



Destaque Semanal

Pan-Africanism

Pan-Africanism refers to the conviction that all Africans and descendants of Africans in the diaspora share a common history, common interests and, ultimately, a common fate which thus(...)

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Civil Disobedience

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Civil disobedience is a form of action and political communication that occupies the space separating law from justice, where law is a set of assertions defined to regulate social interaction and justice is the inter-subjective definition of what complies with the dignity of life of those implied. When law – be it diffused by codified documents, customs or by social praxis – is contrary to justice, civil disobedience emerges to establish a compromise and fill the gap between law and justice. In short, civil disobedience is the intentional breach of law when it does not comply with justice. The character of 'disobedience' distinguishes the infringement of law, while the character of 'civil' means that such actions are non-violent and that the subjects promoting them and carrying them out accept the consequence of the violation of the law. The repertoire of direct action generally adopted in civil disobedience campaigns may include marches, strikes, occupations, manifestations, boycotts, sit-ins, flash mobs, picketing, non-payment of tax, destruction of documents and many other actions.

The current reference to civil disobedience dates back to the end of XIX century (especially Thoreau and Tolstoy), and was consolidated in theory and practice in the XX century (principally Gandhi and Luther King). These historical civil disobedience campaigns were led against the discrimination made by the state towards a minority or towards the majority of the population (i.e. the case of England colonialism in India) or towards populations of other countries (war). Civil disobedience is characterised by firm contestation and patient practice of civic virtues and legal rebellion to convince the legislators to amend the law so that it can encompass the rights demanded. Thoreau struggled to abolish slavery and was against the war of the USA with Mexico. Tolstoy opposed the oppression of the Tsar on the rural population and the culture of violence, militarism and war. Gandhi, with his theory of satyagraha (see related voice), struggled in defence of the Indian community in

South Africa and then against the British colonial empire in India in order to gain independence and democracy. Luther King struggled for civil rights, against racism and against the war in Vietnam.

It is controversial to establish which kind of direct actions are to be rightly label as civil disobedience. The main debate concerns the complete rejection of violence. Non-violence has been substituted by other forms of protest when state violence was regarded as being unbearable. For example, Nelson Mandela and the anti-apartheid movement in South Africa, or the Zapatista Army of National Liberation (*Ejército Zapatista de Liberación Nacional* – EZLN) are examples of the complex interplay of armed and passive struggles. The need to resort to violence unveils the complexity of civil disobedience against the injustice of the sole actor for which use of armed force is legal - the State. This question raises issues about the nature of democracy: is it a conflictual domain that is reduced to the political sphere that is controlled by the state, and is under the conditions it defines (law)? Or is it rather a higher ideal that needs to be defined in acknowledging and non-oppressing the dissenting voices within a political sphere that cannot be limited by a certain legal monopoly? If so, is democracy potentially infinite and impracticable as a political regime?

To imagine democratic law as a concentric sphere contained within the sphere of justice, and whose area increases as much as it encompasses principles of justice, civil disobedience then is a practice which tends to respond to the issue related to democracy by expanding the sphere of law within the unreachable sphere of justice and without using unjust or undemocratic methods to achieve it. Regardless of the fact that the opponent adopts unjust methods, civil disobedience abdicates from it. An open question remains concerning the adoption of defensive violence for one's own subjectivity or for the defence of weaker subjects unjustly oppressed by state violence.

Civil disobedience aims to further the legal system, not by its abolition, but rather by targeting laws and not the legal (or political) system in general. It has a predetermined objective and involves the respect for the social and political adversaries whose actions or decisions, rather than their own political subjectivities, are questioned. For these reasons, civil disobedience is a substantively democratic form of resisting and opposing oppression. It is more democratic than the actual form of the state and the laws that it opposes.

Civil disobedience is an extremely articulated and powerful instrument to advance the 'democratisation of democracy'. It expands the space of political participation on radical matters and functions as a mass method of moral amelioration for the constantly imperfect structures of socio-political regulations. The World Social Forum has incorporated discussions on the scope, method and limits of civil disobedience which, having been adopted by various movements around the world, has fortified the spirit of 'insurgent/subaltern cosmopolitanism' to reach a cosmopolitan legality.

References and Further Readings:

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