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On Civic Disobedience as Civic Virtue

Aleksandra Mirovic

Essay on Civic Disobedience“ (Ogled o građanskoj neposlušnosti)

Beograd: Službeni glasnik - Institut za političke studije, 2011.

The concept of civic disobedience represents one of the key issues in contemporary legal and political theories. Since the times of Plato and his dialogue *Crito*, Socrates' (Plato's) attitudes towards civic disobedience have been totally opposite. In the said work, Socrates claims that all free citizens must comply with all state (polis) laws, in some cases even sacrificing themselves for the purposes of state. Yet in some of his other works, notably *Apology of Socrates*, Socrates does admit that in some situations he was „disobedient“ when the pursuit of his philosophical work was at stake.

These contradictory, timeless statements on civic disobedience still remain critical for the current debates in this field of political and legal theory. Among current

studies on the topic, this work by Aleksandra Mirovic provides an important overview of the concept of civic disobedience through history of political and legal thought, as well as practice on the case of Serbia and other states. It traces the theories on civic disobedience from the period antiquity to some prominent contemporary academics, such as Henry David Thoreau, Martin Luther King and Mohandas Ghandi and other leading representatives in this „school of thought“. The author defines disobedience not only as a citizen's right, but also duty. When the legitimacy of institutions and a political system are declining, the free and democratically educated citizens have to stand up against bad government. For example, we can argue that in some respect

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law or government act is justifiable, but from the perspective of legitimacy it is not obligatory for citizens to obey such a decision.

The author proposes several prerequisites for civic disobedience to be legitimate. The first among them is that the methods of citizens' resistance to the government need to be non-violent, but there is a significant difference here from the Rawlsian model of non-violence. The author shows that, in many respects, civic movements world-wide have used some elements of violence in trying to achieve their political goals. Second, but not less important, is citizens' education. Politically educated citizens have to know their duties and, in order to act responsibly and rationally in a society, they have to know all principles underlying constitutional and legal framework. Finally, even in situations of a „minimalistic state“ when there only some elements of democratic procedures and practices exist, citizens need to know how to respond in defence of their basic human and democratic rights. She dismisses John Rawls concept of „pure procedural justice“ as equivalent to legitimacy and system functioning. The crucial distinction between political culture and civic culture, as the author claims, is that civic culture combines modern and traditional values in a way that makes each society unique.

Special attention is paid to the civil society role in the exercise

of civic disobedience. During the Milošević regime, civil society played a central and most prominent role in process of democratic changes. The oppressive and authoritarian regime was primarily challenged from below (bottom – up strategy), and when citizens finally took part in disobedience, the regime collapsed. Without civic involvement, the regime change in Serbia at the turn of the millennium would have been inconceivable. In fact, the new political culture rising during the 1990s, and the process of democratic socialization made these changes possible. And in all „silent revolutions“ around the globe, organized citizens have played the critical, the most instrumental, and the far reaching role in democratic changes. This provocative, innovative and current academic study features several different dimensions. The author follows the strands of ontological, phenomenological and especially normative issues surrounding the topic of civic disobedience. As she observes: „the political order has to be legitimized over and over again.“ Without a constant and continual political order legitimization process, the critical role of citizens in the control of their representatives would be lost. Hence the author points out that we can not talk about order „self-legitimization“ or „electoral“ legitimization. When cohesion, ethical and civic engagement is lost, can we speak about civic disobedience at all? And similarly, without citizens'

mobilization and when government or leading political actors are not capable of providing mass support for their actions is it reasonable to talk about legitimacy? For any action by state or government to be completely legitimate, it is necessary not only to be founded upon legal procedures, but also to ensure respect for basic social values. Thus, democracy and civic disobedience as a democratic right of citizens corresponds to enhanced values and trust between members of society.

The contribution of Aleksandra Mirović's study „Essay on Civic Disobedience“ to contemporary political science lies in its linking of wide theoretical knowledge and practice of civic disobedience. The multidisciplinary approach and the author's knowledge of different social and political ideas and terms, such as legitimacy, participation, mobilization, civil society, etc, give this study its unique character. Its relevance is further punctuated in the current context marked by a lack of legitimacy or „democratic deficit“ ,present in both stable and new democracies. A useful resource not only for the academic community but also a guide for „citizens“, it provides some important insights into when a state or government should be obeyed and what are the limits of their obligation towards the citizens. It is, therefore, recommended for any interested reader.