarly, Peter Singer finds evasion of legal punishment justified in conditions in which there was "no right to public trial, and no possibility of using punishment for public purposes, or if punishments were made draconian in order to prevent dissenters from publicizing their views" (Singer 1973, 83–84).

7. Scott (2005, 1–2) defines *infrapolitics* as "the strategic form that the resistance of subjects must assume under conditions of great peril."

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pression and violence (of slavery, serfdom, or caste systems). This model does not translate well to liberal-democratic societies where all citizens have equal rights and where it is generally possible to protest publicly without fear of retaliation. Of course, it would be naive to assume that democratic states never use violence or draconian measures against those involved in acts of peaceful civic resistance. And, in such cases, the fear of retaliation might be sufficiently weighty and well-founded to justify secrecy and anonymity. A case in point is the use of excessive or even deadly force by police against peaceful protesters or activists: from the murder of civil rights workers in Neshoba County, Mississippi, in 1964 to the Black Lives Matter movement today. Other instances might involve the use of draconian prison sentences against nonviolent civic law-breaking. Whistle-blowing would undoubtedly fall into this category, because in many instances secrecy not only is a necessary requirement of performing the act itself but also provides protection from the severity of state sanction.[8] The purpose of political whistle-blowing is, first and foremost, to inform the democratic public of state involvement in wrongdoing or criminality. In that sense, whistle-blowing differs from the secretive and anonymous hacktivist cases of civic resistance that we have highlighted, but is it not possible to invoke fear of retaliation as a moral justification for secrecy and anonymity in these cases as well? After all, Swartz was facing 35 years in prison, while members of Anonymous face up to 15 years in prison. But in both cases the hacktivists had other forms of protest available to address their concerns, forms that are both public and entail no or minor legal sanctions (call for boycott, organized sit-ins, public demonstrations, etc.). In this sense, they were situated very differently from those protesters facing police brutality or whistle-blowers facing long prison sentences. It would thus be implausible for the hacktivists to invoke the dire consequences of public law-breaking to account for their secrecy.

In conclusion, this form of covert and nameless civic resistance cannot be justified by relying on either the liberal tradition of thinking about civil disobedience or the fear-of-retaliation argument. Therefore, we propose a new concept—*disruptive disobedience*—that relies on a very different set of arguments to justify acts of covert law-breaking. We now turn to our core argument that will address the question of how such forms of civic resistance can be morally justified.

JUSTIFYING DISRUPTIVE DISOBEDIENCE

For the purposes of the argument, we assume a thin conception of political obligation. In order for democracy to function, citizens must accept that sometimes their preferred option is not to be. If every citizen felt that they were under a political obligation to accept as legitimate only the party they voted for, policies they agreed with, or laws they supported, democracy would become unintelligible. The challenge for those who argue that resistance (mainly in the form of law-breaking) is justified in liberal democracies is to show when these "rules of the democratic game" can reasonably be suspended given the threat that such suspensions pose. It is therefore necessary for us to consider whether and why it might ever be permissible to suspend these rules in the case of those practicing the sort of covert resistance associated with disruptive disobedience.

The core argument we will develop is that disruptive disobedience is justified by the undemocratic exclusion of citizens from equal access to a variety of basic resources (e.g., water or shelter), public services (e.g., education or health services), or public spaces and institutions (e.g., public parks or public buildings). These forms of exclusion are undemocratic because adequate access to such resources, services, and spaces are prerequisites for full citizenship. Disruptive disobedience targets practices that foster or preserve these forms of exclusion, seeking directly to undermine them. In this way, disruptive disobedience functions as a corrective to deprivations of democratic citizenship and is thereby democratically justified.[9]

Both the Rawlsian model of civil disobedience and Markovits's model of democratic disobedience are designed to address the public's sense of justice, and therefore, as forms of public speech, must be public in nature. And those involved in such acts of disobedience are required to accept the legal consequences of law-breaking as the expression of their acceptance of the existing order's legitimacy. Disruptive disobedience does not need to meet these requirements, because its *telos* is to undermine exclusionary practices by rendering them unenforceable. Its goal is not to raise the public's awareness of an unjust law or even to warn the public about the exclusionary practice; the goal is simply to end the practice.

8. This point can be illustrated by recent highly publicized cases of whistle-blowing, such as the Panama Papers, Bradley Manning, Edward Snowden (who revealed his identity only after he was beyond US legal jurisdiction), and WikiLeaks, as a platform that facilitates anonymity. However, in his study of the issue, Rahul Sagar lists five requirements for the justification of whistle-blowing, one of which is that it should not be covert "because anonymity makes it difficult for the public to discern whose interests the disclosure is serving, and to take appropriate steps to counter the possibility of manipulation" (Sagar 2013, 137).

9. There may be other ways of justifying disruptive disobedience. For example, some authors argue that related forms of resistance may be justified on grounds of distributive injustice (e.g., Jenkins 2016; Shelby 2007). We focus on democratic exclusion, because we seek a specifically democratic justification for disruptive disobedience.

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Citizens fight against exclusion by disrupting and making meaningless those laws, rules, norms, or policy solutions that foster that exclusion. Insofar as anonymity, secrecy, and the avoidance of legal consequences allow for a more efficient level of disruption, then they are legitimate elements of this type of civic resistance.

This helps us to see why the language of "disruption" is pertinent. As Frances Fox Piven and Richard A. Cloward (1979, 24) write, disruption occurs when "people cease to conform to accustomed institutional roles; they withhold their accustomed cooperation." But disruption is not just a matter of withdrawal. David Jenkins (2016, 329) suggests that it also crucially involves "the active and intentional *interruption* of current practices and structures." Although the context in which disruptive disobedience makes sense is different from Scott's description of infrapolitics, its tactics echo his account of how individual instances of the hidden resistance of peasants can achieve significant political impact despite their invisibility: "Their individual acts of foot-dragging and evasion, reinforced often by a venerable popular culture of resistance, and multiplied many-thousand fold may, in the end, make an utter shambles of the policies dreamed up by their would-be superiors in the capital" (Scott 1986, 8).

On our account, justified disruptive disobedience thus constitutes a form of what Holloway Sparks terms "dissident citizenship"—"the practices of marginalized citizens who publicly contest prevailing arrangements of power by means of oppositional democratic practices that augment or replace institutionalized channels of democratic opposition when those channels are inadequate or unavailable" (Sparks 1997, 75). Due to its capacity to "change minds, challenge practices, or even reconstitute the very boundaries of the political itself," dissident citizenship is "essential for the continuing revitalization of democratic life" (Sparks 1997, 75). In her discussion, Sparks focuses mainly on legal and overt forms of dissidence—"marches, protests, and picket lines; sit-ins, slow-downs, and cleanups; speeches, strikes, and street theater" (Sparks 1997, 75)—and the democratic need for their protection. She also notes that civil disobedience can constitute a form of dissident citizenship. We go a step further, then, in our suggestion that covert disruption—nonpublic contestation of arrangements of power—may also constitute a form of dissident citizenship.

In this section, we will elaborate and defend our core argument by answering a fundamental objection to it that we term *the argument from citizenship*. The argument from citizenship states that democratic citizenship furnishes a package of rights that grant individual citizens access to procedural justice: an ability to express a sense of injustice through institutional channels (including the right to vote and the right to stand for office) or institutionally recognized channels (including public forms of dissident citizenship such as peaceful protest, strikes, or civil disobedience). As long as such rights are guaranteed, there should be no need for individual citizens to resort to extra-institutional, covert means in order to express their sense of injustice.

To address this argument, we need a more nuanced account of citizenship. Specifically, we need to appreciate the ways in which the access to procedural justice that democratic citizenship is meant to provide can be incapacitated by the forms of exclusion that disruptive disobedience is meant to counter. To this end, we draw on the work of Judith Shklar in order to illuminate and deepen the notion of the marginalization of citizens that motivates Sparks's category of dissident citizenship. In her study of American citizenship, Shklar argues that, to understand the meaning and significance of citizenship, "one has to listen to those . . . who have been deprived of it" (Shklar 1991, 3).[10] For Shklar, that means understanding citizenship against the background of black slavery. By thinking of it in this way, Shklar suggests that we reveal the centrality of what she calls "citizenship-as-standing." It is in the idea of "standing," as distinct from "status," that the central import of Shklar's argument emerges: "Citizenship in America has never been just a matter of agency and empowerment, but also of social standing as well. I shun the word status because it has acquired a pejorative meaning. I shall speak of the standing of citizens instead" (Shklar 1991, 2). Shklar argues that "voting" and "earning" are "the two great emblems of public standing" in America (1991, 3) and that this is precisely because slaves were prevented from voting or earning. No slave was a citizen: "The importance of what I call citizenship as standing emerges out of this basic fact of our political history. The value of citizenship was derived primarily from its denial to slaves, to some white men, and to all women" (Shklar 1991, 16).

The idea of citizenship as standing is subtle and is not easily captured by standard categories. There is a central contrast in studies of citizenship between the *juridical* conception of citizenship (citizenship as legal status) and the *republican* conception of citizenship (citizenship as active participation). The former emphasizes rights, the latter responsibilities (Kymlicka and Norman 1994). But Shklar's account is reducible to neither. Citizenship as standing is

10. This reflects a wider, "negative" methodological orientation in Shklar's thought, which directs us to concentrate on the powerless, the victims, the excluded. Reading Shklar's work through the lens of her own experience of exile, Andreas Hess (2014) suggests that Shklar recognized in the "outsider" an important source of illumination and innovation.

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best understood as the negation of the ultimate form of political exclusion: slavery. Those who have been denied citizenship in this way are not typically interested in it as a means to "civic participation as a deeply involving activity" (Shklar 1991, 3), but nor are they interested simply in the formal, legal status, or badge of citizenship. Status and standing are not the same thing.[11] This sense of the limitations of the juridical-republican dichotomy leads Jean Cohen to suggest that Shklar's conception represents a distinct third model of citizenship—*membership*. Cohen writes that we may think of "citizenship as a *form of membership* in an exclusive category" (Cohen 1999, 248). And, of Shklar, Cohen writes that she "understood well the status dimension of the membership/identity component of the citizenship principle. In her analysis, citizenship confers social standing—higher social status—on those allowed into the exclusive circle vis-à-vis those outside" (Cohen 1999, 250). But this cannot be quite right either. It seems inaccurate to equate membership with standing in this way, for, in ordinary usage at least, we distinguish between those who are just members and those who are "members in good standing." Usually the mere fact of membership is thought insufficient to confer standing.

Iris Marion Young's discussion of the forms of democratic exclusion is instructive here. Young distinguishes between what she terms *external exclusion* and *internal exclusion*. The externally excluded are those who are simply deprived of membership, those left outside of the exclusive circle of deliberators (Young 2002, 53–54). But Young notes that there are other forms of exclusion that occur "even when individuals and groups are nominally included in the discussion and decision-making process" (Young 2002, 53). Such *internal* exclusions "concern ways that people lack effective opportunity to influence the thinking of others even when they have access to fora and procedures of decision-making" (Young 2002, 55). For example, Young highlights the way in which civility norms of "articulateness," "dispassionateness," and "orderliness" in democratic debate serve to privilege "specific styles of expression" and thereby function to marginalize those who struggle to express themselves in the approved manner (Young 2002, 53, 56). Mere "membership" is not always enough to secure real standing.

Citizenship as standing certainly entails formal legal status—the right to vote, the right to earn—but it is critical that the legal status can be enacted. As Shklar writes, it was "a matter of being there, being heard, counting, having a sense of 'somebodyness' as a black voter was to say many years later" (Shklar 1991, 43). It is this sense of "somebodyness" that is central to citizenship as standing. But we know only too well that the formal, legal status of citizenship is no guarantee of being a social and political "somebody." For example, Shklar notes the array of political impediments, both internal and external exclusions, introduced post-Reconstruction so as utterly to neuter the black "vote" in the American South: "The vote could not protect the black Southerner against grotesque registration requirements, literacy tests, poll taxes, grandfather clauses, white primaries, and more chicanery than they could possibly defeat" (Shklar 1991, 55). For most black Southerners, the status of citizenship and the "right to vote" could not actually be enacted. The granting of a formal legal status had not in fact enabled them to express any sense of injustice they may have harbored. And so it would be a mistake to suppose that the mere "badge" of citizenship conferred in such cases any real form of standing.

And even when legal and political impediments are removed, there can remain considerable social barriers to standing. For example, Danielle Allen discusses the case of Elizabeth Eckford, a black American citizen, who on September 4, 1957, sought to exercise her legal right to attend Central High School in Little Rock, Arkansas. But Eckford was "kept from entering the school by a mob of her fellow citizens who called out for her lynching" (Allen 2004, 3). As Allen explains: "For decades, white Southern citizens had been accustomed to maintaining key public spaces as their exclusive possession; for the sake of preserving life and stability black Southern citizens had been accustomed to acquiescing to such norms and to the acts of violence that enforced them. Each set of customs, exclusionary on the one hand and on the other acquiescent, constituted the practical rules of democratic citizenship for a set of citizens; together the two sets of rules . . . secured stable (though undemocratic) public spaces" (Allen 2004, 4–5). This is a paradigm case of the way in which legal status and formal membership in the polity can fail to deliver real standing. Simply to equate status with standing or membership with standing would be to ignore the myriad of ways in which seemingly insignificant habits of everyday life—looks, gestures, modes of address and comportment—can fundamentally shape the contours of citizenship by denigrating sections of society and by establishing and ingraining patterns of norms that function in more or less subtle ways to undermine genuine public standing.

Central to the idea of standing, then, is the notion of *inclusion*, though not merely formal *legal* inclusion. To

11. In making this claim, we contradict Benjamin Barber, who identifies Shklar's account with the juridical model and concludes that the "missing term in Shklar's analysis is power" (Barber 1993, 150–51). We suggest that Barber's interpretation is untenable in view of Shklar's wider body of work, which persistently reminded the reader of the fact that "the weak and the powerful" are "the basic units of political life" (Shklar 1989, 27).

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have standing is to be in the social and political position to exercise one's legal citizenship rights. And, conversely, then, to be deprived of standing is to be *excluded*—not legally, but socially and politically, and thus unable fully to exercise one's rights and, importantly, unable fully to express one's sense of injustice. In this way, Shklar's distinctive account of citizenship as standing helps us to see that deprivation of access to procedural justice is not just about the stifling of republican civic ambition or about the direct exclusion of individuals and groups from the formal settings of political deliberation. It occurs also and more fundamentally at the level of what Shklar elsewhere terms the "democracy of everyday life" (1984, 136), and it is bound up in the capacity of citizens to participate in the ordinary habits, routines, and practices of day-to-day living.[12] This alerts us to the fact that deprivations of standing are a matter not just of the "gagging" of nominally recognized parties to political debates but also of the exclusion of citizens from the multiplicity of prerequisites for meaningful access to procedural justice. Throughout the history of liberal democracy, many citizens have found themselves politically "voiceless," deprived of adequate access to the basic decencies of procedural justice. And this is not because they have been denied the basic rights of citizenship; they possess those rights, but they have not been able to exercise them fully because of the way in which the social and political structure of society has practically (if not legally) excluded them.

We argue that disruptive disobedience is the recourse of those who possess the status of citizenship but who are nevertheless unable fully to exercise that status because they lack public standing—the socially and politically excluded. With the idea of standing in place, we are thus in a position to answer the argument from citizenship. To be a citizen without standing is to be denied adequate access to both the institutionally recognized channels of the political process and the variety of forms of public protest highlighted by Sparks—it is to have either limited or no recognized means of expressing one's sense of injustice. So it will not do to say to those citizens deprived of standing that they can challenge exclusionary practices through institutional channels or public protest. As victims of exclusion, their access to institutional channels and public protest is substantially curtailed. As Piven and Cloward (1979, 23) argue, "Opportunities for defiance are structured by features of institutional life. Simply put, people cannot defy institutions to which they have no access and to which they make no contribution." Social and political "nobodies" are in no position to highlight injustice publicly. How could they, when no one is listening?

The point here is not to suggest that citizens without standing are physically prevented from protesting publicly or from voicing their concerns. Most (though not all) citizens of any minimally functioning liberal democracy are able, for instance, to stand on a street and wave a placard. The point is that, for those without standing, such conduct is liable to be read not as "political protest" but rather as "deviance" or "anti-social behavior" and to be disregarded or even punished. Similarly, those without standing might have physical access to public debates and decision-making processes, but their contributions are liable to be marginalized and suppressed, dismissed as "uncivil" or otherwise irrelevant.[13] This sort of procedural injustice marks a potentially grave democratic deficit, and it is this failure of the democratic system that ultimately justifies the suspension of the rules of the democratic game in cases of disruptive disobedience. The argument from citizenship presupposes that all democratic citizens are necessarily in a position to exercise their citizenship rights and thereby to press their claims via recognized institutional channels. We have attempted to unsettle that presupposition and thus to show that acts of covert law-breaking can be vindicated when they target practices leading to the internal exclusion of citizens.[14]

In making this case for disruptive disobedience, we have focused on some of the more extreme cases of political exclusion by thinking, with Shklar and others, about the predicament of freed slaves in the American South and of the predicament of African American citizens more generally in the pre–Civil Rights Era. Obviously, the political exclusion of citizens in contemporary liberal democracies is likely to pale in comparison. Next, we return to the contemporary context to consider whether and how the model of disruptive disobedience might apply in such conditions.

12. See Forrester (2011) for further discussion of the importance of the "ordinary" in Shklar's political thought, and see Rosenblum (2016) for an extensive elaboration of Shklar's idea of the democracy of everyday life.

13. As Linda Zerrilli has written: "In its historical deployment the charge of incivility was a way of masking and managing disruptive demands to inclusion in the public realm" (2014, 116).

14. There are implications here for the idea of political obligation. Think in particular of the way in which "fair play" theories suggest that obligations are incurred by all participants in a mutually beneficial scheme of cooperation (e.g., Rawls 1999b). We have suggested a distinction that is often overlooked between formal participants—those bearing the *status* of participant, or member, or citizen—and substantive participants—those bearing the *standing* of participant, member, or citizen. It is not clear that mere participant status should be considered sufficient to ground obligations deriving from the principle of fair play. Indeed, insofar as the social scheme operates to exclude members from standing, then we may start to think that the obligation of citizens is not to sustain that scheme, but in Jenkins's (2016) expression actively to "deny reciprocity" by covertly disrupting exclusionary practices.

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APPLYING DISRUPTIVE DISOBEDIENCE

The aim of this section is to consider the extent to which the justificatory strategy we have articulated is applicable to the case of Aaron Swartz. The point of so doing is to provide a broader sense of how the model of disruptive disobedience applies to the forms of covert resistance and hacktivism that have become prominent in recent years. To achieve this, we will contrast the case of Swartz with that of Anonymous 16. By discussing Swartz's case, we also seek to address a range of possible objections to our account. To be clear, it is not our aim here to vindicate Swartz. However, the relevance of our argument clearly does depend on its being applicable to at least some contemporary cases of covert and anonymous disobedience.

In the previous section, we argued that justified disruptive disobedience seeks to undermine exclusionary practices that function to drive a wedge between the status and standing of citizens by frustrating equal access to essential resources, public services, and public spaces and institutions. It is our contention that Aaron Swartz's illegal download of JSTOR databases may be interpreted as an attempt to disrupt one such exclusionary practice. Swartz's argument was that denying citizens access to "scientific and cultural heritage" accumulated mainly through publicly funded projects amounts to the "private theft of public culture." Declaring that "information is power" and that sharing information is "a moral imperative," his "Guerilla Open Access Manifesto" presents a call to action: "We need to take information, wherever it is stored, make our copies and share them with the world. We need to take stuff that's out of copyright and add it to the archive. We need to buy secret databases and put them on the Web. We need to download scientific journals and upload them to file sharing networks. We need to fight for Guerilla Open Access" (Swartz 2008).

Although in the same document he invokes the "great tradition of civil disobedience," the tactics he advocates are very different from the tactics used by those who were part of that great tradition. He calls upon those, like himself, who already have access to these pay-wall-protected databases to share their passwords and download articles for others and also for hackers to break into the databases and share their content online with everyone. The point is to *disrupt* the practice of charging for scientific and cultural content by private companies by making that content available online for free.[15] The goal is to make copyrighting of such content meaningless. It is fair to presume that that is what Swartz was attempting to do by illegally downloading 4.8 million articles from JSTOR.[16] His action was a prerequisite for the massive collective action of disruption through free sharing of these articles. Swartz envisioned a movement whereby the covert actions of many thousands of individuals downloading and sharing information would render the prevailing system of closed access and paywalls untenable. Both secrecy and anonymity (at least in the initial phase) were necessary for this disruptive strategy to work.

It is illuminating here to contrast Swartz's hacktivism with that of Anonymous 16. In addition to the difference we have already noted between the public character of the Anonymous attacks and the covert character of Swartz's breach of the JSTOR database, there is a further important difference in the goals pursued by either party. Swartz intended to disrupt the process of copyrighting scientific knowledge and thereby to transform that knowledge from marketable private good to common good available to all. In this way, he was promoting the equal inclusion of citizens. Anonymous, on the other hand, used the DDoS attacks as a mode of retaliation against a private company that decided to deny service to an online whistleblowing platform. Their aim was to punish PayPal by disrupting their services, not to disrupt an exclusionary practice. There is also a difference between the two cases regarding the necessity of anonymity. For Swartz's disruption to work, both the initial illegal downloading of articles from JSTOR and subsequent sharing of those articles online by thousands of users had to be performed covertly. In contrast, the DDoS attack by Anonymous, which they themselves described as a "virtual sit-in" disrupting PayPal's business for a few hours, could easily have been achieved in a nonanonymous manner. It would have been potentially more effective, and certainly less morally ambiguous, to punish PayPal's denial of services to WikiLeaks by staging a real public sit-in at the company's headquarters or by calling for a boycott of its services. A covert cyber-attack was simply unnecessary. In both cases, the motive of law-breakers was to address what they perceived as an injustice, but only in Swartz's case is it possible to characterize

15. Should acts of law-breaking in a democracy be directed solely against the government, as Joseph Raz suggests (1979), or can private companies also be legitimate targets? Again, Swartz's case is useful here as his hacktivism was, first and foremost, directed against a legal framework—copyright law—that allows private companies to profit from scientific publications, and not against a specific company. In this article, we go beyond Raz's requirement of justifiable civic resistance by siding with Kimberley Brownlee's argument that targeting private companies can be understood as an act of civic resistance if it focuses on challenging a wider legal system (Brownlee 2007, 2012).

16. Although we assume, given the call for action in the "Guerilla Open Access Manifesto," that Swartz's intent was to share the downloaded files, his defense team thought it more prudent to argue in court that Swartz had no intention of sharing the articles downloaded from JSTOR. See Brian Knappenberger's documentary *Internet's Own Boy: The Story of Aaron Swartz* (2014).

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the law-breaking as a corrective to exclusion. For this reason, Swartz's conduct may be justified as a form of disruptive disobedience, while the conduct of the Anonymous group may not.[17]

However, there are three important objections to the justification of Swartz's actions in the terms of our argument. In answering these objections, we appeal in each case to resources latent within the tradition of thought and historical practice of civic resistance to frame our response. The first objection is that Swartz's actions were in fact deeply *undemocratic*. In the previous section, we argued that disruptive disobedience is a justified corrective to democratic exclusion. The objection here contends that deprivation of access to scientific research is not a form of democratic exclusion. Thus, it might be argued that the political campaign Swartz envisioned in the "Guerilla Open Access Manifesto" is not obviously a campaign directed at addressing a democratic deficit. It is rather a call to bypass the democratic process and simply to impose Swartz's (controversial) interpretation of justice in the distribution of knowledge. On this view, Swartz was not practicing democratic activism, but rather a more radical form of revolutionary activism (by imposing his will) in a manner that was actually anti-democratic. Our contention has been that the deprivation of access to "public culture" that Swartz sought to correct is a source of democratic exclusion. But this is admittedly a controversial claim that depends on a thick interpretation of the conditions of democratic inclusion. Some forms of social and political practice are patently exclusionary—think, for example, of the poll taxes and literacy and property tests introduced in the wake of Reconstruction and cited by Shklar. It was the direct aim of those measures to disenfranchise black voters. By contrast, it is much less obvious that the control and restriction of access to scientific knowledge that Swartz sought to disrupt was similarly exclusionary.

It is true that Swartz's act of disobedience relies on a thick and somewhat controversial understanding of what citizenship entails, but the same can be said of most cases of civic resistance throughout history. The whole point of nonrevolutionary law-breaking is to provoke and challenge existing power relations embedded in unjust law or policy by invoking a shared sense of justice (in the Rawlsian model) or by trying to transform or expand that sense of justice (in Singer's model). This is especially true in cases of internal exclusion where all citizens formally have equal status as citizens but are denied equal standing by lacking access to certain resources or services that they should have on equal terms with all other citizens. As we noted in the previous section, it is part of the point of disruptive disobedience that it seeks to enlarge the democratic sphere by challenging the perceived boundaries of the political.

Consider such diverse historical examples as breaking the law to end the practice of segregated schools, or to oppose discrimination against women in the army or in the workplace, or to challenge the policies of nuclear armament, free trade agreements, military interventions, or state surveillance. All of these cases rest on similarly thick and controversial understandings of the requirements of citizenship to Swartz's demand for equal access to knowledge. In that sense, disruptive disobedience does not differ from other forms of civic resistance—civil disobedience, conscientious objection, testing the law, whistle-blowing, or democratic disobedience. All of these forms of resistance—by their very nature of questioning the status quo—are controversial and often rely on thick understandings of citizenship and democracy. If some of these forms of resistance are accepted as uncontroversial or less controversial today, it is because the democratic public is willing to accept them as legitimate political acts aimed at protecting the basic principles of liberal-democratic political community. Of course, this does not entail that all forms or instances of civic resistance are eventually accepted as uncontroversial, legitimate, and morally justified by default. Ultimately, it is the democratic public that accepts or refuses to accept law-breaking as justified and instrumental to the promotion of democracy and principles of equal citizenship. The same logic applies to Swartz's case: disruption through hacktivism and illegal sharing of scientific articles can only be perceived as justified if citizens perceive the existing copyright laws and the private ownership of the results of publicly funded scientific research as exclusionary and detrimental to their standing.[18] The same can be said of disruptive disobedience in general. The level of success that this form of disobedience will have in disrupting certain practices will, in no small part, depend on the degree of the public's acceptance of such disruption being morally justified. The fact that disruptive disobedience entails anonymous and covert law-breaking does not mean that such acts are ultimately excused from public judgment. In that sense, disruptive disobedience, as an attempt to cor-

17. This contrast does not entail that what the Anonymous group did is unjustifiable, only that the theoretical model developed here is not applicable to them. For defense of DDoS attacks as acts of civil disobedience, see Sauter (2014). For a broader defense of virtual nonviolent dissent, see Calabrese (2004).

18. The public outrage and support for Swartz that followed his indictment (leading to both MIT and JSTOR pulling out of the case) suggests that his actions, although illegal, were perceived as justified by many. Some of the outrage, it is worth noting, was probably caused by the draconian sentence Swartz was facing.

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rect the democratic deficit embodied in the deprivation of standing, is in line with the demands of equal democratic citizenship.

The second objection grants that the deprivation of access to scientific research is indeed a form of democratic exclusion, but it notes that Swartz himself was not subject to that exclusion. Swartz enjoyed full access to the JSTOR database, and so, while some might have been justified in covertly disrupting the exclusionary practice, Swartz was not. The concern here is that disruptive disobedience can only be justified in the case of disobedients who are themselves direct victims of exclusion. But this objection fails to take into account the role that has been played historically by dissenters who have not themselves been victims. Starting with Thoreau, white abolitionists and white students on Freedom buses all the way through to Vietnam War protests and anti-globalization protests, the history of civic resistance is replete with citizens who were ready to break the law they deemed unjust on behalf of the victims, even when the law or policy in question did not affect or disadvantage them directly. The same logic of resistance by proxy can be applied in Swartz's case. Moreover, one could argue that there are two levels of exclusion being addressed here. On the first level, many citizens (although not Swartz himself) are excluded from accessing scientific knowledge attained mainly through public funding. On the second level, the majority of citizens (including Swartz) are excluded from having a meaningful and relevant impact on the decision-making process when it comes to defining copyright laws and practices. This type of internal exclusion was diagnosed as a form of democratic deficit by Markovits in his theory of democratic disobedience when he talks about the ability of "special interests" to "capture and subvert the democratic process" by removing certain issues "from democratic deliberation" (Markovits 2005, 1922–23). The fact that so much published scientific research funded by taxpayers is owned by private companies and accessible only to paying customers does suggest "manipulation and abuse by special interests" on this issue (Markovits 2005, 1922). Markovits suggests one way of addressing this deficit—by the use of public disobedience to raise awareness of the problem. The alternative, advocated by the "Guerilla Open Access Manifesto," is to disrupt the exclusionary practice itself through anonymous collective action.

This leads us to a third and final objection. This objection grants that deprivation of access to scientific knowledge constitutes a form of democratic exclusion, and it grants further that Swartz was entitled to resist both levels of exclusion we have mentioned. However, it contends that Swartz's resistance could not justifiably take the form of covert disruption, because he had access to recognized institutional channels of democratic opposition. In other words, the case for Swartz is vulnerable to the argument from citizenship—as a relatively privileged white man, Swartz was not deprived of standing and could have used other democratically recognized means of challenging the exclusionary practice. This objection raises the question of whether disruptive disobedience can be justified only as a last resort after all other options have been exhausted. It is obvious that Swartz had and used the opportunity publicly to condemn the practice of charging for scientific and cultural content by private companies as unjust. In the "Guerilla Open Access Manifesto," he even refers to the Open Access Movement as an activist organization involved in a public campaign to put an end to that practice. The fact that normal democratic channels were open to him was amply demonstrated by his involvement, subsequent to the JSTOR affair, as a figurehead of the successful and law-abiding campaign against the Stop On-line Piracy Act (SOPA). Given that Swartz and his supporters enjoyed all the benefits that the democratic system offers for addressing unjust laws and practices—campaigning, voting, lobbying, petitions, public demonstrations and even civil disobedience—why was it necessary to break the law anonymously and covertly? How can disruptive disobedience ever be justifiable in a democratic context where citizens have other, public, ways of addressing their diminished standing? An obvious answer would be that it is justifiable only in those cases where exclusion is so complete that dissenters are entirely denied any access to basic procedural justice, any access, that is to say, to public means of addressing their exclusion or the exclusion of their fellow citizens. On this view, disruptive disobedience becomes the only way of making oneself heard.

This was arguably the situation of the newly emancipated slaves in the American South considered in the previous section. Any disruptive disobedience on their part would have been clearly justified inasmuch as it presented the only means available to them of making their voices heard. But in the context of a functioning democratic order, it is very hard to envisage a deprivation of standing so radical that its victims should find themselves with literally no alternative to covert law-breaking. If disruptive disobedience is justified only when there is literally no other way of addressing exclusion or only after all other options have been exhausted, there will be very limited room, if any, for such resistance in a democratic society.

To extend these limits we need, again, to turn to the history of civic resistance. To insist that disruptive disobedience is justified only as a response to total exclusion from basic procedural justice ignores the fact that no other form of civic resistance has been expected to meet such a stringent threshold. Even in more dramatic cases, like the Civil Rights Move-

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ment, activists were not entirely denied basic procedural justice, as legal and law-abiding political campaigns that ran parallel to the campaign of civil disobedience attest. The same line of argument is applicable to the last-resort requirement. Martin Luther King famously refers to the "distinguished jurist of yesteryear" as a source of the principle that "justice too long delayed is justice denied" (King 1991, 69). King was addressing the criticism of white clergymen that the campaign of law-breaking was unnecessary while opportunities for legal protest remained available. What King and subsequent generations of protesters recognized is that, within a democratic society where there is almost always another option (the next election, a new public campaign, the next court ruling, more lobbying, etc.), the condition of last-resort becomes a trump card against any justifiable form of law-breaking. The same reasoning applies to disruptive disobedience: there is no reason why anonymous disruption of exclusionary practices can be justified only as a last resort after all legal or public options have been exhausted. As we argued in the previous section, possession of the formal right to protest publicly is no guarantee of meaningful access to democratic opposition. It is the impotence of legal protests in changing unjust laws and practices that justifies illegal public protest. And it is the impotence of public protest in undermining exclusionary practices that justifies covert disruption. Used as a last resort or not, it is the purpose for which disruption is used—to challenge democratic exclusion—that justifies the act.

CONCLUSION

Social, political, and technological changes in the first decades of the twenty-first century have made it necessary for scholars and activists to revisit and reconsider elements of the tradition of civic resistance. In this article, we have attempted to contribute to that enterprise by examining a particular class of cases that do not fit easily within the traditional conceptual and normative framework of civil disobedience. Anonymous, secretive, and covert law-breaking of the kind practiced by Aaron Swartz is inadequately captured by the standard model of civil disobedience, and yet intuitively many consider it a democratically legitimate form of resistance. By articulating a distinctive mode of dissident democratic citizenship, which we have termed *disruptive disobedience*, we have tried to identify a plausible democratic justification for Swartz's conduct.

Unlike civil disobedience, the primary aim of which is to arouse public awareness of injustice, the primary aim of disruptive disobedience is directly to frustrate practices that function to exclude citizens from basic resources, public services, and public spaces. Such practices are often difficult to identify and address due to the misleading conflation of the status and standing of democratic citizens. Some forms of exclusion are blatant in their character and effects, but often exclusion takes a subtler form, especially where it has become ingrained in the ordinary social and political structures of everyday life. The disruption of these kinds of structural exclusions is democratically justified because it corrects a democratic deficit, but publicity is not essential to its success and may even prove a hindrance. Hence, responsible disruptive disobedients will, where circumstances dictate, employ covert means of disruption to achieve their democratic ends and so realize a form of citizenship worthy of the name.

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