

Strikes, Housework, and the Moral Obligation to Resist

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1. Introduction

Of all social injustices, oppression may be the most pervasive and deeply entrenched. It is often invisible to many members of society, whether oppressed or not, and resistance to it is therefore often mistaken for lawlessness, belligerence, envy, or laziness. Anglo-American moral and political philosophy has tended to regard oppression and resistance to oppression as phenomena at the periphery of its purview. As a result, there exist few philosophical studies of these concepts, particularly of resistance to oppression.¹ Yet, there can be no denying that oppression and resistance are important normative categories of harms and actions. "Oppression" names a serious social disorder and "resistance" a *prima facie* praiseworthy response to it. Furthermore, these concepts are far from transparent. Much confusion exists concerning what counts as oppression or as resistance to it. Any comprehensive theory of justice needs to explicate oppression and how to avoid it, and a theory of justice in what Rawls termed a "partially compliant" world needs to be able to distinguish (and encourage) legitimate resistance from antisocial behavior. This essay aims to ameliorate the neglect that moral philosophers have shown the topic of resistance to oppression by examining it and the ways in which persons might resist one kind of oppression, and the extent to which an oppressed person is herself obligated to resist.

The kind of oppression that I examine in this paper is one in which there is some coercive exploitation of a group, where it is in the individual's (at least short term) self-interest to participate in an exploitative institution despite the fact that it is exploiting her. These are situations that I have elsewhere termed "oppression by choice,"² meaning that the oppressed choose, in a very real sense of "choose," to participate in the situation through which they are oppressed. I take that in this kind of situation, more than in any other, the oppressed might be said to have an obligation to resist their oppression. The question that I take up here is this: what are the moral obligations, if any, of those who are oppressed in this way to resist their oppression? An objection to this question is that by focusing on the victims' obligations I am "blaming the victim." This is a serious concern that I will take pains to alleviate by showing how to avoid immoral victim-blaming. The paper has three main sections. In the first I talk about the relevant cases of oppression, namely, oppression by choice; in the second I offer a model of

resistance to oppression; in the third I analyze the morality of resistance to oppression.

The salient features of situations of oppression by choice are the following. First, they constitute a genuine case of oppression. On my model of oppression,³ this means that four conditions are satisfied: (1) there is a harm that comes out of an institutional practice; (2) the harm is perpetrated through a social institution or practice on a social group whose identity exists apart from the oppressive harm in (1); (3) there is another social group that benefits from the institutional practice in (1); (4) there is coercion or force, in what Alan Wertheimer terms a "moralized" sense, that is, the coercion is unjustified.⁴ On this view of it, oppression is *prima facie* wrong and justice requires its eradication. This view also entails that individuals suffer the harm of oppression only as members of groups. While this may be controversial, my defense of this claim is that I am constructing a technical term, with which I am able to pick out a specific kind of group-based harm. I don't deny that many other harms can come to persons, but we need a term for these group-based harms, and "oppression" is the best term for this purpose because it has always included these harms in its extension, even if it has also been used, confusedly I think, to name other harms. Oppression, on this view, names a special kind of harm, a harm that comes to persons because they belong to a group that they closely identify with, so that the harm attaches to their very self-image. If "oppression" is to pick out something interesting about our social structure, then it has to refer to harm done to structural groups in the society, and not just arbitrary sets of persons.

Cases of oppression by choice, however, are complicated by the fact that the oppressed have some real options. That is, another *prima facie* consideration comes into play: choice, *prima facie*, confers responsibility for the chosen action on the chooser. What I mean by "real options" depends on the particular group. Generally, and roughly, I mean that the oppressed have a real option when they can conceive of and choose any one of several courses of action, each of which may lead them to be harmed in some way, differently, but to a comparable degree. Social institutions determine to a great extent what options one can conceive of. Oppressive institutions present the oppressed with a set of choices that all seem bad: opt in (and suffer the oppression consequent to that) or opt out (and suffer from being isolated in social life in some way). Choosing to opt in and suffer their particular form of oppression in turn feeds back to maintain that situation for themselves and other members of their group. The other real options involve considerable vision and/or personal sacrifice if they are to choose them over the exploitation situation, and that fact accounts for the choices of those who are oppressed "by choice." To put it another way, the choices that lead them to suffer oppression by choice appear to be, and may in fact be, individually rational in what David Gauthier has termed the "straightforward maximizing" sense.⁵ The other real options in these situations, if chosen by

many of the oppressed group, might succeed in bringing about social change so that the group is no longer oppressed, although they require the individuals choosing this option to make sacrifices in the short term, at least.

By contrast, oppression that is not "by choice" (in my technical sense of this phrase) results from no particular choices by the victims, and so could also not be avoided by any evident short-term sacrifice. For example, Africans who were kidnapped and sold into slavery in North America could point to no particular choices they made that assisted in creating or maintaining their oppression, nor is there any sacrificial choice they might have made to avoid their oppression. One might object by pointing to some individual's choice to, say, wander off in a direction in which the slavers eventually captured him. But the other options available — to go in another direction or not to go—might easily have led to the same outcome anyway, and would not have been made as sacrifices for the sake of later some later good. When oppression is not by choice there is no choosing to opt in or out of an institution—one is taken in by force.⁶

Oppression by choice poses an apparent paradox: on the one hand oppression always involves coercion and therefore, so it could be argued, excuses the oppressed of moral responsibility for choices they are coerced into making; on the other hand the existence of options suggests that they are responsible for their choices.

Here are some examples of oppression by choice. The first example employs a neo-Marxist, or "analytic Marxist," analysis.⁷ Consider an exploitative factory environment, in which workers receive low wages, work long hours in unhealthy conditions, and their employers reap immense profits, have lots of leisure time, and live in lovely suburbs. Suppose that workers consider going on strike to force management to improve conditions. Any one individual worker faces the choice of striking, continuing to work at that factory, or going elsewhere. To continue to work at that factory is to continue to be exploited, to be oppressed as a member of the working class. Yet, some individuals may view going on strike as too costly to themselves and their families, as they risk becoming even poorer. There may or may not be enough workers willing to strike to make it feasible to do so. Those who cross the picket lines are "scabs" in the eyes of those who do not. The second example I have examined at length elsewhere, and employs an analytic feminist analysis. Consider traditional women's unpaid domestic work in the home. Through work segregation by sex, especially into paid and unpaid work, women have been exploited as a group.⁸ Each individual woman faces a set of real choices: sharing equally with any domestic partners the unpaid domestic work, coercing a domestic partner to do more of the unpaid domestic work, or doing the majority of the unpaid domestic work, any of which may be while either working or not working outside the home. I have argued that the traditional lot of women, shouldering the majority of unpaid domestic labor for their patriarchal families, is a case of oppression by choice. Yet, if women acted together to withhold un-

paid domestic services, they could conceivably bring an end to at least this economic domination by men, if not oppression of women as a whole.

What moral responsibility do the oppressed have in these situations? First, let us be clear that, at least on my analysis, oppression implies injustice, and so someone or some entity has at least a *prima facie* obligation to end the oppression.⁹ Those who benefit from the oppression of others clearly have the first obligation to act to end it, I would argue. But that is an argument for another occasion. In the special cases of oppression by choice there is an additional question of moral obligation that concerns the moral obligations of the oppressed themselves.

It is usually the case that coercion implies no moral responsibility for the coerced actions and omissions. However, this is not always true.¹⁰ Consider the soldier who is ordered by his superior in battle to kill non-combatants. There are times when we hold someone morally responsible for actions that they could have omitted only on pain of death. It is usually the case that when we choose to do something we are held morally responsible for our action. But this judgment is also defeasible; consider the case of the temporarily insane person who kills her child's murderer. In cases of oppression by choice, there is both choice and coercion. The normal and (morally) problematic choice is to participate in the exploitative institution. I say "exploitative institution" advisedly, because oppression characteristically involves an institutional framework for making a choice that reinforces the oppression. Choosing not to participate is a kind of resistance to a social force that, given the institutional framework, makes the resistance also a sacrifice for the individual.

The issue of the paper then can be posed this way: *are the oppressed obligated to engage in resistance?*

Our moral intuitions as exhibited in our everyday talk about such situations give us somewhere to begin our analysis. Within the group of strikers someone who continues to work at the factory while some are on strike are "scabs"; to the strikers they are doing something hateful. To those outside the group of strikers there may be more sympathy for those who continue to work, however. In the women's movement there is a mixed reaction to women who fill the traditional role of unpaid domestic worker. The current rhetoric of the women's movement says "allow everyone to choose the way to fulfill her life, whatever that choice might be," without regard to the consequences women's individual choices have for other women, or how her preferences might have developed.¹¹ But there is a distinct undercurrent that homeworking unpaid mothers feel, that they are somehow doing something that feminists disapprove of.¹² Like all moral intuitions, these require both conceptual and empirical investigation to justify a judgment. The remainder of this paper will attempt to account for these moral intuitions, clarify the confusions, and resolve the apparent paradox of obligations to resist oppression.

2. A Model of Resistance to Oppression

In order to examine the morality of resistance to oppression, I need an account of resistance to oppression, and to devise this account I propose three main criteria of adequacy that I claim any model of resistance to oppression must meet. First, the model should correctly classify the cases that we have clear intuitions on, and then in turn help us to clarify the cases for which we have less clear intuitions. Second, the account of resistance should allow us to distinguish resistance from mere noncompliance on one hand and from self-deceptive compliance on the other. Some cases of noncompliance will, of course, count as resistance, even as paradigm cases of resistance. Imagine, for example, the Nazi soldier who refuses to comply with his superior's order to shoot a group of unarmed civilians because he regards it as a violation of human rights. By "mere noncompliance" I mean to refer to cases where for reasons (or causes) completely unrelated to the morality of the command one fails to comply. Suppose, for instance, the soldier failed to shoot the civilians only because he was distracted by a beautiful sunset. Further, we would not want to count acts of collaboration as acts of resistance. Third, our account of resistance should allow us to distinguish morally good from morally bad from nonmoral cases of resistance, for we use "resistance" to cover all three sorts of actions, even though there is a connotation of moral praiseworthiness to the term.

An adequate model of resistance to oppression will allow us to classify the obvious cases of resistance correctly. Let us take as test cases the following three examples of different kinds of resistance to oppression. First, Gandhi's hunger strike aimed at removing the British from colonial India. In this case there was a clear aim, the aim was the end of oppression for an entire group, and the resistance could be undertaken by a single individual with some hope of success. The second case I propose is African American slave escapes. In this case I suppose that commonly the escaping individual intended in the first instance to free himself, and only in the second instance, if at all, to bring about the end of slavery overall. The third case is more controversial both as a case of resistance and as resistance to oppression: the Palestinian Intifada. In this case the aim might be to end legal, social, and/or economic injustice, or it might be to run the Israelis out of Palestine and the occupied territories altogether, but in any case it is aimed at eliminating oppression at a group level. In this case, unlike the other two, a single individual could not hope to succeed acting alone, but only through a concerted effort of a large percentage of the population.

Let us begin with the following characterization of resistance to oppression: An act of **resistance to oppression** has to be an act that *issues from* an actual case of oppression, *in the right way*.

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We would not want to classify just any resistance to coercion as resistance to oppression, since not all coercion is oppressive. Resisting a mugger's

demand of your wallet is surely not resistance to oppression. Thus in defining resistance to oppression I shall be referring to the four criteria of oppression that I mentioned earlier. But "issues from" is obviously too vague. Would a bank robber's actions issue from oppression if he were a member of a discriminated-against minority, and hence be excused? Most likely not. What is needed here is an account of causation that allows us to distinguish actions caused by one's experience of oppression from actions that are not so caused, and among those actions that are caused by one's experience of oppression we need to be able to distinguish actions that constitute resistance to oppression from those that are either compliance or otherwise nonresistance. Furthermore, the account ought not rule out actions by other than the oppressed as cases of resistance; surely Michael Schwerner was a resister to oppression when he attempted to sign up black voters in the South. So the experience of oppression that causes the action need not be of one's own oppression for it to count as resistance.

What does it mean to say that an experience of oppression *causes* an action? The account of causation that seems to me correct is John Mackie's account of causes as INUS conditions.¹³ That is, to say that A caused B is to say that A is an insufficient but necessary part of a condition that is unnecessary but sufficient to bring about B. And this is to say that although there may be many combinations of factors that would bring it about that B, among these combinations there is at least one, say the conjunction of A and several other factors, that is such that in the absence of A those other factors could not bring it about that B. For an action of resistance, R, to count as resistance to oppression, then, it must be that although R might have been brought about by many different sets of factors, an experience of oppression is a necessary condition for at least one of these sets, in particular, for the set of factors that did in fact bring it about that R. Thus, the bank robbery in the case above would not be a candidate for resistance if the robber's experience of oppression were not a necessary factor in the set of factors that cause him to rob the bank. On the other hand, if it was, then the robbery might in fact be a case of resistance.

Experience of oppression can cause one to act either through the agent's intentions or subintentionally. In saying that an action can be intentionally caused I am adopting a Davidsonian account of reasons as causes. On this account, actions are caused by a combination of beliefs and proattitudes. To say that an action A was intentionally caused is to say that the agent has a proattitude, P, toward some goal or end state, S, the agent believes that A will bring about S (call this belief B), and this combination of B and P causes A. So in combination with the INUS account of causes, that is to say that the B and P are each necessary factors of a jointly sufficient but unnecessary condition for A. For an experience of oppression to cause an action through the intentions of the agent is for that experience of oppression to have caused A by means of a belief or proattitude about oppression, i.e., the content of the belief or proattitude must refer to the experience of oppression. For example, the belief might be 'that my people are oppressed' or 'that op-

pression is unjust'. Likewise, a proattitude caused by an experience of oppression might be a wish that oppression end, or a desire that the oppressor be killed.

An action can be subintentionally caused by oppression, too. Oppression can affect the formation of beliefs and/or proattitudes without the contents of those beliefs or proattitudes referring to oppression. For example, an experience of oppression might cause someone to kill another by so frustrating the agent that she kills out of a neurotically exaggerated desire for the other's death. To say that an action *issues from* oppression, then, is to say that the action is, either intentionally or subintentionally, caused by the oppression. This is to say that a belief about or proattitude toward the oppression either refers to or is subconsciously formed by an experience of oppression, and these beliefs and/or proattitudes formed an insufficient but necessary part of a sufficient but unnecessary condition for the act.

Now given this analysis of how oppression can cause actions, what is it for the experience of oppression to cause a resisting action *in the right way*? Must a person intend to resist oppression in order to be said to be resisting oppression? Contrary to the account of Howard McGary,¹⁴ I argue that there has to be an intention to lessen the oppression, and that the intention to lessen the oppression has to be a part of the cause of the action. McGary presents an example of a slave who kills a cruel overseer because the overseer is a rival for a girlfriend's affections and not because of his cruelty. While McGary insists that this is resistance to oppression, I disagree. On my view, the slave intends murder and not resistance to oppression and hence cannot be said to be resisting oppression by killing the overseer. Without requiring that the act be intended as a case of resistance, we cannot judge the morality of the action as an act of resistance. McGary claims that we cannot know what others intend, especially if they are dead, as in the case of African American slaves. But this just means that it will be difficult to judge in actual historical cases; it conflates the ontological and the epistemological. McGary objects further that intent "is not sufficient for others to establish that a person is resisting" (p.40). But this just shows that intent is not a sufficient condition for resistance, a point that I agree with; it does not show that intention to resist is not a necessary condition for resistance. To be sure, McGary is more interested in the question of how historians should describe the events than in how we should judge the actions morally. As I see it, such considerations counsel us to use the principle of charity in imputing intentions to victims of oppression, but it does not show that we need not impute intentions at all.

In what sense does the person acting, in the case of an oppressed person, need to know about the oppression he suffers? One might argue that he does need to know that he suffers from oppression in order for the resistance to be *to* the oppression. But it is too strong to require that he know the theory of oppression that I offer here, or any theory of it for that matter. The case of the African American slaves illustrates my concern, though many others would as well. In their case, their oppression had been going on for

generations and many individual slaves may have internalized the view of blacks as inferior to whites, yet still have felt that their treatment by their owner was unjust.¹⁵ An adequate account of resistance should include those who have some vague impression that they are suffering some injustice of the sort that oppression is, but need not have a clear conception of any particular theory of oppression or how their case fits it.

Resistance is clearly incompatible with collaboration with the oppressor, and so we should exclude actions which are nothing more than collaboration, even if the actor thinks that he is resisting. Roger Gottlieb discusses an example of this kind of self-deceptive collaboration that seems to the actor to be resistance in the case of the Judenrat in the ghettos of Europe during the Nazi occupation.¹⁶ The Judenrat were the Jewish leaders who organized the ghettos and the orderly shipment of Jews to the concentration camps, but rationalized their actions by saying that if they did not do this then the Nazis would do it in such a way that even more would be killed. Judgments about whether an act constitutes collaboration require care. Short-term collaboration, though, can be part of a long-term strategy of resistance. Consider the case of Oskar Schindler, who collaborated with the Nazis to the extent of running some factories for them to make it possible for him to save Jews from the gas chambers by employing them as slave laborers. If we want to distinguish resistance from self-deceptive collusion with the oppressor, it has to be possible for the act of resistance to effect the long-term or overall lessening of oppression, or at least to send a message of revolt to the oppressors.¹⁷

We can see from our test cases that there are two ways that persons can lessen oppression or send a message of revolt, which we might term "personal" and "distributive," where the former attempts to lessen oppression or send a message of revolt for a single person and the latter attempts to lessen the oppression of or send a message of revolt for an entire group. We can further divide each of these two types of resistance into two categories: the resistance can be carried out either by a single person or through the coordinated or spontaneously coincident actions of a number of persons. An act of resistance, then, can fall into one of four categories: by an individual toward the end of lessening oppression or sending a message of revolt for an individual, by an individual toward the end of lessening oppression or sending a message of revolt for a whole group, by a group toward the end of lessening oppression or sending a message of revolt for an individual, or by a group toward the end of lessening oppression or sending a message of revolt for a group. I can see no persuasive reason to exclude the personal cases from the account, even when directed at reducing one's own oppression; if there can be duties to the self, then surely this must be one. On this view, then, individually undertaken actions that are aimed at lessening the oppression of the person acting will count as resistance to oppression, e.g., a slave who commits suicide to end her slavery.

On my criterion, then, a person or group resists only when they act in a way that could result in lessening oppression or sending a message of re-

volt or outrage to someone. This might be controversial in that it does not count as cases of resistance cases where the only ones witnessing the action are incapable of receiving a message of revolt and there is no lessening of oppression. Such cases are surely rare. It is possible to send a message to oneself of revolt or outrage, and for this message to be illuminating about oneself. So this sort of case would somehow involve even one's own inability to see the action as resistance. Still, one might argue that even if the agent cannot see the action as resistance, it might actually be resistance when viewed in the better vision of hindsight. However, if such cases could count as resistance it will be difficult to see resistance as an object of moral praise.

Whose judgment is to count concerning what is possibly efficacious in lessening oppression or sending a message of revolt, however? Because oppression often restricts the education and experience of the oppressed, we don't want to exclude cases where the person attempting to resist or send a message does so in a way that is not possibly effective for reasons she could not have known. McGary proposes a "reasonable person" criterion (though in a slightly different context).¹⁸ The purpose is to rule out cases of self-deception, but not reasonable, or at least understandable, misjudgments about what might be effective. To implement the criterion we imagine a reasonable person in the same situation. But what counts as a reasonable person cannot be easily described; to be a person is to be situated in a historical context with social norms of what constitutes reasonableness. The reasonable person criterion has to be sensitive to what can be expected to be known by persons given their race or gender or class, and perhaps other social groupings as well. Furthermore, what counts as a relief of oppression also will be contextually determined. For a religious person it may be a lessening of oppression just to practice one's religion, even at the cost of death. Since oppression involves a harm, the question of whether oppression is lessened turns on whether the harm has been reduced, lessened, or mitigated. Although this involves subjective elements (since the harm is experienced by individual subjects), that is not to say that the issue is a relative one; the oppression either is or is not reduced by the actions. The same can be said for sending a message of revolt: it involves subjective elements but it is ultimately an objective matter whether a message was sent or received. The reasonable person criterion applies the prevailing social norms for determining harm and the conceivable methods of lessening it in the given situation. Thus what is needed is a person who is situated similarly in terms of all the relevant social groupings to the person whose actions one is judging. How likely or unlikely an action is to be successful for it to count is another judgment call — I am inclined to be permissive and credit people for risky actions unless there is no possibility of success.¹⁹ The test can be summarized as follows: Would a reasonable person, who is similarly situated, think the act is not entirely unlikely to bring about a lessening of oppression or send a message of revolt or outrage?

If my observations about resistance are correct, then the account of re-

sistance that they imply may be summarized as follows. A person P is said to be resisting the oppressive situation S through action A just in case, given a reasonable person P' who is situated as P is, the following is true:

- (1) P would regard S as oppressive;
- (2) P finds some injustice in S;
- (3) P would judge that A is not unlikely to effect the lessening of oppression or send a message of revolt or outrage, either for some individual member of or the entire oppressed group;
- (4) P intends to lessen the oppression or feeling of injustice or send a message of revolt through A
- (5) The injustice in (2) and the intention in (4) causes P to perform A.

This account allows us to focus on the moral implications of an action that resists oppression by setting the most stringent requirement on the intentions of the agent. While it requires that the action be something that could reasonably be expected to be effective, it makes this judgment of reasonableness from the perspective of the agent.

On this account the test cases come out right: Gandhi and the escaping slave are both clearly resisting oppression on this account, since both intended to lessen oppression, either of a whole group or her own, and could be reasonably expected to succeed with their chosen course. Meanwhile, the Palestinian Intifada comes out as resistance to oppression if (1) the Palestinians are oppressed (on my account the controversial criterion would be whether their treatment is unjust), and (2) a reasonable person in their situation would think their actions are not unlikely to be effective or expressive of revolt or outrage. It seems to me that both antecedents are met, but the fact that those are matters of judgment that reasonable persons could disagree on is, I take it, a point in the account's favor.

This account of resistance to oppression allows us to distinguish the morally good cases of resistance on the one hand from the immoral and nonmoral cases on the other. Since my account of oppression entails that all cases of oppression are unjustified, resistance to oppression, as lessening the unjustified harm, is at least *prima facie* justified. However, I think that a reasonable moral theory would require that the act of resistance has to be proportional to the oppression and aimed at the right persons (i.e., those who cause or continue the oppression).²⁰ Thus, terrorism would normally not be justified, all things considered.

Finally, let us look at how the cases of oppression by choice that interest us here call for specific kinds of resistance. Strikes are a clear case of resistance for all those who go on strike in order to end the oppression (and not just to get some time off work, for example), since they are well known to have a fair chance at success in lessening oppression for at least the workers at the company that the strike is aimed against. Paid work outside the home by women, presuming that it is likely that this will eventually bring about equality of men and women, is resistance under either of two cir-

cumstances. First, it would count as resistance to oppression if the woman works outside the home intending to thereby lessen her oppression, as might happen through lessening of contact with an oppressive husband or through stress relief. Second, it would also count if the woman works in the paid labor force intending to be a part of a movement to change the social relations of gender.

3. The Morality of Resistance to Oppression

Is resistance ever morally required? If so, then should we hold blame-worthy at least some of those victims of oppression who don't choose resistance? For example, we might agree with the judgment of the strikers who call those who cross picket lines and continue to work "scabs." Whether we actually want to apply social sanctions to persons who fail to resist is another separate moral issue, and one that I will avoid in this paper. (Surely those responsible for the initial oppression have no moral authority to do so.) I shall take these two questions in turn.

It is implausible to suggest that resistance to oppression by the oppressed is morally required at all times with respect to all forms of oppression. I say this for two basic reasons. First, the oppressed may well not understand the oppression they suffer, for it is often a part of their oppression that it is hidden from them under the guises of tradition or divine command or the natural order of things. It would therefore be even more difficult for them to judge what actions are required of them to resist their oppression. Second, oppression is such a pervasive condition of one's life that it would be impossible to struggle against all of it at once. The slave could resist by escaping, for instance, only when the timing is right, but nearly always there is some other way that he could resist. He could refuse to work, try to kill his master, refuse to eat, and so on. But these actions are most likely mutually exclusive. Returning to work or refusing to eat, for example, puts the master on guard with that slave so that he will not have the opportunity to perform the other acts of resistance. Or, in gathering strength to escape or to revolt the slave might need to eat and appear to acquiesce for a time.

Resistance to oppression doesn't seem to fit the duty model, for two reasons. First, the situation that would obligate is coercive. That is, the oppressed are unfairly and unavoidably put in their situation, and coercion normally mitigates moral obligation or responsibility. Of course, it is not true that one is never obligated in an unfair or unavoidable situation. For instance, we have duties to our parents in most cases even though their being our parents is unavoidable (for us), and the duties may be somehow unfair (say, one's siblings refuse to take their turns in helping them out when they are incapacitated). The second reason that resistance to oppression does not seem to fit the duty model has to do with the forms of resistance open to oppressed persons. Sometimes the only way to resist is in concerted effort with others, and if the others will not act, then one's own action might fail to constitute resistance at all. If you are the only worker at

the plant who is willing to strike, then it cannot be a duty for you to strike, since your action will likely be ineffective even in sending a message of revolt (e.g., if you just look like a shirker). And if striking (when others strike) is the only course of resistance in this case, then it cannot be a duty to resist.²¹

If resistance to oppression is not a duty, perhaps resistance goes beyond duty and is best judged as morally heroic or supererogatory. David Heyd (1982) presents a reasonable model of supererogation that goes as follows.

An action is supererogatory if and only if all of the following conditions hold.

- (1) The action is neither obligatory nor forbidden.
- (2) Its omission is not wrong and does not deserve sanction.
- (3) It is morally good.²²
- (4) It is done voluntarily for the sake of someone else's good.

One might object that resistance to oppression doesn't fit this model because it is aimed at reducing one's own suffering. I think that this should cause us to rethink the model to allow for supererogatory actions that are aimed at oneself. But even if we take the model as it is, resistance to oppression by choice is often aimed at the elimination of oppression for the whole group, and we could restrict the heroic actions to those that aim at ending the oppression of a group or some members of an oppressed group other than oneself.

If I was right in the discussion of how resistance to oppression is not strictly a duty, then resistance to oppression is not obligatory, and surely it is also not forbidden, so condition (1) is satisfied. Condition (3) is also satisfied, since to count as a case of resistance to oppression it has to be intended to reduce oppression, that is, to lessen undeserved harm. However, resistance to oppression does not meet condition (2) in the kinds of cases I am discussing here, namely oppression by choice. (Resistance to other kinds of oppression would meet condition (2) and so arguably be supererogatory.²³) In oppression by choice the alternative to resistance is participation in the oppressive institution. But *by participating in an oppressive institution, one lends some strength and stability to it*, perhaps even legitimates it to some degree.²⁴ This point is crucial and deserves some elaboration. Institutions are (among other things) coordinated actions of individual people. Part of what makes institutions so effective at coordinating is they embody the common knowledge of what people will do in certain types of situations, and this in turn narrows down the range of choices of actions one is to perform to a manageable number. This common knowledge becomes stronger and more stable the more times that the expected actions are performed. So if an oppressive institution requiring the actions of the oppressed to be of a certain sort (e.g., female housecleaning, male shirking) is effective in so coordinating actions in a given case, then it becomes an even greater expectation on the part of others that they will perform the required actions, as

well. One has only two options in such cases: resist or strengthen the unjust institution. Thus in cases of oppression by choice *not resisting harms others*.

We are left with the situation where one must do harm whether one resists or not, and there is no duty other than the general duty to avoid doing (undeserved) harm. The solution, I argue, is to do the least undeserved harm. That is, one must weigh the harm of resisting against the harm produced by not resisting. In many cases the harm of not resisting is distributive, though the harm of resisting is felt fully by the individual involved. In calculating these harms one has to also consider the self-esteem that is lost by harming others through one's own failure to resist oppression. In some cases one ought only resist with some sort of symbolic resistance or protest, which causes one less harm than another form of resistance.²⁵ On my view, then, a duty to resist may be uncommon though not inconceivable.²⁶

One might object that insisting that the oppressed have a duty to resist their oppression is a case of blaming the victim, in the pejorative sense. In a recent article, J. Harvey (1995) categorizes the ways in which victims can be blamed in morally objectionable ways. There are three categories that Harvey mentions that might be relevant to this analysis of the morality of resistance:

Category 4: There was in fact moral harm, but then *it is claimed that* in accounting for it, we must look at some crucial contribution from the victim involving some moral or nonmoral failing.

Category 5: There was in fact moral harm and the crucial responsibility of the actual agent is acknowledged, but then *it is claimed that* some contribution from the victim makes the harm more serious than it would otherwise have been, and that that contribution involves some moral or nonmoral fault of the victim.

Category 6: There was some harm, and any responsibility for it by an agent is acknowledged (including how serious it is), but once the harm has occurred, then *it is claimed that* something untoward in the victim's response makes the ultimate outcome worse than it would otherwise have been, and that that response involves some moral or nonmoral fault of the victim. (Harvey, 1995, pp.49-51, emphasis mine)

While I admit that I am victim-blaming in these senses, I think that whether it is wrong to "blame the victim" in these senses depends first on whether the "claim" in the italicized phrases in each category is true. That is, Harvey says it is victim-blaming to claim that the victim either made some contribution to the harm or responded in some untoward way that made the outcome worse than it otherwise would have been. If the claim is false, then these kinds of victim-blaming are mere rationalizations of the victimization. But if the claim is true, then the victim may, depending on the relative contributions of the actions to the harm, shoulder some of the blame for the harm that came about. Just because one is a victim one is not thereby

absolved of all responsibility for the outcome of the situation. For example, suppose someone superficially cuts you while carelessly using a sharp scissors in your vicinity. You are a victim. But that doesn't mean that if you now refuse to wash the cut or take care of it in any way you can blame the person who cut you when you lose your hand to gangrene. You are to blame for some of the harm, even though you are a victim. If the claim is true, there is another way that one could still objectionably victim-blame: by focusing on the victims' faults out of all proportion to their relative contribution to the harm. I take this to be a serious concern, and a caution to be heeded. But one must not therefore shrink from an honest assessment of the full causal and moral situation.

4. Conclusions

By way of a conclusion, then, I want to examine the two primary examples of the paper. The case for a duty to strike seems to me rather compelling in many instances. Here the competing harms are the harm that would come to the individual and her family from her lack of income as against the harm of legitimating the company's claim that their treatment of workers is fair and hence undermining the strike. While loss of income is serious, in most cases that harm can be mitigated by the solidarity of strikers and union strike funds, where they exist. The main point is that all the workers are in the strike together and all suffer similar fates. While the loss of income is worse for some than others, it is only a difference in degree of harm, and not a great one at that. So if the strike is a legitimate case of resistance, which means that it has a reasonable chance of success as far as a worker can tell, there is a duty to strike.

In the kind of case where my analysis applies, i.e., oppression by choice, paid work outside the home is not the straightforward self-interest maximizing choice for a woman. She would satisfy more of her interests by staying home and doing domestic work of the family and taking primary care of her children, if she has any. But in doing so she also reinforces the traditional stereotype of women as suited best for this kind of work and less well suited for paid work. Refusing to play the role called for by the traditional stereotype will give her more power within the family and in public institutions, although it exacts some psychic and, potentially, material objective costs (one fails to fit in, to do what is expected, and this makes others angry and potentially violent). But it begins to change the image of women for men, women, and children, and hence the social expectations made of the next generation. Failing to refuse strengthens the hold that patriarchal gender relations has on us all. There is a legitimating feature of women staying home that is parallel to the strike case, which would weigh on the side of harm to others in not resisting. That is, doing unpaid domestic work as a woman reinforces gender norms. It sets an example for her children and others. It may even, if something like Nancy Chodorow's analysis of single-sex mothering is correct,²⁷ causally effect the psychologi-

cal differences of gender that perpetuate female subordination. Thus, it harms other women. Since there is a large number of women who do work outside the home, she cannot claim that hers would be a useless effort; on the other hand, since there are so many women now in the paid work force, it may also be the case that one free-rider makes no marginal difference. However, I would argue that we are not yet to that point, that there are indications that the traditional stereotype is still strong and harmful.²⁸ It strikes me that in light of the facts, a woman who can find paid work has duty to do so, unless there is some compelling reason why her children need her specific services. There are, in most instances, other ways of resisting oppression of women; nonetheless, there is a duty for women not to reinforce the image of woman as domestic slave, but to change it to that of a full stakeholder in family and social resources, and this will often require women to resist doing unpaid domestic work.

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Notes

¹ My thinking on these issues has been significantly affected by two articles on resistance: R. Gottlieb, "The Concept of Resistance: Jewish Resistance During the Holocaust," in *Thinking the Unthinkable*, Roger S. Gottlieb, ed., New York: Paulist Press, 1990, and H. McGary, "Resistance and Slavery," in McGary and Bill E. Lawson, *Between Slavery and Freedom*, Bloomington: IN, 1992, pp.35-54. There are two competing diagnoses for the neglect of these categories. One is that analytic moral philosophers have been less interested in these phenomena because they are not central to their life experiences. A second, more philosophical explanation is that oppression, if it is a *sui generis* harm, is a group phenomenon, and analytic philosophers have tended to be suspicious of group ontology. Although a discussion of social groups is beyond the scope of this paper, Margaret Gilbert's *On Social Facts* (Princeton, 1989) offers a nice analytic philosophical argument for the existence of social groups and social facts, *sui generis*.

² A. Cudd, "Oppression by Choice," *Journal of Social Philosophy*, 25(1994):22-44.

³ Ibid.

⁴ A. Wertheimer, *Coercion*, Princeton, 1987, p.7. This condition serves to rule out as oppressed persons, e.g., legitimately convicted felons who are imprisoned.

⁵ D. Gauthier, *Morals By Agreement*, Oxford, 1986. This is not to say that he thinks that being a straightforward maximizer is actually rational, however.

⁶ Even here one might object that almost all submission to force is a choice, as well. I admit that there is a continuum of coercion, from complete seizure of voluntary control on one end to a death or submission decision to something much less dire than death or submission. While there is a theoretical continuum, there are some choices that are, practically, no choice at all. E.g., your money or your life? These situations, in which the oppressed is offered no choice in this sense, are excluded from the set of situations of oppression by choice.

⁷ See John E. Roemer, *Free to Lose*, Harvard, 1988.

- ⁸ For further documentation and examination of this claim, see Barbara Bergmann, *The Economic Emergence of Women*, New York: Basic Books, 1986, and my "Hi Honey, I'm Home: Marital work decisions and women's oppression," unpublished manuscript.
- ⁹ There are many good discussions of the duty of oppressors and third parties to end oppression, but two that come immediately to mind are C. Calhoun, "Responsibility and Reproach," *Ethics*, 99(1989): 389-406; and L. May, *Sharing Responsibility*, Chicago, 1992.
- ¹⁰ Harry Frankfurt poses the possibility of there being moral obligations on the coerced to resist, but considers this the less interesting case than the case in which coercion exonerates the individual of moral responsibility in "Coercion and Moral Responsibility," in *Essays on Freedom of Action*, Ted Honderich, ed., Boston: Routledge & Kegan Paul, 1973, and so does not discuss it. Alan Wertheimer (in "Coercion and Exploitative Agreements," in *APA Newsletter on Philosophy and Law*, 94(1994): 80-84) agrees and suggests a condition similar to mine for situations in which there is some voluntary choice and exploitation. He writes that "it is plausible to maintain that one is coerced when the background conditions are unjust" (p.82, emphasis in text).
- ¹¹ The situation is more complex than I acknowledge in the body of the paper. For example, many women argue that what we should work for is an entire transformation of society such that whether work is paid or unpaid has no bearing on the life prospects, self-esteem, or self-determination of the individual. In the interest of the question at issue I shall ignore this kind of argument.
- ¹² Evidence for this can easily be seen in letters to the editor of feminist and women's magazines such as *Ms.* or *American Baby*. Social conservatives would surely disagree with my examples here, but I think that they could fit some of their own into the category of oppression by choice. For example, a recent commentator argues that poor minorities who have historically been discriminated against, e.g., African Americans, can choose to pursue a strategy of self-improvement to get themselves out of poverty rather than relying on government handouts. This would involve some initial hardship and risk of failure, but if pursued in large numbers might forever sever the link between race and poverty. S. Steel, *The Content of Our Character*, New York: St. Martin's Press, 1990. Another example that I don't discuss in the text might be gay people who can choose to come out or remain closeted. They are oppressed through their choice to remain closeted, and choosing to come out in large numbers might lessen or end the oppression of all, or so one might argue.
- ¹³ John L. Mackie, "Causes and Conditions," *American Philosophical Quarterly*, 17(1965):245- 64.
- ¹⁴ Howard McGary (1992).
- ¹⁵ Howard McGary, *ibid.*, discusses the case of African American slaves whose oppression was so longstanding and pervasive that it invisible to them as the fact that humans cannot exceed the speed of light is invisible to us, at least most of the time.
- ¹⁶ R. Gottlieb (1990).
- ¹⁷ Sending a message of revolt may be a way of lessening the effects of oppression, by making the oppressed person feel better. But it might also make the oppression harsher. Hence we cannot assimilate sending a message of revolt to lessening oppression. Several colleagues and audience members have convinced me, against McGary, that resistance need not have any hope to lessen oppression to still count as resistance, perhaps the most vocal of whom are Mark Lance, Julie Maybee, and Russ Shafer-Landau.
- ¹⁸ McGary (1992) uses the reasonable person test to determine whether a person could have intended to resist oppression in acting the way they did, in order to avoid having to determine the actual intentions. I will object to McGary's avoidance of actual intentions in following paragraphs, but it strikes me that the reasonable person test is precisely the way to distinguish resistance from foolhardiness or self-deceptive impotence.
- ¹⁹ One might object that there are some actions which are clearly futile against an oppressor but are nevertheless cases of resistance. However, I think that it is difficult to actually name a case and still see it as completely ineffectual, for if we can name the case it has, at the very least, some value as a demonstration of the power imbalance and the frustration and pain felt by the oppressed. I thank Mark Lance for raising this objection.
- ²⁰ An anonymous reviewer objects that since on my account oppression is institutionalized, there may not be any "right persons." I disagree. There may not be any identifiable

oppressors, but because institutions are fundamentally constituted of persons and patterns of individual behavior, there must be at least lots of persons who myopically go along with, even if they never really recognize, an oppressive institution. Still, one would have to admit that they are less culpable than persons who recognize and intentionally perpetuate oppression for their own benefit, and so should be treated less harshly by the resister.

- ²¹ Susan Feagin has suggested to me that there may be an imperfect duty in such cases periodically to consider whether there is a means of resistance that has become available.
- ²² Heyd adds that the action must be morally good "both because of its intended consequences and because it has intrinsic moral value." But the "and" here seems stronger than is necessary, since one could imagine cases where a good is brought about by unsavory but not immoral ways, or a kind thing is done to someone that does not have morally significant consequences.
- ²³ Some, including Marcia Baron in "Kantian Ethics and Supererogation," *The Journal of Philosophy*, 84(1987): 237-62, and Susan Hale in "Against Supererogation," *American Philosophical Quarterly*, 28(1991): 273-85, have argued that "supererogation" does not refer, i.e., that there are no such things as supererogatory acts. I would disagree, though this is not the place for a sustained argument against them. In any case, since I am arguing that resistance to oppression by choice is not supererogatory, their arguments would not nullify my conclusions here.
- ²⁴ Calhoun provides a nice discussion of how participation in an oppressive institution tends to strengthen the institution and even justify it from at least the perspective of stability, an important aim of social institutions. Thomas Hill, "Symbolic protest and calculated silence" in his *Autonomy and Self Respect* (New York: Cambridge, 1991), also argues that one might associate oneself with an institution just by refusing to dissociate from it, and that this then lends the institution the honor and prestige of one's association.
- ²⁵ See Thomas Hill for a discussion of the moral obligation to engage in symbolic resistance. See also J. Harvey, "Oppression, Moral Abandonment, and the Role of Protest," *Journal of Social Philosophy*, vol.27, no.1, Spring 1996, pp. 156-71.
- ²⁶ An interesting question that is beyond the scope of this paper is whether one meets this obligation with a kind of resistance that is less than fully consciously undertaken.
- ²⁷ Nancy Chodorow, *The Reproduction of Mothering* (Berkeley: University of California Press, 1978), argues that if children are taken care of primarily by parents of one sex, as they are by females in our culture, the girl children will tend to grow up to be the primary caretakers of children and the boy children will tend to grow up to be aloof from their families. On her analysis women are thus raised to be subordinate and to defer, while men are raised to dominate.
- ²⁸ In 1988, for instance, Felicia Schwartz, a professor at the Harvard Business School made the headlines with her suggestion that women who wanted to raise children ought to choose what she called the "mommy track", which would keep women out of the line for corporate promotion. See also Okin, *Justice, Gender and the Family*, New York: Basic Books, 1989, and Bergmann, *The Economic Emergence of Women*.