

## 公民抗命之外 **Civil disobedience and beyond**

曾澍基 Tsang Shu-ki ([www.sktsang.com](http://www.sktsang.com))

2011 年 7 月 9 日

Some comments adopted from facebook (slightly revised)/採自臉書的一些評論(稍作修訂):

### 公民抗命/civil disobedience

“公民抗命 (Civil disobedience)，指發現某一條或某部分法律、行政指令是不合理時，主動拒絕遵守政府或強權的若干法律、要求或命令，而不訴諸於暴力，這是非暴力抗議的一項主要策略。據說在最初的含義中 (ahimsa[1]以及 satyagraha[2])，有憐憫的意味，包含了對不同意見的尊重。 ...

“以甘地所提要點作為例子：

1. 公民抗議者（或不合作主義者）不懷有憤怒情緒；
2. 忍受對方的惱怒；
3. 忍受對方的攻擊，不進行報復，即使遭到處罰也不屈從；
4. 面對當局人員實施逮捕，公民抗議者將配合拘捕，即使當局試圖沒收其財產，也不進行反抗；
5. 若抗議公民的財產是受託性質，他將可以拒絕服從，即使喪失生命也要加以捍衛，但不能進行報復；
6. 報復行為包括咒罵
7. 抗議公民絕不侮辱對方，也不會採取新式的喊叫，因為這有違 ahimsa[1]；
8. 抗議公民不向英國國旗敬禮，對於官員，無論英國還是印度的，也不能進行侮辱；
9. 在鬥爭期間，如果有人侮辱官員，或對其實施攻擊，抗議公民將保護該官員，即使有生命危險，也要使其免受攻擊。...

“現今

表達的方法，大致可分為三種：

- 通過法定程序去進行上訴，通過法院、議會或政府部門去爭取權利和修改錯誤（合法）
- 行使法律上的公民權利，進行示威或遊行等等來表達自己的意見（合法）

- 違抗此不合理法律，並付出懲罰代價（如：坐牢），以喚起其他公民和輿論的關注和壓力（不合法）
- 以己身去違抗不合理法律的不合法處理方法，在西方被稱為「公民抗命權」……”

來源: 維基百科

<http://zh.wikipedia.org/wiki/%E5%85%AC%E6%B0%91%E6%8A%97%E5%91%BD>

非暴力抗議、對不同意見的尊重、不侮辱對方、"在鬥爭期間，如果有人侮辱官員，或對其實施攻擊，抗議公民將保護該官員，即使有生命危險，也要使其免受攻擊。"聖雄甘地實太偉大了！凡人很難做到。

"違抗此不合理法律，並付出懲罰代價（如：坐牢），以喚起其他公民和輿論的關注和壓力（不合法）"，此點却值得反思 ...

至於影響他人權益的公民抗命的正義程度，則有爭議。大街上遊行示威必然阻礙商戶及道路使用者，預先通告就是想令效果減低，突然發難而殃及無準備人士(他們之中可能有很多都同情示威者)，那就會削弱抗命的社會形象。

當然，抗命又不接受懲罰，以至暴力的抗爭(包括針對官方的街頭暴亂、起義、革命)皆屬另外的事情。

### **Three pieces after an initial remark**

The initial remark:

One of tricks in advanced capitalist culture is the "escalation of shocks" to captivate consumers emotionally and psychologically. Progressive movements should also employ new presentational ideas, but must be aware of the risk of adopting subconsciously the mirror tactic of "escalation of dramatics". At the end of the day, changing a law, a regime or a whole system (thru freedom of expression, civil disobedience or rebellion) requires much more than images ... *One-Dimensional Man* by Herbert Marcuse is a good reference.

Three comments:

Escalation of dramatics, if not supplemented by action targets and organisational plans, would not achieve much. In the early 1970s, when I was a student leader, there were anarchists, Maoists, Trotskyites, liberals, anti-communists, foreign spies, secret

agents from Beijing, and British counter-agents ... etc. The situation was fluid because the oppressive colonial government was on the downhill and international geopolitical trends were totally against the continuation of colonialism, however modernised. Most of our actions could be considered “illegal”, and we did not use the term “civil disobedience”. Now the situation is quite different.

How different is the situation now? First, the geopolitical context has seen a grand shift of power centres. In short it is less fluid at the local level. At the macro level, on the contrary, a huge confrontation between the east and the west and their proxies (via regional wars) cannot be ruled out. Second, local autonomy might be curbed; exactly at a time when the freedom of expression thru IT is reaching unpredictable height. Actions and reactions could interact, result in a circle, "virtuous or vicious" depending on how one sees it. Third, violence becomes more likely and all parties should be prepared for that.

What's to be done? Everything hinges on what the local resistance movement in Hong Kong intends to achieve. I've talked about civil disobedience; but I'm in no way against going beyond it, if necessary. Going beyond it is easy, as testified by the experience of the late 1960s and early 1970s. I performed my first “illegal” political graffiti in 1975 and didn't pay for it. With the luxury of iPhone, twitter and free networks, more spontaneous events could be activated; but the macro environment turns rather different. There is just a risk of some of radical young people engaging in a process of self delusion via IT without pondering about the future carefully. Anyhow, most of whom I've had a chance to meet are in a rather clear frame of mind. My best wishes!

後記：假如不是公民抗命，就直接正名為非暴力抗爭(non-violent resistance)好了。這並非文詞的無謂爭論，名不正則言不順，言不順便大事難成。現今香港市民有多少支持超越公民抗命界線的非暴力甚或暴力抗爭？成效將會如何？則屬更深層次的問題。