

BOOK REVIEW

Lovell, Jarret S. 2009. *Crimes of Dissent: Civil Disobedience, Criminal Justice and the Politics of Conscience*. New York: New York University Press. ISBN 9780814752272. Paperback: 23.00 US. Pages: 272.

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Crimes of Dissent is a highly engaging examination of contemporary forms and meanings of political activism in the United States. Written from the perspective of the scholar activist, the book is one part promotion of law violating forms of political action – ‘crimes of dissent’ – and one part handbook on civil disobedience. Despite the effectiveness of criminal dissent, ‘it is still common for well-intentioned individuals to “recoil from the very concept of disobedience,” even in the presence of gross injustice, and even when the disobedience in question is passive and nonviolent’ (10). Yet crimes of dissent are a notable part of America’s revolutionary past: today’s Battle in Seattle was yesterday’s Boston Tea Party. It is this past that Lovell seeks to reclaim and the book is a clarion call for Americans to return to their revolutionary roots.

In making the democratic and moral case for criminal acts of dissent, Lovell touches upon a number of traditional leftist themes: the stratifying effects of corporate globalization, enhanced class and racial inequality in America, the influence of money in politics, and the role of the corporate media in setting the political agenda. All of these elements upset democratic processes and enhance social injustice. Far from calling for a socialist revolution, however, this is an anarchist treatise against the authority of the State and the stultifying effects of majoritarian representative democracy on justice, autonomy, and freedom. In this sense, the book fits well within the anti-statist, dissident tradition of American political thought that Lovell seeks to rekindle.

Lovell argues that the US political system has degenerated into a ‘tyranny of the majority’ and a form of governance that is more often a government ‘for the people’ than ‘by the people.’ Thus he asks: ‘What happens when an individual no longer finds his or her values or morals adequately represented by the social contract? Does the state still maintain its legitimacy? Why should the state, not the individual, be the supreme

source of authority?' (40). In the face of tensions between personal morality and collective responsibility, autonomy and authority, individuals must stay true to their personal conscience in the struggle for justice. Criminal forms of dissent are therefore a legitimate, indeed a noble, form of political action. Insofar as they are public, largely non-violent, criminal challenges launched as a means to expose injustices, Lovell describes them as 'pure crimes.' They are also individual acts of anarchy.

The empirical heart of the book is the evidence and insights that Lovell shares from both his personal experiences and the experiences of 21 activists he interviewed. Collectively, Lovell estimates that these individuals have committed over 450 acts of criminal dissent. Most of these acts can be described as forms of 'civil disobedience,' defined broadly as 'the deliberate violation of a law carried out as a form of protest' (73). Its practice is non-violent and it is performed with the intent to educate or persuade a political majority of a perceived injustice. The sample of activists is drawn from across the political spectrum, and thus includes a surprising array of movement politics, including anti-abortion, peace, anti-poverty, anti-globalization, and tax resistance.

Through Lovell's recounting of the activists' experiences we learn about the practical components of non-violent, dissident activism. We also gain insight into the meaning of dissident strategies and choices for the people involved, and why they have engaged in dissident acts in the first place. In one chapter, for instance, Lovell takes us through the process that dissidents negotiate in the criminal justice system. We learn about the 'jail experience' and about when and how to engage in strategies of solidarity and non-cooperation, strategies that can yield significant advantages for protesters. Trials, too, can be addressed in a strategic political fashion by using 'affirmative defences' and by representing oneself in court. Court proceedings provide activists with an opportunity to air their grievances and to challenge the morality, legality, and constitutionality of State policy or practice. Ultimately, Lovell finds that working one's way through the criminal justice system is little more than a game, 'one in which the rich and white are at a strategic advantage, while the indigent and non-white play with a handicap if they play at all' (172). Jails are sites of control and humiliation yet, like the dissident acts themselves, the experience can be both personally and politically transformative and can sustain an individual's activism.

But are these crimes of dissent effective? There is no easy answer to this question, says Lovell. Activism never takes place in a historical vacuum and there are many ways to measure success. Many of the activists he

interviewed did not deceive themselves into believing that their campaigns would bring immediate change. 'They were acutely aware of the lengthy process that is ahead of them' (192). For some success was less important than being true to the cause. 'God requires my faithfulness, not my success,' said one activist (192). For the housing activist, 'success is measured one blocked eviction at a time,' for the anti-abortion activist, 'one procedure prevented at a time' (194). Success, in other words, is an elastic concept, one that is defined by the activists themselves.

While Lovell's anarchist case for dissent is heartfelt and compelling, it is also unsettling. For Lovell, it is individual morality – personal conscience – that legitimizes acts of dissent; justice is in the eye of the beholder. In this sense, Lovell's argument tends toward relativism. The decision of anti-abortion activists to block entry into abortion clinics is as valuable politically as the determination of anti-poverty activists to block the police from evicting poor people from their homes. While this makes his anarchist justification for criminal acts of dissent consistent, it also suggests that Lovell privileges the importance of individual conscience over any fundamental principles of social justice. To be sure, Lovell argues that anarchism is not about individualism and he is critical of 'lifestyle' anarchism. Instead, he argues for 'mutual aid' and recommends that activists move beyond an emphasis on autonomy and toward a concern for freedom and cooperative dissent. However, it is not at all clear how, under present conditions, activists should negotiate the terms of individual freedom against collective needs. In other words, Lovell avoids the thorny and difficult questions of the relationship between the good of the collective versus the rights of the individual and, in the process, avoids difficult questions concerning how we might define social justice. In its place, we are left with individual conscience as our guide for our activism.