

On what grounds is it possible to justify resistance to state power essay sample



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Civil disobedience has played an important role in the history of many countries, it has helped overcome unpopular policies and oppression when all else fails. Some great examples of this would be Ghandi's civil disobedience in winning India's liberty, whilst in America Martin Luther King helped win the black people basic rights. In both these examples, it was impossible to help address the grievances lawfully and civil disobedience was the only remaining way of making a positive difference. In my studies, I will determine under what circumstances resistance to state power can be justifiable if it can ever be justified at all, using the ant-poll tax movement as a recent example of civil disobedience towards the state.

It is often the case that an individual chooses to break the law in protest when they feel their rights are infringed upon by a certain law or policy. John Locke for example referred to an individual's resistance to state power as a right when the states measures are threatening their ' natural rights'.

However, it is not always the case that what society considers as a natural right will comply with what an individual may see as his natural rights. As a solution to this problem, a court of human rights has recently been set up but is still often tested by individuals who feel their rights are infringed upon by the state.

The most obvious case in which it is deemed justifiable to resist the state is under a tyrannical government because such governments are not often seen as legitimate and their power is often adopted against the will of the people thus holding no real authority. It is argued that that resistance to a tyrannical state is imperative¹and have little or no moral objectives of

pursuing the common good so it is under such circumstances that there should be obligation to follow and accept the states policy. 2

For civil disobedience to be deemed justifiable, we have come to understand that four measures should be seen to of been met. These four measures are that any act of civil disobedience must be reasonable and just and never selfish, the final resort after all other means have been exhausted, the means must further the cause and the consequences must justify the protest. 3

The first ground for having to disobey the law is that what an individual is doing is reasonable and just and should never be an act of self interest. It would be wrong to disobey the law for selfish reasons because it does not benefit the state. Rousseau argued in his political thoughts that there should be a moral and absolute obligation to the general will, even as far as including self sacrifice. It can be argued that in the resistance to the poll tax, those who refused to pay were often acting on the grounds that they were choosing to save their money rather than refusing to pay on the grounds of principal. This can be suggested as it has been stated that the poll tax was widely misunderstood and refusal to pay was selfish as the benefits of the tax were rarely recognised. 4

It is from here that it is possible to conclude that breaking a law is never really justifiable as we must put our trust in the state and authority as they are there to act in our interest. This is, as it is, us who has given the state authority in the UK and is us who chooses to maintain our current government.

The second standard to be met is that before any individual chooses to disobey the law all other means of protest should be 'exhausted'. This should naturally include peaceful demonstrations, lobbying and petitions for example. In the case of the anti-poll tax movement, most methods of protest were used constantly with the campaign of non-payment being the last resort for those opposing the tax. Before the law was implemented, many efforts were made in the early part of 1990 with, large amounts of action put into lobbying MP's and starting petitions but despite this the legislation was still passed.

Before disobeying the law, it must be asked 'does the means chosen further the cause?' If it does not, then there will be little or no benefit for anyone and will only result in punishment upon the individual who chose acts of disobedience. The refusal to pay the poll tax however was never seen as an individual act but instead a mass campaign across Britain with the hope that the law will be repealed. The anti-poll tax movement was successful and furthered the cause because not only was the tax removed but large numbers of people were mobilised and parts of the political system were discovered that could be undermined. 5

The forth and final criteria that should be met to justify civil disobedience is that the consequences of the actions taken must be justified. Should the actions taken by any individual not justify the cause, then the wrong course of action was taken. An example of this would be if there was suffering as a consequence of the actions taken, where the bad outweighs the good or if those who benefit from the consequences are a minority to those who don't benefit and quite possibly suffer. On the whole, protests against the poll tax <https://assignbuster.com/on-what-grounds-is-it-possible-to-justify-resistance-to-state-power-essay-sample/>

caused little suffering to outsiders and only to those involved who were willing to be punished for their actions. However, there were few who suffered at the hands of violent protestors in the poll tax riots such as the ‘Battle of Trafalgar’ where demonstrators and police were injured and shops and businesses were damaged.

To justify violence in protesting, every other possible form of action must be taken whilst examining who the violence would be towards and who, if anyone, it will benefit and who will suffer. It is in my opinion that such violent protests were not necessary in the anti-poll tax movement as it helped the cause little whilst the non-payment campaign was much more successful in achieving their aim. One of the problems of the poll tax riots was that was no need to break the law further to make their point and the riots became nothing more than self-indulgent violence with property being destroyed. It is such acts of civil disobedience that can often be counter productive to the cause and it is in fact that so called ‘productive violence’ is often directed towards innocent members of the public.

“ Civil disobedience may be defined as a principal, purposeful, and public disobedience of the law. Principled, because it does not result in selfish gain, purposeful, because it is undertaken in order to change particular laws or policies (but not the system in general), and public because publicity for the cause is the aim of protestors” 6

This statement sums up the four key issues to think about when resisting state power and also brings up the importance of raising the profile of a cause. One key issue raised by civil disobedience towards an authority is the

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way in which it amasses media and public attention which projects an urgency and a power towards the protest. It is because of this that civil disobedience is considered more often as a way of helping their cause.

Even though Britain is considered a democracy, we have the chance to vote only once every five years and even then it is an indirect democracy as we vote for a political party. It is because of this it is argued that the opinions of the people are not properly voiced hence civil disobedience being considered a powerful way of making the public count if their beliefs and rights are not being properly recognised. This view is similar to that expressed by John Locke who believed the public had a limited obligation to the state and held a right to change, especially under a tyrannical government. If any law was oppressive, it must be broken even if it meant disobeying the law out of a concern for legality.

On the other hand, just because we only vote once every five years, it doesn't mean we have to resort to civil disobedience as our local MP's are there to represent us and can be contacted through letters, and turning up to weekly surgeries. It is then their role to act as a representative to its constituents.

One argument put forward for the case of civil disobedience never being justified was by the English philosopher, Thomas Hobbes. The case is put forward in the way that before society, the state of nature was that human nature was to be selfish causing disorder and insecurity and it was because of this society was formed. The ideal society was one that was ruled by a sovereign that compelled obedience to the law. For Hobbes, the role of

government to maintain order was far more important than individual freedom. 7 To an extent, I believe this to be right but there is always the danger that in having an absolute power their will be a failure in their being a moral obligation, with consideration with what is right for the people, from the state.

The view of when civil disobedience was right in the opinion of French philosopher, Rousseau, differed from that of Hobbes in the way he placed the value of freedom above order. However Rousseau clearly stated that people should obey laws that are in the interest of the general will by doing what is best for society as a whole. This also means that he believed that any laws that don't benefit society on a whole should be broken.

It would be hard to determine whether political philosophers such as Hobbes and Rousseau would have seen the anti-poll tax movement as an act of civil disobedience that was necessary. However, we can make assumptions by looking closer at their philosophies and ideas of civil disobedience. It is likely that Hobbes would see that there were no rights for such a resistance to state power as it was a law passed by the ruling state to generate tax funds from the people and any resistance was an act of self interest. Rousseau on the other hand may have seen the resistance as a necessity to protect our natural rights and such an act of civil disobedience was one made in the interest of the general will.

To conclude further, it is in my opinion that civil disobedience is never justifiable unless all other methods and paths have been taken to obtain their goal and express their opinion and even then it should be carefully

considered whether taking illegal action will help the cause be reached. It is always not easy however to determine if all other courses of action have been taken leaving the thought of civil disobedience being a 'last resort' as a more open debate. It is then also the case that the course of civil disobedience should only be taken if it serves the majority and not a minority unless the majority are in no way affected by it. I have shared this view with similarities to that of Rousseau considering that modern day problems can arise in determining what is in key with the general will and what is morally and politically right.