Seven Guidelines for Civil Disobedience
by Howard Zinn
from Disobedience and Democracy: Nine Fallacies on Law and Order

1. Civil disobedience is the deliberate, discriminate, violation of law for a vital social purpose. It becomes not only justifiable but necessary when a fundamental human right is at stake, and when legal channels are inadequate for securing that right. It may take the form of violating an obnoxious law, protesting an unjust condition, or symbolically enacting a desirable law or condition. It may or may not eventually be held legal, because of constitutional law or international law, but its aim is always to close the gap between law and justice, as an infinite process in the development of democracy.

2. There is no social value to a general obedience to the law, any more than there is value to a general disobedience to the law. Obedience to bad laws as a way of inculcating some abstract subservience to “the rule of law” can only encourage the already strong tendencies of citizens to bow to the power of authority, to desist from challenging the status quo. To exalt the rule of law as an absolute is the mark of totalitarianism, and it is possible to have an atmosphere of totalitarianism in a society which has many of the attributes of democracy. To urge the right of citizens to disobey unjust laws, and the duty of citizens to disobey dangerous laws, is of the very essence of democracy, which assumes that government and its laws are not sacred, but are instruments, serving certain ends: life, liberty, happiness. The instruments are dispensable. The ends are not.

3. Civil disobedience may involve violation of laws which are not in themselves obnoxious, in order to protest on a very important issue. In each case, the importance of the law being violated would need to be measured against the importance of the issue. A traffic law, temporarily broken, is not nearly as important as the life of a child run over by a car; illegal trespass into offices is nowhere as serious as the killing of people in war; the unlawful occupation of a building is not as sinful as racism in education. Since not only specific laws, but general conditions may be unbearable, laws not themselves ordinarily onerous may need to be violated as protest.

4. If a specific act of civil disobedience is a morally justifiable act of protest, then the jailing of those engaged in that act is immoral and should be opposed, contested to the very end. The protester need be no more willing to accept the rule of punishment than to accept the rule he broke. There may be many times when protesters choose to go to jail, as a way of continuing their protest, as a way of reminding their countrymen of injustice. But that is different than the notion that they must go to jail as part of a rule connected with civil disobedience. The key point is that the spirit of protest should be maintained all the way, whether it is done by remaining in jail, or by evading it. To accept jail penitently as an accession to “the rules” is to switch suddenly to a spirit of subservience, to demean the seriousness of the protest.
5. Those who engage in civil disobedience should choose tactics which areas nonviolent as possible, consonant with the effectiveness of their protest and the importance of the issue. There must be a reasonable relationship between the degree of disorder and the significance of the issue at stake. The distinction between harm to people and harm to property should be a paramount consideration. Tactics directed at property might include (again, depending on efficacy and the issue): depreciation (as in boycotts), damage, temporary occupation, and permanent appropriation. In any event, the force of any act of civil disobedience must be focused clearly, discriminately on the object of protest.

6. The degree of disorder in civil disobedience should not be weighed against a false “peace” presumed to exist in the status quo, but against the real disorder and violence that are part of daily life, overtly expressed internationally in wars, but hidden locally under that facade of “order” which obscures the injustice of contemporary society.

7. In our reasoning about civil disobedience, we must never forget that we and the state are separate in our interests, and we must not be lured into forgetting this by the agents of the state. The state seeks power, influence, wealth, as ends in themselves. The individual seeks health, peace, creative activity, love. The state, because of its power and wealth, has no end of spokesmen for its interests. This means the citizen must understand the need to think and act on his own or in concert with fellow citizens.