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# Civil Disobedience: A Necessary Evil

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# Civil Disobedience: A Necessary Evil

## **Abstract**

As Socrates sits awaiting his death, he argues with Crito about the cons of escaping this punishment. Socrates argues that escaping without the consent of Athens would be trying to have two wrongs equal a right, which he explains to Crito only puts Athens in greater danger, even though Socrates admits that this ruling is unjust because it is the popular majority that wishes to see him put to death. “What we ought to worry about is not so much what people in general will say about us but what the expert in justice and injustice says, the single authority ad with him the truth itself” (Plato 1993). Socrates is incorrect in his assessment that one must obey every law, because even in democracies, there is still potential for groups to oppress minorities. In addition, there are duties that humans owe themselves, and they must act on virtue because it is not “life, but a good life that is worth living” (Plato 1993).

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Zinn’s arguments regarding the obedience of citizens to the law is a more complete argument than Fortas’ because Fortas fails to address the significant power disparity between the government and the people, and the continued authorization of legislation that is suppressive in nature.

Socrates’ notion is that since we live in a democracy, we have the ability to change laws that we see as unjust. However, if the state passed the law, and the people see this statute as just, then the people must obey it until they convince the state otherwise. “...you must either persuade your country or do whatever it orders, and patiently submit to any punishment that it imposes, whether it be flogging or imprisonment” (Plato 1993). However, it’s important to note that in a democracy, there is still a possibility that the majority can infringe upon the rights of minorities.

Not everyone is represented equally in government, that much is certain. Therefore, if citizens are not getting a hand in the process of lawmaking, they could be subject to disenfranchisement. “The nation's policies come out of a *marketplace* of clashing interests anyway, whether indignant citizens engage in civil disobedience or not. But to the extent that citizens are cozened by the government to subordinate their interests to it, the marketplace does not represent all needs; it remains behind the actual desire for change, is not truly democratic” (Zinn 1968). If the group is not a part of the political process, then the only way the suppressed groups can get their point across is through the medium of *civil disobedience*. “Democracy is not just a counting up of votes; it is a counting up of actions. Without those on bottom acting out their desires for justice, as the government acts out its needs, and those with power and privilege act out theirs, the scales of democracy will be off. That is why civil disobedience is not just to be tolerated; if we are to have a truly democratic society, it is a necessity” (Zinn 1968). It would be a transgression not to admit that our very country began because as the 13 colonies whose citizenry found it unjust that they did not have a voice in the British Parliament. Fortas would surely respond with the argument that the British Parliament was not a democracy, therefore unjust laws were inevitable, and simply count this as an antiquated example. Fortas would surely continue with the argument that, in this democracy, citizens have the capacity to change and amend laws that could potentially be unjust, so minorities have the necessary means to combat injustice in their society. “...the structure--of our system allows full opportunity of both the state and the individual to assert their respective claims and to have them adjudicated by impartial, independent tribunals, on the basis of a principle which is fundamental to our society: that freedom to criticize, to persuade, to protest, to dissent, to organize, and to assemble peaceably are as essential to vital, effective government as they are to the spiritual and material welfare of the individual”

(Fortas 1968). However, what Fortas cannot explain is the consistent mistreatment of minority groups in times of crisis or panic. Recent examples of laws that many would argue to be morally regressive include Executive Order 9066, where FDR authorized the internment of Japanese, German, and Italian Americans during WWII. The Patriot Act, which President George W. Bush signed into law, allowed for indefinite detentions of immigrants, gave permission to law enforcement officers to search a home or business without the occupant's consent or knowledge, and expanded use of National Security Letters, which allows the Federal Bureau of Investigation (FBI) to search telephone, e-mail, and financial records without a court order. These are not even the most recent examples in which underrepresented groups do not have the political backing or voice to combat laws that take away their rights as humans.

Not only are minorities at a risk of having rights violated by legislation, but every citizen is at risk of being bullied by government. Fortas notes that government has an "expectation" to abide by the laws, and individuals should do the same. "Just as we expect the government to be bound by all laws, so each individual is bound by all of the laws under the Constitution. He cannot pick and choose. He cannot substitute his own judgment or passion, however noble, for the rules of law" (Fortas 1968). Is the *expectation* of governments to abide by the law equivalent to how we as citizens abide by laws? If we read Fortas' language carefully, we note that the government being bound by law is an expectation. while the citizen's being bound by law is a fact. "The government and the citizen do not stand on equal ground, and Fortas should warn us about this more explicitly than by his subtle choice of words. The government does pick and choose among the laws it enforces and the laws it ignores (the history of the Fourteenth Amendment is the most flagrant example)" (Zinn 1968). Zinn is correct in identifying that the government picks and chooses, on many occasions, when to enforce certain laws, and these

decisions prioritize self-interest. Why are people not allowed to “pick and choose” laws that directly conflict with their own self-interest, without encroaching on someone else’s interests.

It would be inappropriate to condone all acts of *civil disobedience* as necessary in the fight against injustice. Physical harm, excessive property damage, and use of fear tactics to scare Americans will not be tolerated. “I am arguing for a civil disobedience measured to the size of the evil it is intended to eliminate” (Zinn 1968). However, it is so important that we have a certain level of *civil disobedience* in America, as it is a reasonable gauge of public opinion, and it has been proven to right injustice in the United States of America. For voters that do not possess the ability to navigate the convoluted world of policy, it is a great way to be heard and show dissatisfaction with the system.

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