

Civil Disobedience and Circumstances Justifying It.

Abstract

The article addresses such an important and topical issue as civil disobedience and circumstances justifying it, taking into account the works of legal philosophers - John Rawls, Joseph Raz, Ronald Dworkin and Kent Greenawallt. Nowadays, in international legal doctrine, civil disobedience is considered as one of the most controversial concepts in the pure political-legal context as well as in the philosophical-moral terms. The issue is problematic insofar as history shows that in many countries around the world, governments elected democratically, with the support of the people, fail in fight with the passions of authoritarianism at a particular stage of governance and take the form of a façade democracy. Such regimes often neglect the requirements of the rule of law, concentrate the power of the country in the hands of a particular group and deprive the citizens of the reins of government, thereby undermining their own legitimacy.

Based on the principles of the rule of law and democratic legitimacy of government, the citizens of the country, who are threatened by the government of the already transformed illegitimate regime, have to solve the most important question – what they should do against democratically elected legitimate government which at a particular stage of governance continuously violates the fundamental principles of democracy, basic human rights and freedoms. Their choice will be significantly reflected in their fate and daily life, in the stability and development of the country – either to submit to a morally and politically delegitimized government whose actions go beyond democratic values, or to choose the other path - the path of political and legal disobedience as a last resort and radical means ensuring the protection of their fundamental rights and freedoms, and of democracy.

In the framework of the paper, a comparative research method has been used. As a result of the discussion and comparison of the positions of the above-mentioned scholars, the notion of civil disobedience, its characteristics and criteria in case of which it will be justified, have been defined.

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Introduction

Protection of fundamental human rights and freedoms is an unconditional duty for modern democratic state. History has shown that governments in both democracies and non-democracies have a tendency to adopt laws or policies that are in conflict with human rights. Usually, the majority of the society resorts against such a government to the path of political-legal disobedience, which, in their opinion, is justified and based on conscientious as well as legal, moral and other grounds. It should be noted that there is no “universal” model of civil disobedience acceptable to the public, with its essence and preconditions, for how citizens should act against unjust law or governmental policies. Therefore, this paper will discuss such an important and topical issue as civil disobedience and circumstances justifying it, which is considered as a one of the most controversial concepts in both pure political-legal and philosophical-moral doctrines. It is therefore important to discuss the views of authoritative legal philosophers - *John Rawls*, *Joseph Raz*, *Ronald Dworkin* and *Kent Greenawall* - on the above-mentioned problematic issue.

I. *John Rawls* on civil disobedience

First of all, it is important to consider the opinion of *John Rawls* - an American philosopher - on this issue. For *Rawls*, the theory of civil disobedience relates to civil disobedience by the people to legitimate government and its justification.²⁸⁰ In *Rawls’* view, civil disobedience is a public, nonviolent and conscientious, yet contrary to law, political act aimed at changing the political course of government or law.²⁸¹ *Rawls’* above-mentioned definition is recognized as a liberal-democratic, highly effective view.²⁸² According to *Rawls*, civil disobedience, with rare exceptions, manifests itself in more or less legally democratic countries where citizens recognize and acknowledge the legitimacy of the constitution.²⁸³ In addition, *Rawls* argued that “civil disobedience should be aimed directly at changes of laws and policies that society condemns or that hinders mass activities against these unjust laws and policies.”²⁸⁴ However, one very important question arises here: “when are people given the right to declare (and subsequently justify) civil disobedience to an unjust law in the most just constitutional regime?”²⁸⁵ According to *Rawls*, citizens have the right not to obey an unjust law when injustice is clear and substantial, but in turn, disobedience must be civilized - political protest, dictated by conscience and a sense of justice, it must be open, non-violent, and reasonable, aimed at eliminating injustice.²⁸⁶ *Rawls* also believed that if the above-mentioned conditions were met, disobedience would be justified.²⁸⁷ In addition, according to *Rawls*, civil disobedience should not go beyond the frameworks of law, since, in his view, violent resistance not only falls outside the framework of the

²⁸⁰ Philosophy of Law, edited by R.M. Dworkin, Ilia State University Press, Tbilisi, 2010, 101; See <<https://library.iliauni.edu.ge/wp-content/uploads/2017/03/samartlisfilosofia.pdf>> [20.10.2021]

²⁸¹ Delmas C., Brownlee K., "Civil Disobedience", edited by Zalta E.N., The Stanford Encyclopedia of Philosophy, 2021; See <<https://plato.stanford.edu/entries/civil-disobedience/#Jus>> [20.10.2021]

²⁸² Celikates R., Democratizing civil disobedience, "Sage Journals", Vol. 42, Issue 10, 2016, 2.

²⁸³ Philosophy of Law, edited by R.M. Dworkin, Ilia State University Press, Tbilisi, 2010, 101; See <<https://library.iliauni.edu.ge/wp-content/uploads/2017/03/samartlisfilosofia.pdf>> [20.10.2021]

²⁸⁴ Asatiani T., Minashvili A. Active Citizenship Handbook, Liberty Institute, Tbilisi, 2005;

See <<http://www.nplg.gov.ge/greenstone3/library/collection/civil2/document/HASH01a18cde9a9ad1eefc9a5b4a>> [20.10.2021]

²⁸⁵ Simmons J. A., DISOBEDIENCE AND ITS OBJECTS, BOSTON UNIVERSITY LAW REVIEW, Vol.90, 2010,1806; See <<http://www.bu.edu/law/journals-archive/bulr/documents/simmons.pdf>>[20.10.2021]

²⁸⁶ Simmons J. A., DISOBEDIENCE AND ITS OBJECTS, BOSTON UNIVERSITY LAW REVIEW, Vol.90, 2010,1807; See <<http://www.bu.edu/law/journals-archive/bulr/documents/simmons.pdf>>[20.10.2021]

²⁸⁷ Ibid.

protection of law, rather it is a away from the politics, antithetical (opposing) action that expresses disrespect for law and politics.²⁸⁸

According to *Rawls*, civil disobedience has the following characteristics: a) Conscientiousness - civil disobedience is based on sincere moral belief and self-respect, in the best interests of society and not in the narrow interests of a group;²⁸⁹ b) The purpose of changing the law - civil disobedience should be aimed at changing an unjust law and bringing it maximally close to the requirements of justice;²⁹⁰ c) Civil disobedience as a non-violent act - violent protests cannot be considered as cases of civil disobedience, notwithstanding the fact that they may sometimes be justified;²⁹¹ d) Publicity - civil disobedience is never covert or secretive, on the contrary, protest by citizens against the government should be carried out with the prior warning to the latter;²⁹² e) Responsibility for one's own actions - which means consenting to the acceptance of a punishment. According to *Rawls*, by this act, the participants of the civil disobedience express their devotion and sincerity towards their own principles as well as towards law in general.²⁹³

Speaking on grounds justifying civil disobedience, *Rawls* noted that justified civil disobedience is a force stabilizing the constitutional system, thereby helping to maintain and strengthen legal institutes.²⁹⁴ He also added that participation in justified civil disobedience is a form of stability in an orderly or maximally just society.²⁹⁵ *Rawls* acknowledged 3 main circumstances justifying civil disobedience: a) all other alternative means of changing the law must be exhausted;²⁹⁶ b) Civil disobedience should usually target not only an unjust law but also clear and substantial violations of justice, in particular in cases of violation of equal liberty and opportunities;²⁹⁷ c) Civil disobedience must have certain limits, namely, dissidents must allow other persons, who fall victim to similar injustices, to exercise their right to civil disobedience in a similar manner.²⁹⁸ In this way, disorder will be avoided and groups will be able to collaborate effectively. In *Rawls'* words, "the ideal solution, in theoretical terms, involves a cooperative political alliance of minorities to regulate all stages of the conflict."²⁹⁹

Additionally, *Rawls* cites examples of civil disobedience: a) If a law on tax policy drafted by the government clearly violates the right to equality of persons, it is usually impossible to protest it through civil disobedience, reaching a reasonable compromise on this issue is quite real.³⁰⁰ b) In a situation where the political majority completely ignores the conscientious demands of the political minority regarding repealing an unjust law, after which the minority can neither legally achieve any

²⁸⁸ Ibid, 1808.

²⁸⁹ "The Justification of Civil Disobedience", Session 11 Rawls, 2; <https://ocw.mit.edu/courses/linguistics-and-philosophy/24-235j-philosophy-of-law-spring-2012/reading-notes/MIT24_235JS12_Session11.pdf> [20.10.2021]

²⁹⁰ Ibid.

²⁹¹ Ibid.

²⁹² Delmas C., Brownlee K., "Civil Disobedience", edited by Zalta E.N., The Stanford Encyclopedia of Philosophy, 2021; See<<https://plato.stanford.edu/entries/civil-disobedience/#Jus>>[20.10.2021]

²⁹³ "The Justification of Civil Disobedience", Session 11 Rawls, 2; <https://ocw.mit.edu/courses/linguistics-and-philosophy/24-235j-philosophy-of-law-spring-2012/reading-notes/MIT24_235JS12_Session11.pdf> [20.10.2021]

²⁹⁴ Philosophy of Law, edited by R.M. Dworkin, Ilia State University Press, Tbilisi, 2010, 122; See<<https://library.iliauni.edu.ge/wp-content/uploads/2017/03/samartlisfilosofia.pdf>> [20.10.2021]

²⁹⁵ Ibid.

²⁹⁶ "The Justification of Civil Disobedience", Session 11 Rawls, 2; See<https://ocw.mit.edu/courses/linguistics-and-philosophy/24-235j-philosophy-of-law-spring-2012/reading-notes/MIT24_235JS12_Session11.pdf> [20.10.2021]

²⁹⁷ Ibid, 3.

²⁹⁸ Ibid, 4.

²⁹⁹ Philosophy of Law, edited by R.M. Dworkin, Ilia State University Press, Tbilisi, 2010, 112; See<<https://library.iliauni.edu.ge/wp-content/uploads/2017/03/samartlisfilosofia.pdf>> [20.10.2021]

³⁰⁰ Ibid, 111.

results nor through public speeches or demonstrations, then *Rawls* considers civil disobedience to be a last resort and a necessary action.³⁰¹

II. Joseph Raz on civil disobedience

Joseph Raz, a contemporary of *John Rawls*, has a no less interesting vision of proposed civil disobedience. According to *Raz's* opinion, civil disobedience is a politically motivated act that breaches law and aims to change law or public policy. It also includes expressing protest against or dissociation from a law or public policy.³⁰² Here, he distinguishes between revolutionary and conscientious forms of disobedience. As *Raz* argues, civil disobedience differs from revolutionary disobedience in that the latter is a politically motivated breach of law aimed at altering or directly contributing to a change in the form of authority or governance. As for conscientious disobedience, it is a breach of law by a person for the reason that s/he is morally prohibited to obey the law (e.g., absolute pacifists breach a law morally in the case of conscription because, in their opinion, they are prohibited from holding a weapon and destroy an enemy).³⁰³ In the opinion of *Raz*, if a person respects law and obeys it for moral, reasonable or other reasons, then s/he also has a moral right to breach it in certain circumstances.³⁰⁴ He rejects the criteria of civil disobedience that are wide-spread in the political and legal doctrine: a) if other means have no effective outcomes, it should be used as a last resort; b) it must be non-violent; c) it must be public; d) participants must be ready to be brought to justice and to submit to punishment; e) it must be aimed at strengthening the justness of one's own claims;³⁰⁵ f) it should not be employed for coercive or intimidating reasons.³⁰⁶ *Raz* disagrees with *Rawls* and others on the view that civil disobedience should always be nonviolent and used as a last resort to achieve an aim.³⁰⁷ In his view, the government's violent actions against innocent people (for example, dissidents sent to the Gulag by the Soviet Union³⁰⁸) provide the basis for violent disobedience, which is justified.³⁰⁹ According to *Raz*, civil disobedience to unjust government policies and laws is justified in both illiberal and liberal countries, but the difference is that civil disobedience is seen as a right in illiberal countries. This reasoning stems from the fact that citizens in illiberal states do not have the right to political participation because it is not recognized by the state.³¹⁰ Nevertheless, *Raz* does not rule out the participation of citizens in civil disobedience in a liberal state, which would be directed against unjust government policies and laws, but he bases its justification on moral grounds.³¹¹ In view of the above, for *Raz*, civil disobedience is a right justified by the moral principle in which he assumes the right to participate in politics. *Raz* also rejects the general moral obligation of a person to obey the law, even in a good society whose legal system is fair.³¹² Consequently, a person has a moral right to

³⁰¹ Philosophy of Law, edited by R.M. Dworkin, Ilia State University Press, Tbilisi, 2010, 112; See <<https://library.iliauni.edu.ge/wp-content/uploads/2017/03/smartlisfilosofia.pdf>> [20.10.2021]

³⁰² Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 47; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³⁰³ Raz J., The Authority of Law, 1; See <<https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/5/5699/files/2015/06/Raz262275CD-2akqev2.pdf>> [20.10.2021]

³⁰⁴ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 47; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³⁰⁵ It must be aimed at making known the righteousness of one's claims.

³⁰⁶ Ibid, 48.

³⁰⁷ Ibid.

³⁰⁸ Raz J., The Authority of Law, 3; See <<https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/5/5699/files/2015/06/Raz262275CD-2akqev2.pdf>> [20.10.2021]

³⁰⁹ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 49; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³¹⁰ Ibid, 50.

³¹¹ Ibid.

³¹² Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 47; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

assess law and, in certain circumstances, to break it. *Raz* thinks such circumstances to be such misconduct of the government, which massively violates human rights.

III. *Ronald Dworkin* on civil disobedience

According to *Ronald Dworkin's* opinion, "freedom gives a person not the right to do whatever s/he pleases, but at least the right not to do what is not acceptable to his/her conscience."³¹³ Consequently, despite the fact that citizens in a democratic country have a general moral obligation to obey all laws, citizens also have a moral right to break them through civil disobedience if their (of laws) application violates fundamental rights of citizens.³¹⁴ *Dworkin* argues that every human being should respect his/her obligations before the God, his/her own conscience and other citizens, and that if the latter are in conflict with the state, s/he has the right to do what s/he deems right.³¹⁵ However, *Dworkin* also shares *Rawls'* views that certain practical limitations must be placed on civil disobedience. In particular, in his view, if a citizen decides to engage in civil disobedience on the grounds that s/he has the right to do what s/he deems right, it is possible that by doing so s/he will be opposing the interests of others who differently understand the importance of the right to break the law.³¹⁶ Hence, according to *Dworkin's* assertion, the subject must respect his/her own conscience and personal views, as well as the rights of other people. S/he must also foresee the consequences of violent means when choosing the path of civil disobedience.³¹⁷ Here, *Dworkin* raises the question of how a person should act against a law that s/he deems to be unconstitutional. *Dworkin* has proposed three possible models of citizen action: a) the citizen should simply obey the law, assuming that the law does not permit what s/he desires to do.³¹⁸ *Dworkin* disagrees with the above-stated and considers that it is necessary to check the validity of the disputed norm through the court. b) If a citizen believes that the arguments for the constitutional justification of his/her actions are stronger than the arguments against it, s/he can act according to his/her own judgement and do what s/he will decide to do.³¹⁹ However, according to *Dworkin's* position, once the court has reviewed the given law and found that it is in compliance with the Constitution, then the citizen, who thinks of disobedience, is morally obliged to obey this law. c) If the constitutionality of the law is challenged, the citizen can act in accordance with his/her own decision, even if the opposite decision is rendered by the Supreme Court. In this case, the citizen must consider the logic of any unfavourable judicial decision in order to determine whether it is just and reasonable to raise the issue of the legality of a judicial decision through civil disobedience.³²⁰

Dworkin sees the justification for civil disobedience in three cases: a) Disobedience based on honesty and conscience - when the government forces a person to make a choice between conscience

³¹³ Gagnidze G., Grigalashvili M., Kharebava G., Kapanadze N., Jorbenadze T., "Corpus Juris, Book I, Issues in Jurisprudence", edited by D. Gegenava, Prince David Institute of Law, Tbilisi, 2015, 42;

See <https://dspace.nplg.gov.ge/bitstream/1234/145247/1/Corpus_Juris_Tomi_I.pdf> [20.10.2021]

³¹⁴ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 67; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³¹⁵ Gagnidze G., Grigalashvili M., Kharebava G., Kapanadze N., Jorbenadze T., "Corpus Juris, Book I, Issues in Jurisprudence", edited by D. Gegenava, Prince David Institute of Law, Tbilisi, 2015, 41;

See <https://dspace.nplg.gov.ge/bitstream/1234/145247/1/Corpus_Juris_Tomi_I.pdf> [20.10.2021]

³¹⁶ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 68; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³¹⁷ Ibid, 67.

³¹⁸ Ibid, 66.

³¹⁹ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 66; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³²⁰ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 66; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

and law (statute), the person who acts conscientiously acts correctly. b) Disobedience based on justice - when people think that the law is clearly unfair and supports injustice. At such times, according to *Dworkin*, the law is devoid of any morality and people have a fair sense of non-obedience to it; c) Disobedience to government policy - *Dworkin* discusses a similar possibility, but in his opinion, it is the least justified form of disobedience.³²¹ Finally, in *Dworkin's* opinion, the violation of the fundamental rights of citizens by the state forms the basis for civil disobedience. Accordingly, he argues that, in such a case, it would be morally wrong on the part of the state to punish those who engage in civil disobedience.³²²

IV. *Kent Greenawalt* on civil disobedience

According to *Kent Greenawalt's* opinion, civil disobedience is an illegal act aimed at changing law or policy and thereby creating a better society. In his view, disobedience should be non-violent and public, while the subjects participating in it must intend to accept punishment.³²³ Additionally, for him, civil disobedience is a morally justified act with social consequences, if it serves the social good, the desired social values.³²⁴ In morally justified civil disobedience, *Greenawalt* considers the following - whether it is committed by well-informed individuals, having conscientious aims, who can objectively judge the situation in the state.³²⁵ In *Greenawalt's* opinion, civil disobedience can be justified in the event of present as well as potential harms deriving from erroneous judgements.³²⁶ In addition, he emphasizes four important factors: 1) The harm that civil disobedience can cause to the interests of others. In such a case, in *Greenawalt's* opinion, the more the interests of others are harmed, the greater must be the good that the disobedience causes.³²⁷ 2) Reasons for disobedience - since the purpose of civil disobedience is to change any law or policy, the law must be so evil that it establishes the basis of civil disobedience. In such a case, civil disobedience would be justified.³²⁸ 3) Willingness of the subjects to accept punishment - as *Greenawalt* asserts, the willingness of the persons participating in the civil disobedience to accept punishment contributes to the moral justification of their acts.³²⁹ 4) The form of state governance in which disobedience takes place - *Greenawalt* rejects the view that civil disobedience is never justified in a governance of a democratic regimes, though in his view, it is more difficult to justify certain acts of civil disobedience in a democratic state.³³⁰

Greenawalt also raises the question of when it can be morally justified to disobey a law that a citizen deems to be unconstitutional. In his view, the more likely it is the court finding the challenged law unconstitutional, the more likely it is that the subject who violates that law will contribute to the social good and, consequently, commit morally more justified act. Here, he points out that for morally justified civil disobedience, it is not necessary for the subjects to try to change the challenged law through the legislative process. Also, according to *Greenawalt*, if the subject is convinced that a request for declaring the challenged norm unconstitutional will be satisfied by a court, s/he is not only

³²¹ Fagelson D., Klusmeyer D. B., Justifying Official Disobedience, "Sage Journals", 2017, 5.

³²² Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 51; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³²³ Ibid, 50.

³²⁴ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 51; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³²⁵ Ibid, 52.

³²⁶ Ibid, 57.

³²⁷ Greenawalt K., 'Contextual Approach to Disobedience, 70(1) Columbia Law Review 48, 1970, 63.

³²⁸ Ibid, 67.

³²⁹ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience, Loyola University Law Journal, Vol. 24, 1992, 53; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]

³³⁰ Ibid.

not obliged to obey the law, but also has an obligation not to obey it and make it subject to judicial review. According to his assertion, disobedience to the challenged law is justified even when the subject thinks that the constitutionality of the law is doubtful, but s/he understands that it cannot be changed by legal means.³³¹

Conclusion

This paper has discussed civil disobedience and its justifying circumstances by comparing the views recognized in the doctrine of the philosophy of law. As a result, the following findings can be drawn:

- 1) Civil disobedience is an act committed by citizens against a law or a policy of the government (for the purpose of changing them) which they consider to be morally wrong and contrary to the general principles of law.
- 2) Civil disobedience can be used in a case when the policies or acts of the government are substantially illegal and are designed to violate fundamental human rights and freedoms. Also, if all legal means for their changing are exhausted
- 3) Characteristics of civil disobedience are: a) conscientious objection to an illegal act or government policy; b) a non-violent, peaceful public act expressed in the streets of the country in the form of protest; c) willingness to take responsibility - consent to accept a punishment.
- 4) As for justification of civil disobedience, it is difficult to find its objective criterion, however, it is clear that if the application of unconstitutional law and the acts of the government violate the conscience and dignity, fundamental rights and freedoms of the people, and citizens are deprived of effective steps to stop the illegal actions of the government by legal means, the civil disobedience will be justified. Among the scientists' viewpoint reviewed above, Joseph Raz's views are remarkable and acceptable, according to which we can conclude that a government which, through the application of law, actually abuses its own citizens and disregards their rights, creates a basis for suppressing its actions by violent means in response.
- 5) Civil disobedience by citizens can be used under both democratic and non-democratic forms of governance, provided that under non-democratic governance, civil disobedience is a right.

³³¹ Alton R. S., In the Wake of Thoreau: Four Modern Legal Philosophers and the Theory of Nonviolent Civil Disobedience , Loyola University Law Journal, Vol. 24, 1992, 53; See <<http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1157&context=facscholar>> [20.10.2021]