



Conditional Coercion: The Justification of Violence in Civil Disobedience Across Varied Situations

Jiashuo Hu

Institute of Philosophy, Ku Leuven, Leuven, Belgium.

How to cite this paper: Jiashuo Hu. (2024) Conditional Coercion: The Justification of Violence in Civil Disobedience Across Varied Situations. *Journal of Humanities, Arts and Social Science*, 8(6), 1391-1396. DOI: 10.26855/jhass.2024.06.014

Received: April 30, 2024

Accepted: May 29, 2024

Published: July 1, 2024

***Corresponding author:** Jiashuo Hu, Institute of Philosophy, Ku Leuven, Leuven, Belgium.

Abstract

This paper examines the complex role of violence within the practice of civil disobedience, challenging the traditional view that equates civility solely with non-violent protest. Civil disobedience is reframed as a multifaceted form of negotiation where persuasion supersedes coercion. Nevertheless, the necessity for a nuanced understanding of "violence" is recognized, acknowledging that certain non-coercive violent acts—like self-defense or symbolic actions—may be justifiable to highlight the seriousness of issues or to shield protestors. The core of the analysis addresses scenarios where the standard negotiation environment is undermined, often by authoritative forces. In such cases, the use of coercive violence to re-establish a platform for rational discourse is argued to be a right of the protester. By interrogating these dimensions, the paper aims to illuminate the delicate equilibrium between peaceful and forceful protest, advocating for continued scrutiny and conversation on the ethical implications of violence in civil resistance movements.

Keywords

Civil Disobedience, Negotiation, Violence, Coercion

1. Introduction

The study of civility in the context of civil disobedience is experiencing significant reevaluation. The established Rawlsian framework, which ties civility to transparency, peacefulness, and willing adherence to legal consequences, seems insufficient for explaining the diverse protests of today, such as Occupy Wall Street and Black Lives Matter. These modern movements indicate the need for a more nuanced understanding of civility that takes into account the varied nature of current socio-political activism.

Scholars have approached the classic definition of civility of civil disobedience from various angles. Robin Celikates, drawing on contemporary protests, proposes redefining the concept of civility to include violence, while Kimberley Brownlee views civil disobedience as a form of dialogue or negotiation that should avoid coercion. This paper concurs with Brownlee's interpretation but posits that Brownlee does not fully account for the importance of a reasonable negotiating environment, thus unduly limiting the role of force in civil disobedience. This paper posits that in specific situations, the use of coercive violence within civil disobedience can be defended. The justification hinges on the essential role such violence may play in maintaining or re-establishing a fair and rational environment for negotiations. In essence, if the reasonable environment for dialogue and negotiation has been compromised or is ineffective, limited and targeted coercion might be necessary to ensure that meaningful discussions can take place. This stance does not endorse violence indiscriminately but acknowledges its potential as a corrective measure to facilitate the functioning of a democratic society's negotiation processes.

The paper is organized into three main chapters: Chapter 1 will outline Rawls's classical view of civil disobedience and survey the critical responses it has elicited, particularly with respect to its commitment to non-violence. Chapter

2 will discuss the perspectives of Raz, Celikates, and Brownlee on civil disobedience, especially on the issue of violence. Chapter 3 will retain the foundation provided by Brownlie, but by introducing a new understanding of violence, it will discover what Brownlie overlooked. From this standpoint, the paper will advocate for the justification of coercive violence in certain circumstances.

2. The Strategic and Moral Complexities of Civil Disobedience in John Rawls' Theoretical Framework

John Rawls' perspective has been pivotal in shaping both scholarly debate and practical approaches to civil disobedience. In "A Theory of Justice," he articulates civil disobedience as a deliberate, peaceful, and politically motivated act that challenges legal authority with the intent to instigate legislative or policy reform (Rawls, 1971, p. 320). This act may manifest as a direct infringement of the specific law being contested or as an indirect expression of dissatisfaction with a particular law or decree through the violation of other laws.

Central to Rawls' thesis is firstly the notion that such dissidence is not an indictment of the legal system in its entirety within reasonably just societies; rather, it targets specific unjust laws or policies. Protestors maintain a degree of allegiance to the legal framework, illustrating 'fidelity to law' even in their transgression. Political principles are leveraged as the basis for defiance, distinct from personal morals or religious beliefs.¹ Secondly, civil disobedience, according to Rawls, ought to be an open act where the individual acknowledges their deliberate defiance and accepts legal repercussions, thus demonstrating a commitment to their principles. He equates this act to public oratory, framing it as a profound and deliberate display of political belief, conducted in full view of society (Rawls, 1971, p. 321). Finally, it is this public nature of civil disobedience, aiming to resonate with the broader community and shift societal norms, that necessitates its nonviolent approach. "To engage in violent acts likely to injure and to hurt is incompatible with civil disobedience as a mode of address" (Rawls, 1971, p. 321).

Rawls' conception of civil disobedience is subject to critique, particularly regarding its tactical execution. Declaring an intent to break the law, as Rawls suggests, provides adversaries with a chance to thwart the dissenter's efforts, potentially undermining a just cause (Smart, 1991, p. 206). Consequently, a covert approach to disobedience might initially be more strategic. Nevertheless, to maintain the integrity of the protest and to differentiate it from mere lawbreaking, the actions and their motivations ought to be openly articulated post hoc, thereby preserving the action's status as overt (Raz, 1979, p. 265). Moreover, Rawls' framework does not encompass actions driven by self-interest rather than collective ethical principles, such as the Not In My Back Yard (NIMBY) phenomenon.² Here, individuals may support infrastructure projects in principle but resist their local implementation to avoid personal disadvantage. (Celikates, 2016, p. 38). Such protests, though not rooted in conscience, can still be argued to align with civil disobedience if they reflect a commitment to fundamental human rights. After all, advocating for self-interest in the pursuit of legal or policy changes does not inherently conflict with the broader goal of rallying public sentiment for justice to reform laws and policies. Indeed, individual interests can be catalysts for collective action when they resonate with widespread notions of fairness and equity.

Rawls' stance on the nonviolence of civil disobedience has also sparked extensive debate. The portrayal of the history of civil disobedience as entirely nonviolent has been criticized for distorting reality. Celikates contends that the efficacy of civil disobedience has occasionally been tied to the threat or use of violence (Celikates, 2016, p. 42). The worry that Rawls's conception seems to construct an idealized history may be allayed somewhat by the argument below. Rawls' focus was more on the legitimacy of civil disobedience rather than its strategic efficacy; The historical occurrence of violence in successful civil disobedience does not warrant its justification in the practice. Another critique comes from Raz, who suggests that an overemphasis on violence overlooks the potential harm of nonviolent actions. For instance, he notes that a lawful strike by essential services like ambulance crews might result in greater

¹ Rawls' key political principles can be succinctly summarized as follows: The principle of liberty: Every individual should have access to a broad spectrum of fundamental freedoms, provided that these freedoms are compatible with the same liberties for others. These fundamental freedoms encompass rights such as freedom of speech, freedom of belief, the right to participate in elections, and the right to stand for election, among others. The principle of difference: Social and economic inequalities should be structured in a manner that is most advantageous to the least privileged members of society. This principle is frequently interpreted as a safeguard for vulnerable groups to ensure that they derive the maximum benefit from unequal social systems.

² "NIMBY" stands for "Not In My Back Yard." It's a term used to describe the opposition of residents to a proposal for a new development because it is close to them, often with the implication that while they may agree that the development is necessary or beneficial, they do not want it near their own home due to perceived negative impacts. These developments can include things like landfills, prisons, power plants, hospitals, or even housing developments.

harm than minor acts of violence (Raz, 1979, p. 267). However, Rawls's emphasis on the non-violent nature of civil disobedience does not mean that he dismisses or ignores the harm caused by legitimate acts of protest. Indeed, Rawls points out that even lawful protests can disrupt societal order, causing inconveniences like traffic jams or disruptions in public places. He stresses the importance of conducting protests with care to minimize undue inconvenience and protect the public interest (Rawls, 1971, p. 375).

A significant challenge to Rawls' theory is its omission of clearly defining 'violence'. This ambiguity leaves unanswered questions regarding the scope of violence in resistance, such as the legitimacy of property destruction or self-harm within civil disobedience. Without clear parameters, state authorities could broadly label resistance efforts as violent. Furthermore, Rawls' outright dismissal of violence within civil disobedience renders adherence to its strict conditions impractical. For example, participants in resistance movements are at times necessitated to engage in self-defense in response to governmental violence. As Brownlee said: "Given that a range of elements can be counted as violence, it is implausible to hold that any instance of violence in the course of disobedience, however modest or noninjuries it may be, is, by definition, uncivil" (Brownlee, 2012, p. 7).

3. Revisiting Rawls: Diverse Theoretical Perspectives on Violence and Civility in Civil Disobedience

Various theorists have proposed solutions to the limitations of Rawls' exclusively nonviolent interpretation of civil disobedience. This chapter aims to critically present the approaches of various theorists: Raz broadens the concept without specifying its nonviolent nature; Celikates reevaluates the role of violence, redefining civility and advocating for including violence in civil disobedience; Brownlee views civil disobedience as a form of negotiation, assessing the legitimacy of violence based on whether the violence affects the negotiation process.

Raz expands the definition of civil disobedience, describing it as a "politically motivated breach of law designed either to contribute directly to a change of a law or of a public policy or to express one's protest against, and dissociation from, a law or a public policy" (Raz, 1979, p. 263). This interpretation does not specifically address whether such breaches may be violent, thereby leaving room for the role of violence in acts of disobedience. However, this conceptualization does not clearly demarcate civil disobedience from other forms of unlawful protest, offering no particulars that would indicate or explain the civility of the practice (Brownlee, 2012, p. 8).

Celikates critically examines violence within civil disobedience, arguing that its impact extends beyond symbolic representation. He contends that without a genuine confrontation, civil disobedience could become merely an earnest plea to those in power and the populace, losing its compelling influence. Therefore, Celikates proposes that civil disobedience should be described as a kind of resistance, which adheres to a political rationale rather than a military one. In resistance, protester affirms their identity as an engaged citizen rather than a combatant. The presence or absence of violence does not constitute the defining criterion for classifying an act of dissent as civil disobedience. (Celikates, 2016, p. 43).

Robin Celikates' discourse offers a robust justification for violence in civil disobedience, yet it lacks clear demarcations for its application. Theoretically, he posits that violence aligns with civil disobedience when it furthers the political aims of protestors without fundamentally destabilizing societal structures. This perspective, however, does not adequately consider the potential shortcomings or vagueness of the ideals that protestors advocate. Protestors may unwaveringly champion a utopian vision without fully assessing the realities, and their indiscriminate use of violence to coerce others for its realization can lead to grave outcomes. Historically, the French Revolution exemplifies a movement that, while initiated to combat despotism and inequity, spiraled into Robespierre's Reign of Terror and societal upheaval. Similarly, the initially peaceful protests in 21st-century Syria escalated into a civil war, precipitating widespread humanitarian strife and enduring disorder.³

Hegel critically examines the ideals of the French Revolution, identifying them as more idealistic and hypothetical than grounded in realistic, demonstrative, and reciprocal principles. He argues that the revolutionary tenet of "liberty,

³ The Arab Spring encompasses a series of anti-government protests, uprisings, and armed rebellions that emerged across a significant portion of the Arab world during the early 2010s. Commencing in Tunisia in December 2010, it rapidly propagated to Egypt, Libya, Syria, Yemen, Bahrain, Saudi Arabia, and Jordan. The repercussions of the Arab Spring have been multifaceted and profound, encompassing regime alterations, such as the removal of leadership figures in Tunisia, Egypt, and Libya; the instigation of civil conflicts and ongoing hostilities, notably evident in Syria and Yemen, giving rise to severe humanitarian crises; endeavors to implement political and social reforms; wider implications for the stability of the Middle East and North Africa (MENA) region; as well as grave humanitarian crises and substantial refugee movements resulting from conflicts and instability. These consequences have not merely reconfigured the domestic political and social dynamics of the affected nations but have also exerted a noteworthy influence on the sphere of international politics, economics, and security.

equality, and fraternity" stemmed more from subjective ideals than from empirical reality. This approach, according to Hegel, led the revolutionaries to overlook the intricacies and limitations inherent in these principles, focusing instead on their assumed universality and simplicity. Such a perspective created a rift between their ideals and the practical realities (Hegel, 199, p. 138). While not unreservedly endorsing Hegel's critique, it suggests that political activists should approach their ideologies with a degree of skepticism. Protesters should acknowledge the possibility of error in their assertions, which may arise from inadequate information or a focus on immediate interests over broader consequences. In summary, a fixation on vehemently asserting one's stance, coupled with violent coercion may precipitate historical calamities. Although violence holds a unique place in the dynamics of civil disobedience, it should not become the primary tool for compelling societal acceptance of demands.

Kymlicka Brownlee advances a nuanced interpretation of civil disobedience, challenging traditional views by viewing civil disobedience as a kind of negotiation. In her discourse, civil disobedience emerges not merely as an act of dissent but as a calculated violation of law with communicative intent, aimed at delivering a potent message to society or governing bodies. This message bears a dual nature; retrospectively, it is a direct denouncement of specific legal statutes or policies, articulating clear reasons for the disapproval. Prospectively, it highlights the problem and the motives behind the protest, convincing the audience to adopt the dissenter's stance, thereby fostering enduring changes in laws or policies (Brownlee, 2012, p. 8).

In this redefined arena, Brownlee positions civil disobedience within a framework of negotiation rather than confrontation. The protester's role morphs into that of a negotiator, seeking to engage with the audience—those in power and the public—in a meaningful exchange of ideas. Brownlee cautions against the use of excessive force, positing that overtly coercive tactics risk obscuring the core message of the protest. Such tactics could also undermine the moral high ground by alienating the very people the movement aims to persuade (Brownlee, 2012, p. 10).

Understanding civil disobedience from the perspective of negotiation can effectively provide the whole society with an opportunity for reflection, so that consensus can be formed on the basis of clarifying the information of all parties and taking into account the interests of all parties. The final result is no longer the "authority" of a single subject's rationality, but the result of the joint participation of the rationality of the subject of the interaction (Habermas, 1996, p. 119). At the same time, in such a social consultation process, each stakeholder can freely and without being forced to participate in the discussion of a certain issue, and the stability and cohesion of the whole society is thus strengthened.

Yet, Brownlee does not outright dismiss violence; she carves out a space for non-coercive violent acts that serve as self-defense or carry symbolic weight, accentuating the seriousness of the protesters' cause. Through this lens, violence is not viewed in black-and-white terms but rather evaluated on its contribution to the movement's objectives and its impact on the social fabric. Brownlee's thesis implies a balancing act—endorsing actions that underscore the urgency of the issue without veering into the realm of hostility that could derail the movement's objectives and alienate its potential supporters.

However, in adopting a multidimensional perspective on violence to scrutinize Brownlee's plan, it's observed that in numerous instances of civil disobedience, authorities or the prevailing majority may resort to violence initially. This violence is often not overt, going unnoticed and not aligning with conventional perceptions of violence. This hidden violence can disrupt the necessary environment for thoughtful and reasonable discussions, which are crucial for the effective use of civil disobedience as Brownlee suggests.

4. Beyond Nonviolence: Assessing the Role of Coercive Violence in Civil Disobedience Through a Multiple Violence Framework

This chapter uses a multifaceted approach to comprehend violence and apply it to analyze Brownlee's theory. This approach reveals that in many civil disobedience scenarios, those in power often exert subtle violence through their structural advantages, hindering the reasoned negotiation of civil disobedience that Brownlee emphasizes. Consequently, this paper proposes that a certain level of coercive violence may be warranted for protesters to maintain or reinstate a rational environment for discussion.

In the 1960s and 1980s, Norwegian sociologist Johan Galtung⁴ introduced the concepts of structural and cultural violence. Structural violence describes how social institutions and structures can lead to unfair treatment of individuals. It's a subtle form of violence, rooted in societal, economic, and political inequalities. Such violence focuses on the systemic injustices and harm caused by social systems (Galtung, 1969, p. 168). Cultural violence involves controlling how meanings are interpreted and values are set, often through educational and propaganda institutions. This can support or justify structural violence, highlighting how culture can uphold and reinforce social inequalities (Galtung, 1988, p. 341). Unlike direct violence, which physically harms individuals or damages property, these two forms are more hidden and widespread in modern societies. They often escape justice due to their elusive nature.

In practice, civil disobedience often struggles to achieve its goal of negotiation because structural and cultural violence, wielded by authorities or the majority, can undermine its environment. Governments might use media control to shape public views of protests, employing selective propaganda or distorting information. This can create negative cultural views, painting protests as disruptive or unpatriotic. Similarly, the education or cultural sector, under government influence, may downplay social injustices by altering historical narratives, ultimately making protesters' demands appear unreasonable. A historical example is the FBI's COINTELPRO in the 1960s and 70s, aimed at suppressing civil rights and anti-war movements. This program included watching leaders and citizens closely, wrongly using legal methods, causing fights within groups, and giving a bad name to those who opposed them. Both structural and cultural violence are typically controlled by rulers or dominant opinion makers. These forms of violence are less visible and harder to measure than direct violence. But they often obstruct the political goals of civil disobedience, pushing protesters towards direct violence.

The focus on a protester's duty to avoid coercion in civil disobedience overlooks the importance of a fair negotiating environment as a foundation for effective dialogue. When this fair environment is compromised, the protester has a right to restore it, potentially through coercive violence, enabling their civil disobedience to fully serve its negotiating purpose. Once a fair environment is re-established, the protester should engage as a proactive communicator, and resort to non-coercive violence only when essential, like in self-defense, or using symbolic violence to highlight an issue.

5. Summary and prospects

In summary, civil disobedience is best viewed as a form of negotiation. Protesters are encouraged to present their demands actively and logically, focusing on persuasion rather than coercion to win support for their views.

However, the role of violence in this context is nuanced. While outright aggressive tactics are discouraged, certain forms of non-coercive violence, such as acts of self-defense or symbolic gestures to draw attention to critical issues, can be seen as justifiable within the framework of civil disobedience. These actions, although forceful, aim to protect or to emphasize the gravity of the cause, rather than to impose views through intimidation.

The dilemma arises when the environment that facilitates rational negotiation is compromised, often by the actions of those in authority. In such scenarios, the protester is entitled to use coercive violence to restore the rational environment for negotiation.

This approach which regulates the violence of civil disobedience from the perspective of negotiation, while providing clarity, also opens a range of theoretical and practical issues: What exactly constitutes a rational negotiation environment, and how can this be objectively assessed? Who holds the authority to declare this environment as compromised? And crucially, what are the limits of coercive violence in such situations? These questions highlight the intricate balance between peaceful protest and the need for more forceful actions, underscoring the ongoing need for detailed analysis and debate in the field.

References

- Brownlee, K. (2004). "Features of a Paradigm Case of Civil Disobedience." *Res Publica*, 10: 337-51.
- Brownlee, Kimberley. (2012). "Conscientious Objection and Civil Disobedience." In *The Routledge Companion to Philosophy of Law*, edited by Andrei Marmor, 527-539. New York: Routledge.
- Brownlee, Kimberley. (2012). *Conscience and Conviction: The Case for Civil Disobedience*. Oxford: Oxford University

⁴ Johan Galtung is a prominent Norwegian sociologist, widely regarded as one of the founders of the field of peace studies. He has made pioneering contributions to conflict transformation, peace science and development theory.

Press.

Celikates, Robin. (2016). Democratizing civil disobedience. *Philosophy and Social Criticism*, 42 (10):982-994.

Galtung, J. (1969). Violence, Peace, and Peace Research. *Journal of Peace Research*, 6(3), 167-191

Galtung, J. (1998). *Frieden mit friedlichen Mitteln*. Wiesbaden: VS Verlag für Sozialwissenschaften.

Habermas, Jürgen. (1996). *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, translated by William Rehg. MA: The MIT Press.

Hegel, G.W.F. (1991). *Elements of the Philosophy of Right*, translated by H.B. Nisbet. Cambridge: Cambridge University Press.

Rawls, J. (1971). *A Theory of Justice*. Cambridge, MA: Harvard University Press.

Raz, J. (1979). *The Authority of Law: Essays on Law and Morality*. Oxford: Clarendon Press.

Smart, B. (1991). "Defining Civil Disobedience." In *Civil Disobedience in Focus*, edited by H.A. Bedau, 189-212. London: Routledge.