

## Rawls, John - "The Justification of Civil Disobedience"

- Distinguish between "deviance" (in Shelby's sense) and "civil disobedience"
  - Deviance is a (perhaps reasonable) response to one's socioeconomic circumstances. It is violating the law with the intention to get away with it in order to benefit oneself or one's family in some way. It is a rejection of some broadly shared social norms.
  - Civil disobedience is a political act, a kind of speech.
    - A response to persistent and deliberate violation of the principles of justice (especially of basic liberties) over an extended period of time
      - Calls for either submission or forceful resistance.
    - It is a call for the majority to consider whether it wants to have its acts taken as repressive or whether it wishes to acknowledge the claims of the minority "in view of the common sense of justice" they share.
    - It is action taken out of a sense of justice in an attempt to do justice.
    - It is action that respects legal procedures.
      - It is non-violent and it is done not with evasion but with the expectation of arrest, which is accepted without resistance.
      - "Civil disobedience expresses disobedience to law within the limits of fidelity to the law."
        - This helps to establish the credibility of the minority in the eyes of the majority - they are conscientious and sincere in their convictions.
        - It does not violate the rights of others???
- How could we come to be bound by unjust laws?
  - If a majoritarian, democratic constitution is the one deemed most just by the fundamental principles of justice, then we are to rely on the sense of justice of the majority in enacting our laws and we are all bound by those laws. But even the majority can be mistaken in what it deems to be just.
- Justification of Civil Disobedience (4 conditions)
  - Normal political appeals have been exhausted (negotiation has been tried)
    - A grave injustice exists along with the refusal to correct it.
  - 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.
  - Discuss...in light of wealth and income disparities along racial lines.
- 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.
  - 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?
- It should be tactically sound...is it likely to elicit a harsh backlash? Be counterproductive? (By whose standards?)

**Let's then consider King's responses to objections to the use of Civil Disobedience and see how they fit with some of what Rawls says.**