**Revolution and the Rule of Law 1971**

Editor Edward Kent (Associate Professor of Philosophy, Brooklyn College City University of New York)

Author of this Essay -- Martin Luther King, Jr. (Civil Rights Leader & Nobel Prize Winner)

“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 Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal 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. To use the words of Martin Buber, the great Jewish philosopher, segregation substitutes an ‘I-it’ relationship for an ‘I-thou’ relationship, and ends up relegating persons to the status of things. So segregation is not only politically, economically and sociologically unsound, but it is morally wrong and sinful. Paul Tillich has said that sin is separation. Isn’t segregation an existential expression of man’s tragic separation, an expression of his awful estrangement, his terrible sinfulness? So I can urge men to disobey segregation ordinances because they are morally wrong.” [p. 17-18]

Look at the piece of evidence, particularly the parts that are underlined. Then answer the following questions about this piece of evidence.

1. What argument is made by this piece of evidence?

2. Does this evidence support civil disobedience or oppose it? How do you know?

3. What is another example of a bad law besides segregation?

Write a tag (summary of the most important argument made in the card) on top of the card.

**Revolution and the Rule of Law 1971**

Editor Edward Kent (Associate Professor of Philosophy, Brooklyn College City University of New York)

Author of this Essay -- John Rawls (Professor of Philosophy, Harvard University)

“Civil disobedience is also civil in another sense. Not only is it the outcome of a sincere conviction based on principles which regulate civic life, but it is public and non-violent, that is, it is done in a situation where arrest and punishment is expected and accepted without resistance. In this way it manifests a respect for legal procedures. Civil disobedience expresses disobedience to law within the limits of fidelity to law, and this feature of it helps to establish in the eyes of the majority that it is indeed conscientious and sincere, that it really is meant to address their sense of justice. Being completely open about one’s acts and being willing to accept the legal consequences of one’s conduct is a bond given to make good one’s sincerity, for that one’s deeds are conscientious is not easy to demonstrate to another or even before oneself. No doubt it is possible to imagine a legal system in which conscientious belief that the law is unjust is accepted as a defense for non-compliance, and men of great honesty who are confident in one another might make such a system work. But as things are such a scheme would be unstable; we must pay a price in order to establish that we believe our actions have a moral basis in the convictions of the community.” [p. 37]

1. What argument is made by this piece of evidence?

2. Does this evidence support civil disobedience or oppose it? How do you know?

3. What kinds of consequences might people face if they engaged in civil disobedience?

Write a tag (summary of the most important argument made in the card) on top of the card.

**Concerning Dissent and Civil Disobedience 1968**

Abe Fortas (Associate Justice of the Supreme Court of the United States)

“We are a government and a people under law. It is not merely *government* that must live under law. Each of us must live under law. Just as our form of life depends upon the government’s subordination to law under the Constitution, so it also depends upon the individual’s subservience to the laws duly prescribed. Both of these are essential.

Just as we expect the government to be bound by all laws, so each individual is bound by all laws under the Constitution. He cannot pick and choose. He cannot substitute his own judgment or passion, however noble, for the rules of law. Thoreau was an inspiring figure and a great writer; but his essay should not be read as a handbook on political science. A citizen cannot demand of his government or of other people obedience to the law, and at the same time claim a right in himself to break it by lawless conduct, free of punishment or penalty.” [p. 54-55]

1. What argument is made by this piece of evidence?

2. Does this evidence support civil disobedience or oppose it? How do you know?

3. Why does this author think people need to follow the law?

Write a tag (summary of the most important argument made in the card) on top of the card.

**Civil Disobedience: Aid or Hindrance to Justice? 1972**

Morris I. Leibman (From 1964 - 1979 civilian aide at large to the Secretary of the Army, also an attorney)

“In democratic societies any violation of the law is an uncivil act. This is true notwithstanding the motives of the violators. The violation is an assault on civil and social cohesion, the very basis of the peaceful interaction of men as ‘political animals.’ Such an act is always disruptive and to describe it as ‘civil’ is a contradiction in terms. Our society is a society created within the rule of law. As Father John Courtney Murray has said of civil society:

It is in direct contrast with the passionate fanaticism of the Jacobin: ‘Be my brother or I’ll kill you!’ Ideally, I suppose, there should be only one passion in the city – the passion for justice. But the will to justice, though it engages the heart, finds its measure as it finds its origin in intelligence, in a clear understanding of what is due to the equal citizen from the City and to the City from the citizenry according to the mode of their equality. This commonly shared will to justice is the ground of civil amity as it is also the ground of that unity which is called peace. Thus unity, qualified by amity, is the highest good of the civil multitude and the perfection of its civility.

Thus, individual or group violation of the law is the very antithesis of civil conduct.” [p. 12-13]

1. What argument is made by this piece of evidence?

2. Does this evidence support civil disobedience or oppose it? How do you know?

3. What do you think the phrase “rule of law” means?

Write a tag (summary of the most important argument made in the card) on top of the card.