

KAROLINA ROZMARYNOWSKA

CIVIL DISOBEDIENCE  
AND ITS ETHICAL MEANING

INTRODUCTION

Considering the ethical dimension of social life, we look for the values and norms it stems from. We seek to understand the axiological and normative foundations of social space. Such studies are focused around questions about the most appropriate form of community, that would provide optimum development possibilities to its members and enable them to work towards their own welfare. These considerations provide the background for a discussion of civil disobedience, even though it might appear that acts of disobedience, being unlawful, undermine the foundations of community life. All issues related to civil disobedience are in fact concerned with the citizens' place in the society, their role in shaping the community and their responsibility for it. From this perspective, it is worthwhile asking what civil disobedience is, and what function it performs in social life. What does the civil nature of disobedience consist in? Why are acts of civil disobedience endowed with ethical meaning despite their being illegal? In this article, I will try to answer these questions. In order to do that, we will need to distinguish civil disobedience from other forms of social protest, define its essence, its subject matter, and conditions which justify it, and discover the relationship between civil disobedience and the limits of obedience to the law.

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## 1. CIVIL DISOBEDIENCE AND OTHER FORMS OF SOCIAL PROTEST

Every society, the state in particular, functions based on certain defined principles of social life, implemented by its laws and customs. In the absence of such principles, or when they are notoriously violated, the society gradually turns into a pack of individuals who fight one another. This does not mean, however, that legal norms and customs embodying certain principles exist only as a set of rights and obligations which have been chosen and accepted once and for all. They are continuously sought after and simultaneously challenged in a perpetual and dynamic social process. If a certain law is considered unjust, the citizens usually voice their objections—in a manner which depends on the circumstances.

In order to distinguish civil disobedience from other forms of protest, two main types of social dissent should be pointed to: the passive and the active one. The former, which Ija Lazari-Pawłowska has referred to as internal resistance, means “a mental protest against a certain phenomenon in public life accompanied by external passivity.”<sup>1</sup> It is a situation in which a person’s attitude to some developments in social life is negative, but they do not undertake any public activity to change that state of affairs. Their objection is expressed verbally, if at all, and only in the private sphere. The motives of such behaviour might vary, of course, and that type of protest should be morally evaluated only on their basis. Limiting one’s resistance to internal protest may result from the wish to avoid inconvenience, hopes for personal benefits, doubts about victory, a sense of helplessness, or an attempt to avoid negative consequences for one’s near and dear ones. Only a good understanding of the situation allows for commendable prudence and mindful deliberation to be distinguished from cowardice.<sup>2</sup>

Even though passive resistance does not lead to change, or elimination of a certain form of evil from social space, it may be a positive phenomenon. Its meaning and value is particularly clear in terrorized societies in which active protest is an act of heroism, since even the slightest sign of resistance entails the risk of death. Internal protest against injustice or harm is a proof of moral sensitivity and a way to protect it. Indeed, it is a sign of moral consciousness, since mental protest must be preceded by the recognition of

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<sup>1</sup> Ija LAZARI-PAWŁOWSKA, *Etyka: pisma wybrane*, ed. Paweł J. Smoczyński (Wrocław, Warszawa, Kraków: Zakład Narodowy im. Ossolińskich, 1992), 59.

<sup>2</sup> Cf. *ibid.*, 59–60.

evil as evil. It should also be stressed that the lack of active resistance does not mean active involvement on the side of evil. Therefore, it is a moral obligation, even in a situation of extreme danger, to protest against being an instrument of crime.

Another form of resistance is active protest, which may involve the use of violence or be violence-free. That distinction is of particular importance for civil disobedience, as most theoreticians and practitioners alike believe that the absence of violence is one of the most important features of civil disobedience.<sup>3</sup> Violence, they argue, contradicts the idea of justice which is the foundation of social life. It cannot be reconciled with the idea of law and order, or the pursuance of a peaceful coexistence of citizens. Moreover, being a form of civil dialogue, disobedience should use rational arguments instead of resorting to the argument of force, which, being in contradiction to respect for man's freedom and rationality, makes civil cooperation impossible.<sup>4</sup> Moreover, the postulates of such practitioners as Mahatma Gandhi or Martin Luther King, Jr., whose activities contributed to the development of the concept of civil disobedience, are not to be disregarded. Rejecting violence as a method of struggle, they referred first of all to moral motivation. Gandhi in particular treated disobedience as a moral appeal which ruled out hatred and instrumental treatment of one's opponent, that is, the methods of deceit, falsehood, or revenge. Thus, if disobedience is to be a civil act, it must be a manifestation of moral pursuit, in which both the ends and the means are morally justified. And aside from the moral reasons for not resorting to violence, there is also the praxeological argumentation, which points out that rejection of violence represents a more efficient method of struggle and offers more chances of success than the use of violence (it makes negotiations and attempts at solving the conflict more likely).<sup>5</sup>

The problem, however, concerns the definition of violence. What is violence? What activities should be considered a form of violence? Answers to these questions vary considerably, which results in various definitions of civil disobedience, even with universal consent about its rejection of violence.

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<sup>3</sup> Hugo Adam BEDAU, "On Civil Disobedience," *The Journal of Philosophy* 58 (1961), 21: 656–657.

<sup>4</sup> Cf. Artur SZUTTA, *Obywatelskie nieposłuszeństwo* (Warszawa: Semper, 2011), 73–75.

<sup>5</sup> In substantiation of that thesis, reference should be made mostly to psychological mechanisms, such as escalation of violence, the interdependence between kindness and reduction of hostility.

When trying to define violence, one should first differentiate between its broad and narrow meaning. The former has been defined by Hans Saner as anything that results in bodily or spiritual damage to man<sup>6</sup>. That meaning seems to be overly general, as it includes activities which may be justified and morally acceptable in certain circumstances. With that aspect in view, violence may be defined as proposed by Robert P. Wolff, namely as an “illegitimate or unauthorized use of force to effect decisions against the will or desire of others.”<sup>7</sup> Narrowed-down definitions of violence emphasize the element of risk to human life. Such approach excludes, however, any activities which, while involving the use of force, do involve a risk to life, such as incapacitation. And there is also the question whether causing material damage, for instance breaking windows or setting cars on fire, should be considered an act of violence. When answering these questions, it should be noted that violence as such is gradable, which means depending on the situation we are dealing with a different level of intensity. Lazari-Pawłowska, following the intuitions of Richard B. Miller, suggests that violence should be defined as the actual killing, hurting or causing physical incapacitation of another person, or causing material damage, as long as such activities are performed against the will of the person who suffers the consequences.<sup>8</sup> In the context of civil disobedience, she believes violence should be understood as the use of physical force, and distinguishes it from mental pressure, intimidation, threats, persuasion or coercion. Violation of the fundamental human rights to life and bodily integrity is one thing, and causing impediments to others in exercising their right to freedom of movement (such as a road block, occupation of a public building), or refusal to cooperate (e.g. refusal to pay taxes, failure to comply with the orders of authorities), is another. Such distinction is necessary for those methods which resort to coercion or persuasion and are reconcilable with the idea of civil disobedience to be identified and differentiated from those which contradict it. A definition of violence that is too broad and encompasses all of the above methods would, in situations in which citizens have made use of all legally permitted ways of expressing their objection, leave no room for any further action on

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<sup>6</sup> Cf. Hans SANER, *Hoffnung und Gewalt* (Basel: Lenos-Verlag, 1982), 74. Quoted in: Ija LAZARI-PAWŁOWSKA, “Etyczne aspekty obywatelskiego sprzeciwu,” *Etyka* 25 (1990): 146.

<sup>7</sup> Robert Paul WOLFF, “On Violence,” *The Journal of Philosophy* 66 (1969), 19: 606.

<sup>8</sup> Cf. I. LAZARI-PAWŁOWSKA, *Etyka: pisma wybrane*, 61–64. Such understanding of violence, which the author refers to as personal, should be juxtaposed to structural violence which results from a social system limiting the development of particular social groups or strata.

their part. Some forms of coercion and persuasion can be reconciled with the idea of civil disobedience, as long as they represent a proportionate response to the circumstances and do not preclude the possibility of dialogue and cooperation.<sup>9</sup>

Its avoidance of violence is the feature which differentiates civil disobedience from revolution. Revolution resorts to more extreme measures, as its aim is to change the entire political system, while disobedience, challenging a particular law or decision of state authorities, uses less radical methods. Revolution represents resistance to authorities or the law, while civil disobedience does not challenge the legality of power or the legitimacy of the entire legal system.<sup>10</sup> Civil disobedience should also be distinguished from conscientious refusal, when failure to obey the law is substantiated with the clash between its provisions and the judgment of one's conscience. Conscientious refusal differs from civil disobedience in that "it does not need to be aimed at convincing the majority to change the law, to change the politics, or to change public practice. ... It is sufficiently substantiated by the earnestness of one's underlying private moral or religious convictions"<sup>11</sup>. It is a protest against being forced to act contrary to one's convictions, demanding an exception from the principle of general applicability rather than a change of law.

Hannah Arendt argues that the judgment of one's conscience cannot justify an act of disobedience, since "conscience is apolitical. ... It is concerned with the individual and their integrity."<sup>12</sup> The commands of conscience are subjective by nature, while an act of civil disobedience is a group action which refers to shared argumentation. Moreover, if one assumed that breaking the law could be justified with its inconsistency with one's conscience, it would be difficult to prevent "civil disobedience from becoming a philosophy of subjectivity ... a thoroughly personal philosophy in which any individual could disobey the law for any reason at all."<sup>13</sup>

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<sup>9</sup> Cf. A. SZUTTA, *Obywatelskie nieposłuszeństwo*, 77–78.

<sup>10</sup> Cf. Michał Roch KACZMARCZYK, *Nieposłuszeństwo obywatelskie a pojęcie prawa* (Warszawa: Oficyna Naukowa, 2010), 18; A. SZUTTA, *Obywatelskie nieposłuszeństwo*, 74–75.

<sup>11</sup> A. SZUTTA, *Obywatelskie nieposłuszeństwo*, 60. The author proposes this thesis based on views presented in John Rawls's *A Theory of Justice*.

<sup>12</sup> Cf. Hannah ARENDT, *O przemocy. Nieposłuszeństwo obywatelskie* [*On Violence: Civil Disobedience*], transl. [from English] by Anna Łagodzka and Wojciech Madej (Warszawa: Fundacja Aletheia, 1999), 152–153.

<sup>13</sup> Nicholas W. PUNER, "Civil Disobedience: An Analysis and Rationale," *New York University Law Review* 43 (1968), 4: 708. Quoted in: H. ARENDT, *O przemocy*, 146–147.

In some approaches, these categories are linked, however, so that the judgment of one's conscience provides the basis for civil disobedience. Such was the opinion expressed, among others, by Henry David Thoreau, who, believing the war with Mexico to be immoral, refused to pay taxes. He emphasized the fundamental role of conscience, asking the rhetorical question: "Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience then?"<sup>14</sup> For Thoreau, the justness of law should be judged by conscience, and a clash between the law and such judgment should result in refusal to obey.

Thoreau is right in that conscience may be the source of a citizen's moral judgments concerning social issues. In the case of civil disobedience, however, it is not enough to invoke one's conscience; one must publicly present rational arguments substantiating their position, and, as has been particularly emphasized by Arendt, win the support of a significant number of fellow citizens. An act of disobedience is a group action, not an individual one, and results from a shared opinion that a particular law or decision of public authorities is unjust.

## 2. THE ESSENCE OF CIVIL DISOBEDIENCE

When looking for the ethical dimension of civil disobedience, special attention should be paid to its civil character. Even intuitively, it is clear that the first of the notions forming the expression contains a certain normative and axiological "layer". Before we try to answer the question about who a citizen is and what civil attitude consists in, it should be made clear that we are interested in the ethical, and not the legal, dimension of citizenship. Thus, we are looking for an ideal, or a definition of what a citizen should be like.

Civil attitude is related to a particular type of participation in the political community in that it is free and deliberate. Deliberation and voluntariness determine the authenticity of civil participation. Moreover, that type of belonging does not result from formal affiliation, but is related to active participation. It is a special kind of activity, as it consists in cooperation with others aimed at achieving a certain common good. It is usually pointed out that a citizen is prepared to give up their particular good, to sacrifice their private welfare for the sake of the common good; I believe it would be more

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<sup>14</sup> Henry David THOREAU, *Civil Disobedience and Other Essays* (Stilwell: Digireads.com Publishing, 2005), 4.

accurate to say, however, that a citizen can see their wellbeing as part of the common good; or, in other words, the common good becomes a realization of their own welfare. That, after all, is what an authentic attitude of solidarity consists in. For such cooperation to be effective, mere willingness or good intentions are not sufficient, there is also need for certain knowledge and skill. Thus, a citizen must know what the common good of the community consists in at a particular time and how it can be achieved, and have the competence required to act on that knowledge. That competence includes, among others, the ability to pass rational, critical judgments and express moral opinions. The role of civil virtues is often emphasized, such as solidarity, responsibility, honesty, disinterestedness, tolerance. Such abilities are not given to anyone, but are developed through experience and practice. That is why involvement in political life, participation in public debates, an attempt at understanding processes which occur in the community are an important element of civil attitude. Only that type of involvement may result in a fully conscious participation in the common process of decision-making. Choosing a particular form of realizing the common good in a free and deliberate manner, the citizen becomes a co-creator and co-manager of the community they belong to. It should be noted, however, that the ability to co-create the community makes them responsible for its condition. Thus, the right to participate in shaping the social space also becomes a duty to actively participate in working towards the common good.

The type of civil involvement discussed above requires a special kind of interpersonal relationships. Citizenship is a particular type of relations between the members of a political community, one that enables them to co-decide, co-operate and co-create. Such relationships are based on mutual justice and good will. Thus, civil cooperation is also possible because of the citizens' obedience to the law. The space of debating and deciding about issues of common interest requires the permanent foundations of law, since the rule of law is a guarantee of social order and security. Citizens have the duty to obey the law, since "no cooperation of a civil society would be possible if we did not obey common rules which allow us to expect others to behave in a certain way."<sup>15</sup>

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<sup>15</sup> Dorota PIETRZYK-REEVES, *Idea społeczeństwa obywatelskiego. Współczesna debata i jej źródła* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 2004), 311.

Since it is the duty of a citizen to obey the law, and since it demonstrates their civil attitude, how can disobedience, which, by definition, consists in breaking the law, be an expression of that attitude?

The duty to obey the law is not an absolute one. In accordance with the concepts of natural law, there is an ideal of justice by which law is judged: “a norm is not just because it is law, but it is law because it is just.”<sup>16</sup> Consequently, civil duty to obey the law is limited, or even lifted, if a law is unjust. What conditions must be met for a legal norm to be reasonably considered unjust? Artur Szutta lists four such conditions:

(a) a law is created in contravention of the principles of reasonable debate and freedom, that is, when it is forced upon citizens [...]; or (b) it violates the inalienable rights of citizens, or a group of citizens, denies the right to own property, prohibits religious practices, or provides for their incapacitation in any other (unjustified) way; or (c) provides for unequal (disproportionate) distribution of duties (and privileges) among citizens; [...] (d) the legal provisions themselves are essentially just, but are not respected in practice.<sup>17</sup>

The possible existence of unjust laws makes disobedience to law not only justified at times, but even morally obligatory. The law may, or even should be broken, Thoreau claims, when “it is of such a nature that it requires you to be the agent of injustice to another.”<sup>18</sup> In this context, civil disobedience is a type of collision between legality and the legitimacyzation of legal order. Disobedient citizens substantiate their actions by pointing to a deficit in the legitimization of a particular legal norm. They challenge legality in the name of legitimization. With that distinction in place, civil disobedience may be an illegal act which is nevertheless substantiated with the general principles of justice on which law is founded and which provide for its legitimization.<sup>19</sup>

Civil disobedience, being an illegal act,<sup>20</sup> differs from offence or crime in that it is a political act, and therefore a public one. Its overt character is an important attribute of civil disobedience, since it is a form of communication with the authorities and with the society. Disobedience “is motivated by an

<sup>16</sup> M.R. KACZMARCZYK, *Nieposłuszeństwo obywatelskie*, 80.

<sup>17</sup> A. SZUTTA, *Obywatelskie nieposłuszeństwo*, 99–100.

<sup>18</sup> H. D. THOREAU, *Civil Disobedience*, 9.

<sup>19</sup> Cf. M.R. KACZMARCZYK, *Nieposłuszeństwo obywatelskie*, 25–26.

<sup>20</sup> The relationship between civil disobedience and breaking the law has been discussed, among others, by Rex Martin (Rex MARTIN, “Civil Disobedience,” *Ethics* 80 (1970), 2: 123–139) and Stuart M. Brown (Stuart M. BROWN, “Civil Disobedience,” *The Journal of Philosophy* 58 (1961), 22: 669–681).



attempt to attract the opinion of the state or the public opinion to the discrepancy between the legitimization of certain norms, policies or administrative decisions by legality itself, and their fundamental, ‘substantial’ legitimization.”<sup>21</sup> It is thus understood as an appeal aimed at demonstrating the existence of a particular problem, emphasizing its importance, or even dramatizing the consequences of unjust law. Disobedient citizens use the method of persuasion which is “aimed at persuading others that a law or governmental policy is morally indefensible and must be changed.”<sup>22</sup> An act of disobedience is thus a type of message, and as such must be performed publicly so that the information reaches the addressee—the authorities and the public opinion.

An act of disobedience may thus be considered a type of performance,<sup>23</sup> as it is an act aimed at causing specific results, and therefore must be planned and executed in accordance with a particular scenario.<sup>24</sup> It is intended to cause a sense of discomfort and shame in those in power, and a sense of compassion and sympathy in the society. Consequently, disobedience is an act of communication whose “unnatural” meaning contained in breaking the law must be “decoded”. As a performative act of communication, it presumes the existence of an addressee and a sender. The sender sends a message to the addressee in order to cause a particular reaction on their part.

Publicity is therefore a condition for achieving the goal of civil disobedience, namely for causing a change of an unjust law. The change cannot be brought about without information being explicitly provided on the subject matter of the protest, followed by an invitation to open a debate. A hidden protest offers no chances for coming to an agreement, since it does not lead to the creation of any common grounds for dialogue.

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<sup>21</sup> M.R. KACZMARCZYK, *Nieposłuszeństwo obywatelskie*, 27.

<sup>22</sup> David LYONS, “Moral Judgment, Historical Reality, and Civil Disobedience,” *Philosophy & Public Affairs* 27 (1998), 1: 33–34.

<sup>23</sup> Many authors use the term “perform” to refer to actions taken by disobedient citizens, e.g. “[civil disobedience is] a public protest [...] performed by someone who respects the prevailing system and willingly suffers the legal consequences of disobedience”. D. LYONS, “Moral Judgment,” 33–34.

<sup>24</sup> Performance is contained in interaction, relation, or attitude, and is aimed at acting upon others. The motivation of group performance, including acts of civil disobedience, is an attempt to bring about a change by coming to an agreement. Making use of the theatrical features of action, performers convince, persuade, prevail upon others, and thus create a particular vision of reality. Cf. Richard SCHECHNER, *Performance Theory* (New York: Routledge, 2003).

Naturally, there are situations in which disobedience must be concealed, or else it would be ineffective. The example most often cited in literature is the assistance white Americans offered to runaway African slaves. If they were to disclose the fact they were hiding a fugitive, their act would make no sense. Public disclosure is also limited when there is an actual threat of repression or violent reaction on the part of authorities or other citizens. Full openness requires confidence in those in power and the society. Thus, it must be adjusted to the situation, so that it enables a discussion concerning the unjust regulations on the one hand, and does not preclude the possibility of performing the act of disobedience itself on the other.

The above analyses show that when disobedience is an expression of the civil attitude, it fulfils the same function as obedience to the law. A citizen, sharing in the responsibility for the community and striving to attain the common good together with others, has the duty to try and change any laws which contravene the principles of justice. The goal of civil disobedience is the same as the goal of law itself, namely to build a more authentic political community, a society which continues on the road to attaining the ideal of justice.<sup>25</sup> Citizenship, depending on the current social and political situation, is expressed through various attitudes and activities. It is usually related to the rule of law, but when citizens have reasonable grounds to believe a particular legal regulation is unjust, it takes the form of civil disobedience.

To sum up what has been said so far, let us look at a definition which refers to the key elements of civil disobedience discussed above. According to Rex Martin, "civil disobedience is the deliberate and public violation of the command of an authorized and accepted political superior on the ground that this decree is unjust, immoral, unconstitutional, contrary to good public policy."<sup>26</sup> It is an act that is illegal, committed openly, nonviolently, and conscientiously within the framework of the rule of law and with the intention of frustrating or protesting some law, policy or decision of the government.<sup>27</sup>

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<sup>25</sup> Cf. Howard ZINN, *Disobedience and Democracy* (New York: Random House, 1968), 119. Quoted in: A. SZUTTA, *Obywatelskie nieposłuszeństwo*, 53.

<sup>26</sup> R. MARTIN, "Civil Disobedience," 126.

<sup>27</sup> Cf. Hugo Adam BEDAU, "Civil Disobedience and Personal Responsibility for Injustice," *The Monist* 54 (1970), 4: 519.

### 3. CIVIL DISOBEDIENCE AS AN EXPRESSION OF ETHICS

Civil disobedience understood as an attempt at promoting justice reveals its moral and ethical character. The moral dimension should, I believe, be linked to the criteria which must be met for an act of disobedience to be morally justified—the criteria of justice and goodness. Civil disobedience is a just act if it is triggered by overt and obvious injustice,<sup>28</sup> when we are dealing with discrimination, or violation of fundamental human rights such as the right to life or freedom.<sup>29</sup> The other condition refers to good intentions. An act of disobedience may be considered morally good when citizens who act on reasonable hopes for victory really strive towards dialogue and understanding.<sup>30</sup> We are thus dealing here with an externalist criterion, which says that civil disobedience must be limited to protesting substantial and clear violations of justice (which requires making a substantial moral judgment about the importance of relevant values), and an internalist criterion, which refers to dissenter beliefs.<sup>31</sup>

The ethical dimension, on the other hand, is related to an attitude which Ricoeur refers to as the pursuit of good living. The concept of ethics points to the subjective moment of that pursuit. The ethical character of civil disobedience results, I believe, from the relationship between an act and a person. Going down that line of argument, it should be pointed out that an act

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<sup>28</sup> Cf. John RAWLS, *Teoria sprawiedliwości [A Theory of Justice]*, transl. [from English] by Maciej Panufnik, Jarosław Pasek, and Adam Romaniuk (Warszawa: Wydawnictwo Naukowe PWN, 1994), 511. Reference to justice in substantiation of an act of civil disobedience is, according to Michał Roch Kaczmarczyk, related to religious tradition. He believes that perspective is expanded by the romantic tradition which refers to the freedom of man and citizen. The reformist tradition, in turn, substantiates disobedience with its social functionality. Finally, the democratic tradition invokes its integrative function. Cf. M.R. KACZMARCZYK, *Nieposłuszeństwo obywatelskie*, 95.

<sup>29</sup> The injustice to which an act of civil disobedience is a reaction certainly involves the violation of rights affirmed in the *Universal Declaration of Human Rights* of 1948. That is not the only criterion, however; each society has its own system of values, norms and aspirations which allows its citizens to distinguish between what is acceptable and what is not. Moreover, acts of civil disobedience are more and more often now performed in defense of not only human beings, but the rights of animals, or even broadly understood natural environment as well.

<sup>30</sup> “We have seen that a pragmatic defense of civil disobedience is able to provide a basis for such a necessary ethics. It is able to do so because it discovers a socially necessary function for civil disobedience. It can therefore (1) limit civil disobedience to what is essential to the performance of this function and (2) limit this function to the social situations in which it is needed”. Harry PROSCH, “Towards an Ethics of Civil Disobedience,” *Ethics* 77 (1967), 3: 190.

<sup>31</sup> Cf. Eugene SCHLOSSBERGER, “Civil Disobedience,” *Analysis* 49 (1989), 3: 148–149, 153.

of disobedience, being an expression of the civil attitude, is a deliberate act of free will. Freedom and deliberation are those features of an act which make it a deed; in other words, an act which is personal. Performing a deed, the doer realizes their personal structure of self-possession, self-governance and self-determination. Unlike in the case of involuntary movements, in the case of a deed it is a person that is the source of changes occurring both in the external world and in themselves. A deed, including an act of civil disobedience, can therefore be considered an expression of self-dependence.<sup>32</sup>

A protest against an unjust law thus proves the autonomy of a person. A citizen who refuses to obey acts in accordance with their own moral beliefs. Unlike in the case of a conformist attitude, in which man becomes the object rather than the subject of social change, an act of civil disobedience requires the adoption of a critical attitude based on reflection and a self-made decision. An act of civil disobedience is a realization of the autonomy of the subject, expressed in the „commitment to leading a way of life they find valuable and meaningful.”<sup>33</sup>

Civil disobedience is the result of deliberate participation and consists in joint attempts at restoring or establishing certain norms or values. It is a teleological act whose goal is that which should be, or a certain moral good. That aspect of civil disobedience also emphasizes its personal nature, as it requires the ability to interpret reality in axiological and normative categories; in other words—it calls for a developed moral awareness.<sup>34</sup> A citizen performing an act of civil disobedience must, therefore, be a moral subject, capable of describing and evaluating social reality in terms of good and evil.

When discussing civil disobedience as an expression of ethics, it should be noted that in acting for the common good of the community as a whole, the disobedient citizen goes beyond their egotistic motives and pursues that which is good not only for them, but also for others. The perspective they adopt is thus more objective, impartial, and consequently ethically superior. The capacity for self-transcendence, or relativization of one's own desires

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<sup>32</sup> Cf. Karol WOJTYŁA, *Osoba i czyn oraz inne studia antropologiczne* (Lublin: Towarzystwo Naukowe KUL, 2000).

<sup>33</sup> David LEFKOWITZ, “On a Moral Right to Civil Disobedience,” *Ethics* 117 (2007), 2: 207. The personal character of civil disobedience is also emphasized by Thoreau, who said: “It costs me less in every sense to incur the penalty of disobedience to the State than it would to obey. I should feel as if I were worth less in that case”. Cf. H.D. THOREAU, *Civil Disobedience*, 11.

<sup>34</sup> Cf. Darnell RUCKER, “The Moral Grounds of Civil Disobedience,” *Ethics* 76 (1966), 2: 143–145.

and particular interests is, according to Robert Spaemann, the essence of personal existence. Refusing to treat everything as their entourage, a person is able to adopt someone else's perspective.<sup>35</sup> Moreover, civil activity, including acts of disobedience, requires that fellow citizens be considered equal to one another, enjoying the same rights. Respect for other people due to their special value is the main motivation behind civil disobedience. It should also be pointed out that defence of fundamental civil rights requires the ability to cooperate on the terms of equality and reciprocity.

Civil disobedience cannot be imagined other than as a common initiative resulting from deliberate resolutions of the participating persons. Such cooperation would be impossible without a special relationship between citizens, one that could be referred to as civil friendship. Thus, working towards the common good, citizens form a community with interpersonal relationships. "Civil cooperation is based on mutual confidence that all participants will stay true to the mutual obligations they accept by participating."<sup>36</sup> It is not only political, but first of all moral, as it teaches us to be with others, not in a crowd, but in a community that is interrelated through common efforts and reciprocal obligations.<sup>37</sup> The bond on which civil disobedience is founded consists in the recognition of mutual rights and obligations which arise from the sense of responsibility for the community and for oneself.

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<sup>35</sup> Cf. Robert SPAEMANN, *Granice. O etycznym wymiarze działania*, transl. [from German] by Jarosław Merecki (Warszawa: Oficyna Naukowa, 2006), 157.

<sup>36</sup> A. SZUTTA, *Obywatelskie nieposłuszeństwo*, 37.

<sup>37</sup> Cf. Barbara SKARGA, *Człowiek to nie jest piękne zwierzę* (Kraków: Znak, 2007), 154.

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## OBYWATELSKIE NIEPOSŁUSZEŃSTWO I JEGO ETYCZNE ZNACZENIE

### Streszczenie

Celem rozważań podjętych w artykule jest rozpoznanie etycznego wymiaru obywatelskiego nieposłuszeństwa. Stawiając sobie takie zadanie, autorka zastanawia się, czym różni się nieposłuszeństwo obywatelskie od innych form społecznego sprzeciwu, a także usiłuje rozpoznać jego istotę. W tym celu identyfikuje kluczowe cechy oraz przedmiot aktu nieposłuszeństwa. Wyjaśnienie, na czym polega obywatelski charakter omawianego działania, pozwala na omówienie jego moralnego i etycznego znaczenia. Podkreślając osobowy charakter obywatelskiego nieposłuszeństwa, autorka ujmuje je jako wyraz etyczności.

## CIVIL DISOBEDIENCE AND ITS ETHICAL MEANING

### Summary

The goal of the discussion presented in the article is to recognize the ethical dimension of civil disobedience. Setting out to achieve that goal, the author analyses the difference between civil disobedience and other forms of social protest, and attempts to define its essential substance. With that goal in view, she identifies the key features and the subject matter of an act of disobedience. Having explained the civil character of disobedience, she then goes on to discuss its moral and ethical significance. Emphasizing the personal character of civil disobedience, the author presents it as an expression of ethics.

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**Słowa kluczowe:** obywatelskie nieposłuszeństwo; postawa obywatelska; etyczność; sprawiedliwość.

**Key words:** civil disobedience; civil attitude; ethics; justice.

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