

DEMOCRACY, DISOBEDIENCE, AND ACCOUNTABILITY

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PROTESTORS tend to impose on others. When Extinction Rebellion activists glue themselves to the road to challenge climate policy, it makes people late for work. When students pitch tents on university campuses to protest the ongoing conflict in Gaza, they prevent people from using public spaces. When protestors burned down a Minneapolis police station over the murder of George Floyd, they destroyed a piece of public property. In these ways, protest of all kinds—violent and nonviolent, organized and disorganized, civil and uncivil—can interfere with the interests of others. Protest, let us say, is often *burdensome*.¹

This burdensome aspect of protest is typically intentional. Protestors do not glue themselves to a road by accident. Nor is the intentional imposition of burdens a new feature of protest. To the contrary, it is deeply ingrained in our political culture. Many protestors believe that some degree of social disruption is essential to their cause. Martin Luther King Jr., for example, wrote that ethical appeals in protest must be “undergirded by some form of constructive coercive power.”² Still, the fact that protest can be inconvenient, disruptive, and destructive is a perennial cause of political opposition to protest. Even sympathizers may find their sympathies tested when they witness the destruction of public property or find themselves stuck in traffic behind a blockade. Minimally, interference of this kind in the interests of others seems to call for some form of justification.

A common line of thought among philosophers writing on civil disobedience has been that this is because burdensome protest is *undemocratic*. When protestors impose burdens on others, the thought goes, they attempt to directly bring about their desired political outcome rather than leaving the issue to the majority. As John Rawls, the leading liberal theorist of civil disobedience, puts it, civil disobedience “tries to avoid the use of violence, especially against

1 I use ‘protest’ here as a catchall term that includes, for example, marches, demonstrations, sit-ins, and phone zaps, as well as whistleblowing, political graffiti, hacktivism, and targeted property destruction.

2 King, *Where Do We Go from Here?* 137.

persons, not from the abhorrence of the use of force in principle, but because [civil disobedience] is a final expression of one's case. . . . Civil disobedience is giving voice to conscientious and deeply held convictions; while it may warn and admonish, it is not itself a threat."³ Because this objection is levelled against protest that is described as violent or forceful, call it the *democratic objection to force*, or just the *democratic objection*.⁴

As stated, the democratic objection is clearly overbroad. Practically all civil disobedience involves tactics that might be described as forceful or violent, to say nothing of other kinds of protest.⁵ In some jurisdictions, simply sitting on a road may constitute "violent coercion."⁶ For this reason, most authors who endorse the democratic objection carve out a special justification for certain incidental uses of force or violence. Others draw a more radical conclusion, seeking to reject the democratic objection altogether. But there is an important question in this dialectic that has received regrettably little attention: Is it true that force and violence per se imply an attempt to directly bring about a political outcome? If not, then we can take the democratic objection seriously without subscribing to a narrow view of the justification of forceful and violent protest.

This essay offers a response to the democratic objection that adopts this strategy. I argue that we can distinguish some burdensome protest from attempts to directly bring about a desired political outcome, avoiding the democratic objection to force. To this end, I propose that protest is sometimes a form of holding others accountable. When we hold others accountable, we are often engaged neither in persuasion nor in an attempt to force our views on others. Rather, we are engaged in a form of communication that uses the imposition of burdens to make a moral appeal to others. If burdensome protest can be interpreted in similar terms, then protestors may *use force* without *forcing* their beliefs on others.

I begin in section 1 by unpacking the democratic objection to force in more detail. In sections 2 and 3, I set out an account of holding others accountable and argue that protest, interpreted in these terms, can avoid the democratic

3 Rawls, "Definition and Justification of Civil Disobedience," 106.

4 Even some proponents of forceful and violent protest accept this point. See Aitchison, "Coercion, Resistance and the Radical Side of Non-Violent Action"; and Livingston, "Non-violence and the Coercive Turn." For a general discussion of worries about coercion, see also Delmas and Brownlee, "Civil Disobedience."

5 Morreall, "The Justifiability of Violent Civil Disobedience," 136. Morreall's precise word here is 'coercion', but nothing is lost in the rephrasing. See also Greenawalt, "Justifying Nonviolent Disobedience," 179; and Moraro, "Violent Civil Disobedience and Willingness to Accept Punishment," 274.

6 I have in mind here the German Penal Code. For discussion, see Celikates, "Rethinking Civil Disobedience as a Practice of Contestation," 41–42.

objection to force. In section 4, I defend this interpretation of protest. I conclude in section 5 by considering the scope of the paper's conclusions.

1. THE DEMOCRATIC OBJECTION TO FORCE

Let me start by laying out the democratic objection in general terms and motivating my approach to the issue.

The democratic objection to force is founded on the idea that democratic citizens have a duty to respect the outcomes of democratic decision-making. According to this idea, democratic citizens are entitled to participate in collective decision-making processes by doing things like voting, attending town hall meetings, writing editorials, and so on. But part of being a good democratic citizen is respecting democratic decisions even when one disagrees—being, in Locke's turn of phrase, "concluded by the majority."⁷ This duty raises a problem for civil disobedience insofar as the law disobeyed is a product of democratic decision-making. Nevertheless, the argument usually goes, the duty does not require that citizens always and unflinchingly adhere to the letter of the law. For even though civil disobedience involves disobeying the law, it does so in a way that demonstrates respect for the law. Unlike other kinds of lawbreaking, civil disobedience is nonviolent, conscientious, political, persuasive, and done with a willingness to accept punishment for one's actions. In contrast, the objection holds, forceful and violent disobedience involves violating the duty of respect for the law. Civil disobedience is a principled attempt to persuade the public; the use of violence or force is an attempt to directly bring about a desired political outcome regardless of what other citizens happen to think on the issue. Thus, forceful or violent disobedience is thought to be an attempt by a minority to force their views on the democratic majority, which is incompatible with respect for the outcomes of democratic decision-making.

This argument is worth taking seriously. The claim that democratic citizens have a duty to respect the law is a plausible one, with deep roots in political philosophy and many influential contemporary proponents.⁸ Indeed, the literature on civil disobedience historically begins from an even stronger claim—that citizens have a *pro tanto* duty to obey the law.⁹ And it is an accepted feature of the

7 See Locke, *Second Treatise of Government*, sec. 96.

8 Jeremy Waldron writes, "When something is enacted as law or as a source of the law, I believe it makes on us a demand not to immediately disparage it, or think of ways of nullifying it or getting around it. . . . [This] is a demand for a certain sort of recognition and, as I said, respect" (*Law and Disagreement*, 100). See also, e.g., Christiano, *The Constitution of Equality*, 250; and Stilz, *Liberal Loyalty*, 98.

9 Lai, "Justifying Uncivil Disobedience," 90.

common understanding of civil disobedience that it can demonstrate respect for the law.¹⁰ The question, then, is whether force and violence are incompatible with respect for the outcomes of democratic decision-making. Certainly, many have thought so. As we have already seen, Rawls argues that civil disobedience cannot be violent because violence uses threats rather than political appeals to get its way.¹¹ Other significant authors in the civil disobedience literature like Ronald Dworkin, Peter Singer, David Lefkowitz, and Daniel Markovits make similar claims, even while they disagree with the substance of Rawls's view.¹²

To be sure, the democratic objection has taken many forms. Perhaps unsurprisingly, few who endorse the objection see it as a categorical rejection of force and violence. Instead, it is common to qualify the democratic objection so as to allow some *incidental* force and/or violence.¹³ Markovits's view is representative. His account notes a key distinction between the *fact* and the *outcome* of democratic reengagement: while disobedients may justifiably use coercion to secure the fact of democratic reengagement, they may not coerce a specific political outcome.¹⁴ William Smith likewise defends coercion to kick-start debate of a neglected issue in the public sphere, though not to secure the success of a particular position.¹⁵ And Piero Moraro defends protest that uses force to get the full attention of one's democratic peers without forcing them to adopt a view.¹⁶ Beyond these authors, this line of argument is well established in the literature.¹⁷

10 King, for example, writes in "Letter from a Birmingham City Jail" that, far from disrespecting the law, civil disobedience "in reality express[es] the very highest respect for law" (1121).

11 Rawls, "Definition and Justification of Civil Disobedience," 106.

12 Dworkin argues that nonpersuasive civil disobedience is harder to justify than persuasive civil disobedience because it attempts to make the majority's chosen policy more costly rather than change the majority's mind ("Civil Disobedience and Nuclear Protest"). Lefkowitz, citing Singer, argues that civil disobedience cannot be coercive because coercive disobedience threatens to usurp the "equal authority of all citizens to determine what the law ought to be" ("On a Moral Right to Civil Disobedience," 216). For his part, Singer argues that civil disobedience for "publicity purposes" must avoid violence because "to use violence is to obliterate the distinction between disobedience for the sake of publicity and disobedience designed to coerce or intimidate the majority" (*Democracy and Disobedience*, 82). Markovits, in contrast, allows for disobedients to use coercion to trigger democratic reengagement with an issue but not to force a specific political outcome ("Democratic Disobedience," 1941).

13 I thank an anonymous reviewer for pressing this point.

14 Markovits, "Democratic Disobedience," 1941.

15 Smith, "Civil Disobedience and the Public Sphere," 160–61.

16 Moraro, "Respecting Autonomy Through the Use of Force," 68.

17 King himself conceived of civil disobedience as using force to secure the conditions for negotiation. Kimberley Brownlee and Candice Delmas each cite and substantively agree

This incidental argument, however, yields only a narrow defense of force and violence. First, the argument applies only to cases of civil disobedience and, moreover, to cases of civil disobedience in which force or violence is used to secure the fact and not the outcome of democratic reengagement. Second, it is difficult to see how the use of force or violence to prompt democratic reconsideration of an issue can be disentangled from the use of force or violence to push for a specific outcome, especially when both are likely to be performed by activist groups with a clear political program. Third, this sort of argument presents force and violence as instrumental preliminaries to persuasion—non-communicative measures designed to secure the conditions for civil disobedients to make their case. But as many have argued, force and violence can play an essential role in shaping the content of a protest's message.¹⁸ These issues suggest that there is a range of (not incidentally) forceful and violent protest calling for independent theoretical attention.

Accordingly, some authors have sought to make more room for force and violence in our philosophical understanding of protest. Barbara LaBossiere, Jennifer Welchman, and A. John Simmons have argued that the rejection of violence by theorists of civil disobedience is ahistorical, and Andreas Marcou has made a legal case for the compatibility of violence with civil disobedience.¹⁹ Others have drawn attention to the idealizing assumptions undergirding the democratic objection. The democratic objection is an objection to protest that

with Markovits regarding the democratic objection, though Delmas also takes the argument a step further to apply it to uncivil disobedience (Brownlee, *Conscience and Conviction*, 176; and Delmas, *A Duty to Resist*, 56–57). Lefkowitz takes a thicker, more moralized view of coercion. Accordingly, he contends that civil disobedience cannot be coercive, but it may be violent insofar as violence can be noncoercive—as in, for instance, the symbolic destruction of a monument (“On a Moral Right to Civil Disobedience,” 216). Robin Celikates agrees that the use of nonpersuasive means can be put to democratic ends, though he does not appear to place such strong limits on civil disobedience (“Democratizing Civil Disobedience”).

- 18 Robin Celikates claims that the communicative dimension of civil disobedience in fact *depends* on moments of “real confrontation,” often including force or violence (“Democratizing Civil Disobedience,” 988). Steve Coyne denies Rawls’s claim that violence is incompatible with civil disobedience as a mode of address, writing, “Violence can often be a spectacularly powerful way of addressing someone” (“The Role of Civility in Political Disobedience,” 224–25). Edmund Tweedy Flanigan defends the use of force on the grounds that it may be a fitting way of rejecting an attacker’s refusal of moral regard (“Futile Resistance as Protest,” 652–53). See also Kling and Mitchell, “Responsibility and Accountability”; and Marcou, “Violence, Communication, and Civil Disobedience.”
- 19 LaBossiere, “When the Law Is Not One’s Own”; Welchman, “Is Ecosabotage Civil Disobedience?”; Simmons, “Disobedience, Nonideal Theory, and Historical Illegitimacy”; and Marcou, “Violence, Communication, and Civil Disobedience.” See also Smart, “Defining Civil Disobedience.”

fails to show respect for democratic decision-making, so if a society's decision-making is undemocratic, then the objection loses much of its force.²⁰ Thus, Candice Delmas, for example, has argued that the democratic objection has limited application under present conditions of political marginalization.²¹ However compelling, these arguments largely sidestep the normative issue at the heart of the democratic objection: whether force and violence are undemocratic *in principle*.²²

The account I offer throughout the rest of this paper is designed to tackle this issue. I contend that the use of force and violence in protest need not be an attempt by protestors to force their views on others but may instead be a communicative effort compatible with respect for democratic decision-making.²³ Although the democratic objection has typically been considered by authors writing on civil disobedience, I engage with it as a broader problem for forceful and violent protest and offer a defense of protest that includes but is not limited to civil disobedience. In so doing, my goal is not to refute the democratic objection but to show that even if we take the democratic objection seriously, it may leave a good deal of force and violence on the table.

Before moving on, however, a note of clarification. I use the terms 'force' and 'violence' loosely in this essay to refer to a range of violent and nonviolent protest tactics. I will not attempt to define these terms, since they are used

- 20 A closely related point is that under conditions of sufficient injustice, there is no general duty to obey the law, and thus civil disobedience requires no special justification. See Lyons, "Moral Judgment, Historical Reality, and Civil Disobedience," 46; and Lefkowitz, "On a Moral Right to Civil Disobedience," 205, 209.
- 21 "To dismiss incivility as a threat to an otherwise stable democracy is most likely to assert stability (the kind that stems from a shared commitment to mutual reciprocity) where it has already been lost" (Delmas, *A Duty to Resist*, 56). See also Lai, "Justifying Uncivil Disobedience."
- 22 Simmons is an exception: "Even if we instead accept Rawls's ('public and political') requirements, it is simply not at all clear why violent acts could not be addressed to the public in the right way—as an attempt, say, to get the majority to reconsider its position on the justice of some policy" ("Disobedience, Nonideal Theory, and Historical Illegitimacy," 34–35). Although compelling, Simmons's remarks on this point are not developed at length.
- 23 This argumentative strategy is closest to Moraro's in "Respecting Autonomy Through the Use of Force." Unlike the argument offered in this paper, Moraro appears to offer a defense of the use of force in *civil disobedience* insofar as it serves the ends of a persuasive political appeal. But Moraro's argument resembles my own in that he argues that force need not involve an attempt to force others to do as one wishes and may instead be a part of one's political appeal. My argument can therefore be read as expanding on Moraro's conclusions by moving beyond civil disobedience and providing a thicker explanation of how force figures into the political message of protest.

loosely and in conflicting ways by many of the authors I discuss.²⁴ For our purposes, we need only note that these tactics impose burdens on their targets and are therefore thought to be undemocratic.

2. REPROOF

My defense of forceful and violent protest will depend on the notion of a form of holding others accountable called *reproof*. To introduce the idea, let us start by considering two more familiar responses to bad conduct: persuasion and sanctioning.

2.1. Persuasion and Sanctioning

First, when others behave badly, we might attempt to persuade them to behave better.²⁵ We might engage them in a dialogue, offering reasons why their past conduct was bad and imploring them to reform. This is an option we are likely to take when delicacy is required, when the misconduct is relatively slight, or when we deal with friends and family. Suppose I lend my friend a book, and she carelessly drops it in a puddle. I might try to persuade her to be more careful in the future by arguing that she has reason to take better care of her friends' belongings. Or suppose I overhear my brother gossiping about me at a party. I might then go over and try to persuade him that he ought to respect my privacy.

As a response to misconduct, persuasion is motivated by a concern for the reasons of its target. In attempting to persuade my friend to take better care of others' belongings, I aim to have no influence over her conduct other than what might follow from the success of my arguments. I appeal to considerations she accepts as important in order to focus her attention on important facts that she has disregarded. Reasons come first, and the desired change in conduct is downstream. Thus, persuasion aims at a change in conduct *through* a change in the reasons endorsed by its subject. And it matters what reasons the subject ends up endorsing. In trying to persuade my friend to act differently, I aim for them to take up and act on precisely the reasons I present to them. So it will do me no good to get worked up and issue wild-eyed accusations. My persuasion will succeed only if my friend accepts the reasons I give her and not if she superficially changes her behavior to avoid confrontation.

24 Rawls uses 'force' and 'violence' interchangeably. Dworkin talks about *nonpersuasive disobedience*, by which he appears to mean something like *coercion*, as Markovits, Aitchison, and Livingston understand it.

25 I say 'attempt' because it is debatable whether persuasion or sanctioning count as holding others accountable in the fullest sense. But this should not affect the substance of the argument.

But the fact that persuasion is nonconfrontational can make it an odd response to some kinds of bad conduct. Persuasion may be appropriate when others are receptive and well intentioned. Often, however, others seem unlikely to respond well to our persuasive efforts. If someone cuts in front of me in line, it might be the case that they are unaware of the norms of queueing. But it is more probable that they are aware of those norms and simply do not care. My gossiping brother likely knows it is wrong to badmouth me behind my back, but he does it anyway—the fact that he gossips within earshot suggests that he has no compunction about it. Persuasion is ill suited to these contexts. Sometimes, it seems, bad conduct calls for something beyond a persuasive response.

Hence a second kind of response to bad conduct: sanctioning. When we hold others accountable, some moral philosophers argue, we impose some burdensome treatment, or sanction, on them that is designed to get them to change their conduct.²⁶ There is considerable disagreement about how sanctions are intended to effect this moral change, but for our purposes, I will take a simple view of sanctions according to which sanctions work through the creation of disincentives.²⁷ So when I sanction you for ϕ -ing, I create a reason for you not to ϕ , and the reason is that if you ϕ , you will be subjected to something unpleasant. This unpleasantness might have to do with the burden of social censure, with the effect on your welfare of being scolded, or with some other impact on you.

To fix ideas, consider some examples. If you like to tell offensive jokes in public settings, I might try to get you to stop by haranguing you every time you tell one. And if I have given up on convincing you, I might rely on the sheer unpleasantness of my haranguing. Likewise, if I am having a conversation with someone who frequently interrupts me, I might decide that every time they interrupt me, I will interrupt them back. If I am a parent and hear that my children are starting to pick up swear words, I might make them deposit a quarter in a swear jar every time they swear. All these cases count as sanctioning for our purposes.

26 Sanctioning is an important element of many accounts in the Strawsonian tradition of moral philosophy. See Strawson, “Freedom and Resentment”; Macnamara, “Holding Others Responsible” and “Taking Demands Out of Blame”; Shoemaker, “Attributability, Answerability, and Accountability”; Wallace, *Responsibility and the Moral Sentiments*; and Watson, “Two Faces of Responsibility.”

27 This is a commonplace though not uncontroversial understanding of sanctions. Many of the authors mentioned above would dispute it, but my aim here is to draw a broad distinction between everyday attempts to seek accountability, not to offer an analysis of the term ‘sanction.’

As these examples suggest, sanctioning differs from persuasion in more than just its means. To persuade someone, I must have a certain concern for their reasons, but when sanctioning them, I may be indifferent to their reasons. When I interrupt the interrupter, for example, it is possible that they will come to realize that they have behaved rudely; but it is just as possible that they will stop interrupting me because they too dislike interruptions. To sanction the interrupter, I need not aim at one or another of these outcomes; I need aim only for the interrupter to stop interrupting me. In general, sanctions create motives for a change in conduct that are distinct from the reasons the conduct is bad. The fact that being interrupted is unpleasant is different from the fact that interrupting me is rude. As a result, the considerations in virtue of which persuasion is constrained and nonconfrontational do not apply to sanctioning. There is no need for sanctioning to be nonconfrontational because sanctioning does not depend on an appeal to its target's reason. While sanctioning might depend on its target being a rational agent—one who is responsive to the prudential impact of a sanction—it does not engage with its target as a reasoning agent.

The fact that sanctioning makes no appeal to its target's reason helps to explain why, like persuasion, sanctioning is also sometimes an odd response to bad conduct. Since the unpleasantness of a sanction is distinct from the reason why the conduct was bad, sanctions may be ill suited to bringing about swift and lasting change. If I use sanctions to get you to stop telling offensive jokes, you may not be able to realize what it is about your jokes that is offensive to me. And even if I am successful, I have given you a reason not to tell those jokes *only when I am around*.

2.2. *The Concept of Reproof*

Sometimes when others act badly, we attempt neither to persuade nor to sanction them. This third option I call *reproof*, using the term in a special sense to pick out a response to bad conduct that falls somewhere between persuasion and sanctioning.²⁸ Reproof resembles sanctioning in that it works by impos-

28 My choice of this term and the subsequent discussion is strongly influenced by Coleen Macnamara's 2011 account of reproof in "On Holding Others Responsible," which itself builds on Antony Duff's 1986 treatment of the subject in *Trials and Punishments*. Duff's view is that reproof (Macnamara's term) is a kind of moral argument that aims to persuade a wrongdoer that they have acted badly so that they will be pained by their past conduct and thus commit to reform. The imposition of burdens can assist in this process, but they are not necessary for it. Macnamara, by contrast, distinguishes reproof from moral persuasion and insists that the imposition of burdens is an essential element of reproof. I agree with Macnamara that reproof is different from moral persuasion, in part because it involves the imposition of burdens. But I take Macnamara's 2021 account of reproof to lack some of the communicative features that Duff is at pains to emphasize. That is, if reproof achieves a change in conduct

ing burdens on others. Unlike sanctioning, however, reproof does not simply incentivize its targets to alter their behavior. In reproof, the imposition of burdens is intended and designed to communicate a reason why the target ought to behave differently. Reproof is thus both communicative, like persuasion, and burdensome for its target, like sanctioning.

To illustrate, imagine that you and I are part of a community cleanup of a local park. You finish the chocolate bar you are eating and drop the wrapper on the ground. In response, I turn to you, shocked, and say, “Don’t do that!” In this example, I am not trying to *persuade* you not to litter. I have given you no argument to act otherwise. Rather, I am imposing a burden on you for your actions—the burden of dealing with my shocked disapproval. But neither am I using sanctions to incentivize you to change your conduct. Instead, it seems more plausible to say that I am trying, through the imposition of a burden, to get you to take seriously the fact that you should not litter. I am communicating with you, even if I am not trying to persuade you. To take a more extreme example, suppose Sam and Pat are in a relationship, and Pat finds out that Sam is cheating on them. In a fit of jealous rage, Pat carves the word ‘cheater’ into the paint of Sam’s car. Here, Pat is not trying to persuade Sam, but Pat’s actions have a distinct communicative purpose that goes beyond the creation of an incentive. Pat’s actions seem to communicate accusation and condemnation in a way that persuasion cannot.

As the last example illustrates, reproof may resemble punishment in at least one important respect. Joel Feinberg argues that punishments are “conventional symbols of public reprobation.”²⁹ To say this, Feinberg claims, is to say something such as champagne is symbolic of celebration or wearing black is symbolic of mourning. We might add knighting ceremonies or heckling a comedian to this list, in which the tap of a sword or the insult of a performer can take on an additional significance in virtue of social convention. Christopher Bennett and Michael McKenna contend that something similar is true of holding others accountable more generally.³⁰ As Bennett puts it, “the behavior which is the characteristic expression of blame has a purposive as well as an expressive or symbolic side. On the one hand, it symbolizes the wrongdoer’s alienation [from other members of the moral community]; on the other, it serves to communi-

simply through the imposition of burdens, it is difficult to see how those burdens could lead a wrongdoer to accept that they have done wrong and commit to reforming. My discussion of the symbolic dimension of reproof throughout this section is intended to help fill this gap. See Duff, *Trials and Punishments*, 47–60; and Macnamara, “Holding Others Responsible,” 90. See also Duff, *Punishment, Communication, and Community*.

29 Feinberg, “The Expressive Function of Punishment,” 402.

30 See Bennett, “The Varieties of Retributive Experience”; and McKenna, *Conversation and Responsibility*.

cate that alienation to the wrongdoer.”³¹ This general point about accountability applies readily to the case of reproof. When Pat carves ‘cheater’ into the side of Sam’s car in the above example, Pat imposes a burden on Sam with a meaning that goes beyond simply calling Sam a cheater. The damage done to Sam’s car stands for Sam’s alienation and communicates it to Sam.

Crucially, however, reproof does not just symbolize alienation; it also makes a moral appeal, providing its target with a reason to change their conduct. In the earlier example, when I tell you not to litter, I am not indifferent to your reasons. Given the context of your littering—a community cleanup—my reproof is intended to remind you of what we are doing and of reasons against littering that you presumably endorse. The burdens I impose on you do not just stand for alienation but also for oughts that you have disregarded. And it is an important part of what I do that I aim for you to recognize these oughts. Something would clearly go wrong if, after my reproof, you waited until I turned around and then threw your wrapper on the ground anyway. For I am reproofing you not just because *I* see it as wrong to litter and want you to stop; I am telling you not to litter because I want *you* to see it as wrong and to stop accordingly. My reproof will fail if you treat it as a temporary inconvenience or an incentive to be mitigated. Like persuasion, reproof works through a change in its target’s reasons, and it fails when no change occurs. Of course, I do not mean to suggest that attempts at reproof will always succeed purely by changing the mind of its target. The targets of such attempts may end up changing their conduct partly to avoid the unpleasantness of future burdens and partly because they see merit in the reproof. But affecting the target’s cost-benefit calculations is not the point of reproof, and reproof will be successful in the fullest sense only if it achieves uptake of the reason the target’s past conduct was wrong.

This last point about reproof allows us to see how the concept crystallizes some important ideas about accountability. As mentioned earlier, many philosophers think that holding others accountable involves burdensome treatment, which manifests in claims about sanctioning. But this claim sits uneasily with another common claim: that when we hold others accountable, we engage them in *moral address*, involving a genuine exchange of moral reasons.³² The

31 Bennett, “The Varieties of Retributive Experience,” 152.

32 Shoemaker, “Attributability, Answerability, and Accountability,” 71. The language of moral address itself comes from Gary Watson. Following Watson’s claim that “the boundaries of moral responsibility are the boundaries of intelligible moral address” (“Responsibility and the Limits of Evil,” 258), a wide literature has sprung up that relies on the idea of moral address. See, for instance, Darwall, “Moral Obligation and Accountability”; Macnamara, “Reactive Attitudes as Communicative Entities”; McKenna, “The Limits of Evil and the Role of Moral Address” and *Conversation and Responsibility*; and Telech, “Praise as Moral Address.”

tension runs in both directions. On the one hand, if holding others accountable is about imposing burdens on others, then how can it involve an exchange of moral reasons? The most obvious result of imposing burdens—the creation of incentives—seems to have nothing to do with such an exchange. On the other hand, if holding others accountable is about moral address, then what is the point of imposing burdens on them? Why not just try to persuade them?

The concept of reproof provides an answer to both questions. First, holding others accountable through reproof can involve a genuine exchange of moral reasons because the burdens of reproof stand for the moral reasons that have been neglected. Thus, the imposition of burdens plays a key role in reproof's exchange of reasons. Second, the point of imposing burdens in reproof is precisely that they serve a symbolic purpose, allowing us to make a particular kind of moral appeal. Reproof communicates something that cannot easily be expressed in words alone, just like champagne and the tap of a sword. The burdens of reproof make tangible one's bad conduct, as well as one's alienation from the community and the oughts one has violated. In reproof, one can address others in a way that goes beyond verbal expression.

3. THE MORAL DIMENSIONS OF REPROOF

3.1. *Reproof and the Democratic Objection*

Having set out the notion of reproof, we can now address the democratic objection to force. My argument proceeds in two steps. In this section, I argue that in principle, interpreting violent and forceful protest as reproof offers a response to the democratic objection to force. In the next section, I argue that such an interpretation is plausible in actual cases of protest.

The democratic objection to force rests on the claim that violent and forceful protest is incompatible with respect for the outcomes of democratic decision-making. According to the objection, when protestors use force or violence, they attempt to directly bring about their desired political outcome and so force their views on others. But the notion of reproof offers a clear sense in which the use of force or violence need not involve any attempt to force our views on others. When I reprove you for breaking a promise to me, my aim is not to leave you no option but to do as I wish. Instead, I aim to provide you with a reason to keep your promises, albeit a reason that is conveyed through burdensome treatment. It is this reason and not the burdens alone that must bring about a change in your conduct if my reproof is to succeed. If protest can impose burdens in the manner of reproof, then it seems that protestors may use force without attempting to force their views on others and thus do so without acting undemocratically.

We can tease out the idea by comparing this interpretation of forceful and violent protest with that of Ronald Dworkin, who offers perhaps the clearest articulation of the democratic objection. Dworkin describes nonpersuasive civil disobedience as “aim[ing] not to change the majority’s mind, but to increase the cost of pursuing the program the majority still favors, in the hope that the majority will find the new cost unacceptably high.”³³ Here, Dworkin moves very quickly from the idea that disobedience imposes costs to the idea that it does not aim to change the majority’s mind. He therefore describes forceful disobedience in terms that are much closer to sanctioning than reproof. But persuasion is not the only way to change someone’s mind, as the idea of reproof makes clear. When we reprove others, we do not provide them with dispassionate arguments. Still, we give them reasons to change their mind. We make a moral appeal, ultimately leaving it up to them whether they will follow through on the reasons we have provided. At no point in this process do we force our views on them, except in the sense that we forcefully tell them how they ought to have behaved. The same is true of reproofing protest. As Ted Honderich puts it, “the electorate is restrained or constrained, but in such a way that it is left room for reflection.”³⁴ Democratic decision-making need not be subverted in this process any more than our own will is subverted when we are criticized for bad conduct.

It follows that in cases of burdensome protest like those we began with, we must decide between several different readings. When campus protestors stage encampments, we may read them as using force to force their views on universities, or we may read them as using force to hold universities accountable for their treatment of protestors. When protestors burn down a police station, we may read them as attempting to directly bring about their desired political outcome, or we may read them as using violent means to hold the police or municipal government accountable.³⁵ Which reading is most plausible depends on the facts on the ground. But it is plausible to think that many such cases look like reproof, especially if the imposition of burdens is designed not to block off alternatives but instead to communicate reasons.

33 Dworkin, “Civil Disobedience and Nuclear Protest,” 109. Smith, considering nonviolent uses of force, writes that “a strategy involving ongoing or recurring blockages could only be interpreted as an attempt to raise the cost of a decision in order to prevent its implementation” (“Civil Disobedience and the Public Sphere,” 161). This emphasis on cost levying is also found in discussions of coercion in Aitchison, “Coercion, Resistance and the Radical Side of Non-Violent Action,” 51; and Livingston, “Nonviolence and the Coercive Turn,” 256.

34 Honderich, *Three Essays on Political Violence*, 112. See also Moraro, “Respecting Autonomy Through the Use of Force,” 68.

35 The “desired political outcome” here might be a world without police.

Before moving on, there is a caveat. It is compatible with the argument so far to think that there must be an upper limit on the severity of burdens involved in reproof—and therefore also in reproofing protest.³⁶ Suppose that I intend to reprove you but impose burdens on you that are so weighty as to leave you no realistic option but to do as I wish. One might think that in such cases, my actions cease to resemble reproof entirely. One might instead think that my actions resemble reproof in some sense, but they are morally objectionable because they involve forcing you to do as I wish. Alternatively, one might think that such examples show that there is nothing morally objectionable about the imposition of severe burdens so long as they achieve the communicative aims of reproof.³⁷ There is room for reasonable disagreement here. But minimally it seems plausible that if there are limits to the severity of burdens in reproof, they are unlikely to rule out many of the cases of burdensome protest we are concerned with. However disruptive blockades, vandalism, and arson may be, they do not regularly seem to leave their targets *no choice* but to do as protestors wish.

3.2. *Categorizing and Justifying Reproof*

So far, I have focused narrowly on the democratic objection to force. But the argument I have offered naturally raises some broader moral questions. Does this argument really imply that keying a car and burning down a police station can be justified simply because these actions can be interpreted as reproof? If so, then it might seem that the democratic objection is not the only relevant moral consideration. If not, then how could my argument succeed as a moral defense of force and violence?³⁸

In response, we should be careful to distinguish the categorization of cases as reproof from the justification of reproof. I have insisted on the claim that some protest can be categorized as reproof, which immunizes that protest from the democratic objection. But accepting this claim is compatible with a wide range of views about justification. And although I cannot provide a full account of justification here, it seems reasonable to think that such an account would offer an appealing way of characterizing the justificatory worries raised above. To see what I mean, consider two elements that such a justificatory account is likely to have.

36 I thank an anonymous reviewer for raising this point.

37 On the last point, one might think that imposing such severe burdens on others involves a *risk* of forcing others to do as we wish but that, so long as they act on the reason we give them and not the burdens, they have not been forced to do anything. I thank Alon Harel for bringing this point to my attention.

38 I thank two anonymous referees for raising these issues.

First, there is a range of everyday norms that appear to be internal to our everyday accountability practices. Angela Smith and Miranda Fricker note, for instance, that blame is unfitting when it is directed at the wrong target, when nothing wrong has been done, or when the blame is insufficiently constrained in scope and remit.³⁹ I take it that the justification of reproof involves a similar set of norms, suitably elaborated. In the case of protest, these norms might suggest that reproofing protest is unfitting when it is misdirected, when nothing wrong has been done, or when it is disproportionate. And as Edmund Tweedy Flanigan recently argues, considerations of fittingness may establish a deontic status for protest that is stronger than having a permission and weaker than having a duty.⁴⁰ In this way, the justificatory criteria for holding one another accountable interpersonally might suffice to ground a *pro tanto* justification for reproofing protest. Second, there are any number of external moral factors that might bear independently on the justification of reproofing protest. For example, duties of benevolence, respect for the interests of others, and obedience to the law might all weigh for or against the justification of protest in the final analysis.

These points give us a sense of how a complete theory of reproof might respond to the justificatory worries that motivated this discussion. Let us start with the case of Pat keying the car of Sam, an unfaithful lover. I suspect intuitions will vary about whether this case is justified. But even if one thinks that such actions are unjustified, it seems plausible to say that this is because keying a car is a disproportionate response to infidelity or because such actions are forbidden by external moral considerations. Intuitions are also likely to vary about protestors burning down a police station. But if one thinks that such actions are unjustified, it is likely because they go too far—because they are disproportionate. By the same reasoning, responses are available when protest is directed at the wrong party, or when there is in fact nothing to protest.

It follows that my argument does not require us to suppress our moral worries about controversial cases. To the contrary, it is compatible with different accounts of the internal and external constraints on the justification of reproof, and at least some such accounts can substantiate these worries. The argument is

39 Smith, "On Being and Holding Responsible," 475–76, 478–83; and Fricker, "What's the Point of Blame?" 168–71. I am glossing over much complexity and many differences in presentation, but these differences do not matter for the broad point I am drawing here.

40 Flanigan, "Futile Resistance as Protest," 644–54. Interestingly, Flanigan also defends his account of fittingness by appeal to the idea of holding others accountable. In contrast with my account, however, Flanigan derives substantive criteria of justification by modifying principles of defensive ethics rather than thinking about the internal norms of accountability. Accordingly, I take Flanigan to offer a sympathetic, parallel account of a different form of protest.

designed not to get us to endorse all cases of protest that resemble reproof but instead to help us get clear on the moral stakes of these cases by bracketing a distracting objection. Beyond these points, I leave the issue of justification open.

4. INTERPRETING PROTEST AS REPROOF

If we accept the foregoing, then some violent and forceful protest can escape the democratic objection to force on the condition that such protest can be aptly described as reproof. Is this condition satisfied?

Before answering that question, we should note some qualifications. To say the condition is satisfied is not to claim that *all* forceful or violent protest escapes the democratic objection. It would be very surprising if that were true, especially since I have used these terms in an indiscriminating way. Proponents of the democratic objection to force are surely right that some forceful or violent disobedience is undemocratic. To say that the condition is satisfied is also not to claim that *only* violent or forceful disobedience escapes the democratic objection to force. Protest need not be forceful or violent to resemble reproof, even though those are the cases most relevant to the democratic objection. Just as we can reprove others interpersonally through verbal criticism and reprimands, symbolic marches and demonstrations may also count as reproof in some cases. To say that the condition is satisfied is only to say that *some* forceful and violent protest counts as reproof and therefore avoids the democratic objection to force.

With that said, there are two main reasons to think the condition is sometimes satisfied. First, there are strong descriptive grounds for characterizing some disobedience in terms of reproof. On one hand, those who have recently attended a protest have likely heard protestors calling for accountability, chanting “Shame!” and issuing strong moralized demands. For instance, when protestors occupy campus buildings to protest a university’s treatment of other protestors, it is not difficult to interpret their actions as resembling the burdensome appeal of reproof.⁴¹ On the other hand, construing the forceful or violent actions of protestors as attempts to force their views on others often overlooks the communicative dimensions of the protest. It is implausible to characterize the George Floyd protests, for instance, as simply attempting to bring about a certain political outcome. It seems essential to note that in burning down a

41 Indeed, some recent work makes an argument going in the other direction, importing the language of protest to characterize blame and not the language of blame to characterize protest. See Smith, “Moral Blame and Moral Protest”; and Talbert, “Moral Competence, Moral Blame, and Protest.” Despite the broad resemblance between these views and the view set out here, they draw on Bernard Boxill’s view of protest, which assigns protest a very different communicative function. See Boxill, “Self-Respect and Protest.”

police station, protestors aimed to *say* something about the injustice of Floyd's murder.⁴² Moreover, recalling the earlier caveat, it also does not seem that the burdens imposed in such protests are regularly so substantial as to vitiate an interpretation of the protests as reproof.⁴³

Second, to say the condition is satisfied is to make only a parsimonious claim. As we have seen, proponents of the democratic objection to force conceive of nonpersuasive disobedience as using burdens to create incentives for a change in conduct. In other words, proponents of the objection already conceive of protest in terms of an interpersonal moral interaction geared towards achieving a change in conduct. To say that disobedience can resemble reproof is not to substitute an entirely different conceptual framework. Instead, it is to say that if disobedience might sometimes resemble sanctioning, it might also sometimes resemble reproof.

4.1. Violence and Force

I anticipate two main objections to the foregoing argument. First, it might seem that I have inappropriately conflated violent and nonviolent protest throughout this paper. I have argued that protest is sometimes a form of holding others accountable in order to defend the use of force and violence in protest. But we do not accept violence in interpersonal accountability. If you tread on my foot, for instance, it would be outrageous for me to respond by hitting you or spitting on you.⁴⁴ So how could the idea of reproof, which is derived from our ideas about interpersonal accountability, capture violent protest?

It is true that we reject violent attempts to hold others accountable in interpersonal contexts. But why? If this is a moral objection—that violent attempts to seek accountability are wrong—then it concerns the justification of reproof and not the main argument of this paper. A stronger version of the objection would be that the concept of reproof excludes violence. Yet this conceptual objection is also problematic. Reproof, as I have described it, involves the communicative imposition of burdens on someone who has acted badly to bring

42 Some recent work in applied philosophy of language bears this out. Michael Randall Barnes, Matthew Chrisman, and Graham Hubb offer analyses of protest as a kind of speech act that bear clear resemblances to my characterization of reproof. See Barnes, "Positive Propaganda and the Pragmatics of Protest"; and Chrisman and Hubbs, "Protest and Speech Act Theory."

43 The Floyd protests might be read as coercively attempting to bring about a world without police. But I think saying this would involve attributing to the protestors a strong political consensus, which seems implausible given the spontaneity and lack of organization of the protests.

44 The example, though not the discussion that follows, is borrowed from Darwall, "Moral Obligation and Accountability," 112.

about a change in conduct. Nothing about this description excludes violence. Now, the objector might respond by arguing that violence is incompatible with the communicative aims of reproof. Echoing Rawls, they might say that violence necessarily issues threats, which is incompatible with the moral appeal of reproof. But as we have seen, violence is a capacious category that can include anything from terrorism to sitting in the middle of a road. Furthermore, violence seems perfectly compatible with a variety of communicative aims. Violence can issue threats, to be sure, but it can also send a message, set an example, or prove a point—consider public executions or, more minimally, corporal punishment.⁴⁵ There seems to be no reason to exclude reproof from this list.

4.2. *Justification and Liability*

Second, one might raise a deeper moral objection. As I have noted, it seems plausible to think that reproof more generally and reproving protest more specifically are unjustified when misdirected. It seems to follow that protestors engaged in reproof should take care to impose burdens only on those responsible for the problem they are protesting. Indeed, many defenders of forceful and violent protest argue for similar restrictions.⁴⁶ But the burdensome protests we have been concerned with often place substantial burdens on nonresponsible third parties. Extinction Rebellion roadblocks are an inconvenience to the general public, not just to makers of climate policy; and pro-Palestine campus encampments inconvenience a university's student body, not just administrators. Indeed, this may appear to be a general problem for the view I have defended, since it is rarely possible for protestors to directly burden those responsible for the object of their protest.⁴⁷

Conceding this objection would not be devastating for my argument, since protestors do sometimes directly burden responsible parties. It is significant, for instance, that many who protest US Supreme Court decisions choose to do so outside the justices' houses. Still, I think it is possible to say something stronger. To start, the requirement that reproof should be well directed is more

45 I thank Hamish Russell for these examples and discussion of this point.

46 Flanigan writes, "I take expressive acts of protest to be fitting only when they are directed by the person who protests *at* the person, or collective, who is responsible for what is protested against" ("Futile Resistance as Protest," 647). Ten-Herng Lai and Chong-Ming Lim similarly argue that burdensome protest has a justificatory advantage when it is directed at those who are responsible for the relevant injustice ("Environmental Activism and the Fairness of Costs Argument for Uncivil Disobedience," 498). See also LaBossiere, "When the Law Is Not One's Own," 328; and Marcou, "Violence, Communication, and Civil Disobedience," 506.

47 I thank an anonymous referee for drawing this objection to my attention.

qualified than it might seem. Even in the context of interpersonal accountability, the burdens we impose on others frequently spill over to nonresponsible parties. If your partner tells a racist joke and is reprovved, then the social censure they face might come to diminish your own social status and well-being. But those effects do not seem to make the reproof unjustified. By extension, it seems implausible to claim that any effect on nonresponsible parties makes reprovving protest unjustified.

But surely the issue is not just that a protest *inadvertently* affects nonresponsible parties. When Extinction Rebellion protestors block a public road, the inconvenience to the public is not the spillover of burdens directed at the responsible parties. Instead, the issue seems to be that, in many such cases, the imposition of burdens on nonresponsible parties is an essential and intended part of the protest. Still, it seems to me that addressing responsible parties is sometimes possible only *through others*. Suppose a warden mistreats their prisoners through neglect. The prisoners never see the warden, only the warden's officers as they bring food and water. The warden's officers are conscientious and humane, but they are prevented by the warden's orders from speaking with or adequately tending to the prisoners. Under such circumstances, the prisoners may be able to communicate to the warden only through their own treatment of the officers—by throwing food, calling insults, or refusing to eat. In this case, it seems plausible that even if the officers bear the brunt of the burdensome treatment, the warden is still the target of the reproof, properly understood. And given the inaccessibility of the warden, the prisoners' treatment of the officers might well be justified. Generalizing, in cases where a wrongdoer is inaccessible, it may be permissible for reprovers to direct burdensome treatment at intermediaries. Of course, one could deny this claim and insist that reproof is justified only when it imposes burdens primarily on the responsible party. The argument does not stand or fall with this point. But then one must accept that under such circumstances, there is an important sense in which the powerful must remain unaccountable.

If we accept this argument, then reprovving protest may be justified even when the imposition of burdens on nonresponsible third parties is an essential and intended part of the protest. In climate protests, the public and the police may bear burdens intended to reprove those responsible for climate policy. In campus protests, disruption in the classroom or on campus may be the best protestors can do to address those responsible for the things they protest.

5. CONCLUSION

In this paper, I have argued that conceiving of protest as a form of holding others accountable allows us to make sense of some cases of burdensome protest and

to defend them against the democratic objection to force. To conclude, I want to tease out the implications of this argument by considering where it fits into the scope of responses to the democratic objection.

Earlier, I contrasted two kinds of accounts: those that accept the democratic objection, with a separate qualification for incidental force and violence; and those that reject the democratic objection and defend a wider range of force and violence. In this paper, I have staked out an intermediate position by accepting the democratic objection while defending a wider range of force and violence. However, it might seem difficult to see how the argument could yield this conclusion. For to accept the democratic objection is to accept an idealizing assumption—that the law is basically democratic—which may seem to rule out circumstances of severe and entrenched injustice. Yet for our account of reproving protest to justify force or violence, it seems, there must be wrongs serious enough to warrant forceful or violent reproof. The task, in other words, seems to be to show that forceful and violent protest can be justified even outside of circumstances of severe injustice. Otherwise, it might seem that I have overstated the disagreement with incidental accounts.⁴⁸

First, I think it is a mistake to characterize the conditions under which the democratic objection obtains as conditions in which there is no severe injustice. Indeed, many influential accounts of civil disobedience take it for granted that nearly just political arrangements may sometimes contain serious injustices.⁴⁹ Second, it is also a mistake to assume that reproving protest can be directed only at law or policy. Even if the laws and policies of a state are the result of democratic decision-making, it is entirely possible that police, state officials, corporations, or other bodies may act wrongly in ways that warrant reproof. Third, the argument I have offered is not just a defense of violence but a defense of a wide range of burdensome protest, including blockades, sit-ins, and other nonviolent tactics. Granted that the society in question is basically democratic, wrongs may be committed by state or private entities that warrant that warrant violent or forceful nonviolent responses.

Reflection on accountability, then, furnishes us with concepts that expand the scope of justification for protest. But it also suggests that in democratic politics, as in interpersonal accountability, there is nothing essentially pernicious

48 I thank an anonymous referee for raising this concern.

49 Rawls, for instance, writes that civil disobedience can be justified in a nearly just society as a response to instances of “substantial and clear injustice” (“Definition and Justification of Civil Disobedience,” 108).

about being burdened by others. To the contrary, those burdens can be both the surest signs that we have done wrong and our best guides to reform.⁵⁰

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