

TACTIC

CITIZEN'S ARREST

What can people do when criminals or corrupt officials are beyond the reach of the law? Arrest them!

CONTRIBUTED BY

Beautiful Trouble Africa Team

The BT Africa Team encompasses the team of editors, contributors, and translators who came together to craft the New-PanAfrikanism edition of Beautiful Trouble, which documents the wisdom and experiences of African youth activists arising from the jam session that took place in Arusha, Tanzania in 2018. Download your free copy; available in English, Arabic, French, and Portuguese.

"AS WITH HUMOUR, WHERE YOU WANT TO "PUNCH UP, NOT DOWN," A CITIZEN'S ARREST IS A WAY FOR THE LESS POWERFUL TO HOLD THE MORE POWERFUL TO ACCOUNT."

"Laws are spider webs through which the big flies pass and the little ones get caught."

—Honoré de Balzac

A citizen's arrest is a type of direct action in which people place someone they deem a criminal under arrest. This "arrest" can be physical (surrounding the car of an escaping corrupt official until the police arrive to arrest him for real), symbolic (handing a DIY arrest "warrant" to a CEO whose lobbying efforts against healthcare reform are tantamount to manslaughter), and/or quasi-legal (the practice of citizen's arrest dates back to medieval English common law, in which sheriffs encouraged ordinary citizens to help apprehend law breakers).

In 2018, in Bushenyi, Uganda, Municipal Engineer Deus Baingana had been allocated nearly \$100,000 to fix local roads but had done nothing. Hundreds of outraged citizens marched on district headquarters. He ran to his car, and there was a scuffle. The citizens then surrounded his car and cut his tires (which was pretty funny because the whole thing was about embezzling money meant for roads). Eventually, he was indicted and forced to repair the roads.

In 2003, US President George W. Bush and UK Prime Minister Tony Blair launched an unprovoked war of aggression against Iraq that led to mayhem and mass murder. Yet, more than a decade later, neither have been held to account for their crimes. This grave injustice prompted British journalist George Monbiot to launch

POTENTIAL RISKS

Taking the law into your own hands can be risky. The person or persons you are trying to "arrest" may not take kindly to it. In spite of your best nonviolent discipline, obvious evidence of their crimes, iron-clad moral arguments, overwhelming public support, etc., they might resist violently. Also, local law-enforcement may feel their role and status is being threatened, and may respond forcefully. Finally, if your own people are not acting in good faith or with discipline, there's always the danger of things descending into mob justice. What can you do about these potential risks? Anticipate them and plan for them. Be transparent about your intentions. As much as possible, rehearse and train your team before your action. Agree on a

Arrest Blair, inspiring more than a few upstanding citizens to attempt citizen's arrests on Blair. Although the ex-Prime Minister did not consent to proceed willingly to the local police station, these "arrests" succeeded in drawing attention to Blair's heinous war crimes, and to challenge the culture of impunity that helped enable them.

Compared to the "hard" more militant example from Bushenyi, Arrest Blair is a "soft" version of the tactic, one that is more theatrical, performative, and symbolic. Other soft examples include the scene in *Capitalism, a Love Story* when political-stunt filmmaker Michael Moore tried to do a citizen's arrest of everyone on Wall Street. Similarly, in 2009, this author was involved in a Citizens' Posse action, in which a VIP posse of several union presidents attempted to enter a DC hotel where health insurance executives were holed up and make citizen's arrests for the crime of "manslaughter," for conspiracy to block health care reform.

The hard and soft versions of citizen's arrest involve very different levels of risk and vary considerably from country to country, and context to context. It should also be noted that the tactic can unfortunately also be used by the more powerful (and possibly racist) against the more vulnerable — for example, in 2019 when vigilantes along the US-Mexico border performed a "mass citizen arrest" on migrants and refugees. Which begs the question: What kind of ethics (see: THEORY: Ethical spectacle) should guide our use of citizen's arrest? Here's a start:

Arrest up, not down — As with humour, where you want to "punch up, not down," a citizen's arrest is a way for the less powerful to hold the more powerful to account.

Nonviolent — This is not a kidnapping, black ops, or act of terror or intimidation, and should not have the feel of such.

Intentional — Be clear about your motivations. Plan carefully. Stay unified. Follow the legal and cultural protocols involved — or if you choose to exceed them, do so with wisdom and deliberateness.

Transparent — Perform the arrest in public in the light of day. Clearly state your reasons and present your evidence. Even invite the public to witness (and/or participate in) the arrest.

Grounded — Do your due diligence. Make sure your rationale for the "arrest" is solid (and if necessary, well-researched.)

When we perform a citizen's arrest, we are literally (and symbolically) taking justice into our own hands. This is sometimes necessary, often empowering, and potentially dangerous. If we're clear on our goals, and follow strong ethical guidelines, justice will be in good hands.

decision-making system, and most important of all: Maintain nonviolent discipline.

In addition to these risks, there are legal risks, which vary from country to country. In some countries, making arrests as citizens is a legal right, but requires certain protocols be followed. If you plan on carrying out arrests legally, make sure you consult the law and deliberate extensively about the intricacies of the arrest, so that you are well prepared and your plan does not backfire. Wikipedia has a brief run-down on the country-specific rules, as well as offering this general warning:

"A person who makes a citizen's arrest could risk exposing him or herself to possible lawsuits or criminal charges — such as charges of false imprisonment, unlawful restraint, kidnapping, or wrongful arrest — if the wrong person is apprehended or a suspect's civil rights are violated. This is especially true when police forces are attempting to determine who an aggressor is. Private citizens do not enjoy the same immunity from civil liability

LEARN MORE

How to Make a Citizen's Arrest

Malia Wollan, The New York Times, 2016

<https://www.nytimes.com/2016/05/08/magazine/how-to-make-a-citizens-arrest.html>

when making arrests on other private citizens as do police officers.

Finally, remember that criminals — even those of the “legalize crime” variety — are notoriously skilled in dodging the long arm of the law. If your team wants to capture an opponent and put them behind bars, make sure that you have considered as many possible scenarios as you can, so that your target won't slip away scot-free.”

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- Replacing Cops with Mimes
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Tactics

- Creative disruption
- Hoax
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Principles

- Anger works best when you have the moral high ground
- Anyone can act
- Choose your target wisely
- Consider your audience
- Escalate strategically
- Maintain nonviolent discipline
- Put your target in a decision dilemma
- Shame the authorities by doing their job
- Show, don't tell
- The real action is your target's reaction
- Turn the tables
- Use the law, don't be afraid of it

Theories

- Abolition
- Action logic
- Direct action
- Framing
- New Pan-Afrikanism
- Prefigurative politics
- Theatre of the Oppressed

Methodologies

- Action star
- Peel the onion
- Pillars of power

TAGS

Action design, Corruption,
Democracy, Direct action,
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