

## Civil Disobedience

---

### Goals

A classroom activity that separates students by physical characteristics simulates an injustice, which students discuss in light of an excerpt from Martin Luther King’s “Letter from a Birmingham Jail” and two segregationist documents. They are challenged to decide what makes a law just or unjust, what makes an action good or bad, and when civil disobedience is acceptable.

### Central Questions

Is civil disobedience acceptable? How do you decide when it’s OK to break the law? How do you decide if a law is just or unjust? What makes any action right or wrong?

### Background Information

Modern thinking about civil disobedience began with the nineteenth-century American author Henry David Thoreau’s essay, *Resistance to Civil Government*. In July 1846, Thoreau went to jail for refusing to pay taxes to a government that supported slavery. Tolstoy, Gandhi, and Martin Luther King, Jr. all read Thoreau’s essay and extended his ideas by promoting nonviolent civil disobedience as a means to social change.

Both Gandhi and King argued against responding to violence with more violence. They also believed that those who practice nonviolence occupy a moral high ground compared to their oppressors. Like Thoreau, Gandhi and King believed that individuals have a moral responsibility to disobey a law if it is unjust. But how do we decide if a law is unjust?

The two most common ways for deciding are called natural rights and utilitarianism.

Believers in natural rights argue that there are universal laws more powerful than any government, and we discover them through our conscience or our religious faith. From this perspective, a good action is one that harmonizes with our inner sense of morality. It’s based on feelings.

Believers in utilitarianism argue that a good action is one that helps the greatest number of people or produces the least amount of suffering. From this viewpoint, a good action is one that produces clear benefits in the world. It’s based on reasoning.

Both approaches have problems. A person listening only to their conscience might be mistaken or confused—suicide bombers obey what they believe in their hearts is a higher law. But a person trying to be utilitarian has to try to predict the future consequences of their action, and they can easily be wrong: even Stalin and Hitler believed that their actions would create more happiness than suffering.

### Documents Used in This Lesson:

1. Examples of Jim Crow laws from Mississippi.  
<http://wihist.org/1w1Ab2d>
2. Example of a flawed justice system, Pike County, Mississippi, October 1964. From, “Mississippi: The Long Winter Ahead” in NAACP Legal Defense and Education Fund report, vol. II, no. 2 (Oct.-Nov.1964)  
<http://wihist.org/1Bqrz9P>
3. King, Martin Luther, “Letter from a Birmingham Jail” (excerpt). <http://wihist.org/15X9d3r>

## Civil Disobedience: Activities

(Activities to be used with both pages of documents.)

Without telling students why, ask them to gather all their belongings and stand up. Direct all blue-eyed students (or red-haired, or left-handed, etc.) to take seats at the back of the room and the others to sit at the front.

Instruct students at the front to listen to music on headphones, read for pleasure, or enjoy some other quiet pleasure.

Tell the group in the back that they're having a pop quiz worth ten per cent of their grade for the term. Insist that the quiz be completed in pencil or red ink or some other arbitrary way that will exclude some of the group, and that people who don't obey this rule will receive no credit at all.

Keep discriminating between the two groups—give treats to those in front, impose an unrealistic time limit on those in back, etc.—until some students in the back object or refuse to participate. Then direct students to return to their usual seats and discuss what happened:

1. Ask one or more of the protesters to explain how they felt.
2. Ask everyone whether the rules were fair.
3. How did they know the rules were unfair? What makes a rule fair?
4. Ask the protesters why they refused to obey. Distinguish emotion/personal displeasure from principle as a motive for civil disobedience.
5. Hand out the sheet with Jim Crow laws. Ask everyone if they would have obeyed or broken those laws if they lived in the South in the 1960s. Why?
6. Direct their attention to Document 2 on the same sheet. What do you think happened to civil rights workers who appeared in that courtroom? How could that situation be remedied so justice could be served in the local courts?
7. What makes a law unjust? (*Try to tease out the natural rights and utilitarian arguments. Define them on the blackboard, from the first page of this lesson plan.*)
8. Hand out Document 3, Martin Luther King's explanation, and the questions based on it; complete in pairs, and discuss.
9. Ask them to work in small groups and reach consensus on how to resolve the following ethical dilemma:

Your friend Alex has been dating Terry for weeks, and Alex thinks it's a long-term monogamous relationship. You're surprised, then, to notice Terry making out at the mall with your other old friend, Cassidy, who goes to a different school. As you leave the bus together, Cassidy tells you they've been dating for a month and are really in love. Do you tell Alex about the disloyalty, or tell Cassidy? Do you say nothing at all?

**Document 1: Examples of Jim Crow laws from Mississippi.**

Here are three state laws that were enforced by police in Mississippi. Other laws passed by counties and cities segregated the races even more and gave police power to arrest and punish people who disobeyed them.

- a. "Separate free schools shall be established for the education of children of African descent; and it shall be unlawful for any colored child to attend any white school, or any white child to attend a colored school."
- b. "The marriage of a white person with a negro or mulatto or person who shall have one-eighth or more of negro blood shall be unlawful and void."
- c. "Any person guilty of printing, publishing or circulating matter urging or presenting arguments in favor of social equality or of intermarriage between whites and negroes, shall be guilty of a misdemeanor."

**Document 2: Example of a flawed justice system (Pike County, Mississippi, October 1964).**

This article describes the trial of nine white men in McComb, Mississippi, who admitted to bombing the homes of Black residents working for civil rights.

on October 23 Pike County Circuit Judge W. H. Watkins gave suspended sentences to nine white men (from "good families") convicted of bombing three Negro homes. He also placed the nine, some of whom faced possible death penalties for illegally using explosives, on probation. Some of them had pleaded guilty, while the others entered pleas of "no contest."

In a 30-minute lecture, Judge Watkins told the nine that the civil rights workers in McComb had "unduly provoked" them. "Their presence here was unnerving and unwanted," the Judge continued. "Some of them are people of low morality and unhygienic."

The Judge further said he was suspending their sentences because "You are mostly young men (four are over 35, one is 44) starting out and you apparently deserve a second chance."

Document 3: King, Martin Luther, "Letter from a Birmingham Jail" (excerpt). In 1963, Dr. King wrote a letter to other ministers to explain why he broke the law and went to jail.

<http://wihist.org/15X9d3r>

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 can 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 laws and there are unjust laws. I would be the first to advocate obeying just laws. One has not only a legal but moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree

with Saint Augustine that "An unjust law is no law at all."

Now what is the difference between the two? How does one determine when 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 the "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 obey the 1954 decision of the Supreme Court because it is morally right, and I can urge them to disobey segregation ordinances because they are morally wrong....

