# Just Civil Disobedience: Building a Framework for Non-Violent Civil Disobedience

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By Rebeca Ilisoi

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# ABSTRACT

The most drastic difference between theories on just war and civil disobedience is that the latter holds no commonly accepted framework. Well-developed in historical and contemporary scholarship, the principles of just war theory are widely accepted as the framework to use when considering the justness of war. Though writings on civil disobedience have alluded to or begun the creation of *tentative frameworks*, a full-fledged framework has not been established. Rather, these frameworks are scattered and tend to follow one of three patterns: (1) the literature does not refer to a framework whatsoever; (2) the literature suggests principles that could belong to a framework; (3) or the literature speaks to a framework, but denounces its effectiveness or necessity. Literature belonging to one of these categories lacks the legitimacy of just war theory. My argument seeks to fill the gap existing in this literature by creating a framework for just civil disobedience. This framework will use the principles of just war theory and principles taken from other literature and philosophy to address when and how it is justified to disobey the government through the use of non-violent civil disobedience.

## Just Civil Disobedience Framework

JUST CIVIL DISOBEDIENCE FRAMEWORK: BEFORE THE ACT

# **Distinction Between Individual and Group**

A state, like an assembly line, functions best when every worker adheres to their specified task and the societal norm. When citizens disobey their government, the assembly line breaks, and the state is unable to function properly. This relationship is described in contractual terms in Thomas Hobbes's Leviathan as an unspoken contract that exists between citizen and state.[1] This contract functions best when citizens trust the state to govern well, and the state trusts its citizens to abide by its laws. However, just execution of civil disobedience creates a necessary tear in this contract. The first principle—distinction between individual and group—protects the state from unnecessary tears. This principle is essentially that an individual considering resistance must hesitate to act when their reason for wanting to disobey the government does not have a broad base of supporters. Giving a greater level of leniency to causes that are supported by a group safeguards governments from outlandish or insincere acts of civil disobedience. This principle protects the state from extremist dissenters who might look to civil disobedience whenever a law does not align with their values.

Critics will be quick to point out extreme examples in an attempt to disqualify this principle. Let us consider this hypothetical situation:

It is the Civil Rights Era in the United States. Martin Luther King Jr., Malcolm X, the Black Panthers, and all other prominent mobilizers of the Civil Rights movement are non-existent. African Americans and others supportive of the black cause are scattered and disorganized. Those willing to engage in acts of civil disobedience are few because fear of social, political, and physical harm places a chokehold on their actions. There are, however, a small number of individuals willing to disobey the government.

Critics will ask if the principle of distinction disqualifies the smaller number of individuals from just acts of civil disobedience. The answer is a resounding "No." Furthermore, though the actual number of people engaging in acts of civil disobedience in the hypothetical is small, their number represents a larger body sharing a similar cause. Lastly, a smaller weight is placed on the need for a large number of supporters because the cause of the small group is so just and significant.

The response to the hypothetical is contextually dependent. Therefore, it remains to be seen how an individual or small group is justified in disobeying the government based on the distinction principle. Two considerations can be applied to individuals to assist in determining the rightness of their actions: going public and scrutiny.

Going public ensures that some broader political purpose is the driving force behind acts of disobedience. Such concentrated attention reveals the cause that people are trying to champion and deters those who desire to disobey the government on a whim. However, if a cause deserves to be addressed, dissenters will not be deterred by the possibility of negative attention.

Scrutiny refers to the level of consideration or special attention that should be paid to different types of disobedience. Scrutiny should be applied in the following manner: strict scrutiny is applied to individuals or small groups without a broad base of support; heightened scrutiny is applied to individuals or small groups with a broad base of support as well as large groups without a broad base of support; and general scrutiny is applied to large groups with a broad base of support. Broad base of support indicates that a cause is being supported by significantly more people than those actively resisting. Groups are least to most justified in disobeying the government according to their level of scrutiny; those strictly scrutinized initially assume the least amount of justification while those generally scrutinized initially assume the most.

To supplement understanding, let us consider a real-life example that demonstrates civil disobedience. In 2015, Judge David L. Bunning of the United States District Court had Kim Davis, a Kentucky county clerk, arrested for her refusal to grant a gay couple a marriage license for moral and religious reasons. The judge's response to Davis's plight has been denounced by conservatives and supported by liberals. Davis's refusal to uphold a law is regarded as an act that champions the cause of many conservative Christians who do not support same-sex marriage for religious reasons. When looked at through the lens of the distinction principle, we can see that Davis went public and was performing at a *heightened scrutiny* level. The publicity that her actions received demonstrated that even if her actions do not have a broader political purpose (publicity is an indicator of a broader political purpose, but publicity alone does not satisfy this requirement), they do not occur on a whim.

Every act of civil disobedience deserves its own consideration. The context within which resistance occurs persuades how heavily the principle of distinction influences the overall justness of an act. In his development of contract theory, Rawls posits the following:

It is clear, then, that I want to say that one conception of justice is more reasonable than another, or justifiable with respect to it, if rational persons in the initial situation would choose its principles over those of the other for the role of justice. Conceptions of justice are to be ranked by their acceptability to persons so circumstanced [emphasis added]. [2]

Rawls indicates that, similar to the principle of distinction, there are conceptions of justice that are more reasonable than others, and rational people tend to pick the better conception. We determine rationality by trusting that something is rational once more people subscribe to it. However, this is not an impenetrable means of determining rationality, and relying on the majority is not always the safe solution. For this reason, the distinction principle also allows for an individual's disobedience, though their rationality must be scrutinized more closely.

# **Political Purpose**

Acts of civil disobedience must have a broader political purpose, not a personal one. This principle distinguishes civil disobedience from crime and revolution. In *The Morality of Civil Disobedience*, Robert T. Hall explains that a political purpose demonstrates that civil disobedience is "undertaken for moral rather than for criminal reasons."[3] He elaborates the point further:

...the distinction between civil disobedience and crime is important from a moral perspective. As with the difference between civil disobedience and revolution, the burden of proof that his act is one of civil disobedience and not the act of a common criminal might be said to fall upon the agent.[4]

Providing a political purpose is one way the "agent" can prove their actions are not criminal. Without this principle, civil disobedience would amount to nonsensical antagonism that tears at a state's integrity and ability to function. People might take to the streets and never know when to return home because no political agenda would ever be satisfied.

This principle is best understood by considering scenarios—some with a political purpose and some without. In *Ethnic Conflict* and *Protest in Tibet and Xinjiang: Unrest in China's West*, Ben Hillman outlines the Tibetan protests that have been ongoing since 2008. Hillman maintains that the "discontent has been characterized by 'ethnic protest' (i.e., protests against the state and its policies)."[5] Many Tibetans protest "against Chinese government policies or Communist Party rule."[6] Some scholars believe that the protests express a desire for Tibetan independence from China, while others disagree with the assertion that Tibetan unrest is solely due to separatist desires. Though the protests have been characterized by violence—both self-immolation and rioting—they provide a good example of the type of delineated political purpose that is necessary for disobedience to be just. Though Tibetan protests cannot be classified as just simply because they fulfill one principle in the framework, we can agree that they have a political purpose and move on to discern if they satisfy the framework's other principles.

One of the more obvious backlashes to the political purpose stipulation is the question of how a political purpose can be determined as sincere. However, this issue is not as important as it initially seems. A political purpose does not need to be noble, just, or satisfying to fulfill this section—it must simply exist. It may seem arbitrary—even silly—to include political purpose as a principle. Can't a political purpose be conjured with relative ease and possess the appearance of sincerity, even if that sincerity is false? If this is the case, and intelligent and discerning people are "fooled" by an act of civil disobedience's false political purpose, then the other principles of the framework are capable of filtering it out. However, sometimes civil disobedience does not have a political purpose attached to it. This principle exists for that reason.

A good example of protest without a political purpose is the Occupy Movement, or Occupy Wall Street (OWS), which began in September 2011 in Zuccotti Park, Lower Manhattan. A group of protestors set up a tent in the park and rallied against the economic one percent. OWS quickly spread across the nation and then the world, with protests occurring in Barcelona, Madrid, and other major European cities. Though their actions were generally legal and non-violent, hundreds of protestors were arrested for "'illegal lodging."<sup>[7]</sup> The classification of OWS as civil disobedience is debatable, but to illustrate my point, let us assume that OWS was a demonstration of resistance. The most important consideration under this section is whether the movement had a political purpose. Though the movement was undoubtedly economic in nature and pointed to the disparities between the top one percent and the bottom 99 percent within society, what the protestors desired to achieve is unclear. Hundreds of news sources speculated about OWS's desired outcomes—to no avail. Overall, the movement amounted to a coordinated airing of grievances. If the government is unable to understand the purpose for actors' civil disobedience, the credibility of civil disobedience as an extension of civic duty is lost.

# **Right Authority**

In the context of just war theory, right authority refers to those who possess the right to declare and participate in war. This right is traditionally reserved for states and hinges on the notion that war can only be declared by those that lead or represent the state as a whole. When transferred to civil disobedience, right authority asks who has the right to disobey the government.

Does the right of civil disobedience extend to visa holding or undocumented immigrants? This section is one of the most difficult to distinguish. Which allowances society should afford to immigrants is a timely, contentious, and emotional discussion. One perspective argues that it would be unreasonable for individuals who have no claim over the functioning of a government through regular means, such as voting, to have a claim by illegal means. However, this perspective increases in complexity when considering what role visa holding foreigners or illegal immigrants have in society. Most would agree that immigrants are deeply integrated in at least one part of society, whether through education, employment, or community involvement. If an individual is thus integrated into society, should they be allowed to express their attitude toward the government and its functionality?

The state's interest in suppressing civil disobedience and a citizen's interest in engaging in acts of resistance is order. Agents of resistance desire a better order and an emphasis on equality. If a cause is significant enough, they are willing to forsake order in favor of dissent. If a person were justified in participating in the resistance of a state that is not their own, then the order necessary for a well-functioning society would be compromised. Furthermore, the contradiction of an illegal immigrant not being able to vote yet being able to illegally express their political beliefs is too great to be negligible. However, when a group of undocumented immigrants is integrated well into society and has a cause that is supported by citizens, that group is likely to be justified in their resistance.

To put this in perspective, let us consider the recent example of the Deferred Action for Childhood Arrivals (DACA) protests. DACA is an act within the United States that allows illegal immigrants who arrived in the U.S. at a young age to pursue their education in this country and eventually become U.S. citizens. This program was ended by the Trump administration, enraging Dreamers and their supporters. In response, protestors rallied in hundreds of cities throughout the nation. While these protests were legal marches, let us assume that they were not for the sake of illustration. In this case, the undocumented immigrants would still be justified under the right authority principle.

In just war, the right to declare war is reserved for the state and is determined by the support of those whose lives would be affected by a declaration of war. Similarly, the right to exercise disobedience is most justified when citizens are the resistors, but that right extends to include undocumented immigrants and refugees when they are legitimately interested parties, meaning that their lives are so integrated that they are significantly affected by the policies, statutes, and laws of a state.

# Just Cause

To justify blatant disobedience to the government, a just cause must be present. Just cause is, perhaps, the most significant principle in just war theory, and it holds as much weight when applied to civil disobedience. A just cause must be beneficial to a group or society as a whole. This is to protect against arbitrary disobedience or the presence of personal vendettas targeting the government.

Since just cause is intrinsically moral, discerning whether a cause is just differs based on the subjective discretion of each individual. This makes the creation of a just cause standard, against which all acts of civil disobedience can be measured, difficult to create. I propose a threefold system of deliberating if a cause is just, which includes partitioning acts into separate categories—very compelling, compelling enough, and not compelling. Very compelling causes are concerned with basic human rights. A group must have been hurt in a way rectifiable by the state. This type of hurt most often manifests itself in the form of unjust laws. The American Civil Rights movement is the quintessential example of a cause that is very compelling. This cause championed the basic human rights of the black community, who continued to live disenfranchised and segregated lives despite hundreds of years of slow advancement toward equality. In Martin Luther King's Civil Disobedience and the American Covenant Tradition, Barbara Allen states:

More than a test of law was at stake in King's civil protests, however; King asked Americans to judge themselves and their institutions according to values and commitments that transcended and informed constitutional choice.[8]

This quote demonstrates how very compelling causes go beyond "a test of law" because of their transcendental nature, differentiating them from compelling enough causes.

Compelling enough causes justify civil disobedience when a person or group is hurt by the state in a manner not tied to basic human rights. This hurt results in moral concerns regarding the laws and statutes within a society that threaten moral or religious beliefs. Individuals engaging in civil disobedience are most likely to fall into this category. This year, the Supreme Court of the United States (SCOTUS) decided a case that is compelling enough: Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission. Jack C. Phillips, the owner of a cake shop in Colorado, refused to create a custom-made cake for a gay couple in celebration of their pending marriage. Phillips claimed that the creation of an artistically symbolic cake would violate his religious beliefs. The couple, Charlie Craig and David Mullins, filed a suit against Phillips, alleging sexual-orientation based discrimination that violated the Colorado Anti-Discrimination Act. In a 7-2 decision, the Court narrowly ruled in favor of Phillips. This case exemplifies the moral nature of causes that are compelling enough.

Lastly, not compelling causes for civil disobedience are various and plentiful. Thoreau helps us ascertain these causes when he says that if a hurt or injustice is "part of the necessary friction of the machine of government," then those affected are not justified in disobeying the government regardless of their cause. [9] Therefore, deciphering if an injustice belongs to the regular functioning of the government becomes the subsequent concern. A key indicator that an injustice is not a part of the government's regular functioning is the case of delayed justice, a concept popularized by King. With the understanding that "justice delayed is justice denied," cases of delayed justice are not considered part of the necessary friction of the government. [10]

The compelling system is not perfect, but it provides a needed and helpful trajectory for discerning just causes. Those considering the justness of an act of resistance must be aware of the moral values at stake and the effect that shifts in values may have on society.[11]

#### **Right Intention**

*Right intention* is one of the just war principles that is most founded on moral and religious convictions. Similar to just cause, *right intention* refers to a state's intent for going to war. Just cause explores the specific reasons for going to war, such as liberating a city from wrongful occupation, while the right intention for pursuing that cause might be restoring peace. Therefore, intent refers more to the condition of the heart. Religion emphasizes the effect intent has on a person's soul; for this reason, right intention has heavy moral and religious ties. In secular society, right intention has been embraced partly because intent is closely linked to the overall morality of an action. A court's decision to include the *intent* of a defendant in a criminal trial demonstrates that the moral implications of actions matter to the state. When applied to civil disobedience, right intention shares a close relationship with just cause.

Right intentions cannot be written as an exhaustive list. They may include the restoration of peace or the righting of an injustice. Wrong intentions may include hating the enemy, exacting revenge, or reaching for power. Formulas for determining right intention are difficult to create because of the contextual nature of intent; therefore, each individual act of civil disobedience must be examined to determine its morality.

Mahatma Gandhi coined the term satyagraha, which translates to "insistence on truth." Satyagraha was a primarily religious movement that called Indian citizens to focus on the highest and most noble truths available and to shape their acts of resistance to accommodate those ideals, which included principles of non-violence and truth. In his article "Buber's Dialogue and Gandhi's Satyagraha," V.V. Ramana Murti explains the significant effect satyagraha had on India:

The significance of the satyagraha that Gandhi led in India can be best appreciated only if viewed in its relation to the British Government. This technique of non-violent resistance was in direct contrast to the methods of either constitutional agitation or terrorist violence employed by the nationalist movement in India before Gandhi...It was the uniqueness of Gandhi's satyagraha that it tried to transform a potential situation of conflict between two nations into a real dialogue. The way of violence works as a monologue, but the nature of non-violence is a dialogue.

With the principles of satyagraha in mind, Gandhi led the Salt March of 1930. Indians marched for hundreds of miles while making salt, in direct violation of the British ruled government. Thousands of protestors, including Gandhi, were arrested for their actions. The march was in response to Britain's Salt Act of 1882, which prohibited Indians from making or selling salt, a staple element. Britain had come to monopolize the salt market, driving the price of salt up, with a salt tax further increasing the price. Two of the intentions for the march were economic security and freedom from oppressive governance. These intentions are just because they are driven by transcendental values and the best interest of the state's citizens.[12]

# Last Resort

In just war theory and in application to civil disobedience, the principle of last resort indicates that a state must not go to war until all other diplomatic means have been exhausted. It is important to note that viewing last resort through a lens of only reasonable diplomatic and political means is unwise because "…constitutional means are hardly ever technically exhausted…"[13] Consider an American citizen with a cause great enough to drive them to resist the government. They might first petition their legislature for change before moving on to appeal to the courts and the head of the state. If their actions are fruitless, they might return their efforts to influencing the legislature. Eventually, this cyclical democracy will take on a new form of bureaucratized oppression.

In his Letter from a Birmingham Jail, Martin Luther King Jr. outlines the four steps to a non-violent campaign: "collect[ing] facts to determine whether injustices are alive, negotiation, self-purification, and direct action."[14] Once an injustice is determined, people are obligated to first try to solve this injustice through proper political channels—lawmakers, courts, and the like. If that fails, or if proper channels are non-existent, then the campaign may move on to self-purification. To King, the self-purification process refers to cementing the campaign's intention and dedication to non-violence. This step is a good place to determine the justness of a non-violent campaign. If the first three steps are satisfied, then the campaign may move on to direct action.

King's concept of delayed justice is also applicable. Delayed justice considers whether causes are limited by time. If the number of those affected by a cause increases over time, then should the time spent waiting for legal justice decrease? Furthermore, does diplomacy that ends in a denial of those petitioning an injustice indicate a delay in justice? These questions are some of the hardest to answer. Former Justice Potter Stewart, of the Supreme Court of the United States, in an opinion on the regulation of obscenity, wrote, "I know it when I see it," as a way of indicating the difficulty of creating a standard for a contextually dependent issue.[15] This phrase—though, perhaps, dissatisfying because of its ambiguity—is applicable to the last resort principle. According to Paul A. Freund, a law professor at Harvard Law School, another indication that citizens have reached the last resort stage is when "demonstrators have no effective voice in the government."[16] He expands upon this statement by stating that, "fidelity to the law is an obligation based on reciprocity, on the right of participation."

### Civil Disobedience Framework: During the Act

# **Proportional Response**

In warfare, proportional response indicates the minimum necessary response needed to effectively engage in combat with the enemy. When applied to just civil disobedience, the justified response does not expand in proportion to the quality of the injustice in the same manner as warfare. A response may only increase in volatility up to a certain point. This point varies in liberal and non-liberal democracies, but always stops before reaching violence. Violent civil disobedience is not justified and would quickly blur the line between acts of resistance and criminality.

Gandhi's words in The Story of my Experiments with Truth explain why violence is the stopping point:

Whereas a good deed should call forth approbation and a wicked deed disapprobation, the doer of the deed, whether good or wicked, always deserves respect or pity as the case may be...it is quite proper to resist and attack a system, but to resist and attack its author is tantamount to resisting and attacking oneself. For we are all tarred with the same brush...[17]

Regarding civil disobedience, the respect Gandhi mentions closely resembles lingering obligation. Those affected by injustice recognize the contractual elements of government-citizen relationships. Though injustice mars the contract, this relationship— which is meant to be one of reciprocity—should still be acknowledged by those suffering from injustice. This acknowledgement is demonstrated by shunning violence, because violence renders the obligations of the contract nearly useless.

In 1381, England's feudal system was a large contributor to the oppression and prolonged dire economic straits of England's peasants. The Black Death of the 1340s resulted in extreme political tensions between peasants and their superiors. The excessively high tax rates thrust upon the peasant population to cover leftover expenses from England's Hundred Years' War with France contributed to further unrest. On May 30, 1381, the frustrations of the peasants reached a tipping point when John Bampton, a royal official, attempted to collect unpaid poll taxes. In response, peasants across England violently revolted by destroying and looting property, burning government documents, and killing government officials. This example of resistance meets many of the principles of just civil disobedience but fails in its proportional response. The use of violence undermines all noble intention and causes a near irreparable tear in the fabric of society. Violence is unjustified because of the specific moral implications and the effect violence has on society.

A common concern is whether violence is a justified response to governments that are extremely corrupt, unjust, and oppressive. This is a worthy consideration, but it bridges into a territory that strays from acts of civil disobedience and into acts of rebellion and revolution. Rebellion and revolution are distinctly different from civil disobedience; where civil disobedience seeks to maintain the state as a whole with changes made to specific parts of it, rebellion and revolution seek to usurp the entirety of the state or most of its elements.[18] Rebellion and revolution are, perhaps, civil disobedience taken to the next level.

#### Civil Disobedience Framework: After the Act

# Perceived Impact on Society

In Plato's Crito, Socrates contemplates civil disobedience. [19] Imprisoned for a crime he did not commit, Socrates is visited by his friend Crito, who arranges an escape route for Socrates. Socrates weighs this decision critically, considering his moral opinion and the impact his escape would have on society. He decides not to escape because he thinks doing so would be too detrimental to the order of society. Socrates asks, "Do you think that a city can still exist without being overturned, if the legal judgments rendered within it possess no force, but are nullified or invalidated by individuals?" Socrates continues by making the following statement that pits him against civil disobedience in all contexts:

You must either persuade it [government], or else do whatever it commands; and if it ordains that you must submit to certain treatment, then you must hold your peace and submit to it: whether that means being beaten or put in bonds, or whether it leads you into war to be wounded or killed, you must act accordingly, and that is what is just; you must neither give way nor retreat, nor leave your position; rather, in warfare, in court, and everywhere else, you must do whatever your city or fatherland commands, or else persuade it as to what is truly just; and if it is sinful to use violence against your mother or father, it is far more so to use it against your fatherland.[20]

Plato is not alone in lecturing about the impact civil disobedience may have on society. While explaining the discussions he has had with his free neighbors, Thoreau notes:

...I perceive that, whatever they may say about the magnitude and seriousness of the question, and their regard for the public tranquility, the long and the short of the matter is, that they cannot spare the protection of the existing government, and they dread the consequences of disobedience to it to their property and families.[21]

Thoreau's friends worry about how their participation in civil disobedience will affect their family and property. Rawls also maintains that social impact should be taken into consideration by saying that if serious disorder were to ensue, then resistance should not be tried. Rawls describes his position with the following quote:

I assume here that there is a limit on the extent to which civil disobedience can be engaged in without leading to a breakdown in the respect for law and the constitution, thereby setting in motion consequences unfortunate for all.[22]

Socrates' decision demonstrates the tension between obeying the government and suffering unjustly. When considering the perceived impact principle, one must consider the detriment that resistance poses to a government's functionality, but also whether engaging in resistance will change the values of society for the better. This latter caveat speaks to Thoreau's concept that urges us to "consider whether the remedy will not be worse than the evil." [23]

There are those that will claim that the perceived impact on society points to the effect civil disobedience will have on those that fall into the majorities of society. They will say that this principle unwisely appeals to majority sentiments, when minorities need

the most societal protection. However, this framework takes sufficient precautions in its considerations of individuals and minorities. Other civil disobedience principles have dealt specifically with this concept, but the perceived impact principle deals with society as a whole because of the shared interest of maintaining order that exists within the government.

[1] Cahn, Steven M. Political Philosophy: The Essential Texts. Third Edition. New York, NY: Oxford University Press. 2015. 312-343.

[2] Rawls, John. A Theory of Justice.

[3] Hall, Robert T. The Morality of Civil Disobedience. Harper & Row, Publishers, Inc. 1971. 27.

[4] Hall, Robert T. The Morality of Civil Disobedience. 27.

[5] Hillman, Ben. Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West. New York: Columbia University Press. 2016. http://web.a.ebscohost.com/ehost/detail/detail?vid=0&sid=9268fb31-d0d2-4b9c-a3a5-4925880f85c4%40sessionmgr4009&bdata=JnNpdGU9ZWhvc3QtbGl2ZSZzY29wZT1zaXRI#AN=1195740&db=nlebk

[6] Hillman, Ben. Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West.

[7] Earle, Ethan. "A Brief History of Occupy Wall Street," Rosa Luxemburg Foundation. 2012. http://www.rosalux-nyc.org/wp-content/files\_mf/earle\_history\_occupy.pdf 6.

[8] Allen, Barbara. "Martin Luther King's Civil Disobedience and the American Covenant Tradition." Publius 30, no. 4 (2000): 71-113. http://www.jstor.org/stable/3330933.72.

[9] Thoreau, Henry David. Walden and Resistance to Civil Government. 233.

[10] King. Letter from a Birmingham Jail.

[11] A later section on the perceived impact on society will further outline the effects of value changes. I have chosen to mention that concept briefly here, because doing so demonstrates the inter-connectedness of all the principles and how a successful framework must consider them together.

[12] For more on human rights and morality and their interplay with government see Samuel Moyn's Last Utopia: Human Rights in History and for more on oppressive statecraft see James C. Scott's Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed.

[13] Hall, Robert T. The Morality of Civil Disobedience. 78.

[14] King. Letter from a Birmingham Jail.

[15] Jacobellis v. Ohio, 378 U. S. 184 (1964)

[16] Hall, Robert T. The Morality of Civil Disobedience. 80.

[17] Gandhi, M.K. The Story of my Experiments with Truth. 230.

[18] David Lyons in "Moral Judgment, Historical Reality, and Civil Disobedience" sheds light on this concept.

[19] Cahn, Steven M. Political Philosophy: The Essential Texts. 22-30.

[20] Cahn, Steven M. Political Philosophy: The Essential Texts. 22-30.

[21] Thoreau, Henry David. Walden and Resistance to Civil Government. 236.

[22] Rawls, John. A Theory of Justice. 374.

[23] Thoreau, Henry David. Walden and Resistance to Civil Government. 233.

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