Contested Legitimacy in Ferguson

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1 Introduction

At noon on August 9, 2014, Michael Brown was shot and killed by police officer Darren Wilson on the 2900 block of Canfield Drive in Ferguson, Missouri. Neighbors and passersby gathered. Initially there was no protest. People were coming to see what was happening, and some were grieving. But by 9 p.m., the situation had changed. Dozens of insurgents blocked Canfield Drive with their bodies, defying police orders to disperse. Outnumbered by the police, confronted with snarling police dogs, military-style weapons, helicopters, screaming sirens, and an armored truck, insurgents stood their ground, raising hands in the air, chanting, "We Are Michael Brown!"

https://vine.co/v/mvtmjvizell

The intense and sustained insurgency that developed in Ferguson made business as usual impossible there for most of a year.

The extent of insurgent mobilization that emerged in Ferguson at the time was exceptional. It followed a period of relative quiescence of Black Freedom Struggle – what scholars have called the "doldrums" (Taylor and Rupp 1987; Oliver et al. 2019). Large-scale mobilization in protest of police killings of Black people became much more common after the eruption of insurgency in Ferguson. Much subsequent mobilization explicitly referenced Ferguson (Taylor 2016).

Conversely, while the eruption of insurgency was unusual at the time, the police killing of Michael Brown was not. Subsequent analysis revealed an ongoing tragedy: in the United States police kill about 300 Black people a year. Proportional to the population, that is more than three times the rate at which police kill White people. And Black people killed by police are disproportionately unarmed; for example 30 percent of Black people killed by police in the United States in 2015 were unarmed compared with only 19 percent of White people killed by police. (Martin and Kposowa 2019; Buehler 2017; Bor 2018; Sinyangwe et al. 2020)

So why did insurgency quickly escalate in Ferguson following the killing of Michael Brown?

Several structural conditions were important for the emergence of insurgency in Ferguson. Some have pointed to the election of Barak Obama as the first Black president and heightened expectations for redress of the colorblind racism that shapes Black lives in the United States – especially poor and working-class Black lives (Taylor 2016). Others have pointed to the Jim Crow–like character of political arrangements in Ferguson. In August 2014, more than two-thirds of Ferguson residents were Black, but almost all of the elected officials in Ferguson, including the mayor, five out of six council

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members, and six out of seven school board members, as well as the chief of police and fifty out of fifty-three police officers were White (NYT 2014). During presidential elections, the proportion of Black voter turnout had exceeded the proportion of White voter turnout in Ferguson, but local party machines ran almost all White candidates, and few Blacks voted in local-only elections. Further, Ferguson police engaged in predatory ticketing and racist policing (Department of Justice 2015). The widespread availability of video cameras on smartphones and the advent of social media were essential to the spread of protest (Freelon et al. 2016; Carney 2016). And surely the growing national conversation about structural racism and the complicity of the criminal justice system – not least the earlier launch of the #BlackLivesMatter hashtag by Alicia Garza, Patrisse Cullors, and Opal Tometi – shaped the way that potential activists and allies responded to events (Ransby 2018).

But while such prior conditions may be necessary to explain the emergence of insurgency in Ferguson, they are not sufficient. Remember the hundreds of other Black people killed by police around the country in the days, weeks, and years leading up to August 9, 2014. From 2013 to 2019, police killed thirty-six Black people in the greater Ferguson/St. Louis Metropolitan area alone (Sinyangwe et al. 2020). Many unarmed Black people were killed by police in places with similar racial politics as Ferguson. Why did insurgency rapidly emerge following the killing of Michael Brown?¹

It is a premise of this study that there was nothing in the macro-structural context, nor the locally institutionalized situation in Ferguson, nor even in the details of the killing of Michael Brown itself, that assured the eruption of widespread insurgency in Ferguson on August 9, 2014. At 12:05 p.m., as neighbors and passersby gathered near the site of the killing to see what was happening, and some to grieve, it was not yet determined that nine hours later, dozens of insurgents would be facing off with police in defiance of orders to disperse. Instead, the intervening actions of insurgents, authorities, and third parties were crucial to this outcome. What was at stake in those intervening actions? In other words, how and to what extent did the actions by insurgents, authorities, and third parties, from noon to 9 p.m. on August 9, 2014, contribute to the mobilization of insurgency in Ferguson?

This Element has two main aims. The first is to provide a rigorous explanation of how the micro-interactions between insurgents, authorities, and third parties – during the nine hours after Michael Brown was killed – contributed to

¹ Of course the emergence of insurgency on August 9, 2014 did not determine the sustenance of insurgency for much of the following year. But the initial sequence of events made it infinitely more likely by 9 p.m. that serious insurgent challenge would continue for at least a few more days than the situation as it stood a few minutes after Michael Brown was killed.

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the emergence of insurgency in Ferguson. For at least thirty years, most social scientists have agreed that innumerable small-scale and historically specific social processes, at once material and ideational, powerfully shape social structures, even as they are shaped by them (Giddens 1984; Sewell 1992; Bourdieu 1990). This is true especially in events – such as the Ferguson insurgency – which mobilize in specific locales, and yet have far-reaching transformative effects. Thus implicated in any explanation of the influence of individual actions on the emergence of insurgency in Ferguson is the fundamental question: how do people make history?

Until recently, it was impossible to systematically study the ways that people's myriad small-scale interactions shape the emergence of insurgency, for two reasons: data and theory. At the most basic level, the data just was not available. Participant observers usually were not present on the ground when insurgency erupted. In the unusual cases when a participant observer was present, a single observer could only capture one small window on to what people were doing and thinking. Documentary evidence, including video, concerning the emergence of most historical insurgencies is sparse. And retrospective interviews cannot accurately document the emergence of insurgency, and the transformation of perspectives and relations they entail, because memories are shaped by intervening events. As discussed below, the proliferation of accessible video data and real-time commentary captured on smart phones and broadcast on social media have changed this, making the kind of granular analysis of the emergence of insurgency I develop here possible for the first time.

The second aim of this Element is to theorize the effects of micro-interactions on the mobilization of insurgency more generally. Social movement theory has not yet caught up with the newly available data. Classic political process and resource mobilization theories provide powerful tools for thinking about the ways that structural political opportunities and existing social movement organizations set the stage for insurgency to emerge. But at noon on Canfield Drive on August 9, 2014, with the structural political opportunities and existing social movement organizations in place, those theories provide little leverage to explain how the specific actions of insurgents, authorities, and third parties over the following nine hours influenced the trajectories of insurgent mobilization. Prevailing social movement theory is poorly suited to unpacking the effects of micro-interactions on mobilization.

In this study, as I examine the emergence of insurgent mobilization in Ferguson, I seek to theorize the effects of each action by insurgents, police, and third parties on its development. Toward this end, I draw conceptual resources from theories of legitimacy and race. While classic political sociology

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deeply engaged theories of legitimacy, social movement theory has largely neglected it – for good reasons, which I discuss below. To the detriment of movement scholarship, social movement theory has also largely neglected race (Bracey 2016). Insurgent practice theory (Bloom 2014; Bloom 2015; Bloom and Martin 2016; Bloom 2020), described in Chapter 4 below, theorizes the ways in which insurgent mobilization depends on the dynamic interaction between what insurgents do and the broader political situation. Insurgent practice theory provides the foundation upon which I elaborate a series of propositions drawing conceptual resources from theories of legitimacy and accounting for structural racism. I argue that the fate of insurgency, and thus the persistence of racist institutions, hinges on a contest over the legitimacy of repressive action.

Institutionalized patterns of social practice shape how insurgents, authorities, and third parties understand the actions of others, and how they respond. At noon on August 9, 2014, when Michael Brown was killed, various insurgents, authorities, and third parties in Ferguson held different perspectives on race, justice, and policing. But these individuals also all shared practical understandings of their own respective roles, relations, and modes of interaction. These prevailing practices generally excluded direct and explicit collective defiance of the police. By the time Michael Brown was killed, many Black residents of Ferguson already saw Ferguson police as racist, and did not approve of their customary policing practices. But they also recognized police as the *de facto* enforcers of the law, and generally complied with their authority as such.

What the analysis shows is that in the face of challenge from insurgents, the efficacy of police repressive action depended on the quiescence of third parties. When local Black people – who were neither authorities, nor direct participants in the insurgency themselves – challenged repressive action by police, it encouraged participation in the insurgency. When third parties stood aside, insurgency abated in the face of repression. Thus the effects of each action by insurgents and police, either fomenting or quelling the insurgency, were mediated by allied response.

In this Element I attempt to rigorously explain the micro-dynamics of emergence of insurgency in Ferguson, and explicitly theorize what I found. Looking toward the future, the theory and method advanced here are also intended to take preliminary steps to lay the groundwork for a predictive method of social movement analysis. Activists are always trying to assess the dynamics of their situation. On the ground, antiracist activists are constantly making predictions about the outcomes of potential action. What is at stake in any interaction? What kinds of practices will build influence and following? In the long run, my ambition is to illuminate not only how repression works – but how

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antiracist activists can more effectively build influence. Eventually I hope that developing and making available this predictive science of the micro-dynamics of insurgency will contribute to the dismantling of White supremacist structures.

That said, the aims of theElement are quite modest otherwise. I do not attempt to provide a definitive overarching explanation of the causes of the Ferguson uprising nor of its effects. Economic, political, and all manner of social processes at scales much larger and slower than the micro-interactions for nine hours on Canfield Drive influenced the emergence of insurgency in Ferguson.² And countless actions by countless actors in the subsequent days impacted the long-term trajectory of insurgency. As I am laying a foundation for real-time predictive analysis, I have sought to restrict my analysis to data that was publicly available on August 9, 2014. Many activists and scholars have already published aspects of explanations thatreach well beyond the temporal and processual scope of this Element, and many more such analyses are in progress.

The argument proceeds as follows. In Chapter 2, I present the research design, detailing the data used and sampling methods, and explicate my method of analysis. In Chapter 3 I present the substantive analysis of the microdynamics of the emergence of insurgency over the nine hours on Canfield Drive following the killing of Michael Brown. The substantive analysis is illustrated with links to videos and photos of the events discussed posted on social media. In Chapter 4, I theorize the micro-dynamics of contested legitimacy I have found in Ferguson. Drawing on theories of legitimacy and race, I build on insurgent practice theory to advance six propositions concerning the micro-dynamics of the emergence of insurgency, illustrated with examples from the preceding analysis. Finally, in Chapter 5, I draw lessons for antiracist activists.

2 Data Collection and Narrative Construction

I began this project aware of widely held grievances among local Black people with customary policing in Ferguson (Bloom and Frampton 2020; Department of Justice 2015). Informed by insurgent practice theory and my related previous studies (Bloom 2014; Bloom 2015; Bloom and Martin 2016; Bloom 2020), this Element seeks to understand how specific actions by insurgents, authorities, and third parties affected the efficacy of police repression, and its subsequent effects on the escalation of insurgency in Ferguson. This process should be visible in granular data on the interactive dynamics from the first hours of insurgency.

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 $^{^2}$ In this Element, I take these larger and slower processes – as they were present at noon on August 9, 2014 – as given and exogenous.

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The historically unprecedented richness of data makes it possible to unpack in detail the process through which specific actions by insurgents, police, and third parties influenced mobilization over these nine hours on Canfield Drive in Ferguson on August 9, 2014. In addition to news media coverage, many participants in the events in Ferguson that day video-recorded events as they unfolded and posted their recordings online. Moment-to-moment coverage makes it possible to review in detail thousands of interactions between insurgents, officials, and third-party actors at multiple locations from a variety of vantages throughout the day. No one person can be in multiple places at a given time, and generally news media only provide sporadic coverage. So in previous eras, it was never possible to access the extent of fine-grained coverage of interactions I was able to access – largely from videos posted on social media.

Beyond descriptive information concerning participant actions, social media data also provided two other kinds of information that were invaluable to my analysis. First, social media data allowed me to trace the social networks through which some subsets of activists and third parties were connected. How and when did specific individuals learn about events on Canfield Drive? Through whom? Who were they in communication with about these events? At what junctures did they decide to participate? And in what ways?

Second, social media data makes it possible to "get inside people's heads." Interpretive social sciences, including most forms of ethnography and historical narrative, approach social explanation by interpreting the understandings and meaning-making process of the actors involved. Customarily, these interpretations are inferred from the actions, including speech actions, of the social actors observed. But because participants reflexively narrate events to outside audiences on social media, often in real time, social media data provides additional access into the meaning-making processes of the actors, and how they change over time and in response to specific actions on the ground. Social media postings must be critically interpreted. Postings are performances for an audience and should not be mistaken for raw access to people's thoughts. But social media postings do provide a kind of moment-by-moment record about the reactions of countless ordinary people participating in events as they unfolded that was never available to study in previous eras. Similarly, social media provides access to the real-time reactions of a wide range of third parties, both those on the ground where the events are unfolding, locally in the greater Ferguson area, and those observing events unfolding on social media from afar.

The first challenge was to develop a highly detailed description of the sequence of events as they unfolded in Ferguson. Who did what, how, when, and where? In the sea of social media evidence, the precise timing and location of events is not always obvious and sometimes takes considerable effort to

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identify. Time stamps on the posting of video or photographic evidence of an action delimits the latest possible time an action could have occurred. But there can sometimes be considerable lag between an action and the posting of evidence. Especially when an action is sparsely discussed on social media, great care must be taken in inferring what time an action happened. The more attention an action garnered, the easier it is to identify the specific time the action occurred because for actions that garnered wide attention, many postings can be found with video or photographic evidence on the action, and often much of this evidence is posted almost immediately. To identify the location of an action, the satellite view and street view in Google Maps proved illuminating. By adjusting the precise location and perspective in the streetview on Google Maps, and comparing it carefully to photographic and video evidence, it is possible to pinpoint the precise location of various important interactions throughout the day. Textual clues, such as street names and signage on buildings, also facilitate the identification of locations. Using the satellite view in Google Maps, it is possible to situate pinpointed locations in geographical relation to one another. Thus the sequence of events can be traced through both time and space.

I used all the data available from August 9, 2014, to get the detailed sequence of events right. While I used data from a large range of sources, including newspapers, television, Facebook, Instagram, and Vine, the majority of the most illuminating data I found came from Twitter. Twitter data proved especially useful for a number of reasons – perhaps most importantly the fact that many of the locals in Ferguson that day were using it. But the character of Twitter also – as a public, on-the-record, archived, time-stamped, and searchable dissemination of real-time recording of and commentary on events, often with photos and video attached – made Twitter data especially illuminating.

Once I had adequately described a specific action by police, activists, or third parties, I sought to discover reactions by various individuals to these actions. I was especially interested in the reactions by people on site where the action was taking place. I also investigated reactions by other people in the area, people connected to those on site through social media networks, and those beyond. As I started to identify some of the key individuals who were monitoring events on the ground and posting reports on social media, I was able to trace the chronological activities and reports of these individuals in detail. The networks of key individuals often also led to discovery of other key individuals. While I may not have analyzed every one of the thousands of relevant social media posts, my intention was to reach saturation where additional data would not provide additional salient information. I believe I came close to saturation for these nine hours. As the analysis progressed, I was able to find fewer and fewer pieces

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of evidence that had significant implications for narrative construction. Toward the end, dozens of hours of searching yielded no meaningful insights. I believe it would be hard for anyone to discover facts from August 9, 2014 that would significantly challenge the sequence I have constructed.³

In addition to striving for "saturation" in constructing this narrative (i.e. assuring inclusion of relevant information), I also sought to achieve "salience." Which data, drawn from millions of social media posts and other sources, warranted inclusion? To construct a detailed narrative sequence of events, I used a process-tracing approach to begin probing the role of each action in the mobilization process. In process tracing, the analyst acts like a detective, using the available data to test a variety of substantive hypotheses linking hypothesized causes, and outcomes (Beach and Pedersen 2013; Bennett 2010; Collier 2011; George and Bennett 2005: chap. 10; Mahoney 2012). Rather than "one and done," I developed and refined my narrative iteratively (Abbott 2004: 15–26; Becker 1998: 172–207; and Ragin 1987: 164–71; Timmermans and Tavory 2012.) My aim was to develop a salient and saturated narrative – one that included all the relevant actions that would allow me to reason through the contribution of each action to the emergence of insurgency in Ferguson.

Unlike textual news data, or one-time observation, social media data preserves detailed visual and audible evidence from the scene that can be repeatedly revisited over the course of analysis. Inevitably, evidentiary or logical problems would emerge that would force me to revise my narrative. Iteratively, over time, I developed a narrative that I believe accounted accurately and coherently for all the evidence available.

The overarching research process has involved an extensive back-and-forth between theoretical development and empirical analysis. Informed by past studies and insurgent practice theory (Bloom 2014; Bloom 2015; Bloom and Martin 2016; Bloom 2020), I began the analysis with the substantive theory that the interactions between insurgent practice, police repressive action, and thirdparty resistance were crucial to the emergence of mobilization in Ferguson. I expected, specifically, that brutal policing institutionalized to protect White rule in predominantly Black Ferguson, in the context of a growing national discussion of the New Jim Crow and the structural racism of customary policing, was vulnerable to relatively standard nonviolent civil disobedience. But I did not know whether, to what extent, or in what manner that was true.

³ It is worth qualifying that by this I mean facts *available* on August 9, 2014. As described below, the narrative was originally constructed as part of a retrodictive analysis, and hewed to facts available on August 9, 2014, mostly social media postings from that day. Data drawn from later studies, including, for example, interviews with police about developments that day, would undoubtedly shift the narrative account to some degree.

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Over the course of analyzing my data, I developed the narrative analysis. Then, with the evidence and preliminary analysis in hand, I revisited and refined my theory, elaborating the theory of contested legitimacy presented in Chapter 4.

The motor of theory development is thus what Stinchcombe has called "deep analogy":

[As] conceptual profundity depends on the deep building of analogies from one case to another, we are likely to find good theory in exactly the opposite place from where we have been taught to expect it. For it is likely to be those scholars who attempt to give a causal interpretation of a particular case who will be led to penetrate the deeper analogies between cases (1978: 21–2).

3 Nine Hours on Canfield Drive

Preliminary Protest

At just before noon⁴ on Saturday, August 9, 2014, Michael Brown and Dorian Johnson sauntered down Canfield Drive in the Canfield Green apartment complex in Ferguson, Missouri. Canfield is a residential street and was not crowded. But it is the main road through the complex, and people were out, both in cars and on foot. It was seventy-five degrees and overcast in Ferguson.⁵ Brown was eighteen, and about to enter a new phase in his life. He had struggled to complete high school, and finished his last credits a week earlier in summer school. Brown was scheduled to enroll in Vatterott, the local technical college, that coming Monday to learn to repair refrigerators and install furnaces, so earning the diploma had been necessary.⁶

https://bloximages.newyork1.vip.townnews.com/stltoday.com/content/ tncms/assets/v3/editorial/c/e5/ce5ba308-ed68-5322-b826-87c8077d1476/ 5464cbb26ac2d.image.jpg?resize=331,282

Johnson was a few years older, and lived with his girlfriend and their daughter.

⁴ Times presented in text are local St. Louis time. Many times are calculated making inferences by crossreferencing timestamps of postings covering specific actions. Most of the Twitter timestamps are Pacific time. For local time in St. Louis, add two hours. However, the time zone is not always consistent, and depends on computer settings. To find an exact time for any given post, use the "data-time" found in the post's source code, as explained here: https://thinkmorebetterer.wordpress .com/2015/08/28/twitter-and-timezones/. Regardless of the time posted, sometimes posts are not at the same time as an action. Therefore, I was careful in making inferences about the time of events, rather than blindly pulling timestamps from Twitter to specify time of day of an action.

⁵ Weather data from www.wunderground.com/history/daily/KSTL/date/2014–8-9 (accessed on August 31, 2018) and inferred from videos. Many people wore short sleeves. Note an umbrella in French image of armored vehicle.

⁶ Wesley Lowery and Todd Frankel, "Mike Brown Notched a Hard-Fought Victory Just Days before He Was Shot: A Diploma," *Washington Post*, August 12, 2014. A call to Vatterott on August 31, 2018 confirmed that a high school diploma or GED is required for enrollment in the HVAC program in Missouri.

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Michael Brown, Activist

Held supportively by two young men, surrounded by press, Dorian Johnson recounted the sequence of events. According to Johnson, a police car pulled up, and the officer swore at Brown and Johnson, demanding that they "get the F on the sidewalk." Brown responded calmly but defiantly, telling the officer they were "not but a minute away from [their] destination and would shortly be out of the street." A small crowd, including long-time St. Louis activist Anthony Shahid, stood by listening (Fox 20140809d Dorian Johnson).

Johnson recounted these actions to the gathered onlookers and television cameras in a matter-of-fact manner, as if they were not unusual, and it should be obvious why he and Brown did what they did. Yet the story expresses open defiance of the law and an officer of the law. Brown and Johnson were participating in a very minor rebellion by walking down the middle of the street in the first place. This can hardly be considered an insurgent practice as they were advancing no transcendent claim. Perhaps it was an expression of young adult malaise. Or maybe it was muddy on the sidewalk. But when Officer Darren Wilson ordered the duo out of the street, and they refused, that defiance was weightier. Here was an officer of the state, armed and charged with enforcing the law, with the full coercive power of the United States behind him, and by Johnson's telling, the young men calmly refused to comply. Regardless of Brown's precise intention, his statement to the officer and continued defiance - walking down the middle of the road - constituted direct, active, and civil disobedience: a minor act contesting the legitimacy of the regulatory action of the officer who swore at them and ordered them out of the street.

Crucial in Johnson's account is the fact that the officer did not talk with the young men respectfully, but instead swore at them disrespectfully in ordering them to get out of the street. Johnson specifically says the officer ordered them to "get the F on the sidewalk." This construction is revealing because by using the letter "F" instead of "fuck," Johnson is not only communicating to his listeners that he found the treatment by the officer disrespectful, but also he is taking the moral high ground by not repeating the officer's vulgarity.

Here, the two young men holding Johnson as he speaks constitute supportive third parties. They were not involved in the initial confrontation, so they are not insurgents. But they are clearly taking sides. The larger young man to Johnson's left looks angry but calm as he steadily glares at the reporters, his right hand firmly supporting Johnson's left shoulder. The young man to Johnson's right stands slightly behind and angled toward Johnson. He looks agitated, his jaw set, and his breathing is heavy as his eyes shift between Johnson and the