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Civil Disobedience

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Scholars often credit Henry David Thoreau (1817–1862) with the origin of the term *civil disobedience* in his essay of the same name, which he wrote after spending a night in jail in 1846 for refusing to pay the Massachusetts poll tax. As a concept in political theory, civil disobedience has defied definitional precision. Writers frequently use conscientious evasion, conscientious refusal, nonviolent resistance, pacifism, and passive resistance to convey ideas similar to civil disobedience. David Daube (1909–1999) argued that civil disobedience is “an offense against human authority, committed openly in a higher cause, or a cause thought to be higher” (1972: 1). John Rawls (1921–2002) endeavored to constitutionally theorize civil disobedience by defining it as “a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government” (2000: 363).

Not all theorists, however, agree on this limited conception of civil obedience. Howard Zinn, for example, denied that nonviolence is a necessary element of civil disobedience. Civil disobedience is lawbreaking but not *any* lawbreaking. As commonly understood, at the heart of this concept is an open, nonviolent opposition to unjust or immoral laws enacted by the state. Certain motives distinguish civil disobedience from ordinary lawbreaking. Proponents of civil disobedience are motivated by neither personal gain nor causing harm to others. This makes *openness* as a criterion important; to be “completely open and non-violent is to give bond of one's sincerity” (Rawls 2000: 367).

Unjust Laws

The intended end of civil disobedience is not to overthrow regimes thought to be illegitimate. A civil disobedient voluntarily submits to sanctions and merely seeks to raise the level of social consciousness about the unjust nature of state laws. Covert action motivated by the same reason, on the contrary, consists of acts of conscientious evasion. Civil disobedience draws attention not only to the action itself but also to the reasons for disobedience. It is a political act, addressed to those who hold political power, and it aspires to influence their appreciation of what is just law. The motivation, therefore, is to invoke commonly shared conceptions of justice rather than those grounded in group or self-interest. In this sense, civil disobedience differs from militant action: A disobedient does not deny fidelity to an otherwise just system. A militant, on

the other hand, outrightly denies that there exist any shared conceptions of justice; she is much more deeply opposed to the existing political system than to any particular law in the system.

Civil disobedience as an appeal to a higher level of justice is not against all unjust or immoral law. It must be a case of substantial injustice based on principles commonly shared by the political majority. Examples would include the denial of the right to vote to ethnic or cultural minorities or the right to hold office or the right to practice one's religion. It is also imperative that the political minority, appealing to higher conceptions of shared justice, uses all other available means of legal and political redress. It should try negotiation, protests, demonstrations, and other forms of political activity to engage with the majority. It should resort to civil disobedience when appeals to the majority for accommodating the claims of the minority have proved futile.

For minorities who are committed to the fidelity of a system but seek to reform certain laws within it, civil disobedience has been an invaluable tool. The tool becomes vital when minorities do not have the political power to cause reform. This, then, is derivative of the principle that civil disobedience must be resorted to after utilizing all political options of engaging with the majority.

Civil disobedience by minority groups as a form of political protest against racial discrimination has a long history in the United States. Martin Luther King Jr. (1929–1968) first gained national prominence in the Montgomery bus boycott of 1955, which acted as a catalyst to the civil rights movement that subsequently challenged the white power structure in Montgomery. The African American student “sit-ins” [p. 196 ↓] at North Carolina Agricultural and Technical College in the 1960s are also illustrative of civil disobedience. The students insisted on being served while seated, challenging the local custom in public restaurants that required otherwise. By September 1960, what began as civil disobedience by three students involved nearly 70,000 students. As an act intended to draw attention of the political majority to the unjustness of laws, its success was obvious.

Gandhi and Colonial Oppression

Civil disobedience as a national movement against colonial oppression in the twentieth century is often associated with the writings and practices of Mohandas Gandhi (1869–1948), the father of India's freedom struggle. Coined by Gandhi while in South Africa, *satyagraha* (Sanskrit for “civil disobedience”) lured millions of Indians to selflessly contribute to the aspiration of a free motherland. Satyagraha is a compound word that includes *satya* and *graha*. Literally, these refer to the “insistence on Truth” or “holding on to Truth.” Gandhi traced the principle of satyagraha in the actions of legendary historical figures, including Socrates (470–399 BCE), Prahlad (traditionally dated c. 3100 BCE, a devotee of God persecuted by his unbelieving father), and Meerabai (1498–1547, a medieval saint-poetess of Rajasthan, the queen of Mewar), who exhibited unparalleled commitment to truth. Satyagraha, as Gandhi explained, was the infliction of suffering on oneself without hatred toward anybody, for a just cause. For resistance based on the principles of satyagraha, a real grievance was a fundamental prerequisite. It requires one who openly and civilly breaks a law because he considers it unjust and obedience to it dishonorable, but willingly submits to any penalty for such a course of action. His only weapon is the uncompromising insistence on truth, that is, the insistence on just law. Such insistence of truth could never be through violence. Satyagraha is insistence on truth through open, nonviolent self-suffering. Underlying Gandhi's philosophy is his understanding of law. Law, for him, was the embodiment of Truth, a higher principle of morality, and in that sense, unjust law was not law.

For Gandhi, satyagraha was as much a birthright as a duty. However, he strongly distinguished civil disobedience from mere nonviolent resistance. The latter, for him, was the weapon of the weak and did not exclude the use of physical force or violence to gain one's end. Satyagraha, on the other hand, as he conceived it, was a weapon of the strong and excluded the use of violence in every form. Gandhi saw an inherent relationship between just demands and the absence of violence. For the success of their struggle, civil disobedients had to rely solely on the righteousness of their demands. Coercion, according to Gandhi, weakened even just struggles. If the demands were unjust, he proclaimed, they could not succeed. Nevertheless, even with just demands, one may lose the cause by resorting to untruth, violence, or coercion.

Selfresistance was, in this sense, braveness and a reflection of courage. Gandhi paid rich tributes to the ability of men and women to suffer silently for the just cause: In their ability to eschew violence, people exhibited traits of real heroes.

Gandhi's conception of civil disobedience also had the criterion of a "minimum unalterable demand." Every act of civil disobedience involved a pledge. It had a minimum purpose to achieve, and Gandhi exhorted his followers to suffer ceaselessly until their demands were met. A pledge meant an unshakeable resolution. Keeping one's pledge was important for the sake of posterity. For Gandhi, every pledge was in the name of God and thus inviolable. No one should submit to the pressure of the situation, but must stand firm. He regarded inability to keep one's pledge as a humiliation. He held in high esteem *satyagrahis* who could keep their pledges until death. In a message to the mill hands of Ahmedabad, he spoke highly of the satyagrahis in Natal (South Africa) who died trying to live their pledges. He recalled Imam Hassan and Hussain as "bold and resolute satyagrahis" whose capacities were incomparable. He spoke highly of Hurbatsingh, the seventy-five-year-old satyagrahi, who died in prison, and the seventeen-year-old Valliamah, who similarly suffered while trying to keep her pledge.

Satyagraha was practiced by several methods, including fasts, cessation of work, protests, and public [p. 197 ↓] demonstrations. People employed these techniques, either singularly or jointly, to resist unjust law. Gandhi's first experiment with satyagraha in South Africa was against the imposition of a £3 tax on indentured Indian laborers. The bill required exindentured Indians to leave for India on the termination of the indenture or enter into further indenture; they could not settle as free persons without paying the tax. It was, in other words, a tax on freedom. For Gandhi, the bill was intended to make people continue to live as slaves or force them back to the country from which they had come, only to avoid starvation. Describing the tax as a "blood tax," he argued for civil disobedience against the bill.

In India, the events in Champaran, the Ahmedabad Mill incident, the agitation against the tyrannical Rowlatt Act of 1919, and the Civil Disobedient Movement of 1929 highlighted the practice of satyagraha as a means to voice protest against the tyranny of laws. The agitation against the Rowlatt Act was really the first occasion in which Gandhi nationally experimented with the philosophy of satyagraha. By incorporating

the recommendations of the Sedition Committee of 1918, Justice Sidney Rowlett sought permanently to restrict civil rights by providing for a system of special courts and detention without trial for a period of two years. All sections of Indian political opinion deeply resented the Rowlett Act, but it was Gandhi who proposed a practicable form of all-India protest. This would go beyond petitioning but did not intend to be unrestrained or violent. It initially began as a modest affair; volunteers courted arrest by public sale of prohibited works. Gandhi, thereafter, took the more radical step of a nationwide strike. The strikes were peaceful but massive and showed remarkable unity among the Hindus and the Muslims. They spread to different areas, and the British increasingly found it difficult to control the growing lawlessness. On April 11, 1919, there were strikes at the Mughalpara railway workshop, employing 12,000 workers, and the situation became so serious that the British withdrew from the city.

However, in most cases, the British retaliated with greater force and ruthlessness, using indiscriminate arrests, torture, and special tribunals. These acts of bitter ruthlessness, however, did not move Gandhi's faith in complete abstention from violence as part of his satyagraha philosophy. When the Non-Cooperation Movement was at its crescendo in 1922, Gandhi called off the movement in response to the killing of twenty-two police officers by protestors at Chauri Chaura. The movement was beginning to show remarkable success, and the abrupt calling off was nationally condemned. Gandhi was unmoved. He conceded that there was ample provocation from the British forces in killing unarmed protestors. Yet passionately reiterating his commitment to the credo of nonviolence, he claimed that he would suffer every humiliation, torture, or ostracism to prevent movements from turning violent.

Gandhi's most celebrated act of civil disobedience, however, was the Salt satyagraha of 1930. Popularly known as the "Dandi March," Gandhi, along with seventy-one of his followers, walked from Sabarmati to the sea on the west coast of India through the heartland of Gujarat and made salt, violating the law that restricted salt making and introduced a tax on its consumption. This lawbreaking was also accompanied by a boycott of foreign cloth and liquor. The movement attracted enormous publicity and attention in the country and even globally. It left the colonial rulers with little choice other than to open negotiations with Gandhi. On different occasions, he also practiced satyagraha by boycotting foreign goods, especially garments, and leading hunger strikes while in jail or outside.

What distinguishes Gandhi's conception of civil disobedience from most existing Western explanations was his emphasis on spirituality. Satyagraha, for Gandhi, was essentially a self-purification process. By subjecting the "self" or the "spirit" in the human body to suffering, he sought to inspire a sense of justice in his adversaries. This "self-suffering" aspect in Gandhian philosophy made spirituality central to the ideas of civil disobedience. He had a holistic vision of human life. For him, human life could be lived only morally, and this strain of morality permeated all aspects of his life: the individual, political, and social. He equated Truth with a higher law that was just. He continuously strove to bring about justness in the policies and legislations of the erstwhile British rulers. These political [p. 198 ↓] acts were also spiritual: they uplifted the human spirit of every person offering satyagraha.

As an instrument of social change, civil disobedience has paid rich dividends in many momentous events in history. The use of the strategy, however, is dependent on the degree of shared conceptions of justice between the oppressed minority and the political majority. Civil disobedience is unlikely to pay dividends against dictators or tyrannical rulers. In this sense, civil disobedience includes a tacit assumption of faith in the possible sense of justice in one's adversary. Civil disobedience raises many questions in jurisprudence, especially about the nature of laws and legal systems. At the heart of the jurisprudential controversy is the debate on the duty to obey law. Is there a duty to disobey unjust law? Is there a right to civil disobedience? Scholars have endlessly debated these issues. Answers have proved elusive. Civil disobedience in the meantime continues.

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See also

- [Colonialism](#)
- [Discrimination, Sociology of](#)
- [Morality and Law](#)
- [Obedience](#)
- [Positive Law](#)
- [Race and Ethnicity](#)

- [Rawls, John](#)
- [Social Change](#)

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