Elizabeth Cady Stanton, *Declaration of Sentiments and Resolutions* (1848)

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; …

Prudence, indeed will dictate that governments long established should not be changed for light and transient causes …. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men – both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.
He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband.

In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master – the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes, and in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women – the law, in all cases, going on a false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known. He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her in Church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry and, with some exceptions, from any public participation in the affairs of the Church.

He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man….

He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now in view of this entire disenfranchisement of one half of the people of this country, … we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.
In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule, but we shall use every instrumentality in our power to effect our object.

Whereas, the great precept of nature is conceded to be, that “man shall pursue his own true and substantial happiness,” …

Resolved, that such laws as conflict, in any way, with the true and substantial happiness of woman, are contrary to the great precept of nature and of no validity ….

Resolved, that the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.

Resolved, that inasmuch as man, while claiming for himself intellectual superiority, does accord to woman moral superiority, it is pre-eminently his duty to encourage her to speak and teach, as she has an opportunity, in all religious assemblies.…

Resolved, that the objection of indelicacy and impropriety, which is so often brought against woman when she addresses a public audience, comes with a very ill grace from those who encourage, by their attendance, her appearance on the stage, in the concert, or in feats of the circus.…

Resolved, that the equality of human rights results necessarily from the fact of the identity of the race in capabilities and responsibilities.…
Henry David Thoreau, *Civil Disobedience* (1848)

I heartily accept the motto, “That government is best which governs least”; and I should like to see it acted upon more rapidly and systematically. Carried out, if finally amounts to this, which also I believe – “That government is best which governs not at all”; and when men are prepared for it, that will be the kind of government which they will have. Government is at best an expedient; but most governments are usually, and all governments are sometimes, inexpedient.

The objections which have been brought against a standing army, and they are many and weighty, and deserve to prevail, may also at last be brought against a standing government….

This American government … has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have….

Yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the west. The character inherent in the American people has done all that has been accomplished, and it would have done more, if the government had not sometimes got in its way….

But, to speak practically and as a citizen unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government…. After all, the practical reason why … a majority are permitted, and for a long period continue, to rule is not because they are most likely to be right, nor because this seems fairest to the minority, but because they are physically the stronger. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it….

Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience then? I think that we should be men first and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right….

Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice. A common and natural result of an undue respect for law is, that you may see a file of soldiers … marching in admirable order over hill and dale to the wars, ay, against their common sense and consciences …. The mass of men serve the state thus, not as men mainly, but as machines, with their bodies…. They have the same sort of worth only as horses and dogs. Yet such as these even are esteemed good citizens. Others – as most legislators, politicians, lawyers, ministers, and office-holders – serve the state chiefly with their heads; and, as they rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God. A very few – as heroes, patriots, martyrs, reformers in the great sense, and men – serve the state with their consciences also, and so necessarily resist it for the most part….
I cannot for an instant recognize that political organization as my government which is the slave's government also.... There are thousands who are in opinion opposed to slavery and to the war, who yet in effect do nothing to put an end to them .... They will wait, well disposed, for others to remedy the evil that they may no longer have it to regret....

All voting is a sort of gaming, like checkers or backgammon, with a slight moral tinge to it, playing with right and wrong, with moral questions; ... The character of the voters is not staked.... Even voting for the right is doing nothing for it. It is only expressing to men feebly your desire that it should prevail....

It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even the most enormous, wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it.... Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support are ... the most serious obstacles to reform.... Action from principle, the perception and performance of right, changes things and relations; it is essentially revolutionary .... (I)t divides the individual, separating the diabolical in him from the divine.

Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil.... Why does it always crucify Christ and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels?....

If the injustice ... is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law.... As for adopting they ways which the State has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone. I have other affairs to attend to.... It is not my business to be petitioning the Governor or the Legislature any more than it is theirs to petition me ....

Under a government which imprisons any unjustly, the true place for a just man is also a prison ... -- the only house in slave State in which a free man can abide with honor....

The best thing a man can do for his culture when he is rich is to endeavor to carry out those schemes which he entertained when he was poor.... When I converse with the freest of my neighbors, ... they cannot spare the protection of the existing government, and they dread the consequences to their property and families of disobedience to it. For my own part, I should not like to think that I ever rely on the protection of the State....
Rawls on Civil Disobedience (A THEORY OF JUSTICE, Ch. 6)

1) **Thesis:** (308-312) We have a presumptive moral duty to obey the law.

2) **Antithesis:** (Thoreau, Gandhi, King) We have a presumptive moral duty to disobey unjust laws.

3) **Antithesis:** (327) Where the normal means of legal reform in a constitutional democracy are available, we have a presumptive moral duty to work for change through them.

4) **Synthesis:** If the right to resist the law is still claimed, then since civil disobedience is resistance to law within the bounds of fidelity to law (322), and is an appeal to the majority’s sense of justice (335), then resistance to law can be defined as civil disobedience, and claim its moral legitimacy, only if:

   a) (327) legal means of reform have been attempted and are pointless;

   b) (326-327) the equal liberty and/or FEO principle is substantially violated;

   c) (320-321) the resistance is performed publicly;

   d) (320-321) the resistance is performed nonviolently

**Key Comments/Cautions:**

Indirect civil disobedience OK: the law violated need not be the law protested.

Too many groups committing civil disobedience at once could cause lasting injury to the constitutional order. (328)

Even assuming all conditions are met, Rawls has established only the moral right to engage in civil disobedience, not the moral duty. It might be imprudent, and risk anarchy. (329, 341)

Civil disobedience is distinct from militancy. (322-323)