



An introduction to disobedience for the third South African dispensation

By Robert Duigan
Researcher for Opinor

November 2021

History knows many periods of dark times in which the public realm has been obscured and the world become so dubious that people have ceased to ask any more of politics than that it show due consideration for their vital interests and personal liberty.

– Hannah Arendt, *Men in dark times*

This essay aims to provide a legible framework, both theoretical and practical, for the engagement of a civil disobedience campaign, both in general, drawing on international experts, and specific to the South African political context, addressing the institutional knowledge of the prevailing players and the historical narratives available. Civil disobedience is a specific political strategy, underpinned by specific conceptions of political power and legitimacy. But to be executed successfully, a civil disobedience campaign relies on a broader political movement, and a complex decentralised social support system. Therefore, tactics and strategy are examined according to the empirical track record.

Contents

Introduction	1
Theory of disobedience	2
Conclusion	5
Ethics of disobedience	5
The dilemma of duties	5
Vital interests.....	8
Subjugation	9
The dilemma of tactics.....	11
Conclusion	13
Praxis	14
The practical guides	14
The social movement	15
Elite theory	17
The empirical success of non-violent tactics.....	22
Media	23
Tax revolts.....	25
South Africa today	27

Introduction

This article seeks to give an ontological, ethical, tactical and strategic outline of the nature of civil disobedience by applying a synoptic methodology – by observing the most influential and incisive claims in the literature and harmonising their perspectives to produce a synthetic framework that preserves the best qualities of each theory. This produces a new overall vision, with the aim of providing clarity of thought to strategists from a high level of abstraction down to practical details. It is specifically aimed at AfriForum and the South African context.

Civil disobedience can be narrowly defined as the collective and public refusal to comply with the law for reasons of conscience. But more than this, it implies a confrontational doctrine of political engagement. It rests on the premise that political power is the result of voluntary collective obedience, and hence that people are capable of exerting power by withdrawing their cooperation with the law in a coordinated and overt fashion in the name of justice. This entails that the duty to obey the law is conditional.

Consequently, to declare a campaign of civil disobedience is a radical claim against the moral legitimacy of the government as it exists. It means to call for a suspension of the unity of the political community under law until such time as the grievances are addressed by restoring deprived rights, or until power can be obtained to assert or to restore these autonomously. Naturally, this threatens political order and unity, but likewise reflects an existing disorder and disunity in the body politic, arising from an unjust relationship between citizens and state.

The right to disobey can be defined in terms of vital interests – those interests necessary for maintaining individual, family and group survival, and legal parity with the commonwealth of citizens that one is a member of. Should these be violated, each citizen has a right to resist the laws and orders that sustain these injustices, or to register a pre-emptive objection to the possibility of such, if the implementation of a particularly egregious violation is likely.

In South Africa today – just as in the previous dispensation – there are grave political injustices. The ruling party is using a variety of strategies, both legal and illegal, to exclude and control racial minorities, seize land and other properties from these minorities (as well as from those black citizens who are politically unconnected and in possession of desired properties) and make their constituencies ungovernable. The loss of property rights is considered by some scholars to be a major precursor to political violence and mass murder.¹ This makes it a matter of vital interest, just as threatening as the destruction of legal protection against violent crime.

But unlike the white minority government before it (who governed through legally rationalistic policies that could be identified and attacked), the majoritarian despotism of the African National Congress (ANC) functions in large part through opaque and informal mechanisms. It is characterised both by corruption and dereliction of duty to provide essential services on the one hand, and by intrusive and discriminatory legislation on the other. Additionally, the threat of popular collective violence is real, though limited.

This article will argue that the appropriate response necessitates a non-violent approach, combined with preparation for violent state and non-state actors. Non-violence is both morally preferable, and empirically demonstrated to be more effective than violence, not only in

¹ Carson, S.W. 2007. Stealing and killing: A property-rights theory of mass murder. *The Independent Review* 11(3): 381–395. Available at <https://www.jstor.org/stable/24562378>.

forming legitimacy, but in recruiting a broad base. However, it requires a multi-dimensional coordination of forces, and an intelligent, creative and aggressive use of media communication and agenda setting through shock, symbolism, repetition and performance.

Theory of disobedience

Civil disobedience is a specific category of political action. The common thread among those who use this term (or the similar form *civil resistance*) is the notion of publicly and openly disobeying the laws or instructions of the state or its proxies, either as 1) a limited act of protest against some policy, 2) as an obstruction of the implementation of that policy, or 3) to withdraw support and cooperation from the state for the exercise of such policies. But the public aspect of the disobedience recognises a communion between the protesting party and the rest of society, including the state included. The notion of civil disobedience is a response to an unjust discontinuity between the elements of a commonwealth of citizens, remedied either by complete fission or negotiated reconciliation.

The term itself comes from Henry David Thoreau's treatise of the same name,² though the original title is less ambiguous about the essence of the issue: *Disobedience to the civil state*. His exemplary act of disobedience was refusing to pay federal taxes.

Hannah Arendt's contribution to this area is primarily in having drawn the distinction between civil disobedience and conscientious objection,³ the latter of which characterises much of Thoreau's attitude, in which personal conscience is the sole authority to which an individual may appeal, and consequently, the act is "unpolitical" – that is, it is neither public, nor collective, but solitary (a perspective shared by many theorists, including Rawls⁴ and Brownlee⁵). In her distinction between private, individual conscientious objection on the one hand, and public, collective civil disobedience on the other, she resolves the potential antinomianism of private conscience and volition by recourse to the inherent social dynamics which emerge when those of common conscience subject their voices to the logic of the political market, where they must face the judgment of their fellow citizens.⁶ This requirement of public openness is also found in Martin Luther King who – like the mainstream jurists of his time – insisted that the punishment scheduled by law for its breach should be accepted without complaint by civil disobedience.⁷

To be an act of civil disobedience then, it must be public and collective, and appeal to the authority of the civil state or political community. *Civil society* as we understand it today (as a form of public association separate from the state) is largely a modern notion.⁸ The notion of the *civil state* finds its roots in the classic concept of the *res publica* (something like *public entity* or "public affairs"), often rendered in English as *commonwealth*. This is similar to the Aristotelian notion of the *koinōnía politiké*, or *political community*.

² Thoreau, H.D. 2014. *Civil disobedience*. Lehi: Libertas Press. Available at <https://libertas.org/books/civildisobedience.pdf>.

³ Arendt, H. 1972. Civil disobedience. In *Crises of the Republic*. New York: Harcourt Brace & Co. Available at https://monoskop.org/images/7/70/Arendt_Hannah_Crises_of_the_Republic.pdf.

⁴ Rawls, J. 2013. The justification of civil disobedience. In: Kavanagh, A. & Oberdiek, J. (Eds.). *Arguing about law*. Oxon: Routledge, pp. 244–253.

⁵ Brownlee, K. 2012. Conscience and conviction: The case for civil disobedience. Oxford: Oxford University Press.

⁶ Arendt, H. 1972. Civil disobedience. In *Crises of the Republic*. New York: Harcourt Brace & Co, pp. 66–68; 75–76. Available at https://monoskop.org/images/7/70/Arendt_Hannah_Crises_of_the_Republic.pdf.

⁷ King, M.L. 2013. Letter from a Birmingham jail. In: Kavanagh, A., Oberdiek, J. (Eds.). *Arguing about law*. Oxon: Routledge, pp. 258.

⁸ Rowley, C. 1998. On the nature of civil society. *The Independent Review*, 2(3): 401–420. Available at <https://www.jstor.org/stable/24561020>.

In this classical form, civic society is coextensive with the state. What is referred to as *the state* (when spoken of as distinct from society) is the site of negotiation of power at its heart, with a significant body of obedient civil servants and public officers at its disposal. This conceptual continuity arises from a common identification of various uniting factors: For Cicero, common interest, and a common sense of justice or jurisprudence;⁹ for Aristotle, common ethos and *telos* (a shared moral order and common purpose). Nor is this unique to Western classical society. African communities throughout the regions of Bantu expansion have traditionally engaged in open-forum politics and arrived at local decisions of law and policy on a consensus basis, on the assumption of a common *ultimate interest*.¹⁰ Citizenship then, is a condition of integration into a common hierarchical point of decision-making among some small minority of elites (the state), whose coordination with the interests and values of the rest of society is not always guaranteed.

The earliest expression of the principles of disobedience in the modern world arguably comes from the young 16th century French dissident and companion of Montaigne, Etienne de la Boétie. He argued against what he called “political servitude” – a blind obedience to state authority. People, he argued, obey authority voluntarily, out of a combination of three motives: 1) fear, 2) custom or habit, or 3) a reverence for the sacred rites of the polity.¹¹ La Boétie does not advocate for disobedience in an anarchist sense, but in the dynamics of his theory, power can be withdrawn from the state through non-violent means, by shrugging off this voluntary servitude when the state engages in tyranny – a word which implies a fundamental contention between state and citizen, a relationship which ought properly to be collaborative. The greatest threats to state power, then, are those acts which convince large portions of the population to withdraw their voluntary cooperation. Gene Sharp writes that it is obedience, cooperation and submission to the status quo that preserves it, and only defiance and refusal to cooperate can bring about change.¹²

Consequently, principled dissent from the authority of the law, even if it is passive, is a radical act that performatively declares the participating members of the state to have broken apart the common ground by which it justifies its authority over the aggrieved party. By ranging itself against some section of its citizenry, the state fundamentally alienates itself from them, performatively declaring them to a greater or lesser extent to be others or outsiders, as does that portion of the population who willingly consent to this state of affairs. Civil disobedience is a performative recognition of this schism.

Yet at the same time, as a function of its public nature, civil disobedience is an appeal to society – a call to return to that common ground, upon which rules are founded that are tolerable to all. This ultimately constitutes a conditional repudiation of the state’s authority, a temporary break with the unity of the society out of refusal to accept the legitimacy of some decision of the state. States tend to respond to this with some form of repression, since the proliferation of dissent threatens to escalate into a loss of control over policymaking or – in the extreme – revolution, secession or anarchy. If such an escalation occurs, the conditions for a commonwealth (a common sense of interest and justice) are destroyed, and the state and the

⁹ Cicero, M.T. 2017. *Cicero: On the commonwealth and on the laws*. Cambridge: Cambridge University Press.

¹⁰ See:

- Wiredu, K. 1995. Democracy and consensus in African traditional politics: A plea for a non-party polity. *The Centennial Review* 39(1): 53–64. Available at <https://www.jstor.org/stable/23739547>.
- Williams, J. M. 2010. *Chieftaincy, the state, and democracy: Political legitimacy in post-apartheid South Africa*. Bloomington: Indiana University Press.

¹¹ De la Boétie, E. 1975. *The politics of obedience: The discourse of voluntary servitude*. Montréal: Black Rose Books.

¹² Sharp, G. 2012. *From dictatorship to democracy: A conceptual framework for liberation*. Fourth US edition. Boston: Albert Einstein Institution. Available at <https://www.aeinstein.org/wp-content/uploads/2013/09/FDTD.pdf>.

dissenters cannot come to a compromise, except through war. But dissenters, even if they are in violation of the law, are not rebels or revolutionaries – even if they carry that potential. They are fundamentally making a plea for justice.

Charles Tilly has become known for his polity model, through which he described social movements as developing from splits in the polity between different elite classes or ethnic groups who seek new coalitions to rebalance and recalibrate the social contract along lines that are relatively favourable to all participants. Rather than a form of disordered social friction, this is a part of politics, a means for working out unaddressed differences in society.¹³

The great proponents of civil disobedience (Thoreau, La Boétie, Gandhi, etc.) tend to place the authority to dissent from the political community and its executors in the private conscience and its communion with the divine, thus vesting ultimate authority in an ideal which transcends mundane politics. But these thinkers do not dissent by default, and only conditionally withdraw their obedience from the representatives of the commonwealth. Civil politics then exists when people as a whole lend some portion of their private moral authority to the collective, out of a trust in the common sense of the political community.

Tilly theorised that this element of commonly invested trust is the fundamental component of rule under democracy. The elements of Boétiean political obedience can therefore be explained in terms of trust and perceived fairness between natural or institutionalised social networks, such as family, clan, church and habitual economic intercourse. The domain of the state is thus grown by placing these valued resources and outcomes in the trust of government agents.¹⁴ If these trust networks recede into distinct societies or become governed by fear rather than willing cooperation, the commonwealth is fractured and weakened.

When the state and its confederates exercise control over these trust networks in a way that demonstrates to some grouping of the population that it is unjust or unreliable, it will be in this group's interest to withdraw its trust into more localised or sectional networks and cooperate more reluctantly, or even organise rebellion. Similarly, the state creates just such a social enclave of reduced trust and integration by absorbing a community of outsiders, whether from immigration, slavery or conquest. These discontinuities of identity and trust represent an unreliable government, or one whose powers and interests are contrarily disposed to those (of at least a subset) of the general population.

While this common trust can be remedied by recourse to a pragmatic settlement or a process of justice and reconciliation, without a common understanding of the basis of law or justice, the different interests in the society can only reconcile themselves by force and imposed discipline. This would constitute something that approaches a state of war or of subjugation, in which some sector of society has its conditions of life imposed through brutality and hostility. This sees the creation of a society that is in a technical sense “deeply divided”,¹⁵ in which the fundamental conditions for commonwealth organisation are not met, and in which the negotiations between various factions devolves into a negotiation of raw power, restrained from all-out war only by cost, external pressures and the balance of forces.

In (for example) Israel, Northern Ireland, Kashmir and South Africa, the fundamental criteria along which societal justice is judged differ in irreconcilable ways between the main forces in

¹³ Tarrow, S. 2008. Charles Tilly and the practice of contentious politics. *Social Movement Studies* 7(3): 225–246. DOI: <https://doi.org/10.1080/14742830802485601>.

¹⁴ Tilly, C. 2004. Trust and rule. *Theory and Society* 33, no. 1: 1-30. Available at <https://www.jstor.org/stable/4144889>.

¹⁵ See especially: Guelke, A. 2012. *Politics in deeply divided societies*. Cambridge: Polity Press.

society. Here, the Ciceronian appeal to a common *jus* is not possible, and any motion towards civil disobedience must bear this in mind – a demand to restructure the very notion of justice, which mediates structural differences of interest. If the dissidents cannot convince their opponents that their concept of justice is valid, the contest can only be won by violence, which a strong and popular state can easily win. Violent repression can be successful; however, if it is unsuccessful, it often strengthens the movement's claims on the illegitimacy of the state. It is under these conditions that civil disobedience evolves into something beyond: revolution or secession.

Conclusion

In sum, civil disobedience is fundamentally a public, collective response to political conditions unacceptable to some section of the population. Furthermore, it is a conditional mass withdrawal of cooperation which constitutes a civil division, which can easily escalate to more serious forms of political contest, in the case that the state and its subjects do not share a sense of justice, or that the state refuses to show sufficient cause to be trusted. If that state does not have the strength to enforce obedience through fear and violence, this separation may even become permanent, or escalate into revolution or open war.

Ethics of disobedience

It is insufficient to declare a state to be tyrannical. The definition becomes circular: A tyranny is that government which justifies disobedience, and disobedience is the appropriate response to a tyranny. We must have clear criteria for determining civil disobedience to be justified and deciding what form of response is appropriate. Violence – though it is often tempting to activists – comes at a higher cost than non-violent engagement and must be subject to an appropriate judgment of necessity.

Consequently, there are two dilemmas at the heart of civil disobedience. The first lies in the conflict between the duty to the law and the duty that one's conscience imposes in virtue of a higher value. The other dilemma is the matter of violence. Civil disobedience, being a phenomenon of mass participation, will tend to stimulate the state to use violence in the name of preserving social order. Likewise, civil disobedience campaigns are often accompanied by violence or coercion in one form or another, whether in coercive recruitment, vandalism or intimidation.

The dilemma of duties

At its most basic, the moral dilemma at the heart of civil disobedience is a conflict between moral obligations. There are duties that exist for all human beings, and duties that exist as functions of one's social participation in a legal system. For many post-war American jurists – considering the long history of civil disobedience in that country – this fundamental conflict of duties is at the heart of their political programme.¹⁶ As Edmundson notes, this troubling over the duty to obey the law is a perennial discussion in political thought. It cannot be subject to mere individual moral judgment but must be realised as a universal duty that treats the body of

¹⁶ Loesch, M. C. 1990. Motive testimony and a civil disobedience justification. *Notre Dame Journal of Ethics & Public Policy* 5(4): 1069–1119. Available at <https://scholarship.law.nd.edu/ndjlepp/vol5/iss4/9/>.

law as a seamless whole. Yet he and the majority of theorists recognise some exceptions must pertain, though answers remain unsatisfactory.¹⁷

The key issue is precisely when moral principle trumps our duty to obey the law. This is exacerbated by the fact that there are many and frequent moral objections to laws of many kinds and for many reasons. Olof Wikström argues in his general theory of crime that violations of the law are a product of either poor impulse control or a moral decision, made because those who violate the law in question believe themselves to be entitled to that action (or inaction) for whatever reason – selfish or otherwise.¹⁸ Similarly, Donald Black suggested that violence is employed as social control. This is a “moral” act, in the strict and purely descriptive sense that it entails enforcement of a code of behaviour preferred by the person wielding it.¹⁹

It would be an unreasonably nihilistic perspective to suggest that these common acts of often selfish and antisocial nature, or of desperation driven by contingent circumstance are morally equal to acts of civil disobedience. People generally hold civil disobedience to of a higher value than common violations of law, selfish recalcitrance or organised crime, because of the nature of the justification which drives the decision to partake in them, and the public participatory nature of social movements. One may consider acts of desperation to be forgivable, but they are the exception, not the rule. Antisocial acts of self-interest may be considered morally wrong by default.

For the proponents of civil disobedience, the ethics of political action stem from individual conscience, but not in a self-centred way – they must appeal to a moral authority common to the disobedients and the rest of the community to whom they are appealing. Just where that authority lies, and what is permitted in its name, is a matter of profound dispute. But judging the law on its justness at minimum requires testing against this common principle above the law itself. If it is a minority position that opposes the law, then that higher principle must be higher than that of democratic will.

As Tinder observes, the modern political tradition (Hobbes, Locke, Rousseau, etc.) in its attempt to address the dangers of state power, forms a confused and unsatisfying narrative that struggles to square the circle between anarchistic pure voluntarism of individual right, and a tyranny of the representatives of majority will.²⁰ As he argues (and Erich Voegelin argued),²¹ these problems arise from revering imminent systems of government instead of cultivating an appropriate Christian attitude. They constitute a form of idolatry, in which an image of the impermanent power of man in the realm of the immanent (an ideology) takes precedent over the transcendent authority of God over eternity. His solution is to adopt a “prophetic stance”: an appropriate recognition of the fallenness of human society, and to the sacred bond individuals have with their creator, to never fall prey to ideological illusions, but rather to adopt

¹⁷ Edmundson, W A. 2004. State of the art: The duty to obey the law. *Legal Theory* 10: 215–259. Available at <https://ssrn.com/abstract=1147113>.

¹⁸ Wikström, P.O.H., Oberwittler, D., Treiber, K. & Hardie, B. 2014. *Breaking rules: The social and situational dynamics of young people's urban crime*. Oxford: Oxford University Press.

¹⁹ See:

- Black, D. 1983. Crime as social control. *American Sociological Review* 48(1): 34–45. DOI: <https://doi.org/10.2307/2095143>.
- Black, D. 2000. On the origin of morality. *Journal of Consciousness Studies* 7 (1–2): 107–119. Available at: <https://www.ingentaconnect.com/content/imp/jcs/2000/00000007/F0020001/1129>.
- Black, D. 2004. Terrorism as social control. In Deffem, M. (Ed.). *Terrorism and counter-terrorism (Sociology of crime, law and deviance)*. Volume 5, pp. 9–18. DOI: [https://doi.org/10.1108/S1521-6136\(2004\)0000005003](https://doi.org/10.1108/S1521-6136(2004)0000005003).

²⁰ Tinder, G. 2004. Why obey? In *Political thinking: The perennial questions*. New York: Pearson/Longman.

²¹ Voegelin, E. 1997. *Science, politics and gnosticism: Two essays*. Washington DC: Regnery Publishing.

a lucid attitude to the functions of power and justice. This entails an obedience to the law that is cautious and conditional.²²

Pierre de Vos describes the constitutional limits of the right to protest as being defined during the student protests of 2015–2018 in terms of proportionality – to what extent the protesters have violated rights elsewhere prescribed in the legal code.²³ His general perspective on the South African Constitution is that it is the source not just of law, but of the values of society.²⁴ Under this radical super-positivist perspective, the law takes primacy over all moral considerations, and any considerations outside of it are moot. In the United States (US), the constitution is often claimed to play this role because of its historical uniqueness.

John Rawls, who wrote during a mass civil disobedience movement in the US, made similar appeals, but in line with a far more egalitarian ideal. According to Rawls, obedience to an imagined common civic community is a moral imperative regardless of the justness of a law or policy, so long as it is nominally constitutionally democratic and the means by which the legislation was enacted was procedurally correct.²⁵ Rawls insisted that disobedience is only justified when the laws or policies are unjust and the action stands a chance of success in changing the laws which are the source of the injustice. The theory of justice that Rawls outlined is egalitarian in principle, based on an equal distribution of rights. This includes demands for economic equality²⁶ (addressing which is beyond the scope of this essay), but the essential notion of equal rights is applicable to the concept of a commonwealth as outlined above. The Rawlsian notion of injustice may be ill-equipped to critique an excessively intrusive egalitarian political project, but in terms of its recognition of the necessity of equal recognition of citizenship within society, Rawls's perspective is quite consonant.

Arendt described an illustrative dispute over the principles of disobedience among American jurists. Some saw voluntary submission to the legally prescribed punishment for civil disobedience as a necessary precondition for its legitimacy, a position adopted by Rawls. Under this theory, disobedience serves to test the law against the constitution through the justice system. However, the anti-war protests of the 1960s and 1970s were against a political decision from the government and thus fell outside of the purview of constitutionalism²⁷. This means that it is not merely justifiable to disobey when the laws are unsound, but when they sustain an unjust political activity.

Objections to the legal positivists are not uncommon – Nazi Germany's barbarity makes an easy test. The German jurist Gustav Radbruch developed a moral formula for this following the Second World War. It is generally known as the *Radbruch Formula*, in which a sufficiently unjust law loses its legal validity²⁸ and this makes justice a criterion against which law is measured. While in most cases positive law is sufficient, the validity of any statute is not established by its mere codification and enforcement. If it is fundamentally unjust – defined in

²² Tinder, G. 2000. *The political meaning of Christianity: An interpretation*. Eugene: Wipf and Stock Publishers.

²³ De Vos, P. 2018. The constitutional limits of disruptive protest: the case of student protest in South Africa. *Zeitschrift für Menschenrechte* 12(1): 64–87. Available at: <https://elibrary.utb.de/doi/pdf/10.46499/1297.1356>.

²⁴ De Vos, P. 2017. Rejecting the free marketplace of ideas: a value-based conception of the limits of free speech. *South African Journal on Human Rights* 33(3): 359–379. Available at: <https://doi.org/10.1080/02587203.2017.1395953>.

²⁵ Rawls, J. 2009. The justification of civil disobedience. In Kavanagh, A. & Oberdiek, J. (Eds.). *Arguing about law*. London: Routledge, pp. 244–253.

²⁶ Wenar, L. 2021. John Rawls. In Zalta, E.N. (Eds.). *The Stanford encyclopedia of philosophy*. Available at <https://plato.stanford.edu/entries/rawls/>.

²⁷ Arendt, H. 1972. Civil disobedience. In *Crises of the Republic*. New York: Harcourt Brace & Co. Available at https://monoskop.org/images/7/70/Arendt_Hannah_Crises_of_the_Republic.pdf.

²⁸ Bix, B.H. 2011. Radbruch's Formula and conceptual analysis. *American Journal of Jurisprudence* 56: 45–57. Available at https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1459&context=faculty_articles.

terms of equality before the law – the law is defeating its own end (justice) and is invalid.²⁹ This has become the new common sense for much of the West, where the nadir of German National-Socialism has formed a permanent moral animus shadowing the liberal-democratic order, much as apartheid has for the South African National Democratic Revolution.

This reveals the crux of the dilemma: The law is an instrument of political power. Secular morality does not provide an objective standard against which to measure the competition of these duties. Rawls, who focuses on what he sees as near-ideal conditions of liberal democracy, has little to say about what to do in unlike conditions. Thomas Hobbes, who deals with the conditions of a near-absolute monarchy, sees the duty of all men to be totally circumscribed within the tacit contract between them and the sovereign who protects them. It is the protection of their lives that citizens exchanges their freedom for, and on the basis of this contract that the polis restrains the individual. Thus, the duty to the state ends where its threat to people's lives begins, and their recourse in *jus naturale* to self-defence is inviolable.³⁰

But it is evidently far too late to begin disobeying the state the instant one's life is in danger. There are many violent intervening steps between the peace of domestic bliss and the peace of the guillotine that make actions on the part of citizens to assert themselves against latent threats essential. And yet, not all threats are alike. But this begs the question: What are these conditions? In other words: How much injustice is too much injustice? What is the standard by which we recognise the limits of political loyalty? If the threshold is set at subjective entitlement, we are left with absolute antinomianism and nihilistic egoist anarchy. If we set the threshold at De Vos's radical constitutional absolutism, we lose the distinction between tyranny and commonwealth. A decision protocol is required for the conditions under which duty to conscience supersedes duty to obedience, and that neither makes recourse to the law in absolute, nor disregards the essential duty to obey the law.

I claim that the balance of duties tips against the duty to obey the law when one's vital interests are threatened or a portion of the population is subjugated – any violation of these is a violation of the instruments of one's preservation. However, it is not merely the right of the aggrieved section of the population to participate in the process of defending these interests, but of all citizens who wish to preserve the health and unity of the commonwealth. Consequently, the removal of these rights, or indeed the credible threat thereof, entitles any individuals in the commonwealth who may be affected by these changes – or indeed any individuals moved by the righteousness of such a cause – to band together in resistance to the state.

Vital interests

Vital interests are defined here as those that are essential to individual, social and spiritual survival: the maintenance of property, common cultural institutions and the free exercise of religious practices and moral culture.

According to Koos Malan, any citizen has the inalienable right to take the law into their own hands. In the South African context, the Constitution guarantees the right of the public to adequate security. In the absence of the state providing this service, it is the right of the citizens themselves to shoulder this burden and seek whatever means necessary to protect

²⁹ *Ibid.*, p. 46.

³⁰ Hobbes, T. 1886. *Leviathan or the matter form and power of a commonwealth, ecclesiastical and civil*. Available at https://books.google.co.za/books/about/Leviathan.html?id=2oc6AAAAMAAJ&printsec=frontcover&source=kp_read_button&hl=en&redir_esc=y#v=onepage&q&f=false. Accessed on 6 October 2021, pp. 65–70.

themselves from violence.³¹ But the vital interests of one's life are the absolute minimum application of the principle of vital interests.

Individual rights necessarily include private property rights since one's property is the means of material subsistence. While officers of the state (police, judges, administrators, doctors, etc.) wield certain privileges in all political communities, in a commonwealth these professional privileges do not give them power over any citizen's vital interests without a fair trial, and function only as instruments of legal institutions. But if property is publicly owned, officials have the power to destroy citizens' livelihood extrajudicially, and popular politicians have the right to do so by virtue of the call of patronage, ideology, or popular feeling. The loss of property rights is considered by some scholars to be a major precursor to political violence and mass murder.³²

Taxes are in effect public property but are at least in theory limited by some mechanism subject to citizen influence or at least legal restraint, and leave all people with property at their disposal. Taxation is justified by the ends to which it is deployed, and thus the consent of the governed to the behaviour of their government is a matter of vital interest. The alienation of property for immoral ends is the concern of every citizen who has lent their trust to the instruments of that alienation, and understandably arouses indignation or outrage; a sense of betrayal.

While moral, religious or cultural values are not generally seen as possessing the same gravity as imminent phenomena such as bodily integrity, property and physical liberties, they serve 1) the fundamental purpose of the spiritual needs of humanity, 2) the means for the preservation of community health and cohesion, and 3) the propagation of common knowledge. Consequently, the undermining of the religious institutions of the community should be treated as a serious threat to vital interest, especially if these policies or laws serve to erode or dismantle the institutions that are vital to the reproduction of these values.

The essential need to maintain the religious or moral culture of the commonwealth requires the state not to enact any policy, even to outsiders, that would violate the moral conscience of the population. Such a policy would lead to the undermining of that moral culture, much as the Vietnam War did to the belief in collective American moral authority, fuelling the countercultural rebellion in the late-mid 20th century.

The violation of these norms – the free and peaceable exercise of one's religion or moral culture, common traditions and relatively free disposal of one's property – is a violation of the instruments of the citizens' preservation, and thus the sum total of their vital interests. The actions of the state, whether *de facto* or *de jure*, must protect the ability of its citizens to exercise these interests – meaning they must recognise them as legal rights – in order to constitute a proper commonwealth.

Subjugation

If a group of citizens is deprived of equal treatment by means of some ethnic or other indelible characteristic, whether through neglect (*de facto*) or discrimination (*de jure*), they subsist as mere subjects and not full citizens. This alienates them from the commonwealth and places

³¹ Malan, J. 2007. The inalienable right to take the law into our own hands and the faltering state. *Journal of South African Law* 4: 642-654. Available at https://repository.up.ac.za/bitstream/handle/2263/5290/Malan_Inalienable%282007%29.pdf?sequence=1&isAllowed=y.

³² Carson, S.W. 2007. Stealing and killing: A property-rights theory of mass murder. *The Independent Review* 11(3): 381–395. Available at <https://www.jstor.org/stable/24562378>.

them in a condition of subjugation to whichever part of the population is privileged above them, in the strict and classical sense of *privé légé* (English: *private law*): a law that only pertains to some class of the population, however defined.

Subjugation is here defined as a condition of either legal subservience, in which case one is formally subject to the authority of others in the community, or subalternity, in which case one's rights are determined to be of less gravity than others. A right is quite simply a legally apportioned authority to act in a certain way, which the whole of the political community is required to respect. *Subservience* is the case in which a group has fewer concrete rights, whereas *subalternity* is a condition of reduced priority in law.

In addition, the attack on vital interests may not need to be circumscribed in law. If the state becomes lawless and other agents act to violate these essential conditions with the tolerance or support of the state apparatus, it is natural that any group of citizens who are so affected should take such measures as may be necessary to secure these rights. If these acts constitute a violation of the law – such as the use of vigilante forces and ersatz legal processes – they may count towards a civil disobedience campaign of a special kind, provided they are public and not covert and are accompanied by an appeal to the authorities to step up to their appropriate function. This serves to demand the state to enforce rules of conduct that are necessary for vital security. Refusal to authorise, or failure to enforce such rules, results in conditions that limit the citizenship of a section of the population, and that reduce them to subalternity.

Such is the means by which the subjugated group's membership to the commonwealth is limited. When a subjugated group or individual disobeys, it thus demands one of two things: either 1) full membership of the commonwealth, or 2) independence as a separate commonwealth of their own. This is naturally a challenge to the established powers of the state, perhaps even a larger community, and is consequently very dangerous.

But citizenship more than entitles one to defend the conditions of the commonwealth: It also entails the positive moral duty to. Thoreau argued that, if a citizen objected to the actions of the state (in his day, slavery and the Mexican War), they are obliged at the bare minimum not to support it.³³ For Thoreau, this meant withholding taxation, for which he went to prison. Gandhi, heavily influenced by Thoreau, employed similar ideas when he developed his tactics for *satyagraha* (civil resistance) in South Africa, which later shaped the tactics of the Indian independence movement. In both instances, he employed non-violent means of resistance to the demands of the state.³⁴

La Boétie did not argue for any political model or ideology, eschewing endorsement for any concrete form of the state, whether as monarchy, oligarchy or democracy; neither did he make the classical Aristotelian distinction between good and bad instances of these forms. Instead, he made the argument from pure morality, that there are natural liberties accorded men in the same way as for animals – arising from God-given impulses. Likewise, he opposed excessive toleration, seemingly arguing for a moral order that precedes the political.³⁵ A tacit supporter of a tyranny is blameworthy to the extent that their servitude is positively willing. Cicero, who

³³ Thoreau, H.D. 2014. *Civil disobedience*. Lehi: Libertas Press. Available at <https://libertas.org/books/civildisobedience.pdf>.

³⁴ Hendrick, G. 1956. The influence of Thoreau's 'civil disobedience' on Gandhi's satyagraha. *The New England Quarterly*, 29(4): 462–471. Available at <https://doi.org/10.2307/362139>.

³⁵ Podoksik, E. 2003. Estienne de la Boétie and the Politics of Obedience. *Bibliothèque d'humanisme et Renaissance* 65(1): 83–95. Available at <https://www.jstor.org/stable/20680554>. In this work, for instance, he is described as advocating a form of "private anarchism".

heavily influenced La Boétie's writing,³⁶ placed the duty in virtuous leaders within a political commonwealth, particularly the senators. But the virtues ought to be practised by everybody, and there is to Cicero no higher virtue than to dedicate oneself to the commonwealth; similar to what we would today colloquially refer to as *nationalism*. The use of civil disobedience is, under this view, in service of the higher common good of the society.

In a state of subjugation, there is a fundamental discontinuity between the governing elites and a plurality of the general population, which constitutes a persistent structural threat to the latter's vital interests. The vital interests of all must be defended against divisions between the elites of the state apparatus and the people, a division which can lead to predatory behaviour. A divided commonwealth demands a response from elites (from government) to rectify this state of affairs, and should they refuse, the people have thus – by initiating a civil disobedience movement – prepared themselves to make more serious efforts in defence of their natural right to self-preservation and the defence of their vital interests.

The dilemma of tactics

This notion of the existence of some universal source of values or interests that lie at the foundation of political and social life – transcending the duty to law but never disregarding the requisite duty to obey it in principle – is difficult to tie directly to the practice of negotiating between them. There always lies a temptation to seize the most effective means, and there will always be a certain number of believers in the efficacy of violence. Violence itself in the pure and abstract is not necessarily important to the ethics of political engagement, as John Morreal points out. The violence must be directed at some person. In his example, the difference between breaking the windows of a car wreck at the dump and destroying someone's vehicle on the street is just this person-directed quality.³⁷ For our purposes, I will treat coercion as being morally coextensive with violence, given that it generally constitutes a threat of violence.

In common understanding, civil disobedience is often assumed to be non-violent and noncoercive by definition. But this is not so, and it often involves sabotage, physical confrontation or even the use of deliberate and proactive violence against others, or the threat thereof. Violent civil disobedience is often coextensive with revolutionary aims, like those of the ANC or the Weather Underground. But just as often the aim of those who would use sabotage, vandalism, street violence or similar tactics is neither revolution nor secession, but a rectification of the social contract, as an ordinary protest in France will easily demonstrate.

The capacity for civil disobedience to encompass violence and coercion, or prefigure it, is a central conundrum. At the one end lies the position of Gandhi, whose radical and unconditional pacifism went so far as to advocate for the voluntary suicide of the Jews in Nazi Germany. The logic of such a tactic is to wield the natural human tendency to pity and empathy as a weapon of psychological warfare against more powerful foes. It is in the appeal to man's higher spiritual tendencies that can only tolerate inflicting so much suffering before giving up cruelty. The faithful principle of non-violent resistance Gandhi called *satyagraha* is a spiritual one, which demands a faith that few people possess even as individuals, much less collectively. In order to practice *satyagraha*, the people would need to be trained in faith and discipline.³⁸ Similarly, King names

³⁶ García-Alonso, M. 2013. La Boétie and the neo-Roman conception of freedom. *History of European ideas* 39(3): 317–334. DOI: <https://doi.org/10.1080/01916599.2012.695207>.

³⁷ Morreal, J. 1976. The justifiability of violent civil disobedience. *Canadian Journal of Philosophy* 6(1): 35–47 (p. 38). DOI: <https://doi.org/10.1080/00455091.1976.10716975>.

³⁸ Mukherji, G. 2015. *Gandhi and Tagore: Politics, truth and conscience*. London: Routledge, pp. 87–88.

self-purification as a necessary step in the process of civil disobedience – a sort of non-violent radicalisation of the spirit.³⁹

The larger debate on violence that occurred in the 1960s and 1970s in the US seems to have focused predominantly on the need to maintain social order. Various authors therefore focused on the necessity to distinguish between civil disobedience and rebellion,⁴⁰ or the obligation to subject oneself to the law and its punitive effects⁴¹ (a position shared by King).⁴² Discussion of the place of violence in acts of civil disobedience tended either towards principled opposition⁴³ or pure consequentialism.⁴⁴ For many, the moral role of violence is reduced to its comparative effectiveness in achieving its chosen aims. For Morreal, the justification of violence in the exercise of civil disobedience (his example was the burning of military draft files) is justifiable in terms of the likelihood of the act contributing to the success of the aims of the civil disobedience itself.⁴⁵ Or, as Malcolm X put it, “nonviolence is fine, as long as it works.”

Nelson Mandela’s contribution was to make the distinction between “by any means necessary” and “by any means available”, introducing nuance and decidability into the schism between pacifists like King, pragmatists like Marcus Garvey and Malcolm X or atavists like Franz Fanon, who championed violence as a force for spiritual liberation.⁴⁶ Mandela’s speech in the dock after the seizure of the ANC leadership at Rivonia laid out a concrete theory, in which categories of tactics were listed in order of escalation in their violent and coercive characteristics – from public commentary, legal appeal, negotiation, petition and peaceful protest to boycotts, strikes and eventually violent resistance, exhausting the utility of each tactic before escalating to the next.

He made distinctions between terrorism, sabotage and guerrilla warfare that were exemplified by their objectivity as tactical methods, each with its own relative moral cost. At the core of the theory was a notion that there are some principles that are beyond compromise because of their vital nature, and as such must be fought for by any means necessary. But the nature of the gradual escalation exhibits the moral principle that whatever means are to be achieved politically must be achieved by the most consensual, lawful and peaceable means possible before seeking means that are less so.⁴⁷

Much like a demonstration, a public speech or an act of politically motivated vandalism, terrorism is a public and communicative act. It declares political motive to the public by enacting a gruesome violence or threatening to do so, on the bodies of some symbolically important victims in order to manipulate a target audience, either as a form of intimidation, or

³⁹ Kavanagh, A. & Oberdiek, J. (Eds.). 2009. *Arguing about law*. King, M.L. Letter from a Birmingham jail. London: Routledge, p. 255.

⁴⁰ Brown, S. M. 1961. Civil disobedience. *The Journal of Philosophy*, 58(22): 661–689. DOI: <https://doi.org/10.2307/2023326>.

⁴¹ See:

- Arendt, H. 1972. Civil disobedience. In *Crises of the Republic*. New York: Harcourt Brace & Co. Available at https://monoskop.org/images/7/70/Arendt_Hannah_Crises_of_the_Republic.pdf.
- Rawls, J. 2013. The justification of civil disobedience. In: Kavanagh, A. & Oberdiek, J. (Eds.). *Arguing about law*. Oxon: Routledge, pp. 244–253.

⁴² Kavanagh, A. & Oberdiek, J. (Eds.). 2009. *Arguing about law*. King, M.L. Letter from a Birmingham jail. London: Routledge, p. 255.

⁴³ Rawls, J. 2013. The justification of civil disobedience. In: Kavanagh, A. & Oberdiek, J. (Eds.). *Arguing about law*. Oxon: Routledge, pp. 244–253.

⁴⁴ Morreal, J. 1976. The justifiability of violent civil disobedience. *Canadian Journal of Philosophy* 6(1): 35–47 (p. 38). DOI: <https://doi.org/10.1080/00455091.1976.10716975>.

⁴⁵ *Ibid.*

⁴⁶ Fanon, F. 2007. Concerning violence. In *On Violence*. Durham: Duke University Press, pp. 79–100.

⁴⁷ Mandela, N. 1964. “I am prepared to die”: Nelson Mandela’s statement from the dock at the opening of the defence case in the Rivonia Trial. Available at http://db.nelsonmandela.org/speeches/pub_view.asp?pg=item&ItemID=NMS010&txtstr=prepared%20to%20die. Accessed on 6 October 2021.

of emboldenment – but ultimately to strike into the enemy a feeling of terror that the same cruelty and spectacle can happen anywhere, any time, and will not end until the terrorists' demands are met or until they are taken, dead or alive. Rather than aiming to sap the enemy's resources (as a guerrilla strategy does), punishing a guilty person or decapitating an organisation, it is psychological warfare that is aimed at demoralising the public. It has often accompanied civil disobedience campaigns, whether in South Africa, Israel/Palestine, Kashmir or Northern Ireland, and has been committed by both state- and non-state actors alike. It is a tactic and not a disposition, and therefore has objective characteristics; however, the concept may be abused for political advantage by moral relativists.

What is more, an act of terrorism bears a fundamentally evil characteristic – that it is in its essence an act of human sacrifice: The victims in an act of terrorism are not guilty, except of bearing a symbolic value to the communication of a terrifying message. This places those who carry out acts of terrorism in an extraordinary position, in which the justification for their crimes must be so much greater than the crimes they have committed. It can be asserted, not unconvincingly, that terrorism is fundamentally unjustifiable because of its sacrificial dimension. The threat of an act of terrorism without the act itself may be justified far more easily. However, the nature of empty threats is that they tend to lack effect and reduce credibility.

Ultimately, it is rare for advocates of civil disobedience to be utterly instrumental in their approach. Saul Alinsky saw no reason for activists to adhere to any moral prohibitions against force or fraud,⁴⁸ and believed that any tactics that practically achieve greater power are permissible. This instrumental morality characterises an approach to civil disobedience in which it serves to address all injustices by making all institutions responsive to local democratic forces.⁴⁹ But this is not typical. All the texts reviewed here take at least some care to declare the need for honesty and the preferential avoidance of violence.

Conclusion

Fundamentally, the experiences of those who led successful campaigns of civil resistance by gaining the broadest legitimacy bear two main messages which are almost painfully obvious in their simplicity. First, non-violence is less morally costly than violence, and so violence must be avoided where possible. And second, if violence is necessary to achieve morally imperative aims, then that cost must be borne. It is most clearly in Mandela's speeches that the strict distinction between necessary and available means has been made explicit in the civil disobedience context, and, in doing so, the limits of civil disobedience itself and the beginnings of war are delineated.

But as Gandhi realised: Aside from moral considerations, martyrdom has a far more powerful positive psychological effect on the beliefs of one's opponents than does terrorism, so that while the logic of, for example, guerrilla warfare might be a sound one from a material or economic standpoint (draining enemy resources), it does not serve to win hearts and minds.

⁴⁸ He notoriously opens his book *Rules for Radicals* with the following quote: "Lest we forget at least an over-the-shoulder acknowledgment to the very first radical: from all our legends, mythology, and history (and who is to know where mythology leaves off and history begins – or which is which), the first radical known to man who rebelled against the establishment and did it so effectively that he at least won his own kingdom – Lucifer." However, it must be borne in mind that he was not an advocate for violence *per se* – he believed it was injurious to activists' reputation and popularity (see next footnote).

⁴⁹ Glass, J. F. 1984. Saul Alinsky in retrospect. *Clinical Sociology Review* 2(1): 35–38. Available at <https://digitalcommons.wayne.edu/csr/vol2/iss1/7/>. Accessed on 6 October 2021.

Hearts and minds are of paramount concern, especially when there is prevailing support for the status quo. And from here we must proceed to these practical issues.

Praxis

The practice of civil disobedience has several practical characteristics that exist besides its abstract foundations or its essential descriptive minimum. First, isolated, single-issue campaigns are unlikely to succeed without the support of a broader movement that cannot succeed itself without having in itself a higher positive vision to give it direction, or multiple contributing parties to give it shape. The development of a civil disobedience campaign functions like any other form of political mobilisation and consists of many of the same organisational elements that revolutionaries and all-purpose activists employ. It is guided by a core leadership; it requires financing, must rely on a stable network of support and is subject to the pressures of the media, the legal system, security apparatus and political economy.

There is no shortage today of advanced and popular manuals on the use of civil resistance and disobedience tactics.⁵⁰ These volumes range in terms of their aims from the more popular tactics-oriented works (e.g., Boyd and Mitchell) to broader strategic frameworks, like that of Sharp's *From dictatorship to democracy*. As tactical and strategic manuals, they all take for granted that the audience shares a certain perspective on the nature of their political situation. They tend to be left-leaning and are often very radical in their social outlook.

But while revolutionary or radical texts such as those by Alinsky, Sharp or Gramsci may be aimed at a radical left audience, they have an instructive utility that transcends political sectarianism. Many of the insights to be gained into the practical dimensions of activism apply regardless of the political aims of the activists, and they are often unexamined by the majority of conservative commentators.

The practical guides

The broadest common position is one of a diversity of tactics. This can be seen in a variety of texts on strategy for political activism, which often aim to provide not just tactical approaches, but strategic guidance. A wide variety of different approaches, organisations and contributors serves to create the largest possible coalition framework and to include the greatest number of people of a variety of skills, tendencies and abilities.⁵¹

For many of these authors, a key dimension is to see protest and disobedience as theatre, exploiting the public dimension of protest and disobedience to leverage maximum support. A key dimension of success in this regard is to draw the authorities into a double-bind – a decision dilemma – by forcing them to act in situations where they are unable to appear morally justified or effective. The use of ridicule and the undermining of authority through

⁵⁰ See:

- Boyd, A. & Mitchell, D.O. (Eds.). 2013. *Beautiful trouble: A toolbox for revolution*. New York: OR Books.
- Mann, E. 2011. *Playbook for progressives: 16 qualities of the successful organizer*. Boston: Beacon Press.
- McAlevey, J. 2016. *No shortcuts: Organizing for power in the new gilded age*. Oxford: Oxford University Press.
- Heath, J. & Potter, J. 2006. *The rebel sell: How the counterculture became consumer culture*. Chichester: Capstone.
- Popović, S. & Miller, M. 2015. *Blueprint for revolution: How to use Rice pudding, Lego men, and other nonviolent techniques to galvanize communities, overthrow dictators, or simply change the world*. New York: Random House.
- Sharp, G. 2012. *From dictatorship to democracy: A conceptual framework for liberation*. Fourth US edition. Boston: Albert Einstein Institution. Available at <https://www.aeinstein.org/wp-content/uploads/2013/09/FDTD.pdf>.
- Alinsky, S. D. 1989. *Rules for radicals: A practical primer for realistic radicals*. New York: Vintage.

⁵¹ Boyd, A. & Mitchell, D.O. (Eds.). 2013. *Beautiful trouble: A toolbox for revolution*. New York: OR Books, p. 88.

demonstrating incompetence was the primary method used by Srđa Popović and other activists from former Yugoslavia. In one case they released turkeys into the public square and the public got to see the police engaging in the futile pursuit of the birds for hours.⁵² Their book emphasises the need for creative ridicule of authority as key to undermining its legitimacy and to attracting the youth through subversive artistic expressions in public settings.

In the first appendix to his book *Dictatorship to democracy*, Sharp lists a large taxonomy of methods for public engagement as political dissidents. These range from the most elemental aspects of leafleting and social networking to direct disobedience, land seizures and strikes.⁵³ One primary theme in this book is the necessity to focus on creating changes in the patterns of society and its institutions that survive successful change, and to ensure that a return to despotic or otherwise unjust conditions does not occur. He insists on non-cooperation and defiance against those who would hijack a victory, meaning that energy should not be allowed to dissipate in celebration, but be maintained vigilantly afterwards, to consolidate more durable conditions of justice.⁵⁴

Sharp insists that dissidents should not rely on the intervention of outside forces, because 1) they may have a tyrannical agenda all their own or 2) it leads to a form of learned helplessness. However, foreign assistance can be an effective amplifier of a strong resistance movement. This requires the strengthening of resolve among the people, much as King and Gandhi and many revolutionaries insisted on.

Likewise, Alinsky, stressed the need for people to be receptive to the prospect of change, however radical, which requires skilful communication.⁵⁵ His approach to civil disobedience, much like Sharp, saw civil disobedience as a small part of a grander set of strategies, at the heart of which is seizing the mechanisms for the delegation of power – by organising at a local level and placing one's people in advantageous positions, a moral movement has the power to convert civil disobedience campaigns into real change.⁵⁶ Violence has the potential to trigger a reactionary response from the public, and so is cautioned against, at least when that is the likely outcome.

Eric Mann emphasises what he calls “transformative organising”: a pursuit of concrete, achievable goals, like desegregating workplaces or shutting down military recruitment offices, but using these as a means for transforming the thoughts of the participants and the affected people, to draw them into a higher cause that the smaller concrete goals serve to achieve.⁵⁷

The social movement

As a mere strategic mode, civil disobedience suffers from the natural risk dilemma potential participants are faced with: Breaking the law can result in violence from authorities and incarceration. As mentioned above, thinkers like Gandhi and King emphasised the need to spiritually galvanise and discipline people. Broad, coordinated action at various levels of intensity is required to provide disobedient actors with the sense of security that is required for the moral commitment and hazard they will be undertaking, and to give the state cause for pause. To organise at scale requires higher principles and ideals through which participants

⁵² Popović, S. & Miller, M. 2015. *Blueprint for revolution: How to use Rice pudding, Lego men, and other nonviolent techniques to galvanize communities, overthrow dictators, or simply change the world*. New York: Random House, p. 6.

⁵³ Sharp, G. 2012. *From dictatorship to democracy: A conceptual framework for liberation*. New York: The New Press.

⁵⁴ *Ibid.*, pp. 73–78.

⁵⁵ Alinsky, S. D. 1989. *Rules for radicals: A practical primer for realistic radicals*. New York: Vintage.

⁵⁶ *Ibid.*, p. xxiii.

⁵⁷ Mann, E. 2011. *Playbook for progressives: 16 qualities of the successful organizer*. Boston: Beacon Press.

may independently but consonantly express and coordinate activities and justify their bravery and solidarity.⁵⁸ This means cultivating a social movement.

Social movements are broad and inclusive organised programs of action that encompass many different actors and strategies. They are also by definition teleological: The concept is not defined by organisational structures or their tactics, but by a common purpose or direction and as such relies on common ideological understanding. This constitutes the highest common factor shared by all participants that can facilitate collaboration, cooperation and even coordination between participating smaller causes and organisations, and can attract support from the broader public.

Mostly because of the past centuries of liberal progress in the west and its conventional wisdom, it is often assumed (as Berberoglu *et al.* does),⁵⁹ that social movements are triggered by oppression and exploitation. But they can just as easily result from social decay, as the temperance movement and the movement for prohibition in the US, Scandinavia and Russia. The motives for a social movement cannot simply be reduced to a desire for liberation in the post-Enlightenment sense; they can be a call to moral order, and the demand for stricter enforcement of public laws that are scarcely imposed or even absent.

In classical theories such as those of Cicero, Aristotle or traditional African societies, the spirit of the community as a whole and its common purpose generally form the ground in which these ideas must grow. The forms of nationalism or religious piety which are favoured by the masses give a common ground of norms, ethics and symbols that function as a glue and as a means for legitimating and guiding practice. Indeed, while many assume social movements to have a “left” or “progressive” character, much of the historical social movements of 18th and 19th century Europe were in defence of particular features of what Tilly called the “moral economy”.⁶⁰

Social movements must rely on a broad repertoire of tactics, since once these become routinised, they will inevitably be countered by a political system that learns through engagement. Consequently, there is pressure to be innovative, and many social movements that cannot keep up with the demands for evolution burn out. As the more casual masses evaporate from apathy and inertia, the more militant members will often resort to more drastic strategies, drawing them into cycles of violent escalation with authorities.⁶¹

As the practical guides to social organisation tell us, a variety of tactics and allegiances not only gives the ability to be flexible and to protect the movement by decentralisation, but also functions according to principles that were agreed upon by Gramsci and Alinsky and that they deemed necessary for achieving hegemony over the negotiations for the cause at hand, whether in labour disputes or national revolution. The movement should 1) appeal to real issues that are pertinent to the concrete experiences of life in organic communities, 2) cultivate durable networks that transcend class divisions and 3) unite all these concerns under a single meaning or idea that can give common purpose and can tap into people’s higher aspirations.

⁵⁸ Tarrow, S. G. 2011. *Power in movement: Social movements and contentious politics*. Cambridge: Cambridge University Press, pp. 10–11.

⁵⁹ Berberoglu, B. 2019. *The Palgrave handbook of social movements, revolution, and social transformation*. London: Palgrave Macmillan.

⁶⁰ Tilly, C. 2004. *Social movements, 1768–2004*. Boulder CO: Paradigm Publish.

⁶¹ Tarrow, S.G. 2008. Charles Tilly and the practice of contentious politics. *Social Movement Studies* 7(3): 225–246 (p. 104) DOI: <https://doi.org/10.1080/14742830802485601>.

But political activists cannot lean on the appeal of their ideas alone. True believers with a great deal of time on their hands are uncommon and even supporters are constrained. As Lenin observed: One requires a class of “professional revolutionaries” to wage revolution, and by analogy many civil disobedience campaigns rely on a core of volunteers who are capable of working full-time. Those who can afford to employ staff are at a clear advantage over those who cannot, making fundraising essential. Those who start out from scratch often find that only those who are paid to engage the public will generally have consistent impact.⁶²

Sharp emphasises the need for decentralisation, not only to perform this role of knitting together different factions and concrete interests, but also to 1) decentralise the movement, 2) provide it with its own institutions that can provide support and develop its own leadership from loyal internal stock and 3) provide a base of operations and project influence.⁶³ Much as US establishment think tanks⁶⁴ emphasise, the struggle for a successful push for reform is heavily dependent on the integration of the broadest part of civil society, taking into account not only ordinary people, but media, corporations and civil servants.

Eric Mann’s guide is organised around fulfilling simple-to-understand roles within a movement that people may find themselves either specialising in or playing multiple over the course of their career: the foot soldier, the evangelist, the recruiter, the group builder, the strategist, the tactician, the communicator, the political educators, the agitator, the fund-raiser, the comrade and confidante, and the cadre.

In order to gain ground, social movements must gain support from established institutions. Incorporating electoral politics into the strategy to overturn a policy, particularly if the party in power is corrupt and oppressive, highlights the repressive tactics it uses to maintain control.⁶⁵ When favourable parties are in power, movements can offer electoral support in exchange for reforms, and success by political allies can boost morale and demonstrate models of successful tactics,⁶⁶ while allies in power facilitate attaining goals of all kinds.⁶⁷ Without legislative allies, the terms of settlement in victory will not be determined by those in the movement, but by the climate of politics and by the elites who have the keys to the country club.

Elite theory

Despite the common perception of civil disobedience and social movements that these arise as “grassroots” phenomena, no organised mass public action is ever spontaneous. It requires planning, funding, legal assistance and organisation. This means that talented and organised leaders must be at the heart of these movements. They must be able to direct and shape media engagement, symbolic language and strategy, and raise funds for the operations that they launch. These people constitute an elite or (in older language) a vanguard, or simply

⁶² Interview with Phil Craig, June 2021.

⁶³ Sharp, G. 2012. *From dictatorship to democracy: A conceptual framework for liberation*. Fourth US edition. Boston: Albert Einstein Institution. Available at <https://www.aeinstein.org/wp-content/uploads/2013/09/FDTD.pdf>.

⁶⁴ Eisen, N., Kenealy, A., Corke, S., Taussig, T. & Polyakova, A. 2019. *The democracy playbook: Preventing and reversing democratic backsliding*. Washington, DC: Brookings Institute.

⁶⁵ Bunce, V. & Wolchik, S. 2008. Getting real about “real causes”. *Journal of Democracy* 20(1): 69–73. DOI: <https://doi.org/10.1353/jod.0.0063>.

⁶⁶ Jenkins, J. C. 1983. Resource mobilization theory and the study of social movements. *Annual Review of Sociology* 9(1): 527–553 (p. 548). Available at <https://www.annualreviews.org/doi/pdf/10.1146/annurev.so.09.080183.002523>.

⁶⁷ Tarrow, S.G. 2008. Charles Tilly and the practice of contentious politics. *Social Movement Studies* 7(3): 225–246 (p. 104) DOI: <https://doi.org/10.1080/14742830802485601>.

“leaders”, who perform the bulk of the real work. The distinction between a “democratic” organisation and a top-down one is largely illusory.⁶⁸

The degree of influence that ordinary members of the public have over protest leadership is – much like state leadership itself – extremely limited, and more so the larger the movement becomes. It is neither practical to open up strategic decision-making to the backbenchers: Flexible executive choices that can be adhered to as firm policies and strategic lines are necessary for any functioning organisation. Consequently, ordinary members are subject to the organising and communicative capacity of their leadership, and for this reason they are compelled to rely on the information and ideological understanding given to them to make decisions at a personal level. The masses are thus impotent without elite delegation. This has been referred to by Roberts Michels as the “iron law of oligarchy”.⁶⁹

For the sake of clarity, elites within a social movement will be referred to as *leaders*, and those in government or the corporate world will be referred to as *power elites* (following C. Wright Mills and William Domhoff).⁷⁰ Following this formulation, the power elites are those who hold all the political and economic power, but they can to some extent be manipulated and bargained with because they are not monolithic, but divided into factions. The aim is power, as both the Alinskyites and the South African United Democratic Front (UDF) stated.⁷¹

In corollary, leaders of social movements will often flaunt their democratic credentials, but the reality is that there is limited room for general input. Consequently, these leaders must direct the everyday decision-making processes and shape the character of engagement with power elites through the structured hierarchies that they command. These are the people who chair committees and negotiations, formulate policy and public statements, set agendas and define ideological commitments. Because these points of access to the broader masses are identifiable, they are subject to the laws of power. Consequently, Jane McAlevey considers the first and most crucial step in political action to be the mapping of the social networks of opposing and friendly elites, and subjecting them to rigorous power-analysis. The second step is the charting of organic social organisations and pools of potential support among ordinary people and their institutions.⁷² In her approach, however, she insists on offsetting the determinism suggested by Mills and Domhoff’s power elite theory by showing that the cultivation of natural leadership in the community can lead to structural change and innovation, and that power is susceptible to change. The belief that “the elites” (as a permanent class) will always hold all the power is explained as being a disempowering belief.

In the age of mass democracy in which civil disobedience and its external forms have gained an almost holy aura, the capacity to demonstrate public dissatisfaction through protest is greater than ever. Power elites therefore all seized the opportunity to engage in astroturfing protest movements to shape policy and culture, or to provide the legitimacy for regime change, whether on the “left” or “right” or the Western political system. In South Africa, internal rivalry for power within the ANC manifests as violent political theatre in mass mobilisations of faction against faction for access to spoils. In the mining zones, popular organisation is

⁶⁸ McAlevey, J. 2016. *No shortcuts: Organizing for power in the new gilded age*. Oxford: Oxford University Press, pp. 1–2.

⁶⁹ Michels, R. 2019. The iron law of oligarchy. In Olsen, M.E. & Marger, M.N. (Eds.). *Power in modern societies*. London: Routledge, pp. 111–124.

⁷⁰ See:

- Mills, C. W. 1981[1956]. *The power elite*. Oxford: Oxford University Press.
- Domhoff, G. W. 2018. *Who rules America?* New York: Routledge. Available at: https://whorulesamerica.ucsc.edu/wra50_chapter_1.pdf.

⁷¹ Seekings, J. 2010. Whose voices? Politics and methodology in the study of political organisation and protest in the final phase of the ‘Struggle’ in South Africa. *South African Historical Journal* 62: 7–28. DOI: <https://doi.org/10.1080/02582471003778300>.

⁷² McAlevey, J. 2016. *No shortcuts: Organizing for power in the new gilded age*. Oxford: Oxford University Press, p. 3.

contained by brokering stable cross-sector allegiances between the ruling party, their trade union allies, the mining companies and traditional authorities. This led to the deadlock that resulted in the wildcat strike that was put down in 2012 in Marikana.

Of particular significance to those who are engaged in political entrepreneurship or activism of any kind is the nature of non-government organisations (NGOs). For the most part, these are not independent organisations, but are often beholden to the interests of governments⁷³ or private enterprises.⁷⁴ The deep and far-reaching interventions by so-called philanthropic organisations have long been examined by scholars as mechanisms for control by powerful companies and political interests.⁷⁵ Much of this global NGO infrastructure serves as the instrument of what is termed *global governance*, a rhetorical turn which serves to obfuscate the nexus and instruments of power.⁷⁶

These forms of interventionist control can be categorised in three ways: as 1) amplification, 2) capture or 3) wholesale fabrication. It is not to say that – even in the most egregious examples of fabricated civil disobedience campaigns – the majority of the participants or contributors are not genuine in their feelings for the aims of the movement. Their reasons for support may be faithful or instrumental; their feelings may be zealous, ambivalent or weak. Their influence, however, is moot. The truly autonomous social movement is extremely rare. Independent of large state or power elite backing, it survives off the support of subordinate contributions and self-initiated or naturally reactive media attention. The temptation to seek amplification is a perennial dilemma for those who wish to maintain control over their political affairs – the forces to which they are opposed may be much larger and more competent. Capture is thus a serious risk for nascent movements who might seek to carve out their own path.

In the case of amplification, an authentic political figure or movement that shows potential to serve the interests of an existing power elite is approached and given financial, legal, media, strategic or other assistance to better achieve their ends. Their goals do not change substantially, but their tactics and political reach are extended significantly, as Popovic's were by his CIA backing.⁷⁷ This may be seen as the most common form of elite intervention. It makes for loyal and optimistic clients because they do not feel as if their aims are being subverted. It also frustrates conspiratorial accusations, because any member of the movement may readily point out that they believe in what the organisation is doing, and that the elites are well-meaning, even if the ultimate effects of their behaviour may not have precisely the same systemic effect as they intend.

It is in the interests of any movement to seek out amplification where it can, because without it the climb is lonelier, longer and more expensive. However, two risks present themselves *a priori*. The first is that the rapid growth does not allow for the organic growth of loyal

⁷³ Stone, D. 2008. Global public policy, transnational policy communities, and their networks. *Policy studies journal* 36(1): 19–38. DOI: <https://doi.org/10.1111/j.1541-0072.2007.00251.x>.

⁷⁴ See:

- Lipman, P. 2015. Capitalizing on crisis: Venture philanthropy's colonial project to remake urban education. *Critical Studies in Education* 56(2): 241–258. DOI: <https://doi.org/10.1080/17508487.2015.959031>.
- Sapinski, J. P. 2016. Constructing climate capitalism: corporate power and the global climate policy-planning network. *Global Networks* 16(1): 89–111. DOI: <https://doi.org/10.1080/17508487.2015.959031>.

⁷⁵ See:

- Guilhot, N. 2007. Reforming the world: George Soros, global capitalism and the philanthropic management of the social sciences. *Critical Sociology* 33(3): 447–477. DOI: <https://doi.org/10.1163/156916307X188988>.
- McGoey, L. 2014. The philanthropic state: market–state hybrids in the philanthrocapitalist turn. *Third World Quarterly* 35(1): 109–125. DOI: <https://doi.org/10.1080/01436597.2014.868989>.

⁷⁶ Stone, D. 2013. *Knowledge actors and transnational governance: The private-public policy nexus in the global agora*. Berlin: Springer.

⁷⁷ Wikileaks. 2013. *Canvas*. Email ID 5437020, Released on 2013-02-13 00:00 GMT. Available at <https://search.wikileaks.org/gifiles/?viewemailid=5437020>.

connective tissue in communities, and members will be more opportunistic because of the power, prestige and money that flow from such amplified efforts. The second is that the movement becomes dependent on the patronage of its particular elites. The danger is that elites often fall from grace or change their minds about the worthiness of the enterprises that they support, in which case the movement may become dragged into an unintended direction.

In the case of capture, a movement is perceived to have potential for an adjacent or related cause that suits the interests of power elites, but that is not currently prioritised. In fact, Alinsky – although viewed with an unholy aura of Machiavellian genius by the right – saw his movements regularly co-opted by the world of “philanthropic” organisations that had been set up by the barons of American industry (such as the Ford and Carnegie foundations), whose interventions allowed them to shape civil engagement to the advantage of their property investments in the large north-eastern cities.⁷⁸

Although initially community-based and organised through local branches of the Republican Party, the Tea Party movement in the US was quickly seized upon by the Koch Foundation and its connections in the media, think tank and NGO world.⁷⁹ Similarly, Antifa and the Black Lives Matter (BLM) movement formed a key part of the Democratic Party’s power strategy during the Trump era and were instrumental in intimidating and silencing Trump supporters where the Democrats held power. As interviews with key organisers revealed, a national strategy was in operation at a very high level and had the power to activate or shut down protests⁸⁰ and could leverage power across all branches of government to undermine ordinary electoral procedure.⁸¹ However, protests by BLM and Antifa that were previously allowed to inflict chaos and violence with impunity in the lead-up to the 2021 election were rapidly shut down by the new regime without achieving any of their stated aims and having outlived their usefulness.

Wholesale fabrications are rare, but the most well-known are the activities of the Open Society Foundation, a global NGO activist network financed by George Soros, and the National Endowment for Democracy, a US foreign policy front organisation.⁸² While each has its own ideological principles that guide their networks of client operations, they also have vested economic interest in the outcomes of their efforts.

Soros’s financial ideology is one that pursues and capitalises on what he calls “disequilibrium states” in the economy.⁸³ These seek to take advantage of static market assumptions, much as he famously did when undermining the Pound-Euro fixed exchange mechanism. Such moves can be highly destabilising. He also favours the elimination of guiding ethical principles for society in order to achieve what he calls an “open society”, which aims to eliminate nationalism and religious affiliation as significant powers in society. As a result, he funds hundreds of small activist organisations that pursue aims in this direction, such as open borders and various forms of left-wing radicalism. While many anti-Semites tend to see him as acting in Jewish interests, he also funds Palestinian solidarity organisations to open up Israel,

⁷⁸ Guilhot, N. 2007. Reforming the world: George Soros, global capitalism and the philanthropic management of the social sciences. *Critical Sociology* 33(3): 447–477. DOI: <https://doi.org/10.1163/156916307X188988>.

⁷⁹ Formisano, R. P. 2012. *The Tea Party: a brief history*. Baltimore: JHU Press.

⁸⁰ Burns, A. 2021. How Democrats planned for Doomsday. *New York Times*, 24 January. Available at <https://www.nytimes.com/2021/01/24/us/politics/democrats-trump-election-plan.html>.

⁸¹ Ball, M. 2021. The secret history of the shadow campaign that saved the 2020 election. *TIME*, 4 February. Available at <https://time.com/5936036/secret-2020-election-campaign/>.

⁸² Shane, S. 2018. Russia isn’t the only one meddling in elections. We do it, too. *The New York Times* 17 February. Available at <https://www.nytimes.com/2018/02/17/sunday-review/russia-isnt-the-only-one-meddling-in-elections-we-do-it-too.html>.

⁸³ Soros, G. 2013. Fallibility, reflexivity, and the human uncertainty principle. *Journal of Economic Methodology* 20(4): 309–329. DOI: <https://doi.org/10.1080/1350178X.2013.859415>.

making his liberal credentials fairly secure. His critics on the left see his organisation largely as a Trojan horse for the interests of transnational capital.⁸⁴

The so-called Colour Revolutions in general have been backed by a number of international organisations that are sponsored by the US, particularly the National Endowment for Democracy, which uses intelligence-backed funding and support for media and NGO activism.⁸⁵ The Maidan uprising in Ukraine can similarly be seen as such an instance, though this analysis is still highly contested. Vast financial, legal, diplomatic, political, intelligence and strategic support by the US funded a mass uprising of a broad coalition of Ukrainian nationalists against the corrupt and dysfunctional Kremlin-friendly government in Kiev, who had recently turned down a US\$160 billion deal to join the European Union. In a similar fashion to in the Arab Spring, the US deployed a large contingent of loyal, trained internet propagandists and organisers – amplified by Google, Twitter and Facebook (forming part of a public-private partnership with the CIA known as the Enduring Security Framework)⁸⁶ – as well as US-trained snipers and financed nationalist paramilitary organisations.⁸⁷

A fourth type of power relationship that is significant for civil disobedience campaigns is one that is analogous to the rhetorical motte-and-bailey strategy.⁸⁸ Two symbiotically linked but nominally independent organisations develop divergent strategies that work in tandem towards the same goals. One organisation is the motte, a violent outlawed faction that wages a violent, forward and offensive strategy and philosophy that is difficult to defend to ordinary people and whose radicalism is off-putting to many. The other is the bailey, an easily defensible, at least nominally non-violent organisation that gives the aims of the armed movement a human face.

In South Africa, the UDF forms an almost pure archetype of this arrangement. Although refusing to criticise the ANC or any of its tactics, yet sharing many members, it eschewed such tactics itself, and promoted itself as an independent, democratic organisation at grassroots level. By engaging with white and other minority communities, the UDF sought to legitimise the aims of the revolution. It pushed the ideology of socialism into their subsidiary organisations over the course of their work, including the teaching of discipline. The UDF mostly merged with the ANC after national unification.⁸⁹ Under contemporary conditions, where social networks are searchable on the internet, this tactic may require more circumspection.

One of their key strategies was to use a kind of creative accounting to make themselves appear larger than they were in reality. While recruiting multiple local organisations, membership of each would be increased by members of neighbouring groups. For example, members of church committees would join teachers' organisations and union branch offices. The ultimate effect was to

⁸⁴ Guilhot, N. 2007. Reforming the world: George Soros, global capitalism and the philanthropic management of the social sciences. *Critical Sociology* 33(3): 447–477. DOI: <https://doi.org/10.1163/156916307X188988>

⁸⁵ Bunce, V. & Wolchik, S. 2008. Getting real about “real causes”. *Journal of Democracy* 20(1): 69–73. DOI: 10.1353/jod.0.0063.

⁸⁶ Assange, J. 2014. *Google is not what it seems*. Available at <https://wikileaks.org/google-is-not-what-it-seems/>. Accessed on 6 October 2021.

⁸⁷ Zuesse, E. 2018. *How and why the US government perpetrated the 2014 coup in Ukraine*. Strategic Culture Foundation, June 3. Available at: <https://www.strategic-culture.org/news/2018/06/03/how-why-us-government-perpetrated-2014-coup-ukraine/>. This article contains several defunct links, which require the use of the *Wayback Machine* (<https://web.archive.org/>) in order to access them in their original form.

⁸⁸ According to Shackel, the “desirable but only lightly defensible territory of the Motte and Bailey castle, that is to say, the Bailey, represents a philosophical doctrine or position with similar properties: desirable to its proponent but only lightly defensible. The Motte is the defensible but undesired position to which one retreats when hard pressed”. See: Shackel, N. 2005. The vacuity of postmodernist methodology. *Metaphilosophy*, 36(3): 295–320. DOI: <https://doi.org/10.1111/j.1467-9973.2005.00370.x>.

⁸⁹ Seekings, J. 2010. Whose voices? Politics and methodology in the study of political organisation and protest in the final phase of the ‘Struggle’ in South Africa. *South African Historical Journal* 62: 7–28. DOI: <https://doi.org/10.1080/02582471003778300>.

have members counted multiple times when the members of participating organisations were all counted. This allowed them to exaggerate their true size and popular appeal in media communications.

The empirical success of non-violent tactics

Erica Chenoweth and Maria Stephan's book on the topic of civil resistance yields the first large-scale statistical research into the relative success of non-violence as a tactical restraint. It demonstrates a clear advantage to non-violent resistance movements, both in terms of immediate success and long-term stability. Their research model encompasses systemic movements only (anti-regime, anti-occupation, self-determination) and not single-issue activism.⁹⁰

Broadly speaking, they found that non-violent campaigns are more successful than violent ones (with the exception of secession, which is more likely to succeed when using violent tactics and is often suppressed when non-violent, but are often unsuccessful regardless), and the suggestion that the presence (even inactive or in exile) of an allied armed movement is good for the morale of civil disobedience movements. Generally, violent actions damage legitimacy and empower the state to crack down on them. Violent resistance campaigns fail over 75% of the time.⁹¹ Non-violent action has a lower barrier of entry, and so more participants can swell the movement's ranks. Larger membership usually results in greater innovation, and decentralisation results in greater resilience. Long-term ideological goals help to unify movements over time, and international diplomatic support is crucial.⁹²

Disruptiveness is also essential to success since the ability to disrupt the ordinary flow of social life forces even the apathetic to pay attention. This involves targeting the means of transport, exchange and communication: roads, public events, logistical networks, infrastructure and payment delivery schedules (including rent and taxation).⁹³ Rule-breaking, which is the essence of civil disobedience, functions best when it disrupts the ordinary flow of life that is dependent on predictable patterns. However, if protest becomes normalised in society, disruption will no longer be viewed as attention-worthy, except as a general problem to be circumvented or suppressed, and it becomes easier for the power elite to co-opt.⁹⁴ As Sidney Tarrow points out, tactical innovation is essential.⁹⁵

While violence may be highly effective at achieving disruption, the central weakness of violent tactics is that they hand government a mandate to use repressive tactics against the movement.⁹⁶ Protest and resistance can equally be leveraged for internal disputes among dominant elites, as in the case of the governing ANC, whose supporters will protest against the government that it runs, when directed to do so by party members who are contesting access to looting privileges; or in the case of Black Lives Matter and Antifa, the former of which is supported by the World Economic Forum. In an interview with the *New York Times*, Democratic Party officials bragged about being able to switch nationwide left-wing protests on or off (which

⁹⁰ Stephan, M.J. & Chenoweth, E. 2008. Why civil resistance works: The strategic logic of nonviolent conflict. *International Security* 33(1): 7–44. Available at https://www.belfercenter.org/sites/default/files/legacy/files/IS3301_pp007-044_Stephan_Chenoweth.pdf.

⁹¹ *Id.*, p. 222.

⁹² *Ibid.*

⁹³ Piven, F.F. 2006. *Challenging authority: How ordinary people change America*. Lanham: Rowman & Littlefield Publishers, p. 19–24.

⁹⁴ Piven, F.F. & Cloward, R.A. 1995. Collective protest: A critique of resource-mobilization theory. In Lyman, S.M. (Eds.). *Social Movements*. London: Palgrave MacMillan, pp. 137–167.

⁹⁵ See note 58.

⁹⁶ Tarrow, S. 2011. *Power in movement and contentious politics*. Third Edition. Cambridge: Cambridge University Press, p. 220.

had resulted in the destruction of several cities, dozens of rioting deaths and a skyrocketing homicide rate) with a single conference call.⁹⁷

In most non-violent social movements, success tends to have a snowball effect: As the status and power of the aggrieved group increases, activism becomes less costly,⁹⁸ whereas violent groups must rely on outside resources, which they cannot extract from legitimate sources and established institutions.⁹⁹

William Gamson was the leading scholar in studies on protests in the United States. His theory emphasised the opportunity afforded by national crises, as well as cohesion and the limiting of goals. Although his critics examined some faults in the codification of his data over the subsequent 30 years, they confirmed two of his theses, namely that the biggest predictors of success are displacement and factionalism. In other words, those with limited aims that could be accepted within the moral frame of the existing society were far more successful than those who sought to replace the current system, while those who could fend of factional splits and maintain unity were more successful than those who suffered from schisms.¹⁰⁰

Ultimately, Tarrow – looking at the variety of claims on factors of success, and the difficulty in determining success in absolute terms – suggests thinking about social movements in the following terms:¹⁰¹

- their effect on the political socialisation and the future activism of the people and groups who participated in them
- the effects of their struggles on political institutions and practices
- their contributions to changes in political culture.

Media

A fundamental aspect of any act of civil disobedience is that it is a form of communication, and is therefore subject to the practical dimensions of conveying meaning and intention. Bertrand Russell recognised that, much as in the present day, the mainstream of society is unlikely to give unpopular opinions a platform through conventional channels, and as such protest or other creative methods will be required.¹⁰² Similarly, many commentators, including Walter Lippman, Edward Bernays, Noam Chomsky, Eugene Lyons and Joseph Burnham, have become known for outlining the processes by which advanced modern states like the US, the United Kingdom and the former Soviet Union utilise media to direct public communication through institutional influence – not to mention direct interventions by security agencies such as Operation Mockingbird and the Enduring Security Framework in the US, or the several operations of the South African apartheid-era intelligence services, to influence popular opinion at home and abroad.

With strong influence among the media class, one may take hold of the popular narrative. An illustrative example is the Sharpeville massacre. It is remembered today as the story of a mass of unarmed but passionate protesters who were gunned down by an unsympathetic

⁹⁷ Burns, A. 2021. How Democrats planned for Doomsday. *New York Times*, 24 January. Available at <https://www.nytimes.com/2021/01/24/us/politics/democrats-trump-election-plan.html>.

⁹⁸ Jenkins, J. C. 1983. Resource mobilization theory and the study of social movements. *Annual review of sociology* 9(1): 527-253 (p. 532). Available at <https://www.annualreviews.org/doi/pdf/10.1146/annurev.so.09.080183.002523>.

⁹⁹ *Ibid.*

¹⁰⁰ Frey, R. S., Dietz, T. & Kalof, L. 1992. Characteristics of successful American protest groups: Another look at Gamson's strategy of social protest. *American Journal of Sociology* 98(2): 368-387. DOI: <https://doi.org/10.1086/230012>.

¹⁰¹ Tarrow, S. 2020. *Power in Movement and Contentious Politics, Revised Third Edition*. (p. 220)

¹⁰² Russell, B. 1998. *Autobiography*, London: Routledge.

police force. In reality, the crowd was assembled by coercive means, they were armed and their leaders had murdered several policemen the previous weekend.¹⁰³ The techniques employed by the ANC were a combination of luck (a liberal, anti-racist class of educated westerners reporting on these issues), infiltration and coercive terror, as outlined in Anthea Jeffery's book on the armed conflict.¹⁰⁴

Today, the role of a civil disobedience campaign is constrained by a communications environment that is dominated by regime-friendly actors. In the wake of the digital revolution in print media, the consolidation of news sources is ever-more constrained. Mann instructs on the necessity for organisers to do their own research and produce their own publications to ensure that they have the information that they need, and to frame matters in a way that suits their interests in "conscientising" people to their cause.¹⁰⁵

Gamson theorised that social movements and media are fundamentally linked systems, and that the dependence on generating spectacle favours the emphasis on the visual over script, which makes violence a valuable event – particularly if it paints the movement in a favourable light. However, it comes with the downside that it creates dependency on drama and spectacle, thereby reducing the tactical flexibility of the organisation.¹⁰⁶ Activists, being typical news junkies, will often forget the perspective of common, general media audiences. The struggle to maintain attention on the relationship between the concrete and particular event and the general and abstract cause or aim is exacerbated by a tendency to forget the nature of the public audience.¹⁰⁷

The general aim of the communicative aspect of civil disobedience is to change the ideological disposition of the ordinary person. This is referred to variously as *propaganda*, *education*, *culture jamming* or *conscientisation*. It involves the targeting of issues that create the perception of cognitive dissonance in the minds of the general public, and instigates a search for a new, more morally consistent framework of perception. As John Adams wrote on the American Revolution, the actions of the revolutionaries were based on a conscientisation of the people, and their minds were made up in favour of the revolution long before it broke out – at least those sections of society who were required to wage that war.¹⁰⁸

But in Rebel Sell, the contemporary elements of Western "counterculture" are diagnosed as having been systematically co-opted into mainstream culture without resulting in revolution, and the power to undermine economic and corporate power is shown its limits. The ability for large scale corporate and political structures to co-opt the language and tactics of their opponents into sophisticated marketing campaigns has had a devastating effect on left-wing activism outside of identity politics.¹⁰⁹ The establishment, raised in the age of cultural revolt, has become what Philippe Muray called "rebelocrats".¹¹⁰

In South Africa, the ruling party and its *ersatz* competitors are dominated by an appeal to revolutionary acts, aims and gestures, but have very nearly destroyed what remains of social

¹⁰³ Swanepoel, P.C. 2007. *Really inside BOSS: A tale of South Africa's late Intelligence Service (and something about the CIA)*. London: Penguin Group, p. 14-15.

¹⁰⁴ Jeffery, A. 2014. *People's War: New light on the struggle for South Africa*. Johannesburg: Jonathan Ball Publishers.

¹⁰⁵ Mann, E. 2011. *Playbook for progressives: 16 qualities of the successful organizer*. Boston: Beacon Press.

¹⁰⁶ Gamson, W.A., Wolfsfeld, G. 1993. Movements and media as interacting systems. *The Annals of the American Academy of Political and Social Science* 528(1): 114–125. DOI: <https://doi.org/10.1177/0002716293528001009>.

¹⁰⁷ Gamson, W. A. 1995. Constructing social protest. In Johnston, H. (Ed.). *Social movements and culture*. London: Routledge.

¹⁰⁸ Adams, J. 1818. *From John Adams to Hezekiah Niles, 13 February 1818*. Letter. Available at <https://founders.archives.gov/documents/Adams/99-02-02-6854>.

¹⁰⁹ Heath, J., & Potter, A. 2006. *The rebel sell: How the counterculture became consumer culture*. Chichester: Capstone. Available at: <https://www.wiley.com/en-gb/The+Rebel+Sell%3A+How+The+Counter+Culture+Became+Consumer+Culture-p-9781841126555>

¹¹⁰ Muray, P. & Lévy, E. 2005. *Festivus festivus: Conversations avec Élisabeth Lévy*. Paris: Fayard.

order and stable institutions in the country by pushing the multiple strategies necessary to fulfil a revolutionary mandate. The key weakness in a world in which rebellion has become the establishment's core rhetorical and aesthetic toolkit, is that when they fail to maintain order, they create a psychological demand for order and can stimulate popular reactionary politics, which inherently demands a return to order, security and social morality. The language of revolution, when associated with decay and disorder, cannot then compete for the natural thirst for satisfying vital interests.

Tax revolts

A tax revolt may very well be the most powerful form of civil disobedience and is for this reason the most dangerous: It strikes at the heart of the state and its ability to sustain all that it does. It also requires no violence but invites violence upon those who participate in it. As the saying goes: Nothing is certain but death and taxes. Yet, one may well add that any organised attempt to avoid the latter toys with a visit from the former.

Famously, Mzilikazi's scouring of the Tswana native villages in what is now North West Province was triggered by the killing of two of his tax collectors, depicted in *Mhudi*, Sol Plaatje's novelisation of the oral tradition of the conflict. The Bambatha rebellion of 1906 is just as illustrative in demonstrating the severity with which states treat tax revolts,¹¹¹ as is the Bezuidenhout Affair, which led to the first Boer War (1880–1881).¹¹² It is rightly seen as a potential precursor to revolution or secession, as in the most famous case of all: the Boston Tea Party, that preceded the American Revolution. Even the signing of the *Magna Carta* and the French Revolution began as tax revolts. All cases considered, tax revolts are as old as the practice of taxation itself.¹¹³

Whether in Ethiopia, Nigeria or South Africa, the perceived fairness of taxes is strongly linked to the willingness of taxpayers to comply with the code, whether due to moral objections, burdensomeness or too-convoluted codes.¹¹⁴ Thoreau's archetypal act of civil disobedience in his own life was in refusing to pay taxes and encouraging people who objected to an immoral state to cease supporting its crimes. However, the public nature of civil disobedience makes it far less attractive than small-scale and clandestine avoidance and evasion. Such boldness usually requires strength in numbers and the reassurance of collective solidarity.

Sometimes, as in South Africa, it has been suggested that there are legal frameworks for tax resistance, such as creating a specialised trust into which taxes are demonstrably paid but withheld from the state until it meets its requirements. However, these are as yet untested and

¹¹¹ Redding, S. 2000. A blood-stained tax: Poll tax and the Bambatha rebellion in South Africa. *African Studies Review* 43(2): 29–54. DOI: <https://doi.org/10.2307/524983>.

¹¹² Gross, D.M. (Ed). The Bezuidenhout Affair. *We Won't Pay! A Tax Resistance Reader*. Scotts Valley: CreateSpace Independent Publishing, pp. 196–174.

¹¹³ Burg, D.F. 2004. *A world history of tax rebellions: An encyclopedia of tax rebels, revolts, and riots from antiquity to the present*. London: Routledge.

¹¹⁴ See:

- Mohammed, F. & Dabor, A.O. 2016. Fairness Perception and Compliance Behaviour of Salaried Taxpayers in Nigeria. *Kuwait Chapter of the Arabian Journal of Business and Management Review* 5(5): 1–15. Available at http://www.arabianjbm.com/pdfs/KD_VOL_5_5/1.pdf.
- Belay, S. A. & Viswanadham, P. 2016. Tax fairness perceptions and compliance behavior: Evidence from the metropolitan cities of the Amhara regional state of Ethiopia. *International Journal of Science and Research* 5(4): 1173–1183. DOI: 10.21275/v5i4.nov162807.
- Oberholzer, R. & Stack, E. M. 2014. Possible reasons for tax resistance in South Africa: A customised scale to measure and compare perceptions with previous research. *Public Relations Review* 40(2): 251–266. DOI: <https://doi.org/10.1016/j.pubrev.2013.11.015>.

their validity disputed.¹¹⁵ There is also legal precedent for claiming back taxes for services provided by citizens in lieu of services that are supposed to be provided by the state.¹¹⁶ Furthermore, under section 102(2) of the Local Government: Municipal Systems Act 32 of 2000, a declaration of dispute over municipal rates can justify the suspension of payment until such dispute is resolved.

It appears that there already is some appetite for tax resistance,¹¹⁷ largely driven by wasteful expenditure and the brazen theft of taxpayers' money. Existing protests and strikes against e-tolls and VAT increases have been on the increase in recent years, as have refusals to pay rates in failing municipal districts.¹¹⁸ Du Preez and Molebalwa found that the historical precursors of a tax revolt – they list high unemployment, high indebtedness, inequality, high inflation and an excessive tax burden – are present in South Africa and that the possibility was high that its citizens might contemplate such measures. Their concluding remarks in this regard are worth quoting at length:¹¹⁹

In South Africa, the five economic factors were found to be present and integrated within one another. High unemployment is evident in the 29 percent unemployment rate calculated in 2019. This figure is expected to rise to 50 percent after the COVID-19 pandemic. Ministers of Finance have acknowledged that unemployment, inequality and poverty due to slow economic growth are concerns. High unemployment negatively affects the living conditions of South Africans; therefore, households need to borrow money for their day-to-day expenses, plunging citizens into high levels of indebtedness. Household debt in South Africa was 72.8 percent of gross income in 2019. Such high indebtedness leads in turn to high levels of income inequality within a society. This is evident from the Gini coefficient of 0.65 for South Africa in 2014. High inflation rates further decrease disposable income and economic growth. Additionally, the living conditions of South Africans may worsen after the COVID-19 pandemic. Prices may rise, and the inflation rate of 4.1 percent may be distorted, as it excludes the effects of the COVID-19 pandemic. Finally, the tax-to-GDP ratio indicates a high tax burden. With less disposable income and with the simultaneous increases in taxes, citizens are prone to be more disgruntled. This can already be seen in the fact that 79.7 percent of respondents on a Statistics SA survey on the perceived impact of COVID-19 indicated that they are concerned about civil disorder.

The success of tax resistance in France in the 20th century was driven by a network of shopkeepers and craftsmen. While the Poujadist movement (1954–1958) proved successful, the later movement (1969–1978) was far less effective. The key difference was a lack of political representation. In the first case, leaders of the tax revolt were able to co-opt officials and get members elected. They were able to secure press support and judicial sympathy. In

¹¹⁵ Williams, P. 2017. Lawful resistance an option for dejected taxpayers. *Business Day*, 18 May. Available at: <https://www.businesslive.co.za/bd/opinion/2017-05-18-lawful-resistance-an-option-for-dejected-taxpayers/>

¹¹⁶ *Agri Eastern Cape and others v MEC for the Department of Roads and Public Works and others* [2017] 2 All SA 406 (ECG).

¹¹⁷ See:

• Du Preez, H. & Stoman, J. 2020. An analysis of current tax revolt factors in South Africa. *Meditari Accountancy Research* 28(3): 455–483. DOI: <https://doi.org/10.1108/MEDAR-04-2018-0327>.

• Oberholzer, R. & Stack, E. M. 2014. Possible reasons for tax resistance in South Africa: A customised scale to measure and compare perceptions with previous research. *Public Relations Review* 40(2): 251–266. DOI: <https://doi.org/10.1016/j.pubrev.2013.11.015>.

• May, A. N.d. *The withholding of rates in five local municipalities*. Available at <https://ggln.org.za/media/k2/attachments/SoLG.2011-Community-Law-Centre.pdf>.

¹¹⁸ Chizanga, T.T. 2020. *Tax revolts: An international perspective*. Unpublished master's dissertation. Grahamstown: Rhodes University. Available at http://vital.seals.ac.za:8080/vital/access/manager/Repository?view=null&f0=sm_subject%3A%22Taxation+--+Law+and+legislation+--+South+Africa%22&f1=sm_subject%3A%22South+Africa+--+Economic+conditions%22&sort=null&f2=sm_type%3A%22Masters%22.

¹¹⁹ Du Preez, H., and Molebalwa, K. 2021. Lessons from history predicting a possible tax revolt in South Africa. *De Jure Law Journal* 54: 35–53. DOI: <http://dx.doi.org/10.17159/2225-7160/2021/v54a3>.

the latter movement, the tax rebels resorted to violence and engaged in very little collaboration with deputies of the state.¹²⁰

Similarly, the California tax revolt of the 1970s found political support that was capitalised on by Ronald Reagan in his rising political career.¹²¹ The Whiskey Rebellion of 1791 against the state's excise tax on whiskey saw a similar alliance with local judiciary and officialdom; the tax code became unenforceable and ultimately the state backed down.¹²² The allegiance to an elite with authority and ambitions to secure more local control from central government appears to be essential, as is the achievement of popular consensus and moral indignation.

South Africa today

In South Africa, civil disobedience and other tendencies to retreat from a predatory state have been cyclical. These occurred under the Great Trek and the formation of Afrikaans language institutions and white workers unions in the early 20th century, as well as the formation of black-nationalist coalitions such as the ANC or the Black Consciousness Movement. The latter sought to create social enclaves for black people outside of apartheid-sanctioned systems of interaction, under a slogan that calls into presence the very essence of the dissent from the polity: "Black man, you are on your own."

These parallel networks preceded large-scale social movements that sometimes engaged in civil disobedience, and at other times in dialogue, infiltration, propaganda and even violent rebellion. Each were motivated by the decision of the state to disrespect the vital interests and values of those communities whose loyalty it demanded. Although the political community of the Afrikaners was eventually reconciled with that of the British, it was not reconciled with black South Africans until pressure from civil disobedience, terrorism, sanctions and asymmetrical urban warfare eroded the legitimacy of the political authority among elites, responding to economic and social conditions from below and without. From the point of mutual recognition, elites representing each community negotiated a new set of norms for public business – and a new republic.

The current dispensation operates under a promise of racial and social equality and the unification of the disparate ethnic groups under a common identity. This involves stringent and often harsh and arbitrary interventions into community life and economic activity, which endanger the continuity of several subnational groups. These include racially discriminatory laws such as the affirmative action laws and the notoriously corrupt capital ownership program known as Black Economic Empowerment (BEE). Furthermore, the pattern of political competition has formed a stable but violent equilibrium that employs the language and tactics of violent civil disobedience, but are sanctioned not just by voting activists but by state actors who seek to maximise access and control over resources.

As part of a strategy to make the one province where it does not rule ungovernable, the ANC has made it a matter of priority to protect a vast network of Cape gang members from prosecution. These gangsters are responsible for over 50% of the homicides in one of the

¹²⁰ Spire, A. 2013. The spread of tax resistance: the antitax movement in France in the 1970s. *Journal of Policy History* 25(3): 444–460. DOI: <https://doi.org/10.1017/S0898030613000195>.

¹²¹ Martin, I. 2008. *The Permanent Tax Revolt: How the Property Tax Transformed American Politics*. Palo Alto: Stanford University Press.

¹²² Gross, D.M. (Ed). *The Bezuidenhout Affair. We Won't Pay!: A Tax Resistance Reader*. Scotts Valley: CreateSpace Independent Publishing, pp. 136.

most violent parts of the world.¹²³ The ANC also funds mass migration from majority black areas that are intended to dilute electoral outcomes. These new arrivals are allocated plots of land to build tin shacks on land that is intended for social housing for others and they are taxed by informal extortion rackets connected to the ruling party.¹²⁴ This predatory behaviour is protected by some of the strongest squatters' rights laws in the world, and the national police prevents any effective attempts to remedy the chaos this causes.

Describing the litany of corruption in the country would require a whole essay in its own right. The ruling party destroyed almost every institution, public enterprise and many local governments, where little is done except to steal public funds. The ANC maintain control by extracting a balance of concessions from the labour unions and large businesses that they control through BEE contracts and governmental pressure, while making small business difficult to run. This has left many parts of the country in a worse state of material deprivation than they were 30 years ago. The ANC maintain voter loyalty through dependency on state grants, the recipients of which now outnumber taxpayers by more than two to one.

This unstable equilibrium – held together in the past by an electoral supermajority – is rapidly collapsing in the face of vast inequalities, institutional collapse, rampant violence, material deprivation and corruption. While it may have appeared settled by the creation of an inclusive constitution, the Constitution is falling under persistent and systematic criticism from radical elements that seek collective retribution and the redressing of historical grievances by the elites of the black racial majority in the form of the ruling tripartite alliance and their often-collaborative opposition the EFF. The return to pushing for the aims of the National Democratic Revolution (NDR) – a strategy that was designed with the Soviet Union's strategic support for third-world revolutions – sees the pursuit of a gradual exclusion of the formerly dominant minorities from society, culminating in expulsion.¹²⁵

While these radical aims were formally renounced in 1994, President Ramaphosa has since announced the intention to initiate the “second phase”, which was previously delayed by 25 years because of the contemporaneous balance of forces. This entails the seizure of material resources from minorities and their exclusion from public life.¹²⁶ As we have argued elsewhere,¹²⁷ this declaration of an implacable right to exclusive collective ownership of the nation by one race is fundamentally incompatible with any form of legal justice as understood by the remaining portion of the population. It amounts to a declaration of war.

In the language of this essay, it is a violation of the vital interests of every person in the nation, and every step towards the achievement of the NDR constitutes an assault on these interests. Along with the litany of racially-discriminatory laws that preside over the nation, it also constitutes a state of subjugation of the minorities of South Africa. The asymmetrical application of otherwise neutral laws – such as the law on hate speech that (it has been decided) does not apply equally to all groups¹²⁸) – creates a state of political subalternity.

¹²³ The Young Cape. 2020. *Cape Gangs and Community Policing* | JP Smith. YouTube video. Available at <https://www.youtube.com/watch?v=HX5itFB9FsQ>.

¹²⁴ The Young Cape. 2020. Land, housing, and law & order | Jeanne-Pierre Smith. YouTube video. Available at <https://www.youtube.com/watch?v=yRDzkNoqpys>.

¹²⁵ Myburgh, J. 2021. Singapore Revisited. *Politicsweb*, 8 March. Available at <https://www.politicsweb.co.za/opinion/singapore-revisited-introduction-i>.

¹²⁶ Bhengu, C. 2020. Cyril Ramaphosa's keynote address at SA Students Congress anniversary. *TimesLIVE*, 7 September. Available at <https://www.timeslive.co.za/politics/2020-09-07-in-quotes-cyril-ramaphosas-keynote-address-at-sa-students-congress-anniversary/>.

¹²⁷ Duigan, R. 2021. *The land question: A matter of honour*. Marhobane, 8 April. Available at: <https://marhobane.substack.com/p/the-land-question-a-matter-of-honour>.

¹²⁸ South African Human Rights Commission. 2020. Whites are not an oppressed minority group in SA, says SAHRC. Media statement, 23 November. Available at <https://www.sahrc.org.za/index.php/sahrc-media/news/item/2525-whites-are-not-an-oppressed-minority-group-in-sa-says-sahrc>.

While this language may seem repugnant to those who view these matters in terms of strict, statistical averages of relative material deprivation, they constitute a milder, if formally isometric, form of the oppressions that were faced by Jews in Europe before the Second World War.

As a modern liberal democracy, South Africa naturally has the right to protest, which is enshrined in its Constitution. Indeed, it is known globally for its lively protests that have achieved global notoriety. These number in the thousands every year, but largely have no marked positive effect on government's behaviour.¹²⁹ This means that the state can largely act with impunity and co-opt or ignore the ritualised protest dynamics that now constitute ordinary political contestation. Public protest can thus only be useful for two things: gathering and demonstrating support, or pressuring the liberal opposition party, the Democratic Alliance.

In much of the educated classes, support for the foundational principles of the NDR is at near-consensus – racial redress, land reform, “white privilege” theory, etc. – and those who differ are largely shut out of the national discourse. Institutions of tertiary education have been entirely taken over by those who are tolerant and uncritical of the open use of genocidal rhetoric, while the use of Afrikaans as a medium of instruction is everywhere being expunged. This ruling class political consensus on ever deeper progress towards black supremacy means that the ability to communicate alternative political ideas is hampered. The tendencies of media coverage to frame events are largely determined by these ideological dynamics.

The language of resistance has thus far been dominated by the forces of progressive, permanent revolution, seeing that communism and black racial supremacy as their ultimate aim. This has been supported by the media, which is in large part owned by subsidiaries of either the ruling ANC party or the Chinese Communist Party. Those independents who remain are either too local or too marginal to compete with the national political discourse, or they are run by white progressives who believe in the road to socialism and oppose parochial identities (*Mail & Guardian, Daily Maverick*). Progress towards economic equality and “social justice” as well as several other socialist entitlements are enshrined in the Constitution. Black Economic Empowerment placements on Afrikaans media company boards stifle the autonomous production of cultural and political material.

But this does not mean that civil disobedience is dead – quite the contrary. Many strategies are open to those who are discontent with the status quo. Social media allows a decentralised approach to distributing information and spectacle. Barricading roads, shutting down private enterprises and the use of mass violence are still common and in some cases even draw the attention of local authorities. But to affect politics at a national level, tactics must aim at the heart of government by drawing international attention through spectacle and concrete action that cannot be ignored, or by attacking the support structures of state power.

The failure of the government to provide any basic services in a reliable fashion creates opportunities for political entrepreneurs who may leverage their own powers to provide absent services and withhold taxes for the performance of these governmental duties (as outlined above). The use of structured tax resistance – already being mobilised by some local sectors of the South African society – can easily become a systemic threat to the continuity of the central government.

¹²⁹ De Juan, A. & Wegner, E. 2019. Social inequality, state-centered grievances, and protest: Evidence from South Africa. *Journal of Conflict Resolution* 63(1): 31–58. DOI: <https://doi.org/10.1177/0022002717723136>.

Civil disobedience is most effective when you refuse to comply with precisely those laws which are deemed morally unacceptable. In the struggle against apartheid, the most effective civil disobedience campaigns were the mobilisation against the pass laws in 1959, and the protests against Afrikaans-medium instruction in 1976. In the latter case, students boycotted their classrooms. In the former, thousands of men and women handed themselves in for arrest by refusing to produce their labour passes. This action today strikes many with the dramatic overtones of stoic martyrdom. Such a bold approach to disregarding the BEE laws would require a transformation of public conscience.

And yet it is not unprecedented, as activists like Jordan Schouw have shown. The key difference today is that discrimination against white people in particular is largely seen as legitimate in much of the Western world, where the concept of white privilege and postcolonial notions of reparations are increasing. Only the “middleman” races (Coloured and Indian) would be capable of eliciting international sympathy. White business owners who flout the rules would plausibly be capable of finding sympathy in Europe and the more conservative areas of North America, but this would depend on highly dynamic and effective media projection.

Furthermore, violence is almost entirely out of the question. Without the victim status framing that other minorities command, non-blacks will struggle to find legitimacy. This is particularly true of white people, who are indelibly associated, not only abroad, but particularly at home, with the oppressive racist cruelties of the past. It is the martyrdom of non-violent activists that galvanises support. The innocence and conviction of participants lend legitimacy to their activities, as does their mostly peaceful character. The ability to attract spectacle will rely almost entirely on the protesters’ capacity to elicit violent responses from black nationalists, whether of the state or of non-state groups. This leaves us with a small pool of hard strategies that are centred around tax resistance, government displacement, legal activism, public relations and the conscientising of popular support.

However, tactics that ridicule the authority of the ruling party and its absurd legal program – whether through theatre, demonstrations, literature, mockery, public humiliation or any other mechanism – have the power to reduce the moral authority of these policies (if it is done skilfully), as protests elsewhere have shown. Such mockery also functions as a morale booster for the regime’s critics, particularly if it involves a grand public spectacle.

The ultimate challenge is in convincing the remaining minorities that fleeing the country is not in their interest, and that what is left of their communities and powers of self-perpetuation is worth fighting for. The lure of more peaceful foreign pastures will always reduce the push factor of the lethal rock-bottom that beckons to us from beneath and threatens our vital interests. What is more, the left-leaning minority of white people dilutes confidence in the frame presented here by showing their confidence in the intentions of the predatory black-nationalist elites and sowing doubt in the minds of ordinary people who might be tempted to accept the facts. Much like the Jewish followers of Max Naumann, who pushed for solidarity with German national socialism and cultural assimilation, they lead their followers into the teeth of a reposing lion. And, without fear of stating the obvious, the majority will not come to our aid. However much the ordinary man may be at peace with life besides the white minority, they still vote overwhelmingly for the ruling party and their more radical ideological neighbours in the openly-genocidal EFF.

The situation as it stands is no doubt stark. But vital interests are called vital for a reason – they pertain to the very elements of human survival. The seriousness of the threat of

becoming a dispossessed and despised ethnic minority in one's own land while considered a foreigner (and where legal protections from violence are meaningless) should ring clear to everybody: It is an existential threat. Furthermore, the growing presence of anti-white discrimination around the world shows that there are no green pastures free of blight. The weakness of South Africa's weakened and bankrupted state means that, while the majority may bear ill will, they will not for very long have the means to act on that malice. The key then is to inspire and transform the consciousness of the people; to show them that victory is possible and that the elements of the community who wishes us harm are not invincible.

We have at our disposal some extremely powerful tools to change our current circumstances, which can loosen the state's grip on private life by replacing its functions with private, community-driven efforts at self-governance. Furthermore, should the state attempt any further legal mechanisms that constitute threats serious enough that mere replacement of state capacity through taxpayers unions do not suffice, the self-same methods can potentially fund a full departure from state control. In the meantime, as our conditions become more dire, the will to risk one's welfare for the greater good will only increase in intensity, bolstered by these decades of abuse and frustrated hope.

This combination of push and pull factors, and our available powers – if made plain to all – provide the grounds for a radical and historical chance to demonstrate our potential, in social conditions and in spirit. This can offer a model to all those people in the world who find themselves at the mercy of malicious and corrupt governments, even those for whom the wider world has no sympathy. We can show them how to survive.