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**Articles**

## Crowded Choreographies: From Assembly to Association and Back Again

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The young man tries to resolve the problem; what was the feeling he had that made him join this crowd, he who has never liked crowds? “These are my people,” he says quietly to himself. And again he realizes clearly: “I have no friends, I’ve never had any friends, but I have people like me. This crowd, these men, are my people.” (Assia Djebar 2005, 32)

It is only in a crowd that man can become free of this fear of being touched... The crowd he needs is the dense crowd, in which body is pressed to body; a crowd, too, whose psychical constitution is also dense, or compact, so that he no longer notices who it is that presses against him. As soon as man has surrendered himself to the crowd, he ceases to fear its touch. (Elias Canetti 1984)

In May 2019, Melissa Ziad danced alone. The Algerian ballerina posed *en pointe* in a street of Algiers. In a black leather jacket over a crimson leotard paired with dark-washed jeans, her *retiré en pointe* was both pedestrian—in the lexicon of ballet—and striking—outside of the studio and staged in the context of the Hirak demonstrations.<sup>1</sup> Her eyes cast downward to the camera in a confident expression of willful defiance, as her torso obscured a national flag. Several men stood behind, most with their gaze directed to her, the center, as though both surprised and impressed. Their attention mimicked the scrutiny of the world that recognized her grace and elegance. A “ballerina of hope,” labeled the news (Smail 2019). “Poetic protest,” posted the photographer, Rania (G. 2019). She added to her caption: “You can only gain your freedom by showing the enemy that you’re willing to do anything to achieve it.” In a world ravaged by grief and grievances, a pointe shoe facilitated her political “anything.”

Elsewhere in the capitol city (and later, on that same street), the Hirak protests continued, an unprecedented durational event against the fifth term of then president Abdelaziz Bouteflika. Scenes en masse unfolded as the avenues filled with bodies assembled in the name of change, protesting normalized corruption, elite authority, and soaring unemployment. Each Friday, for more

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than two years, hundreds of thousands demonstrated throughout the country. Row after row, avenue after avenue, bodies jostled tightly together in improvisational unity. The movement forced Bouteflika's resignation and spawned a series of fraught elections and constitutional reforms that, amongst other changes, restricted Algerians' right to assemble.<sup>2</sup> At its peak, several million gathered. At times it was an international affair with protests in diasporic solidarity across Europe and the world. There were also moments when peaceful co-occupation erupted into flames, moments when the numbers waned, and moments when a ballerina danced.

Performed simultaneously and for a common cause, these two interrelated events expose a less obvious difference. For Ziad, the solo performance was framed by the media as a utopic utterance of hope, a docile dance that could mobilize public morale but was defanged of political danger. In contrast, in the mass moments of the HIRAK, arrests proliferated and human rights were violated by government authorities. According to the Comité National pour la Libération des Détenues (National Committee for the Liberation of Detainees), several thousand protestors, journalists, and activists were detained, often for arbitrary and uncited causes, despite Algeria's constitutional guarantee of freedom of speech and assembly.

Motivated by these contrasting reactions, this article considers the legal anxiety about the plural body as opposed to the individual performance presented by Ziad. Specifically, it considers the blurry parameters surrounding the right to assembly, first constrained by crowd theory and then by the more nascent introduction of associative rights. Assembly, in this context, signals the moment in which the public becomes constituted, rendered both legible and visible to itself and to a governmental gaze. The international circulation of Ziad's image facilitated this recognition—a literal snapshot of the individual intricacies that together coalesce to perform the crowd. Assembly also accounts for the tightening of political controls at that juncture, not least as evidenced by state violence in response to the HIRAK. In legal and social theory alike, this anxiety toward the collective plays out across nefarious motivations and pernicious consequences as rights ebb and flow at the whims of leading political authorities. Yet the balletic figure holds the potential to bridge these two states: individual performance and public assembly, disciplined body and unruly mass, constitutional form and constituted power. To simplify a collection of protesting bodies into an anonymized mass is to review an ensemble work without describing the individual dancers who, together, execute the choreography. Such reduction flattens lived experience, personal motivations, and unique repertoires and allows crowds to be discussed in dehumanizing terms. Motivated by the need to reconcile these contradictions, I invite a conversation between legal studies and lawful forms, on the one hand, and dance studies methodologies and perceptual frames, on the other.

I follow a comparative study of assembly in the United States and Algeria—two countries where the protections for assembly have been eroded. In the United States, the right to assembly has been covertly (if perhaps innocently) lost to the freedom of speech in the absence of its legal attention; in Algeria, more overt and flagrant breaches of human rights have led to its zealous appeal despite constitutional guarantees. Both countries, though, share revolutionary histories in which public assembly—violently or not—marked a founding moment on their respective timelines of self-governance.

Noting these resonant histories, this article begins with a critical return to crowd theory and its fear of touch to understand the stakes of being able to gather, *together*. This framing sets the stage for values of proximity that motivate me to parse the “right to assembly” from the “right to association,” two terms blurred under legal interpretation yet distinctly separate when viewed through the lens of dance studies. I then elaborate this distinction via discourse on copresence and the composite body, in order to challenge legal anxieties that anticipate violence when viewing the crowd. Framed beyond the lens of fear prompted by crowd theory, we can learn to read protesting bodies as an activation of constituent power contra the force of constitutional forms.

## A Touch of Legal Anxiety that Echoes Crowd Theory

Legal ambivalence about the right to assembly permeates Algerian history—an oscillation between legislated permission and legitimated policing, at times an ominous conflation with freedom of speech that eclipses the body entirely. In reviewing records from Algerian detainment throughout the Hirak, there was a glaring absence of description about the actions and experiences of the physical bodies of those who participated in the protest. Rhetoric alone was enough to condemn; more than fourteen thousand individuals were detained on vague charges of the penal code.<sup>3</sup> As of May 2021, demonstrators' routes *and* slogans had to be preregistered for the assembly to be deemed legal, echoing this logocentric preoccupation that saturates legal methods. An anxiety about language continued to influence policies of assembly beyond the corporality of those there and then, as journalists in particular were arrested as means of censorship a priori to any violence or escalated behavior. To be interpellated by the Algerian State then, in light of these policings of the right to assembly, suggests an anxiety regarding expression that at once privileges the logocentric yet also presumes inciting behavior that could “harm national unity” under Penal Code Article 79 or “offend public officials” under Penal Code Article 144. Although I read embodied presence as itself an expression of a political force, it was often linguistic expression that was most overtly restricted, as if lawmakers were not able to articulate particular actions that endow the body with its expressive power. The body of the people became both too much (to control) and not enough (to effect change in a legible manner).

State anxiety toward protesting crowds replicates a broader discourse on crowd theory in which the body remains misunderstood. In part due to the mob mentality that marks the origins of its theorization, crowds have traditionally been framed as impressionable, excitable, and hysterical, which is to say, affectively illegible to scholars and legal practitioners alike who view it in terms of collective rage. First theorized by French socio-psychologist Gustave Le Bon at the end of the nineteenth century, crowd theory established two axioms: (1) that the crowd should be theorized from a psychological (as opposed to a physiological) framework, and resultingly (2) that in the crowd, the individual loses his sense of consciousness and becomes part of a unruly, impulsive, and immoral mass that operates outside of rationale (Le Bon [1896] 2009). Absent has been the question of the somatic, the fleshed experiences of its citizens that generate kinesthetic knowledges. Le Bon's title, *The Crowd: Study of the Popular Mind*, itself points to this duality by articulating the crowd via the popular mind rather than public body.<sup>4</sup> Instead, preoccupation with uncontrollable frenzy leads scholars to a normative position that crowds cannot, on principle, be intelligent, rational, or, for participating individuals, valuable. However, critiquing that which is too embodied as inherently irrational neglects alternative potentials of shared proximity, collective catharsis, and political assembly that can lead to newly important articulations of and for the constitutive public. Indeed, legal scholar Larry Kramer's *The People Themselves* reveals how judicial announcements have historically triggered celebration and “extravagant marks of joy and exaltation,” including bonfires, festivities, and other carnivalesque behavior, showcasing how the law is both causally and correctively involved with the crowd (2004, 3). Yet an unbridled fear of the agitated body exudes public discourse, and the right to *assembly*—functionally the right to form a crowd—has been repurposed as the psychological or at least ideological protection of the right to *associate with*.<sup>5</sup>

Le Bon, theorizing from the end of the nineteenth century alongside theorists such as Charles Darwin and a young Sigmund Freud, wrote in the shadow of the Second French Empire, when revolt by the working class threatened the elite. Le Bon's study of mind was later repurposed by fascist leaders, including Adolf Hitler and Benito Mussolini, casting his work in a trajectory of malevolent use (Nye 1973; Tagliavia 2013). Crowds have consequently been read as violently ecstatic, including some dances even when clearly choreographed and contained on/by a concert stage. Printed at the time of the Hirak, reviews for *Les Indes galantes* (2019) reflect this predisposition, with Clément Cogitore's subversion of the colonial gaze via krump circles at the Paris Opéra read as angry baroque spectacle, let alone the historic use of collective action in Vaslav Nijinsky's *Le*

*sacre du printemps* (1913) that startled and upset its public.<sup>6</sup> Informed by crowd theory then and now, the undiscerning viewer has interpreted these works reductively, as only affairs of collective chaos.<sup>7</sup>

This excess becomes an entry point for reconsidering crowd theory and its relationship to the right to assemble, be it an image labeled as a “ballerina of hope” or others elsewhere as nefarious rioters and looters. Countering this ominous forecast that condemns the assembled body to a frenzied fate, literary scholar Elias Canetti would cede that “without a doubt criminal crowds exist,” but continues on to argue that “*virtuous and heroic crowds, and crowds of many other kinds, are also to be met,*” thus pivoting from Le Bon’s overwhelmingly critical view of crowds toward a more democratic, and even docile, potential (1996, 9; emphasis added). However, the dividing line between the “malevolent ‘mob’” and the “righteous protest” frequently defaults to the desire of political endgames, despite the fact that their differing gestures seem overtly distinguishable to a choreographic eye (Khalil 2014, 8).<sup>8</sup>

In 1960, Canetti opens *Crowds and Power* with the prophetic phrase: “the fear of being touched” (1984, 15).<sup>9</sup> For societies now familiar with pandemic constraints, this fear reads claustrophobically familiar, as the possibility of a return to pre-pandemic postures feels nearly out of reach. The fear of contact—both physical and residual, with specters of touch lingering in radial zones of six feet—penetrates deeply into post-2020 norms. From heated flames of rampant wildfires that devastated the landscape, to aggressive prevalence of police brutality that sustained systemic racism, to contamination from an unseen virus that spread worldwide, the fear of being touched has been negotiated on individual and governmental levels as many sought collective respite. Across these environmental, biological, and social forces, new rituals of distance rescripted spatial norms of proximity, with the result that intimacy remains as politicized as ever.

Canetti posits that, conjoined in the crowd “in which body is pressed to body,” harmony and surrender occurs, a sublimation of mind and matter that contradicts both historical and contemporary anxieties about proximity. He theorizes crowds within the logics of affect that, as Brian Massumi observes, operate “in excess of any narrative or functional line” (2021, 26). Further articulating the affective entanglements in her notes on the performativity of assembly, Judith Butler suggests the inevitable relationship between fear and hope manifested through public display (2015). Where affect theory and dance studies collide, the legal must be informed by diverse attentions that can account for the nuanced range of possibilities.

Trained as a dancer since childhood, I appreciate the inherent joy of movement and the desire to move with others that extends to professional performers and passing pedestrians, including, as so often experienced, in protest. I acutely understand the ability to satiate curiosity through physical participation, finding answers through kinesthetic enactment rather than more passive observation; through physicalizing the movement, I can approximate the experience of those around me.<sup>10</sup> Touch becomes central to how the dance is built. The dancer trains to make her body available to contact, anticipating that at any moment someone may reach out to touch, hold, grab, and offer their weight in a gesture of trust, not aggression. The fear of being touched, ironically assuaged by proximity, dissolves when in the presence of others. Skin-to-skin contact becomes remapped as a site of care, information, activation, and support. Touch in dance can bolster one’s sense of privacy as boundaries are mapped, rather than assaulting (though violent touch unfortunately saturates dance spaces, too). Yet this knowledge remains absent from dominant trends of crowd theory psychologies, in which violence has been scripted as inevitable (and police force thereby a foregone conclusion).

Across dance and crowd studies, touch becomes imperative for knowledge production, stability, and tranquility. It is precisely this seeming spontaneity and improvisational logic that dance studies clarifies (perhaps most overtly in the domain of contact improvisation but not exclusively), such

that compulsion can transform into carefully learned behavior, and fearful anxiety can dissipate.<sup>11</sup> “It is by walking that we learn to make the revolution,” reads a slogan of the HIRAK, affirming the need for somatic education within political action (Djelloul and Mezoued 2019). The unity within crowd formations resembles the satisfying unison moments in dance—a hallmark of corps de ballet tradition, flash mobs, and other forms—as a choreographic trope known to animate the appetite for participation in the nondancer, the spectator, the public. However, the spectacularism of the spontaneous crowd exceeds the stage, and the tantalizing questions—Who choreographed that? How did they appear? How did this coordinated action come into being?—often remain unanswered, or at least uncited and unseen. “And as usually happens with a crowd that feels alive” wrote French-Algerian novelist Assia Djebar, “no one can say who was the first to take the initiative” (2005, 31).

Elias Canetti did not write of dance, and his work has not been frequently discussed in dance studies, but the parallel motifs are more than implicit.<sup>12</sup> The connection with skin, flesh, and desire rings loud in my head when reading Canetti on negotiating between distance and proximity, and prompts me to consider relevant work by dance scholars.<sup>13</sup> If affect studies, cued by the centrality of fear, provides a rich tannin to Canetti’s work, then an under tone of cognitive reception, cued by the dual emphasis of touch, suggests overtones of kinesthesia and corporeality. Bodies pressed to bodies, the fear of being touched dissipates as more knowledge is gained and communicated; “the body as sensible and the body as sentient,” wrote Maurice Merleau-Ponty decades ago (1968, 136). To articulate fear (affect) and touch (corporeality) via the methods of dance studies allows us to balance the paradoxes of proximity-distance, individuality-collectivity, and materiality-ephemerality that inform the regulatory laws on crowds and that otherwise perpetuate social anxieties (not least as seen in the contrasting receptions of Ziad’s dance and the larger protest. The affect of hope falls from state rhetoric when the singular body scales toward the masses even when intent remains the same).

However, crowd theory unintentionally sets us on a trajectory to treat assembly not as a welcomed right, but rather as a source of fear and violence. This anxiety consequently forecloses the possibility of nonviolent dissent—or legal and peaceable assembly intended to be protected under the First Amendment. In *The Protest Psychosis*, for example, Jonathan Metzl reveals how civil rights protesters were categorized as schizophrenic so they could be institutionalized for their disorder (2009). We see this fear played out in the HIRAK in moments of escalation, as well as in the summer of 2020 in the United States when tensions rose between protestors and police, as violence was anticipated in advance of actual evaluation of the gestures at play. There, in assembly, the mercurial personality of crowds exemplified legal performativity and state authority; naming crowds as violent, uncivil, or disobedient justified retaliative behavior that fulfilled the agitated prophecy. This calls to mind André Lepecki’s point that “‘body’ and ‘presence’ trigger additional disturbances in critical and artistic fields: incrementing agitation, instability, and divergence” (2004, 2). With assemblies lodged in the public mind as a site of threat, recent calls to defund the police articulate a desire to defund fear (Norris 2021). In this affective economy of justice, conceptions of touch and being touched assume heightened importance. Future research on de-escalation techniques is merited, but for now I simply attest that before the methods of crowd theory can shift perceptions of assembly, its field must be revived.

Returning to Ziad’s HIRAK image, her legibility as a technical ballet dancer resists the distorted and predisposed fears of crowd theory. This specific performativity, which begets a European classical tradition, counters the conclusions of crowd psychology centered on agitation, irritability, and impulsiveness (Van Ginneken 1992; Le Bon [1896] 2009). It instead indexes discipline, control, and restraint. To remain suspended in that moment, such that only her hand that blurs but not her retracted foot, requires muscular control of the leg, a kinesthetic and proprioceptive awareness awarded only after years of training. Through the visibility of ballet technique relocated to the street during a moment of public demonstration, I am confronted by the fact that the dancing and

protesting bodies, though in many ways distinct, are related. She reveals shared physical strength, a willingness to be seen, and a command of public space. Her choice to perform *en pointe* indexes her form as a technical body that resists conceptualizations of crowds and singular protesting bodies as unruly, unorganized, and inevitably violent.

To foreground Ziad as a ballerina rescripts her participation as technical, outside of narrow discourse of crowd theory even though a crowd gathered around her. The “hopeful” label positions her as a participant in productive futurity even while her technical command *en pointe* demands recognition as a trained professional who operates outside of such gendered logics. Randy Martin articulates the complex politics of such a technical body:

For mastering a technique develops the fluency in practice that loosens the mixed hold on the body initially commanded by that very technique. Surely this contradiction does not necessarily translate into a politics that challenges state authority, particularly if the pleasures of accomplishing a given bodily practice are identified with the law of technique—the juridical structuring of opportunity—that assigned credit to the existing state order for what the citizenry accomplishes by dint of its own collective labors. (1998, 20)

Yet precisely because of the tension of her figure—of a colonial form presented as radical in a post-colonial world—Martin’s words catch on themselves, choked by the possibility of Ziad’s scene. In contrast to other peaceful protestors of the HIRAK who were arrested and not celebrated, her *pointe* shoe signals the law of technique that, in Martin’s words, opens to a “juridical structuring of opportunity.”

Yet once amplified toward a crowd, nuanced comportment seems lost to legal authority, and anxieties around crowds, masses, and mobs arise instead. Ironically, US laws have also criminalized the still and resting individual through a racialized introduction of vagrancy and loitering laws that police the idle body. However, the balletic ensemble—unlike other scriptings of assembled bodies that also serve as inciteful verbs (to crowd, to mob, to swarm, to gang up on)—casts a peaceable and trained tone over crowded events. It implies dedicated training, prior rehearsal, and collective composure; legal authority seemingly conflates the technical body with the disciplined body, allowing anxieties of crowd theory to recede. In reviewing Nicola Conibere’s *Assembly* (2013), Ramsay Burt notes that “rather than being separated from each other by the tape, dancers and spectators could both feel involved in and mutually responsible for the way *Assembly* proceeded. Each change altered the rhythm pattern of the space so that the room was the scene of a dynamic series of ever shifting processes of interactions” (2018). Affirmed by language that underscores the collective participation in and responsibility for assemblies, I read crowd studies within dance studies because it helps bridge the quotidian and pedestrian with trained and stylized gestures of crowd behavior; that is to say, it helps render legible the articulation of surplus energy and emotion of crowds, instead of reducing it to frenzy. As we turn from this history of crowd theory to the legal right to assembly—both of which purport to center the people as mass—critical understanding of touch falls from view, but the anxiety remains behind.

## Between Assembly and Association, Algeria and the United States

In the final days of the 2021 term of the US Supreme Court, judges ruled 6–3 on the decision on *Americans for Prosperity v. Bonta*, effectively deeming required donor disclosure a burden on a nonprofit’s First Amendment rights. In his opinion notes, Justice Clarence Thomas paid reference to the right to assembly, reminding us of the First Amendment’s constitutional language that Congress shall make no law “abridging the freedom of speech, or of the press; or *the right of the people peaceably to assemble*, and to petition the Government for a redress of grievances” (2021).

Although Thomas quickly moved into a related discussion of the right to associate anonymously, this gloss is significant: the US Supreme Court has not addressed an assembly claim since 1982, and it has only mentioned it in briefs a handful of times since.<sup>14</sup> Rather, in the United States, this corporeal freedom has been modified as the symbolic freedom of association, and further elided by emphasizing freedom of speech: a corporeal concern lost, if not disavowed, too. This is indicative of a larger trend in legal humanities of privileging the linguistic, rhetorical, and literary methods over contributions of dance studies: of ephemerality, kinesthetic knowledge, somatic memory, corporeal legibility, rehearsal, performance, presence.

John Inazu, a leading legal scholar on the right to assembly, noted this new attention with eagerness, having written nearly ten years prior that “recovering the vision of assembly remains an urgent task” (2021; 2012, 5). That same year, Hayden White quizzically mused: “Am I wrong or has anybody else noticed that police clearing of Occupiers and Flash mob participants violates the First Amendment—not the Freedom of Speech or Right of Petition parts but the Right of Assembly?” (2012). Judges, legal scholars, and literary critics stress the necessity of the right to assembly, but fewer scholars from performance studies, theater, or dance have spoken out about the urgent nature of the legal misinterpretation of the right to assembly despite its clear performativity. A key exception may be Judith Butler’s notes on assembly, although in her own words, she does not attend fully to its legal nature and only mentions the related laws of association in footnotes (2015). To me, as a dancer and performance studies scholar invested in expression of the public body, the historical process of conflating assembly with association (and subsequently speech) not only points to the absence of attention to the body under law, but to the larger neglect of legal studies to fully appreciate the distinction between body and text, a nuance of performative speech acts theorized *ad infinitum*. Notably, speech act theory emerged as the right to assembly began to recede from legal attention, the latter superseded by association and later by free speech itself, as theorists elsewhere called for language’s performativity.<sup>15</sup>

In contrast to assembly, association shifts attention away from the corporeal protection intended of assembly toward the ideological and the linguistic. That is, association implies a desire to *identify with*, but not necessarily a need to *be with*—to share space synchronously. Returning to *Americans for Prosperity v. Bonta*, in which financial traces associate donors, or to the Algerian state’s anxiety about the formation of new political parties,<sup>16</sup> association implies an affiliation that has little to do with coordinated activity in public space. From this perspective, we might view association as relationality severed from the body, and more generally, a detachment from shared embodied experience. From this legal parsing, then, assembly becomes the unique right to gather together, to share public space, a protection of the polis and a manifestation of the Arendtian belief in the space of appearance.<sup>17</sup>

It is then apt to state that the right to assembly is neither speech nor association, but both at once. As a verb, *assembly* exemplifies the process of coming into being-with; as a noun, its meaning shifts to signal the multitude that exists even when not together. It includes the opportunity to be affirmed in one’s beliefs, intuitions, and experience; to sense hesitation, scarcity, and dissonance; to respond and engage in real time, rather than as discrete, autonomous individuals. Contra the isolation felt during social distancing precautions of pandemic life, assembly allows us to sense the needs and precarity of the collective, to feel one another, to touch and be touched. It’s politics as collaboration. The irony is that, against language that villainizes the mob, proximity can allow for more intimate readings that break us out of an isolated echo chamber or algorithmic feedback loops that sow division.

Scholars have theorized this distinction in terms of the relation between the *constitutional* identity of a people, one the one hand, and the separate but related (and often entangled) *constituent* power of the people on the other.<sup>18</sup> Writing for dance studies, Susan Foster and Randy Martin confirm the constitutive potential of flesh when they articulate bodily matter as signifying agent.<sup>19</sup> Put simply,



constitutional form centers on the rhetorical authority of a legal document, whereas constituent power attends to the material force of power: the constitution and its constituents as inseparable entities. The distinction between assembly and association exemplifies the slippage between the two and is evident, as well, in media representation. For example, NPR published an article, “Critics Say Anti-Protest Bill in Florida Threatens Freedom of Speech,” which referenced a 2021 anti-mob bill signed by Florida’s governor. This title once again omits the significance of the right of assembly as separate from speech (Allen 2021).

The conflation of association and assembly, as charted by Inazu, is not isolated to the American legal context. Rather, it reflects a wider lack of rhetorical rigor when discussing the political valence of the public body. This is apparent in Algeria, where the very anticolonial government instated by the people perversely discriminates and suppresses anti-government sentiments that fueled the Hirak and Ziad’s solo performance.<sup>20</sup> Such conflation was exemplified by attention to linguistic censorship during the Hirak in spite of the masses *en scene*, as legal authority seemed unsure if constituent power of the people was found in their messaging, or in their gathering itself (Rachidi 2021).

For legal scholars who assume that linguistics is communication’s primary form, the right to association becomes a legitimate substitute for the right to assembly, and the emphasis on the right to free speech a logical next step. Yet as Butler notes, “The assembly is already speaking before it utters any words,” and the question of speech acts explored in *Excitable Speech* returns to the legal arena front and center via a turn toward constituting acts (2015, 156; 1997).<sup>21</sup> Speech and conduct cases more broadly elide this distinction as they redefine speech acts—at least a performance studies understanding via performativity—as an all-encompassing form of expressive conduct, inclusive of symbolic speech and action alike.<sup>22</sup> Consider that US Chief Justice Earl Warren and Justice John Marshall Harlan II affirmed that sit-in behavior was speech, and thus permissible and protected in their ruling on civil rights era protests (*Garner v. Louisiana* 1961). If this ruling offered bodies new legibility within the law, dance scholars resist the idea that expressive conduct is synonymous with language as it functions in a separate domain of spectatorship, ephemerality, and subjectivity (amongst other imperative distinctions).<sup>23</sup>

In contrast to the United States, where the right to association does not appear in the text of the constitution, association and assembly were written into the Algerian constitution as separate freedoms, appearing side by side as though no distinction in practice was required. The right to association first appeared in Algeria’s 1989 constitution alongside freedom of expression and assembly (having previously appeared in heavily qualified terms in 1963).<sup>24</sup> In 1990, this right was more thoroughly articulated as distinct from assembly in the Association Act. This twilight year corresponded to the first time in Algeria’s postcolonial history that multiparty elections were allowed. However, they were soon followed by a ten-year civil war when votes for a new political association called for the reigning regime to be ousted. An estimated 150,000 lives were lost; the incertitude of loss only further indicates state dismissal of the body. Following this civil war and the political demonstrations of the Kabyle Black Spring, a ban on demonstrations was enacted in 2001. Although this state of emergency was formally lifted in 2011, expressive freedoms in Algeria remain conditional on religious, cultural, and national values.<sup>25</sup> The state’s relationship to assembly continues latent memories of violence and loss, contra experience in the United States, where First Amendment rights have been viewed as imperative for revolutionary causes against British forces and thus protected from the outset.<sup>26</sup> Without belaboring this turbulent history, the conflation of language and the body as equivalent forms of expression continues to occur in spite of the separate historical orientations toward assembly in the United States and Algeria.

But the temporal grammar of these histories matters, as bodies and their distinctive presence have become eclipsed by selective state memory. As Jacques Derrida writes,

In these situations said to found law (*droit*) or State, the grammatical category of the future anterior all too well resembles a modification of the present to describe the violence in progress. It consists, precisely, in feigning the presence... It is precisely in this ignorance that the eventness of the event consists, what we naively call its presence. (1992, 35)

Anticipating crowd violence, Algeria's anti-mob bill assumed a future scripted as violent before it was ever made present. "Law is the projection of an imagined future upon reality," writes legal scholar Robert Cover in his writing on violence and the word in legal interpretation, anticipating Derrida's essay (1986, 1604). To resist this inclination to imagine violent futures in line with the anxiety prompted by crowd theory, I suggest a constant return to the present: the actual event, the performance, the live, the dance that operates outside of literary and psychological logics. From the codified site of the dance studio, we can begin to reconcile the paradoxical fear-of-being-touched yet desire-to-participate that propelled Canetti's scholarship and that fuels the distinction between permissible laws of association and heavily policed moments of assembly. Subsequent values of spectatorship, dance reception, and audience practice lends us a less escalatory method as they rehearse legal interpretation rooted in the actual, not the anticipated. Legibility of Ziad as a technical body demonstrates this potential as her protesting form was received with international acclaim, without the anxiety that swirled other descriptions of the unrest.

This trend to center the anticipated over the actual carries over into analysis and interpretation of legal language, not least in ambiguous terminology surrounding both assembly and protest; obedience and disobedience; peaceable and non-peaceable; violent and nonviolent; lawful and unlawful. These false binaries of criminalization have been left to the subjective interpretation of law enforcement, without nuance of gestural legibility or appreciation of the choreographic element implicit to each.<sup>27</sup> Therefore, racialized imaginaries broadcast a particular vision before reading the scene for its gestural cues. Legal scholars and critical theorists alike repeat this bifurcated understanding, as they fail to include alternative methods that center the body. Robert Cover asserts that "we inhabit a 'nomos'—a normative universe. We constantly create and maintain a world of right and wrong, of lawful and unlawful, of valid and void" (1983). Writing of a European context, Walter Benjamin points to the arbitrary assignment of these legal categories when he writes that "the meaning of the differentiation of violence into legitimate and illegitimate is not immediately clear" (1996, 41).<sup>28</sup> More specific to the context of crowds, legal scholar Tabatha Abu El-Haj further underscores the arbitrary nature of "peaceable" in American legal tolerance for "peaceable assembly," and public researchers at Amnesty International decry the arbitrary policing opened by the added constitutional requirement of protest permits in Algeria; read together, these scholars critique the interpretative commitments of law.<sup>29</sup> Such rigid categorization inevitably evokes bias so often along racial, gendered, and class-based lines, when it fails to follow to post-structuralist logics of performance and dance studies that allow for the fluid, the fleeting, and the indeterminable.<sup>30</sup> Not everyone can wear pointe shoes; not all bodies look like swans.

In spite of these ambiguously defined categories of comportment, legal frames still suggest the false promise for neutral taxonomy, including the Algerian legislation prohibiting "unarmed gatherings that disrupt public tranquility" (*Code Penal 2005*). The clause "public tranquility" leaves room for interpretation: Whose public? Whose tranquility? Here violence is implicitly defined as violence against the state, not as violence that the state itself carries out. Such neutralization of the position of violence (as only ever in the public and never by the state) allows for structures of power to remain in place (as *tranquility* becomes synonymous with *status quo*) and for transgression to be transferred to the individual.<sup>31</sup> Abu El-Haj notes that "crowds that form to respond to perceived abuses of governmental power are always disruptive," foreclosing the very potential for a legal, protesting body under rhetoric of the penal code (2015). Absent from this language is the need to protect the unfamiliar and the unstable, to allow for discomfort as a process of civic and civil growth; protestors at the HIRAK paid the consequence when they failed to conform to codified aesthetics like

the “ballerina of hope.” Rather than reject such language, however, my aim is to interject with a greater attention to the body such as those learned in the dance studio so as to recover the constituent power of the assembled and overcome the fear associated with the crowd.

“Something important is lost,” writes John Inazu, “when we fail to grasp the connection between a group’s formation, composition, and existence and its expression. Many group expressions are only intelligible against the lived practices that give them meaning” (2012, 2). The fraught interpretation of the right to assembly during the HIRAK was further compounded by the manifest presence of COVID-19 that, worldwide, led to the disavowal of gatherings under the name of public health. Although some countries, including the United States, allowed assembly as protest under COVID restrictions, others, like Algeria, banned assembly all together. Yet the continued desire to gather together in spite of the nascent fear of transmission, as well as the fervent legislation against assembly, suggests a shared understanding of the potential for the body to signify in excess of mere association or language, legitimizing what performance studies has long known to be true: that something magical happens in the live. This conviction allows the reassessment of the value of assembly as discrete from association—the lived practice emphasized in Inazu’s citation.<sup>32</sup>

Ziad might have danced alone in Rue Didouche Mourad but, armed in the repertoire of ballet, her disciplined body emerged from the ensemble, her powerful stance indexed a legacy that exceeded her individual form.<sup>33</sup> Although ballet is more commonly associated with Paris, Moscow, or New York, in Algiers it signals the legacy of colonial import, and consequently, Ziad’s dancing conjures solidarity with other similarly trained bodies around the world.<sup>34</sup> Protesting in the lexicon of ballet, with its implied citation of a plural body, transforms the solo, poetic, and delicate figure; she lands with more political force and risk as an action of protest because her individual body implicitly beckons assembly. I squint my eyes and the anonymous males of the background join in the dance: a semicircle of the corps de ballet in matching dark pants swirls behind, someone holding the flag to offer the framing of a curtain, the red of her leotard in pithy repartee with the red star and crescent of the national symbol. With her hair down, it could be the end of act I in a street performance of *Giselle*, but her own caption articulated another intention:

Subversive art is the artform known by societies during revolutionary periods and intended to modify the existing system by illustrating its faults or by promoting different or even antagonistic values. An alternative to the dominant system can be expressed through artistic creativity, thus initiating a revolution of the modes of thought. (2019)

A performance became a call to action, an invitation to dance that echoed a common idiom to a plural address of societies: if we can’t dance, then we don’t want your revolution. A call to assembly—a call to the many in the one.

## One Hero, The People: The Composite Bodies of Assembly

Not only can dance studies methods amend crowd theory and legal decisions toward assembly in important ways, but reflexively, such theorization can in turn inform theories of performativity. When Judith Butler, Eve Sedgwick, and other critical theorists consider performativity within the context of identity formation, they center the individual. This perhaps has origins in J. L. Austin’s illustration of a performative utterance: here, the matrimonial words *I do*, in which the first person takes precedence (1975). However, Randy Martin, by framing the performativity of a movement (in this context, assembly), takes an important step to extend its solo status to the ensemble and the possibility of collective action of the people: “Production is what dancing assembles as a capacity for movement, and the product is not the aesthetic effect of the dance but *the materialized identity accomplished through the performativity of movement*” (1998, 4;

emphasis added). There lies, then, a distinction between performative language and plural performativity. The latter requires *shared or distributed* maintenance for stabilization, whereas the former can create new reality in a single utterance by a single individual.

With weekly repetition for more than two years, the reiterative performance of the HIRAK exemplified the performative power of collective gathering. The embodied action more than stabilized a democratic identity for the state *if and only if* permitted, but its ambiguous status blurred the distinction between theory and practice, between articulation and action, between “collective right of assembly [and] the individual right of free expression” (Abu El-Haj, n.d.). The singularity of the event as unified across its weekly instantiations suggest a generalized performativity, whereas the mass of bodies in assembly amplify the repetition (or replication) into a plural production. In each moment of assembly, an utterance was made not once but many times over, one often so political and powerful that the state felt compelled to police even in the absence of physical escalation.<sup>35</sup> There exists, then, in assembly, an illocutionary force regardless of the perlocutionary effect.<sup>36</sup>

This force is at the center of the distinction between assembly and association, as the intent to gather together manifests itself through collective performance. Assembly, whether forgotten altogether or heavily policed, rears itself as the liminal/ephemeral revolutionary moment noted by Derrida “in which the foundation of law remains suspended in the void or abyss, suspended by a purely performative act”: the democratic distinction between being present or represented, how we’re made manifest (1992, 36). Beyond processes of representation, however, assembly becomes a performance of being-with, and as dance scholars would assert, a physical means of solidarity, corporeal labor, and technique of both improvisation and liberation (Goldman 2010; Foster 2003; Banes 1993).<sup>37</sup>

Viewed in this manner, the HIRAK demonstrates the right to form an ensemble, or a troupe if we follow the French translation of *attroupelement* designated in the Algerian penal codes (simply التجمهر, *al-tajamhur*, or “crowd” in Arabic).<sup>38</sup> Be it a troupe or an ensemble, it is *the body* that is protected via the right to assemble and has the ability *to move with*, to be in coordination with other bodies: a corps de ballet that has a universal right to take the stage. The durational element calls to mind Mark Loughlin’s pressing question: “If the people is treated as an active agent of change, is the agency merely momentary, or is it of continuing significance?” (Loughlin and Walker 2007). Performance studies proffers an answer, attending not only to the afterlives of performance, but also its constitutive potential, its ability to create change in its gesture, named by Austin, Tambiah, Butler, and others: its performativity.

“One hero, the people” has been the repeated refrain of Algerian nationals since its decolonial movement. It was revitalized in 2019 throughout the HIRAK, centering people and their corporeal possibility as the central lever in democratic processes of resistance. This phrase, while galvanizing, features the unity of the ensembled people, bringing a plural collective into a singular address while also bridging the historical past and contemporary moment, the people made one.<sup>39</sup> But there remains legal and grammatical ambiguity surrounding who and what is allowed to signify as “the people.” Algerian Law 91-19, for example, prohibits gathering or demonstrating “any prejudice towards national constants, or to the symbols of the November 1 Revolution, public order, or public morals,” as though such signs would be outside of the (national, peaceable, lawful) people. The surrounding legal language does little to define these symbolic terms of Algerian history, leaving it to the discretion of those in power.

Ambiguity regarding constituent force spurs my theorization of assembly as choreographic copresence that renders a clearer distinction between association-as-ideological and assembly-as-corporeal. By copresence, I point to the value of being present *alongside* someone, rather than being present *before* them, as is often the case in a proscenium theater. In the case of the HIRAK, in which the right to

assembly was framed as a threat to the state and its “national constants,” the division between the symbolic and the corporeal grew increasingly clear (ICNL, n.d.). Laws of assembly in Algeria have further implied a suppression of Amazigh culture and symbols, restrictions that carry into the present: for example, during the Hirak, Amazigh flags were prohibited, and over forty arrests followed for those sighted with such display—even though Tamazight has been listed as a national language since 2002. In short, nonviolent dissent was not extended to the nonconforming, and assembly was permissible only via assimilation.

In a crowd, after all, one can blend in or stand out—or both simultaneously. For example, Andrea Khalil describes a crowd as a “utopian moment of consensus” in which “the co-incidence of diversity of the crowd and its unity of political purpose made it capable of change” (2014, 9). The Algerian government’s anxiety toward linguistic difference and material signification suggests a narrow understanding of the politics of the body, including its presence and performativity. Instead, law and order proponents fetishize the errant body much more than the errant comma, the tense body much more than tense poorly conjugated. Corporal punishment, after all, features more dominantly than corporal justice, and legal injury may have nothing to do with the body at all.

My definition of assembly as requiring a choreographic copresence does not further fetishize the live, but emphasizes the geographic and spatial relations implicit to theories of assembly frequently neglected in the literature.<sup>40</sup> Association lacks the physiological coordination of being-with and instead extends to non-embodied relationalities that, as argued by John Inazu, “extend across time and place—groups like clubs, churches, and civic organizations” rather than relying on the synchronicity of the live. Consider, for example, the 2016 US presidential campaign, “I’m with her,” as an associative statement contra a more physical manifestation of being with her, literally speaking. Although the former demonstratively or performatively asserts alliance, it falls short of physical coordination and the choreographic. In this way, the tension between assembly and association points to the distinct and collective affect allowed by live copresence, when bodies come together to transition from one hero to the people beyond the symbolic.<sup>41</sup> Proximity emerges as a crucial element of assembly, such that contact, touch, and kinetic relationality are central to its formation. That is to say, elements of dance previously feared under crowd theory.

Phrased otherwise, the right to assembly uniquely protects, and thus values, the plural performative or what dance scholars have called the “composite body.” The Hirak demonstration exemplifies such, as its multiple aims, constituents, and frustrations maintained unique legibility while oriented toward a shared affront. It was not a frenzied mass, but a series of discrete scenes and individuals (including Ziad), who came together under a larger force. Defined first by Randy Martin but later taken up by Thomas DeFrantz and others, the term *composite body* emerges from discussion of nationalism, multiculturalism, and racialization, and it reveals “how difference is associated among those assembled in the nation, rather than being forced to sort out one body from another” (1998, 110).<sup>42</sup> Martin elaborates that “Dance both appears in the conjuncture of imaginary and performative spaces and puts the constitutive features of a composite body on display. For dance is both a bodily practice that figures an imagined world and a momentary materialization through performance of social principles that otherwise remain implicit” (1998, 109). Ziad’s unlikely performance exemplifies a singular composite body within the larger collective of the Hirak as she herself contains difference: a feminist performance overlaid with colonial techniques repurposed for national liberation of a formerly colonized country, all in the denim symbolic of American masculinity and westward expansion. More than punctum of the viral image, her pointe shoes on rough pavement (rather than smooth Marley flooring) accentuated her as being out of place—not of non-belonging, per se, but of intended to be elsewhere. She disrupts, in this uncanny performance, a normalized image of the event. It productively unsettles the expectations of what, where, and who this protest represents. She is but one participant in the larger moment, and the millions alongside her scale the texture we find in close analysis of the image of her. Spread globally in

diasporic solidarity, assembly features not *a* composite body but composite bodies of the people: the plural made singular without deflating its diversity. *One hero, the people*.<sup>43</sup>

The idea of the composite proposes its own politics of being-with, one that acknowledges the multiple and layered histories that manifest into the singular present without discrediting the necessary moment of dissonance, the frictional point of contact found in every encounter. It may not be peaceable for Ziad to perform such conflicting histories in a singular pose; to balance *en pointe* requires the body to actively push into the floor through the supporting leg in an act of grounding while simultaneously lifting up through the carriage of the body, including the arm gracefully reaching up and the retracted knee suspended to the side. This tension extends to the collective identities presented within the HIRAK movement, as protestors pooled from young and old, male and female, Arab and Amazigh—contra a history of more homogeneously masculine publics in North Africa. In the context of crowds, we might call this unlikely cohesion *asabiyya*, as suggested by Andrea Khalil in the wake of Ibn Khaldun and derived from the Arabic root of “to bind” (عصب).<sup>44</sup> Although often translated as solidarity or social cohesion in processes of group formation (including tribalism), this root can evolve into verbs that imply healing—to swathe or to bandage, for example, that indicate an implicit carefulness—or into nouns that reflect the body’s intrinsic capacity for such—a nerve or sinew, for example, that establish the corporeal essence of assembly that predates mere association: the touch of crowd theory that was never meant to invoke fear; a gesture of *consent not to be a single being* that invites interpellation into a political event.<sup>45</sup>

In contrast to a narrow concept of legal assembly whose language preempts violence, the HIRAK performed this transgressive togetherness of *asabiyya* as the consenting bodies cared for one another as though in a palliative process. The demonstrations rehearsed proximity in a direct choreography of care, a compassionate crowd that attended to the bodies on the line rather than succumbing to its volatile stereotype or differing to its imagined nation. For example, an Algerian journalist and poet wrote a manifesto of eighteen commandments on how to use the body during these protests (Labter 2019). The loss of individualism within this composite body of the people yielded not to unruly behavior as theorized by Le Bon, but toward compassionate acts for others. Touch then, has the chance to stem from gentle roots, and our fears may rest allayed.

The manifesto echoes dance scores, scripting the body with clear choreographies to anticipate moments of tension and reduce uncertainty of the response. Gestures of the manifesto include offering a smile to police officers, a rose to a woman, and water to the thirsty. Outside of this particular score, the demonstrators collectively created a demeanor such that the HIRAK has been called the “Revolution of Smiles.” However, rather than a demur mask, Assia Djebar reminds of the potent defiance possible from the microchoreography of curved lips: “Cherifa was facing him; her eyes were not lowered; a simple movement of her head shook back a lock of dark hair; her mouth opened slowly only to trace a mercilessly gentle smile, the smile of triumph”—a subtle curve of the composite whole (2005, 16). Writing of Algeria’s War of Independence, the crowds and people that animate Djebar’s pages are at once historical, fictional, and speculative. They are simultaneously made resonant as corporeal traces, the presence and viscosity made known through her poignant pen. However, it is through such attention to these micro gestures, if Cherifa or Ziad, that we can find possibilities to imagine the crowd as other than monolithically fearful.

These gestures of care, be them on Djebar’s page or at the HIRAK, exemplify the protest’s peaceful methods of revolutionary practice, a system of nonviolence (initially reciprocated by the state and police in their surveillance of the scene, though quickly dismissed).<sup>46</sup> In many ways, the eighteen commandments resist the anxieties attached to crowd theory, choreographing new language for what and how it means for a crowd to form—one that resists both the legacies of crowd theory as well as Algeria’s fraught memory of violence and loss attached to histories of protest in which the racial imaginary, ingrained by centuries of systemic violence, conjures turbulence from still

water: an entanglement, to carry forward Achille Mbembe's word.<sup>47</sup> This entanglement of plural performativity, spatiality, and composite bodies works together to emphasize the material and ideological differences between assembly and association that both recuperates the values attributed to constitutive power and motivates my writing.

## On the Shadowed Presence of Violence

Against these moments of care, many protests have escalated toward violence, sometimes as primary intent and sometimes as strategic reaction. Rather than condone or condemn violence and revolution *by any means necessary*—in the profound legacy of Fanon and Sartre and Malcolm X—I underscore the ambiguous definition of violence that continues to exist in laws concerning assembly.<sup>48</sup> Care and violence can coexist in the same act of bodies pressed together, and sometimes caring for others might imply violence toward the state. This violence, however, does not justify the resulting ambiguity of association and assembly, as the fundamental rights in question are fundamentally different.

Acknowledging that violence might emerge as bodies and laws interact, we must remind ourselves of legal violence that Jacques Derrida, Walter Benjamin, and others have critiqued, alongside the dual necessity such violence has held throughout history's revolutionary causes. To define the force of law, as Derrida does, as "the relation between force and form, between force and signification, performative force, illocutionary or perlocutionary force, of persuasive and rhetorical force, of affirmation by signature," is to understand the multifarious ways in which constitutional form is upheld (1992, 7). Equally capacious are forms of constituent power: demonstrations, protest, riots, strikes, and so on. Benjamin emphasizes the split between constituent and constituted power in terms of the relationship between divine and mythic violence concretized in the form of a general strike and the police, respectively. That is, for Benjamin, the mythic violence of law suggests its rupturing origins, a founding violence of the constitution upheld by force of the police. In contrast, divine violence suggests law-conserving tactics via the general strike in moments of constituent power.<sup>49</sup>

However, to accept the strike as constituent power exemplar once again fails to acknowledge the unique power of assembly. Discussion of constituent power via the strike mirrors, but does not repeat, the logic of assembly. Assemblies suggest presence whereas strikes connote absence—of bodies, of labor, of shared space. To strike is to refuse to participate; to assemble is to refuse to not participate. Strikes, then, may seem permissible, docile, inert. Assemblies, in contrast, no matter how nonviolent, signify kinetic potential, possibility, a formation dense with energy, potentiated but not volatile, malleable but not unstable. Yet beyond presence alone and its performative potential, assembly requires copresence and thus operates as a disavowal of neoliberal demand for self-reliance, a willingness to stand within the collective (or to operate in collective action) (Murphy 2011). Association, too, gets toward this need for collectivity, though historically associations form in positive identity *with*—in fraternity, in boy scouts, as academics affiliated with conference bodies—rather than gathered for the purpose of calling for change, or of identifying *against*: an interpretation that allows us to understand why association as mere identification *with* and assembly as protest *against* were scripted separately in the Algerian constitution. Being-with, after all, is a precondition of being human, a universal need if no longer a universal right.<sup>50</sup> I take time to parse the opposing ontologies of a strike and an assembly in order to recenter accepted critiques of violence back toward the very bodies of the people at stake.

By June 2021, Rue Didouche Mourad was empty for the fourth Friday in a row. Although previous weeks brought failed attempts to gather in protest, this first Friday of the month no one showed but the police, as fear of arrest kept the public cloistered inside. The 120th repetition of the Hirak had to persist elsewhere, in Bejaia and Tizi Ouzou and likely places in-between. The somber tone

proliferates. Melissa Ziad's Instagram has returned to one of a teenage youth; her photographer's feed an aesthetic realm of neon pink. It was the efforts of two ordinary youth that captured the attention of the world, who unwittingly revealed ambivalence in the right to assembly, and their lives inevitably must go on. A ballerina of hope, she was called, against a backdrop of fear and anxiety that too often frames a crowd as otherwise. A knotting of the virtual and the vital that demands we ask: When do we associate? Where do we assemble? How far apart can we stand and still be touched?

## Notes

I am particularly grateful for the feedback of Sophia Mo and encouragement of John Inazu, alongside the invaluable support of the DRJ editorial team. Writing is itself an act of assembly, and these pages reflect the generosity of multiple gatherings.

1. The Hirak movement is an effervescent phenomenon whose history and legacy exceeds the scope of this chapter. Although I will offer brief context throughout, I encourage the curious reader to explore further reading in English, French, and Arabic compiled by Muriam Haleh Davis and Thomas Serres (2020).

2. The reformed constitution modified the right to public assembly by stating: "The organizers of marches are required to declare to the competent services the names of those responsible for organizing the march, the times of its start and end, the route and the slogans to be raised, in accordance with the law" on the pretext that it is "contrary to public order and the laws of the Republic." Such legalized permission implies gatekeepers, and authority remains held by the central few rather than recuperated by the assembled bodies. It echoes the arguments presented by legal scholar Tabatha Abu El-Haj in her article, "The Neglected Right of Assembly." Yet, although Amnesty International lists the United States as green in its respect for the right for peaceful assembly, Algeria earns a red mark. This difference, to some extent, signals a larger trend for historically white or self-regarded as Western nations to remain referents to ideal democratic behavior even in the face of infringements, and non-white nations are quickly denounced as unstable to sustain democracy, a paternalistic view if ever ("Algeria's Constitution of 2020," n.d.; Abu El-Haj, n.d.).

3. As the Front Line Defenders summarized, "The charges routinely levied against them include 'weakening the morale of the army'" (art.75), "inciting an unarmed gathering" (art.100), "undermining the integrity of the national territory" (art.79) also referred to as "undermining national unity," "offending public bodies" (art. 144; 144bis and 146), and "offense against the precepts of Islam" (article 144bis 2), all stemming from exercising their right to free speech or peaceful assembly and association" (Front Line Defenders 2021; Amnesty International 2020). These discriminatory policings violate not only national pretense, but Algeria's signatory status to the 1966 International Covenant on Civil and Political Rights, the 1981 African Charter on Human and Peoples' Rights, and the 2004 Arab Charter of Human Rights, all of which recognize the right to freely assemble.

4. Notably, Randy Martin writes against Le Bon by instead positing the rationality of social movements as it mirrored economic rationality. Although I agree, I find the legal language and misperception of crowds equally problematic and thus worthy of renewed attention.

5. John Inazu's *Liberty's Refuge* (2012) brilliantly charts this trajectory of legal transformation in the US context.

6. For example, a *New York Times* article interprets the 2019 adaptation of *Les Indes galantes*: "The film's energy escalates as those on the outskirts join the dancers in the center with short staccato arm jabs and chest pops, mounting to a brio that appears both ecstatic and angry" (Mainwaring 2019).

7. The possibility of violence percolates within this article, and I want that to go both unendorsed and unaddressed, as my attention lies elsewhere. Yet it remains necessary to articulate: although caring crowds are possible and violence need not be assumed, pernicious potentials can manifest in an assembly far from innocent. There is a danger, then, to universally laud the



assembled body, to disavow the predisposed unruliness suggested by Le Bon and others. A fine line exists between oppression, suppression, and insurrection, and the law understandably struggles to distinguish between just and unjust forms of mobilization.

8. Le Bon's psychological orientation to crowd theory has been amplified by scholars such as Sigmund Freud and Herbert Blumer, but more recently has been challenged by scholars from other disciplines. For example, Norris Johnson (1987) critiques a monolithically violent reading of the stampeding crowd, instead locating gestures of care from within the collective; Alexander Berlonghi (1995) has classified crowds by their intent, thereby differentiating crowds from a universal mob mentality and emphasizing safety; Jodi Dean (2016) emphasizes the affective dimension of political parties that crosses the individual and the multitude; and Jennifer Gosetti-Ferencei (2020) threads associations between individuality, anonymity, and conformity during an age of mass media. Andrea Khalil (2014) grounds her critique in the particular politics of the Maghreb, whereas Christian Borch (2012) charts these various genealogies. The anxiety reflected in crowd theory is reminiscent of critiques of Dionysian fervor, in which frivolity and excess were mapped onto the manic (Gotman 2018). Together, these scholars point to the insurgent need for crowd studies, if the field still remains negligent toward more corporeal methods of dance studies.

9. When reading Canetti in such a utopic light, I want to also acknowledge the ahistorical criticism sharply leveraged against him by Susan Sontag (1982).

10. I intentionally conflate movement as an individual gesture, and movement as a social phenomenon, forcing a consideration of the similarities between the two that respects the writing of Randy Martin.

11. Royona Mitra makes a necessary intervention to discourse on contact improvisation by acknowledging its colonial residues (2021).

12. An exception is Noémie Solomon's "Conducting Movement: Xavier Le Roy and the Amplification of Le Sacre du Printemps," though Solomon underscores Canetti's attention on the role of the conductor, rather than his implications on assembly (2011).

13. The link between kinesthetic and affective knowledge has previously been established, poignantly so by Carrie Noland's monograph *Agency and Embodiment*, which argues against a constructivist metaphor of the body. "I must be touched to feel," she writes, an assertion that only reaffirms the need to consider the values uniquely bound up in the right to assembly (2009, 23). The link between kinesthetic and affective knowledge has previously been established, poignantly so by Carrie Noland's monograph *Agency and Embodiment*, which argues against a constructivist metaphor of the body. "I must be touched to feel," she writes, an assertion that only reaffirms the need to consider the values uniquely bound up in the right to assembly (2009, 23).

14. The landmark decision of NAACP v. Claiborne Hardware Co. decided that, although states can regulate economic activities, they cannot overregulate or prohibit peaceful boycotts (Inazu 2012, 191 n15).

15. Speech act theory emerged in its contemporary form in the 1950s as a result of a critique of the positivist philosophy of language. Coeval, the right to association began to emerge in US legal discourse in the midcentury as conservative government fears of Communist affiliations mushroomed. For example, J. L. Austin's influential text, *How to Do Things with Words*, was published in 1955 as rhetoric of association grew in the United States and legal addresses of assembly waned. John Inazu frames this shift in response to the National Security Era and the Equality Era. Although separate intellectual trajectories, both intersect on a realization of the power of words to actualize new futures.

16. Algerian legal scholar Chafika Kahina Bouagache attributes Algeria's formulation of association as rooted in its deep-seated tradition of political organizations, including groups such as the North African Star (ENA) and the Algerian People's Party (PPA) that precipitated its decolonial war of liberation from France. These organizations would be succeeded by the following: Algerian National Movement (MNA), National Liberation Front (FLN), and later movements such as the Socialist Forces Front (FFS) and the Islamic Salvation Front (FIS) (Bouagache 2007). Writing of the Algerian War of Independence, Assia Djebar adds (in the fictionalized voice of a police officer):

“All these pointless ceremonies; these days, they should forbid any large gatherings at all, even for their dead” (2005, 29).

17. For more on Arendt’s space of appearance, see Arendt (1958, 199) and Butler (2015, 45).

18. For a foundational study, see the anthology by Martin Loughlin and Neil Walker that presents multiple discourse strands within this subfield (Loughlin and Walker 2007). More specifically, one epistemic branch of constitutional paradoxes—including scholars Paolo Carozza and Emiliios Christodoulidis, and indicative of my own position—presents a “radical potential thesis, whereby constituent power is neither colonized by nor in symbiosis with the legal, but remains a latent revolutionary possibility that lies behind the shadows of the legally constituted authority of the polity (eg Negri)” (2007, 6).

19. Discussing protests and the political, respectively, Foster’s and Martin’s critiques transfer readily to the legal realm that asks us to parse speech from conduct, language from action, assembly from association and free speech (Foster 2003, 396; Martin 1998, 3).

20. For more on this history, see the works of Muriam Haleh Davis and Thomas Serres, including “Political Contestation in Algeria” (2013).

21. Inazu, too, reminds us of the “expressive function” of the act of gathering implicit to crowds, a function that operates in excess to verbal signification (2012).

22. Here we can follow an intellectual history out from the interpellation theorized by Louis Althusser that includes J. L. Austin (1975), Shoshana Felman (2002), Jacques Derrida (1988), Judith Butler (1997), and Eve Sedgwick (2003). From marriage to consent, speech acts have always been entangled in the legal. Tattooing becomes a surprising encounter of the body and free speech protection, for example, as ruled in *Buehrle v. City of Key West* 813 F.3d 973 (11th Cir. 2015).

23. See also Susan Foster’s critique of Gene Sharp and his distinction between symbolic action and physical intervention (2003). For a historical view on the successful use of the right to peaceably assemble for meaningful change, see Linda Lumsden’s *Rampant Women: Suffragists and the Right to Assembly* (2001), which accentuates the intersection between the women’s suffrage movement in the United States and the constitutional right to peaceably assemble.

24. A predecessor to this law of association appeared in 1987 in the Bendjedid era (*Code Penal* 2005).

25. Including the most recent constitution in 2020 in which government permits are required. A more complete history has been offered by Chafika Kahina Bouagache, but stops in 2007, well before the HIRAK protests of 2019–2020 that influence my research (Bouagache 2007).

26. For example, “Algerians’ non-violent protest is also a challenge to a state-controlled memory and identity based on violent resistance” (Mitiche 2019).

27. This division repeats from the other side when acting parties have labored to train themselves in the distinction, such as by Gene Sharp (1963) and leaders of the American Civil Rights Movement, amongst other historical examples.

28. In response to Walter Benjamin’s essay, Derrida reflects this critique of violence back toward the state (1992, 6). In a discussion of legality and illegality, Georg Lukács cautions that a romanization of the illegal only reinforces the aura of legal authority. Implicit, then, is the importance of gesture and action for the life of law, beyond its own text. If his writing emerges from the proletariat class struggle, it is important to continue to articulate not only the boundary between legal and illegal, but how and why that boundary arrives in the public consciousness (1968).

29. Or at least recognition of its limitations and violences (Abu El-Haj 2015; Amnesty International 2021).

30. The pandemic response of 2020 only reinforced dichotomizing language via labels of essential and nonessential, a value judgement that universalized worth in problematic, and not always obvious, ways. French dancers, in red bonnets and sleek black silhouettes, performed this dichotomy in a screen dance, *Pas Essential*. <https://www.youtube.com/watch?v=gYmnXijsvik>.

31. For example, Peter Gelderloo’s *How Nonviolence Protects the State* (2007) presents the controversial argument that pacifism merely perpetuates the quotidian violence of the status quo.

32. Here we might also think with petition clause, well researched by Maggie McKinley (2016).

33. Rue Didouche Mourad spills into Place Maurice Audin, memorializing two of Algeria's revolutionary heroes.

34. For example, the Algerian National Ballet remains more rooted in traditional performance culture, with ballet here referencing large-scale dance broadly construed, rather than specifically the imported, classically European form. Abroad, London Algerian Ballet's *A Journey to Algeria* also relies upon traditional dance forms. Felicia McCarren's publication, *One Dead at the Paris Opera Ballet: La Source 1866–2014*, explores Algerian representation in the colonial ballet *La Source*, but not Algerian ballet itself (2019). Finally, Hervé Koubi's company—perhaps the most internationally known Algerian choreographer—features an all-male cast. Each of these examples speak to the surprising performance of Ziad.

35. Benjamin discusses the “spectral” presence of police who “intervene in countless cases where no clear legal” or illegal “situation exists,” such that the inciting behavior or prenotation toward violence may well stem from the state. Supposed security can obscure harassment, surveillance, and violence: a prolepsis of their future enforcement (1996, 47–48).

36. For more on Austin and illocution, see Austin (1975, 99).

37. As Bill T. Jones reflected, it “encouraged an unselfconscious, direct physical intimacy in which all differences—weight, size, psychological temperament, even gender and race—were negated in favor of cohesion—tissue to tissue, bone to bone, muscle to muscle” (Jones, Gillespie, and Arpino 1995, 15).

38. This process of linguistic translation itself speaks to the affective ambiguity of a crowd, as *atroupement* connotes a mob event whereas *al-tajamhur* has a more neutral connotation (although my position as a second language learner of both French and Arabic undoubtedly taints my own perception, only furthering the argument of this article).

39. For important examples, see Davis and Kasmī (2020).

40. Arabella Stranger's reading of Ruth Gilmore offers a necessary example of what such politics look like in scholarly form (2021).

41. A lacuna of assembly not yet discussed includes the realm of the virtual, as noted by scholars such as John Inazu. This extends to social media protests, not least as orchestrated throughout the Arab Spring's internet revolution and exemplified by Ziad's post that opened this chapter; accentuating the role that media has played more broadly saturates concerns of justice.

42. See also DeFrantz (2005).

43. National and international solidarities contributed to this multiplicity. In France, home of over 845,000 residents of the Algerian diaspora (estimated to be the largest minority population in France) (INED 2020), the Hirak continued until pandemic restrictions led to a separate set of questions concerning the right to assembly. In forced absence, the digital became its own repository, where borders and materialization of the composite body blurred.

44. Philosopher and historian Ibn Khaldun (1332–1406) popularized this term, *asabiyya*, in his most well-known text on the history of empires, *Al-Muqaddimah*.

45. I'm ever indebted to the generative writings of Fred Moten, who challenges new forms of being in the world and being in relation to both the past and one another.

46. Norris Johnson articulates another instance of a caring crowd (1987).

47. Mbembe defines entanglement as the interwoven “presents, pasts, and futures that retain their depths of other presents, pasts, and futures, each age bearing, altering, and maintaining the previous ones” (2001, 16).

48. The reading of Frantz Fanon as condoning revolutionary violence comes as much from his writings as from Jean-Paul Sartre's preface to *The Wretched of the Earth*, which encourages the reader to jump to such a conclusion.

49. Writing in the aftermath of the German Revolution and the end of World War I, Benjamin begins from the premised divorce of law and justice as Kant had previously separated law from virtue (see Kant's *Doctrine of Law* and *Doctrine of Virtue*). In a “tone of scholarly objectivity,” Benjamin promotes the mythic origins of law; but as it toggles dual perspectives, its ambiguous position has been read by Butler (2012), Derrida (1992), and Arendt (1970) for its “messianic-marxism” that leaves it problematically open to fascist sympathies.

50. I refer to being-with in the Heideggerian tradition of Germanic *dasein*, often translated as *being there* or *presence*, a particular type of *being in the world*.

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