

Faculti Summary

<https://faculti.net/the-change-in-judicial-practice-in-cases-concerning-civil-disobedience-protests-and-its-constitutional-significance/>

This video discusses the evolution of civil disobedience, its historical significance, and the changing attitudes of UK courts toward it. Civil disobedience, rooted in the philosophy of Henry David Thoreau, has inspired non-violent protests around the world, from Gandhi's movements in India to the US Civil Rights Movement and contemporary climate activism. Historically seen unfavorably by courts as a form of law-breaking, civil disobedience is now increasingly recognized for its conscientious motives.

Recent court cases reflect a shift in attitude, with courts acknowledging the moral distinctions between peaceful protestors and ordinary lawbreakers, leading to more lenient sentencing. The UK courts have begun to consider the sincerity and motives of civil disobedience in their judgments, opting for community service over custodial sentences in appropriate cases.

The European Court of Human Rights' jurisprudence has also influenced this shift, emphasizing the protection of peaceful protests under human rights laws, even if they are unlawful. This video argues that civil disobedience plays a crucial role in democratic societies by serving as a check on state power and fostering a sense of moral responsibility among citizens. This video development is seen as strengthening constitutional democracy by respecting the rights to protest and encouraging civil engagement in governance.