ORIGINAL ARTICLE

The Epistemic Dimensions of Civil Disobedience

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Throughout the Covid-19 pandemic, protests against the public health measures instituted by governments have become a familiar sight on the streets of major cities across the world. The policies these protests challenge, and the kinds of claims made by protestors, have differed across jurisdiction and have evolved through different stages of the pandemic, with protests across Europe and North America focussing at various times on the supposed injustice of initial lockdown measures, the rollout of vaccines, and the implementation of vaccine mandates. A significant number of these protests have been, in various respects, legally prohibited; many of the earlier protests violated emergency legislation restricting the number of people or households permitted to gather in public, while later actions include occupations of the offices of media companies and refusal to pay taxes.[1] At least some participants in these protests have been animated by false claims that the pandemic is a hoax, or that it is in some sense deliberate, or that it is being exploited by politicians and businesses to implement policies of radical social control. Many participants and commentators have described some of these actions as forms of civil disobedience; a placard displayed by one protestor in Bristol in November 2020 stated that 'civil disobedience becomes a sacred duty when the state has become lawless or corrupt',[2] while a Canadian anti-lockdown campaigner compared his refusal to provide details

[1]See Jim Waterson, 'Anti-vaccine protesters occupy ITV News and Channel 4 headquarters', *Guardian*, 23 August 2021. https://www.theguardian.com/media/2021/aug/23/anti-vaccine-protesters-occupy-itv-nnews-and-channel-4-london-headquarters; Ruchira Sharma, 'Covid anti-vaxxers are refusing to pay tax bills mistakenly thinking they are immune from prosecution', *I News*, 1 November 2021. https://inews.co.uk/news/covid-anti-vaxxers-conspiracy-theorists-teach-how-avoid-paying-uk-council-tax-1258766.

[2]See image in Molly Blackall, 'Bristol police arrest 14 people at anti-lockdown protest', *Guardian*, 14 November 2021. https://www.theguardian.com/world/2020/nov/14/bristol-police-arrest-14-people-at-anti-lockdown-protest.

of his vaccination status in a coffee shop to the actions of Rosa Parks.[3] Similar claims have been made regarding the protests in Ottawa in late 2021/early 2022.[4]

These protests raise important questions regarding the conditions for permissible civil disobedience in a pandemic specifically,[5] but also highlight some more general questions for theories of civil disobedience. Some of these relate to the use of civil disobedience in the pursuit of 'anti-democratic and illiberal goals', such as whether broadly liberal theories of civil disobedience effectively apply across these cases as well as the justice-promoting paradigm examples.[6] In this article I focus on a slightly different issue: is the justification of civil disobedience conditional on dissenters satisfying some epistemic conditions? If so, what kinds of conditions?

Perhaps surprisingly, the two most directly relevant philosophical literatures suggest quite different answers to these questions. Within broadly liberal theories of civil disobedience they have received little direct attention. Such accounts generally view the justification of civil disobedience as primarily relating to the conduct of the dissenters during and after disobedience. The justification of an act of civil disobedience just relates to the question of whether agents act in accordance with certain constraints, which may include non-violence, civility, and accepting punishment. However, there are some accounts within this literature, such as those developed by Ronald Dworkin and Kimberley Brownlee, which incorporate explicit epistemic constraints. These identify these constraints as tests by which we can determine whether an agent's claim qualifies as a *conviction*, and thus as a commitment which deserves a special kind of consideration in liberal democratic societies. As such, the constraints are viewed as relatively minimal tests of coherence rather than as tests of epistemic responsibility.

The literature on political epistemology presents a very different picture. Political epistemologists disagree about the nature and scale of the epistemic obligations or responsibilities of citizens in a democratic polity. But they broadly agree that citizens do have some epistemic responsibilities when they act politically in various ways, including voting, engaging in public discussion, and even

[3]See Ellie Abraham, 'Uproar at anti-vaxxer who compared himself to Rosa Parks', *Indy 100*, 27 September 2021. https://www.indy100.com/news/antivaxxer-darryl-mackie-rosa-parks-b1926329. This is not the only example of such comparisons being made: see also 'Civil disobedience planned to oppose Erie County 's mask mandate', WIVB4, 6 December 2021. https://www.wivb.com/news/local-news/erie-county/civil-disobedience-planned-to-oppose-erie-countys-mask-mandate.

[4]See Sergio Olmos, 'Republicans who opposed racial justice protests hope truckers "clog up" US cities', *Guardian*, 18 February 2022. https://www.theguardian.com/us-news/2022/feb/18/republicans-trucker-convoys-coronavirus-covid-mandates.

[5]See Yoann Della Croce and Ophelia Nicole-Berva, 'Civil Disobedience in Times of Pandemic: Clarifying Rights and Duties', *Criminal Law and Philosophy* (2023), 17(1), 155–74, for an analysis of such cases of civil disobedience (contrasted with that undertaken by healthcare professionals protesting against unsafe workplaces during the pandemic) based on a contractualist framework.

[6]Candice Delmas and Kimberley Brownlee, 'Civil Disobedience', *Stanford Encyclopedia of Philosophy* (Winter 2021 Edition), Edward N. Zalta (ed.), URL = https://plato.stanford.edu/archives/win2021/entries/civil-disobedience/; Tine Hindkjaer Madsen, 'On a Belief-Relative Moral Right to Civil Disobedience', *Res Publica*, 25 (2019), 335–51.

dissenting. If citizens in a democratic polity have responsibilities to act in epistemically responsible ways when voting in elections or discussing political issues in public, it might seem straightforward that these responsibilities will also constrain their civil disobedience.

I argue that the political epistemologists are right that the justification of our political acts is sensitive to our epistemic conduct, and outline a particular way of incorporating epistemic constraints into theories of civil disobedience. This article has three aims. The first of these is to show that even those liberal theories of civil disobedience which incorporate explicit epistemic requirements generate an implausible picture of what is wrong with misguided disobedience. Incorporating epistemic conditions solely within the concept of conviction produces an implausible picture of conviction itself and relies on an untenable view of how claims of conviction relate to a political order. My second aim is to provide a more plausible alternative. I argue that agents have a defeasible epistemic obligation to their fellow citizens to take steps to minimise the risk that the claim under whose name they intend to disobey is mistaken. Like the obligation of dissenters to ensure that their actions inflict as little harm as is compatible with a reasonable chance of success, the obligation to take these steps bears on the justifiability of a civilly disobedient action. I show how this obligation is continuous with the epistemic obligations of ordinary political action, but made stronger by virtue of the different justificatory conditions of the burdens generated by disobedience. Finally, I aim to show that this account does not impose unreasonably stringent restrictions on dissenters. The stringency of this obligation is sensitive to competing considerations: appearing in a stronger form when agents have meaningful and broadly equal political influence under just institutions and in a reasonably healthy epistemic environment, and when the proposed disobedience imposes more severe costs; and in a weaker form, and in some cases no longer applying, in contrary circumstances. Exploring the factors which can mitigate this obligation in different circumstances has the additional benefit of illuminating the imperfect epistemic conditions in which most dissenters act and the relevance of such conditions to questions of the justification of civil disobedience.

Before proceeding, a note on my use of the concept of 'civil disobedience'. This concept, especially in its most influential articulations, has been subject to a range of important critiques from political theorists and philosophers in recent years, including that it functions as a 'counter-resistance ideology' in assuming the basic legitimacy of the constitutional order and repackaging the strategic commitments made by those engaged in paradigmatic disobedience campaigns (such as the Civil Rights struggle in the US) as necessary features of permissible disobedience.[7] Although I find aspects of these critiques compelling, I am more optimistic that a

[7]Candice Delmas, *A Duty to Resist: When Disobedience Should Be Uncivil* (New York: Oxford University Press, 2018); Juliet Hooker, 'Disobedience in *Black*: On Race and Dissent', in Melissa Schwarzberg (ed.), *NOMOS LXII (Protest and Dissent)*, pp. 45–63 (New York: New York University Press; 2020); Erin Pineda, *Seeing Like an Activist: Civil Disobedience and the Civil Rights Movement* (New York: Oxford University Press, 2021).

conception of civil disobedience which retains some of the central dimensions of the liberal conception can, when revised to include a wider range of disobedient actions and a broader range of complaints, and conceived as just one, rather than the sole, form of permissible disobedient action, continue to be a useful category. In lieu of a full defence of the concept here, I note two reasons for sticking with a broadly conventional use of it in this article. The first is that my focus is on the kind of action which is the precise target domain of the concept–that is, 'principled and deliberate breach[es] of law intended to protest unjust laws, policies, institutions, or practices, and undertaken by agents broadly committed to basic norms of civility', with 'civility' in this context interpreted variously in terms of conditions such as nonviolence, publicity, and the willingness to accept punishment or other forms of public accountability.[8] I think there is good reason to think that some of the arguments presented apply to some other 'uncivil' forms of principled disobedience, but I do not argue for that here. Second, the prominence of calls for civil disobedience and the use of the term itself by those engaged in the kinds of protests I outlined at the start of the article, as well as many others, indicates that scholarly disputes regarding the coherence and application of the concept have not undermined the normative standing it is granted in the public sphere. Many of these protestors take themselves to be engaged in permissible civil disobedience; whether this claim is true or false, and why, has important implications for democratic theory and practice.[9]

I | THE EPISTEMIC DIMENSIONS OF CONVICTION

Few philosophical theories of civil disobedience incorporate explicit, substantive epistemic components. No meaningful epistemic requirements feature in the influential liberal accounts developed in the 1960s and early 1970s by Hugo Bedau and John Rawls. These theories claim that agents engaged in civil disobedience must act conscientiously (that is, with a demonstrated recognition of the authority and legitimacy of the legal and political institutions of the state) and in support of a claim which is their 'sincere and considered opinion', but clearly do not intend these requirements to have epistemic content. The former can be satisfied simply by acting in a way which indicates 'fidelity to law', such as accepting punishment for one's act of dissent, while the latter is most plausibly interpreted as a requirement of good faith which rules out merely opportunistic or strategic disobedience.[10] Those working

[8]Delmas, *A Duty to Resist*, p. 17.

[9]Of course, not *all* of those involved in the instances of disobedience outlined above have taken themselves to be engaged in civil disobedience; many have made their claims using the considerably more capacious language of 'resistance', and some have engaged in direct action. I take it that for an act to count as civil disobedience, not all participants need to have an explicit awareness that this is the kind of action they are taking, nor must all members refrain from also taking other kinds of action. My argument does not rely on the claim that the protests against recent public health measures are candidate cases of civil disobedience; so long as there are conceivable cases with similar epistemic defects, my argument is of importance for theories of civil disobedience.

[10]John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p. 335.

within (and, indeed, against) this tradition have by and large maintained this focus on the conduct of dissenting agents and the justice of their cause. Our acts of civil disobedience can go wrong in many ways, according to these accounts, but *not* by virtue of our epistemic conduct.

Some liberal accounts, though, have incorporated resources which enable them to say otherwise. These build epistemic constraints into the familiar component of conviction. The most influential contemporary account of this kind is developed by Kimberley Brownlee, who constructs an unusually rich and expansive account of the epistemic conditions internal to the concept of moral conviction. On her account, the moral right to engage in civil disobedience is correlative to the duty that society holds to respect the facts that persons have capacities for reasoning and for developing deep moral convictions and that coercing agents to follow the law instead of expressing those convictions is deeply burdensome.[11] Respecting our capacity for deep moral conviction generates 'a limited moral right of conscientious action as our expression of our conscientious convictions', and a further right protecting the cognitive and psychological pre-conditions for the development of these convictions.[12]

The 'communicative principle of conscientiousness' lies at the heart of Brownlee's account of deep moral conviction, and generates limits as to the kind of action which can properly be termed 'civil disobedience'.[13] There are four elements of this principle: (a) a *consistency condition*; (b) a *universality condition*; (c) a *non-evasion condition*; and (d) a *dialogic condition*. As Brownlee notes, both (a) and (d) have 'cognitive elements'. The consistency condition requires a level of consistency between our judgements, motivations, and conduct. If agents are not sufficiently consistent in the application of their stated convictions–say, if an agent launches a campaign against blood sports, but regularly participates in fox hunts–their claim to hold that conviction will itself appear to be dubious. What is important to note for our purposes is the pre-conditions for such consistency noted by Brownlee: that convictions 'must meet minimal standards of intelligibility, internal coherence, and evidential satisfactoriness'.[14] Although she does not provide a comprehensive account of these standards or what it means to meet them, it is notable that in this discussion Brownlee remarks that 'conscientiousness is not about the correctness of moral judgements, but about the consistency of moral judgements and the credibility of factual assumptions that have moral implications'.[15]

The *dialogic condition* also directly concerns the nature of the beliefs of the dissenter, and the processes by which those beliefs are tested. Conscientiousness not only requires us to hold our beliefs sincerely, but to engage in discussion of them with others and defend them against certain kinds of criticism.[16] Civil dis-

[11]Brownlee, *Conscience and Conviction*, p. 7.
[12]Ibid.
[13]Ibid., p. 29.
[14]Ibid., p. 31.
[15]Ibid., p. 31, n. 26.
[16]Ibid., p. 41.

obedience cannot be communicative unless we are willing to engage in this kind of dialogue. Nor can others be reasonably expected to regard our views as sincerely and seriously held if we are not willing to defend them publicly and rationally.[17] But the dialogic condition is not satisfied if we merely defend our claim automatically, without due regard for our interlocutors as reasoning moral agents or the willingness to take their claims and criticisms seriously; this would be a crude performance of dialogue rather the real thing. As Brownlee puts it, 'having a sincere intention to engage others in a dialogue means that we do not wilfully immunize ourselves from their communicative efforts.[18] Our readiness to heed and interpret them correctly is necessary for communication to occur'. In at least some cases, satisfying the communicative principle requires dissenters to both have a particular stance towards the object of their conviction, and to be willing to sincerely subject their beliefs to criticism and, if such criticisms are sufficiently powerful, revision.

The upshot of these specifications of conscientious conviction is that certain kinds of claims or positions are ruled *not to be convictions at all* by virtue of their incoherence or evidentiary failings; as Brownlee puts it,

> beliefs that fail to meet the logical and evidentiary standards for conviction cannot claim the degree of toleration or respect that genuine convictions might claim because they lack both the determinate content and reflection that confirm our psychological and emotional investment. Without determinate content and reflection, our declared convictions are flighty, capricious, incoherent things that warrant neither respect nor toleration from others.[19]

Brownlee's account is unusual in being explicit about the epistemic conditions it relies on, and in the resultant richness with which those conditions are drawn. Nevertheless, it fails to provide a plausible explanation of what kinds of epistemic considerations should influence our determinations of the permissibility of an act of civil disobedience, and why.

It is implausible to claim that *all* the epistemic requirements bearing on the moral right to civil disobedience are internal conditions of serious moral conviction. Doing so mischaracterises agents who fail to meet these conditions of intelligibility, evidential satisfactoriness, and so on. On Brownlee's account, agents who so fail are simply doing something other than civil disobedience. But it seems very strange to view those who make claims which fail to meet these standards in their protests against COVID-19 public health measures – which they themselves regard as civil disobedience, and which appear to fit into most definitions

[17]Ibid., p. 42.
[18]Ibid., p. 43.
[19]Ibid., p. 40.

of the category fairly easily – not as launching unjustified civil disobedience, or civil disobedience which they do not have a right to perform, but as simply doing something else. Brownlee's account then misdescribes the epistemic wrong involved in these cases.

The flip side of this is that Brownlee's account also gives too much weight to conviction, granting a moral right to engage in civil disobedience on the basis of *any* genuine conviction without any reference to the broader political context or the competing values that might bear on the case. There must, though, be some considerations which bear on the question of whether an agent has this right which go beyond an analysis of the conviction of the dissenter. If not, this seems to leave the very establishment of political authority in a precarious position.[20] Brownlee herself seems to regard this as a question of justification rather than right, and places faith in the constraints of conscientiousness to ensure that dissenters act responsibly.[21] Locating the epistemic requirements of civil disobedience exclusively in the concept of conviction leads us to identify the epistemic considerations bearing on civil disobedience as solely introspective. But acts of civil disobedience do not only involve deep moral conviction. They also rely on moral and non-moral beliefs about the world–about the structure of social reality, the kinds of claims being made by other agents, the nature of the political and legal system–which, though always contested, cannot be regarded as a matter of deep and intractable disagreement in the way that religious or political conviction can. We should then reject the idea that limiting the moral right to civil disobedience according to the interests of other agents or society at large is in all cases insufficiently respectful of conscientious conviction.

It is therefore implausible to identify the concept of conviction as the site of all of the epistemic constraints bearing on the justification of civil disobedience. Freeing the epistemic demands of a theory of civil disobedience from the inside of a conception of moral conviction enables a more plausible process of determining whether an act of civil disobedience is justified. Viewing these as one of a number of elements bearing on that question, alongside others such as the nature of the political regime, the character of the epistemic environment, the extent to which disobedient agents are able to make their claims through other means, and the weight of competing claims and interests enables us to recognise the epistemic constraints as an independent criterion which can generate different requirements in varying circumstances.

What, though, might the epistemic conditions bearing on these determinations actually be? In the next section I advance an alternative to the conviction-based account, in which agents hold (defeasible) epistemic obligations to others which constrain their epistemic conduct prior to engaging in civil disobedience.

[20]Robert Jubb, 'Disaggregating Political Authority: What's Wrong with Rawlsian Civil Disobedience?', *Political Studies*, 67(4) (2019), 955–71; David Weinstock, 'How Democratic Is Civil Disobedience?', *Criminal Law and Philosophy*, 10 (2016), 707–20, at pp. 717–18.

[21]Brownlee, *Conscience and Conviction*, p. 148.

II | EPISTEMIC OBLIGATIONS AND JUSTIFIED CIVIL DISOBEDIENCE

The idea that agents have epistemic obligations is widely held. On Richard Feldman's definition, these are 'duties that one must carry out in order to be successful from an intellectual (or epistemological) perspective'.[22] My argument does not rely on accepting any general account of these duties, such as that these are duties to believe propositions supported by the evidence available to us, or to behave in ways which maximise true belief. I am concerned only with a relatively minimal subset of these obligations; those obligations agents have to take reasonable steps to avoid holding false beliefs.[23] Note that these concern only the process of belief formation and verification rather than the content of those beliefs.

It is important to distinguish between purely epistemic obligations and the kinds of obligations with which I am concerned. An example of the former would be a (prima facie) obligation on an agent to believe P if and only if P is supported by the available evidence at the time.[24] This is not a moral obligation, but an obligation which is conditional on the pursuit of something like epistemic excellence. Often, though, we have moral or political obligations (as, say, members of a jury) which have epistemic elements, or which impose on us obligations to seek out certain kinds of information, to alter or reflect on our epistemic practices, or to discount certain kinds of information from our reasoning. Sometimes, we come to hold these obligations because we take on particular roles or offices or engage in particular actions or practices. My claim is that we have an obligation of this kind when we seek to engage in civil disobedience. Agents have an obligation to be epistemically responsible–that is, to seek to become informed about important topics, to take steps to avoid forming false beliefs, to be careful in their reasoning, to participate in processes which promote these goals–when voting,[25] participating in democratic deliberation,[26] or advocating a political view.[27] As Candice Del-

[22]Richard Feldman, 'Epistemological Duties', in Paul K. Moser (ed.),*The Oxford Handbook of Epistemology*, pp. 362–84, at p. 375. Oxford: Oxford University Press, 2005.

[23]I will use the language here of having a duty to act in ways which minimise the risk of holding a false belief. Of course, epistemic obligations usually involve obligations to believe or not believe something, not merely to act in ways that reliably generate or avoid such beliefs. Obligations of this kind cannot directly apply to a theory of civil disobedience which incorporates rightful as well as wrongful disobedience; civil disobedience launched in support of a cause which an agent should know is wrong may be *unjustified*, but this does not tell us whether or not that agent has the *right* to launch it. By using the language of having an obligation to act in ways which minimise the risk of holding a false belief, I try and capture the distinctively epistemic demands placed on citizens in a way which can be accommodated alongside a political commitment to reasonable pluralism. The obligations I describe here are therefore indirect and domain-specific political obligations with irreducibly epistemic aspects.

[24]Richard Feldman,'Epistemic Obligations', *Philosophical Perspectives*, 2 (1988), 235–56, at p. 254.

[25]Julie Maskivker, *The Duty to Vote* (New York: Oxford University Press, 2019); Eric Beerbohm, *In Our Name: The Ethics of Democracy* (Princeton: Princeton University Press, 2012).

[26]David Lefkowitz, 'On a Moral Right to Civil Disobedience', Ethics, 117 (2007), 202–33, at p. 232; Brandon Morgan-Olsen, 'A Duty to Listen: Epistemic Obligations and Public Deliberation', *Social Theory & Practice*, 39(2) (2013), 185–212.

[27]Michele Giavazzi, 'The Epistemic Responsibilities of Voters: Towards an Assertion-Based Account', *Journal of Moral Philosophy*, 20(1-2) (2022), 111–31.

mas has argued, 'since citizens of a democracy make decisions on the basis of their beliefs, they ought to form their beliefs responsibly'.[28] If we don't, we fail to give due weight to the interests of our fellow citizens.

Both Delmas and Eric Beerbohm have articulated compelling accounts of this kind of epistemic care as a practice which citizens must engage in to identify and discharge their political obligations more effectively (including, for Delmas, their obligations to engage in various forms of disobedience against injustice).[29] There are any number of ways in which we can fail to meet these standards in our regular interactions with our fellow citizens.[30] But there are reasons to think that this obligation is especially weighty when citizens are considering engaging in acts of civil disobedience. Those who engage in civil disobedience impose burdens on other citizens by doing so, and imposing these burdens without institutional authorization may, without further justification, be interpreted as a rejection of mutual cooperation between agents as the basis of shared citizenship. I will defend this characterisation before outlining the content of the epistemic obligations I posit in more detail.

There are burdens involved in making space for civil disobedience.[31] Some of these burdens are financial, based on the initial costs of making space for civil disobedience and the economic consequences of protests.[32] Others might involve the obstruction of an agent's capacity to advance important interests or exercise their rights. In either form, the lives of other citizens are often seriously disrupted by such action. Whereas fair-play accounts of political obligation lead us to think of these costs in terms of undeserved advantage or free-riding, no such step is needed to recognise the significance of this distribution of costs. Instead, I suggest simply that those who involuntarily assume these burdens are owed a justification. Burdens distributed through political institutions can be justified by reference to the value and legitimacy of those institutions (though such justifications will generally fall short when provided in support of unjust policies; in such cases, even the burdens levied by legitimate institutions may count as unjust). An answer of this kind cannot provide a justification for acts of civil disobedience, which are extra-institutional and thus attempt to override or challenge the way in which burdens would ordinarily be

[28]Delmas, *A Duty to Resist*, p. 210.

[29]Ibid., chr 6; Beerbohm, *In Our Name*, ch. 6.

[30]See, for instance, Michael Patrick Lynch, 'Epistemic Arrogance and the Value of Political Dissent', in Casey Rebecca Johnson (ed.), *Voicing Dissent: The Ethics and Epistemology of Making Disagreement Public*, pp. 129–39 (London: Routledge, 2018).

[31]Lefkowitz, 'On a Moral Right to Civil Disobedience', p. 220; William Smith, *Civil Disobedience and Deliberative Democracy* (London: Routledge, 2013), p. 6.

[32]An example: between September and November 2021, the environmentalist group Insulate Britain launched a campaign of disobedience aimed at forcing the British government to take more drastic steps to reduce emissions. This mainly involved peacefully blocking roads. The costs of this were significant, including policing costs of over £4 million, significant economic disruption, and the various other costs involved in disrupting travel. The fact that the costs of *not* taking the kind of action which Insulate Britain argue for are considerably higher than these does not negate the need for the group to take certain measures to ensure that the imposition of those burdens is in favour of a cause which is not erroneous (though it does speak in favour of the justifiability of that action).

assigned. In such circumstances, a justification must be attached to the token of civil disobedience itself, and must be of such a kind that no agent could reasonably object to being forced to carry the burdens the disobedience loads on to them. In the absence of such a justification, a dissenter may reasonably be viewed as indifferent to the claims that others have on her as a member of the community.

In many cases, such a justification will be provided through the kinds of claims made in the act of civil disobedience. However any given agent might respond, the burdens taken on by those who are stuck in traffic as a result of civil disobedience aimed at highlighting the urgent need to reduce emissions can be justified by reference to the severity of the injustice being protested and the insensitivity of the democratic process to such claims; similarly, those whose property was damaged in the protests against racial injustice across the US in the summer of 2020 following the murder of George Floyd did not have a reasonable complaint against the protestors.[33] In speaking of a 'justification' offered to those who take on the burdens generated by civil disobedience, we are not then speaking of agreement between actual persons, but rather invoke the contractualist sense of the term whereby acts or principles may be justified on the basis of meeting certain standards of reasonableness.[34]

It is striking that discussions of the burdens imposed and taken on by those engaged in civil disobedience rarely engage with the epistemic dimensions of civil disobedience. We may reasonably displace burdens (especially, but not exclusively, when they have been unjustly distributed in the first place) on to others if we engage in civil disobedience which is in support of a just cause, in which we do not impose excessive costs on others, and following which we take responsibility.[35] My suggestion is that the justification of these acts rests not only on the justness of the cause and the insensitivity of political institutions to the claims being made, but also on protestors' *epistemic* conduct. We can easily imagine civil disobedience which serves good causes or is undertaken in conditions which permit such action but which other agents may have legitimate complaints against because of the conduct of dissenters; if, without sufficient reason, considerably more harm than necessary is inflicted to achieve a good chance of success, or if those burdens fall disproportionately on the least advantaged.[36] In the same way, legitimate complaints may be made against agents who do not take sufficient epistemic care in advance of participating in civil disobedience.[37]

We are now in a position to identify the nature of this obligation more precisely. My claim is that the legitimate interest of agents in not being subject to significant unjustified burdens gives rise to an obligation held by those seeking to engage in civil

[33]See Ten-Herng Lai and Chong-Ming Lim, 'Environmental activism and the fairness of costs argument for uncivil disobedience', *Journal of the American Philosophical Association*, 9(3) (2023), 490–509.

[34]Daniel Weltman, 'Must I Accept Prosecution for Civil Disobedience?', *Philosophical Quarterly*, 70(279) (2020), 410–18, at pp. 414–15.

[35]Lai and Lim, 'Environmental activism and the fairness of costs argument for uncivil disobedience', p. 495.

[36]Ibid.

[37]As I note below, unjust institutional distributions of the burdens of social co-operation can in some cases render acts of civil disobedience which do not meet these conditions justified.

disobedience to take reasonable steps to minimise the risks that they are mistaken about the claims under whose name they disobey. It is prima facie wrong for an agent to foreseeably inflict significant burdens on others through disobedience if that agent has not taken reasonable steps to ensure that the cause which they aim to promote in their actions is in fact truthful and just.[38] It would indicate disrespect for those agents who involuntarily take on the burdens generated by those actions.

How might agents operating in a reasonably healthy epistemic context satisfy this obligation? They will seek to corroborate and check the factual claims on which their case relies through trustworthy media sources, eyewitness reports, or experts in the relevant field. They may engage in dialogue with others (ideally including a diverse range of perspectives) to come to a considered analysis of a policy or institutional arrangement. This might include public debate or questioning of public officials or others. On topics which require technical expertise that agents cannot be expected to acquire, they will try and identify experts who are respected within that field and trust in their guidance, though not to the exclusion of other dissenting views within the field (especially on highly contentious issues). They will recognise to some extent those inferences and claims which can and cannot be supported by the relevant forms of evidence, and seek a sound logical basis for their claims. They will respect and recognise others as knowers and treat their relevant personal testimony accordingly. As these examples show, this obligation is not especially onerous even for advantaged agents operating in contexts where information is widely accessible and there is a wealth of independent sources of expertise and experience one can draw on in verifying one's claims.

Of course, dissenters generally operate in less healthy epistemic contexts. Even those relatively epistemically advantaged actors can be faced with circumstances in which some of the above ways of acting become unduly onerous, or even impossible. As Boyd Millar has put it, 'for a belief-influencing action to constitute an epistemic obligation it must be the case that a given individual could reasonably have been expected to perform or omit that action under the relevant circumstances'.[39] What epistemic obligations, if any, do agents bear in hostile epistemic circumstances? The obligation I have outlined is, as I show in the next section, sensitive to epistemic barriers that dissenters may face. It is a defeasible obligation which may be weakened or obviated when dissenters are subject to certain kinds of epistemic or pragmatic barriers.

III | DISOBEYING IN HOSTILE EPISTEMIC ENVIRONMENTS

Agents who engage in any kind of political action, including civil disobedience, always face some epistemic constraints, such as limited time and resources and incomplete information. Not all such constraints alter the epistemic political obligations of agents. Some, however, do. In hostile epistemic environments, the 'reasonable steps' agents can be expected to take will be more modest than those that would apply in

[38]See also Pietro Moraro, 'On (Not) Accepting the Punishment for Civil Disobedience', *Philosophical Quarterly*, 68(272) (2018), 503–20.

[39]Boyd Millar, 'Shared Epistemic Responsibility', *Episteme*, 18(4) (2021), 493–506, at p. 495.

better circumstances. In some instances, agents may be released from any such obligation at all. There are (at least) two kinds of epistemic obstacle which can have this effect: oppression and urgency.

Oppression can make epistemic checking too difficult or costly for agents to be expected to engage in it to the extent expected in better conditions. The claims that other agents have on dissenters to take epistemic care will in these cases be dissolved by the weightier claims of all individuals in being able to resist severe injustice. My fellow citizen can have no reasonable complaint if I launch an act of civil disobedience without engaging in epistemic checking or corroboration when the public distribution of information is tightly controlled, or I have been prevented from accessing what information is available, or public discussion of political topics is prohibited. Any attempt to act in accordance with the requirements that apply in better circumstances would be supererogatory in these conditions.

There are a number of ways in which oppression can have this effect. Firstly, it can make epistemic checking overly costly, or restrict the means by which we might more or less reliably verify claims. This is most obviously the case when the state imposes or enables hard political or epistemic constraints on a society, or on particular groups. Consider the transformation of the epistemic environment of Hong Kong in recent years.[40] A once diverse and vibrant collection of media and political organisations has been largely eradicated. Numerous independent media outlets have been raided by police and been forced to close, and journalists arrested for publishing supposedly 'seditious' articles. As the same time, state-owned media has adopted a more Beijing-friendly editorial line, and gives little if any coverage to stories which might lead readers to take a negative view of the governments of Hong Kong or China. Agents will be unable to take seriously the claims of news media or public-facing experts, and as such lose an important means of verifying different views or claims. Without reliable independent sources, it is very difficult to come to an informed view on the accuracy of claims. When information becomes difficult to access, and public discussion of certain topics is prohibited or subject to punitive social sanctions, agents will be released from their obligation to seek to corroborate their claims entirely.

Oppression can also undermine the development of the capacity of agents to engage in epistemic checking. There is a long history of oppressors seeking to prevent those they oppress from developing their cognitive capacities, or from accessing conceptual frameworks which can articulate the nature of that oppression. Consider the lack of education afforded to black children and adults prior to the Civil War in the United States. Explicit anti-literacy laws prohibited teaching black Americans in some states, and in many others public schools were not open to black students. Oppression of this kind need not always involve prohibition. The epistemic capacities of the oppressed can also be undermined by limiting the set of concepts available to

[40] Austin Ramzy, 'How Beijing Has Muted Hong Kong's Independent Media', *New York Times*, 2 January 2022, https://www.nytimes.com/article/hong-kong-media-muzzled.html.

them. This is often done by proscribing from educational settings concepts deemed to be dangerous to the state. Jason Stanley notes how the Chinese government engages in a 'clear attempt to ensure that students lack crucial political concepts, precisely the ones possession of which would enable them to critique Chinese government policy' by prohibiting university professors from discussing topics such as the free press, civil rights, and historical mistakes of the Chinese Communist Party.[41] Such methods are not limited to autocratic states. Consider the legislation recently passed by the state of Florida which explicitly outlaws teaching concepts relating to critical race theory, diversity, equity, and inclusion, and sexual orientation and gender identity in public schools and workplace training sessions, and the move to extend some of these prohibitions to higher education institutions. This is a flagrant attempt to deny students access to conceptual frameworks which might lead them to, for example, adopt more critical stances in relation to historical and ongoing racial injustices.

The kind of oppression which can undermine the epistemic agency of those subject to it should be conceived broadly, and overlaps with concepts such as epistemic injustice. Epistemic oppression can be rooted in social attitudes rather than state action, and involves 'persistent epistemic exclusion that hinders one's contribution to knowledge production'.[42] This exclusion does not always involve constraining the epistemic resources of the oppressed. It can also involve resistance to their claims or positions as knowers on the part of oppressors, as in cases of wilful hermeneutical injustice.[43] Here, there is no lack of conceptual apparatus which those subject to injustice can use to make their claims, but an active resistance to, and dismissal of, the validity of claims made using those epistemic resources.

How are the epistemic obligations of dissenters altered in conditions of oppression? When the barriers to engaging in the kinds of action usually required by dissenters are sufficiently high, the obligation will be obviated due to the interest of all agents in being able to resist severe injustice. In less extreme circumstances, the obligation may be weakened rather than obviated, requiring (say) agents who seek to engage in at least some corroboration and checking of their central claims through the most plausibly accurate methods available to them which are not unduly costly.

The second kind of obstacle which may alter the epistemic obligations of dissenters is that of *urgency*. Satisfying one's epistemic obligations takes time, but sometimes there are external time pressures that prevent one from adequately doing so *and* being able to launch that disobedience. The opportunity to prevent an imminent unjust war may only be open for a matter of days, while government policies can be introduced in just weeks. This lack of time means that agents may not be able to

[41]Jason Stanley, *How Propaganda Works* (Princeton: Princeton University Press, 2015), p. 203.

[42]Kristie Dotson, 'Conceptualizing Epistemic Oppression', *Social Epistemology*, 28(2) (2014), 24–47.

[43]Gaile Pohlhaus Jr, 'Relational Knowing and Epistemic Injustice: Toward a Theory of Wilful Hermeneutical Ignorance', *Hypatia*, 27(4) (2012), 715–35.

engage in the kind of checking procedures that might ordinarily be expected. They may, for instance, only be able to access limited or partial information which they may not be able to fully verify or process. Furthermore, there may be insufficient opportunity to undertake the kinds of deliberative processes through which social movements and political groups weigh competing reasons or considerations against each other.

When protesting severe injustice, such urgency can overpower the need to meet one's epistemic obligation in the way one usually would. But, unlike in cases of severe oppression, it does not obviate this obligation entirely. It is merely weakened in accordance with the urgency of the situation and the difficulty of accessing relevant information. Individuals can still fail to satisfy it if they fail to check those aspects of the policy or process which are not time-sensitive, and which are easily accessible; I will not be justified in engaging in civil disobedience protesting a supposedly fraudulent election result if the validity of the relevant processes can be established well in advance.

Take the following two cases. The first case is the leaking of classified information by Edward Snowden, presented by Snowden himself as an act of civil disobedience and now generally also viewed as such by philosophers working in this area.[44] While Snowden's actions were not performed against an external deadline (e.g. the lead-up to an invasion or an election), urgency was a relevant factor in this case as (a) he was at serious risk of being detected in his data gathering, which would have prevented him from enacting his disobedience and (b) there was a pressing public interest in making people aware of the invasions of privacy they were unknowingly suffering. How might this have weakened the epistemic obligation in this case? While Snowden obviously possessed highly specialist technical knowledge of the programs he was exposing, the need to keep his plan secret until leaking the documents restricted his capacity to engage in some kinds of epistemic checking, especially those which involve discussion with others. The urgency of the case means that this constraint did not undermine the justification of his action.

As a second case, take cases of environmentalist civil disobedience in the 2010s and 2020s. The claim that we must act now to avoid the most catastrophic impacts of climate change are a staple of these protests. But the temporal constraints on effective action of this kind do not mitigate the epistemic obligations of those making them. These time constraints have not undermined the capacity for agents to engage in the kinds of epistemic checking which can be reasonably asked of them. There may be particular cases in which the temporal constraints are tighter, or action relates to more specific

[44]See William Scheuerman, 'Whistleblowing as Civil Disobedience: The Case of Edward Snowden', *Philosophy & Social Criticism*, 40(7) (2014, 609–28; Kimberley Brownlee 'The civil disobedience of Edward Snowden: A reply to William Scheuerman', *Philosophy & Social Criticism*, 42(10) (2016), 965–70. For an alternative approach, see Candice Delmas, 'Is Hacktivism the new Civil Disobedience?', *Raisons Politiques*, 69(1) (2018), 63–81.

environmental developments which require further epistemic investigation; in these, urgency might plausibly have some weakening influence on the epistemic obligations of agents.

We now have a more accurate sense of the epistemic requirements that bear on most cases of civil disobedience. This is not just important for the purposes of understanding the epistemic obligations that bear on dissenters, but for gaining a more thorough appreciation of the epistemic environments in which dissenters usually operate–a factor which the philosophical literature on civil disobedience has largely neglected. We must pay close attention to the particular epistemic conditions in which agents operate to identify what, if any, epistemic activity others could reasonably ask of them in advance of their engaging in civil disobedience.

The sketch I have offered of the epistemic prospects for those wishing to engage in civil disobedience might seem to be somewhat gloomy. If dissenters are regularly faced with major epistemic barriers, the salience of any epistemic obligation held by agents in better epistemic conditions might seem minimal. But note, firstly, that the kinds of epistemic oppression and injustice that dissenters face in liberal democracies will often only weaken, rather than entirely remove, the obligation to take reasonable steps to ensure their cause is just and the claims they rely on are correct. That agents even in difficult epistemic circumstances retain this obligation in some form indicates that the obstacles faced in such conditions are far from insurmountable; indeed, agents involved in civil disobedience frequently go far beyond what is required by their epistemic obligations, providing detailed justifications of the claims they are advancing.[45] Such action is supererogatory, but can be prudentially valuable, signalling beyond any doubt that those involved recognise the need to account to others for their actions. Given the obstacles dissenters in these conditions face, how might they do this? There are many ways,[46] but it is useful to highlight two highly valuable epistemic resources which civil disobedients may draw on, and which can contribute to developing a richer picture of the epistemic dimensions of civil disobedience.

The first of these is personal experience and testimony, which can operate as a powerful and effective source of corroboration for a range of claims. The experiences of those subject to injustice and oppression are a powerful source of insight into the way these relations operate and their severe consequences. A primary function of some cases of civil disobedience is to 'disclose' (to use Erin Pineda's term) this knowledge and force others to acknowledge it. Recognising the epistemic value of experience, especially shared experience, helps us to see how agents can engage in epistemic checking even when other avenues are obstructed, by engaging with agents who have experience of the relevant social processes,

[45]One example of this is the Movement for Black Lives, which has developed a policy agenda which is considerably more detailed, better evidenced, and wider-ranging than the manifestos developed by most political parties across the democratic world. See https://m4bl.org/policy-platforms/.

[46]See, for instance, Gaile Pohlhaus Jr, 'Epistemic Agency Under Oppression', *Philosophical Papers*, 49(2) (2020), 233–51.

creating means of sharing experiences which are otherwise undiscussed, recognising the similarities and variations between these experiences and much more. It also shows how, in some cases, experience can provide us with all the information we need to be justified in engaging in civil disobedience; the injustice of (say) being violently attacked by the police requires no external validation or contextualisation to be grounds for civil disobedience in protest of such action.[47] The particular role that testimony can play in the satisfaction of one's epistemic obligation depends on the kind of claims one is making, the relationship between that experience and the relevant social and political processes, the weighting of various interests, and so on.

The second, complementary, valuable epistemic resource available to dissenters is the capacity to act in groups. Beliefs are held by agents, and my discussion has focussed on the beliefs and actions of natural persons. But civil disobedience is, in almost all cases, a communal activity.[48] The communal nature of most cases of civil disobedience raises important questions as to how we should evaluate the epistemic conduct of agents; do all agents within the group need to satisfy their epistemic obligations for the act of disobedience to be justified? do agents have a responsibility not to engage in civil disobedience alongside those who they believe have not satisfied that obligation? These questions require a more extensive analysis than I can afford them here. But note that acting together enables the possibility for a division of labour among dissenters such that not all participants in an action need independently engage in epistemic checking.

In groups which more closely approximate the conditions for group agency–in which there are established decision-making procedures such the election of delegates, all-member voting, or consensus-based decision making–it is fairly easy to see how such a division of labour might work.[49] There may be a formal division of epistemic responsibilities, with delegates tasked with making substantive judgements about issues and voting on how the group should act and ordinary members tasked with monitoring the activity of delegates. We can say in this case that the group has acted to satisfy its epistemic obligation even though only small numbers of members have undertaken the relevant processes. The ordinary members of this group can never completely delegate their epistemic responsibilities or agency,[50] and must be alert to the possibility that they will have to take a more active role in the epistemic life of the group, or to exercise their epistemic agency by contesting the group's decisions or leaving. So long as they do, they may

[47]This is the case whether or not we accept that an agent can only justifiably engage in civil disobedience when their claim is not recognised by political institutions, or that they must co-ordinate with others who wish to engage in other kinds of civil disobedience to ensure they do not overwhelm the state. My point here concerns the nature of the claim being promoted rather than the means by which it is promoted.

[48]Michael Walzer, 'The Obligation to Disobey', *Ethics*, 77(3) (1967), 163–75.

[49]Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (Oxford: Oxford University Press, 2011).

[50]Beerbohm, *In Our Name*, pp. 153–5.

justifiably participate in civil disobedience decided on by the group even if they have not engaged in independent epistemic checking of the claims that disobedience is enacted to advance. These divisions of labour, then, not only provide a means for more effective co-ordination of political action, but also function as a framework for epistemic co-operation.

While more diffuse collectives will not exhibit the same level of epistemic organisation, some sharing of epistemic responsibilities might still be achieved. Social movements which do not have formal decision-making structures may still develop a division of epistemic labour, with some members trusted as sources of domain-specific knowledge. Given the more limited potential for responsibly pooling epistemic agency in these more diffuse collectivities, participants will retain higher levels of responsibility to ensure the values and claims of the movement are justice-promoting and plausible. The threshold at which a token of civil disobedience will be rendered unjustified by the failure of some number of participants to satisfy their epistemic obligations will be sensitive to contextual factors such as the role of those agents in the organisation of that action (whether formal or diffuse), the scale of the burdens that others take on by virtue of that action, and the justness of the cause.

Dividing up epistemic labour in the ways required to alter the individual obligations of those associated with a group or collective is not costless, and can be brought about using various kinds of resources that may be inaccessible to some dissenters. These resources might include the organisational resources to agree upon and communicate the division of labour, members with domain-specific expertise (this might include those with scarce skills, like legal advisors, or those with personal experience of some injustice), or simply the financial resources to institute and maintain organisational structures. The value of testimony and experience indicates that the absence of these resources does not preclude groups from effectively engaging in a division of labour, though doing so without them may require more participation from a greater proportion of members.

Working in groups is not just an efficient means of pooling epistemic resources. As Candice Delmas has argued, it reflects the deeply collaborative nature of our processes of thinking.[51] Participating in groups creates opportunities for deliberation about the kinds of action the group should take, and for discussion about how to interpret events. The conditions of group reasoning–exposure to others' thought processes, experiences, and questions, having to consider alternative perspectives–can help each agent to come to better judgements, and create the resources for defensible group beliefs. Sometimes, of course, thinking with others can lead us to reason less well; working with others is not an epistemic silver bullet. But thinking and acting with others remains a powerful means by which we can come to gain a stronger grasp on the social reality we inhabit.

[51]Delmas, *A Duty to Resist*, pp. 216–19.

IV | OBJECTIONS

I want to attend to two objections which may be levied against my claim: (1) that the epistemic obligation I outline imposes unreasonably high burdens on dissenters; and (2) that it undermines the supposed epistemic benefits of the practice of civil disobedience.

Let us begin with the claim that introducing the requirement to take reasonable steps to ensure that the claim in support of which one is engaging in civil disobedience is not erroneous imposes unreasonably high burdens on dissenters. Isn't it unreasonable (and perhaps insulting) to expect civilly disobedient agents to go to the additional lengths, on top of the opprobrium and significant personal costs that usually come with civil disobedience, to devote non-trivial levels of time and energy to the corroboration of their claims? Notwithstanding the obviation of the obligation for those who are subject to severe oppression, many agents who do hold such an obligation are operating in an unjust epistemic context.[52] In these contexts, requiring agents to take *any* steps to check the validity of their claim may seem overly onerous, or at least to further tip the scales against dissenters within a conceptualisation which has already been strongly criticised for being too conservative.

The flexibility built into the requirement that dissenters take 'reasonable steps' should assuage this concern. I have already shown that even the strongest application of this obligation does not impose an especially onerous task on agents. The requirement will be even weaker for those in conditions of injustice, and will often involve doing things that are prudentially valuable for dissenters in any case (assuming that having a more accurate and comprehensive understanding of social and political reality will usually enable actors to more effectively promote their political ends).

Further, note that all agents–including dissenters–have an interest in not having to take on burdens for the sake of enabling civil disobedience which is launched without this kind of epistemic care. Of course, this interest has to be considered alongside our interest in living in just societies which enable the expression of even misguided protest or dissenters. The social and epidemiological impacts of the civil disobedience launched by actors convinced that the COVID-19 pandemic was a hoax or some kind of conspiracy were significant. In many cases, this interest will be outweighed by our more significant interest in enabling the promotion of justice; the civil disobedience launched by agents protesting patriarchal or racist policing in the pandemic may have generated some costs, but no one could reasonably complain about bearing such costs. While the interest of agents in not being burdened by epistemically lax civil disobedience may not make an operative difference in a large number of cases, it is important to recognise that this interest does factor into the analysis, and is held by the most disadvantaged agents as well as those who may simply be looking to excuse the status quo.

[52]Pineda, *Seeing Like an Activist*, pp. 42–3.

A second possible objection concerns how the epistemic standards I have defended relate to the general justification of civil disobedience. Civil disobedience is often regarded as justified at least partly due to the role it can play in contributing to democratic deliberation, and rectifying structural issues of 'deliberative inertia' in political institutions.[53] The obligation I outline may undermine this function by suppressing the epistemic benefits that arise from the public expression of a diverse set of views within deliberation; even epistemically irresponsible or wrongful civil disobedience can generate public discussion which is ultimately beneficial for a polity.[54]

Recall, though, that the epistemic conditions outlined above are not aimed at imposing a standard of rightness, but at reflecting the obligation that dissenters have to other citizens regarding the beliefs in whose name they engage in civil disobedience. Dissenters can meet these standards even when their central claim is false or unpopular. The deliberative benefits of having a wide range of views represented in public discussion will not be lost. Crucially, there are good reasons to be sceptical of the idea that democratic deliberation is nourished by the inclusion of all perspectives regardless of their coherence, and even stronger reasons to be wary that a right to engage in civil disobedience in support of even the most incoherent views will necessarily produce a 'double harmony' between the interests of individuals and the polity as a whole, as claimed by Brownlee.[55] As it is only claims which have not received a minimal level of scrutiny which are precluded from being the basis for civil disobedience on my account, the deliberative impact seems likely to be minimal.

V | CONCLUSION

I will close by returning to the cases of civil disobedience with which I began: those launched by those convinced that the COVID-19 pandemic was a hoax, or that the public health measures introduced were instead attempts to impose sinister and draconian forms of social control. An acceptable account of the epistemic dimensions of civil disobedience should be able to articulate a distinctively epistemic wrong in these protests. What is currently the most popular way in which epistemic constraints are factored into theories of civil disobedience–the conviction-based accounts I discuss in Section 1–cannot do this. These accounts either lead us to the claim that the views of those protestors were so incoherent as to not count as convictions at all, or to the claim that they *do* count as convictions and are accordingly a protected basis for conscientious disobedient action.

The alternative account that I have developed here provides a more plausible reading of these cases. Some of these participants in these protests can be reproached by

[53]Brownlee, *Conscience and Conviction*, p. 146; Smith, *Civil Disobedience and Deliberative Democracy*, p. 9; Robin Celikates, 'Democratizing Civil Disobedience', *Philosophy & Social Criticism*, 42(10) (2016), 982–94, at p. 989.

[54]Smith, *Civil Disobedience and Deliberative Democracy*, p. 86.

[55]Madsen, 'On a Belief-Relative Moral Right to Civil Disobedience', pp. 244–5.

their fellow citizens for failing to take sufficient epistemic care in coming to their views. The circumstances of this case are fairly unusual in that the epistemic obligation would properly apply in a strong form to the significant number of those participants who were operating in a reasonably healthy epistemic context, were not subject to severe epistemic oppression, and had the freedom to express their opinions in public discourse and within political channels. The lack of epistemic care taken by such agents clearly is not all that can be justly criticised about their acts; my account simply helps to identify this specific wrong.

Despite this, many readers may find the idea that the justification of civil disobedience relates to some epistemic obligation held by individuals deeply unattractive. It may seem to reinforce the worst tendencies of liberal theories of civil disobedience, centring the interests of the state and those at the top of social and political hierarchies, demanding that dissenters abide by normative demands without excavating the ultimately pragmatic role of such commitments in historical cases which have been subverted in their reification, and assuming a reasonably just state and political order as a starting point. Those who reject this account, though, will themselves have to provide an alternative account of what, if any, epistemic considerations bear on these cases and, if they reject the use of *any* such requirements, how else we should account for the distinctive wrongs committed by at least some of the misguided protestors throughout this pandemic.

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