

Questions 29-38 are based on the following passages.

Passage 1 is adapted from Henry David Thoreau, "Resistance to Civil Government." Originally published in 1849. Passage 2 is adapted from Martin Luther King, Jr., "Letter from Birmingham Jail." ©1986 by the Estate of Martin Luther King, Jr. Thoreau wrote at a time when slavery was legal in the United States. In 1963, King was arrested while protesting racial segregation in Birmingham, Alabama; he wrote this letter while in jail.

Passage 1

Line Must the citizen ever for a moment, or in the least
degree, resign his conscience to the legislator? Why
has every man a conscience, then? I think that we
5 should be men first, and subjects afterward. It is not
desirable to cultivate a respect for the law, so much as
for the right. The only obligation which I have a right
to assume is to do at any time what I think right. It is
truly enough said that a corporation has no
conscience; but a corporation of conscientious men
10 is a corporation *with* a conscience. Law never made
men a whit more just; and, by means of their respect
for it, even the well-disposed are daily made the
agents of injustice. . . .

The mass of men serve the state . . . not as men
15 mainly, but as machines, with their bodies. They are
the standing army, and the militia, jailers, constables,
. . . etc. In most cases there is no free exercise
whatever of the judgment or of the moral sense; but
they put themselves on a level with wood and earth
20 and stones; and wooden men can perhaps be
manufactured that will serve the purpose as well.
Such command no more respect than men of
straw or a lump of dirt. They have the same sort of
worth only as horses and dogs. Yet such as these even
25 are commonly esteemed good citizens. Others, as
most legislators, politicians, lawyers, ministers, and
office-holders, serve the state chiefly with their heads;
and, as they rarely make any moral distinctions, they
are as likely to serve the devil, without *intending* it, as
30 God. A very few, as heroes, patriots, martyrs,
reformers in the great sense, and *men*, serve the state
with their consciences also, and so necessarily resist
it for the most part; and they are commonly treated
as enemies by it. . . .

35 How does it become a man to behave toward this
American government to-day? I answer, that he
cannot without disgrace be associated with it. I

cannot for an instant recognize that political
organization as *my* government which is the *slave's*
40 government also.

Passage 2

You express a great deal of anxiety over our
willingness to break laws. This is certainly a
legitimate concern. Since we so diligently urge people
to obey the Supreme Court's decision of 1954
45 outlawing segregation in the public schools, at first
glance it may seem rather paradoxical for us
consciously to break laws. One may well ask: "How
can you advocate breaking some laws and obeying
others?" The answer lies in the fact that there are
50 two types of laws: just and unjust. 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
55 unjust law is no law at all."

Now, what is the difference between the two?
How does one determine whether a law is just or
unjust? A just law is a man-made code that squares
with the moral law or the law of God. An unjust law
60 is a code that is out of harmony with the moral law.
To put it in the terms of St. Thomas Aquinas: An
unjust law is a human law that is not rooted in
eternal law and natural law. Any law that uplifts
human personality is just. Any law that degrades
65 human personality is unjust. All segregation statutes
are unjust because segregation distorts the soul and
damages the personality. It gives the segregator a
false sense of superiority and the segregated a false
sense of inferiority. . . . Thus it is that I can urge
70 men to obey the 1954 decision of the Supreme Court,
for it is morally right; and I can urge them to
disobey segregation ordinances, for they are morally
wrong. . . .

In no sense do I advocate evading or defying the
75 law, as would the rabid segregationist [by refusing to
comply with the Supreme Court ruling]. That would
lead to anarchy. One who breaks an unjust law must
do so openly, lovingly, and with a willingness to
accept the penalty. I submit that an individual who
80 breaks a law that conscience tells him is unjust, and
who willingly accepts the penalty of imprisonment in
order to arouse the conscience of the community
over its injustice, is in reality expressing the highest
respect for law.