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*(**Editor's note:** This is a response to the guest commentary "Attack Tyranny at Its Weakest Link: Enforcement.")*

In his 1849 essay "Civil Disobedience," Henry David Thoreau seemed disinterested in the systemic mechanisms available to battle injustice. "They take too much time, and a man's life will be gone," he wrote. "I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad."

Thoreau's hatred of government was no secret. In the opening paragraph of that essay, he made this blanket statement: "That government is best which governs not at all."

Those sentiments are clearly the roots of "Attack Tyranny at Its Weakest Link – Enforcement," by Kevin Carson of the Center for a Stateless Society. The piece can be summarized by its conclusion: "Don't waste time trying to change the law. Just disobey it."

Within that guest commentary, there are trenchant observations, especially the argument that the current United States political system makes grassroots legislative reform difficult if not impossible. (This frustration with democratic niceties is hardly new; as Thoreau wrote: "Even *voting for the right* is *doing* nothing for it. It is only expressing to men feebly your desire that it should prevail.")

Carson argues that in that context, it is far more efficient to simply disobey the law than to try to reform it: “Public agitation against a law may be very fruitful indeed – but not so much by creating pressure to change the law as by creating a climate of public opinion such that it becomes a dead letter.”

The article obviously comes from an anarchist perspective, and it’s true to the anti-state nature of that philosophy. But the commentary’s arguments are problematic for those who believe in the necessity of the state – even those who distrust or hate government but see a role for it, no matter how limited. And Carson ignores the moral elements of Thoreau’s essay, which specifically advocates disobedience of laws that would compel one to act unjustly toward others. Carson’s piece is either woefully incomplete or shockingly immature.

To be clear, anarchism is a perfectly valid political-belief system, in the sense that one can reasonably argue that a society can thrive peacefully and fairly without a “state” to regulate it. But this requires a shared ethical framework through which the society naturally regulates itself – a concept that’s significantly undermined by one of Carson’s examples.

His article uses four primary instances of unenforceable laws, three contemporary and one historical.

But there’s a critical distinction between three of those – marijuana prohibition, alcohol prohibition, and laws and practices aimed at preventing the recording of police activity such as arrests – and the fourth: copyright law.

The first two are essentially victimless crimes, as any harm done to others while under the influence of drugs or alcohol is covered by other laws or moral codes. The third is an issue of protecting citizens from the state, as video and audio monitoring of law-enforcement activity (or the easy potential for such monitoring) will likely curb police misbehavior.

Carson implies – but he *barely* implies – that one should only disobey laws that one disagrees with. And with those three examples, he could (but does not) make sound arguments. Fully enforced prohibition merely turns drug and alcohol users into prisoners, usually when they’ve

harmed nobody but themselves. And citizen monitoring of police officers will ensure that law enforcement is accountable to the public and respectful of citizens' rights.

But copyright law is fundamentally a property protection, and in theory is an important function of government through the courts. Yes, current U.S. copyright law might be archaic and increasingly unenforceable and desperately in need of an update for the digital age, but that doesn't mean it should be disregarded by citizens. And, yes, the law primarily protects large corporations whose bottom lines depend on you buying their products, but it also protects your own creations – everything from novels to a single unique sentence.

What's missing from Carson is an argument *why* copyright law should be violated – beyond the fact that it *can* be violated without penalty. His essay is unconcerned with the ethical underpinnings of civil disobedience.

Thoreau offered a simple, common-sense criterion for willfully violating the law. "Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once?" he asked. "[I]f it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law."

So how could copyright law be construed as an agent of injustice? Carson doesn't address that issue.

As a result, his copyright example undercuts any thoughtful argument for an anarchist philosophy. Leaving aside anarchy for anarchy's sake – essentially opposition to any state authority – an anarchist system (or anti-system) is only feasible to the extent that it has agreed-upon moral ground rules, even if they're intuitive and never stated. And if intellectual property is neither respected nor protected through shared ethics, the system will not work; the protection of property is essential to any civil society. (Many of us understand the importance of copyright law but are hypocrites when it comes to illegally downloading music and movies, and we might be the best evidence supporting the need for practical copyright reform; the law might not make us more moral, but an enforceable and enforced law would likely make us *act* more ethically.)

What Carson leaves us with, then, is the position that any law that cannot be enforced should

be violated almost out of principle.

If you believe in the necessity of the state, that likely sounds like a silly assertion.

And whether you're a statist or an anarchist or anywhere in between, it's cowardly when action is taken *merely* because it's easy and convenient and without consequence; there's nothing noble or righteous about it.

If Carson is serious about civil disobedience, he should re-read Thoreau's essay and those it has influenced – such as Martin Luther King Jr., who said: "We cannot in all good conscience obey your unjust laws because noncooperation with evil is as much a moral obligation as is cooperation with good."

Those words make clear that it is impossible to separate the threads of civil disobedience and conscience. And convenience and the absence of personal cost have nothing to do with it.