

# The Legitimate Targets of Political Resistance

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## 1. Introduction

Consider the following cases of politically motivated resistance (henceforth, 'political resistance' or simply 'resistance') abstracted from actual cases.

*Home.* Activists trespass on the private residence of a public official in response to his planning and executing an unjust policy that separates immigrant children from their families. (Lou 2018)

*Train.* Activists disrupt public transportation during rush hour in response to ongoing governmental inaction concerning the risks posed by the climate crisis. (Gayle and Quinn 2019)

Contemporary discussions of political resistance have tended to focus on the issue of law-breaking resistance (or "disobedience") and on whether disobedience is civil and permissible (Brownlee and Delmas 2021). According to one of the most widely accepted accounts, an act of law-breaking resistance is civil when it is non-violent, public, motivated by conscientious beliefs, and undertaken with the aim of bringing about a change in laws or policies (Rawls 1999, 319–323). It is permissible when it is a response to serious injustice, carried out as a last resort after legal means have proven ineffective, and upon coordination with other minorities (Rawls 1999, 326–331). Depending on how we construe the requirements, we will reach different verdicts on whether *Home* and *Train* are civil and permissible. In recent years, this narrow focus has come under sustained challenge. An increasing number of philosophers have turned their attention to other forms of resistance, especially uncivil resistance. They argue, among other things, that such forms of resistance can also often be permissible (Adams 2018; Brennan 2019; Delmas 2018; Lai 2019; Pasternak 2018).

Despite this shift in focus, comparatively little philosophical attention has been paid to the issue of what the *legitimate targets* of political resistance are. The choice of targets is often regarded as a practical or strategic issue, best left to activists better acquainted with the details

“on the ground”. Rawls, for instance, says little about *who* or *what* activists should direct their resistance towards, besides the general caution that they should avoid options that would provoke harsh retaliation (1999, 329–330). This is a striking neglect. In public discourse, activists are also often criticized for directing their actions against *this* or *that* specific target. Activists in *Home* were criticized for directing their actions at the private lives of politicians (Beinart 2018; Fiala 2020). In *Train*, they were criticized for targeting public transportation (Tamma 2019). Underlying these criticisms appears to be a strongly held, though underarticulated, intuitive judgment that some targets are legitimate whereas others are not. Importantly, this judgment appears to be *moral* rather than simply practical or strategic. Activists who direct their political resistance at illegitimate targets are judged to be doing something *morally wrong* rather than simply behaving impractically or un-strategically.

My aim in this paper is to specify what I take to be a central part of this intuitive judgment — centering on persons and activities — as a way of addressing the philosophical neglect. I argue that there is a principled way of differentiating between legitimate and illegitimate targets. I also explicate how the selection of illegitimate targets threatens the permissibility of acts of resistance. My discussions show that our analyses and evaluations of political resistance can be carried out at a high level of specificity, focusing on the details of specific acts of resistance rather than generally on types of actions.

In Section 2, I argue from a novel characterization of resistance that many (if not most) acts of resistance have a defensive aspect. They are aimed at (and can contribute to) eliminating or mitigating certain injustices. I show how this characterization offers us more resources for specifying our intuitive judgment about legitimate targets (compared to the characterization of resistance as communicative).

In Section 3, I extend the idea of forfeiture to argue that acts of political resistance are correctly directed when they are aimed at those activities of liable persons that cause injustice.

In Section 4, I clarify my account in response to two potential worries.

Before proceeding, three clarifications are important.

First, my account centers on political resistance in general. I do not discuss whether and how target selection would be affected in circumstances where the relevant acts of resistance are illegal. It is the task of a special account — of the legitimate targets of political *disobedience* — to work out the details of whether and how the class of legitimate targets is affected by, *inter alia*, the requirements to respect democratic governance or to obey the law.

Second, and relatedly, I do not purport to offer a *complete* general account of the legitimate targets of political resistance. My focus on persons and activities leaves open the question of what class of objects (including property) count as legitimate targets of political resistance. The identification of liable persons and apt activities does not fix the membership of this class nor what we can do to those members. Our answer to this issue depends, *inter alia*, on how we address difficulties around the fact that objects are used by and may be important to persons not responsible for injustices. I will also not address complications arising from the intuitive judgment that the acts of resistance in *Home* and *Train* are misdirected because they are conducted in certain *locations*.<sup>1</sup>

Third, the issue of the civility of political resistance is orthogonal to my concerns. Political resistance directed at legitimate targets may be carried out civilly or uncivilly. I set aside issues surrounding civility.

## 2. Defensive Resistance

Contemporary discussions typically characterize political resistance as communicative or focus on their communicative aspect. Through resistance, activists communicate their disapproval or rejection of some aspect of the society in which they live (typically laws or public policies), which they regard as unjust. Their communicative aim is

1. I thank an anonymous referee for pressing me to clarify the scope of my argument.

typically accompanied by a practical or political aim: to bring about change in that which they disapprove of or reject. Even when change is improbable, such communication may nonetheless be valuable as an expression of anger or frustration. It may also establish the self-respect of the activists as indomitable in the face of an injustice they cannot alter (Boxill 1976; Harvey 1996; Hill 1979; Srinivasan 2018; Cherry 2021). However, this says little in response to the issue of legitimate targets. There appears to be no clear and principled way of determining what would or would not communicate activists' messages. Indeed, it appears that activists may target (in the sense of imposing harms or burdens on) *anyone or anything* if doing so secures communicative success. Activists in *Home* and *Train*, for example, succeed in communicating their message, even though their actions are criticized as misdirected. This observation generalizes. Many acts of resistance—even when directed at ostensibly wrong targets—nonetheless succeed *communicatively*. As such, we need another way of differentiating between legitimate and illegitimate targets.

Recently, some philosophers have begun focusing, again, on a different aspect of political resistance. In addition to being communicative, many instances of resistance can *also* be characterized as a form of defensive action, in the sense that activists target some person/s to eliminate or mitigate an injustice.<sup>2</sup> This characterization extends discussions in defensive ethics to political resistance. Consider circumstances where political resistance is plausibly and permissibly defensive. Destroying a coal power plant will directly and immediately stop its polluting and harmful effects. Destroying border stations (where immigrants are abused) or hiring unauthorized immigrants, will eliminate or at least mitigate some of the injustices they face (Hidalgo 2016). Destroying a police station staffed by racist police officers will (at least

temporarily) eliminate the injustices they contribute to (Pasternak 2018). Destroying military equipment will eliminate the injustices that they will be used to pose during an unjust war. And so on. Thus, despite initial appearances, the characterization of political resistance as defensive does not fail from the outset.

Adopting a broad conception of defense that goes beyond one-off two-person interactions allows us to see that many (if not most) acts of resistance have a defensive aspect. A regular street demonstration, for example, may be understood as a defensive response to communicative marginalization or exclusion (Pasternak 2018, 393). Other cases of protest can be thought of as defensive responses to threats of honor (Frowe 2014; Statman 2008) or dignity (McMahan 2016), among others. On the basis of this characterization, philosophers have advanced arguments supporting radical acts of resistance. Among other things, it has been argued that sabotage, theft, destruction of property, physically harming public officials (Brennan 2019), vigilantism (Delmas 2018, 95–98), rioting (Pasternak 2018), and even armed revolution (Kapelner 2019) are permissible in certain circumstances as defensive responses to grave injustice.<sup>3</sup>

Proponents of this characterization commonly accept two general ideas of defensive ethics. First, the harms or burdens imposed must be directed at persons who stand in a certain relationship to an injustice. This is often explained in terms of *liability*: by being implicated in the injustice, some individuals are liable to bear certain burdens (including harms), and targeting them would not wrong them (McMahan 2009, 19). Second, the harm or burden imposed on such persons must not be gratuitous. This is often cashed out in terms of three principles: the *principle of proportionality* requires that the harm or burden imposed be proportionate to the injustice to which one is responding;<sup>4</sup>

2. This characterization of political resistance is not entirely novel. The basic idea that violent, harm- or burden-imposing actions may be permissible (or even required) as a form of defense in the face of injustice was among the central organizing principles behind the Black Power movement in the United States from the 1960s to 1980s (Cobb 2014; Davis and Brown 1972; Ture and Hamilton 1992; R. F. Williams 1998; X 2015).

3. I have argued elsewhere (Lim 2021) that activists who engage in radical acts of political resistance are adequately *differentiated* (and thus should be treated differently) from mere criminals, even if their actions are impermissible. Vindicating radical action does not consist solely in showing that radical acts are permissible.

4. There are “narrow” and “wide” interpretations of the principle of

the *principle of necessity* requires that the harm or burden imposed be the minimal amount necessary to eliminate or mitigate the injustice; the *principle of reasonable success* requires that the action taken has a reasonable prospect of eliminating or mitigating the injustice (Lazar 2017).<sup>5</sup>

Unlike others who extend defensive ethics to political resistance, my interests here do not lie in defending the permissibility of certain types of harm-imposing or burden-imposing acts of resistance (especially outwardly radical ones), where that is understood in terms of those acts' satisfaction of the aforementioned principles. Instead, I wish to consider the potential this characterization has for specifying a central part of the intuitive judgment with which we began. Specifically, I aim to articulate a principled way of differentiating between legitimate and illegitimate targets of resistance (focusing on persons and activities).

### 3. Legitimate Targets

In this section, I argue that acts of defensive political resistance are correctly directed when they are aimed at those activities of liable persons that cause injustice.

#### 3.1. Liable persons

The claim that some *persons* are legitimate targets — that is, and *inter alia*, burdens or harms may be directly imposed on them — is central to and uncontroversial in defensive ethics. As stated earlier, this claim

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proportionality. The former regulates the imposition of harm only on those who are liable to be harmed. The latter has no such scope restrictions (McMahan 2009, 20–21). Unless otherwise stated, my discussions of this principle refer to the narrower interpretation. Of course, any act of resistance also needs to be proportionate in the wide sense if it is to be all-things-considered permissible. I revisit this issue in section 3.3.

5. There is a question of whether actions that lack a reasonable prospect of success can nonetheless be plausibly characterized as defensive (see Kamm 2012; Uniacke 2014 for further discussion). Those who endorse this principle are committed to the view that people who have *completed* their wrongful acts are not permissibly harmed *as a matter of defense*. Such individuals may, of course, be harmed as a matter of punishment.

is commonly explained in terms of liability. Persons are liable to be targeted for defensive harming if they are implicated in an injustice such that targeting them would not wrong them (McMahan 2009, 19). This judgment is often cashed out in terms of the idea of *rights forfeiture*.<sup>6</sup> We typically have rights that protect us from non-consensual interference and harm. These rights are said to be forfeited when we are implicated in an injustice (McMahan 2009, 10). Upon such forfeiture, the non-consensual interference or harm that is imposed on us in these cases does not wrong us. When extended to political resistance, this means that persons can also be legitimate targets if they are implicated in an injustice and if targeting them would eliminate or mitigate the injustice.

The liability of persons to be targeted is typically determined by evaluations on two dimensions: a causal and an agency dimension. The causal dimension refers to the causal contribution that an individual makes to an injustice. The agency dimension concerns the involvement of an individual's agency in the injustice. For example, someone who intentionally and voluntarily causes an injustice is more involved than someone whose contribution to the injustice was the result of duress. Someone is deemed liable to be targeted if their causal contribution and agency involvement cross certain thresholds. These thresholds may be lax or stringent. A lax causal threshold requires only that individuals make *some* contribution to an injustice. A more stringent causal threshold requires that they be singled out as causes of an injustice.<sup>7</sup> A lax agency threshold deems someone liable to be targeted if they have made *some* choice to contribute to the injustice. More

6. Kimberly Ferzan argues that the idea of forfeiture does the work in our discussions of liability to harm (2016, 233). This claim is too strong. As Ferzan herself recognizes, in some cases, we do not need the idea of forfeiture to make liability claims. These include cases where someone has positive duties to shoulder certain costs in eliminating or mitigating injustices (Ferzan 2016, 239).
7. There is ongoing debate around how to make sense of the relationship between the magnitude of causal contribution and liability (see Tadros 2017 for a skeptical take on the relationship).

stringent agency thresholds require that the choices be voluntary or even that the person is blameworthy for those choices (McMahan 2009, 155–181). Depending on where we set the relevant thresholds, even ordinary citizens who contribute to an injustice through their everyday actions may be liable to be targeted.<sup>8</sup> They may be attacked, have their lives disrupted, or their activities frustrated by resistance if doing so satisfies the principles of proportionality, necessity, and reasonable success.

There are several competing views on where and how to set the agency and causal thresholds.<sup>9</sup> For my purposes, it is enough to establish that political resistance must be directed at *persons who are liable*, wherever we may set the relevant thresholds. This general idea already allows us to make some headway in differentiating *Home* and *Train*, and to specify the intuitive judgment that there is a difference between legitimate and illegitimate targets. While the resistance of activists in *Home* is directed at a legitimate target—the public official responsible for planning and executing an unjust policy—this does not appear to be the case in *Train*. We do not ordinarily think that people who use public transport cross the agency or causal thresholds for governmental inaction concerning the climate crisis. It seems then that the resistance of activists in *Train* is misdirected. Even if targeting public transport users would eliminate or mitigate the injustice, we do not think it should be done (at least, not without serious and overriding reasons). This is because doing so would impose burdens or harms on those who are not liable to be targeted; it is *pro tanto* impermissible.

8. For a range of different views on these two questions (though in the context of war), see (Fabre 2012; Frowe 2014; Lazar 2015; McMahan 2009) the individual is the fundamental locus of concern and respect; second, political borders are arbitrary from a moral point of view and largely irrelevant to individuals' entitlements central. With those two assumptions in hand, the book shows that some key principles of just-war ethics — notably, the just-cause requirement, the requirement of legitimate authority, the principle of discrimination, and the requirement of proportionality — need defending. It does so by examining different kinds of war in the light of those assumptions: wars of national defence, wars over scarce resources (subsistence wars).

9. See Tadros (2016, 111) for a survey of several popular views.

This preliminary result represents an improvement over the characterization of resistance as communicative. On such a characterization, it is difficult to make sense of the complaint about illegitimate targets. Indeed, targeting public transport appears to be an excellent choice in communicating activists' message to a wide audience.

Some may find this revisionary evaluation of *Home* implausible. In public discourse, it is often claimed that directly targeting *persons* during political resistance is prohibited.<sup>10</sup> For instance, Martin Luther King and Nelson Mandela—both regarded as “exemplars” of resistance—stressed that the acts of resistance carried out as part of their movements did not involve targeting people directly (King, Jr 1967; Mandela 1964).<sup>11</sup> A common defense for this is that it is counterproductive for activists to target persons. Doing so would frustrate their own aims at eliminating or mitigating injustice. Specifically, the radical nature of targeting persons could obscure the moral or political appeal of activists' actions, resulting in them being dismissed by those they intend to influence (Brownlee 2012, 20–21). Without the support of their audience, they may fail to achieve their goals. However, notice that this defense does not *in principle* exclude persons from the set of legitimate targets. In some circumstances, it may not be counterproductive for activists to target persons, as in cases involving self- or other-defense against imminent and severe threats to bodily integrity (Brennan 2019). Once the possibility of targeting persons is secured, it can (with some work) be extended to a defense of targeting public officials who plan and execute unjust laws. For instance, in addition to stopping an unjust law from being passed or implemented, it may also create disincentives for public officials to plan or implement other unjust laws.

10. This claim may be endorsed to different extents depending on the circles one moves in. Nonetheless, some explanation is owed to those who do endorse this claim, if only as a way of vindicating activists' resistance.

11. Mandela made references to targeting things and activities of symbolic importance; I address the issue of targeting symbols elsewhere (see Lim 2020a; 2020b).

However, establishing that the activists in *Home* are not misdirecting their resistance in this sense does not exhaust our evaluation of it. We may worry that even though the target is legitimate, the *specific action* is misdirected. That is, identifying some persons as legitimate targets does not settle the question of what *exactly* we may do to them. As with most kinds of political action, activists must choose from a dizzying range of options — *inter alia*, physically attacking people, disrupting their everyday activities, and damaging, sabotaging, or blocking the use of certain things (see Sharp 1973). There are further, more specific, questions of how exactly to attack persons, which activities to disrupt, and which things to damage, sabotage or block the use of, and so on. These questions have not received adequate attention in the literature on political resistance.

On these issues, the principles of proportionality, necessity, and reasonable success provide limited traction. They tell us only that targeting someone or something is impermissible if doing so would violate any or all of the three principles. However, this does not entail that an action satisfying all three principles is therefore correctly directed at legitimate targets. These issues are distinct. Even if targeting a public official's home satisfies all the principles, there remains an intuitive worry that *something else* is wrong with the action.

### 3.2. *Apt activities*

To accommodate this worry, we need to provide a detailed account of *what we can do to* liable persons. A commonly endorsed view is that an individual who is liable does not forfeit all her rights, but merely a *subset* of them. There is no loss of rights in general (Ferzan 2016, 245–46; McMahan 2009, 10). This is a “disaggregated” view about the rights an individual forfeits when she is responsible for causing injustice. We may not do just about anything to her simply because she is responsible for causing injustice. There remain constraints — imposed by the rights she retains — on our response to her actions. For example, while we may restrain or harm unjust attackers to eliminate or mitigate the threats they pose, we may not, among other things, harvest

their organs (Tadros 2011, 190).<sup>12</sup> Violating the rights that they retain would *wrong* them.<sup>13</sup>

The challenge is to specify *which* rights are forfeited. There are two main responses.

The first follows from the idea of “an eye for an eye” — an individual forfeits the *same* right that she violates (or threatens to violate) in another. This has the benefit of delivering clear-cut verdicts. A person who threatens to kill someone appears, plausibly, to forfeit her own right to life. However, this view delivers implausible verdicts in many cases. For example, it seems impermissible for us to mutilate mutilators, rape rapists, or torture torturers.

To accommodate such cases, the second (more common) response is that the rights individuals forfeit due to wrongdoing *need not mirror* the rights they violate. All that is required is that the rights they lose are roughly commensurate with the rights they violate (or threaten to violate) (Ferzan 2016, 246; Lang 2014, 49–51; Wellman 2012, 384–386).

We now have more traction on cases like *Home*. We can say that the public official in *Home* does not forfeit *all* his rights given his responsibility for the injustice. Specifically, he might not forfeit his right to privacy or to the quiet enjoyment of his private residence even if he is responsible for violating similar rights in others. Given worries about torturing torturers, we might think that such rights are retained even by individuals who violate them in others. However, this view (and the diagnosis of *Home* built upon it) is incomplete. As stated, it simply says that forfeited rights *need not mirror* the violated rights. It lacks a principled way of determining exactly *which* rights are forfeited. This

12. This understanding of forfeiture also appears to undergird some of our rules of warfare. We do not think that unjust enemy combatants forfeit their rights to medical care, religious services, or their rights against being targeted by biological or chemical weapons.
13. Complications arise if there are no available options for eliminating or mitigating an injustice besides those that violate the rights of responsible individuals. In such cases, targeting responsible individuals might not be wrong, all things considered, due to “lesser-evil” considerations. However, taking these options would still wrong them, insofar as they have not forfeited their rights to such treatment (see Frowe 2018).

problem generalizes. For instance, why can we not say that the ‘right not to be tortured’ is *roughly commensurate* with the right the torturer violates, such that we may permissibly torture the torturer? We need a positive answer to how we should determine which rights are forfeited or retained.

My response comprises two parts.

The first begins from the observation that, in ordinary circumstances, individuals have “agency” rights that grant them normative control over various aspects of their lives (Firth and Quong 2012, 694). Individuals exercise or enjoy their agency rights when they engage in activities intentionally and voluntarily. However, in some circumstances, individuals’ exercise or enjoyment of such rights is problematic, such as when they violate or threaten to violate the rights of others. By doing so, these individuals forfeit their agency right. That is, they forfeit the right to continued normative control over their lives, at least when it comes to certain actions. This is because it is through the very exercise of this right that they violate or threaten to violate the rights of others. This fact, accompanied by our interests in eliminating or mitigating the injustice, grounds a permission for us to non-consensually interfere with their lives. Put another way, interference is permitted because these individuals *would otherwise violate* the rights of others (Thomson 1991, 302). By violating or threatening to violate the rights of others, individuals no longer have a complaint against our non-consensual interferences with their lives. Two caveats (intimated at earlier) apply: (1) the non-consensual interference must be guided and constrained by the goal of eliminating or mitigating the injustice the individuals pose and (2) to be all-things-considered permissible, the interference must also satisfy the principles of proportionality, necessity, and reasonable success.

My claim that individuals who violate the rights of others forfeit their right against non-consensual interference is more general than the claim typically made in the literature on defensive ethics: that these individuals forfeit their right against *being harmed*. For now, three brief considerations support the more general formulation.

First, we want our claims about rights forfeiture to extend to cases where individuals threaten or impose unfair burdens on others, that fall short of harming them. These individuals seem to forfeit only their right against having roughly commensurate burdens non-consensually imposed on them, rather than their right against being harmed.

Second, we want to account for cases where we can eliminate or mitigate unjust threats by *walking away*; that is, without imposing burdens or harms. When such options are available, individuals posing the threats do not appear to forfeit their right against the imposition of *burdens* upon them. However, they have no claim against us non-consensually interfering with their plans, which we do by walking away.

Third, the general formulation provides a straightforward explanation for why individuals responsible for injustice cannot permissibly engage in counter-defense against their victims. They have forfeited the right against non-consensual interferences. This includes those actions they would need to take to prevent the victim (or third-parties) from eliminating or mitigating the injustice they would otherwise cause.<sup>14</sup> Of course, and on a conciliatory note, my claim is compatible with the possibility that in many actual cases — and given the options available — individuals who are responsible for wrongful threats also lack a complaint against being *harmed*. My view need not differ in terms of the *verdicts* delivered in such cases.

This offers a neat response to the problem of torturers, rapists, and mutilators. We now see that the problem starts off on the wrong foot, with the faulty assumption that the rights individuals forfeit due to their wrongdoing is necessarily or automatically tied to the rights they violate. This is a mistake. These individuals forfeit only the right against non-consensual interference, a right that is connected to the exercise

14. As Victor Tadros notes, much work on liability has been “distorted by a focus on death” (2016, 130). Kimberly Ferzan echoes this view when she claims that it is misleading to think that an aggressor necessarily forfeits her right to life due to posing a threat to others (2016, 246). My view here is an extension of their positions. The focus on harm may be similarly distorting. We have reason to move to a more general formulation of what is forfeited by individuals responsible for injustice.

of their agency in causing wrongdoing. What we can do to them—the burdens or harms we can impose—does not depend on which rights they violate. Rather, it depends on whether what we do would eliminate or mitigate the injustice they cause or threaten to cause (subject to the constraints of the principles of proportionality, necessity, and reasonable success). These considerations, in turn, depend on a host of contextually relevant features (e.g., what options are available or how effective they are) that cannot be specified *ex ante*.

The claim here is still too general. Revisiting the case of *Home* illustrates the problem. According to the ongoing analyses, it appears that the activists' resistance in *Home* is correctly directed. This is because the public official forfeits his right against non-consensual interference with his life given that he is responsible for the relevant injustice. However, there remains a strong intuitive judgment that the activists should have chosen a different action. They should not have specifically interfered with the public official's *residential* life and activities. This judgment remains stable in light of the further observations that the disruptions are aimed at eliminating or mitigating the injustice for which the official is responsible, and that the burdens imposed satisfy the demands of the principles of proportionality, necessity and reasonable success.

Here (and this is the second part of my response), I contend that the judgment may be rendered intelligible and plausible by the observation that the activities that are part of the public official's residential life do not appear to stand in the *right relationship to the injustice* the activists are responding to. To accommodate this judgment, the claim that individuals forfeit their right against non-consensual interference needs to be supplemented by an account delineating *which specific activities* can permissibly be targeted for interference. In the same way that individuals do not forfeit all their rights when they are responsible for injustices, they are not "fair game" for interference in all their activities. Thus, the challenge is to specify which activities can be targeted, given the forfeiture of the general right against non-consensual interference.

This challenge is exacerbated by the fact that many intentional and voluntary activities feature in the causal structure of any given injustice. The following example illustrates the problem:

*Train\**. Activists disrupt public transportation used only by citizens who work at companies that cause significant and ongoing environmental degradation.

Suppose, *arguendo*, that the individuals in *Train\** are liable to be targeted — they have forfeited their rights against non-consensual interference. Here, it seems that the activity of taking the train to work does feature in the causal process leading up to the pollution, along with activities like eating meals or using electricity and water. These are important activities that sustain the lives of these citizens, without which they would not be able to contribute to the relevant injustices (Fabre 2009, 43–45). We need some explanation that makes good on the intuition that these activities do not stand in the right kind of relationship to injustice, and are therefore illegitimate targets.

Here, we have recourse to some ongoing discussions in the philosophy of causation, which concern the selection or individuation of causes from "mere conditions" within a causal network. There is a variety of candidate accounts.

- An activity causes an injustice if it is present only in the case where the injustice occurs, rather than be present in both cases where the injustice occurs and when it is absent (Hart and Honoré 1985, 34).
- An activity causes injustice if it "makes the difference in relation to some background" that we hold fixed (Mackie 1980, xi).
- An activity causes an injustice if whether, when, and how it occurs influences whether, when, and how the injustice occurs (Lewis 2000).



- An activity causes an injustice when it is the part of the smallest set of people and activities that together bring about a harm or a wrong (Feit 2015; Parfit 1984, 70–71).

Various other ways of drawing the line are available. I will not take a stand on their plausibility, however. For my purposes, *how* the line is drawn is immaterial; what matters is *that* some line is drawn.<sup>15</sup>

The relationship between an activity and an injustice is important for determining which activities (of individuals who have forfeited their right against non-consensual interference) are legitimate targets. Distinguishing between activities that cause injustice from those that do not, accords with the idea that individuals have the right to exercise normative control over various aspects of their lives — that is, to engage in various activities as they wish — as long as doing so does not cause injustice. Those activities that cause injustice are open to non-consensual interference; they are legitimate targets. Acts of resistance targeting activities that do not cause injustice are misdirected.

We are now equipped to account for cases like the following:

*Home\**. Activists trespass on the private residence of a public official (who lives alone) in response to his planning and executing an unjust policy *from home*.

Unlike *Home*, it appears that activists are not misdirecting their resistance in *Home\**. This is because the public official engages in activities that cause injustice from his private residence. Insofar as his work causes the injustice the activists are responding to, and since he uses his home for work, he loses his claim against having that those activities undisrupted, wherever they may be carried out. Such activities are legitimate targets. This analysis of *Home\** clarifies that our intuitive judgment regarding *Home* — that something has gone awry with activists' choice of target — is not about the fact that the disrupted activities

15. Here is a point where political philosophers must defer to metaphysicians. This is the case even if we concur with the standard view that the individuation of causes from background conditions is driven by *practical* interests (Hart and Honoré 1985; Lewis 1973).

are *private* activities. Rather, it is that they are activities that *do not stand in the right relationship to injustice*. As before, the point generalizes. What is crucial for the determination of legitimate targets is whether an activity stands in the right relationship to the injustices activists seek to eliminate or mitigate, rather than whether the activities belong to this or that category or domain of action. In this way, my analysis is partly revisionary of the starting intuition that certain *types* of activities or domains simply cannot be targeted by activists. There is no blanket protection for activities on the basis of their type or domain membership. The same analysis may be given of cases where a public official has a “work dinner” at a restaurant (Mervosh 2018), and whose work involves planning and implementing unjust policies. Insofar as the activities involved cause injustice, the resistance of activists to disrupt them would not be misdirected.

In sum, acts of political resistance are correctly directed when they are aimed at those activities of liable persons that cause injustice. Illegitimate targets are those persons or activities that do not stand in the right relationship to injustice. This specifies an important part of the intuitive judgment with which we began, that some targets of activists' political resistance are legitimate while others are not.

### 3.3. Permissibility

There is still a question of how we should understand the criticism that activists who misdirect their political resistance (i.e. who direct their resistance at illegitimate targets) are doing something *morally wrong* rather than simply behaving impractically or un-strategically.

The above account of legitimate targets offers a clear response.

First, suppose that an act of resistance is directed at persons who are not responsible for injustice. This is clearly morally impermissible. Such persons have not forfeited their rights against non-consensual interference, and much less against the imposition of burdens or harms. Targeting them would be straightforwardly wrong.

Second, suppose that an act of resistance is directed at persons who are responsible for injustice but at activities that do not stand in the

right relationship to injustice. Suppose also that the action succeeds in eliminating or mitigating the injustice. Even so, the action is *pro tanto* impermissible because it fails to respect individuals' rights to exercise normative control over various aspects of their lives (as long as doing so does not cause injustice).<sup>16</sup>

The fact that an act of resistance directed at illegitimate targets is *pro tanto* morally impermissible does not mean that it is all-things-considered permissible. To be all-things-considered permissible, the harms or burdens imposed by resistance should also satisfy the principles of proportionality, necessity, and reasonable success. The two sets of conditions are distinct. A correctly directed act of resistance may nonetheless be impermissible; some incorrectly directed acts of resistance may be all-things-considered permissible. This can occur when the options available are such that directing resistance at legitimate targets would be grossly disproportionate or fail to achieve the goal of eliminating or mitigating the relevant injustice, among others.

In presenting things this way, I am taking an "externalist" view of the relationship between legitimate targets and all-things-considered permissibility. On this view, a person or activity can be a legitimate target, but targeting them can be all-things-considered impermissible. Conversely, it can be all-things-considered permissible to direct acts of resistance at illegitimate targets, in the presence of overriding considerations. This stands in contrast with an "internalist" view, according to which a person or activity fails to qualify as a legitimate target if targeting it would not be all-things-considered permissible. On the internalist view, permissibility is internal to (or integrated into) the very determination of what legitimate targets of political resistance are. On this view, a legitimate target is, by definition, a person or activity that is permissibly targeted. The externalist and internalist views may reach the same practical verdicts in actual cases of political resistance.

16. I set aside difficulties arising from whether the activists need to have the right intentions or motivations (see however Tadros 2011, 155–60, and Scanlon 2009, 37–88, for further discussion).

Where they differ is in their explanations of the wrongness involved in impermissible cases of resistance.<sup>17</sup>

The externalist view is supported by two defeasible reasons.

First, our concern with legitimate targets appears to be distinct from our concern with all-things-considered permissibility (which is partly specified by the principles of proportionality, necessity, and reasonable success). Our concern with the former is that the *target* of resistance stands in the *right relationship* to injustice. Our concern with the latter, however, centers on whether the *harms or burdens imposed* by a given act of resistance are *gratuitous*. The externalist view gains intuitive plausibility by keeping these concerns distinct, rather than subsuming the latter into the former.

The second reason centers on how the externalist view can (and the internalist view cannot) naturally make sense of two kinds of responses we sometimes have to political resistance. To see this, consider a public official who is responsible for drafting a plan to disburse aid to the needy but chooses to include unreasonable riders (that result in or exacerbate an existing injustice). Suppose that this activity is a legitimate target, but that targeting it would violate one or more of the principles of proportionality, necessity, and reasonable success (perhaps because targeting it will mean that aid does not reach the needy).

In this case, two related responses are revealing. One is our sense of *frustration* at the impermissibility of directing our political resistance at that activity. This frustration indicates that there is still some justification for directing our resistance at legitimate targets, delivered by the fact that those targets *do* stand in a certain relationship to injustice. If not, our frustration would be misplaced.<sup>18</sup> The same point can be

17. These two views mirror the two dominant views in the ethics of defensive harming on the relationship between liability and the principles of proportionality, necessity, and reasonable success. On the internalist view, an individual is not liable if the principles are violated. On the externalist view, while the individual responsible for injustice is liable to be targeted, actions that violate the three principles are impermissible (see Frowe 2014, 88–120, and McMahan 2016 for competing views on this issue).

18. The justification for directing resistance at legitimate targets is *pro tanto* rather

made by attending to our judgment that activists who impermissibly direct their resistance at such a target are nonetheless behaving *understandably*. This judgment would be similarly misplaced if there is no more reason (upon the verdicts of the principles of proportionality, necessity, and reasonable success) to direct our resistance at the target. A similar analysis can be given of activists who direct their acts of resistance at illegitimate targets. We might be frustrated that they have done so (despite any good consequences that may result). We can nonetheless recognize that they are acting *understandably*, insofar as their actions are aimed at eliminating or mitigating an injustice.<sup>19</sup>

#### 4. Clarifications

In this section, I address two worries to clarify my account. The first concerns the selection of targets from the set of legitimate targets. The second concerns the burdens associated with targeting activities that stand in the right relationship to injustice.

##### 4.1. Target selection

Citizens sometimes actively contribute to injustice. Among other things, they may vote for politicians who implement unjust policies, support or create businesses that engage in unjust practices, or even directly engage in unjust practices in their everyday life (e.g., prejudiced or discriminatory behavior). Depending on where we set the agency and causal thresholds, these citizens' activities may count as legitimate targets of political resistance (Jubb 2014). If so, citizens cannot complain about activists who direct acts of resistance at these

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than *prima facie* in character. Even when it is outweighed, it retains, rather than loses, its normative force (see Kagan 1989, 17; Tessman 2014, 11–56; B. Williams 1973, 166–86, for further discussion of this distinction).

19. As an aside, the conclusion — that activists who direct their resistance at illegitimate targets are behaving *pro tanto* impermissibly — may have further revisionary potential regarding how we evaluate legal versus illegal or civil versus uncivil acts of resistance. In some cases, we may have reason to prefer illegal resistance over legal resistance or uncivil resistance over civil resistance depending on which targets they are directed at.

activities. Indeed, we may end up with more legitimate targets of political resistance than we initially or intuitively expect. On this issue, my response is resolute: these activities *are* legitimate targets. This is another point on which our intuitive judgment about the set of legitimate targets requires revision rather than accommodation.

There is now a question of how activists should select the targets of their resistance, from the set of all legitimate targets. One natural response is to require that activists direct their resistance at those persons or activities which, when targeted, would have the greatest effect in terms of eliminating or mitigating the injustice as a whole. This is plausible as a rule of thumb. Holding all things equal (e.g., availability of options and costs of resistance on activists and bystanders), we seem to have reason to pursue options that are more, rather than less, effective at eliminating or mitigating injustice. The following example illustrates the point:

*Airport.* Activists occupy an airport runway in response to the disproportionate impact of ongoing air pollution on racial minorities (Weaver and Grierson 2016).

Suppose, for the moment, that commercial air travel causes the relevant injustice. If so, activists in *Airport* would be correctly directing their resistance at a legitimate target. However, their choice appears to be a poor one. Their resistance seems to be ineffective at eliminating or mitigating the injustice. In this case, we think that activists should probably direct their resistance at better targets, such as the activities of the airline executives or public officials who formulate and execute policies that incentivize air travel.

However, this response does not exhaust all that we can say about target selection. There are instances where we do not need to pursue options that have the greatest effect in eliminating or mitigating an injustice as a whole. To see this, consider the following example:

*Killing.* A group of people are engaged in an ongoing genocide against another group of people.

Presumably, targeting any specific act of killing does not make a difference to whether the genocide occurs. However, it is implausible to say that because targeting any specific act of killing does not make a difference to whether the genocide occurs, those who do the targeting are mistaken in their selection of targets and should pursue better options. Indeed, we judge that it is good, or even required, for us to target *any* act of killing in such a case. The structure of this example generalizes. It includes the injustices of slavery, exploitation of the working class, racist practices, and so on. In these cases, I suggest, the judgment rests on the fact that the broader injustice is constituted by individual activities that we have legitimate interests in eliminating or mitigating. In such cases, activists cannot be criticized for directing their action at these individual activities, even though their doing so does little to eliminate or mitigate the broader injustice. That is to say, the selection of targets does not always need to be guided by what would have the greatest effect on the injustice as a whole. Activists need not be dogmatic about the rule of thumb.

What our legitimate interests are will depend, *inter alia*, on our theories of the right and the good, which specify the boundaries of our legitimate entitlements and expectations. In specifying such interests, we must also take seriously what activists claim their (or our) interests are. From the armchair, some interests may escape notice and the importance of others may be exaggerated. This is not to say, however, that activists are inviolable detectors of legitimate interests, especially concerning the elimination or mitigation of injustices. I will leave open the issue of how we should specify these interests. I simply note that our specifications of and disagreements about them have implications for activists' target selections.

More generally, what this means is that the extent to which ordinary citizens and their activities are protected from political resistance depends on the character of the injustice we are interested in eliminating or mitigating. In some circumstances, the appeal to the inefficacy of an act of resistance in eliminating or mitigating the injustice as a whole, will not secure such protection. This helps us to account

for cases like *Airport*: our verdict on whether activists can legitimately target individual instances of air travel turns on our judgment about whether we have a legitimate interest in eliminating or mitigating these individual instances.<sup>20</sup>

#### 4.2. *Undue burdens*

Many activities that cause injustice (e.g., legislative or judicial deliberations) happen behind closed doors, in spaces that activists cannot easily access. In these circumstances, the requirement that activists direct their acts of resistance at legitimate targets may be deeply problematic. It imposes unreasonable demands on activists to find out when certain activities are happening and then adjust their schedules to disrupt those activities. Even assuming that such demands can be met — which may very well be false, or otherwise very onerous — this leaves a very small window of opportunity for activists to engage in the kind of permissible resistance we have been discussing. This is a serious obstacle to resistance, and appears to give us reason to jettison my account.

In response to this worry, I should clarify that my account is concerned with what counts as a legitimate target given all the morally relevant facts. It is not concerned with what counts as a legitimate target given the available evidence or our beliefs about which persons or activities cause injustice. This raises the justificatory bar for political disobedience. Activists must ensure that their actions are not directed at illegitimate targets. As stated earlier, this view best explains our judgment that activists are doing something wrong if they take (or turn out, upon future discovery, to have taken) action against an illegitimate target. This judgment persists even when the action is

20. This response can also be employed against the worry that some injustices are overdetermined, such that targeting any specific activity contributing to it makes no difference to the elimination or mitigation of the injustice. If an injustice is overdetermined by constituent contributions that we have a legitimate interest in eliminating or mitigating, then those things required to bring them about can be permissibly targeted (see Frowe 2019, 650 for a similar view in the context of war).

regarded as understandable given the evidence available to activists and/or their beliefs.

This account is, however, silent on how we should deal with complications that arise from conditions of uncertainty. To address these complications, extensions and revisions will be required, which accommodate the kind of evidence generally available and what is reasonable or justified to believe about which persons or activities cause injustice. It may then turn out that legitimate targets are those that can be reasonably regarded as standing in the right relationship to injustice (or even those that belong to the type of people or activities that typically stand in the right relationship to injustice). Admittedly, such extensions introduce several complications. I do not address them here. It is enough to note that my discussions here do not commit me to any view about when and how activists should act when faced with incomplete access or information.

In practice, activists must often engage in resistance, even when doing so involves acting on illegitimate targets. This includes directing their acts of resistance at activities (of liable persons) that do not stand in the right relationship to injustice (or to non-liable persons). This is clearest when we consider cases like *Home* or *Train*. The lives of ostensibly non-liable persons—family members, neighbors, or ordinary citizens—are affected by acts of resistance. Some activities that do not stand in the right relationship to injustice are also often disrupted. I take a resolute stance on this matter. Insofar as activists misdirect their resistance, they are doing something that is *pro tanto* morally impermissible.

However, two considerations mitigate the sting of this conclusion.

First, depending on the account of causation adopted and the causal story given, those ostensibly non-liable persons may, in fact, be liable to be targeted. That is, they may not be wronged by the burdens imposed on them by activists. It is not difficult to see how this may be so. Family members and neighbors may be implicated in an injustice by providing emotional, psychological, or material support for

wrongdoers, despite knowledge of the wrongdoing.<sup>21</sup> Citizens might also stand in the right relationship to injustice due to their activities or membership in a given society (Collins 2019; Pasternak 2021). It is then possible that the acts of resistance in *Home* and *Train* do not actually affect non-liable persons; they may be directed at legitimate targets after all.

Second, the fact that acts of resistance are directed at illegitimate target does not mean that they are all-things-considered impermissible. The *pro tanto* moral impermissibility of doing so, may be outweighed by a range of other, more serious, considerations. For example, an injustice may be so serious or urgent that activists need to exert as much pressure as possible on certain persons, regardless of which bystanders may be inadvertently (though foreseeably) affected. Or, the costs of inaction (or of delayed action, pending gathering accurate information about liable parties and apt activities) may be too great for victims of injustice to bear. Or, the magnitude and number of burdens imposed on illegitimate targets could be so low that, on the balance of things, it is worthwhile proceeding (on the assumption, of course, that doing so eliminates or mitigates the injustice). Or, non-liable parties caught in the crossfire (as in *Home* and similar cases involving targeting public officials outside their workplace) may be willing and even enthusiastic to bear the burdens of resistance. And so on. Thus, in practice, many acts of resistance directed at illegitimate targets may in fact be all-things-considered permissible. However, this should not obscure that they are *pro tanto* impermissible owing to being directed at illegitimate targets.

We see then that activists may very well be less constrained in the range of actions they can take, than initially seems to be the case.

21. There are special difficulties arising from the emotional support that children provide to wrongdoers. The claim that children are not liable to be targeted, and are thus illegitimate targets, may have further revisionary potential for our understanding of how adults are rendered liable. I set these difficulties aside.

## 5. Conclusion

In this essay, I have argued that there is a principled way of differentiating between legitimate and illegitimate targets of political resistance — focusing on persons and activities — when such resistance is understood as defensive. My account relies on a novel conception of political resistance, which focuses on its defensive, rather than communicative, aspects. I then extended the idea of forfeiture to argue that acts of political resistance are correctly directed when they are aimed at those activities of liable persons that cause injustice. Illegitimate targets are those persons or activities that do not stand in the right relationship to injustice. This, I have suggested, is a way of *specifying* a central part of our intuitive judgment that some targets of resistance are legitimate whereas others are not. My account addresses the philosophical neglect around the question of what legitimate targets of political resistance are, and of the ethics of directing acts of resistance at such targets.

I have discussed several actual cases of resistance, albeit with some measure of abstraction. I argued that, in some cases, our intuitive judgments that activists are misdirecting their resistance is well-placed, even if the explanations for such judgements do not always hit the mark. In this way, my discussions also partly vindicate our intuitive judgments about these cases — that there is a salient difference between legitimate and illegitimate targets, and that sometimes activists make the wrong choices. In fact, many forms of legal protest and resistance are *pro tanto* morally impermissible due to the burdens they impose on illegitimate targets. My discussions also show that our analyses and evaluations of political resistance can be carried out with relatively fine-grained specificity (focusing on the details of specific acts of resistance rather than generally on types of actions). This opens up a broad range of possibilities for future work in political philosophy that is engaged with the concrete problems the general public grapple with.

Of course, my account does not wholly vindicate the intuitive judgment with which we began. It is revisionary at several points. First, I argued that activists can directly target and impose burdens on persons who stand in the right relationship to injustice. This contrasts with the prevailing view in public discourse, that doing so is straightforwardly impermissible. Second, I argued that there is no blanket protection for certain types of activities or domains — such as those within a “private” sphere — against acts of resistance. What matters is whether specific activities stand in the right relationship to injustice. Third, I have left open the possibility that the set of legitimate targets may be extremely large, including even ordinary citizens and their everyday activities. Finally, legal or civil resistance directed at illegitimate targets fares worse on this basis than illegal and uncivil resistance directed at legitimate targets. Again, we must attend to the details.

Further complications need to be addressed before we arrive at a *complete* general account of the legitimate targets of political resistance (when such resistance is understood as defensive). We will need an account of what class of objects, including personal property, count as legitimate targets. Identifying liable persons and apt activities does not conclusively settle the issue of the membership of this class nor what we can do to them. There are also open questions around how activists should treat public property while engaging in resistance. I leave these questions for a future project.<sup>22</sup>

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