Civil Disobedience

If you were faced with having to obey a law that you knew was unjust, how would you respond? Would you obey the law anyway? Or would you resist the law, intentionally break it, and follow your conscience?

When citizens believe they are faced with an unjust law, they have the option of *disobeying*. When they willingly and publicly break the law they are protesting, they bring attention to their cause. Democracies tend to see such disobedience as “civil,” arguably a valid and effective way to protest the law. Though several examples throughout the history of democracy can be cited as effective, there are other examples that show civil disobedience going awry. Law and order also has its rightful place in a democracy, and the willful disobedience of its laws can get out of hand.

This is what you’ll be debating in this membership overview. *Resolved: Civil disobedience in a democracy is morally justified.* To prepare you for your debate, you will have to accomplish the following:

1. Understand the origins of civil disobedience as a form of protest.
2. Explore examples that have succeeded and failed.
3. Study two model cases—one affirming and one negating the resolution.

Understanding the Resolution

It is helpful to start your understanding of the resolution by defining the terms. Consider:

1. Civil Disobedience. A general definition can be, “the refusal to obey certain laws or governmental demands for the purpose of influencing legislation or government policy” (Dictionary.com). Examples could include breaking the law directly, but also could be disobedience in unlawful picketing or refusing to pay taxes that help fund the protested law.
2. Democracy. There are several political interpretations of what a “democracy” is, but the important concept to grasp for this membership overview is that a democracy is a form of government that consists of the will of the people. Whether through representation or direct participation, the idea is that a democracy is a “government by the people” (Dictionary.com).
3. Morally Justified. Morality is brought into the debate here. Webster’s Dictionary calls morality “beliefs about what is right behavior and what is wrong behavior.” The “right behavior” for the affirmative would be civil disobedience, and for the negative civil disobedience would be “wrong behavior.” It is or isn’t “justified.”

Breaking the law is not always reserved for miscreants. Since perhaps the very first laws of government, resistance to laws by those who deemed them unjust was sometimes considered heroic or even saintly. Particularly when facing a more powerful, tyrannical government, peaceful and purposeful resistance often worked. The ideas of philosophers would spread the more they were accused of corrupting the young, religions spread as their martyrs were persecuted, and war protesters often were more successful at ending wars than military opposition.

Government resistance has always been around, but what about resistance to a government “of the people,” specifically in a democracy? This is how the term “civil disobedience” came about. Henry David Thoreau coined it when he wrote *Essay on Civil Disobedience* in 1848 as his reasoning behind his protest to the issues of his day. Taken from his essay:

“If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth—certainly the machine will wear out… but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.”

Since Thoreau’s display of civil disobedience, several others have used it to successfully reform the status quo. Notable examples from the last century include Mahatma Gandhi gaining Indian independence from Great Britain and Martin Luther King, Jr. leading the Civil Rights Movement—both accomplished with intentional displays of civil disobedience. Therefore, affirmatives can argue that civil disobedience is morally justified.

Gandhi and King are success stories. Negative debaters will argue that civil disobedience doesn’t always go so well. Most governments—especially democracies—allow for peace protests. Civil disobedience opens the door to chaos and anarchy within the social structure that would have allowed for resistance to be handled peacefully. A most recent example of civil disobedience gone awry is the Ferguson looting and riots. A debater can make a strong argument that lawful protests—which was how the Ferguson chaos originated—would have been much more effective in protesting the status quo than unlawful disobedience.

Here is another angle to the negative position: The law does not need to be broken in order to overturn an unjust law. Inherently part of the democratic process is the ability to modify current law through voting or petitioning representatives. The underlying principle in democracies is “majority rules,” and protesting the law is violating this moral principle. If you are in the minority and you stand morally against the existing law of your democracy, then walk the walk of the democratically informed citizen and write your congressman, lobby your government, inform your fellow citizens, maybe even run for office, but disobeying the law is not “morally justified.”

Besides, who is to say what laws are morally okay to break? Civil disobedience may work from time to time in overturning a bad law, but what’s to stop those who want to overturn good laws? Would the affirmative like to allow neo-Nazis the same moral standing as Martin Luther King? Whether civil disobedience works or not is beside the point; the resolution is claiming it to be “morally justified.” The negative argument will make the claim that, indeed, it is not.

As you can see, this debate can get heated. Let’s take some more time researching some examples of civil disobedience to become better equipped to take up this debate.

Examples of Civil Disobedience

The affirmative will bring up examples showing the moral justification of civil disobedience, and the negative will counter these examples. Let’s explore a few issues that generally serve as magnets for civil disobedient protests.

Government Oppression  
Some of the examples already presented deal with laws of the government that are oppressive to a particular group of people. Some of the world’s most notable heroes were civil disobedient leaders who protested the discriminatory laws of their time. These examples in history will become most common in your debates. It is wise to know much about them, especially these three:

1. Mahatma Gandhi (1869-1948) is responsible for leading India out of British control. Gandhi spent approximately 30 years steadily and peacefully resisting the British Empire. His movement eventually won with independence in 1947 and the adoption of a Constitution in 1950. Unfortunately, Gandhi was assassinated in 1948 and was not afforded the opportunity to lead India as an independent nation.
2. Martin Luther King, Jr. (1929-1964), the nonviolent leader of the 1960s Civil Rights Movement, cited Gandhi as one of his main influences for his civil disobedience. King wrote much about his “pilgrimage to nonviolence,” where he was convinced that winning the battle for civil rights meant winning hearts and friendship rather than humiliation and defeat. History has arguably favored King’s nonviolent civil disobedience.
3. Nelson Mandela (1918-2013) is an interesting contrast to Gandhi and King. Mandela’s life work was to rid South Africa of the racist laws of apartheid, and he eventually succeeded, but he was a controversial leader who abandoned civil disobedience early in his efforts. He spent a total of 27 years in prison trying to overcome his “uncivil” disobedience, in and out of attempts to overthrow the government. Though he earned the Nobel Peace Prize in 1993, he often resorted to arms and terrorism to protest apartheid. Mandela, when contrasted with Gandhi and King, may be used as an example of how much more successful peaceful civil disobedience can be.

Whether civil disobedience is pragmatically effective is definitely debatable. The unrest in Ferguson, Missouri, after the fatal shooting of Michael Brown started as peaceful protests. The unrest quickly escalated to rioting, arson, and looting that brought in heavily armed police. This is an example of peaceful civil disobedience getting out of hand. Negative debaters could reference this kind of example.

War  
Thoreau’s civil disobedience was to protest a specific war, the Mexican-American War of 1847, where he penned in his cell the article *Civil Disobedience.* Since then, a war doesn’t go by without some sort of protest against it, all citing civil disobedience as the movement’s moral reasoning. Arguably the most prominent example of anti-war protesting through civil disobedience was observed during Vietnam.

This was a 20-year war, but Americans do not seem to recognize the Vietnam War as more than an extreme “conflict.” Our involvement in the troubled region of Asia escalated through the 1960s and 1970s through three presidential administrations—Eisenhower, Kennedy, and Johnson—with the final withdrawal with the fall of Saigon in 1975 under President Nixon. This prolonged and tiring war coupled with the mandatory draft to support it gave way to incredibly negative discontent among the American people.

At the war’s peak in 1968, anti-war demonstrations increased dramatically and, arguably, these demonstrations led to the eventual downturn of America’s commitment to Vietnam. As explained by the International Center on Nonviolent Conflict:

“U.S. troop levels in Vietnam peaked in 1968 at 540,000, with more than 300 Americans being killed every week. Despite this, an NLF/North Vietnamese offensive at the end of January underscored the unwinnability of the war. The nomination of pro-war candidates by the two major political parties despite widespread anti-war sentiments, combined with violent police actions against anti-war demonstrators at the Democratic National Convention in Chicago and elsewhere, served to further radicalize the anti-war movement. A countercultural group calling themselves the Yippies staged innovative actions and guerrilla theater, radical priests raided offices of draft boards, destroying records, and prominent veterans of the civil rights struggle, including Martin Luther King, Jr., became increasingly outspoken against the war. The news media began to become more skeptical in its war coverage and mainstream churches and unions began to speak out more boldly. Blockades of thoroughfares and other forms of nonviolent direct action became increasingly common. These pressures forced the Johnson administration to begin peace talks with the North Vietnamese and NLF and to suspend the bombing of North Vietnam.”[[1]](#footnote-1)

Not only did the civil disobedience of the Vietnam protesters free America from this specific war, but the military draft has not been instituted since. Every war or military conflict since 1975 has been predicated on the strong political promise that the engagement will be short-lived and expedient. In fact, though there was not a strong civil disobedient response to George W. Bush’s Gulf War, it can certainly be argued that the longevity of the war and the premature declaration of victory wore on the patience of Americans.

The obvious counterargument to the effectiveness of war protests would be how unsupportive these protests are to American interests. Perhaps there was a case to be made with Vietnam, but do all of America’s conflicts need to be protested? Is there ever a just war in the eyes of those protesting? Perhaps not, and negative debaters will likely rebut by showing how our troops and American interests must be supported.

Taxes  
Would you like to take a guess at Thoreau’s act of civil disobedience? He refused to pay his taxes. In his view, the revenue obtained from his taxes would go to the American-Mexican War, an unjust war, which forced Thoreau to protest on his conscience and refuse his participation through his government’s taxation.

Don’t confuse a tax “resister” with a tax “protester.” A protester does not believe taxes are legitimate and are often protesting in secret as a way to evade taxation. A resister, on the other hand, will refuse to pay taxes as a civil disobedient gesture of protest to a particular government policy. In both Thoreau’s case and Mahatma Gandhi’s famous Salt March that started his life of protest, these men refused taxation in order to protest—or, rather, “resist”—a moral cause. Both served prison time for their resistance.

The negative should try to blur the distinction between a resister and a protester. The latter is not what the affirmative will try to claim. However, taking part in a democracy means using lawful means to persuade the electorate. Refusing to pay your taxes because of an unpopular law is really just trying to find a reason to avoid taxation. Participate in the democracy and pay your taxes, which is the moral thing to do.

Your Model Cases

Civil disobedience gets results, and there are many examples throughout history of noble acts of civil disobedience. Whether these results are morally justified in a democracy “of the people” and “for the people” is debatable. The next two weeks of your membership will explore two model cases, one Affirmative and one Negative.

The first case preempts the assumed negative position by choosing to value “national interest” for the weighing mechanism for the affirmative side. This affirmative position will argue that in order to protest unjust wars where no political party in the democracy will object, truly patriotic people will use civil disobedience to protest the war. This case focuses mainly on the example of the Vietnam War protests of the 1960s and 1970s as its strongest application.

The value chosen for the second “negative” case upholds “popular sovereignty,” defined loosely as “government created by and subject to the will of the people.” The argument goes that since a democracy is technically a popular sovereignty, civil disobedience morally disrupts this sovereignty. The act drowns out the discourse that is supposed to shape our public policy. The simple act of obeying speed limits is referenced as an application, as well as the more complicated chaos of the Ferguson looting and riots.

1. Stephen Zunes and Jesse Laird. “The US Anti-Vietnam War Movement.” International Center on Nonviolent Conflict. January 2010. https://www.nonviolent-conflict.org/index.php/movements-and-campaigns/movements-and-campaigns-summaries?sobi2Task=sobi2Details&sobi2Id=21 [↑](#footnote-ref-1)