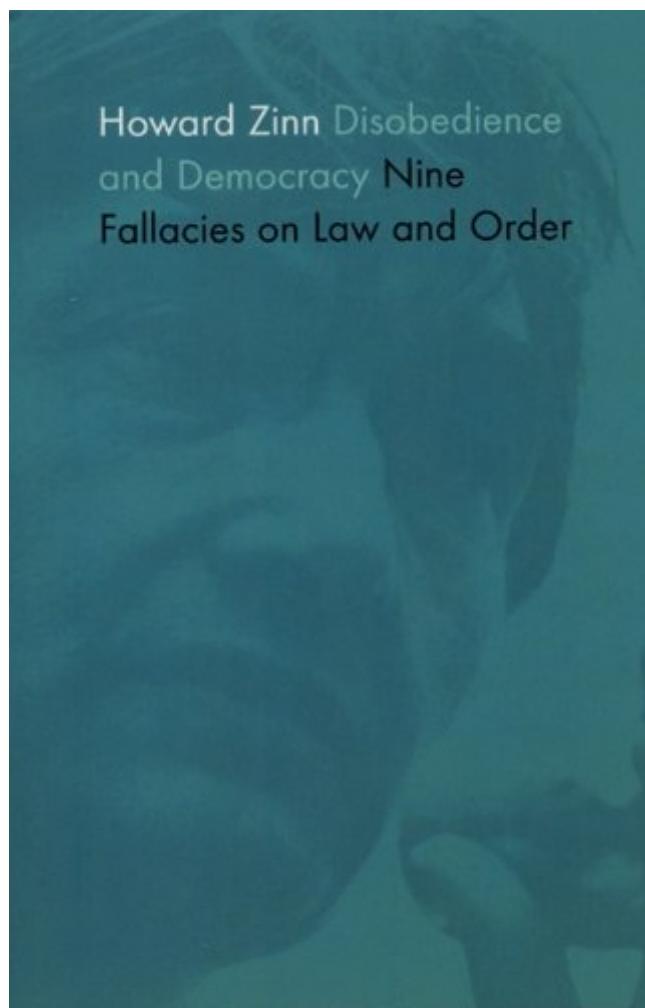


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# Disobedience And Democracy: Nine Fallacies On Law And Order



## **Synopsis**

Howard Zinn's cogent defense of civil disobedience, with a new introduction by the author. In this slim volume, Zinn lays out a clear and dynamic case for civil disobedience and protest, and challenges the dominant arguments against forms of protest that challenge the status quo. Zinn explores the politics of direct action, nonviolent civil disobedience, and strikes, and draws lessons for today.

## **Book Information**

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## **Customer Reviews**

At what point are citizens justified--and perhaps even obliged--to violate the law of the land in pursuit of justice? When is civil disobedience justified? And just what is civil disobedience, anyway? These are the sorts of questions Howard Zinn sets out to explore in his masterful *Disobedience and Democracy*. The book first appeared in 1968 in response to a small pamphlet by Supreme Court Justice Abe Fortas defending a minimalistic interpretation of civil disobedience. But Zinn's book, and the debate in general, is just as relevant today as it was 40 years ago. The crux of the debate is between those legalists who think that justice is identical to law, and those progressives who think that justice is sometimes quite distinct from law and that in fact the law is

often one of the weapons by which governments wield and legitimize their power ("congealed injustice," as Zinn powerfully says [p. 4]). Legalists suppose that any contravention of laws, even shady ones, inevitably leads to social chaos. Progressives believe that sometimes genuine advances in social and economic justice can only be achieved by disobeying unjust laws or unjust conditions protected by the law of the land. In a series of compact and extremely strong arguments, Zinn critically responds to what he sees as nine errors in the legalist attitude to civil disobedience, and in the process defends the progressive view. Zinn argues that the rule of law isn't an end in itself, that practitioners of civil disobedience aren't morally obliged to accept punishment for their actions, that unobnoxious laws can be broken with impunity when resisting unjust ones, that civil disobedience isn't needn't be absolutely nonviolent, that civil disobedience is a necessity in a democratic society in which the judicial system frequently sides with the government, that there's a double standard of morality typically invoked by governments, and that the interests of government and the people aren't identical. Zinn concludes his argument by spelling out seven characteristics of principled civil disobedience (pp. 119-22). Zinn says several times that "we have been naive in America about the efficacy of the ballot box and representative government to rectify injustice" (p. 65). This is especially so in foreign policy, he claims, with elected officials pursuing wars regardless of the opposition of the public to those wars. That's why, he concludes, we need to be ever mindful of both the need and the righteousness of civil disobedience. This is good to keep in mind as we prepare to once again perform the ritual of a presidential election.\_\_\_\_\_ \* p. 123.

The great teacher and humanist who was Mr. Zinn, by his elegant writing offers us one of the most honest and intelligent argument on one of the most significant moments and issues of our society

Carefully argued, written for anyone who reads at, say, tenth grade level. This should be required reading for high school seniors.

It is Howard Zinn it has to be good. Delivery was prompt and book was exactly as described.

TRHANKS

I picked this title up at a local used bookstore and decided to give it a look and see how it stood up to the current political climate. It seemed very relevant in spite of its age. First of all, this essay - 'Disobedience and Democracy; Nine Fallacies on Law and Order' - is a direct response to a position against civil disobedience given by Supreme Court Justice Abe Fortas entitled 'Concerning dissent

and civil disobedience'. Both were written in 1968 amidst considerable political turmoil on the issues of the Vietnam War and civil rights. I wish that I'd had a copy of Fortas' essay to refer to while reading Zinn's response, but instead I was left to take Zinn's interpretation of Fortas' document 'as gospel'. My other concern was that I was so far removed (over 30 years) from the atmosphere that ignited this asynchronous debate. In spite of these hurdles (which are the main reasons that the rating is reduced to 4 stars), I thoroughly enjoyed this short book/outlook. Justice Fortas seems to advocate near blind obedience to the law (NOT for moral reasons, but for purely institutional integrity). Zinn exposes this to be counter to the revolutionary spirit which preempted the Constitution, as well as logically perverse to the idea of justice. At one point, Fortas apparently questions the value of Thoreau's 'Civil Disobedience' which was instrumental in the advocacy of the abolitionist ideals of the time. Zinn gives him a thorough beating. The idea of civil disobedience was so paramount to the growth of America in the Revolutionary War, Civil War, and civil rights periods. It is necessary to prevent the stagnation of public policy, and to keep the law in tune with the people under it. Zinn does an excellent job of renewing my interest in this form of revolution with this book, and I heartily recommend it to those who may see the value of this American tradition in responding to the brewing conflicts of today - such as the death penalty, affirmative action, etc.

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