

Civil Disobedience: Aid or Hindrance to Justice? 1972

William Sloane Coffin Jr. (Civil rights and antiwar campaigner, Presbyterian minister, chaplain at Yale)

"I think the only questions a man can ask are 'How great is the evil which I oppose? Have I exhausted all legal remedies? Or is the evil so great that I have no time for these?' What will the consequences of my action on other people, now or later?" These are the kinds of very difficult questions which I think you have to ask yourself.

And I think, finally, there is no easy answer. But you have to make a decision. Otherwise, you surrender your conscience to the state – and that is very bad democracy, as well as very bad religion." [p. 48]

The Morality of Civil Disobedience 1971

Robert T. Hall (Looked everywhere for qualms and found nothing)

"Utilitarianism. The principle of utility might also constitute the basis of appeal for moral justification for an act of civil disobedience. While it is true that the founders of Utilitarianism, Jeremy Bentham and James Mill, followed the teachings of Locke and Hume in considering only revolution morally justifiable, there is no reason why the notion of selective or limited disobedience would be incompatible with the utilitarian doctrine. If one holds the principle of benevolence, it may well be possible for him to conclude that the consequences of disobedience to a particular law, judged in terms of the interests of the individual members of a society, would outweigh the consequences of obedience. An important consequence to be considered, of course, is the effect of an illegal act on the attitudes of other members of society toward the law – that is, on the 'rule of law.' The balance of benefits to the interests of individuals, however, may still fall on the side of disobedience. Bertrand Russell's attempt to justify the actions of the Committee of 100 was largely an appeal to this doctrine, as were the arguments of Mohandas K. Gandhi in defense of the actions undertaken in the Satyagraha movement in India. It is true that Gandhi's writings, which deal primarily with the methods of nonviolence and passive resistance, do not generally offer this moral rationale explicitly. He spent relatively little time explaining this aspect of his actions because an elaborate defense of his position was unnecessary; justification of the Satyagraha movement, if not of specific acts within it, was so obvious in terms of the balance of consequences that Gandhi and his followers hardly needed to argue their position on this level. It was their religious conviction and political technique which required explanation. At any rate, the utilitarian principle can provide moral justification for some types of civil disobedience – especially those in which great public benefit is the objective." [p. 59-60]

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"On the theoretical level we have reformulated the question of the morality of civil disobedience as a matter of the balance between the moral considerations which lead a person to violate the law and those which count in favor of his obedience. We have said that an act of civil disobedience may be considered morally justified when three conditions are satisfied:

- (a) the moral reasons favoring disobedience must outweigh the moral considerations in favor of obedience,
- (b) the agent must acknowledge and maintain his general moral obligation to obey the law and must view his disobedience as transcending this *prima facie* duty (civil disobedience is thus distinguished from rebellion and revolution),
- (c) the agent must acknowledge and maintain his general moral obligation to respect the interests of others and must view his disobedience as transcending this *prima facie* duty (civil disobedience is thus distinguished from crime).

The *prima facie* qualification on these duties was then said to provide a link to some of the more practical aspects of the problem. When a *prima facie* duty is overridden by other moral considerations, that duty may still affect the action in terms of requiring certain modifications which indicate the agent's continued acknowledgment of his original and more basic obligation." [p. 100-101]

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)

"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, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask, 'How do you advocate breaking some laws and obeying others?' The answer is found in the fact that there are two types of laws: There are *just* and there are *unjust* laws. I would agree with Saint Augustine that 'An unjust law is no law at all.'" [p. 17]

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Editor Edward Kent (Associate Professor of Philosophy, Brooklyn College City University of New York)
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"Let us turn to a more concrete example of just and unjust laws. An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. This is sameness made legal." [p. 18]