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CHAPTER 1

Resistance

THE FOURTH OPTION

You see the police pull over a black man driving a silver Hyundai.¹ The police explain to the man—let’s call him Richard—that only moments ago, he went slightly past the white line at a stoplight before he stopped and took a right turn. (His blinkers were on.) The police demand that Richard step out of the car. He does so quietly and calmly. As he steps out, one officer immediately flips Richard around, bends his arm, and slams Richard against the Hyundai. He then flips Richard around again, and starts punching him in the face and kicking him in the groin. As Richard screams and puts his arms up to protect himself, the other officer joins in. Soon they have Richard prone on the ground, but continue to punch, hammer, and kick him, and smash his face against the ground. All the while—as Richard simply tries to hold his arms up to protect his face—they yell, “Stop resisting!” Even when Richard is completely subdued, lying prostrate with his hands behind his back, with two large officers pinning him down, one officer continues to punch him in the back of the skull.

For all you know, they are going to kill, maim, or severely injure him. He’s done nothing to warrant that. A thought occurs to you: you’re armed. You could intervene, perhaps saving Richard’s life.

May you do so? This book defends a controversial answer: yes, in this case, the police are rightful targets of

defensive violence. You would be justified in attacking the officers to save Richard.

EXIT, VOICE, AND LOYALTY

In the real world, almost every day, the people who hold power in democratic societies—including presidents, bureaucrats, judges, police officers, Central Intelligence Agency (CIA) agents, and even democratic voters—use their power in deeply unjust and irresponsible ways. Thus, one pressing question for political philosophy is what ordinary citizens are licensed to do in the face of injustice.

In the famous book *Exit, Voice, and Loyalty*, political economist Albert Hirschman analyzed three major ways that a firm's customers or an organization's members might react to bad behavior on the part of the firm or organization.² They might “exit,” meaning that customers might stop buying their products or members of the organization (such as employees) might leave. They might exercise “voice,” meaning that they might complain to people in the organization itself, such as people who hold power over the organization, or the public at large. Finally, they might be *loyal*—that is, they might have a tendency to stick with the firm or organization despite their flaws. Hirschman does not say that loyalty is always an alternative to voice or exit. Instead, loyal behavior can augment one's voice or threat of exit.

Many philosophers and laypeople seem to believe that when we react to political oppression and injustice, our options are limited to voice, exit, or loyalty. Some think that we have obligations to participate in politics, protest, engage in political campaigns, and push for social change through political channels.³ Others think that such

actions are merely praiseworthy. Most think that we have the option of keeping quiet or emigrating to another country. In general, they tend to assume or conclude that when a government issues an unjust command, behaves unjustly, or passes an unjust law, we may only comply, complain, or quit. Usually, we should obey that law, or if we break the law in protest, we should be prepared to bear the consequences of doing so, including accepting punishment.⁴ They typically tend to agree that we may not fight back against government agents, especially agents of a democratic regime.

Consider the question of defensive assassination or defensive killing. Andrew Altman and Christopher Wellman say, “Surely, it would have been permissible for somebody to assassinate [Joseph] Stalin in the 1930s.”⁵ But if so, is it not also permissible to take similar action against a government official if it is the only way to stop them from harming the innocent? If you may assassinate Adolf Hitler to stop him from invading Poland, are you also permitted to do the same to a president in order to stop him from invading the Philippines, or ordering the genocidal slaughter and forced relocation of an ethnic group? If you may kill a Gestapo agent to stop him from murdering innocent people, may you do the same to a police officer who uses excessive violence?

As I noted, philosophers and laypeople often assume or argue not. They assume or argue that in liberal democracies, only nonviolent resistance to state injustice is permissible. They assume that we must defer to democratic government agents, even when these agents act in deeply unjust, harmful, and destructive ways.

This view is puzzling. The prevailing view is that when it comes to government agents, defensive violence, deception, destruction, and subterfuge are governed by different

moral principles from those that govern defensive violence and subterfuge in other contexts. This presupposes that it makes a difference to the permissibility of lying to, deceiving, sabotaging, or killing an aggressor in self-defense or the defense of others that the aggressor is wearing a uniform, holds an office, or was appointed by someone who was in turn elected by my neighbors. According to the prevailing view, my neighbors can eliminate my right of self-defense or the defense of others by granting someone an office.⁶ This is especially puzzling because almost everyone today recognizes that the law and justice are not the same thing; laws can be deeply unjust.

Instead of exit, voice, or loyalty, this book defends the fourth option: resistance.⁷ I'm using "resistance" to cover a wide range of behaviors. It includes passive behaviors such as noncompliance—that is, strategically breaking the law or ignoring the state's commands whenever you can get away with it. It also includes more active forms of resistance, such as blocking police cars, damaging or destroying government property, deceiving and lying to government agents, or combating government agents. My view is that such forms of resistance are often justified, even in response to injustice within modern democratic nation-states, most of which have relatively just governments overall.

GOVERNMENTS ARE MAGIC: THE SPECIAL IMMUNITY THESIS

The standard view, which almost everyone of every ideology seems to accept, is that government agents are surrounded by a kind of magic moral force field. They enjoy

a special or privileged status when they commit unjust actions. The standard view holds both that government agents have a special permission to perform unjust actions—actions that we would judge evil and impermissible were a nongovernment agent to perform them—and that these agents enjoy a special right against being *stopped* when they commit injustice. Government agents somehow *may* perform unjust acts, and we're supposed to stand by and *let them*.

Maybe “let them” is a bit strong. Most people believe we may *complain* when government agents act badly. We may demand that *other* government agents punish their colleagues for their colleagues' bad behavior. Some philosophers go further: they think that when government acts badly, we are morally obligated to protest, write letters to newspaper editors and senators, and vote for better candidates.⁸ But, they think, we're not supposed to *stop* injustice ourselves.

We don't think that way about private injustice. If an attacker tries to harm you, no one would say that you have no right to fight back. You aren't required to lie down and take it, and then hope the police will later capture the attacker and bring them to justice.

Some political philosophers and laypeople would scoff. They claim that they have a far more constrained and reasonable version of the “government agents are magic” view. They deny that all governments, government agents, or political actors enjoy special permission to perform unjust actions. They deny that we must stand back and let government actors behave unjustly. Rather, they say, “In our modest view, only *democratic* governments, agents, and actors are surrounded by a magic moral force field that both removes their normal moral obligations and at the same time requires the rest of us to *let* them act

unjustly. Of course, *nondemocratic* governments and their agents enjoy no such privilege.”

To illustrate what I mean by the “government agents are magic” view, consider the following four thought experiments or examples:

A. Shooter in the Park

A masked man emerges from a black van holding a rifle. He starts shooting at children in a public park. Ann, a bystander, has a gun. She kills him before he kills any innocent children.

B. Drunk Partygoer

Rodney has too much to drink at a party. He runs around the house with a tiki torch, loudly yelling, “Look, everyone, I’m the Human Torch!” Four partygoers chase him outside to stop him from accidentally starting a fire. In their anger, they knock him down. They continuously kick his face and stomach, and beat him with bats and sticks. Ann sees that Rodney is subdued, and sees that the men beating him are carrying pistols, though they aren’t using them. She pulls out her gun and yells for them to stop, but they ignore her. Finally, she pulls out her own weapon and shoots one of them in order to stop the beating as well as possibly save Rodney’s life.

C. Health Nut

Health guru John sincerely believes that caffeine is unhealthy, causes laziness, and induces people to use hard drugs. John announces that in order to protect his neighbors and promote the social good, he and his followers will capture coffee drinkers, confiscate their belongings, and imprison them in John’s filthy basement for years. Ann, who is too poor to move away from town, loves

coffee. She secretly drinks it in the morning in her kitchen. One day, a follower of John breaks into her house and attempts to capture her. She struggles to defend herself, and in the process, kills him.

D. Terrorist

Cobra Commander, leader of the terrorist organization COBRA, uses a combination of bribes, subterfuge, and threats to get the leaders of the United States to do his bidding. He then gets the US military to perform an unjust invasion of another country. Ann, who is a private security guard, realizes that the individual she's protecting is secretly Cobra Commander and discovers his plot. Right before Cobra Commander issues an order that will kill hundreds of innocent civilians, she shoots him in the back of the head.

Normally it is wrong to hurt or kill other people. But in these examples, Ann may kill the wrongdoers because doing so is the most effective means to protect herself or others from suffering severe harm or injustice. If Ann had some sufficiently effective nonviolent means of protecting herself or others, perhaps she would be obligated to use those means instead. Since she doesn't, though, she's permitted to use violence to stop others from committing severe injustices. She's not required to *allow* the wrongdoers to commit their atrocities. She's not required to stand back and let them commit evil.

I expect most people believe it's permissible for Ann to kill the wrongdoers in these four cases. Probably only radical pacifists would say that killing is wrong.⁹

Now consider four new cases (A²-D') that seem analogous to the first four (A-D). In these new cases, the only obvious major difference is that the wrongdoer is the

agent, acting *ex officio*, of a government. (If you wish, go ahead and assume that the wrongdoer is the agent of a *democratic* government.) Note that the first three cases below are based loosely on variations of real-life news stories.

A'. *Minivan Shooter*

Ann witnesses a police officer stop a minivan with a female driver and three children in the back. Ann sees that the driver has nothing in her hands and her hands are on the steering wheel. The police officer emerges from his car and starts shooting at the van's windows. Ann has a gun. She fires at the police officer before he shoots any of the children.¹⁰

B'. *Drunk Driver*

Rodney, intoxicated after a night spent drinking, starts speeding on the highway. The cops try to pull him over. He ignores them, and then a high-speed chase ensues. When the cops finally pull him over, they do not merely yank him out of the car and arrest him. Rather, even after he is subdued and lying prostrate on the ground, they take turns clubbing him with their batons. Ann witnesses the beating and yells for them to stop. The police ignore her. Finally, she pulls out her own weapon and shoots one of them in order to stop the beating as well as possibly save Rodney's life.¹¹

C'. *War on Drugs*

Town leaders decide to make marijuana illegal, even though there is overwhelming evidence that marijuana is in every respect less harmful than alcohol—a drug that is legal for any adult to consume.¹² Ann has a pot stash in her house. One night, the police raid Ann's house in a no-knock raid. She recognizes that they are police officers.

She also knows that if they capture her, she will be imprisoned for a long time. Her government issues overly punitive sentences for drug possession and is unresponsive to citizens' demands to overturn the law. Ann resists arrest and escapes.¹³

D'. Hawk

Ann, a secret service agent, happens to be in the situation room when she hears the president order the unjust invasion of another country. Right before the president issues an order that—as the generals and other experts in the room make clear—will kill hundreds of innocent civilians, she knocks him out.

People tend to judge these four new cases differently from the first set. They think intervening in self-defense or the defense others is wrongful in (at least some of) A'–D', even though it was permissible in A–D. At least at first glance, however, A–D seems analogous to A'–D', except that the wrongdoers are private civilians in A–D but are government agents acting *ex officio* in A'–D'.

Most people would endorse similarly differing judgments in other kinds of cases. I may lie to the Mafia to stop it from hurting innocent people. But I may not lie to the Canadian voters for the same end. I may hack into and sabotage the Mafia's computers, or sabotage its finances (if I'm in an accounting firm), to stop it from hurting innocent people. Yet I may not do these things to stop the German government from hurting innocent people. I may destroy the Mafia's gun stash to stop it from hurting the innocent. But I may not destroy the British Army's weapons even as it's about to start an unjust war.

Now without filling in all the details, one might think these different cases are not morally analogous. Maybe if we think carefully, we'll see that these cases are not much

alike. Perhaps A–D is not really similar to A'–D'. So over the course of the book, we'll check to see if there are any important disanalogies.

Still, at first glance, there seem to be plenty of real-life examples in which governments, including democratic ones, commit horrifically unjust actions. If a private agent tried to perform these same actions, we would think it permissible to stop them, using deception, sabotage, or violence if need be. Yet for various reasons, people think that when governments and their agents perform these actions, we're supposed to *let* them do it. They allow that we may, or perhaps demand that we must, complain afterward, but they say we must not *stop* them ourselves.

Thus, many people subscribe to what I call the *special immunity thesis*. The special immunity thesis holds that there is a special burden to justify interfering with, trying to stop, or fighting back against government agents who, acting *ex officio*, commit injustice:

The Special Immunity Thesis

Government agents—or at least the agents of democratic governments—enjoy a special immunity against being deceived, lied to, sabotaged, attacked, or killed in self-defense or the defense of others. Government property enjoys a special immunity against being damaged, sabotaged, or destroyed. The set of conditions under which it is permissible, in self-defense or the defense of others, to deceive, lie to, sabotage, or use force against a government agent (acting *ex officio*), or destroy government property, is much more stringent as well as tightly constrained than the set of conditions under which it is permissible to deceive, lie to, sabotage, attack, or kill a private civilian, or destroy private property.

In contrast, I reject the special immunity thesis in favor of the *moral parity thesis*:

The Moral Parity Thesis

The conditions under which a person may, in self-defense or the defense of others, deceive, lie to, sabotage, attack, or kill a fellow civilian, or destroy private property, are also conditions under which a civilian may do the same to a government agent (acting *ex officio*) or government property.

The moral parity thesis holds that justifying self-defense or the defense of others against government agents is on par with justifying self-defense or the defense of others against civilians.

IN DEFENSE OF MORAL PARITY

The main conclusions of this book are simple:

- *The special immunity thesis is false.*
- *The morality parity thesis is true.*

I defend the view that government officials (including the officials of democratic governments, acting *ex officio*) do not enjoy a special moral status that immunizes them from defensive actions. When government officials commit injustices of *any* sort, it is morally permissible for us, as private individuals, to treat them the same way we would treat private individuals committing those same injustices. Whatever we may do to private individuals, we may do to government officials. We may respond to governmental injustice however we may respond to private injustice. Government agents are due no greater

moral deference when they act unjustly than private agents are due.

The moral parity thesis holds that democratic government agents, property, and agencies are as much legitimate targets of defensive deception, sabotage, or violence as civilians are. The principles explaining how we may use defensive violence and subterfuge against civilians, and the principles explaining how we may use defensive violence and subterfuge against government agents, are one and the same. Government agents (including citizens when they vote) who commit injustice are on par with civilians who commit the same injustices.

To some, this may not sound like a controversial thesis. If, however, we combine the moral parity thesis with commonsense moral thinking about defensive lying, sabotage, and violence, plus a frank and realistic appraisal of how governments often behave, we may have to grapple with or accept a number of controversial and unsettling claims. For example:

1. It may be permissible to assassinate presidents, representatives, generals, and others to stop them from waging unjust wars, even if those wars enjoy widespread popular support and are ratified through legal means. It is also permissible to kill them to stop them from issuing certain unjust orders even if the war they are fighting is, overall, justified.
2. It may be permissible to use force to resist a law enforcement official trying to arrest you when you have broken a bad or unjust law, such as laws criminalizing marijuana or homosexual sex.¹⁴
3. If you are imprisoned for doing something that should not be a crime (e.g., you harbor an escaped slave in 1850s'

America or you have consensual homosexual sex in 1940s' England), you may permissibly try to break free.

4. Political candidates may sometimes lie to ignorant, irrational, misinformed, or malicious voters in order to stop them from getting their way.

5. Corporations, and private individuals or businesses, may lie about their compliance with wrongful or punitive regulations.

6. A person may join the military or a government bureaucracy in order to sabotage some of its operations from within.

7. You may engage in tax evasion to avoid unjust taxes.

8. Soldiers may ignore unjust orders, and in some cases, subdue or fight back against the officers who issue them. They may also in certain cases kill their fellow soldiers who try to follow those unjust orders.

9. You may use force against a police officer to stop excessive violence.

10. It can be permissible to find, steal, and publicize certain state secrets, such as some, if not all, the secrets Julian Assange, Edward Snowden, or Chelsea Manning revealed.

11. US Supreme Court (or equivalent) justices may lie about what the written or unwritten Constitution allows or forbids. They may refuse to enforce or apply unjust laws.

And so on.

These seemingly radical conclusions follow from commonsense moral principles plus the moral parity thesis.

While lying, sabotaging, hurting, destroying, and killing are usually wrong, commonsense holds that we may do these things, either in self-defense or the defense of others, under the right circumstances. This book's conclusions seem radical only because we tend to assume that government agents are to be held to a *lower* moral standard than we hold civilians and that government agents enjoy a special immunity against defensive action. These assumptions are unfounded. Philosophers have spent twenty-five hundred years trying to justify these assumptions, but their arguments fail.

To be more precise, the moral parity thesis simply says that government agents and private wrongdoers may be treated the same. On its own, it does not tell us what we may or may not do to stop wrongdoers. It only says that government wrongdoers have no special protection against interference or violence in virtue of being government agents. To settle just how we may treat government wrongdoers, we need to answer two other questions—one moral, and the other empirical:

- *Moral Question:* Just what are the conditions under which it would be permissible for a private civilian (or group) to lie, deceive, sabotage, destroy, attack, or kill in self-defense or the defense of others?
- *Empirical Question:* Just how often do those conditions obtain?

Strictly speaking, in this book I could remain neutral on these two questions. Almost all my arguments are dedicated to defending the moral parity thesis and exploring some of its implications. That said, I'll assume and discuss what I regard as relatively uncontroversial as well as commonsense answers to the moral question. In later

chapters, I'll take note of how people disagree on some of the finer details of the moral question, but I'll remain mostly neutral on these intramural debates.

DEFENSIVE ACTION VERSUS CIVIL DISOBEDIENCE

This book concerns a class of actions I will call “defensive actions.” I use terms like defensive actions or “defensive resistance” to refer broadly to acts of lying, cheating, stealing, sabotaging, destroying, attacking, and killing in self-defense or the defense of others. I'll use “defensive force” or “defensive violence” to refer more specifically to destroying, attacking, and killing in self-defense or the defensive of others. (So defensive violence is a type of defensive action, but not all defensive actions are also forms of defensive violence.) My main thesis is that government agents do not enjoy a special immunity against defensive actions.

This book is not about *civil disobedience*, at least not in the specialized way that philosophers and legal theorists tend to use that term. As the philosopher Kimberly Brownlee elaborates, when a person engages in civil disobedience, that “person typically has both forward-looking and backward-looking aims. She seeks not only to convey her disavowal and condemnation of a certain law or policy, but also to draw public attention to this particular issue and thereby to instigate a change in law or policy.”¹⁵ Civil disobedience is a public act. The disobedient citizen publicly and openly breaks some law or regulation with the goal of drawing attention to her disobedience. She hopes that her disobedience will induce the public to support her cause. Disobedient citizens often accept punishment, not

necessarily because they think punishment is warranted, but instead because they believe accepting punishment will demonstrate their sincere commitment or selflessness, or it will shame the public into changing. Ultimately, the goal of civil disobedience is to change various laws, regulations, or social practices, or replace government leaders, to change the form of government or win the right to secede. In short, civil disobedience is a particular method for inducing social and political change.

In this book, I am not concerned with the morality or strategic effectiveness of civil disobedience so defined. This is a book about self-defense and the defense of others against particular acts of injustice rather than about inducing social change. To illustrate this, consider the differences between these two examples:

The Smoke-In

The National Organization for the Reform of Marijuana Laws, Marijuana Policy Project, Students for Sensible Drug Policy, and other marijuana legalization advocates organize a national “smoke-in” day. A million citizens agree to converge on the National Mall in Washington, DC, to smoke pot in public. Participants agree to hold signs indicating what kinds of jobs or lifestyles they have in order to make it clear that many different kinds of people, including high-status and responsible citizens, use pot. The organizers ensure the event generates massive press coverage. Participants agree not to resist arrest. Certain civil rights organizations agree to provide legal counsel for anyone arrested.

Just Say No to False Arrest

Ann is walking down the street when a cop with a K9 stops her. The dog indicates it smells drugs in her posses-

sion. In fact, Ann has a few joints in her pocket, which she plans to smoke at home. The cop tries to arrest her. Ann pepper sprays the cop and dog, and flees.

The first example is a case of civil disobedience. The second is a case of defensive action. (If you want, call it “uncivil disobedience.”) In the first instance, the participants are trying to change the law. In the second, Ann is simply defending herself from government injustice. She isn’t trying to change the marijuana laws; she’s trying to defend herself.

WHEN ALL ELSE FAILS: THE MORALITY OF CAUTION

Violence, deception, destruction, and sabotage might not always be last resorts, but they are rarely first resorts. Well-functioning societies create nonviolent means to resolve disputes and disagreements. Decent people try to resolve disagreements through nonviolent means when possible. There are good reasons to minimize violence, not just in general, but even in response to violence from others. Sometimes violence is called for, but it’s not something to celebrate.

It’s usually better (and sometimes obligatory) that we resolve our disputes and disagreements peacefully. Sometimes the best response to injustice is even to suck it up and live with it, or turn the other cheek. When nonviolent forms of mediation or conflict resolution are available, we should generally use them, and we sometimes should accept incorrectly decided outcomes. People frequently disagree about fundamental principles of justice and what the relevant facts are. Given that problem, often

what makes a law good isn't so much that it tracks justice perfectly but rather that it provides a workable compromise everyone can live with.

All this applies to interpersonal conflicts. Suppose you crash your car into mine. Suppose you really owe me \$3,000 in damages. But suppose both our insurance companies, plus an impartial mediator, mistakenly yet in good faith settle on \$2,700. I should let it go rather than hack your bank account for the other \$300.

Similarly, I will accept that these same standards apply to conflicts with the state when it acts badly. The point of this book is not to advocate we burn down the capital or start lynching cops. Instead, it's much more modest: we should feel free to treat the state and its agents the way we treat each other. It's just that once we accept this claim—that political actors do not enjoy special immunity—then resistance becomes a viable fourth option in responding to their misbehavior.

Here I introduce some distinctions to help clarify how we should think about these issues. Consider the difference between what we might call *strategic* versus *principled nonviolence*. The doctrine of strategic nonviolence, the one that Martin Luther King Jr. most likely advocated, holds that people who are trying to produce social change should avoid violence because peaceful methods are more likely to succeed.¹⁶ King thought nonviolence was more likely to elicit sympathetic responses from others. For instance, if protesters refuse to fight back when the police attack them, people watching at home might view the protesters as especially noble and would then be likely to support the cause. If the protesters fought back, TV viewers may conclude the protesters are getting what they deserve. Viewers would be more likely to side with

the state or police. Moreover, those who defend strategic nonviolence often worry that if citizens fight back against injustice, the state or its agents will *retaliate* by committing even greater injustices.

While strategic nonviolence holds that nonviolence “works” better, what we might call principled nonviolence maintains that violence is wrong, period, regardless of how well it “works.” Pacifist Anabaptists, for example, refused to fight back against oppression, not because they believed their pacifism would shame their oppressors into change, but because they thought defensive violence was wrong in itself, period. They took Christ’s injunction to turn the other cheek to mean that they were required to, well, turn the other cheek.

Again, this book is about using defensive violence, deception, and sabotage to stop individual acts of injustice. I am not much concerned with offering a theory of social change—that is, a theory of how best to change laws, institutions, or prevailing social norms.¹⁷

That said, when we later examine various objections to defensive violence, deception, and sabotage, or consider the various arguments people might offer in favor of the special immunity thesis, we should be careful to consider whether these assertions invoke strategic or principled concerns. If someone says, “You shouldn’t fight back against a cop trying to arrest you for possessing marijuana because then people will lose sympathy for the marijuana decriminalization movement,” that person appears to invoke a strategic argument for nonviolence. If the person says, “You shouldn’t fight back against a cop trying to arrest you for possessing marijuana because cops have a right to be obeyed,” that person invokes a principled objection to resistance.

Here's another important distinction. Consider case A' again:

A'. Minivan Shooter

Ann witnesses a police officer stop a minivan with a female driver and three children in the back. Ann sees that the driver has nothing in her hands and her hands are on the steering wheel. The police officer emerges from his car and starts shooting at the van's windows. Ann has a gun. She fires at the police officer before he shoots any of the children.

Now consider two different objections (among many) people might produce against Ann shooting the police officer:

- **Moral Authority:** *While it's wrong for the police officer to shoot at the children, Ann has a duty to obey and defer to the police. Even if she knows for certain that what he's doing is wrong, she must allow him to do it rather than stop him. She may/must instead report him to his superior officer.*
- **Epistemic Uncertainty:** *It's strange and unusual for police officers to attempt to murder innocent people. Though it seems like that's what the police officer is doing, Ann should give the officer the benefit of the doubt and presume that he has some unknown but good reason to do what he's doing. She should not kill him—at least not until she gathers more information.*

These objections raise two different kinds of reasons against Ann shooting the cop.

The first is a principled moral objection, which holds that it's just wrong, period, for Ann to shoot the cop. Ann knows what the cop is doing is wrong, but she has a duty to let him act wrongly. Just as subjects must obey their king even if he issues an unjust command, Ann must defer to the cop.

The second is (or could be interpreted as) another kind of strategic objection. It doesn't say strictly speaking that shooting the officer is wrong. Rather, it's offering advice about how a person in Ann's situation ought to think. It allows that her intervention might indeed be permissible. But it advises Ann to be suspicious and self-critical when she reaches that conclusion. The idea is that it's unusual for someone like Ann to be in a situation where it's right to shoot a law enforcement official. She should be cautious in reaching the judgment that defensive action is called for. She should presume that the officer has some unknown justification for his behavior.

In chapter 4, we'll explore further worries about epistemic uncertainty and moral caution. I'll agree that actors who are considering lying, cheating, stealing, engaging in sabotage or violence, or using violence should be cautious about what they think they know. Nevertheless, I'll show that all this is compatible with the moral parity thesis.

As we'll see in chapter 2 when we review the common-sense doctrine of defensive action, it is not necessary that the defender eliminate uncertainty in order to be justified in using defensive action. To use defensive violence, one should justifiably believe that doing so is necessary to defend oneself or others. But to be justified doesn't require that one be *certain*. So, for instance, suppose tonight as I'm sleeping, plainclothes police officers mistakenly invade my house in a no-knock raid. In the heat of the moment, I'm likely to be unsure of whether the invaders are police officers or robbers. It would, I'll argue, be justifiable for me to shoot first and ask questions later. *All* the potential downsides and risks should fall on the police, and *they*, not my family and I, should bear all the risks from uncertainty about what's happening.

THINGS I DON'T ASSUME AND THAT DON'T MATTER FOR THIS DEBATE

Let's clear up some possible misconceptions up front.

I am not arguing for anarchism. Following the philosopher Gregory Kavka, I understand a *government* to be the subset of a society that claims a monopoly on the legitimate use of coercion, and has coercive power sufficient (more or less) to maintain that monopoly.¹⁸ Anarchists generally believe that governments are unjust. Or more weakly, they believe nongovernmental mechanisms for protecting rights and property, or maintaining public goods, are all things considered superior to governmental mechanisms.¹⁹ Whether anarchist alternatives to government are feasible is, I think, a far more interesting question than most people realize, but this book takes no stance on these issues.²⁰

As I will elaborate at greater length in chapter 3, I can assume (for the sake of argument) that we ought to have governments rather than not, and furthermore, that the governments in question generally are legitimate, and may permissibly create and enforce rules. As I'll show in chapter 3, I could even grant for the sake of argument that governments have permission to create and enforce bad, unjust, or downright evil rules. At no point will I argue for *revolution*—that is, overthrowing any governments, and replacing them with other forms of government or anarchist alternatives. Nevertheless, even with those assumptions and constraints, the main thesis of this book goes through.

I also do not argue for, and my argument does not assume, libertarianism or classical liberalism. Libertarians and classical liberals are generally skeptical of the state and state authority.²¹ They do not view the state or its

agents as majestic. They think the slogan “government is simply the name we give to the things we choose to do together” is utterly ridiculous.²² For that reason, they are statistically more likely than others to accept the conclusions of this book. Yet the argument I make here is compatible with a wide range of background political philosophies, including both left and right anarchism, left liberalism, progressivism, US conservatism, Burkean conservatism, Rawlsianism, and classical liberalism.²³

This book presumes no particular background moral theory. I will argue on the basis of widely shared intuitions and moral principles, but I will not try to ground these principles on any particular philosophical theory of morality. My reasoning is compatible with various forms of consequentialism, Kantianism, natural law theory, and other moral theories. Of course, not everything I say is compatible with every view. I’ll assert later that justice and morality are not merely decided by legal or democratic fiat (except perhaps in narrow cases), and so my view is incompatible with those that say the opposite.

I’m not being evasive here. Rather, it’s important to recognize what’s at stake in an argument and what isn’t. Most moral theories and theories of justice are highly abstract. Asking what some grand moral theory like Kantianism implies about the right of self-defense is a bit like asking what Albert Einstein’s field equations say about the path of a falling feather.²⁴ Einstein’s field equations describe the general ordering of space and time. They are highly abstract and devoid of specific empirical information. The equations are consistent with worlds radically different from ours, such as Kurt Gödel’s universe.²⁵ By themselves, the field equations tell us little about the physics of a falling feather. To understand the falling feather, we use intermediary or midlevel physical laws and models,

and the laws and models we'd use are ultimately compatible with Newtonian or relativistic physics.

I think something similar holds true for most—and the most interesting—questions in political philosophy and ethics. To answer these questions, we need to make use of intermediary or midlevel moral principles, but these principles are compatible with a wide range of background moral theories. To answer the questions in this book, we don't need to take a stance on whether Kantianism is correct, any more than to design a jet engine well, we need to take a stance on whether string theory is correct.

WHY IT MATTERS TODAY

Political philosophy aspires to a kind of timelessness. This book does too. I believe that the basic principles I defend here were true two thousand years ago and will be true two thousand years in the future.

That said, current events give this topic special interest. Every day we see videos of or read stories about police beating unarmed people, burning toddlers, or choking nonviolent criminals to death.²⁶ US police killed about a thousand people in 2015, and approximately another thousand in 2016.²⁷

Unfortunately, there do not seem to be good data on the number of police-caused deaths over time. While it's clear that the US police are more militarized and aggressive overall now than they were forty years ago, it's unclear whether they really are more violent or abusive, or whether ubiquitous cell phone cameras and social media just mean that we're more aware of their behavior.²⁸

Right now the US government, at both the federal and local levels, suffers from a crisis of perceived illegitimacy.

President Donald Trump, even more than his far-from-innocent predecessors, seems happy to ignore constitutional constraints.

The US federal government tries hard to exempt itself from due process. It regularly spies on citizens and gives itself permission to assassinate them.²⁹ It tortures foreigners and launches wave after wave of unjust wars. Democracy seems impotent to fix the problem. Agencies are largely autonomous, and these kinds of activities continue regardless of whom we vote into power.

In a recent *CounterPunch* article defending the Black Panthers, Thandisizwe Chimurenga asks us to “imagine that, instead of bystanders filming CHP Officer Daniel Andrew mercilessly beating a helpless Marlene Pinnock by the side of the I-10 freeway last August, a handful of those bystanders had trained their weapons on Andrew, demanded he cease and desist, handcuffed him and waited until a commander from the CHP arrived on the scene.”³⁰ This is precisely the kind of problem I have in mind. I doubt handcuffing Andrew would have worked; I suspect the cops would have sent a SWAT team to kill anyone who intervened. Still, I agree with Chimurenga that, if the facts are as he states them, some form of violent intervention would be morally permissible, though probably imprudent.

On YouTube, you can watch police violently beat Noel Aguilar, whom the police claimed had a gun and was resisting arrest. At one point, while two officers crush Aguilar beneath their knees, an officer draws his pistol and attempts to shoot Aguilar. The officer misses and hits his partner. Both officers then shoot Aguilar multiple times.³¹

In another video, police officer Patrick Feaster pursues Andrew Thomas, who had run a red light. Thomas eventually crashes and flips his car, which ejects and kills his

wife. Feaster's own dash cam video shows Thomas crawling out of his window. Almost as soon as Thomas emerges from the car, his hands clearly free of any weapons, Feaster shoots Thomas in the neck.³²

People dispute what the facts are. But as I'll argue in future chapters, in at least some cases like these, it would be justifiable for the onlookers to put down their camera phones and instead forcefully intervene to stop the police from using excessive as well as reckless force, or in some extreme cases, stop the officers from *executing* their victims.

All this holds true even in reasonably just democratic states. Compared to nondemocratic alternatives, democratic states do a decent job defending civil rights.³³ Their agents tend to behave better than agents who work in other forms of government. Democracies provide legal, peaceful avenues to stop leaders from committing injustices.

That said, there are realistic circumstances in which democratic leaders and agents do deeply unjust things that go far beyond anything that could plausibly be seen as their authoritative scope of power. Consider essayist Alfred Jay Nock's moral indictment of the United States on the eve of World War II:

In order to keep down the great American sin of self-righteousness, every public presentation ought to draw the deadly parallel with the record of the American State. The German State is persecuting a minority, just as the American State did after 1776; the Italian State breaks into Ethiopia, just as the American State broke into Mexico; the Japanese State kills off the Manchurian tribes in wholesale lots, just as the American State did the Indian tribes; ... the imperialist French State massacres native civilians on their own soil, as the American State

did in pursuit of its imperialistic policies in the Pacific, and so on.³⁴

Even today, democratic officials often do things that they have no right to do and that we have no duty to let them do. Many times there are no peaceful means to stop them. My thesis is that we may do to them whatever we may do to each other.

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