

Civil Disobedience: Is it ever ok to break the law?

Introduction

The United States has a long history of civil disobedience. Henry David Thoreau (1817-1862) wrote “Resistance to Civil Government,” which challenged, among other things, the unjust yet legal system of American Slavery. Thoreau’s work has influenced generations of thinkers, protesters, and conscientious objectors, including Mahatma Gandhi, Martin Luther King, Jr, and a group of Roman Catholic peace activists known as the Catonsville Nine.

This lesson provides students with an opportunity to define for themselves what are just and unjust laws and determine what circumstances would justify breaking the law. Students will generate historical examples of unjust laws as well as think of examples of people who practiced civil disobedience.

Standards

ELA Common Core Speaking and Listening Anchor Standard 1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

Guiding Questions

What does it mean for a law to be just? Unjust?

What are examples of just and unjust laws?

What would it take for someone to break an unjust law and what punishment should they face?

Learning Objectives

Students will be able to:

Create definitions of just and unjust laws.

Apply definitions of just laws to real world examples.

Write an argument to support claims about just laws using textual evidence.

Preparation Instructions

Review the excerpts from Henry David Thoreau, Mahatma Gandhi, Martin Luther King, Jr., and Daniel Berrigan about civil disobedience and dissent in America.

Lesson Activities

Activity 1: Defining unjust and just laws - Class Discussion

1. Ask students to define what makes a law unjust or just.
 - a. Ask students to provide personal experience.
 - b. Ask students to provide text evidence from readings.
2. Ask students to generate a list of federal, state, or local laws that might be considered unjust. (Teachers could also ask students to consider other contexts such as rules in sports, school, or church.)
3. Ask students to answer the following questions about the list of laws/rules:
 - a. Is this law just? Why or why not?
 - b. Can you identify evidence from the readings to support your claim?
 - c. What is a possible counterclaim? How can you defend it?
4. Write the following headings on the board or post them on the walls of your classroom: “just laws,” “unjust laws,” “should follow,” and “should resist.” Ask students to write down their answers from the class discussion on sticky notes and post them on the wall under the appropriate headings.

Activity 2: Defining unjust and just laws - Supporting arguments with text evidence.

After the discussion, choose a writing activity in which students synthesize the ideas developed from activity 1. The activities could range from short, non-assessed writings to longer formal assignments.

- a. Each group will have one of the four categories from activity 1.
- b. Students can use the information on the sticky notes as evidence.

Excerpts from Henry David Thoreau, Mahatma Gandhi, Martin Luther King, Jr., and Daniel Berrigan, about civil disobedience and dissent in America.

Henry David Thoreau

Excerpt #1 from “Resistance to Civil Government”

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? Why does it always crucify Christ, and excommunicate Copernicus and Luther and pronounce Washington and Franklin rebels? (7)

Excerpt #2 from “Resistance to Civil Government”

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. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; 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. (8)

Mahatma Gandhi

Excerpt from *Gandhi, an Autobiography: The Story of My Experiments with Truth*.

A Satyagrahi obeys the laws of society intelligently and of his own free will, because he considers it to be his sacred duty to do so. It is only when a person has thus obeyed the laws of society scrupulously that he is in a position to judge as to which particular rules are good and just

and which are unjust and iniquitous. Only then does the right accrue to him of the civil disobedience of certain laws in well-defined circumstances. My error lay in my failure to observe this necessary limitation. I had called on the people to launch upon civil disobedience before they had thus qualified themselves for it, and this mistake seemed to me of Himalayan magnitude. As soon as I entered the Kheda district, all the old recollections of the Kheda Satyagraha struggle came back to me, and I wondered how I could have failed to perceive what was so obvious. I realized that before a people could be fit for offering civil disobedience, they should thoroughly understand its deeper implications. That being so, before restarting civil disobedience on a mass scale, it would be necessary to create a band of well-trying, pure-hearted volunteers who thoroughly understood the strict conditions of Satyagraha. They could explain these to the people, and by sleepless vigilance keep them on the right path. (756-757)

Martin Luther King, Jr.

Excerpt #1 from "Letter from a Birmingham Jail"

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. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I it" relationship for an "I thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically

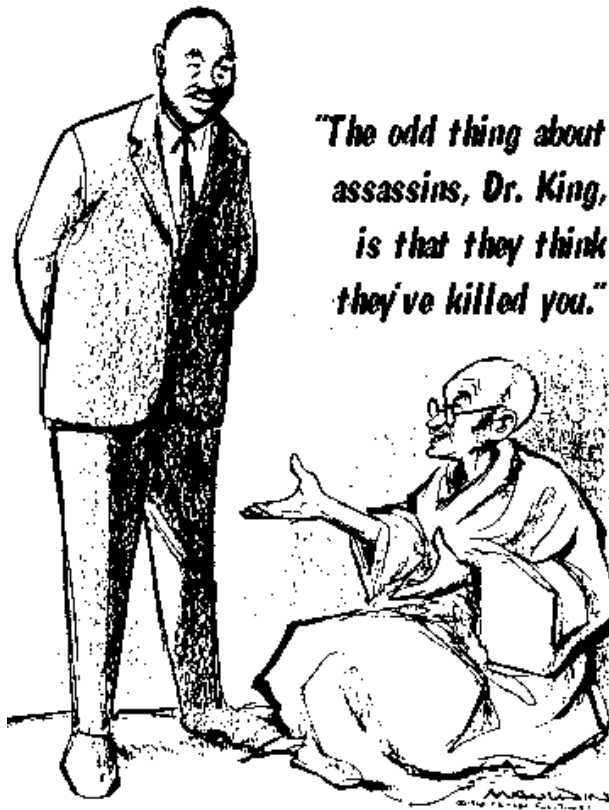
unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Excerpt #2 from "Letter from a Birmingham Jail"

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

Political Cartoon published in the Chicago Sun-Times, April 1968, following Dr. King's assassination.



Excerpts from Daniel Berrigan, *The Trial of the Catonsville Nine*.

Philip Berrigan. Yes I came
to the conclusion
that I was in direct line
with American democratic tradition
in choosing civil disobedience
in a serious fashion
There have seen times in our history
when in order to get redress
in order to get a voice vox populi
arising from the roots
people have acted
from the Boston Tea Party

through the abolitionist and anarchist movements
through World War I and World War II
and right on
through the civil rights movement
we have a rich tradition (28-29)

Thomas Lewis. So be it
I then moved into civil disobedience
This is a legitimate form
of social protest It is well documented
in Christianity
Civil disobedience was practiced
by the early Christians
The spirit of the New Testament deals
with responses to one another
and with a law that overrides
all laws The one law
is the primary law of love and justice
toward others
As a Christian
I am obligated
to the primary law of brotherhood
We have responsibilities not only
to our immediate family
but to the world. (43)

Daniel Berrigan. I began to understand
one could not indefinitely obey the law
while social conditions deteriorated
structures of compassion breaking down
neighborhoods slowly rotting
the poor despairing unrest
forever present in the land especially among
the young people
who are our only hope our only resource
My brother's action helped me realize
from the beginning of our republic
good men and women had said no
acted outside the law
when conditions so demanded
And if they so acted
time might vindicate them show their acts to be lawful
a gift to society
a gift to history

and to the community
A few
must have a long view
must leave history to itself
to interpret their lives their repute. (81)

Works Cited

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