

## CIVIL DISOBEDIENCE AS A NON-VIOLENCE POSSIBILITY: A PHILOSOPHICAL REFLECTION

### LA DESOBEDIENCIA CIVIL COMO POSIBILIDAD DE NO VIOLENCIA: UNA REFLEXIÓN FILOSÓFICA

Cacilda Jandira Corrêa Mezzomo 

University of Caxias do Sul – Caxias do Sul,  
Brazil  
cacildamezzomo@yahoo.com.br

Marcelo Larger Carneiro 

University of Caxias do Sul – Caxias do Sul,  
Brazil  
marcelolarger@gmail.com

**Abstract:** In this article, we will discuss Civil Disobedience as a tool for non-violent protests. We will analyze the ideas from Thoreau to Kant, including the thoughts of Gandhi and Dworkin, verifying the effectiveness, or lack thereof, of their arguments in the political world. With regard to Dworkin and Gandhi, both inspired by Thoreau's thought, civil disobedience to norms provided a change in the political scenario, capable of effecting a mediation of conflicts through non-violence. Kant's perspective, in turn, presents the hypothesis of peaceful resistance when the norms do not correspond to the proposed expectations, the general rule being the idea of respect and obedience to the law. Finally, to conclude this article, we will highlight the writings of Thoreau, Gandhi, Dworkin, and Kant, to postulate that civil disobedience must be linked to the criteria of non-violence, peace, justice, and legitimacy.

**Keywords:** Civil Disobedience; Thoreau; Dworkin; Gandhi; Kant; Non-violence.

**Resumen:** En este artículo, discutiremos la Desobediencia Civil como una herramienta para las protestas no violentas. Analizaremos las ideas desde Thoreau hasta Kant, incluyendo el pensamiento de Gandhi y Dworkin, comprobando la eficacia, o no, de sus argumentos en el mundo político. En lo que respecta a Dworkin y Gandhi, ambos inspirados en el pensamiento de Thoreau, la desobediencia civil a las normas proporcionó un cambio en el escenario político, capaz de efectuar una mediación de conflictos a través de la no violencia. La perspectiva kantiana, a su vez, presenta la hipótesis de la resistencia pacífica cuando las normas no corresponden a las expectativas propuestas, siendo la regla general la idea de respeto y obediencia a la ley. Finalmente, para concluir este artículo, destacaremos los escritos de Thoreau, Gandhi, Dworkin y Kant, para postular que la desobediencia civil debe estar ligada a los criterios de no violencia, paz, justicia y legitimidad.

**Palabras clave:** Desobediencia civil. Thoreau; Dworkin; Gandhi. Kant; La no violencia.

### Introduction

We assume that everyone will recognize that we live in a time of great political, legal and social uncertainty, constantly questioning the ideas and actions of our leaders and representatives. And currently this scenario is aggravated by the onset of the global pandemic caused by the COVID-19 virus, and consequent political disarticulation. The increase in financial speculation, overvaluation of economic power, added to the lack of consensus and coherence of political speeches from various world leaders, the lack of legitimacy of representative actions and the deficiency in the implementation of public

policies are examples of the hardships and challenges that we face in this second decade of the 21st century. In order to face such uncertain and insecure political context, social resistance movements emerge that publicly disagree with the proposals and attitude of their representatives - (even those that were legitimized by a democratic election) - with regard to dealing with many conflicting issues. However, it is not our objective to deepen in this article the issue of representation as a form of exercise of sovereignty, but to ratify its importance as Torres points out that it “does not take place as a mere exercise of force, but intends and achieves to put itself in a position of speak and act on behalf of the community you wish to apply for” (Torres, 2018, p. 86). Indeed, the power of representation is exercised by considering all the social strata of a community, reputed under a universal aspect. Consequently, the actions of this power cannot fail to take into account the multiplicity of interests of the actors included in the political community, “because it is from the contradictions of reality that multitudes often condemn truth and justice of the speech and action of the sovereign power” (Torres, 2018. p. 86). The problem arises when this representation is not coupled with the requirements and needs of those represented. This is the discussion that is presented in this paper: how are the actions of legitimate representatives legitimate and are they consistent with the will of the majority of the people? This first question of legitimacy: how to solve this problem? Can a person disobey these rules that are perceived as having no basis of legitimacy? What to do with those who disobey these rulings? Should they be judged as “enemies of the State” or should they be recognized for their personal convictions? Or, do we have the right / duty to disobey these rulings and policies that have no legitimacy? We also need to ask how do we determine whether the actions of our rulers are legitimate and agreeable with the will of the people? This question results in other questions such as: how to solve this problem? Can I disobey rules that lack legitimacy? What is the proper treatment for those who disobey the legal provisions? After all, do we have the right / duty to disobey determinations that have no legitimacy?

In this context, this paper will include contributions of the ideas of Henry David Thoreau (1817-1862), Mohandas Karamchand Gandhi (1869-1948) and Ronald Myles Dworkin (1931-2013), and Immanuel Kant (1724-1804). This will be done along transversal lines, on the adoption of the actions of disobedience in the face of unjust, abusive and not legitimate laws. Thus, through careful philosophical argumentation, we

will investigate whether the institute of civil disobedience effectively enables a change in the political paradigm without the necessary use of violence. Thus, we will start with an approach to some basic concepts of the theory of civil disobedience and the duty to disobey as discussed by Thoreau; then we will analyze the reception of disobedience in Dworkin with its hypotheses and consequences. We will also present Gandhi's thoughts on this subject and how he used civil disobedience to end the subjection imposed on the people during India's independence process from the British empire, revealing all the active force of non-violence. Finally, we will examine the Kantian conception of the legitimacy of revolutions from its deontological ethics, advancing that, although Kant is a defender of the almost absolute duty of obedience to the laws, there is in the aforementioned author a possibility of acceptance if and when such norms are not aligned with our moral compass.

Therefore, from the consideration of the important historical landmarks mentioned and the distinct, (not so antagonistic) matrices of thought discussed here, this work will point to the importance of a philosophical reflection directed towards the search for a peaceful solution to the existing conflicts, initially with an attempt at composition through a free speech, but given the impossibility of this, by not adopting the resource of violence, it recognizes a third way, that is, non-violence, which in turn can be manifested by the mechanism of civil disobedience.

### **Thoreau and the duty to disobey**

Henry David Thoreau, American literature professor and writer, was known for his remarkably libertarian ideas, standing remarkably against the payment of taxes to the US government used to finance the war against Mexico as well as the continuance of the practice of slavery. His "insurrectionary" behavior caused great discontent in the government and the community in which he participated and resulted in his initial imprisonment. With the financial help of friends, Thoreau was released the next morning, but the experience further strengthened his libertarian convictions. In Thoreau's words:

When I got out of prison - because someone intervened and paid the tax - I didn't notice any big changes in everyday things, such as those observed by someone who enters there young and leaves old, gray and staggering. However, a change in the scene presented itself before my eyes - the city, the state and the country - a change greater than that

which such a meager passage of time could have achieved. (Thoreau, 2012, p. 28)

From this experience, Thoreau further deepened his reflections on the events and the political and social context of his time, questioning not only the criteria established by the current government for the collection and allocation of taxes, but also the extent to which all the rules and regulations instituted by the government must be obeyed, because [...] “there are unjust laws: should we be content to obey them? Or do we strive to perfect them, obeying them as we go along, until we succeed? Or should we transgress them immediately?” (Thoreau, 2012, p. 17). This tension seems to be the heart of Thoreau’s thought, presented in *Civil Disobedience* (1849). The fact is that the short period of time he was in prison allowed him to review his relationship with the State, identifying its subtle and frequent forms of oppression, which motivated him even more to rebel against a government that, according to his thinking, did not represent him. Garcia observes that this technocratic and technological domination, as well as mass communication, allows for a wider concept of citizenship linked to the maximum expression of freedom, in which civil disobedience emerges as a new form of effective participation in the face of a law or act of authority. not legitimized (Garcia, 1994, p. 231).

Even though we might say that the quotation transcribed below summarizes Thoreau’s thought: [...] “all men recognize the right to revolution; that is, the right to refuse obedience to the government and to resist it when its tyranny or inefficiency is great and intolerable” (Thoreau, 2012, p. 11), this is not to say that Thoreau advocated a state of anarchy. In fact, the author defends the duty of obedience to legal provisions, but he also defends the right of every citizen to exercise their citizenship through non-recognition and disobedience to unjust laws. In this sense, it is important to point out that the right to revolution defended by him is about peaceful and non-violent resistance. Thoreau declares:

If a thousand men failed to pay their taxes this year, it wouldn’t be a violent and bloody one; violent and bloody would be to pay them, enabling the state to commit violence and shed innocent blood. This is, in effect, the definition of a peaceful revolution, if such a thing is possible. If the tax collector, or any other public servant, asks me, as he once did, “But then what should I do?”, my answer will be: “If you really want to do something, resign from your position”. When a subject refuses his submission and the official resigns from office, a revolution is consummated. (Thoreau, 2012, p. 21)

Thoreau's thought provokes the need for a change in the paradigm of political idolatry and an idolatrous reason in the sense of pointing out an opening to political participation, removing the passivity that was previously found in men who blindly obeyed all government determinations. In fact, [...] "there are thousands who oppose the thesis of slavery and war, but who do nothing to put an end to them" (Thoreau, 2012, p. 13). It's important to highlight that the thesis of civil disobedience gains more precise outlines in Thoreau's thought, based on the argument that it is up to man to leave the state of pure passivity by refusing to cooperate with a common government that imposes unjust and abusive laws on them. This is not a call for violence, but a call to popular participation in matters that concern them, that is, in matters of the entire state. Let us see what Thoreau says:

One thing is certain: if a thousand men, if a hundred men, if ten men who could be called that - if only ten honest men - oh, if only one HONEST man, in this state of Massachusetts, had no slaves, thus abandoning his, and so to. If arrested in the local jail, that would be the abolition of slavery in America. For no matter how small the starting point may seem: what is done well is forever. (Thoreau, 2012, p. 19)

We must remember that Thoreau does not ignore of the fact that the majority of his co-citizens did not intend to renounce the protection and other benefits of the State, and submit to the consequences arising from a civil disobedience. According to Costa, Thoreau defends the duty to disobey even if it results in imprisonment, which should be seen as a personal merit, as an important event to mobilize public opinion to adopt the same attitude and pressure the government to change its attitude (Costa, 1990 as cited in Lucas, 2014 p. 118). Indeed, this is the difference between the disobedient and the criminal. The risk is imminent, but it costs less, in every sense, to suffer the penalties resulting from disobedience to the State than it would cost to obey it (Thoreau, 2012, p. 23). In short, Thoreau emphasizes that his objective is not to unjustifiably confront the State or any of its peers, showing himself willing to comply with the laws of his country, as long as such laws do not prove arbitrary and contrary to his conscience. In this case, the duty of disobedience is imposed on all those who wish to preserve their autonomy. Thoreau also stresses that the State won't have its legitimacy recognized if it does not fulfill its reason of being, which is to serve the common good through respect and

recognition that all power and authority derives from the people. He must also recognize that the disobedient citizen is not a threat to his sovereignty. In fact, the civil disobedient is not a threat, but it can effectively awaken the State to return to the path of common good when it eventually departs from the disputed policy or law (Thoreau, 2012, pp. 35-36). Thoreau's thought certainly has inspired later more diverse perspectives of civil disobedience, providing a deepening of issues addressing the relations between State and citizenry. However, there is a question which remains, namely: how should the State treat the disobedient? Should it punish them to the rigors of the law or leave them in their "foolish daydreams", discrediting them before their fellow men? To date, there is no obvious answer for this question.

### **Dworkin and the response to disobedience**

Ronald Dworkin, an important contemporary North-American thinker and philosopher, influenced by Thoreau's thought, has also faced the civil disobedience concept. He has questioned the obligation and obedience to the law, especially from his works *Taking Rights Seriously* and *A Matter of Principles*, bringing to discussion and reflection numerous cases such as the case of military recruitment in the United States, for instance, suggesting our reflection on the following question: [...] "how should the government proceed with those who disobey, for reasons of conscience, the laws of military recruitment? (Dworkin, 1986, p. 196). Lucas observes that Dworkin presents the tension between two opinions, namely: that the State must always punish and the law must be applied and, on the contrary, the State must always refrain from punishing the disobedient (2014, p. 125). In this sense, Dworkin emphasizes:

How should the government react to what he has done? We must avoid two crude mistakes. We must not say that if someone is justified, given what he thinks, in breaking the law, the government must never punish him. There is no contradiction, and often much sense, in deciding that someone should be punished in spite of the fact that he did exactly what we, if we had his beliefs, would and should have done. But the opposite mistake is equally bad. We must not say that if someone has broken the law, for whatever reason and no matter how honorable his motives, he must always be punished because the law is the law. (Dworkin, 1985, pp.113-114)

In order to perceive Dworkin's answer to this question, it is imperative that we understand how the disobedient is understood. For the author, the disobedient emerges only when they believe a law or policy not to be moral, fair, sensible and necessary. He is unaffected by the concealment of his actions and needs his convictions to be exposed and publicized, especially when the disobedience's reasons are a matter of justice and politics. But the point is: [...] "what behavior is your responsibility as a citizen; in other words, what we would consider 'following the rules of the game'" (Dworkin, 1986, p. 210). Or rather, [...] What is the right thing for people to do given their convictions, that is, the right thing for people who believe that a political decision is wrong or immoral in a certain way? (Dworkin, 1985, p. 106). Dworkin presents us three possible forms of disobedience actions that can be taken by those who consider certain laws unjust or illegitimate. First, he must obey the orders of law enforcement authorities, even if he considers them wrong, while he is working to change them through the political process. Second, if the law is dubious, he can follow his own judgment, that is, he can do whatever he wants if he understands that the permission argument is stronger than the prohibition argument, however, its limit goes as far as an authorized institution decide otherwise. Once a decision has been reached, he must submit to it, even if he considers it wrong. Finally, if the law is doubtful, he can be guided by his own judgment, even after a decision to the contrary is rendered by the highest competent court (Dworkin, 1986, pp. 210-211).

And it is precisely the third path chosen for Dworkin's reflection, which one he declares as [...] "it seems to be the fairest social duty of a member of our community" (Dworkin, 2010, p. 328). It draws attention to the existence of three types of disobedience: based on integrity, taking into account their moral conscience when they disobey the law; in justice, which considers minority rights under the oppression imposed by the majority; and in politics, which, unlike the first two, does not involve a sense of morality or justice (Dworkin, 1985, p. 107). The third type reflects what we seek to investigate in this brief work, namely: identifying the legitimacy or lack of it in public and governmental policies and how we should behave in undemocratic situations. The distinction may be important in the sense that, when disobeying for integrity reasons, the issue of urgency must be considered, as a law revised later would not effectively fulfill its role. Regarding to the disobedience based on justice, its urgency can be relaxed and even relativized because people must, first of all, exhaust all political processes by constitutional means without

breaking the law, unless those political means prove useless. In this sense, Dworkin explains:

Integrity-based disobedience is defensive: it aims only that the actor not do something his conscience forbids. Justice based disobedience is, in contrast, instrumental and strategic: it aims at an overall goal— the dismantling of an immoral political program. (Dworkin, 1985, p. 109)

According to Dworkin, it is from the third modality of disobedience that one questions about the efficiency and possible damages of government actions, because this kind of disobedience is aimed at reversing a policy that proves to be perverse. Dworkin maintains that, to achieve the desired changes, disobedience must undertake what he calls a persuasive strategy, which [...] “intends to convince the majority that their decision, regarding their highest interests, is wrong, and thus to force her to renounce the program she favored before” (Dworkin, 1985 p. 110). Indeed, the pretense of persuading the majority to disobey the senseless acts of the government is not a total and radical break. [...] “The disobedient civil servants remain Democrats at heart” (Dworkin, 1985, p. 110).

Persuasive strategies, whether they figure in disobedience based on justice or disobedience based on politics, have a considerable advantage here. Someone whose aim is to persuade the majority to change their minds by accepting arguments they believe to be sensible clearly does not challenge the principle of majority rule in any fundamental way. It accepts that, in the end, the will of the majority must prevail and only asks, through a caveat or annex to this principle, that the majority be forced to consider arguments that could change its mind, even when it initially seems unwilling to do that. (Dworkin, 1985, p. 111)

Thus, what is sought with the civil disobedience is to make the State assume its obligation to offer an answer, whatever it may be, without, however, ignoring it.

Let us return to the central issue of this article: How the State should position itself in relation to the disobedient? In this sense, Dworkin declares not to adopt punishment for all cases, as well as, on the other hand, not to accept a total and indiscriminate impunity. The fact is that, as for those who violate the law because of the conviction that it is an unjust law or for whom government acts do not reflect the wisdom that is expected of them, it seems inconsistent not to recognize such reason when deciding whether or not the State should accuse them or even consider a lighter punishment for those who have been prosecuted and convicted (Dworkin, 2000, p. 169). However, this question goes



further: is punishment a kind of complement to disobedience? In other words: does the disobedient need the punishment to effect his disobedience? Dworkin does not accept this theory when disobedience occurs for the sake of integrity, because he understands that in this case punishment is totally unnecessary. However, in cases of disobedience based on justice or politics, punishment presents itself as a persuasive and instrumental strategy which may allow the State to review its performance after verifying that it will eventually have to arrest all disobedients. However, it is good to remember that this does not mean to say that Dworkin accepts indiscriminate punishment for these cases. He declares: [...] “If an act of civil disobedience can achieve its objective without punishment, that is usually better for everyone involved” (Dworkin, 2000, p. 115). Facing the discussing whether acts of civil disobedience are really violations of the law, Dworkin cites Habermas, who says there are cases where ambiguities between legality and legitimacy can occur (Dworkin, 2000, p. 115). According to Lucas, tolerating dissent for a certain time as a way to provoke a constructive debate on the subject is a duty, since the validity and constitutionality of the laws is what is in question and will remain so even after a judgment handed down by the supreme court (Lucas, 2014, p. 127). After all, questioning the constitutionality is to doubt the law itself and, in these cases, what should be done is to stimulate debate and dialogue to change understandings or, on the contrary, strengthen them, either to review the laws or to expand them confirming its constitutional legitimacy. Let’s look at the following statement by Dworkin:

There are very strong reasons why the Supreme Court should acquit in such circumstances, even if at that time it approves the draft. It must acquit on the grounds that, prior to its decision, the validity of recruitment was doubtful and that it is unfair to punish men for disobeying a dubious law. (Dworkin, 1986, p. 221)

In this bias, the civil disobedience proposed by Thoreau takes on more complex meanings, advocating a double effect: the right to disobey unjust, immoral and irrational laws given to citizens, as well as the prerogative of the State to exercise the *jus puniendi* punishing the dissidents. From this perspective, the disobedient accepts the consequence of punishment, however, in this context, another question arises: does civil disobedience have practical applicability in the historical world or is it just a concept for philosophical abstraction? We understand that civil disobedience is eminently an institute that can cause

changes in the paradigms of a given order. Now, we are going to review one of the most successful examples of civil disobedience, which, without any recourse to violence, has achieved a paradigm shift so desired by its community.

### **Gandhi and the non-violent action**

Mohandas Karamchand Gandhi (1869-1948), an Indian lawyer, nationalist, anticolonialist and expert on ethics and politics, became known worldwide as the icon of India's independence process, as he led the victorious campaign using the resource of non-violent resistance. By advocating the use of a peaceful resistance to confront the injustices suffered by the Indians by the ongoing attempt of English colonization, Gandhi's example also inspires the fight for freedom and other civil rights around the world. It is important to emphasize that the term non-violence, coined by Gandhi, is not reduced to the concept of pure passivity, on the contrary, it goes far beyond this by reinforcing a strong opposition to injustice, with no reception for another concept, the counter-violence concept, that is, the non-violent perspective categorically rejects both concepts. In this context, Gandhi presents us with two fundamental words of justification for his adoption of non-violent resistance, they are: *ahimsa* and *satyagraha*. The first is a compound of the negative prefix *a* and the noun *himsa* (the desire to harm or commit violence against a living creature). *Ahimsa* consists, therefore, in recognizing, taming, dominating and transmuting the desire for violence present in human beings, which motivates them to want to eliminate, exclude, get rid of or harm others. It can be described as a personal commitment not to cause any creature to suffer. As stated by Guimarães (2019, p. 54), the notion of *ahimsa* assumes, in Gandhi's thought, an amplitude and a globality that, in general, is not immediately understood, as "it is violated by bad thoughts, by unjustified haste, by lies, out of hate, out of malice" (Gandhi as cited in Guimarães, 2019, p. 54).

According to Gandhi, the non-violence concept is, in fact, the innocence rehabilitated, as a virtue of the strength and wisdom of the just, becoming for Gandhi, in the first instance, an attitude. Gandhi introduces us the word *ahimsa*, as a first dimension of non-violence, which is characterized by the complete absence of the desire to cause harm, as well as by a benevolence towards all living beings. With this dimension, Gandhi refused any kind of hatred and violence. Finally, *ahimsa* described a negative personal

state of not causing harm and not acting violently against any living being. Gandhi stresses that the negative dimension of non-violence, guided by the concept *ahimsa*, needs a positive dimension to reach the amplitude of non-violence. Non-violence does not refer only to those who do not practice violence, but, mostly, to those who do justice with non-violence. That's why Gandhi presents us the word *satyagraha* which means "the force that is born of truth". Thus, non-violence shows its positive, active aspect, due to its constructive bias. He believed that through *satyagraha* it was possible to overcome evil for good, anger for love, lying for truth, *himsa for ahimsa*, for there is no other way to purify the world from evil (Gandhi as cited in Guimarães 2019, p. 55).

In this perspective, the concept of *satyagraha* is based not only on the non-cooperation of the citizen with an arbitrary government or law, but mainly on civil disobedience, based on the argument that injustice can only be supported by legitimacy. Wermuth and Santos (2018, p. 325) note that Gandhi, although inspired by Thoreau, did not understand that the effectiveness of civil disobedience depended on a more productive execution by the individual and minorities, for Gandhi, disobedience would only become effective with the participation of a significant number of disobedient. As stated by Gandhi, the entire discriminatory process suffered by the Indian people was not due to the force of British rifles, but rather to the subjection of his people. So, the government has no power in itself, the power it bears is given by the people either voluntarily or by force. Therefore, Gandhi believes that only by the path of non-cooperation and civil disobedience, by withdrawing support and adherence to a situation of injustice and violence, it is possible to produce a rupture in the relationship between domination and subjection. In the context of India's fight for independence, Gandhi proposes to Indians that they withdraw their children from English schools, renounce public functions, and not consume British products. However, it should be noted that Gandhi's main objective was not the defeat of his opponent, but only his transformation, and this is, without a doubt, the motto of the principle of non-violence, that is, it is not a hate speech to your opponent, it does not aim to supplant and defeat the enemy, but to treat him the same way he would like to be treated, in order to bring about the transformation of his actions.

Another important point to emphasize is that the concepts of civil disobedience and non-cooperation do not seek to annihilate respect for the rule of law and for the principles of civil law, which is the main difference between the civil disobedient and the

common criminal. The latter performs the act with the intention of escaping the justice of men, while the former submits to it. The civil disobedient does not intend to get out of the transgression unscathed, as in that case he would be legitimizing chaos, and when Gandhi violated British law, he was fully aware of the legal penalties he would suffer. So, according to him, the civil disobedient wants to keep the law even when he transgresses it by considering it unjust. Gandhi claimed that satyagraha excludes violence and hatred, so, he could not hate the English men and harm them, even though he could not bear their yoke either. He further explained that satyagraha is a peaceful method for achieving reforms that takes place through personal suffering, as opposed to what happens when resistance takes place through arms. Non-violence therefore, manifests an unshakable faith in men and their ability to reach an agreement, bringing together the possibility of personal and social change. As we can see up to now, the questioning about the duty of obedience to the State has provoked intense discussion and research since the most remote times. The question of the possibility of legitimizing acts of disobedience has occupied and intrigued the thought of many jurists and philosophers. In this sense, in order to establish a counterpoint, we bring to this discussion the important contribution of the 19<sup>th</sup> century thinker and philosopher of law, Immanuel Kant.

### **Kant<sup>1</sup> and the revolution**

The German philosopher's firm rejection of revolutions is criticized around the world. However, classifying Kant as an orthodox conservative, denier or reactionary thinker, can lead to a hasty and even superficial interpretation of the greatness of Kantian thought. It is also worth mentioning here that our proposal does not consist in the search for a "theoretical and philosophical salvationism" of the author's thought on such delicate and controversial issues, but rather in the search for a deeper unveiling of his philosophical argument. Thus, we will return, albeit superficially, to some important points of his doctrine and, then, we will analyze the author's arguments on the subject of this article. In fact, firstly it is necessary to enhance Kant's theory about the possibility or not of the revolutions' legitimacy, and then we face the question that was proposed to us,

---

<sup>1</sup> Abbreviation system for Kant's works: *MS* - Die Metaphysik der Sitten [ Kant, I. (1991). The Metaphysics of Morals (M. Gregor, Trans.). Harvard University Press.]; *GMS* - Grundlegung zur Metaphysik der Sitten [ Kant, I. (1998). Groundwork of the Metaphysics of Morals (M. Gregor, Trans.). Cambridge University Press.]. For the citation of Kant's works, the Akademie Ausgabe standard will be used: (*MS, AA06*) – (*GMS, AA04*).

namely: the State, as guardian of the law that it is, can or should punish acts of insurrection? Next, we will highlight the distinction between the nature and purpose of the revolution and civil disobedience, and then consider, from a Kantian perspective, whether the State's *jus puniendi* can be optional or not. It is important to remember that the idea of a social contract is a *sine qua non* for justifying the need to establish a civil society. This is because the state of nature, although not incurring in the total absence of justice, does not have a mechanism capable of inhibiting the unlimited use of external freedom, possible only with the establishment of a social and legal organization guaranteed by the State. As Salgado corroborates, "the deficiency of natural or private law (state of nature) deals with a social life not regulated by law" (Salgado, 1995, p. 283).

From this perspective, the Kantian assertion is that the presence of private law found in the state of nature, precisely because of the absence of the respective legal-social organization, consists of a provisional right, that is, each one acts according to his own concept and criterion of the brute force of law as the only device for its recognition. In Kant, it is worth noting that the idea of social contract, inspired by Rousseau, has as its main purpose the civil society itself and consists of his argument in favor of the logical-philosophical justification of the foundation of the civil state, in addition to configuring an unconditioned duty. Let's see what Kant says:

From private law in the state of nature comes the postulate of public law: when you cannot avoid living side by side with everyone else, you must abandon the state of nature and enter with them a legal state, that is, a condition of distributive justice. (*MS*, 06: 151)

So, Kant claims that from private Right in the state of nature there proceeds the postulate of public Right: When you cannot avoid living side by side with all others, you ought to leave the state of nature and proceed with them to *Metaphysics of Morals* into a rightful condition, that is, a condition of distributive justice (p. 121). In the state of nature there is a constant threat associated with the probable possibility of violating current positive norms as well as the outbreak of revolutions. Therefore, the state of nature consists in the very negation of civil society as its true reciprocal. In Salgado's words:

The state of nature is a shadow of the existing civil society itself and not a historically prior moment. It accompanies civil society and manifests itself in the violation of the legal norm or in the despotism of the ruler who does not comply with the social contract that is the

rational justification for his existence, if not complying with it, he loses his reason for being. (Salgado, 1995, p. 284)

Therefore, the act of preserving civil society is, par excellence, a commandment of reason, or rather a categorical imperative that in the Kantian definition “is one that represents an action as objectively necessary and makes it necessary, not indirectly through the representation of some an end that can be achieved by the action, but through the mere representation of that action itself (its form) and, therefore, directly” (*MS*, AA06: p. 65)

A categorical (unconditional) imperative is one that represents an action as objectively necessary and makes it necessary not indirectly, through the representation of some end that can be attained by the action, but through the mere representation of this action itself (its form), and hence directly (*MS*, 06: 49).

In this perspective, Salgado emphasizes that freedom must be the foundation of the constitution of the State, as well as for the recognition of its legitimacy and the possibility of sustaining it. The author also observes that in Kant the a priori principles that underlie civil society are: “(i) The freedom of each member of society, as a man; (ii) The equality of these men as subjects and (iii) The self-sufficiency of each member of a community as a citizen” (Salgado, 1995, p. 287).

It is important to remember that, when we talk about Kantian contractualism, this is not the same as the one proposed by Thomas Hobbes, in which men, in order to safeguard their lives and to escape from the frequent presence of the state of war of everyone against everyone, they absolutely renounce, their freedoms and adhere to the social contract. The Kantian conception, much closer to the conception of Jean Jacques Rousseau, argues that the idea of the social contract was the solution found not only to control the chaos but also an attempt to eradicate the feeling of insecurity so present in the state of nature, where law and freedom itself are provisional. Thus, the idea of the social contract as a constitutive act of society, legitimizes the genesis of the State and the consequent passage from the state of nature to the civil state. So, regarding to the nature of the social contract which is defended by Rousseau and Kant, despite their differences in justification on this passage, it is important to say that both thinkers understand that it does not impose on man the loss of his freedom, only implying the abandonment of a

natural and savage to civil freedom, so that the individual would not irrevocably renounce his freedom and it is only through the adhesion and conservation of this civil status that man will be able to verify the possibility of effecting his freedom, because an autonomous man obeys the laws of his own authorship, that is, “the property of the will by which it is a law to itself (independently of any property of the objects of volition). The principle of autonomy is, therefore: to choose only in such a way that the maxims of your choice ‘are also included’ as universal law in the same volition” (*GMS*, 04: 47) and because he is circumscribed to law that was given by himself, becomes at the same time its author and its recipient, therefore, he is considered free.

Finally, for Kant, it should be noted that the transition from the state of nature to civil society translates itself into a movement of civilizing and ethical progress, which should be undertaken by all rational beings. However, the realization and preservation of the Kantian civil status requires the presence of another fundamental element, namely, the element of the Constitution which, for Kant, is the expression of the will of a people, structuring the State and organizing coexistence in society. Kant assumes that individuals, when drafting and adopting their respective legal laws, regardless of the established government regime, take into account the guiding principles of freedom and equality. Kant declares:

It follows only that, whatever sort of positive laws the citizens might vote for, these laws must still not be contrary to the natural laws of freedom and of the equality of everyone in the people corresponding to this freedom, namely that anyone can work his way up from this passive condition to an active one. (*MS*, 06: 127)

And as is widely known, the ideal model of constitution for Kant is the model presented by the republican constitution, which for him is the only one that is consistent with the law, having freedom and equality as pillars. In this sense:

Accordingly, even if this cannot be done all at once, it is under obligation to change the kind of government gradually and continually so that it harmonizes in its effect with the only constitution that accords with right, that of a pure republic, in such a way that the old (empirical) statutory forms, which served merely to bring about the submission of the people, are replaced by the original (rational) form, the only form that makes freedom the principle and indeed the condition for any exercise of coercion, as is required by a rightful constitution of a state in the strict sense of the word. Only it will finally lead to what is literally

a state. This is the only constitution of a state that lasts, the constitution in which law itself rules and depends on no particular person. (*MS*, 06: 148)

As far as sovereign power is concerned, Kant does not ignore the fact that the ruler can act in a despotic way by arbitrarily exercising his power. However, even so, there is no reception in Kant for the revolution and its species. For him, the legislative power represents the will of the people and, as the law derives from the will of the people, there is no need to speak of injustice, as only the public will can legislate. Thus, for Kant the legislator's will consists in the juridical law that derives from the moral law because it is also a law of freedom. From this perspective, Kant postulates that in the face of a republican State, guided by a republican constitution, there is no possibility of legitimizing the people's right to resistance or revolution and this seems to include the right to civil disobedience. The philosopher states that: "And a republic, once established, no longer has to let the reins of government out of its hands and give them over again to those who previously held them and could again nullify all new institutions by their absolute choice (*MS*, 06: 148). Let's consider the following statement by Kant:

Therefore, a people cannot offer any resistance to the legislative head of a state that would be consistent with right, since a rightful condition is possible only by submission to its general legislative will. There is, therefore, no right to sedition (*sedition*), still less to rebellion (*rebellio*), and least of all is there a right against the head of a state as an individual person (the monarch), to attack his person or even his life (*monarchomachismus sub specie tyrannicidii*) on the pretext that he has abused his authority (tyrannis). Any attempt whatsoever at this is high treason (*proditio eminens*), and whoever commits such treason must be punished by nothing less than death for attempting to destroy his fatherland (*parricida*). The reason a people has a duty to put up with even what is held to be an unbearable abuse of supreme authority is that its resistance to the highest legislation can never be regarded as other than contrary to law, and indeed as abolishing the entire legal constitution. For a people to be authorized to resist, there would have to be a public law permitting it to resist, that is, the highest legislation would have to contain a provision that it is not the highest and that makes the people, as subject, by one and the same judgment sovereign over him to whom it is subject. This is self-contradictory, and the contradiction is evident as soon as one asks who is to be the judge in this dispute between people and sovereign (for, considered in terms of rights, these are always two distinct moral persons). For it is then apparent that the people want to be the judge in its own suit. (*MS*, 06: 131)



Although Kant's thought can be considered extremely conservative regarding to this complex and delicate issue of revolution and resistance, we must not forget that Kant is a man of his time, with the difficulties and limitations imposed by the reality of his life's context. The truth is that when it comes to the reception of the revolution, Kant goes against the grain, as Bobbio observes with the following Kantian quote:

In the essay *What is Enlightenment?* "Perhaps a revolution may well determine the fall of a personal despotism and end the oppression greedy for greed or power, but it will never bring about a true reform of the way of thinking: new prejudices will serve, like the old ones, to direct the great mass of those who do not think". (Bobbio, 1997, p. 149)

Thus, counterfactual as it may seem, we argue that Kant is not exactly the most reactionary of his time. It is enough to remember that the German philosopher was a great enthusiast of the French Revolution, or rather, a defender of the principles that led to the outbreak of that revolution, but in view of the sequence of events Kant was extremely disappointed in the face of the horrors of acts perpetrated by the rebels. And as Bobbio points out:

Regarding to the French Revolution, Kant's attitude is at the same time: an attraction and a repulsion feeling, that is, of enthusiasm for the grandiosity of events and of dread for the unleashing of passions [...] Kant believes that, to answer affirmatively the question posed in the title, it is necessary to indicate an event that can be considered as a sign of humanity's moral tendency and therefore revealing the only cause that can determine humanity's progress towards the better. And he believes he can point to this event in the French Revolution, despite its horrors, more precisely in the enthusiasm that this extraordinary event provoked in the spirit of cultured opinion in Europe, and he writes words of praise that deserve to be remembered: "the revolution of a people of rich spirituality, as we have seen it happen today, can triumph or fail; it can accumulate such misery and cruelty that a man of good ideas, who had the possibility of successfully carrying it out a second time, would not be induced to attempt experiment at such a price; this revolution, I say, however, finds in the spirit of all spectators (who are not involved in this game) a participation of aspirations that is close to enthusiasm, even though its manifestation is not disconnected from danger, and which consequently cannot have another cause but a moral disposition of the human species". (Bobbio, 1997, p. 150)

In this sense, Bobbio continues analyzing the impacts and influences of the Revolution on the Kantian moral and legal doctrine and explains that:

According to Kant, that behind a revolution move two moral forces, that of a people that offers itself a civil constitution and that of a republican constitution, which it can only (as we will see when we talk about the problem of peace) avoid by the beginning of offensive war and thus placing one of the indispensable conditions for the establishment of perpetual peace. Kant, on the other hand, distinguished between the French Revolution considered in its complexity and from the point of view of a general philosophy of history, and the singular episodes of terror that unfolded, and by which he was tremendously shaken. Among these, as we said, the execution of the king [...] applying this principle to the condemnation of Louis XVI, he claimed to be horrified, less by the monarch's death, than by the fact that this murder (that is, an unjust death) had been accompanied by a solemnity, as if it were an act of justice. And he wrote, still indignant: But what shakes with a shiver of horror an alman who is aware of the rights of humanity, a horror by which she is taken every time she thinks of that scene, is the solemn execution. This must be considered as a crime that remains eternal and can never be expiated (*crimen immortale*), with the sin that theologians say can never be forgiven, neither at this time nor in the next". (Bobbio, 1997, pp. 150-151)

In this context, we can infer that the abuses and atrocities carried out in the name of the French Revolution has corroborated the reasons why Kant does not legitimate the right to revolution. Let's look what Kant tells us about a deficient constitution and government:

And even though this constitution may be afflicted with great defects and gross faults and be in need eventually of important improvements, it is still absolutely unpermitted and punishable to resist it. For if the people should hold that it is justified in opposing force to this constitution, however faulty, and to the supreme authority, it would think that it had the right to put force in place of the supreme legislation that prescribes all rights, which would result in a supreme will that destroys itself. (*MS*, 06: 176)

We agree with De Rosen's assertion that Kantian thinking on issues such as sovereignty and legitimacy is not as obvious as it may seem. It is, in fact, a much more complex conception that includes subsidiary questions, namely: how can political authority be justified? How far should state powers legitimately extend? Who should exercise political authority? Are citizens obligated to obey all laws or do they have the right to rebel against oppressive and unjust governments? Thus, to understand the Kantian conception of legitimacy, we have to consider the diverse, and not always predictable,

answers that the philosopher gives to all these questions. And, as will soon become evident, we have in Kant's thought a curious kind of persuasive dualism that permeates all aspects of his approach to political authority and, particularly with regard to his conception of the state, is all the more apparent in the alternation between the liberalism and conservatism. If, on the one hand, Kant's emphasis on the defense of individual rights, legal equality, personal freedom, and popular sovereignty establishes his credential as a liberal thinker, there is, on the other hand, equally prominent, a very different approach to the political authority, so that, if the rights of citizens are important to Kant, the prerogatives of the rulers are also relevant (Rosen, 1993, pp. 116-117), that is, in this aspect, Kant's thought seems to attest to its conservatism.

Thus, according to the thesis defended by Rosen, we believe that Kant takes a much more cautious stance on the subject of revolution than an eminently conservative one. It is a fact that the German philosopher denies the right of resistance even in a despotic state, since he understands that the constitutional situation, whatever it may be, consists in acting against the duty to move from the state of nature to the civil state. Therefore, as Salgado adds, admitting revolution as a form of resistance to despotic power would mean, for Kant, the state of war denied by the duty to constitute civil society in the direction and horizon of perpetual peace between peoples (Salgado, 1995, p. 299). so that, in the Kantian perspective, the revolution contradicts the principles of natural law, deduced "a priori" from reason, representing the destruction of the State and the minimum of ethics necessary for the journey towards the republican State. However, although Kant does not recognize the right to revolution, the philosopher suggests that changing a public constitution can occur through reform. In Kant's words:

A change in a (defective) constitution, which may certainly be necessary at times, can therefore be carried out only through reform by the [322] sovereign itself, but not by the people, and therefore not by revolution; and when such a change takes place this reform can affect only the executive authority, not the legislative. (*MS*, 06: 133)

In this line of thought, the author continues:

The attempt to realize this Idea should not be made by way of revolution, by a leap, that is, by violent overthrow of an already existing defective constitution (for there would then be an intervening moment in which any rightful condition would be annihilated). But if it is

attempted and carried out by gradual reform in accordance with firm principles, it can lead to continual approximation to the highest political good, perpetual peace. (*MS*, 06: 161)

So, we can infer that Kant denies the sovereign's right of resistance as a way to guarantee and strengthen the proposal for a republican constitution which, based on the principles of freedom, according to him, is the only legitimate constitution capable of leading civil society to an idealized state of perpetual peace among peoples. In this bias, we recall that the Kantian conception of justice is directly associated with the notion of freedom, considering that it is fair to act in accordance with the laws of freedom.

Thus, for Kant, fair will be the action that respects the coexistence of freedoms and enables the exercise of discretion, in accordance with universal law. Ultimately, fair will be the legal system that guarantees the possibility of all individuals in a free society, willing to equitably develop their personality, potential and talents. It will also be fair the government that meets the basic needs of all individuals within its jurisdiction. In this perspective, we would like to emphasize that the Kantian conception of justice as freedom also seems to define the contours of the liberal theory of the State constituted by the pillars of freedom, legality and morality. It is relevant to note that Kant, when referring to the revolution, presents us with the figure of active and negative resistance, and the consideration of this distinction is fundamental to understand the author's thought and his position on the subject of this discussion. We will see:

Nevertheless, no active resistance (by the people combining at will to coerce the government to take a certain course of action, and so itself performing an act of executive authority) is permitted, but only negative resistance, that is, a refusal of the people (in parliament) to accede to every demand the government puts forth as necessary for administering the state. (*MS*, 06: 133)

Although Kant does not establish a very strong distinction between revolution and resistance, the author's argumentative trajectory leads us to infer that, for him, revolutions (acts of active resistance) consist in a violent mechanism for the deposition of sovereign power, which can lead to flirts with anarchy and an incisive nod to the state of nature, which would justify his repulsion of the same. As for what Kant calls passive resistance, it's worth considering more on what he meant. We can understand by civil disobedience

what Kant would call passive resistance. as both have a peaceful nature in the quest for change.

In this sense, the civil disobedience, unlike an active resistance, is not intended to question the entire legal system or even bring it down completely. Rather, it consists of a form of peaceful resistance whose objective is to publicly postulate the execution of legal reforms deemed unjust, and to which Kant may have given a slightly more flexible treatment considering its possibility. We can thus say that the distinction between active resistance (revolutions) and passive resistance (civil disobedience) lies in the fact that the latter has a non-violent character, not involving any act of physical and moral violence. So here we have a very important point for our discussion, very well observed and interpreted by Rosen, namely:

Kant does believe that “active resistance” to political authority is always morally prohibited, and he is firmly opposed to all rebellion. It is equally clear, though, pace Grcic and Grey, and despite Kant’s own occasionally sweeping statements to the contrary, that he does not believe citizens are always morally required to obey laws. To put the matter briefly: Although Kant rejects all violent opposition to ruling authorities, he accepts the moral permissibility in some circumstances and the moral necessity in others of passive disobedience to unjust laws. (Rosen, 1993, pp. 149-150)

Rosen further adds that the:

Evidence of this position comes from several sources toward the end of the *Rechtslehre*. Kant claims that a categorical imperative requires us to obey the suzerain ...in everything that does not conflict with our inner morality (*nicht dem inneren Moralischen widerstreitet*). Kant makes no effort to explain what might qualify as a conflict with internal morality [...] Generalizing from this example, one might interpret Kant’s view as being that an individual is allowed even morally required, to disobey a law or command if complying with it would make him a participant in acts of injustice. (Rosen, 1993, pp. 150-151)

Thus, we can verify that Rosen’s argument is deduced from the following Kantian statement: “that there is a categorical imperative: Obey the authority that has power over you (in everything that does not conflict with inner morality)” (*MS*, 06: 177). But the question is: from this Kantian quote, may we not say that Kant would establish the gateway to the legitimization of civil disobedience? That’s what it appears to be. We may

say that, respecting the proper proportions and restrictions, we understand that Kant would recognize in the figure of civil disobedience a very specific form of public exercise of the citizen's reason through the freedom to express his consent or refusal to tolerate the injustice of the laws, and that, by abandoning the state of passivity, postulates its revision and reform. Finally, we must face the following question presented in this article: Can or should the State, as guardian of the law, punish acts of insurrection? Is the state's *jus puniendi* for Kant a prerogative or a duty? Concerning the question of the state's *jus puniendi*, Kant says that: "The right to punish is the right a ruler has against a subject to inflict pain upon him because of his having committed a crime" (*MS*, 06: 140). Further on, Kant states that the law of punishment consists of a commandment of reason:

The principle of punishment is a categorical imperative, and woe to him who crawls through the windings of eudaemonism in order to discover something that releases the criminal from punishment or even reduces its amount by the advantage it promises, in accordance with the Pharisaical saying, "It is better for one man to die than for an entire people to perish." For if justice goes, there is no longer any value in men's living on the earth. What, therefore, should one think of the proposal to preserve the life? (*MS*, 06: 141)

It is important to remember that, with regard to the State's right to punish and the theory of punishment, Kant reveals himself as a defender of retributionism, which we consider to be moderate retributionism and in this perspective, let's see Kant words: "But what kind and what amount of punishment is it that public justice makes its principle and measure? None other than the principle of equality (in the position of the needle on the scale of justice), to incline no more to one side than to the other" (*MS*, 06: 141). So, the Kantian stance on this subject gives him the accusation that in his theory there is, therefore, room for abuse or arbitrariness. In this bias, the challenge is to identify whether the Kantian general rule also applies to acts of passive resistance, such as disobedience civil, since the author recognizes that in certain circumstances, it is not only tolerable, but it consists in an obligation not to obey laws that conflict with our internal morality and imply in the practice of unjust acts. As we can see, Kant is not as obvious and predictable as we often think he is, and many controversial and complex issues were not, by purpose or not, faced by the author. In this context, we cannot say that Kant is hopelessly opposed to thinkers such as Thoreau, Gandhi, Dworkin, Rawls, Habermas, among others, who

defend the adoption of a passive resistance when all possibilities of discourse are exhausted, as a first resource in the promotion of revision and reforms of an unjust legal system and even a tyrannical and corrupt government to the detriment of the hasty perpetration of a revolution.

### **Conclusion**

As we have seen, civil disobedience is an institution that has its legal, social and philosophical aspects and implications in the relations between the State and its citizens. The imposition of norms and public policies establishes a bond that must be perfectly aligned with the will of your community. Unfortunately, and very often, such alignment does not occur, leaving us with the following impasse: What to do when we have laws or public policy actions that directly attack the interests of society? What should the State do with those who do not agree and disobey its laws? Can we disobey illegitimate or unjust rules? These are the reflections that we set out to promote. For that, we undertake a brief historical trajectory of cases about civil disobedience in its most diverse contexts, namely: with Thoreau when he rebels against the use destined for tax collection; with Dworkin, fostering the discussion about the legitimacy and validity of the laws, questioning the obligatory nature of military recruitment, among other cases, as well as about our behavior in relation to a State that establishes unjust and unreasonable laws and policies. With Gandhi, the importance and effectiveness of the principle of civil disobedience in the non-violent confrontation with the British yoke of colonialism in the fight for the independence of the Indian people and finally, with Kant, despite the fact that the right of revolution does not find acceptance in his doctrine of law;- i.e. civil disobedience, if understood as a kind of peaceful resistance, could be glimpsed by the German philosopher as a legitimate mechanism for achieving changes in the legal, political and social context. So, we can infer that the German philosopher would not be as opposed to the concept as we usually think.

We emphasize that, among the reflections on civil disobedience researched in this work, we have as a converging point the courage expressed in the aforementioned thinkers, demonstrated by the promotion of discussion and confrontation, at times, against an inefficient and despotic government, even if under unequal conditions due to strong arm methods exercised by the state. However, we stress that the resistance proposed by

them consists of peaceful resistance, which does not mean to say that it is a passive attitude. Therefore, the confluence of the presented theses is linked to the defense of an unarmed revolution, which does not imply a passive behavior as already highlighted. We believe, therefore, that civil disobedience effectively allows a change in the political paradigm without the necessary use of violence and that, by revealing itself as an active force, it promotes conflict resolution through non-violence proposal.

## References

- Alves, R. (1990). *Gandhi: política dos gestos poéticos*. FTD.
- Bobbio, N. (1997). *Direito e Estado no Pensamento de Emmanuel Kant* (4ª ed.). Editora Universidade de Brasília.
- Dworkin, R. (1978). *Taking Right Seriously*. Harvard University Press.
- Dworkin, R. (1985). *A Matter of Principle*. Harvard University Press.
- Garcia, M. (1994). *Desobediência civil, direito fundamental*. Revista dos Tribunais.
- Garrido, M. A. (2012). *Fenómeno de não violência: la influência de Bhagavad Guita Mahatma Gandhi* (1º ed.). Resistencia: ConTexto Libros.
- Guimarães, I. R. (2019). *Correspondência com Irene: meditações de um Cristão sobre a paz e a não violência*. EDUCS.
- Thomas Hobbes. (2021, 20 de julho). In Wikipédia. [https://pt.wikipedia.org/wiki/Thomas\\_Hobbes](https://pt.wikipedia.org/wiki/Thomas_Hobbes)
- Kant, I. (1991). *The Metaphysics of Morals* (M. Gregor, Trans.). Harvard University Press.
- Kant, I. (1998). *Groundwork of the Metaphysics of Morals* (M. Gregor, Trans.). Cambridge University Press.
- Lucas, D. C. (2014, julho/dezembro). A Desobediência Civil na Teoria Jurídica de Ronald Dworkin. *Revista de Direitos Fundamentais e Democracia*, 16(16), 116–129.
- Muller, J.-M. (2006). *Não violência na educação* (T. Van Acker, Trad.). Palas Athena.
- Muller, J.-M. (2007). *O princípio da não-violência* (I. Polegato, Trad.). Palas Athena.
- Nadal, T. (1981). *A opção religiosa de Gandhi: político porque religioso*. Edições Loyola.
- Rosen, A. D. (1993). *Kant's Theory of Justice*. Cornell University Press.
- Jean-Jacques Rousseau. (2021, 20 de julho). In Wikipédia. [https://pt.wikipedia.org/wiki/Jean-Jacques\\_Rousseau](https://pt.wikipedia.org/wiki/Jean-Jacques_Rousseau)



- Salgado, J. C. (1995). *A Ideia de Justiça em Kant* (2ª ed.). Editora UFMG.
- Silva, D. N. (2020, 26 de novembro). Desobediência civil. In Brasil Escola. <https://brasilecola.uol.com.br/sociologia/desobediencia-civil.htm>
- Souza, R. T. (2020). *Crítica da razão idolátrica: tentação de Thanatos, necroética e sobrevivência*. Zouk.
- Thoreau, H. D. (2012). *A Desobediência Civil* (J. G. Couto, Trad.). Penguin Classics; Companhia da Letras.
- Torres, J. C. B. (2018). A Vontade Geral não se Representa, Sempre se Presume [número especial]. *Conjectura: Filosofia e Educação*, 23, 69–89.
- Wermuth, M. Â. D., & Santos, L. M. (2018). A Desobediência Civil e o Direito de Resistência como Instrumentos de Enfrentamento a Contextos não Democráticos: Limites e Possibilidades à Luz do Ordenamento Jurídico Brasileiro. *Revista Direitos Sociais e Políticas Públicas*, 6(1).

*Received: 22 October 2021*

*Revised: 28 February 2022*

*Approved: 29 February 2022*



This is an open-access article distributed under the terms of the Creative Commons Attribution License.