

**CLASSICAL POLITICAL THOUGHT  
DEMOCRACY IN ATHENS AND AMERICA  
POLITICAL SCIENCE 315  
MICRO-ESSAY #5**

Write a 750-word essay on the following question. Your essay is due in the Google doc folder by 4pm on April 15. Be sure to include a title (not on a separate page). Please single space and include at least one claim, objection, rejoinder sequence.

Which is the better view of civil disobedience, Fortas' deferential view or Zinn's confrontational view? Write an essay giving reasons for holding that either Fortas or Zinn has the more defensible position.

Plato can be used to frame the question from both perspectives. Socrates in the *Crito* gives at least three reasons why he ought to obey the jury sentence against him: (1) because one ought "to fulfill all one's agreements, provided they are just" (section 49e); (2) because disobedience destroys "the Laws, and the whole state as well" (section 50b); and (3) because one is "even more bound to respect ... your country" than your father (section 51b).

Despite these arguments, Socrates' view does allow for a measure of civil disobedience such as he displayed in the *Apology*. This is because Socrates also argues that "you must do what your city and your country commands, or else persuade it that justice is on your side" (87, 51c). The addition of the persuasion option creates an opening for dialogue and civil disobedience.

But how wide is this opening for civil disobedience, and what principles justify it? This is the issue debated by Abe Fortas and Howard Zinn. For Fortas the opening is very slim, because only invalid and unconstitutional laws should be disobeyed; proper dissent is limited to breaking only these laws, and dissenters must accept the punishment that comes even with breaking unjust laws. Zinn argues that both parts of Fortas' deference view—the limit on proper disobedience and the requirement of accepting state punishment—are unwarranted and indeed harmful to justice.

Zinn observes that people in democracies typically fall prey to believing that the legal status quo is just, when in fact it is often merely conventional. Zinn thinks this empirical observation justifies his endorsing a confrontational view of civil disobedience. Fortas, by contrast, clearly is concerned about the impact of dissenters on respect for the rule of law, and the opening to anarchy this creates.