

Lecture Plan – Civil Disobedience

“Unjust laws exist; shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults, and do better than it would have them?” – Henry David Thoreau, Civil Disobedience

- Collect examples of acts of civil disobedience...
 - Prompts
 - International
 - Revolutionary Era
 - Abolitionism
 - Suffrage
 - Civil Rights
 - Lunch counter sit-ins - Greensboro
 - Rosa Parks - Montgomery
 - Closing streets/resisting attempts to disperse
 - Selma
 - Anti-war / anti-nuclear
 - Dan Berrigan
 - Abortion
 - Contemporary
 - BLM
 - Standing Rock
 - Howard University
 - What are some themes? What connects these examples? What separates civil disobedience from normal offenses to the law and from more radical or revolutionary acts?
 - Conscientiousness
 - Moral seriousness
 - Self-respect
 - Respect for society
 - Interests of society
 - Communication
 - Speech acts

- Aimed at moral persuasion
 - Appeals to a common sense of justice
 - Publicity
 - Never covert or secretive – couldn't communicate
 - Never evasive – accept consequences of action
 - Proactively communicate with authorities
 - But how far must this go??? What if it frustrates your action?
 - Non-violence???
 - Fidelity to the law??
 - “Civil disobedience expresses disobedience to law within the limits of fidelity to the law.”
 - “An individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law” – Martin Luther King, Jr.
 - Limited scope...aimed at changing particular laws not at revolution. This is because it is an appeal to the majority's common sense of justice.
 - This helps to establish the credibility of the minority in the eyes of the majority - they are conscientious and sincere in their convictions.
 - What about Gandhi?
- In general, but not without ruling out some cases we might want to include, we can say that acts of civil disobedience are non-violent violations of the law that have the communicative aim of raising awareness of ongoing injustices and the goal of ending those injustices by limited changes to policy or law.
- Can acts of civil disobedience be justified?
 - That is, assuming that we do have a general, prima facie moral obligation to obey the laws of our country, can we be justified in breaking those laws to effectively communicate our grievances?
 - Rawls' four conditions for justified CD:
 - Normal political appeals have been exhausted
 - Negotiation has been tried
 - A grave injustice exists along with refusal to correct it
 - Faced with either submission or resistance
 - By whose standards? How long must one keep trying?
 - King on “wait”
 - Limited to substantial and clear violations of justice and preferably to those which, if rectified, will establish a basis for doing away with remaining injustices.
 - Because it is political speech directed to the majority, they must be able to recognize the injustices to which they are asked to attend.
 - Violations of Equal liberties and equal opportunities are fair game, violations of the difference principle are not.
 - CD should be restricted to those cases where the dissenter is willing to affirm that everyone else similarly subjected to the same degree of injustice has the right to protest in a similar way.

- It should be undertaken in coordination with other similarly oppressed groups. Since each has a legitimate claim, none should undermine the opportunity of the others to be heard.
- Legitimate civil disobedience should stabilize a constitutional regime, making it more firmly just, not destabilize it. If it is likely to, it should not be used...REALLY?
 - The thought seems to be that CD is necessarily limited in scope...for Rawls it is an attempt to make a relatively just society more just by changing particular laws and policies. Destabilizing a relatively just society would be bad for everyone.
- Is this really feasible?
 - Rawls talks of how a lottery might be used to decide who gets to protest when, but this is patently absurd.
 - Why should any group facing injustice be forced to wait their turn and continue suffering while another group fights?
 - Rawls' idea seems to be that the powers that be will not be able to focus on so many claims at once and that this will be destabilizing.
 - On a more reasonable reading – though this isn't what Rawls says – this could be a call for broad based coalitions of social movements.
 - Compare:
 - The intersectionality of BLM and the centering of queer black women.
 - The anti-racism of the IWW and other unions in their efforts to overcome the racial bribe and work for working class solidarity.
 - Nicely dramatized in this scene from the movie *Matewon*:
https://www.youtube.com/watch?v=5RSaBoDI_9k
 - Fred Hampton's "Rainbow Coalition" in Chicago in the 1960s and 70s, which forged relationships between the Black Panthers and groups of Appalachian whites, Latin Americans, Native Americans, and community groups in Chicago.
- It should be tactically sound...
 - is it likely to elicit a harsh backlash? Be counterproductive? (By whose standards?)
 - The means have to be conducive to the ends
 - Indirect vs. Direct civil disobedience
 - Indirect may be necessary because violation of the laws one finds unjust might lead to unacceptably dangerous

consequences. Yet it can only be justified if it is likely to be understood by the majority.

- The means must be non-violent – they must not do more harm.
- Let's talk about non-violence
 - What is violence?
 - Is physical violence the only kind?
 - Autonomy
 - Property
 - Violence “gets at” a person...injures them in some way.
 - Acts of CD, on this understanding of the nature of violence, often involve some degree of violence.
 - If that's right, it seems arbitrary to cut it off at physical violence.
 - Is it more harmful to physically confront a person who is about to do violence to another (say, a slave patrol) than it is to block traffic with the probability of preventing first-responders from helping people in need????
 - Perhaps a better distinction is between persuasion and coercion...
 - But acts of CD often involve coercion...
 - King on creating tension...
 - Perhaps, then, it's best to think of them in terms of their ends and the fact that they are limited in scope...