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Abstract:

The victims of severe injustice are allowed to employ disruption and violence to seek political change. This article argues for this conclusion from within Rawlsian political liberalism, which, however, has been criticised for allegedly imposing public reason's suffocating norms of civility on the oppressed. It develops a novel view of the applicability of public reason in non-ideal circumstances – the “no self-sacrifice view” – that focuses on the excessive costs of following public reason when suffering from severe injustice. On this view, those treated in what Rawls describes as less than a reasonably just way are relieved of the duty of public reason and therefore entitled to employ disruption and violence. In contrast, their privileged fellow citizens must still obey public reason's civility unless they have been authorised by the oppressed to join their fight. This article also starts exploring from within political liberalism the normative principles governing disruptive and violent protest.

Key Words: political liberalism; public reason; protests; civility; resistance

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On 25 May 2020, George Floyd, an African American man, was murdered while in police custody in Minneapolis. His death sparked protests across the US and worldwide, calling for Floyd's murderer to be held accountable and demanding action against police brutality and other issues of racial injustice. Although such protests were largely peaceful, there were disruptive and outright violent episodes. For instance, on 27 May, a group of protesters at a Black Lives Matter march blocked the 101 Freeway in Los Angeles (Ormceith et al. 2020). On 29 May, as part of broader protests in Atlanta, some demonstrators committed vandalism, including climbing atop and spray painting the local CNN headquarters (Fausset and Levenson 2020). On the previous day, Minneapolis protesters had set the Third Police Precinct on fire during riots that had also led to looting and destruction of private property, inflicting several hundred million dollars' worth of damage (St. Anthony 2021).

Even if, compared to previous demonstrations against racial injustice, the George Floyd protests were received favourably, many commentators and politicians still condemned disruptive and violent behaviour. For example, future US President Joe Biden sided with peaceful protestors but stressed that violence overshadows any legitimate reasons for protesting (Biden 2020).

In this paper, we argue that demanding civility from members of oppressed groups, rather than allowing them to resort to disruption and violence, is unjustifiable. We will do so by building on crucial insights from John Rawls's influential theory of political liberalism. This might seem surprising, given that political liberalism has been criticised precisely for allegedly prohibiting any forceful action in the pursuit of political change. Centred on the deliberative democratic requirement, described as a duty of civility, that important political decisions be governed by "public reason" (hereafter PR), political liberalism calls on public officials and common citizens to pursue their political agendas through an exchange of justifications that could reasonably be

acceptable to everyone, not threats of disruption and violence. According to several critics, imposing the civility of PR on victims of injustice – as political liberalism appears to do – is deeply problematic because oppressed social groups need and have every right to depart from civility in trying to improve their conditions.¹

This paper's main goal is to show not only that these critiques are misdirected but also, more constructively, that Rawlsian political liberalism contains precious insights that, if properly developed, can provide nuanced normative guidance for how different social groups should seek political change in societies characterised by severe injustice. Based on our political liberal framework, those at the receiving end of that injustice have a moral right to resort to certain forms of disruptive and violent behaviour in their political activities. In contrast, their more privileged fellow citizens are still generally bound by Rawls's duty of civility to comply with PR unless they have been authorised by the victims of severe injustice to join their specific fight. Moreover, although we will be unable to provide a full account of the normative principles governing how to fight severe injustice uncivilly, we plan to provide one of them.

To achieve this paper's main goal, we carry out analytical work that should be interesting in particular to Rawlsian political liberals. First, we defend a specific understanding of the civility of PR, called "the broad view" of PR, which constrains not only the justifications but also the means deployed in pursuing political change by a range of actors including street protestors. Second, we clarify that PR's civility is not coextensive with a more fundamental Rawlsian requirement – that of reasonableness. Exploring this distinction allows us to defend a novel stance in the debate about the conditions of application of PR and its norms of civility to the victims of injustice.

This paper unfolds as follows. Section I reconstructs political liberalism before introducing and arguing for the broad view of PR, while section II identifies two powerful objections directed at the civility of PR when applied to the oppressed. Section III explores the debate over the

¹ For example, see Wolin (1996); and Zerilli (2014). We will return to these critiques in section II.

applicability of PR to victims of injustice by criticising R.J. Leland's and James Boettcher's accounts. Section IV develops our "no self-sacrifice" alternative approach, according to which the duty to obey PR does not apply to those at the receiving end of what Rawls would describe as less than reasonably just conditions. Finally, section V starts exploring what moral requirements apply to those relieved of PR.

I. Political Liberalism and the Broad View of PR

The requirement that individuals be reasonable is crucial within Rawlsian political liberalism. It is placed at the centre of its normative political conception of the person or, as Rawls occasionally puts it, "of a political ideal of democratic citizenship" (Rawls 2005, 62). Two features define reasonableness. First, reasonable individuals accept two basic political ideas about society and persons. They desire for society to be governed by fair terms of cooperation, i.e., terms that are "reasonable for everyone to accept" (Rawls 2005, 49). Also, they believe that all persons should be treated as free and equal in virtue of their ability to be or become cooperating members. Hence, reasonableness in this first aspect involves the willingness to propose and abide by cooperative terms that are justifiable to all other reasonable persons, "given the assurance that others will likewise do so" (Rawls 2005, 49). Because of this willingness, reasonable persons align with Rawls's principle of liberal legitimacy, dictating that at least society's constitutional essentials and matters of basic justice be settled in a way acceptable to all reasonable persons (Rawls 2005, 135-7).

The second feature characterising reasonable persons is "recognizing and being willing to bear the consequences of the burdens of judgement" (Rawls 2005, 58-9). The burdens of judgement are the ineliminable "hazards" involved in exercising our imperfect human reasoning abilities (Rawls 2005, 56). Therefore, reasonable persons also accept the so-called fact of reasonable pluralism, i.e., that even well-informed and intelligent persons sincerely committed to finding the right answer to complex questions will normally fail to agree about them. Reasonable pluralism complicates the search for justifications for how to arrange constitutional essentials and

matters of basic justice that are acceptable to all reasonable persons; in Rawlsian language, it complicates the discharge of the duty to settle those fundamental political questions based on PR – a moral, not legal, duty grounded in liberal legitimacy (Rawls 2005, 216-7). Since reasonable persons disagree about philosophical, religious, and other “comprehensive” matters, no argument constructed from within any comprehensive doctrine can be acceptable to all those persons.

Consequently, reasonable persons acknowledge that to count as public reasons, justifications must be built from within a specific family of political conceptions of justice. At the most basic level, all these conceptions include the two basic political ideas of society and persons that all reasonable persons share, which are compatible with extremely different comprehensive doctrines. To bring those basic ideas to bear on political questions, reasonable persons adopt the liberal conception of justice that they believe best specifies such ideas. Consequently, reasonable persons know that all conceptions of justice held by other reasonable persons share with theirs three key features: universal provision of certain fundamental rights and opportunities familiar from constitutional regimes; special priority for such rights and opportunities; and adequate all-purpose means for all citizens to make effective use of them (Rawls 1997, 773-4).

Rawls understands the resulting ideal of PR, which reasonable persons accept, as forming the core of an account of deliberative democracy (Rawls 1997, 771-3). When constitutional essentials and issues of basic justice are at stake, citizens should decide which arrangements to support based on the right sorts of reasons. They should be able to offer each other at least one argument built from within a reasonable conception of political justice, i.e., one that they believe well specifies the two basic political ideas and therefore displays the three key features listed above.

Moreover, Rawls (2005, 217) describes the duty to comply with PR as a duty of *civility*, although it is unclear what the reach of these norms of civility is, and there is room for disagreement as to how best to understand them. Here we wish to argue for a specific understanding of the duty to follow PR, which conceives of it as i) applying to a wide range of actors including street protestors and ii) constraining both the justifications and the means that

such actors can resort to in pursuing political change. Deciding whether i) and ii) are tenable is necessary to understand the implications of PR for street protest. We call i) and ii) the “broad view” of PR, and we now proceed to explain why Rawlsian political liberals should accept it.

Regarding i), Rawls (1997, 767) states that “public reason does not apply to all political discussions of fundamental questions, but only to discussions of those questions in [...] the public political forum”. Such forum, apparently made up of arenas closely connected to the exercise of formal political authority, includes courts of law, parliaments, government cabinets, elections, and electoral campaigns. Rawls does not explicitly discuss street demonstrators trying to pressure public officials into making certain decisions. Returning to the George Floyd protests, among other things, demonstrators transparently aimed to convince public officials to enact law enforcement reforms and strict legal proceedings against Derek Chauvin and his fellow officers. Did their actions belong in the public forum? We argue that political liberals should think so.

In trying to compel public officials to make certain formal decisions, common citizens taking to the streets are only one step removed from those decisions. Like them, citizens voting into office persons who will then have formal authority over constitutional essentials and issues of basic justice are one step removed from any decision over them. Importantly, they are explicitly listed by Rawls as part of the public forum. Moreover, Rawls (2005, 215) explains that “the ideal of public reason does hold for citizens when they engage in political advocacy in the public forum, and thus for members of political parties and for candidates in their campaigns and for other groups who support them”. This reference to electoral campaigners, whose goal is to convince citizens to vote for certain candidates for public office, shows that the public forum reaches as far as at least a couple of degrees of separation from formal decision-making over fundamental

political questions, clarifying that the Rawlsian understanding of that forum is rather capacious.² In sum, it stands to reason that if voting and electoral campaigns are included in the public forum and thus bound by PR, protesting aimed at influencing public officials should be too.

Turning to ii), even if we accept that demonstrations trying to push public officials to make certain decisions belong in Rawls's public forum, it is still unclear what PR requires of protesters. In particular, political liberals might think that PR does not prohibit disruption and violence. This is because according to some, PR only regulates the *justifications* relevant actors should be able to offer when supporting fundamental political decisions. On this interpretation, the civility prescribed by PR consists exclusively in refraining from supporting any decisions based solely on comprehensive reasons we know other reasonable persons might reject; it does not regulate at all the sorts of *action* relevant actors are allowed to undertake to push for their favoured decision (Bardon et al. 2023; Edyvane 2017, 345-6). Insofar as demonstrators can offer at least one public reason in support of their demands, they satisfy PR even when resorting to disruption and violence.

Here we aim to defend a different interpretation, according to which PR demands all that is required on the more permissive reading plus some more. On this interpretation, PR also has clear implications for how to pursue political change, privileging reason as a means of persuasion and thus excluding disruptive and violent tactics as uncivil. In our view, political liberals should adopt this more demanding interpretation of PR.³ Accordingly, in the rest of this paper, the claim that PR's civility does not bind a certain actor must be understood as implying that that actor is morally

² Note that the public forum still excludes those largely academic and contemplative enterprises that for Rawls belong in the "background culture" and are not bound by PR: "[C]hurches and universities, scientific societies, and professional groups" (Rawls 2005, 220).

³ To be sure, we believe that the victims of what section IV defines as "severe injustice" are allowed to take disruptive and violent actions. However, we will see that this is because the victims of severe injustice are relieved of the duty to obey PR, not because PR is consistent with those actions.

allowed to resort not only to discursive strategies that make exclusive reference to comprehensive considerations but also to disruption and violence. This interpretation is superior not because it is clearly the one most exegetically faithful to Rawls's text, but because of its fit with a key value of political liberalism. Indeed, unlike its counterpart, this more demanding interpretation of PR fully captures the importance of political autonomy.

Political liberalism accepts that reasonable citizens might be morally heteronomous, endorsing comprehensive beliefs about, say, excellence in life just because their community has passed them on to them. However, it still "affirms political autonomy for all" (Rawls 2005, 78), maintaining that a community of fully autonomous citizens in the political sense constitutes "an ideal description of what a democratic society would be like" (Rawls 2005, 70). Full political autonomy requires several conditions to be met. It involves living under institutions shaped according to one or a mix of reasonable conceptions of justice. Also, it requires that decisions on fundamental matters be made in accordance with PR (Neufeld 2022, 28; Weithman 2017, 104).

Regarding this second aspect of political autonomy, Rawls stresses that citizens are politically autonomous when "in their conduct [they do] not only comply with the principles of justice, but they also *act from* these principles as just" (Rawls 2005, 77, our emphasis). Therefore, to realise their political autonomy, it is not enough that individuals in the public forum make decisions that are supported by reasonable principles of justice, being able to justify them with reference to those principles and therefore satisfying the more permissive reading of PR. If those individuals make those decisions only because they are supinely following other actors, they are still politically heteronomous in an important sense. Therefore, they also need to be motivated by such principles, or, in other words, they need to "want to follow their practical reason where it leads them" when it comes to justice (Weithman 2010, 248).

In our view, resorting to disruptive and violent actions to obtain political change, even when one's demands are backed up by arguments grounded in a reasonable conception of justice, threatens the political autonomy of public officials. When demonstrators, say, vandalise the area

outside parliament to push public officials to introduce certain reforms, they increase the risk that any concessions made by public officials will be out of fear of sanctions and further escalation of violence, as opposed to a belief in the relevant reasonable principles as just. At times, as encapsulated in the slogan “No justice, no peace”, protestors explicitly signal that they will not stop disruption and violence until their demands for reform are met, arguably intending for them to motivate public officials into action. But even when they do not, aiming perhaps to draw attention to what they see as a serious wrong, the threat of continuing disruption and violence remains a strongly motivating force that significantly increases the chances that public officials will turn away from their beliefs about justice to give in to it. As mentioned above, PR is at the core of Rawls’s account of the measures promoting political autonomy. Hence, it seems logical to infer that PR should therefore prohibit disruption and violence, constraining not only the justifications but also the means deployed in pursuing political change.⁴

⁴ One might worry that our idea that public reasoning is meant to protect citizens’ ability to be motivated by principles of justice is incompatible with the “wide view” that Rawls ends up endorsing about comprehensive reasons in the public forum. Based on such view, citizens may offer their comprehensive reasons for political decisions at any time, provided that “in due course” they also provide sufficient public reasons (Rawls 1997, 784). Does not this view allow speakers to be motivated by their comprehensive beliefs, and is not it likely that their audience will be persuaded by those beliefs, not their opinions about justice? Our reply is that the appeals to comprehensive reasons allowed by the wide view have nothing to do with the motivation required of speakers, who must still check that their favoured decisions can be supported by public reasons and can therefore still be expected to be motivated by their sense of justice. Also, those appeals are structurally ill-suited to move their audience to endorse any political proposal. Rawls is clear that the point of the wide view is mutual assurance, allowing citizens to demonstrate that they are not appealing to public reasons in the public forum while waiting for their, say, religious

Admittedly, if protestors are fighting less than reasonably just institutions, violating the motivational element of public officials' political autonomy through disruption and violence might increase the political autonomy of those very officials in its institutional dimension. This is because if protests are successful, officials will live under more just institutions. Consequently, one might worry that we are here assuming without any argument that in case of conflict, the motivational element should be given priority and disruption and violence forbidden. As will become clear in the following sections, our argument actually pulls in the opposite direction. Our goal is to demonstrate that under certain circumstances, protestors are relieved of the duty to obey PR and therefore allowed to resort to disruptive and violent action. All things considered, the resulting threat to the motivational element of public officials' political autonomy should be tolerated.

Turning to another strength of the more demanding reading of PR's civility, such reading echoes a crucial intuition underpinning several prominent accounts of deliberative democracy, i.e., that due to the importance of autonomy, fundamental political reforms should be achieved through the persuasive force of arguments, not sheer power (e.g., Cohen 1997, 77). As seen, Rawls stresses that PR is what makes political liberalism a deliberative democratic framework, although he does not fully elaborate on this point. The more demanding reading offers political liberals a way to further develop why PR indeed constitutes a deliberative democratic ideal, by highlighting the link between PR and the key deliberative democratic intuition we have just mentioned.

community to become large enough to claim power for itself; the goal is to signal that our "commitment to constitutional democracy" is sincere by showing that our deep comprehensive beliefs do not contradict the public reasons we voice (Rawls 1997, 785; see also Rawls 2005, 248-9). Therefore, the only comprehensive reasons that each public reasoner should voice are those that work best for herself, not anyone else. In turn, there is little threat that those reasons' persuasive force will move their audience instead of its members' conceptions of justice.

A critic might attack this deliberative argument supporting the broad view of PR by claiming that disruption and violence can fit within the deliberative game and, therefore, with PR. They would not need to call 'deliberative' violence and other tactics commonsensically considered antithetical to deliberation; they could make the more refined claim that disruption and violence can at least draw attention to marginalised groups and their issues, which are normally excluded from the dominant frames within which societies conduct their political discussions (Chrisman and Hubbs 2021). In line with the now popular focus on deliberative systems, uncivil protests are non-deliberative but can be justified to the extent that they lead to more and better deliberation overall (Mansbridge et al. 2012).

Our response is twofold. First, even some influential supporters of deliberative systems suggest that the ability of disruption and violence to enhance deliberation at a systemic level does not provide the best way of justifying them. Indeed, "sometimes getting angry and shouting in the face of power is the right thing to do", whatever its effect on deliberation (Parkinson 2018, 435). Second, and more importantly, the project of forecasting the systemic impact of disruption and violence is fraught with difficulties. As argued by David Owen and Graham Smith (2015, 224-30), it is generally extremely hard to anticipate what impact non-deliberative tactics will have on the deliberativeness of the system, making it equally hard to normatively evaluate them. This creates an impasse in morally assessing disruption of violence, providing part of the reason why this paper aims to defend them while accepting that they are inconsistent with PR and its norms of civility.

II. The Problem with Rawlsian Civility

In the last section, we defended the broad interpretation of PR's civility, which includes street protestors in the public forum and constrains not only the justifications but also the means citizens can resort to in pursuing political change. This section's goal is to reconstruct the objections to Rawls that this paper aims to respond to, which implicitly rely on that appealing interpretation of PR. A first objection is *consequentialist*, stressing that departing from Rawlsian civility is often

necessary for the oppressed to bring about positive change. This critique focuses on the political uses of coercive tactics, defined as “actions that compel by force or threats” rather than through rational persuasion (Medearis 2005, 56). Such tactics include mass demonstrations aiming to bring everyday activities to a standstill, boycotts, picketing, meeting and event disruption, sabotage, damage to and destruction of property.

For Marc Stears, those tactics, responsible for most successes of civil rights activists and other social movements, are forbidden by political liberalism. He explains that according to Rawls, “[a] state would be legitimately structured [...] if it was structured according to principles and policies agreed to by citizens following a process itself run according to the demands of public reason: a process that is, where citizens make and listen to arguments” (Stears 2005, 539). For Stears, this principle of legitimacy calls on those citizens to stick to non-coercive behaviour.

In his critique of Rawls, John Medearis makes a similar point to Stears’s. According to him, Rawlsian political liberalism forbids coercive tactics because public reasoners must engage each other on the basis of “the right reasons”, not by bringing attention to the brute “balance of political and social forces” and the “sanctions” that would follow if certain decisions were made (Medearis 2005, 56). Medearis stresses how Rawls’s exclusion of coercion would have forbidden the tactics through which real-world social movements won several of their most important battles. For example, he notes that although the Kennedy and Roosevelt administrations were broadly sympathetic towards civil rights protestors and the labour movement respectively, they were unwilling to act because of the weight of countervailing interests. The US government started making concrete concessions only when civil rights demonstrators “took over the streets of southern cities” and labour unions “paralyzed crucial plants and industrial sectors” (Medearis 2005, 66). According to Medearis, these sorts of coercive tactics are necessary. For victims of serious injustice, sticking to civility means remaining marginalised and having little influence over political decisions; their demands will never be met without dramatic action (Medearis 2005, 57-61). Similarly, Linda Zerilli criticises PR by stressing that not all groups are situated equally in society.

Hence, insisting that the oppressed be civil amounts to “a displacement of the real problem”, i.e., serious injustices that must be urgently corrected (Zerilli 2014, 112).

Until recently, the contribution of coercive tactics to the successes obtained by social movements was widely accepted by empirical scholars. However, that consensus is now being challenged. For instance, Erica Chenoweth and Maria Stephan famously show that from 1900 to 2006, political change across the globe was brought about more often through nonviolent than violent campaigns (Chenoweth and Stephan 2012). Focusing on the civil rights movement, Omar Wasow explains that in the 1960s, the counties affected by violent protests saw an increase in the vote for the Republican candidate at the next presidential election, while nonviolent activism correlated with an increase in the Democratic vote (Wasow 2020).

These sorts of studies are very important, but the consequentialist objection to Rawls remains powerful. First, some recent empirical analyses still highlight success cases of violent action, as exemplified by the 1992 Los Angeles riots’ impact on local support for liberal policies favouring African American communities (Enos et al. 2019). Second, the definition of violence adopted by studies like Chenoweth and Stephan’s is considerably narrower than what the critics of Rawls count as coercion (and we generally refer to under the rubric of disruption and violence); Chenoweth and Stephan equate violence to armed insurrection, effectively excluding a great many tactics this paper focuses on (Case 2022, pp. 61-79). Third, there is an interplay between violent and nonviolent tactics, meaning that the success of nonviolent protest is often in part owed to parallel violent demonstrations or the threat thereof. For example, the US establishment took nonviolent leaders like Martin Luther King more seriously than they would have otherwise done because of the lingering threat of violence by other African American groups (Nimtz 2016).

Moreover, there is another objection that critics might use to reinforce the point that Rawls’s account of democratic citizenship is unsuitable for oppressed groups. There is an *in-principle* argument claiming that given all they have suffered, victims of severe injustice have every right to be uncivil, independently of the expected impact of coercive tactics on unjust structures. For

Sheldon Wolin, requiring compliance with PR amounts to “suppressing” and “neutralizing” the grievances of African Americans and other groups suffering from a long history of injustice still enduring today. It is only natural for members of those groups to adopt a conflictual stance towards the rest of society – a stance that is, however, antithetical to and prohibited by the idea of fair cooperation that provides the ultimate basis for all public reasons (Wolin 1996, 115).

Although they do not explicitly discuss Rawls, other theorists raise in-principle objections to civility that seem to apply to him. For instance, Candice Delmas (2018, 67) observes that “[c]ertain kinds of uncivil disobedience are [...] non-instrumentally valuable – as warranted judgements about society’s failures, as expressions of solidarity, and as affirmation of agency.” Focusing specifically on African Americans, Juliet Hooker (2016) argues that a society that keeps failing its black community simply does not have the authority to demand that they enact “appropriate” democratic politics, including liberal norms of civility.

In sum, consequentialist and in-principle arguments can both be directed at the norms of civility integral to PR if they are understood broadly, as section I proved they should be. It is important to outline these two different kinds of arguments because they both figure in the discussions about disruption and violence that take place within social movements, including the civil rights and black power movements. For example, reworking a quote attributed to Malcom X and popular among other Black Panthers activists, Fred Hampton (1969, 18) stressed that “to put down the gun, [...] it’s necessary to pick up a gun”. Still, within the Black Panthers party, others advanced non-instrumental considerations, highlighting e.g. that the US government had no right to demand non-violence from African Americans; in Eldridge Cleaver’s words, “[i]n the council of the oppressed, the oppressor has no vote” (Cleaver 1969).

III. Against Existing Positions on the Applicability of PR to the Oppressed

If the last section’s objections to the exclusion of disruptive and violent behaviour by oppressed groups applied to Rawlsian political liberalism, they would deliver a serious blow. However, we

aim to argue that those objections do not hit their target. This is because, from a Rawlsian perspective, it is perfectly reasonable to deviate from the norms of civility integral to PR when suffering from serious injustice. In other words, our goal is to provide an original contribution to the emerging debate over the conditions of application of PR to the victims of injustice – one that builds on key insights advanced by Rawls, is theoretically appealing, and makes political liberalism’s ideal of citizenship fitting for oppressed groups. This section critically discusses two existing positions in that debate, so that the next section can proceed to articulate our own view.

The first position is advanced by R.J. Leland, who works within a frame for thinking about the applicability of PR in different scenarios originally proposed by Andrew Lister. This frame stresses the link between PR and the value of reciprocity, which in fact shapes the content of PR; as seen, reasons count as public when they are justifiable to reasonable persons, who themselves endorse the requirements of PR. However, according to Lister, it is less clear in what way, if any, reciprocity should also constrain the conditions under which individuals are morally bound by PR.

For Lister (2013, 123-4), one of the two ways reciprocity could work as this sort of constraint is by imposing a “multilateral”, or, using his later terminology, “proportional” condition, meaning that an individual is required to abide by PR if and only if *a certain proportion of fellow citizens* are ready to do the same.⁵ Lister rejects the proportional condition, actually going as far as claiming that reciprocity does not limit applicability in any way.⁶ In contrast, Leland maintains that we are indeed bound by PR as long as at least a certain number of our fellow citizens are willing to abide by it.

To a large extent, Leland’s endorsement of the proportional condition is driven by his analysis of the basis of PR, which, like Lister, he identifies with the creation of an intrinsically

⁵ In contrast, the “bilateral” condition states that one person’s willingness to obey PR is necessary and sufficient for anyone else to be bound by it. For his later terminology, see Lister (2017, 167).

⁶ Unlike Leland, Lister does not focus on groups suffering from severe injustice. Therefore, criticising his substantive proposal would have been out of place in our paper.

important relationship of civic friendship among individuals ready to make decisions together, without imposition or deference, across disagreement (Leland 2019, 75-80). Friendship is necessarily mutual. Also, in the case of civic friendship, it must bring together a large enough number of persons to constitute the quintessentially political relationship that PR is meant to create (Leland 2019, 92-4). More relevantly here, Leland stresses how important it is that based on the proportional condition, citizens suffering from certain kinds of systematic injustice have no duty to follow PR. Specifically, according to him, the proportional approach can correct the problem that PR appears to ask too much of indigenous citizens in settler colonial states like Canada (Leland 2019, 99-100). Victims of this sort of injustice are relieved of PR “at least when information about the injustice is publicly available and there are not popular political movements taking significant steps to remedy the injustice”. Here the basic idea is that we cannot demand them to obey PR “until their co-citizens begin to seriously advocate for remedying the injustice” (Leland 2019, 99). More precisely, PR applies to the oppressed only if there are popular movements that offer an “extended demonstration of concern over time” and aim “to take the views and judgements of excluded groups seriously” (Leland 2019, 100).

Although Leland’s reference to political movements is interesting, it creates an important internal inconsistency. Consider his main example of an oppressed group, i.e., indigenous peoples. In real-world settler colonial states, there normally are well-established movements fighting for the rights of indigenous peoples and including both indigenous and non-indigenous participants, as exemplified by Canada’s Idle No More. Consequently, according to Leland’s framework, indigenous citizens should actually comply with PR in those states, in contrast with what he would like that framework to achieve. In general, Leland’s political movement condition is so easily satisfied that the resulting framework cannot dispel his concerns about victims of systematic injustice (nor, for that matter, those introduced in section II).

Moreover, that condition provides an ultimately unsatisfactory specification of the proportional condition Leland builds on. Merely participating in a political movement supporting,

say, the rights of African Americans is an imperfect indicator of its privileged participants' actual willingness to push for cooperative terms fair to African Americans *when PR applies*, i.e., when they vote or otherwise have a chance to influence formal political decisions. Indeed, mere participation in political movements might be largely cosmetic. As noted by James Baldwin during a 1968 episode of *The Dick Cavett Show*, "I don't know what most white people in this country feel, but I can only conclude what they feel from the state of their institutions".⁷ Therefore, PR should be considered binding for African Americans and other oppressed groups only after the serious injustice they suffer from has concretely been fixed. Our no self-sacrifice view, which will be introduced in the next section, is centred on a requirement of this kind.⁸

The second position we aim to examine is offered by James Boettcher, who is on a better track than Leland in a few important respects. Like the no self-sacrifice view we develop in the next section, he discusses the issue of PR's applicability outside of Lister's frame and can therefore see that what matters is not whether a specific number of fellow citizens are committed to PR. Importantly, Boettcher hints at the fact that PR can be violated in different ways with different effects, leading him to relieve individuals of PR only when compliance would be "counterproductive" for their basic interests (Boettcher 2012, 174).

However, his discussion is rather brief, while section IV aims to explore the right to violate PR in full depth, all the way down to the nuances of Rawlsian reasonableness. Moreover, Boettcher (2012, 174) specifically limits justified non-compliance to societies that fail to "provide basic

⁷ Baldwin's interview can be found at the Dick Cavett Show Channel, available at <https://www.youtube.com/c/TheDickCavettShow>. Accessed October 4, 2023.

⁸ In personal correspondence, Leland suggests that a way to rescue his view is to interpret the political movement condition as a necessary but not sufficient condition for PR to apply. This suggestion is interesting but does not specify what other conditions need to be met. In contrast, our no self-sacrifice view aims to provide a complete picture of necessary and sufficient conditions.

constitutional protections and minimally functioning liberal-democratic institutions”. When unpacking these requirements, Boettcher almost exclusively stresses the ability to participate in politics; he describes an individual’s duty to obey PR as conditional on “some threshold of protection and democratic functioning that allows for [that individual]’s meaningful participation” (Boettcher 2012, 175). Essentially, this description appears to point exclusively towards protecting basic political and presumably civil rights – protection that, according to Boettcher, Jim Crow and the old Stormont regime in Northern Ireland failed to provide.

While Boettcher’s concern with the dire consequences compliance can have is justified, his idea that basic constitutional protections and rights to democratic participation suffice to require adherence to PR gives at most partial effect to that concern. Consider a racial group whose members lack the most basic opportunities, are not guaranteed the social minimum, and, because of their small number, do not have any real chance to correct this situation through their society’s minimally well-functioning democratic process. For them, as seen in the previous section, sticking to PR’s norms of civility might well mean having severely diminished chances of improving their situation, renouncing to affirm their dignity in the face of serious injustice, and giving up on communicating their grievances as loudly as possible. For Boettcher, who is concerned with the counterproductive effects of compliance, such costs should be far from negligible.

Moreover, focusing exclusively on civil rights and minimal democratic functioning is particularly problematic for a political liberal. As explained in section I, Rawls includes a sufficient level of opportunities and all-purpose material means among the necessary features of a reasonably just society, understood as a society that at least satisfies the pillars of liberal justice that all reasonable persons endorse. In doing so, Rawls effectively states that they, too, constitute citizens’ basic interests. Following PR when one falls below that level should therefore be recognised by Rawlsian political liberals as potentially so counterproductive that compliance is not required.

IV. Disentangling Reasonableness from Civility: The No Self-Sacrifice View

We ended section III by touching on the costs of complying with PR. Those costs will now be better explored and help us develop an appealing account of how reciprocity constrains PR's applicability that differs from Leland's and Boettcher's positions. This alternative account will also build on key insights provided by Rawls when defining reasonableness.

Political liberals take PR to serve important values. However, regardless of which values are taken to provide the correct basis of PR, individuals simply cannot be morally required to follow it if compliance would amount to self-sacrifice. Indeed, Rawls (2005, 54) emphasises that the ethics of reasonableness is not an ethics for "a society of saints" ready to follow PR even when given others' non-compliance, compliance would result in severe setbacks to their most basic interests.

Here Rawls appears to be voicing a classic concern with over-demandingness or, in other words, to be making the powerful point that any moral requirement stops being binding if it imposes excessive costs on those abiding by it.⁹ This leads him to set explicit limits on when it is reasonable to comply with PR's civility, clarifying that reasonable persons only do so if they receive a specific kind of "assurance" (Rawls 2005, 49). According to Rawls, reasonable persons are only willing to propose and abide by principles of cooperation that are reasonably acceptable to all "provided others can be relied on to do the same." Crucially, this is because "[i]f we cannot rely on them, then it might be irrational or self-sacrificial to act on those principles" (Rawls 2005, 54).

Rawls's worry that compliance might be self-sacrificial might sound exaggerated. Therefore, we need to clarify how costly compliance with PR can be against the backdrop of non-compliance by fellow citizens. Even on a narrower reading of PR's civility than the one defended in section I, according to which PR does not regulate the methods through which one pursues their political agenda, it surely constrains the content of that agenda. Indeed, the public reasons relevant actors need to have to support any fundamental political decision are built from within a conception of

⁹ For a classic formulation of a similar concern with over-demandingness, see Wolf (1982).

justice that at least guarantees basic rights, opportunities, and all-purpose means *to all*, not just other reasonable citizens abiding by PR. Therefore, when making political decisions, abiders accept to bear the costs resulting from spreading the necessary resources to guarantee rights, opportunities, and all-purpose means across the whole of society, as opposed to trying to keep them all or primarily for themselves. At the same time, the non-compliers living in their society might well try to shape as many political decisions as possible so as to channel resources to themselves, compounding those costs borne by abiders.

Moreover, section I suggested that PR should be specified in a broad manner as a duty to advocate for fundamental political change through an exchange of (certain kinds of) reasons, rather than coercing others through sanctions or threats thereof. Seen in this light, compliance with PR can generate even larger benefits for non-compliers and heavier costs for abiders. For instance, imagine a society where numerous members of privileged racial groups are complicit in a system of racial injustice because they violate PR by failing to vote for candidates pushing for much-needed reforms benefitting racial minorities. If such minorities followed PR in civilly abstaining from disruption and violence, privileged non-compliers would greatly benefit; they would go about their lives with no disturbance, fear no harm to their property or themselves, avoid other forms of psychological strain, and possibly retain their privilege more securely. More importantly here, the racial minorities renouncing disruption and violence would bear huge costs. As seen in section II, sticking to PR's civility broadly understood would risk greatly diminishing their chances of improving their situation. Even in scenarios where disruption and violence were unlikely to improve things, renouncing them would mean giving up on affirming one's dignity in the face of serious affronts to it and on broadcasting one's grievances as loudly as possible.

As seen in the last section, Leland's proportional approach to how reciprocity constrains PR's applicability is about counting heads, making the duty to comply with PR conditional on a certain number of fellow citizens being willing to follow PR. The alternative approach we are developing, which we call the "no self-sacrifice view", follows a different logic. Take Laura, who

is considering whether she can be assured that against the backdrop of existing non-compliance with PR, her compliance with it would not risk sacrificing her core interests. For her, judging whether a specific proportion of her fellow citizens accept PR is beside the point. She could be living in a society where a great many citizens violate PR, but simply in the sense that they advocate for important reforms exclusively on religious grounds. However, those reforms tend to the liberties, opportunities, and material status of the groups she belongs to, giving her little reason to worry that following PR would impose heavy costs on her. Alternatively, Laura's society might contain fewer non-compliers, who, however, push for illiberal political decisions that systematically disregard, if not undermine, the rights, opportunities, and material wellbeing of, e.g., the racial minority Laura belongs to. To make matters worse, members of this unreasonable clique might be in positions of power in the legislative, executive, and judicial branches of government. In this case, Laura would have much stronger reasons to believe that sticking to PR's civility would be self-sacrificial, making uncivil political tactics reasonable.

The project of counting heads misses that the costs of Laura's compliance with PR are much greater in the second scenario than the first one. Accordingly, we propose that Laura should ask herself whether her society is reasonably just *specifically to the social groups she belongs to*. Rawls's notion of reasonable justice identifies a society that at least satisfies the staples of liberal justice that all reasonable persons accept despite their disagreement about perfect justice. Such staples, which go way beyond Boettcher's focus on civil rights and minimal democratic functioning, are:

- i) Provision of basic rights and opportunities;
- ii) Special priority for such rights and opportunities;
- iii) Adequate all-purpose means for citizens to make effective use of them.

On the no self-sacrifice view, belonging to a group that suffers from any violation of i)-iii) is necessary and sufficient for an individual to be relieved of the duty to obey PR. This is because

societal structures that are at least reasonably just to a group reflect the care that, in the main, the rest of society (or at least those with real political power) have consistently taken not to sacrifice the core interests of that group for the sake of their own gain. In turn, this care provides assurance also for the future. Conversely, being at the receiving end of less than reasonably just arrangements provides concrete evidence that one could not rely on the rest of society to refrain from taking advantage of her civility if they had a chance, risking to further damage her crucial interests.

Expanding on Rawls's insights, we have shown that it is perfectly reasonable to feel relieved of PR's norms of civility when suffering from serious injustice as defined through i)-iii); in this sense, we have demonstrated that PR's civility has a large overlap with but is not fully coextensive with the more fundamental ideal of citizenship provided by reasonableness.¹⁰ In real-world societies, this leads to *differentiated obligations*. In contrast to the victims of severe injustice, the members of privileged groups generally have no moral right to deviate from PR. This asymmetry is explained by the different costs associated with compliance in these two cases, reiterating how the no self-sacrifice view encapsulates a powerful concern with over-demandingness.

¹⁰ The no self-sacrifice view has important commonalities with Rawls's "inclusive view" of PR. Using the abolitionists and Martin Luther King as examples, the inclusive view claims that in clearly non-ideal societies, individuals are allowed to use comprehensive arguments instead of public reasons if that is necessary for PR to gain support (Rawls 2005, 249-51). However, unlike our no self-sacrifice view, the inclusive view does not challenge the basic requirement that individuals fight their political battles through an exchange of reasons, without disruption and violence. Rawls (2005, lii) ends up dropping the inclusive view because he finds his later "wide view" of PR to cover the same ground and more. We believe that this move is misguided because as explained in fn. 4, Rawls's account of the wide view makes it all about mutual assurance, not the pursuit of political change that is at the centre of the inclusive view.

At the same time, we acknowledge that a blanket ban on members of privileged groups engaging in disruption and violence is undesirable. Out of solidarity, they intuitively seem justified to join the oppressed in their disruptive and violent actions, to best assist in the fight against severe injustice and share the costs of any law-breaking that might be involved. We wish to accommodate this intuition by making a limited exception to the duty of the privileged to abide by PR. Specifically, privileged allies of victims of severe injustice are morally allowed to join them in their disruptive and violent protests if and only if they are authorised to do so by those victims. Also, they are permitted to deviate from PR's civility only to pursue the interests of the groups who have authorised them, not any other political goals they might have.¹¹ For instance, consider Lewis, a non-indigenous citizen who does not suffer from any violations of i)-iii) but lives in a settler colonial society characterised by serious injustice against indigenous peoples. If representatives of such peoples have authorised non-indigenous individuals in the relevant sense, Lewis may join their disruptive and violent actions. However, he is still bound by PR's civility when pursuing his other goal of, for instance, abolishing university fees in his country. Similarly, if the members of, say, a racial minority that is also suffering from severe injustice do not call on privileged allies to join them, Lewis is forbidden from resorting to disruption and violence to fight for their cause.

For reasons of space, we cannot fully specify how authorisation works in this context. For instance, we simply leave for another day the discussion of the difficult problem of who should count as a representative of oppressed groups. Here we wish to stress that if members of privileged groups joined disruptive and violent fights without some form of authorisation, that might reinforce relationships of inequality rather than disrupt them. In contexts characterised by a history

¹¹ Victims of severe injustice are completely freed from PR because of the various costs that risk making compliance with PR generally self-sacrificial. In contrast, authorised allies' right to deviate from PR is a matter of solidarity with their authorisers' struggle against serious injustice, explaining why PR still applies to them when they pursue other goals.

of injustice, oppressed groups are likely to mistrust spontaneous gestures of solidarity made by the privileged. Thus, when the privileged act in the name of the oppressed without being authorised by them, they patronise and deny the agency of the victims of injustice in an important sense. By the same token, the oppressed should be given latitude in deciding who exactly is authorised to do what. For example, the relevant indigenous communities might legitimately decide to authorise Lewis and other members of allied social movements campaigning for justice for indigenous peoples while excluding all other privileged fellow citizens. Similarly, if those communities want their privileged allies to join them only in specific uncivil actions, as opposed to any disruptive and violent activities such allies might see fit, they are allowed to impose this moral restriction.

In the absence of any authorisation, Lewis is of course still bound by the obligations of solidarity required by PR. To satisfy PR, in the public forum, Lewis must contribute to building fundamental cooperative terms based on his reasonable conception of justice – a conception condemning any violations of i)-iii) as severely unjust. Since severe injustice is what keeps Lewis' society distant from the reasonable conception prescribed by PR, PR demands that Lewis prioritise the elimination of the injustice against racial minorities over his own interests every time he might need to choose among them in the public forum – e.g., when deciding whom to vote for.

Let us take stock by discussing how our no self-sacrifice view fares in relation to the consequentialist and in-principle objections to Rawls from section II. Given that such objections target PR's norms of civility when applied to groups suffering from severe injustice, our version of Rawlsian political liberalism is left unscathed by them. Zooming in on our recurring example, African Americans appear to have no duty to follow PR because of multiple violations of i)-iii). Empirical studies demonstrate that the US are characterised by widespread institutional racism. For example, law enforcement disproportionately targets African Americans, from stop and search routines to imprisonment, fatal shootings, and death in custody, arguably violating their basic right to bodily integrity and basic freedom from arbitrary police interference (e.g., Alexander 2012; Butler 2017; Correll et al. 2007). Moreover, Tommie Shelby (2016, 216) argues that at least the

black ghetto poor do not enjoy “an adequate opportunity to avoid demeaning forms of labor”, which for him represents the bare minimum of opportunities that everyone in society should receive. Also, he notes that combined with heavy cuts in welfare benefits, the unavailability of decently paid jobs for many African Americans constitutes a denial of the social minimum, or, in our Rawlsian language, adequate all-purpose means (Shelby 2016, 217-8).

To conclude this section, we now further explore how our argument compares with Shelby’s, helping to clarify what the no self-sacrifice view aims to achieve. Shelby, like us, draws on many Rawlsian notions, including reciprocity. Moreover, he advances a conception of “intolerable injustice” (i.e., any violation of basic liberal democratic rights, the social minimum, or the opportunity to avoid demeaning forms of labour) that is similar to any violation of conditions i)-iii) that, following Rawls, we use to define reasonable justice. Another important commonality is that he follows Rawls’s lead in understanding legitimacy partly in substantive terms, claiming that a society can only be legitimate if it guarantees those minimum standards of justice that make any existing injustice tolerable (Shelby 2016, 212-9). Following Rawls even more closely, we believe that all legitimate societies guarantee i)-iii).¹²

However, Shelby endorses that understanding of legitimacy as part of his analysis of the conditions under which it is morally permissible to *break* the law in illegitimate societies, which makes his argument more ambitious than ours in one important respect but less ambitious in

¹² For Rawls, legitimacy is fully satisfied only when power is “exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse” (Rawls 2005, 137). Given that by definition all reasonable persons support political arrangements that secure i)-iii) above, in legitimate societies power is exercised consistently with what Leif Wenar calls “the three criteria of legitimacy”: Basic rights and opportunities for everyone; special priority for them; and adequate all-purpose means for all (Wenar 2004, 270; see also Reidy 2007, 250-4). Therefore, all legitimate societies are at least reasonably just.

another. Our focus is on how it is morally permissible to work towards *changing* the law or otherwise pursue one's political agenda in societies that are illegitimate. Consequently, while Shelby is interested (among other things) in justifying a range of crimes committed in the ghetto exclusively for the sake of survival, those crimes fall outside the scope of our argument. On our part, in addition to illegal resistance to power, we discuss political behaviour that appears in need of moral justification even when it is legal, placing centre-stage difficult cases that fall outside the scope of Shelby's analysis. For example, disruptive tactics like mass strikes and boycotts, as well as the violation of PR's prohibition to support important political decisions for which one has only comprehensive arguments, are generally legal, but are they ever moral?

Distinguishing Shelby's goals from ours clarifies that the question of the duty to obey the law in illegitimate societies is different from ours. Regarding the former, different answers are available to political liberals. Although Rawls has a "conventional" understanding of legitimacy involving a pro-tanto obligation to obey the law (Moon 2014, 422), claiming that all citizens have such obligation in legitimate societies does not exhaust the question of whether there is any residual obligation to obey the law in illegitimate scenarios. For instance, Shelby appears to suggest that only ghetto residents and other victims of intolerable injustice are relieved of the duty to obey the law (Shelby 2016, 212-9), while others claim that Rawlsian political liberalism implies that in illegitimate societies there is no such duty for anyone (Jubb 2019, 965). We do not need to take a stance; our argument is compatible with either position. Indeed, although we do not know of any attempt to link this view to political liberalism, one might even suggest that in illegitimate societies, the obligation to obey the law is simply weakened, with its force diminishing the further away from reasonable justice a society is. We believe that our argument is compatible with this scalar view too, provided that its proponents recognise that the goals of self-preservation and fighting severe injustice are so important as to trump any residual obligation to obey the law in those limited cases in which illegal resistance to power is allowed by the no self-sacrifice view. All things considered, that illegal resistance should then be morally permitted.

V. Which Constraints for Those who Are Relieved of PR?

Given that the victims of severe injustice are relieved of the norms of civility of both PR and civil disobedience, political liberals should now investigate moral constraints regulating those victims' political behaviour that limit but do not exclude disruption and violence. In other words, surprisingly enough, political liberals are allowed to consider requirements normally proposed by theorists of coercion and incivility, often in explicit opposition to political liberalism.¹³

Generally, those theorists advance a combination of up to four kinds of requirements. First, they might endorse a success condition, directing citizens to only choose tactics that have at least "a reasonable chance of success" in their fight against injustice. For some, law or policy change improving existing unjust conditions provides the only relevant measure of success (Pasternak 2018; Wollner 2019, 58-62). In contrast, Delmas (2018, 49-50) emphasises that non-

¹³ One might doubt that searching for new requirements binding those who are relieved of the strictures of PR is needed. Given that Rawls proposes an influential account of civil disobedience, should we not simply rely on it? However, Rawls's account of civil disobedience 'attempts to formulate the grounds upon which legitimate democratic authority may be dissented from' (Rawls 1999, 338). Its scope is narrowly restricted to legitimate societies, and Rawls also specifies that they need to be 'nearly just' (Rawls 1999, 319). As reiterated at the end of the last section, political liberalism's legitimate societies by definition provide i) basic rights and opportunities for all; ii) special priority for such rights and opportunities; and iii) adequate all-purpose means for citizens to make use of them. On our no self-sacrifice view, the individuals who have no moral duty to pursue political change based on PR (and a right to authorise others to violate PR) are precisely those at the receiving end of a violation of i)-iii). Their society counts as illegitimate and as such falls outside the scope of Rawlsian civil disobedience, whose requirements cannot, therefore, substitute for those of PR.

consequentialist forms of success also matter, as exemplified by affirming one's dignity and voicing anger in the face of oppression. Second, many authors set a necessity condition, which requires choosing the least problematic course of action available. Depending on their value commitments, different authors specify "least problematic" differently, e.g., as least harmful (Delmas 2018, 49; Pasternak 2018, 401-6), least coercive (Medearis 2005, 69), or as the smallest deviation from the deliberative ideal (Fung 2005, 408-9). A third popular condition is proportionality, which in some formulations excludes tactics whose moral cost would be disproportionate to the severity of the injustice (Flanigan forthcoming, 15; Fung 2005, 403). Others also call for the benefits that coercion promises to deliver to be considered as part of the proportionality calculus (Pasternak 2018, 406-16; Wollner 2019, 66). Finally, a liability condition is often proposed, dictating that the targets of coercive action should be at fault in some relevant sense for the unjust conditions that are being fought (Flanigan forthcoming, 15; Pasternak 2018, 407).

To clarify, our goal here is not to conduct a complete evaluation of these four kinds of conditions that can settle the matter for political liberals. These are difficult issues deserving a treatment of their own. Moreover, fully specifying what the victims of severe injustice can morally do to fight it is not necessary to meet our main goal, i.e., to demonstrate that if properly elaborated, Rawlsian political liberalism does not bind the oppressed to PR's suffocating norms. However, these are important issues that political liberals should now turn their attention to. Therefore, to start this conversation, we now develop one new condition binding those relieved of PR, which imposes a strict side constraint on the means that can morally be deployed.

This condition, which we call the "no compounding of severe injustice" (NCSI) condition, incorporates a crucial moral concern that follows from reasonableness. Whenever compliance with PR is too costly, violating it is perfectly reasonable. However, Rawls (2005, 50) clarifies that regardless of whether PR applies to them, at a fundamental level, reasonable persons always "desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept". Being ready to make someone else's severely unjust and therefore already

unacceptable situation even less acceptable is clearly in tension with this desire. Consequently, it is never reasonable for the oppressed to support any plan to reap gains for themselves *by compounding other groups' severely unjust and, therefore, reasonably unacceptable conditions*, which they should want to see gone from society.

Admittedly, disruption and violence always entail material and other costs that someone will have to shoulder. However, in every non-ideal society, there are privileged groups that can be made to bear (often considerable) extra costs without falling below the threshold of reasonable justice and, therefore, reasonable acceptability. Provided that the expected price of disruptive and violent action does not take any such group into severe injustice territory, that action is consistent with the desire for a cooperative system that all can accept, and, thus, allowed by our side constraint.

What does our NCSI requirement allow and forbid? The examples of disruption and violence at Black Lives Matter rallies from our introduction seem to pass the test. In two such examples, disruption and violence targeted the state (in the case of Minneapolis' Third Police Precinct) and a major media company (in the case of Atlanta's CNN headquarters), leaving oppressed third parties largely out of the picture. The other example, i.e., the blockade of a Los Angeles freeway, might have negatively impacted members of oppressed groups. However, that impact surely did not rise to the level of compounding any injustice they might be suffering from.

In contrast, consider a violent protest that occurred in Torre Maura, a suburb of Rome, in April 2019. This case helps us to show how original the NCSI condition is in the literature on uncivil protest. In particular, although it might seem that the NCSI condition can be subsumed under liability or proportionality, we aim to demonstrate that this is not the case. Torre Maura is extremely impoverished and described by numerous commentators as having been abandoned by the Italian state and local authorities. The provision of public services is very poor, as exemplified by ageing and unsafe public housing (e.g., Giovanetti 2019). Our goal is not to investigate whether this situation counts as seriously unjust in Rawlsian terms. For the sake of the argument, we simply assume it does. Even working on this assumption, however, the impact of one's actions on third

parties suffering from severe injustice matters. In Torre Maura, demonstrators violently reacted against the allocation of social housing to about 70 members of the Roma community from outside the area. Among other things, they physically blocked the Roma from entering their allocated houses, destroyed food meant for them, and burned cars and bins in the streets (Giordano 2019). Our NCSI condition condemns this behaviour. While resorting to disruption and violence is reasonable, it is unacceptable for Torre Maura residents to have another group enduring well-known serious injustices suffer the consequences.¹⁴

How does the NCSI condition differ from liability? In its basic logic, the liability requirement is about targeting the perpetrators of the relevant injustice and their accomplices. In contrast, the NCSI condition is victim-centric, driven instead by the goal of protecting all groups that are already suffering from severe injustice. Moreover, normatively speaking, focusing so closely on perpetrators and accomplices of systemic injustice naturally leads the supporters of liability to greenlight attacks on public property (Pasternak 2018, 407-8). However, as seen, Torre Maura's protestors picketed publicly-owned houses, destroyed food that the council was in the process of delivering, and damaged public waste bins. At least these actions appear to target public property, therefore suggesting that unlike the NCSI condition, liability is unable to exclude them.

How about proportionality? At the most basic level, proportionality follows a balancing logic, in principle open to approving any sort of harmful action provided that expected gains, the seriousness of the injustice, or any other relevant countervailing considerations are weighty enough. This marks a first difference with the NCSI condition, which imposes a side constraint and thus simply rules out certain harmful actions. Another related difference is normative, and the Torre Maura case helps us to capture it. Following the protests, the Roma families were moved out of Torre Maura, and the national media devoted extensive coverage to the awful conditions

¹⁴ See Alietti and Riniolo (2021); and Sigona (2010). Here, we simply assume that the extreme marginalisation described by these authors qualifies as severely unjust.

endured by its inhabitants. We do not need to claim that if protesters had anticipated that this would happen, the proportionality calculus would have justified their actions. What matters is that if you tweak this case enough, e.g. by making the injustice suffered by residents even more severe or their expected gains larger, you will surely reach a point where proportionality (but not the NCSI condition) greenlights actions that have such a negative impact on oppressed groups like the Roma.

To further illustrate the NCSI condition, let us now discuss yet another case, i.e., campaigning and voting. PR forbids disruption and violence while prescribing how staples of deliberative democracy including campaigning and voting should be conducted. Section IV's argument that oppressed groups are not bound by PR naturally draws attention to the moral limits to be imposed on disruption and violence. However, the oppressed might still want to fight their political battles through political campaigning, elections, and similar means. Therefore, the NCSI condition also applies to such means.

Imagine that instead of engaging in violence, many residents of Torre Maura started actively campaigning and voting for a neo-fascist party whose platform was centred around removing key social entitlements from the Roma. Those residents might be hoping that if neo-fascists gained political power in the area, resources would be redirected to them. From a Rawlsian perspective, the fact that they are being neither disruptive nor violent is irrelevant. They are still concretely supporting a political project aimed, among other things, at compounding severe injustices suffered by third parties, contradicting the desire to live under arrangements acceptable to all that is integral to reasonableness. In sum, reasonableness forbids campaigning and voting for parties whose vision for society involves a further demotion of groups that suffer from severe injustice.

To be sure, the condition that we have put in place does not exhaust the task of identifying the requirements that bind those who are relieved of PR. We leave it to others to analyse which other principles are required within political liberalism. Hopefully, this section will help kickstart a conversation over all these matters.

Conclusion

This paper has developed a novel view of PR's applicability to the victims of injustice. Our "no self-sacrifice view" builds on the idea that the fundamental Rawlsian ideal of reasonableness does not always call for civility. Specifically, it places centre-stage the excessive costs of following PR's norms of civility when suffering from severe injustice. Accordingly, it relieves of the duty to comply with PR all groups treated in what Rawls would describe as less than a reasonably just way.

The no self-sacrifice view has led us to offer differentiated normative guidance for how morally to pursue one's political agenda in severely unjust societies. Even in those non-ideal circumstances, while the victims of serious injustice are allowed to employ disruption and violence, everyone else is still bound by PR's civility unless they have been authorised by those victims to join their fight. Arguing that the oppressed are relieved of PR has made Rawlsian political liberalism into a more appealing framework, capable of responding to traditional objections stressing Rawlsian civility's regressive and unfair nature when applied to oppressed groups.

Finally, our argument has created the space for investigating which requirements apply to those who have no duty to obey PR. While we have not provided a complete treatment of this crucial issue, we have aimed to start a conversation by proposing an original side constraint that prohibits making other victims of severe injustice pay the price of one's fights.

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