

Delmas, Candice. *A Duty to Resist: When Disobedience Should Be Uncivil*. Oxford: Oxford University Press, 2018. Pp. 312. \$29.95 (cloth).

The primary aim of Candice Delmas's *A Duty to Resist* is to bridge what she sees as an objectionable gulf between traditional philosophical theorizing about political struggles and the actual social movements such theorizing purports to justify. According to Delmas, our main theories of civil disobedience only consider an idealized and sanitized version of the history of the civil rights movement, where the black freedom struggle and the contribution of violence tend to be ignored. Violence and incivility perpetrated by the government and the privileged are rendered virtually invisible under the facade of the "near just society." The success of nonviolent and civil social movements is exaggerated, as if the relevant agents have already realized justice and equality. Furthermore, there is confusion between strategic choices of nonviolence and civility (in the form of being public, accepting punishment, expressing fidelity to law, etc.) and what activists regard as genuine moral concerns. These mistakes, among other things, inspire traditional theories to demand nonviolence and civility **from** those who routinely face violence and incivility, which could be more aptly described as the demand of unilateral nonviolence and unilateral civility. Furthermore, they also contribute to the philosophical neglect of responsibilities to resist injustice, which activists are centrally devoted to. The ordinary conception of civil disobedience, so fashioned, not only "tends to undermine emancipatory struggles" but also "deters noncompliance and reinforces the status quo" (23).

Delmas attempts to bridge the gap between theory and practice through taking both actual social movements and political obligation seriously. This leads to two striking core ideas in her book: the relevance of principled disobedience, which incorporates civil as well as uncivil disobedience, and the duty to resist, which stems from turning a major tradition in political philosophy—the duty to obey the law—against itself.

The first core idea is that the relevant forms of disobedience that we should be paying attention to and seeking to provide a philosophical theory of are what she calls "principled disobedience," namely, "illegal acts of resistance that are politically or morally motivated" (17). Principled disobedience incorporates but is also broader than the familiar category of civil disobedience, which she defines as "a principled and deliberate breach of law intended to protest unjust laws, policies, institutions, or practices, and undertaken by agents broadly committed to basic norms of civility . . . [where] the action is public, non-evasive, nonviolent, and broadly respectful or civil" (17). Principled disobedience is not restricted to civil disobedience but also includes acts that fall short of the standards of civility by being "covert, evasive, anonymous, violent, or deliberately offensive. . . . Examples include guerrilla theatre . . . tactics such as 'black bloc' . . . riots, leaks, distributed-denial-of service (DDoS) attacks, and vigilantism" (17).

Traditional theories hold that such acts are presumptively wrong. The purported wrongs of uncivil disobedience are, just to name a few, flouting democratic process, free-riding, being ineffective owing to violence, and undermining civic

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friendship. Against this, Delmas first points out that civil disobedience has also faced similar accusations, to which traditional theories have well answered; a number of these responses can be easily appropriated to defend specific types of uncivil disobedience. For example, governmental whistleblowing, the unauthorized release of classified information regarding state injustice, and other communicative acts of uncivil disobedience can promote well-informed public debates, or simply constitute alternative forms of democratic participation. On free-riding, uncivil disobedients, just like their civil counterparts, often do not seek illegitimate benefits, but they furthermore bear substantial costs in their attempt to bring about a better society.

However, not all responses traditional theories make extend to cover uncivil disobedience, in virtue of the latter's incivility. Traditional theories maintain that through accepting punishment and insisting on nonviolence, civil disobedients, despite breaching the law, uphold civic friendship—a mutual commitment that all parties are willing to live according to norms that assert reciprocity and equality. Uncivil forms of principled disobedience, by lacking these features, or so the objection goes, erode civic friendship. In response, Delmas points out that uncivil disobedience may be the symptom rather than the source of the problem. Uncivil disobedience may be called for when civic friendship is but a lie, when some are *de facto* neither regarded nor treated as equals. The Black Lives Matter movement provides a good illustration. When peaceful protestors are branded “troublemakers,” have their demands ignored, and furthermore are met with violence, accusing activists for undermining civic friendship is erroneous if not malicious. “Civic friendship is dead long before rioters come to bury it” (66).

Now to the elephant in the room: violence. Does violence ever work? Can activities that involve nontrivial risks of harming others be not just excused but part of an all-things-considered justified social movement? Acknowledging the empirical research on violent and nonviolent resistance, Delmas concedes that violence may well be counterproductive in promoting desirable social change. However, promoting social change is not the sole purpose of social movements. One form of violent disobedience that may be justified is vigilante self-defense. Consider, for example, the Lavender Panthers in San Francisco in the 1970s, who protected their confrères against homophobic violence. Their acts were effective not in promoting social change but in stopping hate crimes then and there. In addition, violence may serve important expressive functions. Delmas holds that “it is worthwhile for uncivil disobedients to express their indignation at the inauthenticity of the public commitment to mutual reciprocity, even if it turns out to be counterproductive to the goal of persuading the public” (67). Accordingly, violent acts such as political riots may be valuable in asserting one's own dignity and agency and furthermore express solidarity with an internal audience, namely, other victims of oppression. In this way, Delmas argues that even the more violent forms of uncivil disobedience should not be prematurely dismissed but may be potentially justifiable.

The other core idea in Delmas's book is that principled disobedience is something that is not merely permissible but obligatory. We have a duty to resist. Delmas engages with four possible foundations of political obligation (justice, fairness, Samaritanism, and political membership) and shows that each of these implies

that the notion of political obligation should be expanded beyond obedience to incorporate a duty to resist.

The basic idea, in each case, is as follows: In an ideal world obedience may well be imperative. This is because obeying may be the most appropriate way for us to support just institutions, interact with others under fair terms, fulfill our Samaritan duties most effectively, and express our commitment to equal concern and respect (so as to mitigate the vulnerability to dignity violation due to entering interdependent political associations). In short, under ideal circumstances the foundations of political obligations may be realized by and thus demand obedience.

However, in the real world obeying may be detrimental, while resistance in the forms of civil as well as uncivil disobedience may be the most appropriate way to respond to those foundations. This is because many laws are unjust or unfair. Obeying those laws would be supporting unjust institutions, participating in unfair social schemes, hindering rescue or even perpetuating persistent Samaritan perils, and being part of an assault against the dignity of certain members. Here, different forms of political disobedience, instead of obedience, are called for. Sometimes institutional reform is the best way to prevent the persisting wrongs of problematic laws. Educating oneself and others and raising awareness of the problem are crucial. Civil disobedience and communicative uncivil disobedience are often effective means to draw public attention, provide crucial information, and furthermore demand change. Sometimes direct action is needed. The Underground Railroad in the era of slavery, the more recent sanctuary movements assisting undocumented migrants, and vigilante self-defense against racial violence all provide direct aid and protection. In cases where there's no hope of political change or mitigating the effects of oppression, one may still be demanded to assert one's own dignity or express solidarity with the victims. Hunger strikes or other acts that demonstrate one's indignation may seem fitting to such goals.

But can there be a duty to engage in activities that require individuals to bear significant personal costs? The problem is most salient in regimes that most desperately need political reform, where dissent often leads to severe consequences. Can morality be so demanding? On this point Delmas reminds us how demanding the duty to obey can be: if the foundations of political obligation can require us to give up a certain portion of our income, limit different aspects of our freedom, or even demand that we incur significant risks to our lives (in the case of conscription), so can they demand us to sacrifice much when it comes to tackling severe injustice.

Delmas acknowledges that certain features of her account are especially controversial. Here, as I see it, are the two most worth mentioning. The first is the idea that we may not possess sufficiently good evidence to be justified in engaging in high-stakes activities such as uncivil disobedience. This is partially captured by instances of false conscience, for example, antiabortion activists murdering and issuing death threats to abortion providers. Being wrong but also being so sure that one is right makes one dangerous. But the more general worry is that injustice can have detrimental effects on our rational and moral capacities. This may leave us unable to recognize injustice, which straightforwardly undermines any duty to resist; it may also distort our perception of justice and drive

us to act in ways that destabilize just institutions, support unjust institutions, or harm the innocent. Here Delmas proposes two civic virtues as the solution to acting appropriately on our political obligations: *vigilance*, the capacity to spot and guard against propaganda and self-deception through self-reflection and critical thinking, and *open-mindedness*, the disposition and desire to engage in moral dialogue with others while being open to one's own transformation. The cultivation (and probably the manifestation) of these virtues, just like any other virtue, depends on situational factors. Delmas believes that mindful introspection and imagination are important but insufficient, while meaningful integration and interaction are crucial. Such a dependence on factors beyond personal control, however, may give rise to a further worry: bad moral luck can hinder virtues of vigilance and open-mindedness, and the problems these virtues aim to solve may resurface.

The second idea is the controversy of violence. I'll focus on a case Delmas construes as a political riot, the aftermath of the rape by police of Théo L. in Paris in 2017. The outrage over an uncalled-for police brutalization and sexual assault against a racial minority being dismissed as a mere accident ignited violent protests in France. "Youths burned cars and buses, ransacked stores, and attacked police patrols. A public bus driver and a journalist covering the demonstration were injured" (47–48). Can such acts be "justified—not in exceptional circumstances but systematically, and even in supposedly legitimate, liberal democratic states" (48)? Drawing from Avia Pasternak ("Political Rioting: A Moral Assessment" [unpublished manuscript]), Delmas points out that political riots serve valuable goals: "democratic inclusion, expression of collective defiance and disrespect, and legal reform" (65). It might be that some of the foundations of political obligations (to some extent) speak in favor of political riots. However, Delmas doesn't explicitly provide such a justification for political riots in the four chapters that develop how justice, fairness, Samaritanism, or political membership supports and demands principled disobedience. Moreover, Delmas does hold the view that principled disobedience should respect the interest of others and "generally seek the least harmful course of action feasible to achieve their (legitimate) goal" (49), and she seems to be uncommitted to justifying activities that harm the innocent. So it may well be that political riots, or at least the local parts of them, that deteriorate into indiscriminate violence are unjustifiable, while only highly self-restrained riots can be justified. However, there may still be the worry that political riots can hardly be so clean as to only involve damage to inanimate objects and property.

All these inevitably lead us to question whether political riots can genuinely, in light of Delmas's account, be not merely excusable but fully justified. Compared to vigilante self-defense, which tends to impose harm on those who are liable to be harmed, political riots nontrivially risk harming nonliable parties. When an innocent individual is (ex ante at risk of being) harmed, we can only appeal to a lesser evil justification and see whether the values realized far outweigh the (risks of) harm. This is a significant challenge. While there is indeed considerable expressive value in asserting dignity, agency, and solidarity, whether that can fully justify activities that nontrivially risk harming the innocent isn't obviously clear. Of course, even if Delmas is wrong about riots, other less indiscriminate

types of violent disobedience that impose costs on oneself or those liable to be harmed might still be justified. The point is that there is a balance to be struck, and while the exact location is difficult to pinpoint, it is plausible that it lies somewhere between unilateral nonviolence and indiscriminate violence.

It might be revealing to see how far Delmas's account can be developed to justify social movements that employ selective and targeted violence. Recall that Delmas condemns the official narrative of the civil rights movement for ignoring the black freedom struggle and the contribution of incivility and violence. However, apart from vigilante self-defense, she doesn't seem to have provided a straightforward account on whether other historical violent struggles were justified. My suggestion is that we should, as Delmas advises, take the violent history seriously. For example, Akinyele Omowale Umoja's *We Will Shoot Back* (New York: New York University Press, 2013) sheds historical insight on how armed resistance—not confined to self-defense but including retaliatory violence and armed struggles—may work in concert with nonviolent movements, where the former is indispensable in whatever success the latter achieves. Moreover, we should take to heart game theoretical lessons on insisting on dovish strategies regardless of what other parties do. Unilateral nonviolence is a terrible strategy. It rewards and thus incentivizes exploitative strategies. Both the contribution of violence and strategic concerns should be taken into consideration when evaluating violence.

In all, Delmas successfully guides us to reconsider the traditional "wisdom" of civil disobedience. She also makes a strong case for expanding the notion of political obligation, which has been narrowly construed as mere obedience, to encompass a duty to resist. Principled disobedience, either civil or uncivil, includes a wide range of tools to tackle different forms of injustice, such as education campaigns, peaceful protests, graffiti street art, whistleblowing, vigilante self-defense, and political riots. We may question to what extent the violent disobedience can be justified, as it is always good to be careful about violence that risks harming the innocent, but other forms of civil or uncivil disobedience may rightly be demanded in realistic circumstances. As I see it, these, along with the general warning to not unwittingly serve the status quo by dismissing social movements merely because of "incivility" and the proposal of the civic virtues of vigilance and open-mindedness, are significant contributions to the literature and could also benefit a politically interested general audience greatly.

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TEN-HERNG LAI
Australian National University