

Rawls and the Morality of Civil Disobedience

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Abstract

Political obligations require citizens to obey states' laws. In the case of morally objectionable laws, some political philosophers contend that our political obligation can be overridden by higher countervailing obligation through the act of civil disobedience. John Rawls appeals to this view. He contends that citizens can engage in civil disobedience in a nearly just democratic regime only when there is a sufficient justification that the principles of equal liberty and fair opportunities have been violated. Some commentators think that by viewing civil disobedience as a political act, Rawls seems to limit the justification of civil disobedience to only political principles. This paper offers an interpretation of Rawls' theory of civil disobedience that highlights his appeal to potential dissenters' moral dispositions. We argue that the Rawlsian non-violence and fidelity to law requirements for civil disobedience create a moral limit for the dissenter. However, dissenters are obligated to resist the state when it attempts to suppress them from correcting injustices in the society forcibly.

Keywords: John Rawls; Civil Disobedience; Fidelity to law; Respect for rights and dignity; Moral duty; Non-violence

Introduction

The central idea of political obligation is that citizens are morally obligated to submit, cooperate, and obey political authorities and state laws. One of the reasons adduced to justify this view is that political obligation is grounded on the citizens' consent. According to Harry Beran, "consent consists of accepting membership in a state by each person who is under political obligation. For in accepting membership in an association, one agrees to obey the rules of that association; and in agreeing to obey the rules of the state, one puts oneself under an obligation to obey its rules and gives it authority to govern" (Beran 1977, 262). Some theorists

contend that citizens also consent when they participate in democratic elections. Steinberger, for instance, notes that by voting, citizens indicate that they accept a political process as legitimate even though they are not favoured by such a process (Steinberger 2002, 460). By consenting either through voting or through citizenship, a person imposes on themselves a moral duty to abide by the state's laws and regulations or be submissive to the state's authority. Other alternative theories that justify political obligation are the principle of fair play (Rawl 1964), the principle of samaritanism (Wellman 1996), and the theory of common good (Duke 2017).¹

It is plausible to argue that citizens are obligated to obey state authorities because they consented either through voting or by agreeing to be a member of the state. However, some political philosophers contend that the obligation to obey the state's law is *prima facie* because substantial or higher countervailing obligations can override it (Thoreau 1849; Beran 1977; Rawls 1971). It is morally acceptable to resist or disobey government actions or laws antithetical to equity and justice and threaten citizens' rights and dignity. The Black Lives Matter (BLM) protests in the United States against racial discrimination, the EndSARS protest in Nigeria against police brutality and extortion, the protest against discriminatory citizenship law in India, and so on seem to corroborate this point. Thoreau, for example, observes that the obligation to resist and refuse allegiance to a government when it becomes tyrannical, unbearably inefficient, and propagates immoral laws, is both an inherent right and natural duty of all human beings (Thoreau 1849, 367-369). In other words, it is unnatural for anyone to feel at ease with tyrannical or immoral policies.

Not all kinds of resistance against unjust or immoral laws are morally acceptable. For instance, the aim of the BLM, EndSARS, and India's anti-discriminatory citizenship law protests was to speak against unjust systems that violate citizens' rights and dignity. However, some protesters were criticised for engaging in unruly acts like looting businesses or setting government and private properties ablaze in these protests. In the case of the EndSARS protests, police stations were burnt while some police officers were lynched to death.² In Delhi, many lives and properties were lost to violent protests.³ Why are violent protests not morally acceptable? Mahatma Gandhi thinks that dissenters who engage in violent protests lack discipline and respect for the rights of others. It is morally appropriate to resist and confront an unjust system. But attacking government officials or acting in a way that endangers the lives and properties of other citizens, however, "is tantamount to resisting and attacking oneself. We are all tarred with the same brush and are children of the same Creator, and as such, the divine powers within us are infinite. To slight a single human being is to slight those divine powers and thus to harm not only that being but with him the whole world" (Gandhi 1958, 26). Martin Luther King, Jr. adds that protesting injustices in a nonviolent system is to act in love for all members (King 1958, 97).

Rawls agrees with Thoreau that it is morally plausible for citizens to disobey unjust laws. He also supports Gandhi and King's views that an act of disobedience against unjust laws must be civil and non-violence. In other words, dissents should not violate citizens' rights and dignity.

In what follows, we explore Rawls' account of civil disobedience in detail, highlighting its moral significance. In Rawls' estimation, civil disobedience is morally permissible when the state refuses to honour conditions of social cooperation by enacting laws or policies that violate citizens' rights to equal liberty and fair equality of opportunity. We also explain Rawls' idea of civil disobedience as a public act. The interpretation we offer contrasts the views of some commentators who claim that Rawls's account of civil disobedience requires dissenters to notify the public and authorities about the resolve to engage in the act of civil disobedience (Celikates 2016; Brownlee 2016). We show that such an interpretation is faulty.

Furthermore, we examine the moral significance of Rawls' notion of non-violence and fidelity to the law. We argue that even though a dissenter is morally permitted to resist injustices perpetrated by the state, such resistance must be done in a civilised and considerate manner to protect other citizens' rights and dignity. We also defend Rawls' account of civil disobedience against Celikates and Brownlee's criticisms. We show that Celikates and Brownlee's criticisms stem from a mistaken interpretation of Rawls and the reliance on non-paradigmatic cases of civil disobedience like Snowden's case. We conclude the paper by noting that it is morally necessary to act nonviolently and in fidelity to the law. However, dissenters are also obligated to resist the state when it attempts to suppress them from correcting injustices in the society forcibly. We also highlight some implications of Rawls' account for policies and good citizenship. Let us explore Rawls' account and its moral significance.

Rawls and the Moral Significance of Civil Disobedience

Political philosophers often grapple with the issue of when it is morally justified to engage in the act of civil disobedience. Some protests like those cited in the introductory section are embarked upon in defiance of the government's restrictions. For instance, two weeks into the EndSARS protest, some Nigerian governors imposed 24-hour curfews in their various states to impede the protests. However, the EndSARS protesters defied the curfews and continued with the protests. The governors unleashed armed police officers and the military on the protesters. Some protesters were killed, while many got injured. In criticising the violent approach of the state governors, some critics argue that civil disobedience was one of the reasonable ways the oppressed masses articulated and publicised their grief.⁴ So, some political philosophers think that civil disobedience is justified because it is a strategy citizens employ to point out the moral missteps and failures of the government to adhere to the normative principles that underpin the political community (Thoreau 1849; Bedau 1961). For instance, Bedau views civil disobedience as a public, nonviolent, illegal, conscientious violation of one of the laws the dissenters view as morally objectionable (Bedau 1961 653-56). Bedau's point is that besides being nonviolent, a dissenter who commits an act of civil disobedience must be known to *intentionally* violate or object to a specific law or policy (perceived as obnoxious). Dissenters justify civil disobedience by appealing to the incompatibility between their political circumstances and moral convictions. This appeal stems

from the conviction that it is better to suffer the consequences of civil disobedience than the dire consequences of an objectionable law (Bedau 1961, 659). Rawls agrees with Bedau view that civil disobedience is a conscientious, public, and nonviolent violation of unjust or morally objectionable laws. Bedau contends that the primary intention of a civil disobedient is to frustrate the implementation of an objectionable law (Bedau 1961, 656). Rawls does not think that the role of civil disobedience is *basically* to frustrate the government's effort in implementing unjust laws.

John Rawls' view of civil disobedience stems from the belief that in a constitutional democracy, there is a shared sense of justice, which regulates the activities of both the government and the citizens. It is this shared sense of justice that is the core of the social cooperation of the society. The state must structure political institutions to guarantee fairness and equality in a democratic political milieu. For instance, in distributing state resources, the state is obligated not to discriminate against citizens based on race, sexual orientation, or religious belief. It is expected that those who are poor should have opportunities for improvement. However, the citizens are obligated to reciprocate by adhering to existing policies and legislations of the state. Another act of reciprocity by the citizens is to ensure that the policies and legislations made by the state conform to the principles of justice. So, when a state makes legislation that is discriminatory or seems to favour a specific class of individuals in the society or is repugnant to natural justice (like a law that puts to death citizens who criticise the government), it is required that citizens resist such laws because the state refused to respect the conditions of social cooperation (Rawls 1971, 320). So, Rawls defines civil disobedience as a public, nonviolent, conscientious and yet a political act contrary to law usually done to bring about a change in the law or policies of the government" (Rawls 1971, 320).

From a superficial glance, the act of civil disobedience is done to oppose laws perceived to be unjust even where the majority think that such laws should be upheld. Besides addressing the common sense of justice, civil disobedience is "guided and justified by political principles, that is, by the principles of justice which regulate the constitution and social institutions generally" (Rawls 1971, 321). So, in Rawls' view, a fundamental element of civil disobedience is fidelity to the law. What is the moral significance of Rawls' insistence that civil disobedience must be nonviolent, and a dissenter must act in fidelity to the law? What does Rawls mean by civil disobedience is a public act? We will attempt to answer these pertinent questions in Rawls' account of civil disobedience.

Civil Disobedience as a Public Act

Rawls thinks that for an act to pass as civil disobedience, it must be done publicly. The idea that civil disobedience is a public act also resonates with the views of many political philosophers. For instance, Betz argues that "civil disobedience is an open, or public, or non-secretive action, and it is different from most other crimes. The dissenter characteristically alerts the police and news media before he acts and characteristically expects to be arrested" (Betz

1970, 16). The reason for such a security alert and public notice is to indicate that the dissenter is publicly declaring that they intend to commit a crime and are willing to bear the consequences.

Some critics think that this Betzian intuition about the publicisation of civil disobedience through the media and security alerts also underpins Rawls' account of civil disobedience. Celikates, for instance, argues that what Rawls implies by civil disobedience being 'public' is that before an act of civil disobedience is carried out, dissenters are required to inform authorities in advance (Celikates 2016, 983). Similarly, Brownlee claims that "Rawls' publicity condition includes giving fair notice (to the society and, consequently, to its authorities) that one is about to engage in civil disobedience" (Brownlee 2016, 966). Justifying this claim, she notes in a footnote that Rawls appealed to Bedau, who explicitly identified fair notice as a fundamental requirement for an account of civil disobedience. Therefore, Brownlee thinks that Rawls' idea of fair notice is over-demanding because certain situations may warrant a non-publicisation or notification. For instance, dissenters may not have the financial resources to run media advertorials or organise town hall meetings. They may also be discouraged if the government feels threatened by it. So, the best approach is to take immediate action.

Brownlee is correct to argue that Bedau's idea of civil disobedience includes the notification requirement. According to Bedau, the government must be aware of the dissenter's plan to disobey a law or policy they believe is unjust. This point explains why authorities are customarily notified in advance in many countries by those intending to commit civil disobedience" (Bedau 1961, 656). However, the idea of fair notice seems to connote something different in Rawls' account. Rawls does not suggest that an act of civil disobedience would be unjustified if dissenters do not notify authorities and the public. Rawls argues that civil disobedience addresses the sense of justice of the majority in the society because when dissenters publicly object to unjust laws or policies, they appeal to the moral sentiments of the majority in society. Rawls notes that in a democratic system, for example, citizens have a good idea of what a sense of justice requires. Despite this sense of justice, "citizens may be tempted to avoid making a contribution when they believe, or with reason suspect, that others are not making theirs" (Rawls 1971, 296). This argument suggests that people may know what the principle of justice requires, but they may fail to act based on that principle. The role of civil disobedience, thus, is to stimulate the community consciousness of the need to act based on the principles of justice by ensuring that policies or laws that are repugnant to the principle of justice like the Jim Crow Segregation Law of 1896 or the Indian Citizenship Discrimination legislation, are repealed.

The idea of appealing to the moral sentiment of the majority vis-à-vis their sense of justice is exemplified in King's approach to civil disobedience. The key reason for the city of Birmingham's protest was caused by the failure of the city's authority to implement the 1954 Supreme Court decision that outlawed the segregation law. King, in his "Letter from Birmingham Jail", explained that the purpose of the protest he led was to "urge men to obey the 1954 decision of the Supreme Court because it is morally right and also to urge them to disobey segregation

ordinances because they are morally wrong” (King 1963, 3). King’s view implies that it is not the case that the public does not have the sense of justice which underlies the Supreme Court decision. The issue is that the government and the public deliberately refused to obey it. The duty of a dissenter like King and his associate was to persuade the public to act in line with their sense of justice by obeying the Supreme Court decision by disobeying the segregation ordinances, which contradicts the principle of justice of equal treatment. Similarly, in Rawls’ account, by acting publicly, the dissenters draw the attention of the majority in the society that there is a need for them to persuade the government to align its laws or policies to the principles of justice, which are at the core of social cooperation of the society.

Another reason why civil disobedience ought to be done publicly is that it serves fair notice that “in one’s sincere and considered opinion the conditions of free cooperation are being violated. We are appealing to others to reconsider, to put themselves in our position, and to recognise that they cannot expect us to acquiesce indefinitely in the terms they impose upon us” (Rawls 1971, 335-36). In other words, the role of civil disobedience is to draw the attention of the majority in a morally reasonable way that the injustices being perpetrated are negatively affecting the conditions of free cooperation that underlie their democratic system. And, since the oppressed citizens cannot accede to such oppression indefinitely, there is a need to repeal such unjust or immoral laws or policies. Based on this understanding, one can justifiably claim that what King or Gandhi did was to serve a fair notice to the public that unjust laws or policies like the South African Poll Tax, Fugitive Slave Law, et cetera, violate the conditions of free cooperation, and as such, need to be repealed. So, in Rawls’ view, to serve fair notice is to invoke the community’s conviction or to draw the public’s attention in a morally reasonable way (nonviolent way) that something morally despicable is happening and that it needs to be addressed.

Does Rawls’ account allow dissenters to engage in civil disobedience promptly whenever they think that injustices have been committed? Rawls thinks that the only time dissenters can promptly confront injustices in the state through the act of civil disobedience is when such injustices involve a blatant violation of the principle of equal liberty and the principle of fair equality of opportunity. If, for instance, “certain minorities are denied the right to vote or to hold office, or to own properties and to move from place to place, or when certain religious groups are repressed, and others denied various opportunities, these injustices may be obvious to all” (Rawls 1971, 327). Minorities can engage in the act of civil disobedience without necessarily seeking other means of redress when the state violates the principles of equal liberty and fair equality of opportunity such that “they are publicly incorporated into the recognised practice of social arrangements” (Rawls 1971, 327). In this case, the role of civil disobedience is to serve a fair notice to the majority by appealing to their sense of justice that the state has grossly violated the principles of justice that underpin the social cooperation of all members of the society.

Note that in Rawls’ view, it is morally inappropriate to engage in the act of civil disobedience just because an injustice has been committed. Before embarking on the act of civil

disobedience, the dissenter must ensure that a serious wrong like a gross violation of the principles of equal liberty and fair equality of opportunity has been committed by the state or their agents. Where it is known that such an outrageous violation of principles of justice has been committed, Rawls thinks that a prompt act of civil disobedience is necessary because such a wrong is “so extreme that there may be no duty to use first only legal means of the political opposition” (Rawls 1971, 328). Where a wrong committed is outside the scope of principles of equal liberty and fair equality of opportunity, Rawls thinks that dissenters are required to engage in civil disobedience after “normal appeals to the political majority have already been made in good faith that they have failed. The legal means to redress have proved of no avail” (Rawls 1971, 328). So, depending on the wrong that the state or political majority has done, Rawls thinks that legal redress is necessary.

Furthermore, Rawls thinks that the legal actions that precede the call for civil disobedience are also a form of *fair notice* – that is, a kind of appeal to the conscience of the political majority to ensure that an unjust law or policy is repealed, or that fraudulent and highhanded state agencies (like the Nigerian SARS) are disbanded. The idea of fair notice implied here is not a *formal notice* that a wrong is about to be committed. To engage in legal protest or to seek redress for a perceived injustice does not suggest that the protesters are publicly declaring or alerting the security that they want to commit a crime. Instead, the step is to show that since civil disobedience is a last resort in most cases, there is a need to follow a legal means to correct the perceived wrong committed by the state.

Rawls’ persuasive account of civil disobedience seems to face some challenges. If oppressed citizens ought to seek legal redress as the first step to persuade the government to repeal an unjust law or obnoxious policy, this may hinder their efforts given that such legal redress may be time-wasting or involve substantial financial resources. Such a Rawlsian persuasion requirement may not be tenable, especially where the aggrieved citizens involve the have-nots. They may take more drastic steps by threatening the government to accede to their legitimate demands (Barry 1973). Rawls, however, thinks that the persuasive approach does not suggest that the aggrieved minorities must exhaust all legal actions before embarking on civil disobedience. Suppose they have a justifiable reason that a persistent legal action may not yield any positive result, and the state and the political majority are indifferent or unwilling to have the unjust law or policy repealed. In that case, they can call for civil disobedience (Rawls 1971, 327-328).

Non-violence and Fidelity to Law

Although the act of civil disobedience addresses the public sense of principles of justice, the application of non-violence gives it moral credence. Rawls offers two fundamental reasons why civil disobedience ought to be nonviolent. The first reason is that it gives “voice to conscientious and deeply held convictions” on the part of the dissenter. The second reason is that “it expresses disobedience within the limits of fidelity to law, although it is at the outer edge

thereof" (Rawls 1971, 322). Explaining these two fundamental reasons for nonviolent civil disobedience is pertinent for our discussion.

Why is it essential for a dissenter to conscientiously carry out their civil disobedience act by acting nonviolently? Rawls contends that by acting nonviolently, a dissenter publicly resists unjust policies or immoral legislation by acting within the limits of moral obligation to adhere to the principles of justice (Rawls 1971, 322). To resort to violence by hurting or inflicting injuries on members of society is to act outside the moral conviction that underlies the act of civil disobedience. So, if the essence of civil disobedience is to oppose unjust law, the act that repairs unjust laws must be such that it does not endanger the lives and wellbeing of those whose interests it is trying to protect. The act of civil disobedience is not intended to threaten the peace and wellbeing of the public. Instead, its purpose is to warn the public of the danger of the government's violation of the principles of justice and to admonish them to ensure that the injustice is redressed (Fried 1964, 1268-1269).

It is reasonable to oppose or protest an unjust law. However, such a protest or dissent should not create a situation that endangers citizens and causes chaos in the situation. A constitutional democracy considers the rights, liberties, and privileges of equal associates who willingly and voluntarily come together to form a common political system. So, any form of force or violence is alien to a healthy relationship and the constitutional democratic tenets. It is precisely on this assumption Rawls argues that violent actions are incompatible with the practice of civil disobedience. The dissenter's action will be considered threats, not an appeal, warning, or caution. Cohen corroborates this fact when he notes that in resisting an unjust system if citizens adopt a violent means, they assume that civil disobedience is not an appropriate form of political activity (Cohen 1970, 103). Put differently, since civil disobedience is an appeal to the public to support changing unjust laws, the application of violence would only mean abuse of process and desecration of the conscience appealed (Fried 1964; Rawls 1971).

In civil disobedience, the dissenter is morally obligated to react to injustice in a civilised and considerate manner. To act in a considerate manner is to appeal to the Kantian idea of moral commitment that the essence of civil disobedience is not to violate or threaten the dignity of members of society. Sabl explains this point nicely. According to him, the civility that constitutes civil disobedience stems from the understanding that the dissenters acknowledge that both those in government and the citizens that support them are related to them as fellow citizens, capable of rationally discerning and acting on moral demands. By acting nonviolently, the dissenters try to reflect this belief by not acting in ways that threaten their cooperation with other citizens. This point shows that the injustices being protested are severe. Dissenters "regard the laws or practices being contested as direct and open assaults on the human dignity and equal citizenship of those whom the laws and practices oppress" (Sabl 2001, 308). So, by acting nonviolently, the dissenters affirm that they do not want to indulge in another assault on the human dignity and equal citizenship of the oppressed members of the society.

Another reason civil disobedience ought to be nonviolent is that citizens express their disobedience or resistance to unjust laws in fidelity to the law. What does Rawls mean by acting in fidelity to the law? Rawls argues that when a dissenter acts in “fidelity to law, it helps to establish to the majority that the act is indeed politically conscientious and sincere and that it intends to address the public’s sense of justice” (Rawls 1971, 322). For an act of civil disobedience to be conscientious and sincere means that the dissenter is willing to accept the consequences of their seemingly disobedient action. According to him, “men of great honesty with full confidence in one another might make such a system work. But as things are, such a scheme would presumably be unstable even in a state of near justice. We must pay a certain price to convince others that our actions have, in our carefully considered view, a sufficient moral basis in the political convictions of the community” (Rawls 1971, 323). So, since dissenters act publicly, the dissenters’ acceptance of the consequences of their public act signals that resisting unjust laws or practices does not entail total rejection of a legitimate political system.

Brownlee faults Rawls’ view on the significance of fidelity to the law on civil disobedience. Rawls contends that one of the moral requirements of civil disobedience is that the dissenter must be willing to accept the consequences of being disobedient. Appealing to the Snowden example, Brownlee argues that neither willingness nor an unwillingness to accept legal consequences is necessary to justify the act of civil disobedience. One may decide to accept the consequence of an act just to draw some attention. Others may refuse prosecution to show that the legal process, which has been breached, is faulty. In the Snowden case, Snowden violated the U.S. Espionage Act of 1917 by disclosing some NSA documents to the public but refused to face prosecution by fleeing the U.S. because he was declared wanted for treason (Brownlee 2016, 966-67). So, because Snowden evaded prosecution, Brownlee thinks that such action offers credible evidence why Rawls’s view of fidelity to law is faulty.

The Snowden example is not a paradigmatic case of civil disobedience but rather a whistleblowing case, although there are some similarities among them. One significant similarity between civil disobedience and whistleblowing is that dissenters in both cases act in defiance of law(s) or corporate regulations based on a moral reason. That is, because such an act of dissent appeals to the principle of justice or because it intends to promote the social or common good (Elliston 1982; Pozen 2019). However, two key features of civil disobedience missing in the Snowden case are worthy of note.

The first feature is that the purpose of civil disobedience is to change or repeal morally objectionable laws or policies, or laws that blatantly violate the principles of justice – the principles of equal liberty and the principles of fair equality of opportunity (Rawls 1971; Bedau 1961). In Snowden’s case, his motive was not to change the law or policy governing the U.S. national or international intelligence and surveillance. Instead, his motive was “to *inform the public* about what is done in their name and that which is done against them”.⁵ In other words, his intention of exposing those secret documents was to notify the public and the international

community that, unknown to them, the United States NSA have their data and is doing something sinister with them. In the act of civil disobedience, the motive of the dissenter is not just to warn or draw the public's attention to the danger of the state's violation of the principles of justice, but also to admonish them to ensure that the injustice perpetrated by the state is corrected.

The second feature is that civil disobedience ought to be nonviolent. We have discussed this earlier in the paper. But clarification is necessary here. *Prima facie* understanding of the non-violence requirement of the act of civil disobedience is that a dissenter is morally obligated not to act in a way that would cause physical harm or threaten the rights and dignity of other members of the society. Another aspect, that non-violence also captures is the tendency for dissenters to ensure that their law-breaking through civil disobedience does not cause collateral damage (Pozen 2019, 329). Such collateral damage threatens the social cooperation of members of the society or threatens the well-being of the state and the members of the society, which the act of civil disobedience attempts to enhance (Rawls 1971; Betz 1970).

In Snowden's case, reports show that many sensitive documents were stolen, which severely harmed the United States' national security interests. According to a report published by Deb Riechmann in *Associated Press News* (APNews), some of the sensitive documents that Snowden disclosed to the public "includes recent reporting on a mass surveillance program run by close U.S. ally Japan and on how the NSA targeted bitcoin users to gather intelligence to support counterterrorism and to combat narcotics and money laundering." Riechmann also reported that "Glenn Greenwald, an Intercept co-founder and former journalist at *The Guardian*, said there are "thousands upon thousands of documents" that journalists have chosen not to publish because they would harm peoples' reputation or privacy rights or because it would expose 'legitimate surveillance programs'".⁶ Snowden intended to protest what he felt was an obscure and morally reprehensible U.S. security policy and surveillance regime. However, he lost control of what information to divulge and retain without considering the harm some of that sensitive information may cause to the reputation and wellbeing of people and the integrity of the legitimate U.S. surveillance programs. Such a characteristic disposition to act without deep-seated moral consideration shows that his action is not civil disobedience. Rawls thinks that an essential feature of a civil disobedient is their disposition to reflect deeply, consider carefully with due restraint and sound judgment about their actions before engaging in it to ensure that such actions do not harm or cause unnecessary injury. So, the disposition of a dissenter is to promote stability or to correct injustices perpetrated by the state without threatening the dignity and wellbeing of citizens or compromising the state's interests and security (Rawls 1971, 336). This disposition was lacking in the Snowden case.

Since Snowden's case is not a paradigm example of civil disobedience, there is no way anyone would have expected him to act in fidelity to the law, which is a fundamental feature of civil disobedience. Brownlee contends that a dissenter doesn't need to accept the legal consequences of their actions to prove that their civil disobedient action is conscientious and

sincere. Rawls also takes note of this objection. He contends that “certainly one does not accept the punishment as right, that is, as deserved for an unjustified act. Rather, one is willing to undergo the legal consequences for the sake of fidelity to the law. There is room for latitude herein that the charge may be contested in court” (Rawls 1971, 322). So, a dissenter is obligated to act in fidelity to the law by accepting the legal consequences of their actions. It does not imply that they are conceding to the unjust law they are protesting. Instead, such a move demonstrates that though the dissenter objects to unjust and morally repugnant laws or policies, they still respect and promote those laws that are judged just. It is also a way of demonstrating that their actions are conscientious, sincere, and morally grounded (Rawls 1971, 323). It is, therefore, morally acceptable for a whistleblower to either act anonymously or run for safety (especially where their identity has been disclosed as in the case of Snowden and they no longer enjoy any legal protection under the Whistleblowing Act of that state). But for a civil disobedient, refusing to act in fidelity to law by fleeing prosecution weakens their moral claim on others always to adhere to and uphold justice.

Conclusion

We explored the moral import of Rawls’ account of civil disobedience. Based on Rawls’ view, we noted that dissenters are morally required to act nonviolently. They are required to carry out their civil disobedient act in a way that does not threaten the rights, dignity, and wellbeing of members of the society or compromise the interest and security of the state. Dissenters are also required to act in fidelity to law, that is, to act sincerely and conscientiously by accepting the legal consequences of their actions. This point implies that for civil disobedience to be morally justifiable, a dissenter must ensure that they do not appeal to morally repugnant means by acting violently to achieve a reasonable means – to repeal or correct an unjust law. Suppose the state sees a morally and politically justified civil disobedience as a threat to civil harmony. In that case, it is its moral duty to identify the law(s) that have caused the act of civil disobedience and repeal it. Suppose the state forcibly suppresses dissenters from publicly speaking out against injustices; dissenters are morally justified to resist the state, even if such a resistance leads to a disruptive conflict.

Rawls’ account of civil disobedience suggests that citizens who disobey unjust laws or policies do so with the intent of impeding their implementation. His account, however, shows that civil disobedience operates as a moral check to support and strengthen state institutions. By resisting those unjust laws while still acting in fidelity to the law, a civil disobedient persuades the state to enact and execute laws and policies that promote and protect the fundamental liberties of citizens, their freedom of conscience and their rights to freedom of thoughts and expressions. Also, they facilitate equality of fair opportunities, such that social and economic policies are enacted on terms that are justifiable to the least advantaged citizens. The enactment of laws or policies that protect the liberties of citizens and guarantee their social and economic

wellbeing is vital for their practical and reciprocal social cooperation in a well-ordered society.

Finally, the act of civil disobedience strengthens individuals' sense of good citizenship. There is a natural tendency for human beings to stay aloof amid injustices for fear of the risk of harm or unlawful incarceration. For instance, besides the EndSARS protest, many Nigerians have feared speaking out or protesting the numerous violations of the rule of law and abuse of human rights by Buhari's administration for fear of unlawful prosecution or possible harm. But as Rawls notes, to submit to unjust and morally objectionable policies or government actions that violate the rights and dignity of citizens is to stimulate and approve of their unjust actions. Being a good citizen is not to cause chaos in society to resist injustices. Instead, it is a moral resolve to protect the democratic system by ensuring that injustices are resisted without violating the rights and dignity of other members of the society.

Endnotes:

1. For objections to the theories of political obligation, see Simmons (1980), Klosko (2003), Edmundson (2011).
2. <https://www.thisdaylive.com/index.php/2020/10/31/endsars-death-toll-now-73-with-205-police-stations-burnt>.
3. <https://www.bbc.co.uk/news/world-asia-india-50818192>.
4. Adegbite, A (2020). "Community Reactions: #EndSARS", <https://africa.wisc.edu/community-reactions-endsars>.
5. Greenwald, Glenn et al., <https://www.theguardian.com/world/2013/jun/09/edward-snowden-nsa-whistleblower-surveillance>
6. Riechmann, D, "Costs of Snowden leak still mounting five years later", <https://apnews.com/article/797f390ee28b4bfbb0e1b13cfedf0593>.

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