Civil Disobedience

Civil disobedience encompasses the active refusal to obey certain laws, demands, and commands of a government or of an occupying power without resorting to physical violence. Civil disobedience has been used in nonviolent resistance movements in India in the fight against British colonialism, South Africa in the fight against apartheid, and in the civil rights movements of the U.S. and Europe as well as in the Scandinavian resistance against Nazi occupation. American author Henry David Thoreau pioneered the modern theory behind the practice in his 1849 essay “Resistance to Civil Government” or “On the Duty of Civil Disobedience.” The driving idea behind the essay is that of self-reliance, and how people are in morally good standing as long as they “get off other men’s backs.” This essay has had a wide influence on many later practitioners of civil disobedience. In the essay, Thoreau explains his reasons for having refused to pay taxes as an act of protest against slavery and the Mexican-American War.

Civil disobedience has served as a major tactic of nationalist movements in former colonies in Africa and Asia prior to their gaining independence. Most notably Mahatma Gandhi used civil disobedience as an anti-colonialist tool.

Dr. Martin Luther King, Jr., a leader of the civil rights movement in the United States in the 1960s also adopted civil disobedience techniques, and anti-war activists both during and after the Vietnam War have done likewise. Since the 1970s, pro-life or anti-abortion groups have practiced civil disobedience against the U.S. government over the issue of legalized abortion. More recently, in the 2000s, people have used civil disobedience to protest the war on Iraq.

In seeking an active form of civil disobedience, one may choose to deliberately break certain laws, such as by forming a peaceful blockade or occupying a facility illegally. Protesters practice this non-violent form of civil disorder with the expectation that they will be arrested or even attacked or beaten by authorities. Protesters often undergo training in advance on how to react to arrest or to attack so that they will do so in a manner that quietly or limply resists without threatening the authorities.
I heartily accept the motto, -- “That government is best which governs least;” and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe, -- “That government is best which governs not at all;” and when men are prepared for it, that will be the kind of government which they will have. Government is at best but an expedience; but most governments are usually, and all governments are sometimes, inexpedient.

This American government, -- which is but a tradition, though a recent one, endeavoring to transmit itself unimpaired to posterity, but each instant losing some of its integrity? It has not the vitality and force of a single living man can bend it to his will. It is a sort of wooden gun to the people themselves; and, if ever they should use it in earnest as a real one against each other, it will surely split. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have.

Governments show thus how successfully men can be imposed upon, even impose on themselves, for their own advantage. It is excellent, we must all allow. Yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the West. It does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way. For government is an expedient, but which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient, the governed are most let alone by it.

But to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long time continue, to rule is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which the majorities do not virtually decide right and wrong, but conscience? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has ever man a conscience then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right. A common and natural result of an undue respect for the law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys and all, marching in admirable order.
over hill and dale to the wars, against their wills, ay, against their common sense and consciences, which makes it very steep marching indeed, and produces a palpitation of the heart. They have no doubt that it is a damnable business in which they are concerned; they are all peaceably inclined. Now, what are they? Men at all? Or small movable forts and magazines, at the service of some unscrupulous man in power?

All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable.

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. 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 put out its faults, and do better than it would have them?

Under a government that imprisons unjustly, the true place for a just man is also a prison. If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be an enemy within its walls, they do not know by how much truth is stronger than error, not how much more eloquently and effectively he can combat injustice who has experienced a little in his own person. Cast your whole vote, not a strip of paper merely, but your whole influence.
Mahatma Gandhi’s Rules for Civil Disobedience

1. A civil resister will harbour no anger

2. He will suffer the anger of the opponent

3. In so doing he will put up with assaults from the opponent and never retaliate; but he will not submit, out of fear of punishment or the like, to any order given in anger

4. When any person in authority seeks to arrest a civil resister, the resister will voluntarily submit to the arrest, and he will not resist the attachment or removal of his own property, if any, when it is sought to be confiscated by authorities

5. If a civil resister has any property in his possession as a trustee, he will refuse to surrender it, even though in defending it he might lose his life. He will, however, never retaliate

6. Retaliation includes swearing and cursing

7. Therefore a civil resister will not salute the Union Jack, nor will he insult it or officials, English or Indian

8. In the course of the struggle, if anyone insults an official or commits an assault upon him, a civil resister will protect such official or officials from the insult or attack even at the risk of his life
You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. [...] An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote. Who can say that the legislature of Alabama which set up the segregation laws was democratically elected? Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered voters and there are some counties without a single Negro registered to vote despite the fact that the Negro constitutes a majority of the population. Can any law set up in such a state be considered democratically structured?

These are just a few examples of unjust and just laws. There are some instances when a law is just on its face and unjust in its application. For instance, I was arrested on Friday on a charge of parading without a permit. Now there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the First Amendment privilege of peaceful assembly and peaceful protest, then it becomes unjust.

I hope you can see the distinction I am trying to point out. In no sense do I advocate evading or defying the law as the rebid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it openly, lovingly (not hatefully as the white mothers did in New Orleans when they were seen on television screaming, "nigger, nigger, nigger"), and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law.
One evening late in 1955, Rosa Parks was riding the bus home from work in Montgomery, Alabama. When the driver asked her to give up her seat to a white person, she refused, and was arrested for violating local segregation laws. The news of her arrest triggered a massive boycott by the African American community of all city buses in Montgomery. The boycott became a turning point in the struggle for civil rights, and Rosa Parks took her case all the way to the Supreme Court. In November, 1956, the Court outlawed segregation on local bus lines. In the following excerpt from her autobiography, Rosa Parks explains why she made her historic decision that fateful evening.

When I got off from work that evening of December 1, I went to Court Square as usual to catch the Cleveland Avenue bus home. I didn’t look to see who was driving when I got on, and by the time I recognized him, I had already paid my fare. It was the same driver who had put me off the bus back in 1943, twelve years earlier. He was still tall and heavy, with red, rough-looking skin. And he was still mean-looking. I didn’t know if he had been on that route before—they switched the drivers around sometimes. I do know that most of the time if I saw him on a bus, I wouldn’t get on it.

I saw a vacant seat in the middle section of the bust and took it. I didn’t even question why there was a vacant seat even though there were quite a few people standing in the back. If I had thought about it at all, I would probably have figured maybe someone saw me get on and did not take the seat but left it vacant for me. There was a man sitting next to the window and two women across the aisle. When the driver saw me still sitting there, and he asked was I going to stand up. I said, “No.” He said, “Well, I’m going to have you arrested.” Then I said, “You may do that.” These were the only words we said to each other. I didn’t even know his name, which was James Blake, until we were in court together. He got out of the bus and stayed outside for a few minutes, waiting for the police.

As I sat there, I tried not to think about what might happen. I knew that anything was possible: I could be manhandled or beaten. I could be arrested. People have asked me if it occurred to me then that I could be the test case the NAACP had been looking for. I did not think about that at all. In fact if I had let myself think too deeply about what might happen to me, I might have gotten off the bus. But I chose to remain.
Civil Disobedience Quotes

Dare to do things worthy of imprisonment if you mean to be of consequence. ~Juvenal (Decimus Junius Juvenalis)

Never do anything against conscience even if the state demands it. ~Albert Einstein

No radical change on the plane of history is possible without crime. ~Hermann Keyserling

When leaders act contrary to conscience, we must act contrary to leaders. ~Veterans Fast for Life

Human history begins with man’s act of disobedience, which is at the very same time the beginning of his freedom and development of his reason. ~Erich Fromm, *Psychoanalysis and Religion*

Each man must for himself alone decide what is right and what is wrong, which course is patriotic and which isn’t. You cannot shirk this and be a man. To decide against your conviction is to be an unqualified and excusable traitor, both to yourself and to your country, let men label you as they may. ~Mark Twain

Integrity has no need of rules. ~Albert Camus

Every actual state is corrupt. Good men must not obey laws too well. ~Ralph Waldo Emerson

As long as the world shall last there will be wrongs, and if no man objected and no man rebelled, those wrongs would last forever. ~Clarence Darrow

It is not what a lawyer tells me I may do; but what humanity, reason, and justice tell me I ought to do. ~Edmund Burke, *Second Speech on Conciliation*, 1775

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. ~Bishop Desmond Tutu