

Book Review

No Justice, No Peace: The Ethics of Violent Protests, by Avia Pasternak. Oxford: Oxford University Press, 2025, pp. 288.

Avia Pasternak's book defends a radical reconceptualisation of violent protest (her preferred term to 'riots'). Contrary to popular opinion, violent protests are not indiscriminate or wanton criminal acts. Instead, they are politically motivated acts in defence of significant values. Building on the literature on the ethics of defensive harming, she argues that violent protests which satisfy the principles of effectiveness, necessity and proportionality can be morally permissible. Pasternak's book is highly topical, coming in troubled times where our commitment to justice and democracy are increasingly under strain. It is also original in several ways and paves the way to some new sites of philosophical exploration.

1. Protest

Pasternak undertakes a systematic reconceptualisation of violent protest in Chapters 1 ('Introduction') and 2 ('What Violent Protesters Want'). She defines violent protests as 'spontaneous episodes of collective violence, carried out by oppressed citizens, in response to serious and systematic domestic state injustice, such as police brutality against racial minority groups' (pp. 6-7). More generally, such protests are a form of political resistance that is undertaken 'in defence of human rights' (p. 6). Her reconceptualisation is driven by two gaps that she identifies in contemporary discussions on political resistance. First, they 'do not offer systematic analyses of the permissibility of violent protests in particular' (p. 13). Second, they miss the generative potential of the analogy between the burdens that are imposed during such protests, and during defensive episodes such as those in war (p. 19).

Pasternak identifies several key features of violent protests which are relevant to setting them 'apart from other types of violent political resistance and also from non-political episodes of public disorder' (p. 27). On Pasternak's view, violent protests have four important goals – (i) bringing about social change (p. 39), (ii) demanding accountability from the state or state actors (p. 40), (iii) enacting democratic participation, in the sense of demanding to be recognised as a democratic participant and to be heard in a public sphere that ignores marginalised voices (p. 41), and (iv) communicating certain messages or expressing certain ideas, including the expression of fitting anger (p. 46), or communicating defiance (p. 53) more generally. Violent protest involves inflicting harms or burdens in service of these goals, but in a spontaneous manner and without much pre-planned coordination (p. 56). Pasternak is careful to note that 'not all episodes of public disorders we find in the real world bear these specific features' (p. 56), and restricts herself to those that do, and which moreover occur in states that purport to be democratic, but which are 'far from realizing the visions of social justice and democratic equality' (p. 20).

It is peculiar that Pasternak's reconceptualisation – of violent political resistance as undertaken to defend human rights, and of violent protests as responses to injustice – is *moralised*. On Pasternak's view, acts that are undertaken to corrode human rights or to entrench injustice would not merely be impermissible forms of resistance or protest. Instead, they are not even describable as resistance or protest to begin with. This leaves open the question of how we should describe such acts. The obvious response – they are merely criminal acts, rather than acts of resistance or protest – incurs further worries. It would be inconsistent with Pasternak's commitment to articulate an account of protest that is phenomenologically accurate – faithful to protesters' self-understanding of their actions. It would also leave us stranded in circumstances where violent political resistance and protests are undertaken in pursuit of goals that are not yet regarded as implicating human rights or injustice. For instance, it would treat moral pioneers – such as early suffragettes or anti-slavery activists – as engaged in merely criminal action, insofar as their goals were not widely regarded (if at all) as being in defence of human rights or in response to injustice. Pasternak could sidestep this complication by appealing to what *in fact* defends rights or responds to injustice. This, however, raises the question of how such a fact-relative determination of which acts are political resistance, coheres with her later commitment to an evidence-relative perspective for assessing the permissibility of such acts – the latter which partly depends on how such acts are perceived by their audience. More generally, it is unclear what justifies the adoption of this moralised (re)conception. Pasternak's account already contains ample resources – in the form of the principles of effectiveness, necessity, and proportionality – to say of violent political resistance and protest undertaken to corrode rights or entrench injustice as *impermissible*, and thus to be rejected. If there is some additional desideratum that is satisfied by a moralised conception, it ought to be made clear.

2. Principles

The foundational work of justifying violent protests occurs in Chapters 3 ('Justifying Protective Harm') and 4 ('The Necessity and Effectiveness of Violence'). Here, Pasternak invokes several principles familiar to discussions in the ethics of defensive harm – concerning the effectiveness, necessity, and proportionality of the harms that are imposed during defensive acts (p. 61). These principles require that the harms (i) have a reasonable prospect of successfully averting an unjust threat, (ii) be necessary for averting an unjust threat (which is often taken as requiring the choice of the least harmful effective option), and (iii) be proportionate to the harms that would otherwise be imposed by the unjust threat. She cautions against a crude application of these principles to the context of violent protests, due to the differences between episodes of defensive harms (as they are typically understood within the legal and philosophical literature), and those of violent protests. For instance, the burdens imposed during violent protests are rarely in response to 'direct, imminent, intentional, forceful, and wrongful attack on their body and life' (p. 62). Instead, they respond to unjust attacks or violations of their rights, which result from structural or slow violence (pp. 63-4). To signal this break, Pasternak describes the burdens imposed during violent protests as 'protective' rather than as 'defensive' (p. 64).

Violent protests and their constituent acts are permissible to the extent that they satisfy the requirements of the principles – in addition to being likely to be effective, they must ‘inflict the least harm of all available options’ and ‘yield less overall harm than not acting’ (p. 77). Individual protesters are required to evaluate whether their actions can satisfy these principles. They must first decide whether to protest based on their assessment of the ‘potential permissibility of the violent protest as a whole’ (p. 82). During the protest, they must determine whether the specific actions they take satisfy the principles (p. 82). Pasternak adjusts the demands of the principles, in light of the circumstances that violent protesters find themselves in. Protesters are not expected to ‘engage in complex calculations of aggregated risk in the heat of the protest’ (p. 79). Instead, (the evidence-relative conception of) the principles require only that ‘protesters act on the basis of the facts that are known to them, or that they should have known, given their capacities and access to the facts’ (p. 104). This is because the unjust circumstances that oppressed citizens find themselves in, do not always make it viable for them to invest in resources, engage in advance planning, and establish organisational structures, such that they are able to ‘organize themselves into a better epistemically informed group’ (p. 104) that acts in ways that securely satisfy the principles. Instead, ‘common sense intuitions, mixed with some historical experience, are the best [protesters] could rely on’ (p. 104).

Attending to necessity and effectiveness, Pasternak argues that violent protests are not ‘impermissible from the outset’ (p. 86). Indeed, they can and moreover sometimes do secure the protesters’ goals. For instance, they can prompt the state to enact accommodating policies in response to the injustice that prompted the protests (pp. 99-101), bring about greater accountability from the state (p. 102), be constitutive or generative of democratic participation (pp. 102-3), and moreover succeed communicatively, by drawing attention to issues that have escaped public attention (p. 103).

Some difficulties arise from Pasternak’s claim that the question of whether to protest applies to *individual* protesters – who must be sufficiently confident that the harms they are overall likely to inflict would be permissible. The character of such harms depends on who and how many individuals participate in the violent protests, and what they do within those riots. However, given Pasternak’s description of the features of such protests – as being spontaneous in nature, lacking pre-planned coordination, and without established organisational structures – individuals have no realistic way of answering the question at hand. They might thus be condemned to inaction. An example illustrates the point. Consider an individual protester who decides to *start* a violent protest. On Pasternak’s view, this individual cannot plausibly be sufficiently confident that the harms the violent protest is overall likely to inflict would be permissible. Among other things, they simply do not know how many others would join in their protest. Their decision to start a violent protest is likely to fail the requirement of effectiveness. Their violation of the principles of proportionality and necessity follow closely behind. They would either be acting in violation of the regulative principles, or forced into inaction. Consider, at the other end, an individual who decides to *join* an ongoing and already widespread violent protest. They recognise that their actions would raise the likelihood that the protest would as a

whole be impermissible, to the extent that the harms imposed would violate the requirements of necessity or proportionality. Given the same features of violent protests, they cannot be sufficiently confident that the harms that protesters are overall likely to inflict would be permissible. As before, they would either be acting impermissibly, or forced into inaction.

Pasternak might respond by highlighting the minimal requirements of the evidence-relative conception of the principles – that protesters act on facts that are known to them, or which they should have known (p. 104). This raises an additional difficulty. It is important to Pasternak to differentiate permissible from impermissible violent protests. Unlike the latter, which are merely criminal and which ought to be punished, the former are enacted by politically motivated protesters who should be treated differently by their fellow citizens and by state representatives. This project of differentiation is potentially undermined by – or minimally in tension with – the minimality of the requirements. If the requirements are too minimal – allowing most violent protesters to satisfy the requirements without much effort – their verdicts would not adequately support the claim that we should treat protesters differently from mere criminals. Indeed, we might worry whether the differentiation is bought on the cheap.

How would individual protesters resolve this problem – how could they be reasonably confident that enough people will join them in violent protest such that the requirement of effectiveness is likely to be met, but that not too many people will join (or that the people who join will behave themselves) such that the requirements of necessity and proportionality are likely to be met? They would have to engage in fairly extensive coordination and organisation – of the kind that Pasternak regards as typically absent in violent protests. Would the kinds of informal coordination and organisation that are actually present in many recent violent protests – which are conducted through social media or messaging apps – provide individual protesters with enough information, and with sufficient confidence about the permissibility of the overall harms imposed? And would they support the project of differentiation? If the answers to these questions are in the affirmative, Pasternak might be able to vindicate some actual violent protests, albeit at the cost of needing to revise her initial characterisation of violent protests.

3. Targets

Pasternak discusses the targets of violent protest in Chapters 5 ('The Moral Seriousness of Harm to Police Officers'), 6 ('Harm to Fellow Citizens') and 7 ('Redistributing Protective Harm'). She begins by examining the set of targets who are liable to bear the burdens of violent protests. Here, and in light of the earlier-mentioned epistemic difficulties facing protesters, her aim is to articulate a justification for imposing burdens that does not require protesters to make difficult differentiation between those who are rightful bearers of the burdens, from those who are not. This allows her to set aside several candidate justifications for the liability of police officers and fellow citizens to bear protective burdens – even though those justifications might, in principle, accurately track liability. The justification which centres on some police officers' blameworthy contribution to injustice is found wanting, for 'there is no way for protesters to identify them as targets in the chaotic atmosphere of real-world protests' (p. 116). The

justifications for imposing protective burdens on fellow citizens which centre on their blameworthy contributions (p. 143) or their having benefitted from the unjust situation (p. 149), are rejected on a similar basis. It is 'not entirely clear how, in the heat of the protest, [protesters] could identify those who are to blame' (p. 146); besides, protesters face 'obvious challenges of identifying who the beneficiaries are and directing the harm specifically to them' (p. 150).

Pasternak offers a participation-based justification that accounts for the epistemic difficulties. On her view, 'individuals who act together share responsibility for the outcomes of their group act' and this 'responsibility translates into liability to the harm generated by protective actions against the group's wrongdoing' (pp. 117-8). Individuals act together (or are treated as acting together) when they act with participatory intentions – when they 'intentionally contribute (or at least potentially contribute) to the organization's policies' (p. 119). This is sufficient for their status as participants – they are people to whom the organisation's policies can be attributed. This status is not disrupted by a broad range of considerations – people are participants even if they personally disagree with the policies (p. 119) or have engaged in political activity against those policies (p. 155), if 'they have personally done nothing wrong' (p. 124) or are not direct perpetrators of injustice (pp. 140-1), if their contribution to the organisation is minimal (p. 131), or even if their participation is non-voluntary (p. 154). On this view, police officers clearly participate in the (unjust) police force and thus the state (p. 126). Fellow citizens are also participants – they 'carry out various tasks, they do so with the knowledge that they are contributing, or at least potentially contributing, to the functioning of their state in making laws and enforcing them' (p. 153). Accordingly, they are liable (or have a duty) to bear protective burdens. Protesters are not required to make the kind of differentiation that is difficult to make in the heat of the protest, and can target police officers (p. 126) and fellow citizens (p. 141) in general. The only exception that Pasternak permits, is the class of 'oppressed citizens who are alienated from their state' which denies them equal status, or which disrespects them more generally (pp. 157-8).

Of course, police officers and fellow citizens are not all liable or (have a duty) to bear the same burdens. The amount and type of burdens that can permissibly be imposed 'should, in principle, mirror the nature of one's participation in the group' (p. 125). Police officers have a relatively high level of participation in the state, given their centrality to the very idea of state authority (p. 132). As such, they are liable to attacks on their body (p. 134). In contrast, fellow citizens have a relatively low level of participation in the state, for unlike police officers they do not 'embody the very claim of the state to authority' (p. 157). They are not liable to bear bodily harm (p. 157), but merely damage to their property (p. 134). Again, Pasternak enters a caution about requiring protesters to engage in difficult differentiation among targets. Even though police officers may be greater or lesser participants in the police force or the state – such that it could be unfair to impose bodily harm on some police officers – protesters may nonetheless 'permissibly ignore internal fairness considerations and target those they can in the police force' (p. 131). Similarly, 'many fellow citizens are liable to some damage to their property and harm to financial interests during and as a result of violent protests' (p. 166).

Pasternak qualifies her claims about targeting fellow citizens, in response to worries about the distribution of protective burdens – such burdens might fall unfairly on people who happen to be where the violent protests are, or on people who are themselves oppressed citizens (p. 168). She enters a caution not to exaggerate the inability or unwillingness of protesters to be discerning. Indeed, it is ‘not that rare’ to see that violence is typically targeted, limited, and patterned (p. 170). For instance, the majority of violent acts were directed at police and public property, and protesters avoided harming, and even sought to prevent harm to, private individuals. Nonetheless, Pasternak is clear-eyed about the possibility that some burdens are misdirected. She argues, however, that misdirected burdens can be permissible on the basis of lesser evil considerations (p. 175). Some of these burdens – such as property damage – can also be compensated and thus redistributed through taxation (p. 179), rendering them less serious (p. 176). Citizens must accept such a state compensation model, which is likely to be imperfect, because their participation in the state leads to ‘an obligation to accept the cost of resistance to state injustice’ (p. 181). This is so even if the burdens that are borne would not be compensated in the future (p. 185). While privileged citizens have ‘especially onerous obligations’ in this regard, oppressed citizens also ‘have some duties to their community to incur such costs if they are necessary for the struggle for justice’ (p. 187).

Pasternak’s arguments rely on a capacious conception of contribution – even seemingly trivial actions count as contributing, such that the contributor counts as a participant. Otherwise, she cannot articulate a justification for imposing protective burdens on police and fellow citizens in general *sans* differentiation. In so lowering the bar for the permissible imposition of protective burdens, however, she is vulnerable to the complaint that some of these burdens are misdirected (whether disproportionate, unnecessary or ineffective). She takes great caution in explaining how such burdens can be permissibly ignored (in the context of the police) or why they might not be as onerous as they first seem (in the context of fellow citizens). Her articulation and application of the regulative principles raise various theoretical issues, which I do not raise here. Here, I am interested in her neglect of politicians who draft and pass unjust policies. She briefly considers the possibility that protesters targeting public officials in general – such as storming the Justice Department – but sets it aside on the basis of the centrality of the police to state injustice, and the capacities of police officers to absorb the harms of violent protest (p. 132). However, politicians can be even more central to injustice than police officers. What shields them is their inability to absorb the harms of violent protest. But seeing as Pasternak already requires protesters to abide by the regulative principles – down to the ‘specific conduct that each protester ought to deploy during a protest’ (p. 82) – and moreover acknowledges that they can behave in a constrained manner (p. 170), there is a question of why protesters cannot permissibly target politicians, as long as they abide by the regulative principles. Indeed, we might suspect that imposing such burdens on unjust politicians during violent protests is likely to be more effective, and possibly less complicated in terms of misplaced burdens, than targeting police officers and fellow citizens. One wonders, then, and in contrast with Pasternak, about Robespierre’s claim that the king must die so that the country can live.

4. Recommendations

Pasternak issues several action-guiding recommendations for protesters and state actors in Chapters 8 ('Assessing Violent Protests') and 9 ('Responding to Violent Protesters'). Her recommendations for protesters are made in acknowledgement of the 'epistemic constraints that ordinary real-world actors face', and the necessity of 'general rule-of-thumb recommendations that can be more easily utilized' (p. 191). She argues that the 'moral disvalue of damage to public property is fairly low, certainly in comparison to the other types of harm that protestors might inflict'. Thus, a violent protest 'that inflicts only damage to public property is the most likely to be permissible' (pp. 193-4). Damage to private property is permissible, but would 'have less negative moral value if protesters targeted the property of individuals who have wrongfully contributed to the structural wrongdoings that ignited the protests' (p. 194). Given that such individuals are likely to be affluent, protesters should seek to target the private property of affluent citizens rather than damage private property on a wide scale (p. 194). More generally, protesters should attempt to minimise the burdens imposed on fellow oppressed citizens, and to avoid lethal and severe bodily harm even to police officers (p. 196). They 'should not deploy violence that would support their public portrayal as opportunistic or maddened criminals' (p. 195).

Pasternak also highlights several implications of her arguments for how the state ought to act in response to violent protesters. She argues against a total ban on violent political resistance, on the basis that it 'would have a chilling effect on permissible protesting' (p. 220). We have reason not to bring about such effects, given the benefits that protest in general can bring. She also argues that being required by law 'to forgo such protective acts or risk severe punishment is a very heavy burden ... and it is hard to see how it can be deemed tolerably fair' (p. 222). Contrary to common views, then, existing bans on permissible violent protests 'depart from the dictates of morality' (p. 223). They are at best lesser evil positions that infringe on the rights of protesters, and at worst deeply unjust (p. 223). Judges 'should be willing to use their discretion to impose less, rather than more, heavy sentences' on protesters (p. 228). The state should also be cognisant of its undermined moral standing 'to hold oppressed offenders to account' through the criminal justice system (p. 229). Instead, it should opt for 'restorative justice conferences' that better secure victim satisfaction, rehabilitation of offenders, and increase public confidence in the criminal justice system (p. 231).

Pasternak's practical recommendation that protesters 'should not deploy violence that would support their public portrayal as opportunistic or maddened criminals' (p. 195), calls for a re-assessment of an important element of her project. The challenge here is that public perception generally regards violence as within the realm of the criminal – disregarding the motivations of the actors involved. Indeed, it is the existence of such widespread perception that prompts Pasternak's own project of reconceptualisation, and which sets the stage upon which her book is significant to begin with. Having reconceptualised violent protests that satisfy the regulative principles as permissible (and thus needing to be accommodated), how should we make sense of the reintroduction of the constraining force of unreformed – and indeed prejudiced – public

perception? This threatens to undermine her reconceptualisation. Suppose that Pasternak's reference is, instead, to reformed public perception that now accepts and accommodates permissible violent protests. On this view, violent protesters are regarded as opportunistic or maddened criminals only when they violate the regulative principles. But given that public perception has not yet been reformed in such ways, what should violent protesters do? It appears that they are asked to act while imagining as their audience a more enlightened public that is prepared to accept and accommodate their political violence, in line with the regulative principles. But why should their imaginations stop there? Why not consider as their audience a public that recognises its profound complicity in injustice, and moreover is deeply committed to bringing about change, whatever the costs? Given the significance of public perception to whether violent protests satisfy the requirements of effectiveness, more must be said in defence of this recommendation.

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