

"If we are trespassing, so were the soldiers
who broke down the gates of Hitler's death camps;

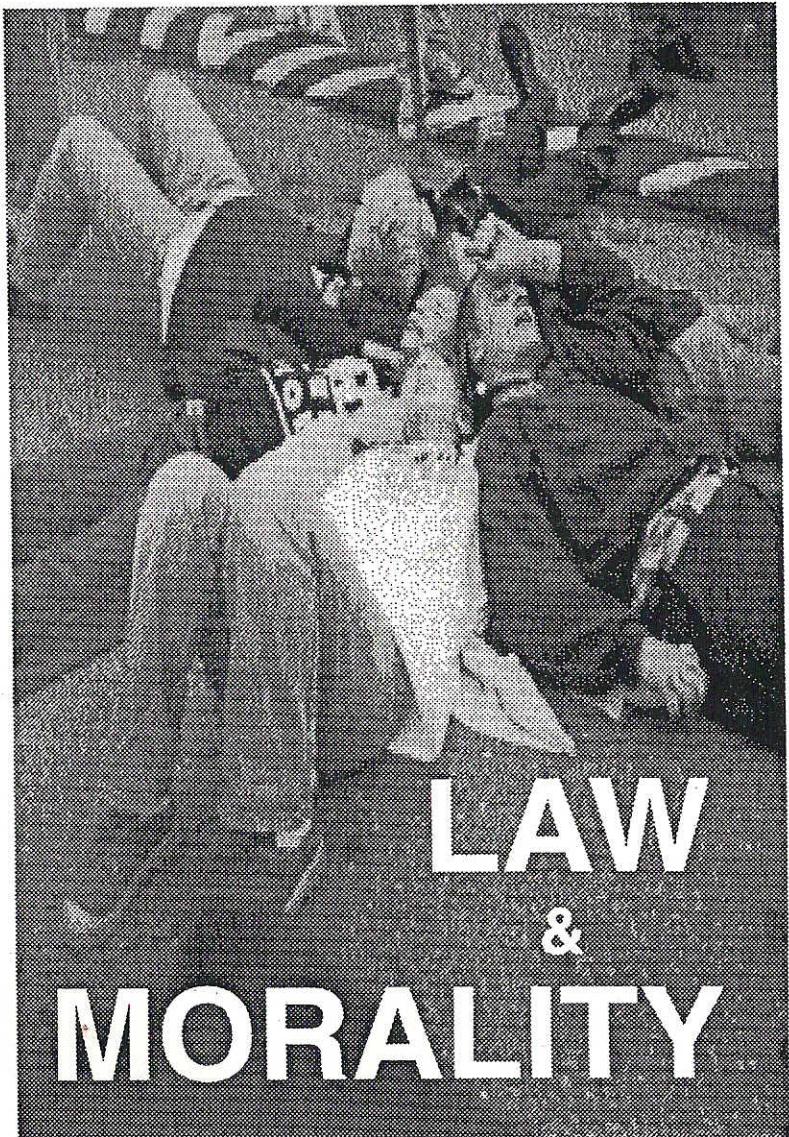
If we are thieves, so were the members of the Underground
Railroad who freed the slaves of the South;

And if we are vandals, so were those who destroyed forever
the gas chambers of Buchenwald and Auschwitz."

-X

There comes a time when an individual must look deep
within the heart to find moral and ethical answers to life.
If one refuses to challenge their own morals during the
course of a lifetime, learning in its truest sense ceases to
exist. The few who do question and live in a relationship
with their ethics find what it actually means to be alive.
Those who act on their beliefs face tradition, economics,
power, and law as opposition. It is our responsibility as
citizens in the circle of life to break past the barriers of
tradition, economics, power, and above all else, law in
order to see and live in a just society. There is no real
barrier between individual and activist. The notion that
some are activists due to their beliefs while some take on
more "respectable professions" comes only from those
who refuse to question and act on their own morals and
ethics. To be alive is to be active and to have the deepest
concern for the way in which all life on the planet inter-
acts and exists. If there is to be success in achieving a
recognizable sort of justice on the planet then each of us
must question and constantly confront the relationship
between law and morality.

Liberation Collective • 1998 • Portland



craig rosebraugh

Liberation Collective

is an all volunteer, non profit organization dedicated to linking social justice movements to end all oppression. Based in Portland, Oregon, Liberation Collective works on a variety of human, environmental, and animal liberation issues both locally and on a national basis. The organization was created out of a growing concern of arbitrary walls being built between various groups and movements working for positive social change.

This is a collective. What this means is that individuals have the ability to use their talent, energy, and desire to create positive social change in an atmosphere of cooperative effort. Liberation Collective consists of individuals both locally and across the country - individuals with compassion and a drive for social justice - who are involved to actually make a difference. Social change and an end to the incredible amount of human created oppression is not going to occur on its own. By becoming involved individuals are making that change a reality.

GET ACTIVE!

Liberation Collective is always searching for innovative, creative individuals to aid in the struggle for peace and justice. Volunteers are needed for a variety of current and ongoing activities. The movement against oppression begins in each and every one of our hearts and minds. It is for this reason we encourage everyone to get involved and use their individualized interests and skills to help make this dream of universal freedom a reality.

Positive education and social change can be accomplished using a variety of creative and effective methods. Liberation Collective therefore engages in a variety of educational activities. From letter writing to teaching, from protesting to civil disobedience, only a universal approach to activism will result in an outcome of actual change. Liberation Collective supports non-violent direct action and the individuals who engage in such activity.

For more information on Liberation Collective and how you can become involved in your local area contact:

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if not you, who? if not now, when?

law and morality
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an essay by craig rosebraugh

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Bibliography

- Ducas, G., & Van Doren, C. (Ed.). (1970). Great documents in black American history. New York: Praeger Publishers.
- Evans, S. (1980). Personal politics: The roots of women's liberation in the civil rights movement and the new left. New York: Vintage Books.
- Feinberg, J. (1990). Harmless wrongdoing: The moral limits of the criminal law. New York: Oxford University Press.
- Fischer, L. (1982). Gandhi: His life and message for the world. New York: Penguin Books.
- Gandhi, M. K. (1983). Gandhi autobiography: The story of my experiments with truth. (M. Desai, Trans.). New York: Dover Publications. (Original work published in 1948 by Public Affairs Press).
- Sharp, G. (1973). The politics of nonviolent action part three: The dynamics of nonviolent action. Boston: Porter Sargent Publishers.
- Shaw, R. (1996). The activists handbook: A primer for the 1990s and beyond. Berkeley: University of California Press.
- Sitkoff, H. (1981). The struggle for black equality: 1954-1980. New York: Hill and Wang.
- Zinn, H. (1990). Declarations of independence: Cross examining American ideology. New York: Harper Perennial.

Preface

An accurate historical investigation of various historical social movements clearly illustrates the importance of combining many strategies and tactics for a successful outcome. Of these differing methodologies of social change two of the most crucial used historically were civil disobedience and direct action.

In the Indian independence movement, thousands of individuals including Mahatma Gandhi used civil disobedience to successfully remove the British government from power. The American Suffragist Movement gained success by individuals such as Alice Paul and the National Women's Party using civil disobedience to finally obtain the right to vote. The lunch counter sit-ins in the civil rights movement had a clear and powerful impact on the progress of equality. Examples of the important role civil disobedience and direct action played in successful historical social movements are quite endless. It can only be concluded that to ignore such crucial parts of a struggle would be to relinquish any hope and reality of success in any justice issue, campaign, or movement.

So what will allow individuals to feel a sense of urgency and a desire to include civil disobedience and direct action in their arsenal of tactics? What makes an individual feel personally motivated to risk their own freedom for a social cause? The answer can only be found at the individual level by looking inside of ourselves and questioning, challenging, and testing our personal morals. Questions individuals need to ask themselves are, "At what point would I take part in a civil disobedience action?", "What sort of event or situation must occur to make me feel personally involved to the point where I would be willing to break the law for a moral issue?", "What are my thoughts on civil disobedience, direct action, and those who participate in both?", and "What would make me feel more secure in taking part in a civil disobedience event?" All of the answers lie within our own minds and can be found only if at the individual level we are able to honestly question our learned fears, morals, insecurities, and traditions.

What happens when an individual finds their personal set of morals in conflict with existing societal law? Does the individual simply ignore their inner moral beliefs and continue in life without a thought to the contrary? What if the individual decided to act on behalf of their morals? What is the relationship between law and morality? How can one decide if their personal set of morals is right? Is law a fundamentally moral notion? What is the difference between natural law doctrine and legal realism?

Questions such as these exist in the heart of what it means to live and be alive. Law governs our everyday lives and we are only as free as our morals, and ethics allow us to be. Individuals may exist an entire lifetime without questioning their personal set of morals and one must ask if that is really a representation of what it means to be alive?

Law and Morality was written to inspire individuals to look deep inside themselves and find the answers to the questions above. It is designed for action, to have individuals taking part in civil disobedience and direct action like never before. I hope it is a useful tool for contemplation.

Craig Rosebraugh
May 29, 1998

References Cited

- Americans for Medical Progress. (1997). [WWW document]. Retrieved : <http://www.ampef.org/research.htm>
- Baird, R. M., & Rosenbaum, S. E. (Ed.). (1988). Morality and the law. New York: Prometheus Books.
- Donnelly, K. (1995). Handbook for nonviolent action. Hampton, CT: Donnelly/Colt Graphix.
- Fried, M., & Ross, L. (1992). Reproductive freedom; our right to decide. New Jersey: Open Media.
- Gandhi, M. K. (1951). Non-violent resistance. New York: Schocken Books.
- Hoskins, L. (Ed.). (1968). I have a dream; the quotations of Martin Luther King Jr. New York: Grosset & Dunlap.
- Lyons, D. (1993). Ethics and the rule of law. New York: Cambridge University Press.
- Ruesch, H. (1974). 10,000 doctors against vivisection. New York: Civitas.
- Ruesch, H. (1983). Slaughter of the innocent. New York: Civitas.
- Singer, P. (1975). Animal liberation; A new ethics for our treatment of animals. New York: Avon Books.
- Spiegel, M. (1988). The dreaded comparison; Human and animal slavery. Philadelphia: New Society Publishers.
- Thoreau, H. D. (1996). On the duty of civil disobedience. Ohio:

breaking laws for the greater good of society and the planet on which it exists.

Law and Morality

Law (lo), n. 1. The binding custom or practice of a community; rules of conduct enforced by a controlling authority; also, any single rule of conduct so enforced. *Law and Political Science* - A rule of conduct or action prescribed by the supreme governing authority and enforced as a sanction, as any edict, decree, order, ordinance, statute, judicial decision, etc.; the whole body of rules; also, the control or regulation, or state of society, brought about by the existence and enforcement of such rules.

Morality (mo•ral'i•ti), n. 1. Moral character; virtue. 2. That which instills moral lessons; moral influence, meaning, or lesson. 3. The science, or a system, of morals. 4. Moral practice or action. 5. The quality of that which conforms to right ideals or principles of human conduct.

A common belief about law is that its purpose is to protect citizens of a particular territory or culture. This notion is especially valid here in the United States where school children learn at a very young age to obey federal and state laws that were designed to protect everyone. Instructors very often teach their students that many of our current laws should be thought of as privileges which many fought and died for years ago. The very idea of democratic freedom in this country comes from our legal history of granting citizens the right to life, liberty and the pursuit of happiness.

It can also be said that law, in certain instances, can be thought of as a reflection of a given society's current value and moral belief system. Democratic nations take pride in allowing citizens to vote and take an active part in creating public policy according to the majority opinion. In the recent history of the United States, public opinion regarding the equal treatment of African American people, women, and the physically and/or mentally challenged, to name a few, has changed resulting in new laws designed to protect citizens from certain forms of discrimination. In these examples, the opinion of the majority of citizens gradually changed thus allowing related legislation to come into effect.

But is there ever a time when law and morality come into conflict? Must a citizen of a given society abide by its laws at all times and at all costs? What if a situation arises in which one's conscience says that a particular law is unjust or harmful? In his essay published in 1849, On the Duty of Civil Disobedience, Henry David Thoreau wrote; "The only obligation which I have a right to assume is to do at any time what I think is right" (Thoreau, 1996). So what does occur when one's idea of what is right goes against current societal law?

Since Thoreau was making these arguments close to 150 years ago, obviously the debate over law and morality has been around for a while. Yet, it is a fascinating subject matter that involves all members of any society. It is a topic revolving around the governance of an individual's every move and action and even into the specificity of personal thought and value systems.

This essay will address the very nature of the multi-dimensional array of issues surrounding law and morality. Topics to be covered include: differences between natural law doctrine and legal realism; civil disobedience; the Church v. the State; the enforcement of conventional morality, as well as a variety of current applicable issues of social and political importance. I will draw on my own personal experience in which my involvement in various social justice movements during the last seven years has crossed the barriers between personal

be shipped abroad, and industry caused air pollution, - to name a few examples – would be considered against the law of nature. Although the number of people with a morality leaning towards natural law doctrine is growing, current legal realism still is a representation of the majority. The gap between legal realism and natural law doctrine can only be reduced by changing moral opinions of a population to be more in tune with the doctrine of the natural world.

St. Thomas of Aquino (1225-74), a "founder of the natural law tradition within jurisprudence" thought of law "as an ordinance of reason for the common good" (Lyons, 1993, pp. 7-8). He further states that,

the force of law depends on the extent of its justice...according to the rule of reason. But the first rule of reason is the law of nature...Consequently, every human law has just so much of the nature of law as it is derived from the law of nature. But if in any point it departs from the law of nature, it is no longer a law but a perversion of law.

The laws which Aquinas considers to be a perversion of law itself are then judged unjust as they do not fit with the law of nature.

When discussing law and morality, the purpose and effect of law itself must constantly be checked and evaluated. This can be done at the individual level by finding the inner truth in any given situation. If laws do not reflect one's inner truth at a given time then a conflict appears. At this point it is up to the very individual to make the decision to act in support of the conscience or to abstain from it at all. Indeed acting out in support of one's inner truth can be the most frightening experience of a lifetime. Yet, it can be the most liberating as well. Gertrude Stein is quoted in the Handbook for Nonviolent Action as stating, "Considering how dangerous everything is, nothing is very frightening"

(Donnelly, 1995, p. 1). I find this statement to be amazingly simple but true. Is it not more frightening to live a life denying one's inner truths, especially when issues of injustice are concerned? Confronting disparities between personal morality and law brings peace and strength to an individual while assisting societal law in maintaining an accurate representation of the majority. I have often been asked by federal, state, and local policing agencies whether or not I support and condone breaking the law. When the situation is right, when an individual is following the inner truth which has the most benefit for the best and when nonviolence is the methodology, yes I fully support and condone Law and Morality

a positive outcome can only be the result. "Whoever engages in civil disobedience commits an illegal act because he takes a law or governmental measure to be wrong; he seeks to protest and possibly to change a wrong done by the state, pitting what he takes to be right – that is to say, at least legal" (Baird & Rosenbaum, 1988, p. 103).

In the eyes of many I realize that I am considered to be little more than a petty criminal. As far as the court systems are concerned, I am a repeat offender regardless of my moral convictions. But to myself, I am proud. I am thrilled that I have found the necessary inner strength to differentiate between law and morality as I see them in any given situation or time. In any case continuing on with my actions will most likely result in jail sentences which will continue to grow in length. I feel this will only strengthen my devotion to do what is true and right...to me.

I have thought a great deal about the issue of morality and its relationship with law and have come to some realizations. Law and morality in a democratic society can never be the same. Law can never represent the moral opinions of the entire population of a given society. David Lyons, in his book Ethics and the Rule of Law states, "It might be held that law, unlike the norms of other social institutions, governs the entire community. This cannot be taken to mean, of course, that the entire community respects the law, since that is not always the case, but only that the law's authority is conceived of as extending throughout the political community" (1993, p. 56). Although Lyons is correct in his assumptions regarding the public and political boundaries of law, it must be also said that what law can do and attempts to do is to represent the level of morality of the majority of the population at a given time. But law must be a dynamic force altering accordingly with the changing moral attitudes of the nation.

Natural law doctrine also is a complicated area when discussing legal realism. Natural law doctrine is thought of as representing the laws of the natural environment. Yet, can the argument then be made that is not human kind a part of nature? Are all human activities aligned with the natural world? I would put forth that natural law doctrine is suggesting the laws of the universe without the incredible effect of the human race. Therefore, human activities that tend to be exploitative and destructive of the planet are not part of the doctrine of natural law. Yet, many of these activities remain legal in various societies. This is due to human attitudes and behavior regarding the place and role each individual is taught to have in life.

Using the above established definition, practices in the United States such as logging old-growth forests, producing toxic pesticides to

values and the legal enforcement of societal rules. Using my experience, together with knowledge obtained from my bibliography, I will provide a basis on which a greater understanding of one's role in society can be explored.

Like many other American children, I grew up being taught certain rules and regulations that I must follow. The guidance I received came mostly from my parents and at such an early age I couldn't tell if these were primarily their rules or the rules of the state. To be honest, at such an age I was not certain there was even a difference. Even so, I began to learn that there are some forms of conduct that are not proper and others that are simply not safe. The rules I were taught in the beginning were quite common, such as don't talk to strangers, look both ways before crossing the street, don't stick random objects in my mouth, don't hurt anyone, etc. If I did not follow these orders, I was handed some form of punishment which every time seemed rather harsh. As I grew older, I naturally learned about law in greater detail, even to the point where I could differentiate between parental and state governance. On a more serious note I also learned there were great consequences for not following state sanctioned and enforced law.

For the life of me, I cannot remember a time in my youth when I questioned any law, or really questioned the legal system in general. This largely has to do with the manner in which I was raised being taught that the law is there to protect me and others. I simply was not given the idea that my values or beliefs could be different from the law. It seemed to me that law and morality were one since laws were designed to protect and enforce all that is right.

In my later schooling, as I became educated more on various historical justice struggles in this country, the realization came to me that laws have not always been just. In fact, I was and still am today astonished to think that there were laws that enforced the discrimination of African Americans, women, and other "minority" groups here in the United States. Yet, I was naive enough to believe that all the unjust laws had been changed since "then" and my view of the merging moral and legal righteousness had finally become a reality.

As I continued my education, both independent and institutionalized, I began forming my own personal value belief system and as a result I noticed that my own morals were not exactly parallel to the laws being enforced by the local, state, and federal governments. At the time I was becoming more and more aware of the discriminatory practices used against non-human animals in biomedical and scientific experimentation. Animals used in various other manners by humans tended to be somewhat covered by the Animal Welfare Act which

continues to largely exclude most laboratory animals. The public opinion regarding the human use of animals has obviously shifted over the years to extending further compassion and humanity which is evident by the passing of the Animal Welfare Act and its revisions. So why then aren't the same rights which are applied to domestic animals such as pets also applied to laboratory animals? Currently in the United States it is against the law most everywhere to expose a domestic animal to cruelty or harm. Why then is it perfectly legal to severely harm, injure, and kill animals used in experimentation? Peter Singer, in his book Animal Liberation addressed this very issue;

There has been opposition to experimenting on animals for a long time. This opposition has made little headway because experimenters, backed by commercial firms who profit by supplying laboratory animals and equipment, have been able to convince legislators and the public that opposition comes from sentimental cranks who consider the interests of animals more important than the interests of human beings (1975, p. 32).

To me it seemed public opinion regarding the humane treatment of animals had definitely shifted yet the law had not followed. This was the first notion I had that perhaps some of the current laws have not been altered with the changing society, therefore creating situations of injustice. If an individual firmly believes in a personal set of morals, what is to be done if those beliefs come into conflict with laws supposedly designed to protect members of a society?

There is indeed a difference between thought and action when discussing morality and personal belief systems. For example, laws in the United States govern the right and freedom for individuals to possess thoughts which may be harmful to oneself, one another, or even the very governing structure. Yet, when those harmful thoughts are then acted upon it is a completely different story. The legal system and its enforcement committees can then become involved if laws are broken even on the basis of personal morality.

To begin to reach the core of the issues surrounding this topic, an extensive look needs to be taken at morality and its association with "natural law." Martin Luther King Jr. believed in two kinds of laws, just and unjust. He asserted, "I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that 'an unjust law is no law at all'" (Hoskins, 1968, p. 66). Critics of this statement immediately have to ask

However due to invested interests within the popular media itself, often the reporting can be biased and misleading. A clear example would be the mainstream media's refusal to report on the objection to animal experimentation that comes from a purely scientific and medical standpoint. When medical doctors and scientists across the United States and Europe actively speak out on the invalidity of using non-human animals in biomedical and scientific research, one would think that viewpoint would be represented in the press. Yet that side of the argument is never exposed. What is reported on is primarily the moral arguments for the "rights" of animals. Thus, when the moral argument comes to the topic of animal research, the American public is left with little more than a choice between human health or the lives of non-human animals.

Although rarely fair, the importance of media attention in general should not be underrated. I was taught years ago that a principle reason for the incredible amount of opposition to the Vietnam War resulted from it being the first major conflict that was televised. More members of the public actually were exposed to the realities of battle and naturally became active in opposition. At minimum, media exposure, be it positive or negative, gets an issue out into the public arena.

For me the event served its purpose. It drew attention to the center where some 2,400 non-human primates continue to be tortured and exploited for the sake of human health. Once again, I felt afterward that I did the right thing for me. I was unwilling to let fear get in the way of my personal conviction for the justice of my moral truths.

As I progressed along this route of social justice activism, I grew fonder and fonder of the importance of civil disobedience. I have since been arrested eight other times for non-violent acts of protest against animal laboratories, fur salons and consumerism. Many people ask if this conduct and methodology hurts the particular "movement" and even if it turns public opinion against the cause. I have always responded with a "no", but not without explaining myself. Civil disobedience is just one part of any campaign using active nonviolence as its methodology. To me, it serves only to provoke one of two responses. Either the opposing party will see the evil and injustice in its own ways or the opposing party will chose to suppress and try to get rid of the nuisance. But the key lies in persistence. Once the nuisance becomes so large and consistent, the opposing party has no real choice but to deal with the situation. It serves as a way of converting the opponent through self suffering, conviction, and dedication. As long as an individual is following the inner truth and uses a method of nonviolence,

Bright and early one weekday morning in May, 1996, four activists including myself drove two cars from Portland to the front gates of the primate center. Once arriving at the site, the cars were parked sideways as to not allow any other vehicles to enter the compound. This was done at a strategic time, before the over 200 employees came to work. With the vehicles parked, the occupants inside proceeded to lock themselves to the interior to prevent anyone from moving the blockade. Within minutes the first employees arrived and were confused to say the least at our form of demonstration. Soon the entire driveway was filled with staff automobiles which piled up out on the busy street. The primate center security arrived on the scene and began assisting employees past the vehicles on foot and up the lengthy drive to begin the day of work. Yet each had to walk past our vehicles covered with slogans and signs and many stopped to read the letter of demands.

Police officers then came quickly and in numbers to begin to try to figure out how to get us out of there. Once again the confusion became very comical to me.

I had driven and parked one of the cars and then locked my neck to the steering column with a bicycle lock. It wasn't the most comfortable position to be in but the statement the event made to me far outweighed the momentary discomfort. We had a list of demands delivered to the director of the center and copies which were distributed to media representatives. One of the main demands was for the primate center to release videotapes containing footage of a particular research project. The fire department arrived next on the scene and I had the feeling at that point that our demands might not be met. I was correct.

The fire department then proceeded to enter the vehicles and cut everyone out after which we were placed in police custody. For me, the steering wheel was simply cut and the lock just slipped off of the steering column. I was then prepared to be entered into the Washington County jail for who knows how long. But to all of our approval we were cited and set free blocks away at a Safeway store on the condition we would not go back to the center that same day.

The media response was again incredible. Most of the major area television stations were on site and later aired segments on the newscasts. In addition a number of newspapers also ran stories the next day. In civil disobedience, media plays an important role in helping to expose the issue of injustice to a larger section of society. It is not the sole purpose for engaging in this form of protest yet it does usually work to a campaign's advantage to have an issue of relevance exposed to a larger section of the general public.

who decides what laws are just and which are unjust. Is it up to the individual to decide, or is religion the possible guiding force. If so, what religion is correct? King goes on to say that, "A just law is a law that squares with a moral law. It is a law that squares with that which is right, so that any law that uplifts human personality is a just law. Whereas that law which is out of harmony with the moral is a law which does not square with the moral law of the universe. It does not square with the law of God, so for that reason it is unjust and any law that degrades the human personality is an unjust law" (Hoskins, 1968, p. 66). So, in King's view, an unjust law is one that hurts the human personality and a just law is one that helps it.

But again the question must be asked, is there one correct set of moral laws and if not how are the various views of morality to be upheld? Obviously there is not one set of morals that is cast in stone as being the only belief tolerated. On the political spectrum there is quite a disparity between the moral belief systems of conservatives or fundamentalists and those of left wing liberals. The law itself tends to attempt to be somewhere in between the two again as a supposed representation of the majority opinion. On both ends of the spectrum exist a certain sect which contains a morality colliding with certain laws and legislation. Since such a variety of views and opinions regarding morality exist, how is one to choose which one is right?

Many prominent social and political "leaders" throughout history have described an unjust law as one created by a majority group, either in numbers or power, who do not have to follow this law, but who expect the minority to do so. King described it as; "An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal." (Hoskins, 1968). Thoreau (1966) spoke strongly of this injustice,

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. (p. 74).

On the other hand a just law is often thought of as one that is created by the majority who also agree to abide by it. But in reality, does this definition of a just law hold true in all cases and by all codes of

morality? Certainly not. If a majority were to merely create and enforce laws according to their own values and morals, where would that leave all of the minority groups? How can it be decided which moral laws to enforce and which to deny on the basis of justice?

Mohandas K. Gandhi, in his five steps to Satyagraha, defined the highest truth as anything and everything that has the most benefit for the best (Gandhi, 1951). By using this definition as a model for finding that which is right, does this assist in differentiating between just and unjust laws? To illustrate this point I will use an extreme example from Nazi Germany. If a German citizen, living during the period of Hitler's regime, had a Jewish family hidden in the basement of the house, how was that individual able to decide what to do? Not only was it legal to place Jewish people in concentration camps, but those who were found to be aiding in their resistance would most likely also be sentenced to death. By using Gandhi's definition of truth, the German citizen would have to decide what had the most benefit for the best.

By realizing that the lives and freedom of people of a different color, religion, or sexual orientation were in jeopardy the argument can easily be made that to succumb to the Nazi forces by turning in the Jewish family would not have had the most benefit for the best. Therefore the just decision would be to continue hiding the family. The argument is also rightly made that the Nazi's, in considering themselves and other Aryans above and beyond all else, were not representing a just cause. This is demonstrated by the fact that Hitler's Germany wanted to have the most benefit for themselves. Furthermore, the Nazi forces aimed at gaining success by oppressing and killing others based on a racist claim of superiority.

Can Gandhi's definition of truth be used in all cases with a justifiable outcome? What about the issue of abortion as an example of a church v. state conflict? Pro-life advocates often argue that the U.S. government should intervene in the case of abortion, considered by them to be the murder of an unborn child. Some individuals with this belief strongly feel that the pro-life stance on this issue is a just one since it serves to have the most benefit for the best. By protecting and saving the unborn children, everyone supposedly benefits from this action of nonviolence.

Pro-choice advocates on the other hand feel that to criminalize abortion is a violation of a woman's right to govern her own body. The introduction of Reproductive Freedom: Our Right to Decide states,

We women have always fought
to control our fertility. We have always wanted to
have sex and children on our own terms and we

Advocates of non-human animal based research make the claim that animal experimentation is crucial for the advancement of human medicine. The Americans for Medical Progress, a foundation organized exclusively to combat the animal rights movement with respect to vivisection, states directly on its web page: "The history of the benefits to animal research is marked by dramatic breakthroughs. Working with animals in research is vital to continued medical progress (Americans for Medical Progress, 1997, WWW).

Those opposed to animal experimentation do so with at least one of two arguments. The first reason for opposition comes from a strictly scientific and medical perspective. According to Hans Ruesch in his book Slaughter of the Innocent, "No solution to any medical problem has ever been found through animal experimentation" (1983, p. 14). A growing number of medical doctors and scientists are educating the public as to the invalidity of non-human animal based studies (Ruesch, 1974). The second argument in opposition to animal experimentation is based on ethics and morality. As was previously stated in association with Spiegel's The Dreaded Comparison (1988), the moral justification for the humans use of animals is being repeatedly questioned. The medical community argues that non-human animals are used in experimentation because they are so like the human species. Yet, when asked how animal experimentation can be morally justified, the medical community responds by saying because they are not like us (Singer, 1975, pp. 7-15). The arbitrary line of division mentally placed between humans and other species exposes the heart of the moral argument against animal testing.

For reasons which continue to be somewhat unknown I hold this issue very close to my heart and consider it of the utmost importance. Perhaps it is for the reason that so many of my friends and family members continue to suffer and die from diseases for which billions of dollars in animal research have not found the cures. That may be a large portion of my internal reasoning, yet I cannot forget the aspect that to me it is a matter of simple injustice. Again, I look for what answer provides the most benefit for the best in order to find my truth in a given situation at a given time.

There had been a campaign for years against non-human primate vivisection and locally against the Oregon Regional Primate Research Center. The center, located in Beaverton, Oregon, was founded in the 1960's and is one of seven Regional Primate Research Centers in the United States. Concerned citizens had been writing letters to and picketing in front of the Oregon Primate Center for quite some time, yet the logical step in my mind had yet to be taken.

to be released. I was physically weak from lack of sleep and food but spiritually I was experiencing a feeling of peace and inner strength. I knew at this point the situation was not over, there was still the court dates to deal with. But I no longer held fear inside me. This was the first teaching I received towards the indestructibility of my soul. It represented a starting point for me, a beginning into my belief and practice of non-violent civil disobedience.

The trial came a few months later. All six of us with our attorneys, all of which were working for free, were on trial at once in front of a six person jury. The lawyers were excellent. Even the judge made a comment afterwards that we had some of the best representation he had ever seen before. They attempted any and every effort to have the cases dismissed on some technicality which at the time I thought would have been splendid. In the end, I was convicted of criminal trespassing and sentenced to two years probation.

Looking back on the event now I still believe the choice I made was correct. I was fully aware at the time that my morals were in conflict with the law allowing practices of the fur industry to continue. Yet, I chose to follow my heart and take a stand against an industry which to me is morally inexcusable. I feel I have grown immensely in my understanding of civil disobedience since that first experience in Washington. Whereas once I looked for ways and helped my attorneys look for loopholes which I could get out of the conviction, I now gladly accept whatever punishment I may receive for my actions.

Surviving this initial experience with lawbreaking and a brief jail visit, I realized the powerful effect civil disobedience can have on provoking a response from the objectionable party. As my interest in the subject continued to grow, I knew at once that the event in Washington would not be an isolated incident. I had never experienced the inner strength and realization before which came with following my heart towards a personal truth.

Sure enough, within a couple of months I was again involved in an action that would lead to my second arrest for choosing to value my personal moral truths over certain forms of law. This time the issue of importance was the use of non-human animals in biomedical and scientific research. The debate over animal experimentation has been around for years and became of interest to me in late 1990. After researching the subject for six years, I could not believe that the use of non-human animals was still very accepted by a large portion of society and institutions. What I learned during those six years was more than enough to convince me that animal research was not only immoral but also scientifically invalid.

have resisted efforts – whether by individual men, governments, judges, or anti-abortionists - to prevent us from having that control.

The persistence of this struggle reveals its importance. At stake is nothing less than the power to shape our own lives. It is not rhetoric but reality to say that if we cannot control whether, when, and under what conditions we will have sex and children, there is little else in our lives that we can control (Fried & Ross, 1992, p. 1).

In addition, the argument can be made that children who are forced to grow up in poverty and abusive homes are subjected to a greater violence than abortion could ever create. Therefore, it is also thought that the pro-choice argument is a just one since it too seeks to gain the most benefit for the best.

So which opinion is correct? With each side so sure they are in the right and just cause, how is an individual to decide what to believe? It is difficult to say. Yet by looking inside at one's own heart a decision can be made as to what represents the truth at a given moment. It does seem reasonable though that no matter what an individual's stance on abortion may be, the question of making restrictive laws is another matter.

Can someone hold a viewpoint against abortion yet at the same time oppose legislation which would deem it illegal? The answer is of course yes based on the reasoning that laws should not be designed to take away one's right to govern their own body. Furthermore, some individuals feel that in severe situations such as instances of rape, a woman should have the opportunity to abort the fetus. In these cases, I believe it is quite possible that the decision to have the abortion has the most benefit for the best. Not only is a woman carrying something which had been forced upon her, but the child could be saved a troublesome life of many adoptions resulting in instability.

The ongoing abortion debate is a classic example of an issue that questions the boundaries of the church and the state. It can be said that laws were originally developed to protect and preserve the moral character and virtue of the majority. Yet that moral and value belief system is a dynamic force under constant modification. What then occurs when the laws do not change accordingly? What influence does the church have on the legislative process?

Obviously, morality does indeed play some role in the altering of the legal system. Yet, the state's policies must be independent of the

church to continue to be of fairness to the diverse nation. By representing the values of one particular church, such as that of conventional morality, the state would then be infringing on the right to religious freedom and equality granted here in the United States. "The fact that a majority of people may disapprove of a practice does not of itself make it a matter for society as a whole. Nine men out of ten may disapprove of what the tenth man is doing and still say that it is not their business" (Baird & Rosenbaum, 1988, p. 19).

The aspect of liberal tolerance is one that should also be addressed when discussing the church and state relationship. Liberalism, historically known for its promotion of social and political reform, contains one of the key arguments against church and state unity. This is based on the premise that law should be constantly altered to meet the demands of the changing society. If the church is allowed to dictate policy and law, this prevents the needed change from occurring. Thus, liberal tolerance serves to monitor and regulate the division between church and state.

Once an individual finds the truth in any given situation, what is to be done if that truth comes into conflict with public policy? In Non-violent Resistance, Gandhi (1951) explains his view of truth and its extreme importance:

Devotion to this truth is the sole justification for our existence. All our activities should be centered in Truth. Truth should be the very breath of our life. When once this stage in the pilgrim's progress is reached, all other rules of correct living will come without effort, and obedience to them will be instinctive. But without Truth it would be impossible to observe any principles or rules in life (pp. 38-39).

In the case of the German individual hiding the Jewish family, to continue doing so was obviously against the law. This action, taken in full awareness of the individual's inner truth, is a fine example of the phenomenon known as civil disobedience.

Thoreau described civil disobedience as, "a civil breach of unmoral statutory enactments" (Gandhi, 1951, p. 1). Gandhi, who was influenced by the writings of Thoreau, added to this definition the civil breach of any unmoral law. The 1995 edition of The American Century Dictionary defines civil disobedience as *the refusal to comply with certain laws as a peaceful protest*. But how is one to decide which laws will receive the treatment of non-compliance? Again, by identifying the

brought to the scene. By now we were all extremely cold and two individuals on the other side of me were actually laying in puddles created by the non-stop northwest rain. Immediately the fire department covered us back up and asked the police officers why we had been uncovered in the first place. I unfortunately could not hear the response. The fire and rescue crews then brought out massive bolt cutters which also were no match for the strength of the locks. Finally, a high-powered gasoline saw was brought out which a few of the fire fighters referred to as "the jaws of life." Once I gained vision of that device fear returned in my mind. Were they actually going to cut off the locks around our necks with that ear piercing, bulky machine?

As my head was then completely covered with a heavy tarp I knew I had my answer. Breathing in the lethal exhaust from the saw I knew soon that another phase of the event would begin. The lock snapped and the fire department carefully removed me from the others, placing me in the hands of the Renton police department. I was then taken into custody, handcuffed and transported to a holding van a short distance away. From there I watched as the rest of my new lawbreaking friends were arrested. My new lawbreaking friends? It then dawned on me that yes, I had gone through with my devotion. I had willfully broke the law and I would never be the same. Another burst of fear slowly crept into my body as we were transported to the Renton County Jail. Part of me was definitely glad to be out of the cold wet outdoors, yet I had really no idea what was going to come next.

At the jail we were immediately taken inside where the fire department paramedics checked us for signs of hypothermia. They then proceeded to cut the remaining lock off my neck as I lay on the ground in the jail garage. As my face was pushed to the ground and my head covered from the sparks of the saw, I felt a strange sense of dignity knowing in my heart that I did what was right for me. My decision, perhaps for the first time in my life represented the truth to me as I realized it at that point in time.

After having each of us change into the jail uniforms, we were led to our individual cells where we would spend the next twenty-five hours. I was the thirteenth person placed in a two-room cell designed to hold eight. This meant that my accommodations for the night amounted to the floor with a small thin pad. To my delight the other twelve individuals in the cell had seen the news footage of our action and for the most part they agreed with what I had done. Of course this resulted in many hours of questioning, but what better way to spend time than by educating people?

After our arraignment the next afternoon we began one by one

When it came down to the planning stages there were six individuals including myself who agreed to risk going to jail to help end the exploitation of animals in the fur industry. Cooperatively, we decided to block the main entrance to the facility which is used to shuttle participants from hotel to auction and back. Bicycle locks were to be used to lock each of our six necks together and we would lay down preventing automobile traffic from passing. I can honestly say that I had never in my wildest imagination thought my neck would be secured to anything with a bicycle lock. My mind continues to open.

After practicing all night, we awoke at daylight for the twenty-five minute drive to the Seattle Fur Exchange, located in Renton, Washington. I joined some fifty other activists in front of the building holding signs and chanting slogans making some attempt at bringing light to the issue of fur. An hour or so later, the moment of action began. My heart pulsated heavily, at times I even thought it was vibrating outside my own body. All of the crowd rushed forward towards the main gate with the six of us hidden in the middle. Once the bulk of the crowd reached the fence, we put the plan into action locking our six necks together and laying down in a circular format. For some reason, once we were locked down I felt an immediate sign of relief. I am not exactly sure why as this was only the beginning of the day, but I think the initial fear for me came with just going forth with the action on a purely moral basis. Immediately television cameras and still photographers surrounded us, gathering photos and information for later newscasts and papers.

The security and police forces then approached advising us that we were on private property and if we did not leave we would be arrested for criminal trespassing. There was not one response. All of the authorities then seemed to stand around staring as if they couldn't figure out how to remove us. It was quite comical. So there we were locked down, the television cameras kept on rolling and all we had to do was lay there. As uncomfortable as it was laying on concrete in the cold February wind, I didn't think it could be any worse. Then the rain began. For a short while other activists were able to place blankets and plastic tarps on us to keep us dry. But the Renton police moved in and removed the covers claiming they were doing so in order to search us. Yet, they never replaced the tarps.

The first attempt at removal came a couple of hours later when the officers attempted to cut through the locks with a hacksaw. I found this extremely amusing since I already knew that the hacksaw couldn't penetrate the "kryptonite" brand bicycle anti-theft device. The officers soon learned this and the fire department and rescue team were then

inner and self truth in any given situation or issue, one can gain a clear perspective of the conflicting laws.

During my previous years of education, I learned the history of various social movements and the role civil disobedience played in each outcome. I recall learning about Rosa Parks and her refusal to sit in the back of the bus where African Americans were once forced to ride by law. Then there was the lunch counter sit-in at the Woolworth's store in Greensboro, North Carolina. Four college students, outraged that they could not be served due to the color of their skin, decided to sit at the counter until they were served. Gandhi's practice of civil disobedience led to the human rights success in South Africa and eventually the independence of India. Thoreau, who is known to have coined the term civil disobedience, refused to pay taxes feeling it was more appropriate to sit in jail then to support his definition of injustice. The list of historical examples of the use and success of civil disobedience is endless, yet for years the importance of the subject never reached my heart.

Angry at the United States involvement in the Gulf War, I began my social justice activism in 1990 at the age of eighteen. During this period of U.S. intervention abroad, I participated in many peace marches and rallies in Portland aimed at ending the "war". At the time, I recall the protest experience to be quite liberating as I was able to express my sincere concerns in the public for the first time. I was joined by thousands of people both locally and nationwide, a large portion of which believed that it is wrong to participate in the systematic death of human beings in the war process. Furthermore, many people also felt that the public school system in the United States and its lack of finances needs far more attention than the protection of a resource which when used heavily pollutes the environment.

This picketing and marching constructed the bulk of my anti-war effort. I had yet to consider the idea of civil disobedience seriously as I felt it a method which perhaps was not the most time efficient. I now know this to be a naive and incorrect viewpoint, a perspective I would gain only after many more years of life experience.

During this same time period, in late 1990, I became involved in another cause designed to end the suffering and exploitation of non-human animals on the planet. I began volunteering for *People for Animal Rights*, a grassroots animal rights organization based in Portland. What sparked my interest in the case for animals? At the time, I knew little about the major issues in animal rights philosophy. Yet this meager knowledge was enough for me to be convinced in my own mind that the way humans treat animals is not morally justifiable.

Marjorie Spiegel, in her profound book comparing human and animal slavery, The Dreaded Comparison, asks an important question relating to the evolution in humans treatment of other beings; "A line was arbitrarily drawn between white people and black people, a division which has since been rejected. But what of the line which has been drawn between human and non-human animals? (1988, p. 17) On the surface it may seem odd or even insulting to some to compare the historic treatment of blacks with the present opinion toward non-human animals. Yet when a closer look is taken as to why discrimination is not considered morally correct nor justifiable, the same sort of reasoning can be used in defense of animals (Singer, pp. 1-26). The issue is not equality in the most trivial sense of the word but rather equal consideration and entitlement to life free from human exploitation. As I became educated on the subject matter through the years I kept that belief which I continue to carry with me today. It is this profound realization that eventually led to my personal conflict between self morals and enforced law.

My duties with *People for Animal Rights* varied from letter writing, to office work, to fund raising and the occasional protest where picketing occurred. By far, the most beneficial contribution I received from this experience was the education, not only on the issues but also on the way members of the general public commonly see them. Although much of the literature I was exposed to during this period mentioned civil disobedience, the organization itself did not practice nor use it as a means of accomplishing goals. As time went on, I began to notice the differing methodologies and the effect each has on a positive outcome. Six years after I became involved with the organization, I realized that one methodology, active non-violence, was being neglected. Little did I realize that my life would soon change.

Along with a few fellow activists, I left *People for Animal Rights* in early 1996 to form a non-profit, all volunteer organization called *Liberation Collective*. Our founding declaration states that we are an educational group whose main purpose is to demonstrate the similarities involved with various social justice issues. In reality though, since most of the initial membership was constructed of individuals with an animal rights background, a high percentage of our work continues to be focused on that issue. But by far, the key difference we created between the two groups working for the betterment of animals was the methodology.

Late in my time spent with *People for Animal Rights* I began to recognize that perhaps there are instances where laws need to be broken in order for a greater evil to be stopped. It was this sort of reasoning

that allowed historical actions to take place which as I mentioned before led to the success of the civil rights movement, India's independence, etc. In the legal system this kind of response is known as the choice of evils defense. For instance, if I am walking down the street and notice a child on private property being assaulted by another individual, do I have the right and/or obligation to trespass on the property to save the young person? If I then am accused of criminal trespassing after saving the child and the case goes to court, I could then use the choice of evils defense to explain my reasoning for breaking the law.

For the first time in my life I could then picture in my mind situations of injustice towards animals where I would feel morally justified in breaking the law to help end needless suffering. As I felt unable to express these sorts of actions in the previous organization, *Liberation Collective* gave me the comfort and support to engage in morally justifiable unlawful activity when the time and situation was appropriate.

The first appropriate time and situation occurred in 1996. Twice a year fur pelt buyers from around the globe come to Washington to take part in the Seattle Fur Exchange. Our organization received word that there was to be a large protest against this auction in February, 1996. In addition, I heard that there was to be a civil disobedience action to make a firm statement of objection to the fur industry. Since the fur issue was one which I had spent a sizable amount of time learning, I naturally was interested. But the sheer thought of me breaking the law, knowingly and without remorse, brought a combination of fear and pride which I had never before experienced.

I let the event organizers know ahead of time that I was a possibility for "risking arrest" in Seattle. This to me seemed to be safe. I mean this allowed me to gain more information on what was to occur without making any concrete decisions. Even though in my heart the decision had already been made. My realistic justifications were recited in my head. Why should I let this event, this multi-million dollar event go on as usual with little objection? As I am aware of the horrific conditions animals have to suffer in the fur industry to produce luxury items void of necessity, am I not trying to prevent a greater evil by breaking trespassing laws to end the immoral practice? Hearing the voices and visualizing the experiences of past historical figures who broke the law and went against popular opinion for the sake of justice, I knew I was not alone.

Upon arriving in Seattle I was introduced to animal activists from throughout the West Coast. Shortly thereafter, everyone joined together to discuss what was to happen the next day at the auction.