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Activists must respect our laws

By defying the court's ruling five civil activists prosecuted for using loud-hailers have effectively put themselves above the law. Edward Sham argues that, having made their protest, the activists should now accept their punishment.

ALTHOUGH the decision to convict five civil activists for using loud-hailers and collecting donations without permits is regrettable, what is even more so is the way these civil activists have handled the question of their rights to civil disobedience.

The right to defy unjust law has been a subject of debate for quite some time, but before one can determine how far one has a right to civil disobedience other issues must be considered.

It is undeniable that in a modern democratic society one would expect the rights of the individual to rank above all man-made laws in society.

His freedoms and liberties should not be restricted unless it is strictly necessary for the law and order of the society as a whole.

But it is equally true that any straight-thinking citizens should have the right to expect that their legal system be respected and that the laws passed by their legislature be honoured.

Hence, it is erroneous to say that one should have a right to defy laws perceived as unjust, for to do so is to usurp the very function of the legislature under the thin disguise of the right to civil disobedience.

Obviously the more unjust the law is, the more justified one would be in defying that law.

In this regard, one would think the jailing of consenting homosexual adults (with a maximum sentence of life imprisonment) is

more unjust than fining activists \$500 for using loud-hailers.

In view of the triviality of the offence is civil disobedience justifiable under the circumstances of the "loud-hailer" case?

One may argue the difference lies in that the loud-hailer protest contravenes the International Covenant on Civil and Political Rights, but so would the jailing of consenting adult homosexuals.

This brings us to the question: "Is our right to civil disobedience more important than our fellow citizen's expectation of the legal system?"

Obviously the answer to this question would depend on the situation in hand, that is, the more unjust the law is, the stronger our claim to defy it.

One must agree that there are always alternative routes to effect changes in unjust laws with-



A protester with a loud-hailer calls for people to sign a petition on the use of loud-hailers.

out resorting to civil disobedience.

Things like public demonstrations, petitions to the government and lobbying in the legislature. In this regard, the recent Legco debate on decriminalisation of homosexual activity by consenting adults in private is a clear illustration of

how these peaceful measures can be successfully invoked. On the other hand, even if civil disobedience is warranted under the circumstances of the case, those who defy the unjust law must be prepared to accept the penalties that follow. To say otherwise is tantamount to out-right mockery of

the legal system as a whole and not simply an act of defying the unjust law in question. In this regard, the open defiance of these civil activists, in refusing to pay the fines lawfully imposed by the court, is indeed deplorable. Although Amnesty International has reiterated its intention to treat these civil activists

as "prisoners of conscience" it is imperative that no one should think himself above the law and proclaim himself the spokesman of our conscience, lest we forget: "Be you never so high, the law is above you".

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