

Political Obligation(s)

RIDING FOR FREEDOM

The attacks started when the riders reached the bus depot in Rock Hill, South Carolina. There were thirteen of them, seven Black men and six White. They had set out from Washington, DC, a few days earlier—May 4, 1961—on their way to New Orleans. There was no special reason for their visit to Rock Hill. They had just stopped to stretch their legs, use the restroom, and get off the road for a few minutes.

But at the Greyhound station, twenty White men, some of them members of the Ku Klux Klan (KKK), were waiting for the group. The bus riders were not some anonymous thirteen. They were Freedom Riders, dispatched by the Congress of Racial Equality (CORE) to break the laws of the American South. CORE had organized its first freedom ride, known as the Journey of Reconciliation, fourteen years earlier, after the U.S. Supreme Court ruled in *Irene Morgan v. Commonwealth of Virginia* (1946) that racial segregation was prohibited in commercial interstate travel. But southern authorities

ignored the Court and continued to uphold decades-old Jim Crow ordinances denying Blacks equal rights on the highways.

That meant integrated buses themselves could be banned from the roads, and bus stations could bar Blacks from their waiting rooms. When the Freedom Riders arrived in Rock Hill, they found a mob with enforcement on its mind. It was there that a young KKK member, Elwin Wilson, famously and savagely beat John Lewis, a Black man who, like the other Freedom Riders, was thoroughly trained in and committed to nonviolence. Many years later, Wilson would publicly repudiate his actions and apologize to Lewis, who had become a senior member of the U.S. Congress and a highly respected elder statesman of the civil rights movement. But that was a long way off. In 1961, the air was so thick with anti-Black violence that Martin Luther King Jr., who had drawn national attention by leading the 1955–1956 Montgomery bus boycott, refused to support the Freedom Rides. The activists would “not make it to Alabama,” he warned.

In spite of King’s well-earned pessimism, the Freedom Riders and their two buses, one Greyhound and one Trailways, did make it to Alabama. Just outside Anniston, a small city in the northeast of the state, a group of Klansmen pelted the arriving Greyhound with rocks and slashed its tires. After forcing the driver to stop, the Klansmen firebombed the bus. As it burned, they held the doors shut to ensure that no one could get out. For reasons that are not clear, the mob eventually retreated, and the gasping riders escaped—only to be assaulted on the side of the road. In town, another group of Klansmen boarded the Trailways bus and beat the Freedom Riders nearly to the point of unconsciousness.

Bloodied but undaunted, the Freedom Riders continued to Birmingham, where a large crowd waited with baseball bats, iron pipes, and bicycle chains. Police Commissioner Bull Connor and his men participated in the assault. Jim Peck, White and a veteran of the

Journey of Reconciliation, was beaten so badly that his head wounds alone required fifty-three stitches. The first hospital Peck was taken to refused to provide him with treatment. He nearly died on his way to another.

Hearing of the violence, U.S. Attorney General Robert Kennedy dispatched the National Guard to escort the Freedom Riders safely to Montgomery. But by then, the bus drivers refused to go on. Determined to make it to New Orleans for a planned rally, the Freedom Riders decided to continue by air. Their first flight was canceled due to a bomb threat. Meanwhile, sensing the momentum of the movement, the Student Nonviolent Coordinating Committee (SNCC) organized a new set of riders to travel from Nashville to Birmingham. Connor arrested the activists as soon as they arrived and placed them in jail under “protective custody.”

On May 20, all of the Freedom Riders headed to Montgomery, where they were met by yet another mob. Journalists, too, were waiting, and the attack was nationally televised, shocking the public. The journey continued to Jackson, Mississippi, where police arrested nearly a hundred protesters for violating a recently passed breach-of-the-peace statute. After the protesters refused to pay fines of two hundred dollars each, a judge sentenced them to ninety days in jail, where they were beaten and half-starved. By the end of the summer, over three hundred activists were incarcerated in the state penitentiary.

Though the Freedom Riders never reached their stated goal of New Orleans, their movement attracted national and international attention. Attorney General Kennedy petitioned the Interstate Commerce Commission to enforce the Supreme Court’s ruling. The commission did so, effectively integrating interstate travel on November 1, 1961. By engaging in peaceful, nonviolent, public disobedience (disobedience of local law anyway), the Freedom Riders helped to persuade the government, and at least some portions of the public, of the Jim Crow system’s brutality and injustice. They

demonstrated the need for change and to enforce federal law. They and likeminded activists inspired many more people to join the struggle for civil rights.

The Freedom Rides, like the iconic lunch counter sit-ins before them, depended on the courage of citizens engaged in civil disobedience. Those who flouted the law risked life and liberty. They met police and civilian terrorism with nonviolence. They stood before vindictive courts with peaceful resolve. But too much bravery can be hazardous. The example of the Freedom Riders also suggests that civil disobedience and other forms of principled lawbreaking are supererogatory, the work of heroes rather than ordinary people and therefore beyond moral requirement. Who among us is willing to confront armed Klansmen, let alone refuse to defend ourselves from their blows? Thus a journalist grappled with these questions when he asked one of the White Freedom Riders why he felt it was his responsibility to take part. “I don’t think it’s just *my* responsibility,” the young man answered. “I think it’s *every American’s* responsibility. I just think that some people are more conscious of their responsibilities than others.”¹

But is there any such responsibility? For the most part, philosophers have not entertained such responsibility. Those concerned with the rights and duties of citizens generally believe that there is a moral duty to obey the law because it is the law, although they tend to doubt that a satisfying account of this duty can be offered and often attach a string of qualifications to their defense.² Those who criticize the duty to obey the law—chiefly among them philosophical anarchists—have not discussed alternative duties that might bind citizens. Even proponents of civil disobedience generally hold that breaking the law is presumptively wrong and only conceive of it in terms of permission, not duty. Finally, feminist philosophers, who have extensively studied the responsibility to resist oppression, have not systematically addressed principled disobedience.

In this book, I defend the existence of moral duties to resist injustice, including through principled—civil and even uncivil—disobedience. Resistance to injustice is, I will argue, our political obligation. Traditionally, theorists hold that political obligation is a matter of obedience: our duty is to follow the law, especially in democratic states, assumed to be nearly just and legitimate. Breaches are accepted only when injustice is intolerable or disobedience is very narrowly constrained, or both. But I will show that the opposite is true—that principled lawbreaking, civil or uncivil, is not only acceptable under most real-world conditions, including those of democratic, nearly just, legitimate states, but that it can also be morally required for people living under these conditions. Hence, this book aims to: (1) think beyond civil disobedience to uncivil forms of principled disobedience, (2) apply defenses of civil disobedience to justify uncivil disobedience, (3) use arguments for the duty to obey to defend duties to disobey, and (4) extend the concept of political obligation to include these duties.

A DUTY TO RESIST

Faced with injustice, activists have long recognized resistance to injustice, including through disobedience, as more-than-optional.

Henry David Thoreau considered resistance to illegitimate governments a moral duty. His 1848 essay “Resistance to Civil Government,” posthumously titled “On the Duty of Civil Disobedience” and now widely known as “Civil Disobedience” (Thoreau himself did not speak of “civil disobedience,” although he is commonly credited with coining the term), urged citizens to withdraw their support from the government of the United States, given its support of slavery, the war against Mexico, and the atrocious treatment of Native Americans. Thoreau advocated conscientious

refusal to pay the Massachusetts poll tax as one practical means of noncooperation.³

Inspired by Thoreau, Mohandas K. Gandhi, too, considered non-cooperation with unjust governments a citizen's moral duty. "Every citizen silently but nevertheless surely sustains the government of the day in ways of which he has no knowledge," Gandhi wrote. "And it is quite proper to support it so long as the actions of the government are bearable. But when they hurt him or his nation, it becomes his duty to withdraw his support."⁴

King, indebted to both Thoreau and Gandhi, argued in his "Letter from Birmingham City Jail" that "one has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws."⁵ In a lesser-known speech at the eve of the 1955–1956 Montgomery bus boycott, King told his audience: "Not only do we have a right to be free, we have a duty to be free. So when you sit down on a bus, when you sit down in the front, or you sit down by a White person, you are sitting down because you have a duty to sit down not merely because you have a right."⁶

Contemporary activists embrace this duty-centered discourse, too. In *Indignez-vous!*, former member of French Resistance and concentration camp survivor Stéphane Hessel calls for peaceful insurrection against growing socioeconomic inequalities, the corruption of democracy under financial capitalism, the treatment of *sans-papiers* (undocumented migrants), and Israel's occupation of Palestine.⁷ The book became the manifesto for Occupy and Indignados, the anti-austerity social movements that agitated the United States, Spain, and other Western states after the 2008 financial crisis and especially in the early 2010s. Belgian and French human rights organizations, including Ligue des droits de l'Homme and Collectif contre les expulsions, have defended a moral "duty of solidarity," urging people to disobey laws that prohibit the provision of shelter and assistance to undocumented immigrants.⁸ Eric Herrou, a French farmer who is

accused of helping undocumented migrants cross the border from Italy in the Roya Valley, “think[s] it’s [his] duty” to help them.⁹

Masih Alinejad, founder of the My Stealthy Freedom campaign, which encourages Iranian women to post pictures of themselves without headscarf, in violation of the law, called on non-Muslim women visiting the country to join the fight: “When compulsory hijab affects all women, then all women should raise their voice.”¹⁰ Saudi women have filmed themselves driving, in open defiance of the law, and posted the videos on YouTube.¹¹ In June of 2011, one of the drivers, Maha al-Qahtani, told the *New York Times*, “I woke up today believing with every part of me that this is my right, I woke up believing this is my duty, and I was no longer afraid.”¹² In September 2017, Saudi Arabia announced it was ending the ban on women driving; the previously stigmatized, defiant women drivers are now publicly celebrated.

Edward Snowden, who leaked to the press millions of documents exposing the U.S. National Security Agency (NSA)’s massive and invasive surveillance programs, appealed to his duty to blow the whistle, and affirmed that “every citizen has a duty to resist” unethical and immoral law and “to try to build a better, more fair society.”¹³

A sense of responsibility to contest injustice permeates the Black Lives Matter (BLM) movement. As BLM cofounder Opal Tometi put it, “We think that everybody, no matter where you are, no matter what your socioeconomic status is, whatever your job is—you have a duty in this moment in history to take action and stand on the side of people who have been oppressed for generations.”¹⁴

Thoreau, Gandhi, and King form a kind of holy trinity of civil disobedience—names uttered endlessly and in admiring tones whenever debates over principled lawbreaking arise. As we will see, though, neither their ideas nor their actions fit the standard conception of civil disobedience that philosophers—John Rawls chief among them—began to articulate in response to the civil rights movement.

According to that conception, civil disobedience is a conscientious, public, nonviolent breach of law, undertaken in a near-just state, by agents who demonstrate their sincere endorsement of the system's legitimacy by accepting punishment, and who seek to persuade the majority to change a law or policy by appealing to widely accepted principles of political morality. Few disobedient actions, today and historically, meet these requirements. And some activists openly flout these for reasons that may nonetheless be worth defending.

Take the English suffragist leader Emmeline Pankhurst, who called for “deeds, not words.” What she had in mind were spectacular, oft illegal actions to force the public to pay attention to the injustice of women's oppression. “To be militant in some way or other is . . . a moral obligation,” she asserted when supporting women who smashed shop windows, burned golf course grass with acid, and put their bodies on the line through hunger strikes and suicides in pursuit of a more just society. “It is a duty which every woman will owe to her own conscience and self-respect, to other women who are less fortunate than she is herself, and to all those who are to come after her.”¹⁵

More recently, the French syndicalist activist and politician José Bové, who articulates a “duty to disobey” environmental and global labor injustice, has taken up decidedly uncivil disobedience.¹⁶ After he was convicted of vandalizing a McDonald's restaurant in Millau in 1999, Bové became a symbol of the alter-globalization and farmers-union movements. He is also the leader of *Les Faucheurs Volontaires d'OGM* (which could be translated as “The Resolute GMO Reapers”), a group of over six thousand militants who have vowed to destroy genetically modified crops.¹⁷

In this book, I take seriously activists' appeals to moral duties in the face of injustice. I do so by also taking seriously the traditional notion of political obligation—the duty to obey the law in legitimate, nearly just states. On its face, it may seem that I am forcing the proverbial square peg into a round hole, but I shall argue that the

very grounds supporting a duty to obey also impose duties to disobey under conditions of injustice. My argument is based on four grounds: the natural duty of justice (chapter 3), the principle of fairness (chapter 4), the Samaritan duty (chapter 5), and political association (chapter 6).

I have chosen these four grounds because they are well established in ordinary and critical morality. Many philosophers—from Socrates to Rawls—believe one’s sole or main political obligation is to obey the law of basically just, legitimate societies. And while philosophers disagree about what grounds this duty, the four principles upon which I rely represent the main competitors. Because philosophers typically view the duty to obey the law as liable to be outweighed by stronger, countervailing reasons (it is “defeasible”), they agree that civil disobedience may be justified. But they merely show that disobedience is sometimes permissible, not that it is ever obligatory, and they do not devote any attention to the circumstances under which uncivil disobedience might be acceptable.¹⁸

For the most part, theorists do not address what citizens may and ought to do in less-than-nearly-just societies, which fail the test of legitimacy, because they generally believe that disobedience in illegitimate states is not particularly problematic and does not need special justification. Thus, much hinges on the diagnosis of political legitimacy: If the state is legitimate, subjects ought to comply with its law and may sometimes disobey it civilly. And if it isn’t, they neither owe the state anything—they have no “political obligation”—nor are they bound to only disobey its law civilly; they may well resort to radical forms of resistance, including, at the extreme, revolution. While this binary view is broadly accepted, accounts of legitimacy (including of how injustice affects it) and diagnoses of particular societies are not. There are deep and intractable disagreements about whether nonideal societies “like ours” (viz., large, industrialized, liberal democratic Western nation-states) qualify as legitimate or not.

Readers will not find an answer to whether such societies are legitimate in this book—I will leave that for others to explore. What they will find is a unified account of political obligation that focuses on duties of resistance under conditions of injustice and applies to all societies, legitimate and illegitimate. This book conceives of resistance as a multidimensional continuum of dissenting acts and practices, which includes lawful and unlawful acts (or “principled disobedience”), and expresses, broadly, an opposition and refusal to conform to the established institutions and norms, including cultural values, social practices, and laws. It shows that resistance to injustice, including through principled disobedience, is sometimes a better avenue to meet the demands of justice, fairness, Samaritanism, and political membership than legal compliance is, and that uncivil acts of disobedience may preserve justice and democracy just as well as civil disobedience. It thus proposes to extend the concept of political obligation to encompass citizens’ political responsibilities, including their moral duties to resist injustice and to engage in principled disobedience under certain circumstances.

My account of political obligations engages with champions of the moral duty to obey the law and philosophical anarchists alike. Whichever of the four grounds one endorses either as the basis of the duty to obey the law or more basically as a valid source of obligations, one is also, wittingly or not, committed to the existence of a duty to resist injustice and disobey unjust laws. Anarchists are right to be suspicious of states’ demand for unquestioning obedience on the part of their subjects and of theorists’ efforts to show that actual societies trigger general duties of compliance. But whereas anarchists reject nonvoluntarily incurred duties, I show that citizens of nonideal societies have numerous, stringent political obligations. Anarchists rarely discuss disobedience, except to say that the absence of political obligation does not have any radical practical implications (this is how John Simmons, for instance, distinguishes philosophical

anarchism from its “bomb-throwing” relative).¹⁹ Because of this status-quo embracing tendency, philosophical anarchism strikes me as not only “toothless,” to use Chaim Gans’s epithet, but also condescending in its insistence that what is right is not necessarily what it is right for “the masses” to believe.²⁰ In articulating instead a defense of political obligations to resist injustice, including by way of principled lawbreaking, my account purports to be a radical alternative to philosophical anarchism.

In addition, my account could be seen as either an alternative to or an extension of defenses of the duty to obey the law. On most established accounts (certainly all current ones), the duty to obey is *pro tanto*—ordinarily decisive yet defeasible—and does not arise in the face of serious injustice. Here, my account answers the question: What happens when the moral duty to obey the law fails to obtain, locally or overall? From this perspective, all champions of political obligation could in principle endorse my account of political obligations as a friendly extension of theirs, as some in fact do.²¹ However, the duties to resist injustice and disobey the law that I identify may come into conflict with the putative moral duty to obey the law (at least in cases where it is not clear whether the injustice is so severe as to cancel the duty to obey), and champions of the duty to obey and I might disagree over whether the duty to obey should take precedence.

Although my account of political obligations relies on principles commonly used to support the duty to obey the law, I do not argue that all or only such principles ground citizens’ obligations in the face of injustice. Thus I do not see how, say, gratitude and deference, which have been invoked in defense of traditional notions of political obligation, could trigger obligations of resistance under unjust conditions.²² But one might defend political obligations of resistance on the ground of respect for law, which Joseph Raz uses to support a semi-voluntary and particular obligation to obey the law. (William

Scheuerman's defense of Snowden's whistleblowing through the lens of respect for the rule of law is a possible illustration of such argument.²³) And Carole Pateman and Nancy Hirschmann, who advance forceful feminist critiques of liberal contractual theories of political obligation, entertain the possibility that the demands of democratic consent, well understood, counsel resistance against, instead of acquiescence to, patriarchal government.²⁴ Still other normative principles that philosophers have not used to support the duty to obey the law, such as freedom-as-nondomination (the unifying theme of civic republicanism) and care (the centerpiece of feminist virtue ethics) may well provoke additional responsibilities.

The sources of political obligation on which I focus are not just widely accepted but also have radical and broad-ranging implications under defective sociopolitical conditions. By putting common liberal principles to radical use in this way, I pursue a strategy associated with Carole Pateman, Iris Marion Young, Lisa Schwartzman, Rae Langton, and other feminists and critical race theorists, who show that liberals, by their own lights, should advocate sweeping political change to combat oppression.²⁵

KEY CONCEPTS

I use the term *injustice* broadly, to encompass the overlapping categories of unjust *law* and *agent* and *structural* injustice. Law, the set of authoritative norms and decisions that form a legal system, is unjust, in whole or in part, when it violates substantive or procedural norms of political morality such as due process and respect for everyone as equal. The distinction between agent and structural injustice is useful: agent injustice consists in the direct and deliberate imposition of harms by individuals on other individuals, while structural injustice designates the unintended but unjust outcome of

social processes or structures that are based on morally unacceptable values or belief systems. The unjust outcomes may range from unfair distribution of the burdens and benefits of social cooperation (the focus of chapter 4) to mass human rights violations.

Iris Marion Young uses the concept of *structure* to denote, broadly, “the rules and resources brought to actions and interactions,” that is, what governs, enables, and constrains social interactions, and, in particular, “the relation of social positions that condition the opportunities and life prospects of the persons located in those positions” or the ways in which different social positions determine individual lives.²⁶ She explains:

Structural injustice exists when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities.²⁷

That is, structural injustice occurs where a problematic system of norms and entitlements hinder the development of some people’s capacities while benefiting others.

The related concept of *oppression*, which I will use interchangeably with “injustice” in the book, describes the inhibition of human abilities as a result of structural injustice. Marilyn Frye defines oppression as “a network of forces and barriers which are systematically related and which conspire to the immobilization, reduction and molding” of people and people’s lives, on the basis of their membership in a social group.²⁸ The harms of oppression are inflicted through disabling structural constraints, including, as Young argues, exploitation, marginalization, powerlessness, cultural imperialism, and violence.²⁹ These phenomena—and the structures that produce

structural injustice—involve the interplay of law, social institutions, cultural understandings, and practices.

Although my concern with principled disobedience will lead me to pay special attention to law, I also examine *ideology*. Following Tommie Shelby, I understand ideology as “a widely held set of associated beliefs and implicit judgments that misrepresent significant social realities and that function, through this distortion, to bring about or perpetuate unjust social relations.”³⁰ Ideology works to conceal structural injustice, making its harms look necessary (natural, inevitable) or justified. Sally Haslanger has also recently illuminated the broad cultural factors—the set of “social meanings that shapes and filters how we think and act”—that need to be tackled in the fight against ideology and to achieve social justice.³¹

Oppression and injustice can be found in societies deemed “legitimate.” As I mentioned above, theorists have offered myriad accounts of state *legitimacy*. Many, starting with Thomas Hobbes, conceive of legitimacy as a necessary and sufficient condition for political obligation, so that if the sovereign has a right to govern, its subjects have a correlative duty to obey. Others, like Leslie Green and Christopher H. Wellman (whose account I examine in chapter 5), hold that political legitimacy, understood as justified coercion, is necessary but not sufficient for political obligation.³² On most contemporary accounts, political legitimacy requires just, effective, and democratic institutions, as we’ll see in chapter 3. Yet some theorists, like Simmons, keep justification, legitimacy, and justice distinct. Simmons argues that while subjects’ consent (and not society’s justice) is a necessary and sufficient condition for state legitimacy, a state may justifiably exercise coercion even without consent from its subjects (i.e., without legitimacy).³³ So different accounts allow for different degrees of injustice to be present in a legitimate society. My account of political obligations in the face of injustice does not assume a particular conception of legitimacy.

As Amartya Sen argues, it is easier to identify injustice than to say what justice consists in: “We can have a strong sense of injustice on many different grounds, and yet not agree on one particular ground as being *the* dominant reason for the diagnosis of injustice.”³⁴ In this spirit, my account works from notions of injustice that many (but by no means all) would recognize as such. Different injustices inflict different harms, from eroding victims’ sense of self-worth through small but repeated humiliations, to physically annihilating them through genocide. Slavery, colonialism, and women’s disenfranchisement are all deemed seriously unjust, usually because they violate individuals’ (or people’s) right to self-determination. Racism, religious intolerance, sexism, ableism, anti-LGBTQ+ discrimination, and other cases of unequal group treatment are unjust, on most theories of justice, because they manifest society’s unequal respect for some of its members on the basis of morally irrelevant categories. On most accounts, failure to recognize and respect people’s dignity, violations of fundamental rights, violent and abusive treatment, and unequal access to political representation are sufficient conditions for diagnosing serious injustice. Most existing societies, including liberal democracies—the best real-world candidates for legitimate societies—are guilty of at least some of these abuses.

Along with justice and injustice, a core term in this study is *resistance*. To resist is to withstand, strive against, or oppose. The concept is ambiguous: for centuries it referred to revolution or rebellion, a sense it still maintains today. Thus about a fifth of the world’s constitutions, including those of Germany, the Czech Republic, Thailand, and Rwanda, recognize a right to resist oppression (where oppression designates nondemocratic power and resistance insurrection).³⁵ The French Revolution’s Declaration of the Rights of Man and of the Citizen even affirms citizens’ duty to resist in this sense: “When the government violates the rights of the people, insurrection is for the

people and for each portion of the people the most sacred of rights and the most indispensable of duties.” In turn, political theorists and social scientists generally define resistance as a form of sustained collective action involving “widespread activities that challenge a particular power, regime or policy.”³⁶

The concept of resistance I have in mind is more capacious, aligned with feminist understandings. Resisting injustice involves refusing to cooperate with the mechanisms that produce and sustain it. (And I am mainly interested in resistance against injustice, although resistance can of course target just law that is wrongly perceived as unjust as well: witness civilians’ and officials’ active resistance against federally mandated racial integration in Jim Crow states.) Fighting against injustice requires at least making a stand against it, by vocalizing or silently signifying protest. So one-off individual dissent can be an act of resistance, although, at best, resisting means organizing collectively to dismantle systemic injustice and working to set right particular harms caused by agent injustice.

Resistance can designate a broad range of dissident activities, which all express an opposition and/or refusal to conform to a dominant system of values, norms, rules (including law), and practices. To be clear, the “system” that is the target of resistance is not limited to society’s basic institutions, but encompasses social structures in Young’s sense, culture and ideology, and individuals’ actions and attitudes (the latter being problematic in part in virtue of representing common, problematic norms). Acts of resistance may be legal or illegal; visible or covert; violent or nonviolent; injurious or harmless; undertaken by officials, citizens, or noncitizens (e.g., visitors, migrants, or citizens from other countries acting from abroad); and addressed to the public (government, citizenry) or to a private agent (e.g., university, corporation). They may be undertaken to pursue a variety of more or less radical goals, from legal reform to revolution, as we shall see in chapter 1.

I describe illegal acts of resistance that are politically or morally motivated as instances of *principled disobedience*. One subset of principled disobedience is *civil disobedience*: a principled and deliberate breach of law intended to protest unjust laws, policies, institutions, or practices, and undertaken by agents broadly committed to basic norms of civility. This means the action is public, non-evasive, nonviolent, and broadly respectful or civil (in accordance with decorum). This definition of civil disobedience tracks the ordinary understanding of civil disobedience but jettisons its oft-associated subjective elements (regarding the agent's attitudes and dispositions). It is broader than Rawls's definition but much narrower than recent, inclusive accounts of civil disobedience.

Another subset of principled disobedience is *uncivil disobedience*. This category, which theorists so far have neglected, helps us think about acts of principled disobedience that neither appear nor try to be civil, as well as controversial cases of civil disobedience.³⁷ Acts of principled disobedience that are covert, evasive, anonymous, violent, or deliberately offensive are generally (though not necessarily) uncivil. Examples include guerrilla theater (illegal public performances often designed to shock, in pursuit of revolutionary goals), antifascist tactics such as "black bloc" (which often involves destruction of property), riots, leaks, distributed-denial-of-service (DDoS) attacks, and vigilantism. (Whether some of these acts are criminal or qualify as principled disobedience depends in part on the agents' motivations as well as on the context.)

I defend a *duty* to resist injustice as a core part of our political *obligations* (and I use the terms "duty" and "obligation" interchangeably in this book). To say that something is a duty or obligation is to say that it ought to be discharged: it is a moral requirement. One might object that what we ought to do is circumscribed by what we can do, or, as philosophers are fond of saying, that "ought implies can."³⁸ Resistance against injustice requires sacrifices too great to be

reasonably expected of most people: Freedom Riders were viciously beaten by White supremacist mobs; Manal al-Sharif, who filmed herself driving, in violation of Saudi law, was arrested and jailed. And if resistance comes at too high a price, it cannot be a moral requirement. This is why we admire resisters' courage and sacrifices—because they go well beyond the call of duty.³⁹

In response, it is important to clarify the nature of the duty to resist that I defend in this book. It is not legally enforceable, although its violation may be socially sanctioned, for instance, through blame.⁴⁰ Like other duties, it is defeasible, that is, it may come into conflict with, and be outweighed by, countervailing considerations. It is a general and imperfect duty, meaning that one has discretion as to when and how to discharge it. It does not demand heroic self-sacrifice, although it prohibits doing nothing (insofar as doing nothing amounts to supporting the unjust status quo). What one ought to do in a particular situation, then, depends on the particulars of that situation—especially the nature of the injustice and one's position relative to it. But the fact that we admire courageous resisters does not mean that resistance can only be supererogatory, that is, only the province of moral saints that we feel we can never measure up to. Rather it means that resisting injustice is difficult and that many of us fall short of fulfilling our basic political obligations.

OUR POLITICAL OBLIGATIONS

The book often takes a historical and theoretical approach to thinking about our political duties. I will turn again in chapter 4 to the conditions the young Freedom Rider felt obligated to resist, and I will argue that his instinct was correct. In 1961, under Jim Crow, one of citizens' central political obligations was to fight racial segregation, and one effective way of doing so was to engage in civil

disobedience: one wasn't simply permitted but, depending on one's circumstances, may also have been morally bound to join protest marches, boycotts, lunch counter sit-ins, and other racial-integration campaigns. In later chapters, I discuss those circumstances—aggravating and mitigating—in detail.

But while history informs the analysis, my goals have more to do with the moral obligations citizens face today. I contend that these obligations demand solidarity with protests against racial injustice, labor injustice, gender inequality, and sexual violence. They demand that we educate ourselves about the workings of structural racism and implicit bias; listen to the testimonies of victims of oppression; cultivate moral understanding of and resistance to our own and our children's self-deception; demand accountability for extrajudicial killings by police and others operating under cover of law; draw attention to, and work to dismantle, mass incarceration; directly disobey laws that require reporting or prohibit assisting undocumented migrants; engage in principled disobedience to highlight and eradicate discrimination against women, LGBTQ+ people, ethnic minorities, and people with disabilities; and force our governments to reform unjust trade, labor, environmental, and energy regimes globally. We should challenge and refuse to comply with sexist; racist; Islamophobic; homo-, trans-, and cis-phobic, and ableist cultural and social norms. We should boycott morally tainted products and “buycott” in order to support high-road producers; donate to organizations devoted to social justice and democracy; document and report wrongdoing when we witness it, sometimes even when we are legally prohibited from doing so; partake, as necessary, in workplace strikes; and use our positions, resources, and talents—whether as officials with access to levers of power, celebrities in the public eye, or everyday people with our particular skills and endowments—to relieve suffering and promote justice everywhere we can.

INTRODUCTION

This is a tall moral order, but we needn't let this frighten us into despair or denial. That morality may impose lofty demands is nothing new. What is new is this book's systematic account of citizens' duty to meet those demands by resisting injustice, including through principled—civil and uncivil—disobedience. What is also new is that this account relies on the same grounds commonly used to support the duty to obey the law. Finally, what is new is the proposal to revisit and radically expand our understanding of political obligations, but only by asking us to make good on the commitments we already claim to accept.