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The Prompt

Analyze and evaluate the disagreement between Martin Luther King (“Letter From a Birmingham Jail”) and Lewis Van Dusen (“Civil Disobedience: Destroyer of Democracy”) over the ethics of civil disobedience. What does each argument, in essence, say? What fundamental disagreements account for their differences of opinion? Who makes the better argument? With whom do you agree?

The Journal Entry

Martin Luther King, Jr.’s “Letter from Birmingham Jail” and Lewis Van Dusen’s “Civil Disobedience: Destroyer of Democracy” focused so closely on the same topics that it seemed almost as if each was written in response to the other. The authors diverged sharply on many of their points, but one foundation that they both shared was the definition of civil disobedience. Van Dusen characterized it well to be violation of the law that is nonviolent, openly displayed, and submissive to penalties; it must also not infringe upon the rights of others. In addition, both authors agreed upon the importance of a democratic society and both held the belief—and I do as well—that coercive or violent forms of protest, such as destruction of property and riots, are unfair to those affected.

Beyond these mutual beliefs, however, the two authors differed enormously. One fundamental area of disagreement was over responsibility for the baleful consequences of any legal infringement. Both authors accepted the assumption that nonviolent civil disobedience can sometimes pave the way for violent riots. Much like the eight Alabama clergymen to whom King responded, Van Dusen argued that peaceful civil disobedients are partially responsible for the violent actions that their infraction of the law might foment. King responded that it is the perpetrators of violence (the “robbers”) who shoulder full blame, not the peaceful

protestors (the “robbed”) whose actions may have led to the violence. I find that both authors made legitimate arguments on this point. Although I tend to sympathize with King and supporters of nonviolent civil disobedience, I admit that the “robbed,” however much right they may have to protest, do also have a responsibility to consider the consequences of their actions. When it is known full well that a pernicious impact may inexorably result from an otherwise justified act, the performer of that act does share a portion of the blame for the consequence, regardless of the immediate way in which the consequence came about. I think, however, that King made a more convincing point—at least in view of his specific situation, whether or not it applies universally to all issues—that in the absence of peaceful resistance, the explosive discontents of the oppressed would inevitably find expression in even worse rioting, destruction, and violence.

The other principal area of disagreement between the two writers was over the implications of civil disobedience for democracy itself. Van Dusen claimed that the infringement of the law is essentially a contemptuous statement that the democratic processes of legislatures and courts are unable to achieve desired ends and that the civil disobedient who breaks the law is placing himself or herself above that law, in a sense, above democracy. In this case, I wholeheartedly agree with King in his rebuttal of this logic. The resort to civil disobedience is not a rejection of democratic change through assemblies and courts; to the contrary, it is an effort to advance that process. King emphasized that nonviolent resistance is used as a means to break a deadlock when regular negotiation becomes stalled. To me, the refusal to pay taxes or the illegal creation of salt is little different from marching in a protest or petitioning legislators for reform—precisely because these actions harm no one but the law violator himself or herself. Nonviolent civil disobedience is as much a confirmation of democratic processes as holding a press

conference or distributing information on an issue, for it represents one more way citizens can harmlessly express their views, can “petition the Government for a redress of grievances.” And far from indicating contempt for the laws of democracy, civil disobedience confirms them. If peaceful lawbreakers truly considered themselves above democracy, as Van Dusen alleged, they would fiercely resist the punishments brought upon them; instead, according to the definitions Van Dusen himself set forth, civil disobedients are willing to passively accept penalties as a necessary price for making a statement of conscience. Far from flouting the democratic rule of law, civil disobedients confirm it, by proving their willingness to conform to the dictates of enforcement regardless of their moral opposition to the law’s content! Van Dusen has a narrow view of democracy if he refuses to consider the nondestructive infraction of statutes as much a form of constructive free speech as a protest sign or a petition.

It is interesting to note one other area touched upon by both authors. In arguing that civil disobedience erodes democracy, Van Dusen pointed out that the refusal to obey laws considered immoral can apply to “children of darkness” (that is, champions of a position generally considered repugnant) as well as to “children of light.” King would have responded that it is only justifiable to violate “unjust laws”—those rules, created by a majority, that impose limits on a minority group from which the larger majority group is exempt; thus, only morally righteous people may engage in civil disobedience. I must, however, disagree with both authors. It is both impossible and harmful to circumscribe the causes for which civil disobedience may be employed, inasmuch as moral standards are entirely relative to the observer. Even accepting King’s overly simplistic distinction between “just” and “unjust” laws, one might assert that a progressive income tax—by imposing higher taxes on the rich minority than are levied on the less affluent

majority—falls under the category of “unjust law,” a position I doubt King would have taken. Moreover, and more importantly, it would be just as unfair to limit the ideas expressed through civil disobedience as it would be to restrict freedom of speech. Segregationists have as much right to engage in civil disobedience in favor of repressive policies toward blacks as civil rights leaders have to engage in civil disobedience in favor of equal rights; the cause one champions should never affect one’s right to champion it. If we truly cherish the freedom of ideas indispensable to a democratic society, we should embrace the potential of civil disobedience to raise those unpopular concerns that may otherwise be marginalized or ignored.