The concept of civil disobedience in contemporary democratic thought

Sim Edward Williams

Atlanta University

Follow this and additional works at: http://digitalcommons.auctr.edu/dissertations

Recommended Citation
THE CONCEPT OF CIVIL DISOBEDIENCE
IN CONTEMPORARY DEMOCRATIC THOUGHT

A THESIS
SUBMITTED TO THE FACULTY OF ATLANTA UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS

BY
SIM EDWARD WILLIAMS

DEPARTMENT OF POLITICAL SCIENCE

ATLANTA, GEORGIA
JANUARY 1963
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>INTRODUCTION</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Problem</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Scope</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Significance</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Procedure</td>
<td>1</td>
</tr>
<tr>
<td>II.</td>
<td>HENRY DAVID THOREAU</td>
<td>13</td>
</tr>
<tr>
<td>III.</td>
<td>MAHATMA GANDHI</td>
<td>24</td>
</tr>
<tr>
<td>IV.</td>
<td>MARTIN LUTHER KING, JR.</td>
<td>38</td>
</tr>
<tr>
<td>V.</td>
<td>CONCLUSIONS</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>BIBLIOGRAPHY</td>
<td>56</td>
</tr>
</tbody>
</table>
CHAPTER I

INTRODUCTION

Problem. --The problem in this study is to examine the concept of civil disobedience in contemporary democratic thought with special reference to Henry David Thoreau, Mahatma Gandhi and Martin Luther King, Jr.

Scope. --This study is concerned specifically with two claims to the right of civil disobedience in a democratic state: (1) that there are certain inalienable rights of man and the right to obey conscience over positive law is such a right, and (2) that the State is in principle or practice supporting an unjust and evil system of laws and the individual citizen has a right to reject them through nonviolent civil disobedience.

Significance. --The information found in this paper should illuminate the persistent problems of civil disobedience and situations resulting from the attempted correction or resolution of the conflict between political authority and individual freedom, State and conscience. Further, it should provide useful reference for those interested in evaluating and gaining a more thorough understanding of the techniques and philosophies involved in the nonviolent resistance movements of this age.

Procedure. --Reference to the classic expressions of nonviolent civil disobedience by Antigone and Socrates as historical background is made in order to throw some light upon the present situation. The philosophies of Thomas Aquinas and Hugh of Fleury of the Medieval age are also used for introductory purposes. However, only the contributions of Henry David Thoreau,
Mahatma Gandhi and Martin Luther King, Jr., are subjected to analysis and criticism because they are three of the foremost exponents of civil disobedience in contemporary democratic thought.

The conflict between individual freedom and political authority has long posed a problem for mankind. Observe its relation to the perennial encounter between Christians and States. Today, as in earlier times, governments and citizens still contend over the old and fundamental problems of political obligation. There are those who, like Hegel, categorically assert that it is the duty of the individual always to obey the state, while others, like Thoreau, insist that a citizen owes his primary obligation to his own conscience. There seems sometimes to exist a yawning chasm between the minds of the keepers of law and recalcitrant individuals. There continues a search for a solution to the problem. However, the outlook is not reassuring.

From the tragic experiences of early and modern history, men have learned a simple, yet crucial truth: that positive law and the consciences of some men have been in conflict. In the history of ideas—as well as in the history of political institutions—some individuals have sought relief from what has been termed the menacing, oppressive power of the State. Various methods have been employed to impose restrictions on the exercise of coercive authority. From a variety of motives and for different ideas and ideals, men have attacked certain forms of subjection of man to the State. The philosophies involved in their positions and the attitudes and patterns of nonconformity are the subject matter of this work.

In the West, civil disobedience, which is the direct contravention of specific laws and may include such activities as the non-payment of taxes and jail-going, is a familiar, if unpopular, concept. It is the child of the
conflict between individual freedom and authority. The post-war years in America have witnessed a revival of the debate over the source and meaning of political obligation. The death of Socrates, the dilemma of Antigone, the action of Thoreau—these highlights in the course of man's reflection upon the problem of obligation—dignify arguments concerning the conscientious objector's position in the contemporary circumstance, or the refusal of a witness to testify before an American Congressional investigative committee.\(^1\) Civil disobedience has usually been understood to be an individual consideration. It has meant resistance or refusal to obey a given law, usually on the ground that such a law offends the individual's conscience or is repugnant to a "higher law" to which the individual owes prior allegiance. The problem has been one of competing, conflicting moral values, and the solution has appeared to rest—necessarily, but also uneasily—with the individual.\(^2\)

Civil disobedience, as a technique for relieving the pressures of government on the individual, is ancient. In its extreme form, it involves, according to some, the right to kill a tyrant.\(^3\) This right was clearly stated in the eleventh century by Manegold of Lautenbach who pointed out that the essence of the kingship is the office and not the person; hence, the individual's right to the office cannot be indefeasible.\(^4\) Manegold used this principle to show that tyrannicide could be justified when a king has de-

---


\(^2\)Ibid.


stroyed those goods which the office was instituted to preserve and refuses to relinquish the position upon the request of the ruled. He thus arrived at a comparatively definite theory of contract (pactum) between the king and the people. And in the twelfth century, John of Salisbury developed a theory of tyrannicide. However, it is not the intention of the writer to deal with the extreme form of civil disobedience, but rather, the most recurring facet, nonviolent resistance.

Methodologically, the classic expressions of nonviolent civil disobedience of Antigone and Socrates are discussed as historical sketches. Similarly, the medieval concepts of St. Thomas Aquinas and Hugh of Fleury are treated. However, only the contributions of the modern exponents, Henry D. Thoreau, Mahatma Gandhi, and Martin Luther King, Jr., are placed under analysis and criticism because it is within these minds that the philosophy for the continuous search for individual freedom and dignity in contemporary democratic thought has been formulated.

Since it is the general conviction of this writer, with David Spitz and Aristotle, that "in all disputes upon government, each party says something that is just," a consideration of those principles which, in a democratic State, are argued as claims to the right of civil disobedience, is given. Of such appeals to the right of civil disobedience, the scope of this paper is limited to two: (1) the right to disobey unjust laws because the system is, in principle or practice, unjust and (2) the natural right to obey one's conscience over positive law.

5Tbid.

Since the resolution of a problem first requires that the problem be understood, it may be well to state at the outset what is conceived, by this writer, to be the underlying questions emerging from civil disobedience. At the present time there exists a grave dilemma for mankind. It is found that if one obeys the state, in certain instances, he violates his moral code. On the other hand if he obeys his conscience, he violates the law. What, then, should the individual do? Should he obey the State and spare himself the humiliating and sometimes extremely bitter consequences of not having complied with the law, or should he passively and wilfully disobey and have only the consolation of knowing that he displayed moral courage? Or again, the position of Thoreau, that "under a government which imprisons any unjustly, the true place for a just man is also a prison." These are questions which, when leveled at the State's adamance, uncover man's great dilemma.

**Historical Sketches**

**Antigone**

A classic expression of nonviolent civil disobedience is the case of Antigone. Antigone was torn between two loyalties. Her religion commanded her to bury the body of her brother, Polyneices, while her State commanded her to leave his body, unburied and unmourned, to be eaten by dogs and vultures on the open range outside the city walls. As a loyal citizen, Antigone was required to yield her conscience to the law of the state, to guide her conduct by the precepts of law. As a person bound to her kin by the dictates of her religion, she was required to subordinate the instructions of Creon.

---

the King, to those of her faith. She chose to disobey the law and paid the supreme penalty. 8

Commentary

Antigone buried Polyneices, her brother, against the will of the State. To be sure, wilful disobedience to laws of the State was questionable in her case, but then, so were the drastic measures used by the King. There is no evidence that there were any all-wise, unerring human beings living during that time. So, there was a great possibility of error in Creon’s judgment, but his position, as he saw it, gave him the power to render the verdict and penalty since there was no higher earthly authority to restrain him.

The adamance of the King and the behavior of Antigone have prompted many theorists to ponder the questions: (1) When, if ever, should a law be disobeyed? and (2) Does the individual have the right to apply a moral and conscience check on what he views as wilful and flagrant maladministration of the law?

In Antigone’s case, the King believed that the individual had no right to disobey the law under any circumstances and stated that he “would not tolerate lawbreakers or critics of the government. Whoever is chosen to govern should be obeyed in all things, great and small, just and unjust.” 9 Antigone acted contrarily because, in her words:

It was not God’s proclamation. That Final justice that rules the world below, makes no such laws. Your edict, King, was strong, but all your strength is weakness itself against the immortal unrecorded laws of God. They are not merely now:

9 Ibid., p. 46.
they are and were and shall be operative forever beyond
men utterly.\footnote{Ibid.}

This, then, is the heart of Antigone's resistance, Antigone was not a
philosopher. She had no systematic theory of resistance to government. Like-
wise, since the ancient age was greatly different from today, there was no
legal recourse. The King's word was law, but that did not solve the moral
problem.

Socrates

Another momentous situation of the conflict between the sovereign and
the subject in history is that of Socrates. Here, again, is a situation which
has presented and still presents challenging questions for political theorists.
In this case, Socrates resisted the state in that he refused to refrain from
his "search of the mysteries of life, and philosophy" because, "God has com-
manded me to do so."\footnote{John Montgomery, Socrates vs. the State (Boston, 1954), p. 138.} Socrates was attacked by Meletus, Anytus and Lycon
on the ground that he was an abominable fellow who corrupted young men, in-
vestigated things in the air and under the earth, and taught people to dis-
believe in the gods. Further, it was alleged that he made the worse appear
the better reason.\footnote{Ibid.} Socrates thought the charges were unjust, unwise and
ridiculous. Therefore, he refused to, as he uttered it, "plead before you
as you would have me plead, to appear before you with weeping and wailing,
or say and do many other things, which I maintain are unworthy of me, but
which you have been accustomed to from other men."\footnote{A. E. Taylor, Socrates (New York, 1933), p. 14.}
Commentary

A student of political science might attempt to examine the situation concerning Socrates by posing a question such as, does the individual have the right to disobey laws of a state simply because he does not agree with a specific law? It is obvious that Socrates had some very strong ideas about his personal rights. In his memorable speech to the judges, he declared:

If you were to say to me, 'Socrates, this time we will not listen to Anytus; we will let you go; but on this condition that you cease from your search, and from philosophy; if you are found following those pursuits again, you shall die;' I say, if you offered to let me go on these terms, I should reply:—Athenians, I hold you in the highest regard and love but I will obey God rather than you; and as long as I have breath and strength, I will not cease from philosophy and from exhorting you, and declaring the truth to everyone of you whom I meet. For, know well, God has commanded me to do so.14

Clearly, in this testimony, Socrates observes the right to break the laws of the State. His reasons are identified with the will of God. He chose to obey the "divine voice" or the "sign of God" which, he said, guided him all through his life, rather than the decision of the State.15

St. Thomas Aquinas

Although there were beliefs and activities to the contrary, the situation existing in the Medieval period, for the most part, was different. The people began to encourage examination of the foundation of secular authority. This problem was clearly involved in the attempt of Gregory VII to depose the emperor, Henry IV. It was the Medieval belief that law and government should

14 Ibid., p. 18.
15 Ibid.
always be contributory to justice. Therefore, both monarch and community were "subjects" of political rights and duties, and it was only in the union of the two that the organic whole consisted. Moreover, in the community, all the individuals stood in legal relationship to the monarch. Lordship, therefore, was never mere right; primarily it was a duty; it was a divine, but for that reason a more onerous, calling; it was a public office, a service rendered to the whole body. Evidence of this relationship can be found in Manegold Lautenbach's theory of contract. R. W. Carlyle found that:

No man can make himself emperor or king; a people sets a man over it to the end that he may rule justly, giving to every man his own, aiding good men and coercing bad, in short, that he may give justice to all men. If then he violates the agreement according to which he was chosen, disturbing and confounding the very things which he was meant to put in order, reason dictates that he absolves the people from their obedience, especially when he has himself first broken the faith which bound him and the people together.

It was believed, during this period, and advocated strongly by St. Thomas Aquinas, that rulers were instituted for the sake of the people, not the people for the sake of the rulers. Therefore, the power of the ruler was not absolute, but limited by appointed bounds. His task was to further the common weal, peace and justice, and the utmost freedom for all. In every breach of these duties and every transgression of the bounds that they set, according to Aquinas, legitimate lordships degenerate into tyranny. Aquinas, according

19 Gierke, op. cit., p. 35.
to Sabine, held that the moral purpose for which political rule exists implies that authority should be limited and that it should be exercised only in accordance with law. Aquinas' dislike of tyranny was as great as that displayed by John of Salisbury, though he explicitly disavowed the latter's defense of tyrannicide. Justifiable resistance is a public act of a whole people, and the right is safeguarded by the moral condition that those who resist are responsible for seeing that their action is less injurious to the general good than the abuse which they are trying to remove. St. Thomas was essentially interested in the moral limitations laid upon the rulers, and the legal or constitutional phases of the subject seemed not to have concerned him, according to Sabine's interpretation.

Sabine states that St. Thomas saw rulership as an office or a trust for the whole community. Like his lowest subject, the ruler was justified in all that he did solely because he contributed to the common good. His power, because it was derived from God for the happy ordering of human life, was a ministry or service owed to the community of which he was the head. He could not rightfully exercise power or take property by taxation beyond what was needed. Broadly speaking, it was the duty of the ruler to direct the action of every class in the State so that men could live a happy and virtuous life, which is the true end of man in society.

Commentary

St. Thomas was explicit on the point that a king's power should be

21 Ibid., p. 251.
"limited," though he neglected to explain exactly what this meant. It is probably safe to assume, like Sabine, that he had in mind the idea that the ruler could not rightfully exercise power or take property by taxation beyond what was needed.

Thomas Aquinas was explicit also on the point that true government, as distinguished from tyranny, was "lawful," but he did not spell out precisely what lawful authority meant in this connection. Though he was acquainted with the Roman law, he did not make use of it to recognize the tendency to exalt the power of a sovereign ruler over the law itself. In his treatment of tyranny, he referred to two remedies which are available against tyrants. There were, he assumed, governments in which the ruler's power was derived from the people, and in this case it was lawful for the people to enforce the conditions upon which the ruler's power was granted. The other remedy mentioned was in the case of a ruler who had a political superior, and here the redress of grievances was by an appeal to that superior.

Hugh of Fleury

Along the lines of individual rights and their relationships to rulers, Hugh of Fleury, a keen student of rights and duties during the Medieval period, advanced an interesting theory. He held that the individual, in opposition to the claims of tyrannical rulers, should be allowed only the right and duty of a martyr's "passive resistance." He therefore prescribed that the ruler be tolerated and prayed for, but that commands which contravene the law of God be disobeyed, and that punishment and death be borne in the martyr's spirit.

---

22 Gierke, *op. cit.*, p. 36.

23 Ibid., p. 37.
Commentary

Despite the modesty of Hugh of Fleury’s contribution to medieval political theory, he anticipated the modern methodology utilized by individuals to be examined later in this paper. He asserted that a recalcitrant individual is exposed to severe penalty at the discretion of the ruler. His theory suggests passive resistance to unjust law, but it does not suggest protective measures during the act of civil disobedience. In fact, Hugh of Fleury was perhaps among the first political theorists to glorify death as good reward for firm conviction which does little to relieve the individual of coercive political action.
CHAPTER II

HENRY DAVID THOREAU

In the nineteenth century, one school of thought elaborated a denunciation of the United States government—on the ground of its violation, through slavery, of man's natural right "to his own body" and the fruits "of his own labor"—into a condemnation of all government as based essentially on violence. Several men preached "non-resistance" in the form of a refusal to take any part in government or to countenance the use of force either in support of or against it. According to Coker, Henry David Thoreau believed in man's natural impulse to goodness and in his perfectibility under the guidance of his free and reasonable will. In Thoreau, perhaps, lies the fullest appeal to individuality and nonconformity in a civilization which was increasingly giving way to orthodoxy and social compulsion. He argued for the supremacy, under all conditions, of conscience over the law. He believed and demonstrated by example that, if government, responding to expediency or majority pressures, infringes upon the fundamental freedom of the individual or the minority, the remedy is nonviolent, or pacific, resistance.

Thoreau was only incidentally interested in politics. However, like many of his Concord friends, he became greatly disturbed over the slavery issue. Opposed to slavery, he became doubly incensed over the course of politics which led to war with Mexico in 1848. His protest against these two evils is found in "Civil Disobedience," probably his most important political writing.

1 Francis W. Coker, Recent Political Thought (New York, 1934), p. 196.
2 Ibid.
In this work, he stated his case for the refusal of moral men to obey the edicts of the State. His basic approach is indicated in the opening sentences of his work:

I heartily accept the motto, 'That government is best which governs least;' and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe,—'That government is best which governs not at all;' and when men are prepared for it that will be the kind of government which they will have.\(^3\)

According to Alan P. Grimes, in his American Political Thought, Thoreau was not, as he is sometimes considered to be, an anarchist. He did not wish to abolish government even though he did advocate resistance to what he believed to be bad government. He wished to eliminate force as an instrument of government, but to do this he realized the prior necessity of eliminating those conditions which made the use of force necessary. He wished to help prepare man for that happy society in which each man would be fully governed by his own will and not that of another; governed by that conscience which would operate equally and effectively in all men. This was, perhaps, utopian. He looked forward to the time in which all men would be virtuous; but, for the present, reform of character and reform of government rather than its abolition held the consequential priorities.\(^4\) Thus he stated that "unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government."\(^5\)

The achievements of the country, which were so often attributed to the government, were, according to Thoreau, due to the character of the American

---


\(^5\)Thoreau, op. cit., p. 136.
people, whose achievements might have been greater still if the government had not interfered. "For government is an expedient by which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient, the governed are most let alone by it." The good society, as Thoreau saw it, was one in which each man might go his own way according to the dictates of a universal conscience without any hindrance from any external power.

Conscience rather than Statute was the important standard of behavior to Thoreau; for government founded on expediency was frequently given to in expedient actions. The fact that a statute had the sanction of the majority of the community behind it did not make that statute a just one. The sanction behind majority rule was force of numbers, and sheer power had no correlation with justice. "It is not desirable to cultivate a respect for the law," he believed, "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 is right."7

In Thoreau's opinion, nothing should stand in the way of a man's acting in accordance with the compulsions of his own conscience. No considerations of social position, no considerations of life or property, not even the national existence of a State, should stand in the way of the dictates of morality. Referring specifically to what he considered the current abuses, Thoreau declared, "This people must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people."8

---

6Thoreau, op. cit., p. 136.
7Ibid., p. 137.
8Grimes, op. cit., p. 209.
In an effort to abolish slavery and end the war with Mexico, Thoreau proposed his technique for political action. He called upon the men of Massachusetts to throw their whole weight, and not merely their vote, in favor of eradication of these two evils. A vote was merely the expression of a desire for a given course of action and thus was a relatively ineffectual political device unless one were in the majority. But since rightfulness was the important factor, the technique had to be one which the virtuous few could use in spite of and against the less conscientious many. This technique by which the right could bring the wrong into line, the few control the many, he called "civil disobedience." It amounted to the nonsupport of the government. It was, he admitted, a form of rebellion, but it was also a passive sort of revolution. It included refusal to pay taxes, jail-going or refusal of any support whatever to the government, for in an unjust state the only place for a just man is in jail. Superior morality would thus overcome superior number.

I know this well, that if one thousand, if one hundred, if ten men whom I could name,—if ten honest men only,—aye, if one honest man, in this state of Massachusetts, ceasing to hold slaves, were actually to withdraw from this co-partnership, and be locked up in the county jail, therefore, it would be the end of slavery in America.9

At first glance this political technique might seem unrealistic and based on an overestimation of the place of morality in politics, or it might seem that a prisoner's influence on the state is negligible. But Thoreau answered that "truth is stronger than error."10 Yet, it would seem that

9Thoreau, op. cit., p. 137.
Thoreau looked beyond the lone martyr suffering imprisonment because of moral indignation. He envisaged a wider scope of civil disobedience, with more participants included. For the solitary imprisonment of a single righteous person might be followed by the nonparticipation, and perhaps imprisonment, of all just men.

A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose.

Analysis and Criticism of Henry David Thoreau

It should be stated at the outset that Thoreau had no systematic theory concerning civil disobedience. His views are fragmentary and sketchy. However, he is significant because of his intense dislike of bad government and outward devotion to its correction. He expressed a great need for the institution of civil disobedience in the face of adamance of the State. This is the idea which will be examined here.

For Thoreau, civil disobedience amounted to passive resistance on the part of the individuals who could no longer tolerate the decisions of their government. This act, it seems, would appear to put private claims above social claims, and private rights above social duties. Thoreau, however, apparently saw no conflict between private rights and public duties unless one side is in error. For in his utopian view of the universe, harmonious relations exist where all people act rightly. This is a symbolic interpretation. Disharmony and conflict occurred only with the advent of evil, or bad conscience, on the scene. Thus his plea for individual conscience was at once

---

12 Grimes, op. cit., p. 213.
a plea for such a public conscience that evil and ignorance might be banished and public duty would agree with private rights. Further, he assumed, all individuals would agree on the specific requirements of their moral obligations. Thoreau, in his opposition to social conformity, thus clearly assumed an essential conformity of private conscience. He spoke for the minority of one, as others in American thought voiced the claims of class and sectional minorities. He emphasized the importance of the individual in society; he disdained the use of overt force and sought, like Mahatma Gandhi, in India years later, civil disobedience as a means to give effect to moral values. Nevertheless, according to Grimes, it does not appear that it ever occurred to Thoreau that men might disagree on moral values without someone being actually in the wrong.

Civil disobedience, a modified form of the right of revolution, raises certain questions of expediency and morality. For with the just men non-cooperative and in the jails, and the unjust men on the outside running the government, it might be questionable how much clogging of the machinery of the government this minority could do. And Grimes further observed that the clogging technique introduces an element of compulsion into political affairs which puts force behind the lever of morality, or in fact, any other cause. Essentially, therefore, Thoreau, opposed to compulsion, returned to this method as a means of political action. This may not be the same type of coercion, but it shows that Thoreau was willing to utilize certain coercive elements in order to achieve the ends he desired.

13Grimes, op. cit., p. 213.
14Ibid., p. 214.
15Ibid., p. 215.
According to Grimes, Thoreau sought to penetrate beyond the outward appearances of things and reach into the common conscience of mankind. That there was such a conscience common to mankind he had no doubt; for it was this conscience which set the proper standards in accordance with a universal system of morality. All things and persons were governed inexorably by laws beyond the reach of men; it was the fundamental ordinances that demanded adherence in spite of the fancies of society or the decrees of majority rule. Fundamentally, man’s being was in harmony with nature and his fellow man, and one needs only to trust conscience as a guide to right and harmonious conduct. Because the individual was of paramount concern, and the precepts of right and wrong were known to all men, man’s basic right was to trust and obey the dictates of his conscience. If his conscience ruled contrary to the compulsions of society, then so much the error of society. This high conception of the dignity of the individual carried with it a rather low or at least indifferent attitude toward the government.16

This conception also raised pertinent questions, should an individual break the laws of state because he thinks it is right to obey the dictates of his conscience? What should be the answer if an individual is incapable of sound reasoning and judgment, yet his conscience dictates against positive law? John Dickinson disagrees with the right to disobey positive law merely because an individual does not think it is right.

Shall we admit that because of the limitations and dangers of positive law, freedom to break through at the will of the individual who thinks himself right must be erected into a normal working part of the system of government available at all times, rather than kept in reserve in the form of an extra-legal power

16Ibid., p. 216.
of revolution for use only as an abnormal safety-valve and last resort in exceptional cases of great oppression. 

He further observes:

There seems to be a search primarily for a way to regularize and legalize disobedience to existing positive law. A law which can be legally broken at the will of the lawbreaker can never be positive law in any intelligible sense. The basic question at stake in the controversy over disobedience is therefore, what shall the attitude be toward breaches of the positive laws.

The validity of Thoreau’s argument, it is important to remember, hinges on the validity of at least two assumptions. The assumptions are, first, that there are permanent and inalienable rights inherent in the very nature of man and that obedience to one’s conscience rather than positive law is such a right; second, that man needs a better government because it is at best but an expedient and does not serve the people. On this point, it is well to emphasize the fact that Thoreau has been identified with anarchism because of his views along the lines of abolishing bad government. He is mentioned in Francis W. Coker’s Recent Political Thought along with such well-known anarchists as Josiah Warren, Stephen Pearl Andrews, Benjamin Tucker and Lysander Spooner of America.

It appears that the shifting of positions—from passive resistance to active resistance in the John Brown incident—by Thoreau serves to shed some light on the reasons why Thoreau never advanced a systematic theory on

---

18 Ibid.
political obligation. He advocated the use of the most expedient method in subjecting the state to individual conscience. So, it is learned that even though Thoreau was one of the first modern day exponents of civil disobedience utilizing the technique of nonviolence, he recognized that there were situations that warranted the use of violence.

Political institutions, according to Thomas Hill Green, are to be judged according to the development of the individual citizens.21 For a man to live a life which he can call his own life, morally speaking, he must be able to count on a certain freedom of action in the attainment of his aims. This is possible only where there is a common recognition, by members of the society in which he lives, that such freedom is for their common good. This recognition is expressed in laws. So, when an individual submits to the authority of the institutions through which laws are formulated and executed, he is simply allowing his life to be regulated by conditions without which he would be unable to live a life really his own. Thus, the function of law, according to Thomas Hill Green, is to assist man "to realize his reason, i.e., his idea of self-perfection, by acting as a member of a social organization in which each contributes to the better being of all the rest."22 There must be, Green continues, a feeling that the coercive authority holding them together and controlling their common action exists for their good. It is, of course, true that the supremacy of laws involves restraints upon individual inclinations.23


22 Ibid.

23 Coker, op. cit., p. 423.
The Oxford idealist philosophy justifies political compulsion and punishment. But an essential element of legal supremacy, as distinguished from mere superior physical force, is a consciousness, on the part of the individuals restrained, that submission to the restraints is for the common good. The most liberal government, according to Henry S. Canby's interpretation of Thoreau, becomes a tyranny when it denies the right of the individual to be responsible for his intellectual and moral integrity. It can overrule him, yes, but he must somehow resist. If he is incapable of sound reasoning, an opponent of order, which is essential to the State or if he is an egoist, he will suffer. If, however, his integrity is based on values indispensable to a self-respecting man, then resistance is also indispensable, and will become unconquerable in the long run, even by force. From Canby's point of view, there is a weakness in this argument. According to him, it leaves one of those wide margins that Thoreau liked in his thinking, and this time a margin of possible error. For if the individual is to determine his own rights, what authority is left to distinguish between enlightened resistance to a ruler and anarchy, which will inevitably dissolve the state itself? Thoreau, Canby continues, would have answered that one must have faith in man, one must believe that an intuition of what is necessary for survival is a reality in human nature.

But this was not the lesson which many have learned from "Civil Disobedience." The metaphysics of politics concerns them as little as it concerned

---

24 Ibid., p. 424.
26 Ibid., p. 236.
Thoreau. The conflict of man against the State is real, no matter what one thinks of its rules. It wanes, it waxes—there seems to be a possibility today of having reached or nearing again one of its periodical crises. There will probably always be those who are faced with the sacrifice either of their just rights or their security. How can those who are determined to resist, oppose, with any hope of success, a regime of such great force? Thoreau, writing in an America soon to be in the throes of a great rebellion, was not, it seems, thinking of mass rebellion where motives are mixed and the objective is sometimes power. He was concerned, it appears, with the individual whose power mostly lies in his integrity. For him he counsels passive resistance.

Finally, Thoreau believed there will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. And until such a State is realized, he was ready to resist, when necessary, brute force. While he could not have expected successfully to oppose the force itself, his resistance might have been effective because it might have changed the minds of the men who exercised the force. And, therefore, it would not have been futile quietly to declare war upon the State.

History suggests that such disobedience can be effective. There is, perhaps, no power in the world today able to overcome aerial bombs and machine guns but intellectual and emotional resistance in Thoreau's sense, by brave men, clear of mind, and able to endure until their convictions become infectious.

27 Ibid.
CHAPTER III

MAHATMA GANDHI

In the face of a British-granted Constitution to India in 1919, the apostles of swaraj found new inspiration in a new leader, Mohandas Gandhi, who became known as Mahatma or "Holy Man" who preached a strange gospel derived from Henry David Thoreau, Tolstoi, Jesus of Nazareth and others. His message came to this: love your enemies, resist not evil, eschew force, oppose your oppressors with nonviolent civil disobedience.\(^1\) Physical force is effective, according to Gandhi, only against those who oppose it with physical force of a lesser nature. Against those who meet it with nonviolent resistance, if they are numbered in millions and dedicated to a cause, force is helpless.\(^2\) Gandhi cheerfully went in and out of jail, fasting and praying and advising his followers to boycott British goods, return to the spinning wheel and village handicrafts, practice asceticism, evade taxes, disobey laws and submit meekly but proudly to beating, jail or death.

In India, under the leadership of Mahatma Gandhi, experiments (as Gandhi called them) which had been first undertaken in South Africa were extended beyond the individual protest. Later experiments conducted during the struggle for Indian independence carried mass action beyond the confining limits of civil disobedience. Out of these emerged a new technique which Gandhi


called Satyagraha. Satyagraha, which was a way of life to Gandhi, is a word coined during the movement of Indian resistance in South Africa to the Asiatic Law Amendment Ordinance introduced into the Transvaal Legislative Council in 1906. Gandhi explained that he first called the movement "passive resistance," but as the struggle continued he became aware that "some new principle had to come into being." He then came upon the word "sadagraha," meaning "firmness in a good cause."

I liked the word, but it did not fully represent the whole idea I wished it to connote. I therefore corrected it to 'Satyagraha.' Truth (Satya) implies love and firmness (Agraha) engenders and therefore serves as a synonym for force. I thus began to call the Indian Movement 'Satyagraha,' that is to say, the force which is born of Truth and Love or Nonviolence, and gave up the use of the phrase 'passive resistance.'

Satyagraha embraced the method and the essential philosophy of civil disobedience, but through its application and refinement it became a technique for social and political change which transcended the substantial limitations of the earlier concept. Gandhi's method became something more than a method of resistance to particular legal norms. It became an instrument of struggle for positive objectives and for fundamental change—a technique more widely used than understood and one which yet called for testing in the field of social and political action. When, in 1948, Mahatma Gandhi died by an assassin's bullet, the "experiments in truth," which he had begun, remained far from complete.

It is evident, by the nature of the movement, that Gandhi's philosophy

---

4Cited in *ibid.*, p. 13.
5*ibid.*
built on the good that he believed to be inherent in the nature of man. His tactics were successful in that he achieved the ends which he sought. He recognized that Satyagraha (soul-force) had an indeterminate possibility for social progress.

One of the most potent legacies Gandhi left behind in India was the technique of nonviolence through ahimsa. It is important at this point to try to understand the origin of this technique and how it works. The word ahimsa expresses an ancient Hindu, Jain, and Buddhist ethical precept. The negative prefix "a" plus "himsa" loosely meaning "injury" make up the word which is usually translated as nonviolence. Yet, ahimsa is more than a negative notion. As is characteristic of Hindu and Buddhist terminology, the negative wording implies much which remains unexpressed. The full force of ahimsa, explicitly stated, means "action based on the refusal to do harm."\(^6\) Ahimsa, then, means renunciation of the will to kill or to damage. Gandhi refined the meaning:

Ahimsa is not the crude thing it has been made to appear. Not to hurt any living thing is no doubt a part of ahimsa. But it is its least expression. The principle of ahimsa is hurt by evil thought, by undue haste, by lying, by hatred, by wishing ill to anybody.\(^7\)

I accept the interpretation of ahimsa, namely that it is not merely a negative state of harmlessness but it is a positive state of love, of doing good even to the evil-doer. But it does not mean helping the evil doer to continue the wrong or tolerating it by passive acquiescence. On the contrary, love, the active state of ahimsa, requires you to resist the wrong doer by dissociating yourself from him even though it may offend him or injure him physically.\(^8\)

\(^6\)Ibid., p. 23.
\(^7\)Mahatma Gandhi, *Young India* (New York, 1924), p. 31.
\(^8\)Ibid., p. 33.
Expressed differently, nonviolence means that if one individual attacks another with physical violence and the victim hits back, the violent response gives the attacker a certain reassurance and moral support. It shows that the victim's scale of moral values in regard to violence as a mode of settling questions is the same as that of the attacker. A mere display of either fear or anger by the victim is sufficient to have this effect. It makes the attacker sure of his choice of methods, of his knowledge of human nature and hence of his opponent. The attacker's morale is sustained, his sense of values is vindicated. His confidence in his general trend of dealing with his opponent is reassured. On the other hand, suppose the assailant attacks, with physical violence, a different sort of person. The attitude of this new opponent is fearless, calm, steady, and because of a different belief, training or experience, he has much self-control. He does not respond to the attacker's violence with counter-violence. Instead, he accepts the blows with good-tempered reasoning, stating his belief as to the truth of the matter in dispute, asking for an examination of both sides of the dispute, and stating his readiness to abide by truth. He offers resistance but only in moral terms. He states his readiness to prove his sincerity by his own suffering rather than by imposing suffering on the assailant, through violence. He accepts blow after blow, showing no signs of fear or shrinking or resentment, keeping steadily good-humored and kindly in look of eye, tone of voice, and posture of body and arms. To violence, he opposes nonviolent resistance.10

---


10Ibid.
As to the outcome of a struggle waged by nonviolence, it is well to understand one point thoroughly. The aim of nonviolence is not to injure, or crush and humiliate the opponent, or to "break his will" as in a violent fight. The aim of the resister is to convert the opponent, to change his understanding and his sense of values so that he will join in wholeheartedly with the resister in seeking a settlement truly amicable and truly satisfying to both sides. The nonviolent resister seeks a solution under which both parties can have complete self-respect and mutual respect; a settlement that will implement the new desires and full energies of both parties. The nonviolent resister seeks to help the violent attacker to re-establish his moral balance on a level higher and more secure than that from which he first launched his violent attack. The method withdraws a mistaken support not in order to harm the opponent but to help both parties into a more secure, creative, happy and truthful relationship.\[11\]

Analysis and Criticism of Mahatma Gandhi

It has been stated that Gandhi, evidently, built his ideas on the good which he believed to be inherent in the nature of man. His tactics, including Satyagraha, ahimsa, fasting, and love facilitated nonviolence and perhaps proved successful. He recognized that Satyagraha (soul-force) had indeterminate possibility as an instrument of struggle for positive objectives and for fundamental changes. Gandhi believed that no individual is intentionally wicked, that there is no man who does not have the faculty to discriminate between right and wrong, and that if that faculty were fully developed, it would mature into nonviolence. He insisted that no man could remain an enemy

\[11^{\text{Ibid.}}, \text{p. 54.}\]
in the face of such a treatment and such spirit. The oppressor must ultimately be absorbed by it and become a part of it.\textsuperscript{12} This technique could be deadly if used against authorities who have very little ethical concern. Classic examples are Hitler, Caesar, and Stalin, who showed respect only for physical power of the same sort and amount as their own and held very little regard for ethics except where it was beneficial to their own causes. To this, Gandhi answered that the nonviolent soldier must have the capacity to bear severe beatings, torture, mutilations, starvations and worse, and accept these without anger and without fear of those who oppress him.\textsuperscript{13} Further, he might argue that his single victory in India is proof enough that nonviolence, developed to greater perfection, could win greater victories against greater armed forces.\textsuperscript{14}

According to C. F. Andrews, the last two encounters utilizing \textit{Satyagraha} and "non-co-operation," owing to the violence which erupted, were premature and the preparations which led up to them were incomplete.\textsuperscript{15}

In the great non-co-operation storm which swept across India from end to end, in 1920-22, the very excitement that carried the movement forward was its greatest danger. The poet Rabindranath Tagore, in this respect, became the "Great Sentinel" on guard for the integrity of his country. He pointed out that the blind following of any personality, however devotedly noble, must, in the long run, lead to violence, and thus prove a failure when the

\begin{itemize}
\item \textsuperscript{12}Gandhi, "I Still Believe in Nonviolence," \textit{op. cit.}, p. 17.
\item \textsuperscript{13}Ibid., p. 18.
\item \textsuperscript{14}George Orwell, "Notes on Gandhi," \textit{The Nation}, XXXV (June, 1952), 31.
\item \textsuperscript{15}C. F. Andrews, \textit{Mahatma Gandhi's Ideas} (New York, (n. d.) ), p. 194.
\end{itemize}
cause was being based on a purely moral foundation alone.\textsuperscript{16} Further, when it is considered, even for a moment, the vast and detailed preparatory training for military service which occupies many years of a man's lifetime and with large numbers become a life profession, it should be abundantly clear that the moral effect needed to supplant war cannot be made in an impromptu manner. It needs all the care and forethought of an earnestness no less whole-hearted than that which is given to world-military endeavor.\textsuperscript{17}

Throughout the Western world there are many voluntary organizations appealing to different sides of the population, but what has not yet been found in the West is a moral genius of such commanding spiritual personality as to be able to unite and combine these various organized efforts into one overwhelming movement of non-violence which should be strong enough to sweep away, on a tide of world approval, the opposing forces.

Critical analysis reveals many questionable facets of Gandhi's doctrine. For example, is force always wrong? If violence is always wrong, wherein lies the blame when nonviolence provokes violence? Is love, or moral goodwill as it was expressed by Gandhi, sufficient or powerful enough to move ruling classes, or must there be other forms of power to achieve this end? Remember, love for Gandhi involved freedom from personal resentment and a moral purpose, free of selfish ambitions. Or again, is creative suffering a mover of evil? The first question prompts another question from Dr. Howard Zinn. Would it have been wrong to assassinate Hitler at that point in the war when this might have brought a halt to general hostilities and to the

\textsuperscript{16}Ibid.

\textsuperscript{17}Ibid., p. 196.
extermination of the Jews? On the second question, the "Freedom Riders" behaved nonviolently, but their action did bring violence against themselves, and against others. Nonviolence theorists will insist that the responsibility for the violence rests with those who committed it. But this dodges the question. The fact is that there was more violence in the world after the "Freedom Riders" began their rides than before. The "Freedom Riders" provoked the violence, but with the good intention of testing and striking down unjust laws. And for this the obvious justification, according to Dr. Zinn, is that the amount of violence was insignificant compared to the amount of justice won.

Certain limitations are naturally imposed upon Gandhi's philosophy. A memorable example of one limitation was the famed "Himalayan Blunder," where Gandhi was unable to restrain his own excited crowd when violence erupted. It was a day of fury. It resulted in the death of one British official and a British policeman. Many of Gandhi's followers died. It is further conceivable that if authorities are sufficiently brutal, they can exterminate nonviolent resisters without experiencing that moral repugnance from their acts which paralyzed the British in India.

During the Second World War disciples of Gandhi would lie down on the railroads and refuse to move. English drivers would not run over such men, and the result was that railway traffic was paralyzed. It is inconceivable

---

19 Ibid.
20 Orwell, op. cit., p. 31.
22 Ibid.
to this writer that if the drivers had been Nazis and the men on the rails Jews, the result would have been the same. But in the circumstances with which Gandhi had to deal, his method was capable of bringing success that probably no other method would have brought.

According to Reinhold Niebuhr, nonviolence and violence produce consequences not totally dissimilar. The distinguishing marks of violent coercion and conflict are usually held to be the intent to destroy either life or property. This distinction is correct if consequences are not confused with intent. Nonviolent conflict and coercion may also result in the destruction of life or property. The difference is that destruction is not the intended but the inevitable consequence of nonviolence coercion. The chief difference between violence and nonviolence is not, according to Niebuhr, in the degree of destruction which they cause, though the difference is usually considerable, but in the aggressive character of the one and the negative character of the other.

Nonviolence, while it represents a passive and negative form of resistance, may have very positive consequences. It certainly places restraints upon the freedom of the objects of its discipline and prevents them from doing what they desire to do. Furthermore, Niebuhr states that it destroys property values, and it may destroy life; though it is not generally as destructive of life as violence. Yet a boycott, Niebuhr continues, may rob a whole community of its livelihood and, if maintained long enough, it will certainly

---


24 Ibid., p. 241.
destroy life. A strike may destroy the property values inherent in the industrial process which it brings to a halt, and it may imperil the life of a whole community which depends upon some vital service with which the strike interferes. Nor can it be maintained that it isolates the guilty from the innocent more successfully than violent coercion. The innocent are involved with the guilty in conflicts between groups, not because of any particular type of coercion used in the conflict but by the very group character of the conflict. No community can be disciplined without affecting all its members who are dependent upon, even though they are not responsible for its policies. The cotton spinners of Lancashire, England were impoverished by Gandhi's boycott of English cotton, though they can hardly be regarded as the authors of British imperialism.

Nonviolence, which is essentially non-co-operation with the oppressor, according to Niebuhr, results in social consequences not totally dissimilar from those of violence. The differences are very important; but before considering them it is necessary to emphasize the similarities and to insist that nonviolence does coerce and destroy. The more intricate and interdependent a social process in which non-co-operation is used, the greater the chances are for coercion and destruction. Examples of this may be found in the Montgomery and Albany movements. This insistence is important because non-resistance, as Niebuhr sees it, is so frequently confused with nonviolent resistance. Mr. Gandhi, the greatest modern exponent of nonviolence, has himself contributed to that confusion. He frequently spoke of his method

26 Ibid.
27 Ibid., p. 242.
as the use of "soul-force" or "truth-force." He regarded it as spiritual in contradistinction to the physical character of violence. Very early in his development of the technique of nonviolence in South Africa he declared: "Passive resistance is a misnomer....The idea is more completely expressed by the term 'soul-force.' Active resistance is better expressed by the term 'body-force'." 28

A negative form of resistance is not regarded a spiritual simply because it is negative. As long as it enters the field of social and physical relations and places physical restraints upon the desires and activities of others, it is a form of physical coercion. Niebuhr further finds the confusion in Gandhi's mind interesting, because it seems to arise from his unwillingness, or perhaps his inability, to recognize the qualifying influences of his political responsibilities upon the purity of his original ethical and religious ideals of nonresistance.

Beginning with the idea that social injustice could be resisted by purely ethical, rational and emotional forces (truth-force and soul-force in the narrower sense of the term), he came finally to realize the necessity of some type of physical coercion upon the foes of his people's freedom, as every political leader must. 29 "In my humble opinion," Gandhi declared, "the ordinary methods of agitation by way of petitions, deputations, and the like is no longer a remedy for moving to repentance a government so hopelessly indifferent to the welfare of its charge as the Government of India has proved

28 Cited in ibid., p. 242.
29 Ibid.
to be," an indictment and an observation which could probably be made with equal validity against and about any imperial government of history. In spite of his use of various forms of negative physical resistance, civil disobedience, boycotts and strikes, he seems to have persisted in giving them a connotation which really belongs to pure non-resistance by giving them spiritual distinction. "Jesus Christ, Daniel, and Socrates represent the purest form of passive resistance or soul force," he declared in a passage in which he explains the meaning of what is most undeniably non-violent resistance rather than non-resistance. All this is a pardonable confusion in the soul of a man who was trying to harmonize the insights of a saint with the necessities of statecraft, a very difficult achievement. But it is nevertheless a confusion thereby revealing the inconsistencies in the philosophy.

The use of truth-force or soul-force, in the purer and more exact meaning of those words, means an appeal to the reason and goodwill of an opponent in a social struggle. This may be regarded as a type of resistance, but it is not physical coercion. Niebuhr places it in the realm of education. It places no external restraints upon the object of its discipline. It may avail itself of a very vivid and dramatic method of education. It may dramatize the suffering of the oppressed, as for instance Gandhi's encouragement of his followers to endure the penalties of their civil disobedience "long enough to appeal to the sympathetic chord in the governors

---

30 Ibid.
and the lawmakers. But it is still education and not coercion. It must be recognized, of course, that education may contain coercive elements.

Gandhi's designation of nonviolence and non-co-operation as "soul-force" is less confusing and more justified when this emphasis upon nonviolence of spirit is considered. Nonviolence, for him, has really become a term by which he expresses the ideal of love, the spirit of moral goodwill. This involves, for him, freedom from personal resentments. It also entails moral purpose, free of selfish ambitions. It is the temper and spirit in which a political policy is conducted, which he is really designating, rather than a particular political technique.33

Despite the inconsistencies revealed by this analysis, the method of nonviolence as advanced by Mahatma Gandhi yields very important advantages in social conflict. Nonviolent coercion offers the largest opportunities for a harmonious relationship with the moral and rational factors in social life. It does not destroy the process of a moral and rational adjustment of interest to interest completely during the course of resistance. Resistance of self-assertion easily makes self-assertion more stubborn, and conflict arouses dormant passions which completely obscure the real issues of a conflict. Nonviolence reduces these dangers to a minimum. It preserves moral, rational and co-operative attitudes within an area of conflict and thus augments the moral forces without destroying them. Thus, the virtues of nonviolent resistance.

Gandhi's use of ahimsa was convenient, but there are pertinent questions to be asked about the technique. It is understood that ahimsa requires deliberate self-suffering, not a deliberate injuring of the supposed wrong-

33Ibid., p. 244.
doer. In its positive form, ahimsa means the largest love, the greatest charity. But does this mean that any man can achieve this type of love? What is the criterion by which this technique is judged the highest possible achievement of love? Is there nothing above this achievement? How is it possible for a human being to achieve this type of love when his culture has taught against the very principles upon which this love is built, such as self-suffering, love thy neighbor, etc. In order for this to be true it would mean that the men concerned must become spiritual. Reinhold Niebuhr declares that all men cannot be expected to become spiritual any more than they can be expected to become rational.34 The weakness of the spirit of love in solving larger and more complex problems becomes increasingly apparent as one proceeds from ordinary relations between individuals to the life of social groups. If this is true, how then, can love be able to move ruling classes from power? These are questions which when leveled at Gandhi's techniques and philosophy, find that they are lacking.

34Ibid., p. 73.
CHAPTER IV

MARTIN LUTHER KING, JR.

Today, on the American scene, there is great internal strife. Not only are individuals being interrogated against their will by the national government, as pointed out by David Spitz in his revealing article, "Democracy and the Problem of Civil Disobedience," but there exists a frightening and sometimes tragic discord in the social order. The great problem evolves around what Ronald J. Rousseve termed "discord among brown and white." In more harsh terminology, it is the sometimes bitter, sometimes brutal, and even deadly encounter between the white man and the black man. Out of this spiraling web of bitterness and hatred arose a fearless champion of freedom and human dignity, Martin Luther King, Jr. Hearing the deep rumble of discontent beneath the surface of the people's troubled exterior appearances, and sensing the ripeness of the times, he launched his "crusade without violence." Dr. King's movement closely resembles that of Mahatma Gandhi in his struggle with Great Britain—in that his weapons include nonviolence, love, people, money, organization, publicity and boycotts. Before an Institute on Nonviolence at Montgomery, Alabama, in 1956, he made the following ringing statements:

A great challenge that stands before us is that of entering the new age with understanding goodwill. This simply means that the Christian virtues of love, mercy and forgiveness should

---


stand at the center of our lives. There is danger that those of us who have lived so long under the yoke of oppression, those of us who have been exploited and trampled over, those of us who have had to stand amid the tragic midnight of injustice and indignities will enter the new age with hate and bitterness, but if we retaliate with hatred and bitterness, the new age will be nothing but a duplication of the old age. We must blot out the hate and injustice of the old age with love and justice of the new. This is why I believe so firmly in nonviolence. Violence never solves a problem. It only creates new and more complicated ones. If we succumb to the temptations of using violence in our struggle for justice, unborn generations will be the recipients of a long and desolate night of bitterness, and our legacy to the future will be an endless reign of meaningless chaos.

In his remarkable book, Stride Toward Freedom, the Gandhi disciple and interpreter sought to clarify his position and define the terms "love" and Agape as used in his context. He listed three types of love which are philia, eros and agape. Agape is the term that is subjected to examination here. First what is agape? The Greek language speaks of it as the highest level of love. According to Dr. King, agape means nothing sentimental or basically affectionate. It means understanding, redeeming goodwill for all men. It is an overflowing love which asks nothing in return. It is the love of God working in the lives of men. When one rises to love on the agape level, he loves men not because he likes them, not because their attitudes and ways appeal to him, but because God loves him. Here, one rises to the position of loving the person who does evil while hating the deed that the person does. With this type of love and understanding goodwill one will be able to stand amid the radiant glow of the new age with dignity and discipline.

3 Martin Luther King, Jr., "Facing the Challenge of a New Age," Phylon, XVII (December, 1957), 29.

Agape, then, is disinterested love. It is love in which the individual seeks not his own good, but the good of his neighbor (I Cor. 10:24). Agape does not begin by discriminating between worthy and unworthy people, or any qualities people possess. It begins by loving others for their sake. It is an entirely "neighbor-regarding concern for others," which discovers the neighbor in every person it meets. Therefore, agape makes no distinction between friend and enemy; it is directed toward both.5

The phrase "passive resistance" often gives the false impression, according to Dr. King, that it is a sort of "do-nothing" method in which the resister quietly and passively accepts evil. But nothing is further from the truth. For, while the nonviolent resister is passive in the sense that he is not physically aggressive toward his opponent, his mind and emotions are always active, constantly seeking to persuade his opponent that he is wrong. The method is passive physically, but strongly active spiritually. It is not passive non-resistance to evil, it is active nonviolent resistance to evil.6

A second basic fact that characterizes nonviolence is that it does not seek to humiliate or defeat the opponent, but to win his friendship and understanding.7 A third characteristic of this method is that the attack is directed against forces of evil rather than against the person who happens to be doing the evil. It is evil that nonviolence seeks to defeat, not the persons who inflict evil.8 The fourth principle is the willingness to accept

5Ibid.
6Ibid.
7Ibid.
8Ibid., p. 107.
suffering without retaliation, to accept blows from the opponent without striking back.\textsuperscript{9}

Dr. King believes that man is an end because he is a child of God. Man is not made for the state; the state is made for man. To deprive man of his freedom is to relegate him to the status of a thing, rather than elevate him to the status of a person. Man, according to Dr. King in his \textit{Stride Toward Freedom}, must never be treated as a means to the end of the state, but always as an end within himself.\textsuperscript{10}

The implications are clear that whenever the State attempts to use individuals as means, then the reply should be nonviolent or passive resistance. This brings in the idea of just and unjust laws, and the difference between them. Dr. King sees a just law as a law which squares with that which is right. Any law that uplifts human personality is just. Whereas that law which is out of harmony with that which is 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. Any law that degrades the human personality is unjust law, according to Dr. King.\textsuperscript{11} Further explanation finds that Dr. King's interpretation of unjust law is a code that the majority inflicts on the minority that which is not binding on itself. So that this becomes difference made legal. Another thing that one can say is that an unjust law is a code which the majority inflicts upon the

\textsuperscript{9}Ibid.

\textsuperscript{10}Ibid.

\textsuperscript{11}Martin Luther King, Jr., "Love, Law and Civil Disobedience," \textit{New South}, XVI (December, 1961), 7.
minority, which that minority had no part in enacting or creating, because that minority had no right to vote in many instances, so that the legislative bodies that made these laws were not democratically elected.\textsuperscript{12}

Just law, says Dr. King, is just the opposite of what has been noted concerning unjust law. A just law is a code that the majority, who happen to believe in that code, compel the minority, who does not believe in it, to follow, because it is willing to abide by the law. Therefore, the individuals who stand upon the basis of civil disobedience realize that they are following something that says that there are just laws and there are unjust laws.\textsuperscript{13} Dr. King does not call these individuals anarchists because, in his words:

They believe that there are laws which must be followed; they do not seek to defy law, they do not seek to evade the law. For many individuals who would call themselves segregationists and who would hold on to segregation at any cost seek to defy the law; they seek to evade the law and their process can lead to anarchy. They seek in the final analysis to follow a way of uncivil disobedience, not civil disobedience. And I submit that the individual who disobeys the law, whose conscience tells him it is unjust and who is willing to accept the penalty by staying in jail until that law is altered, is expressing at that moment the very highest respect for law.\textsuperscript{14}

The nonviolent doctrine, in action, seeks to do a number of things: (1) defeat the unjust system, rather than individuals who are caught in that system and misguided toward wrong; (2) make suffering a virtue; (3) build-up the amazing potential for goodness that is believed to be inherent in human nature; (4) revolt against negative peace (the presence of oppression with

\textsuperscript{12}\textsuperscript{Ibid.}, p. 8.

\textsuperscript{13}\textsuperscript{Ibid.}, p. 9.

\textsuperscript{14}\textsuperscript{Ibid.}
the absence of tension) and (5) to achieve each of these virtuous things through love and self-suffering.  

Analysis and Criticism of Dr. Martin Luther King, Jr.

It is important at this point, after reviewing the ideas and nonviolent method of Dr. Martin Luther King, Jr., to examine them to determine their virtues and defects. First, it is essential to examine the concept of love as used by Dr. King. The type of love which he advocates is *agape*. The Greek language speaks of it as the highest level of love. Several questions are pertinent concerning the attainment of this love and its value to the nonviolent method. The question which is relevant here is, what are the criteria by which this love is judged as the highest level of love when applied to historical settings, and are they valid? Reinhold Niebuhr reveals, in his *The Nature and Destiny of Man*, that the final majesty, the ultimate freedom, and the perfect disinterestedness of the divine love can have a counterpart in history only in a life which ends tragically because it refuses to participate in the claims and counterclaims of historical existence. It portrays a love "which seeketh not its own."  

But a love which seeketh not its own is not able to maintain itself in historical society. Not only may it fall victim to excessive forms of the self-assertion of others, but even the most perfectly balanced system of justice in history is a balance of competing wills and interests, and may

---

15 Ibid., p. 11.

therefore destroy anything which does not participate in the balance.\textsuperscript{17}

Dr. King stated that it is hard to like a person who is inflicting pain upon one, yet one must love the person who inflicts pain upon him. Dr. King believes that one is able to love a person while hating the deeds of the person. But can a person be separated from his deeds? What about incorrigibles? If man is to be separated from his evil deeds, who, then, is responsible for the advent of evil in the first place? Is society to blame for man's every act that is evil? Or again, who receives credit for a deed that is considered good? If the premise that society is responsible for evil deeds of man is allowed, then Adolph Eichmann was not guilty, but the whole society of which he was a product.

If \textit{agape} is the type of love which Niebuhr claims—that is, nonresistant, non-assertive, disinterested and above historical setting,\textsuperscript{18} is it capable of achieving the goal that Dr. King has set for it? Even if it is to be used only to create the change of heart that Dr. King hopes for, it seems that there is a form of resistance against that capacity for evil which Dr. King admits in man. If there is resistance then, can this be the \textit{agape} symbolized by the Cross? In other words, would \textit{agape}, alone be able to change laws and the actions of men? Is ordinary mortal man capable of achieving the \textit{agape} level of love with his egoism? Egoism, it seems, is a form of self-assertion which is considered a form of resistance. The weakness of the spirit of love in solving larger and more complex problems becomes increasingly apparent as one proceeds from ordinary relations between indi-
viduals to the life of social groups. If social groups find it hard to approximate the principles of justice, it seems that they are even less capable of achieving the agape principle of love, which demands more than justice.\footnote{Ibid.}

It is impossible, according to Niebuhr, to symbolize the divine goodness in history in any other way than by complete powerlessness, or rather by a consistent refusal to use power in the rivalries of history. For there is no self in history or society, no matter how important its perspective upon the competitions of life, which can rise to the position of disinterested participation in those rivalries and competition.\footnote{Ibid.} It can symbolize disinterested love only by a refusal to participate in the rivalries. Any participation in them means the assertion of one's ego interest against another. For this reason the ethics of nonviolence as taught in the Sermon on the Mount is in perfectly consistent relation with the love symbolized in the Cross.\footnote{Richard B. Gregg, The Power of Nonviolence (New York, 1951), p. 33.} If this revelation of agape by Niebuhr is true, then does it not make invalid the use of agape in the sense that Dr. King is using it? Is not the use of mass sit-in demonstrations, boycotts, pickets, and pilgrimages a way of wielding power in striking back at the oppressor. Moreover, agape means overflowing love which asks nothing in return,\footnote{King, Stride Toward Freedom, op. cit., p. 104.} but Dr. King does seek something in return. He seeks justice.

According to Niebuhr, the Cross symbolizes the perfection of agape which
transcends all particular norms of justice and mutuality in history. It rises above history and seeks conformity to the Divine love rather than harmony with other human interests and vitalities. This harmony is a desirable end of historical striving; but it can never be a final norm contends Niebuhr. For sinful egoism makes all historical harmonies of interest partial and incomplete; and a life which accepts these harmonies as final is bound to introduce sinful self-assertion into the ethical norm.  

Dr. King evidently believes that love, which he calls understanding, redemptive, and creative goodwill for all men, has an overwhelming attraction to that "something" within human nature which responds to goodness. Recognizing the fact that man has the capacity to be evil as well as good, Dr. King says that, "a Jesus of Nazareth or a Mahatma Gandhi can appeal to that element of goodness within human beings, and a Hitler can appeal to the element of evil within them." However, this seems to over simplify the situation. There is no significant amount of evidence supporting the idea that love has produced social justice in any great quantity. It is difficult to conceive of the worst segregationist becoming an integrationist solely on the basis of love. Evidence seemingly supports the contention that boycotts, court action and economic strangulation, as was the case in Montgomery, Alabama during the bus boycott, have been deciding factors. Thus, it appears that the power of boycotts, court action, pickets and economic strangulation which are physical in nature, not love, are the actual forceful instruments  

23Niebuhr, op. cit., p. 74.  
25Ibid., p. 7.
which have been effective in the achievement of social justice.

Another idea worthy of examination is Dr. King's concept of civil disobedience. Dr. King states that the passive resistance technique is passive physically, but strongly active spiritually. Yet, he utilizes boycotts, sit-in demonstrations and pickets which are clearly physical forces without which his techniques of love and nonviolence would perhaps be ineffective.

A second characteristic of nonviolence that is confusing is that it does not seek to humiliate or defeat the opponent but to win his friendship and understanding. The system is what is to be defeated, according to Dr. King. But does the system not consist of the very opponents that he professes not to humiliate or defeat? Who makes up the system and enacts the unjust laws that Dr. King is crusading to defeat? How can the opponents be separated from the evil system and the laws of which they are the creators? So, it seems that if the system is destroyed, the creators and manipulators are destroyed or at least defeated in the process.

The fourth principle is the willingness to accept suffering without retaliation, to accept blows without striking back. Again, the use of demonstrations in various forms comes to mind. Is not the use of these demonstrations a form of retaliation or a striking force identified in the interest of justice?

Dr. King's concept of nonviolence is interesting because, as in Gandhi's case, it seems that he regards it as spiritual in distinction to the physical

---

26 Ibid.
27 Ibid., p. 6.
28 Ibid., p. 5.
character of violence, while he uses panels, committees, sit-in demonstrations, boycotts and pickets to achieve the ends desired. Observe the Montgomery and Albany incidents. There has been at least one outburst of violence during each nonviolent campaign. Illustrative examples are the incidents of July 23, in Albany, Georgia and the bloody day of infamy at Montgomery, Alabama's Greyhound Bus Terminal where several bus passengers called "Freedom Riders" were brutally beaten and one Justice Department official of the United States Government received a severe head injury. 29

Reinhold Niebuhr says that there is no absolute distinction between violent and nonviolent coercion. The distinguishing marks of violence and conflict are usually held to be the intent to destroy either life or property. This distinction is correct, he believes, if consequences are not confused with intent. 30 Nonviolent conflict and coercion may also result in the destruction of property and even life as has been witnessed in the Amiston, Alabama, and Montgomery, Alabama, incidents. The difference is that destruction is not intended but possible consequence of nonviolent coercion. The chief difference between violence and nonviolence is not in the degree of destruction which they cause, though the difference is usually considerable, Niebuhr says, but in the aggressive character of one and the negative character of the other. 31

29 The writer witnessed the Montgomery incident and gave refuge to those who were fortunate enough to escape injury by retreating to the U. S. Post Office Building which is adjacent to the bus terminal. The "Freedom Riders" were given refuge at Radio Station WSMA where the writer was employed at the time.


31 Ibid.
There are certain other possible defects which have been detected in the nonviolent resistance technique. Several people have questioned the principles of nonviolence and the attainment of complete integration and justice through its methodology. A man like Samuel DuBois Cook contends that nonviolence is a myth, and with George Sorel, in Reflection on Violence, he believes that men are moved by myths and that all movements of a social nature are built on myths which affect the emotions of people and bring about social change. Further, Cook points out the danger in dealing with nonviolence as the tendency to absolutize it, thereby placing nothing higher. He submits that there is a higher goal, the attainment of justice. And it is sensible to believe that justice cannot always be attained through nonviolent means. Sometimes the failure to use a measure of violence may make inevitable a far greater injustice and violence. Failure to stop Hitler and Mussolini could have had a definitely different effect on history. Could love and nonviolent resistance have changed the minds of these two men who were so obsessed with the "might is right" idea? These leaders apparently respected only physical power of the same sort as they were capable of wielding.

These types of situations prompt the question, is violence or force always wrong? The absolutism of some of the nonviolence spokesmen, according to Dr. Howard Zinn of Spelman College, weakens their position because people know, deep down inside, even if they cannot articulate the reasons, that there are times when violence is justifiable. For nonviolence seen as an absolute

---

32 Samuel D. Cook, "The Syndicalists," (Lecture delivered to class in Political Science, Atlanta University, Atlanta, Georgia, May 1, 1962).

pacifism is only one of a pair of linked values which humanitarian people share—peace and social justice. The desirability of one must constantly be weighed against the other. Dr. King fails, unlike Gandhi, to admit that violence is sometimes necessary, but he admits that both nonviolence and violence agree that suffering can be a very great social force. Violence, Dr. King did not accept on the ground that it inflicts suffering on others.

Mahatma Gandhi, the Indian leader, of which Dr. King is a disciple finally realized the necessity of some type of physical coercion upon the foes of his people's freedom. "In my humble opinion," he declared, "the ordinary methods of agitation by way of petitions, deputations, and the like is no longer a remedy for moving to repentance a government so hopelessly indifferent to the welfare of its charge as the Government of India has proved to be," an indictment and an observation which could probably be made with equal validity against and about any imperial government of history. It should be remembered that justice can be achieved in America through court action and other media.

It should be remembered that the idea of civil disobedience is the essence of Dr. Martin Luther King's philosophy. It is important, at this point, to consider his concepts and criteria of just law. In his article, "Love, Law and Civil Disobedience," which appeared in the December, 1961, issue of New South, he recognized the significance of, and who determines the difference between a just and an unjust law. He offered the explanation that

---

34 Ibid.
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 law of God, so for that reason it is un-
just and any law that degrades the human personality is an unjust law."37

Further, Dr. King reveals that, "the individuals who stand up on the
basis of civil disobedience realize that they are following something that
says that there are just and there are unjust laws. Now they are not
anarchists. They believe that there are laws which must be followed; they
do not seek to defy the law, they do not seek to evade the law."38

The most confusing facet of Dr. King's idea of law is his formulation
of criteria by which to judge it. He states that a just law must square
with that which is right. Who can judge what is right and criteria are to
be used to judge it? A law is unjust which does not square with the law of
God. What is the law of God and who judges it? If the individual is to
determine what laws are just and unjust and what form of disobedience to
such laws, what authority is left to distinguish between enlightened resis-
tance to the rulers of the State and anarchy, which is the inevitable outcome
of such a situation? Dr. King claims the universal law and God as the sources
of his criteria.39 Is it so simple to claim universal law and God as the
sources of valid criteria by which to judge unjust law? It seems that natural
law is useful because it has been set up as a norm of what should be. It does
not seem to be a valid source because each person who makes claims always

38 Ibid., p. 8.
39 Ibid., p. 7.
has interpretations of those claims and each person who claims natural rights almost always has different reasons.

Should a man break the laws of State under any circumstance? This is the perennial question to which Dr. King answers "yes" if the laws do not square with right. This is what seems to be a circular argument. Who is to determine that which is right against that which is not right and in whose interest is either decision? Does not the State think that it is right? Is it not possible that both interpretations of just law could be wrong or at least inadequate? There are many interpretations of the law of God. Therefore, there are many ideas which are not in harmony with Dr. King's concepts. In the face of these differences, Dr. King seems to make his applications too easily. He seems to oversimplify the situation, which is not very convincing. Moreover, it is a very difficult task to formulate criteria for judging just law.
CHAPTER V

CONCLUSIONS

An analysis of the problem of civil disobedience in contemporary democratic thought reveals that there exists a seemingly irreconcilable conflict between individual freedom and political authority. In an effort to gain relief from the overpowering state, some men have devised ways and means of escape. The most familiar and possibly the widest practiced technique is nonviolent resistance, which had its roots deep in the annals of history. This technique, in some form, is present in each of the philosophies analyzed in this paper. The three major philosophies utilize the nonviolence technique. They are grounded in the assumptions that the government, in principle or practice, is unjust and therefore, the citizen has a right to disobey its laws. Moreover, there are certain inalienable rights of man and the right to obey the dictates of his conscience over positive law is such a right.

The following conclusions are drawn from an analysis of the problem of civil disobedience in contemporary democratic thought: (1) Nonviolence as advocated by Henry David Thoreau does not appear to have been the same as the type used by recent exponents, Mahatma Gandhi and Martin Luther King, Jr. To Thoreau, nonviolent resistance seems to have meant the refusal to support the government in any way. He preached against what he called bad government and refused to pay taxes because the government used the money to support slavery which he thought was evil. On the other hand, nonviolent resistance to Gandhi and King meant a resistance to evil through
self-suffering and love which was overflowing and embraced moral goodwill
and charity; (2) Each of the contemporary philosophies appears to be sketchy
and fragmentary. They seem to lack systematic order, therefore, they are
not completely convincing; (3) The chief difference between violence and
nonviolence is, perhaps, not in the degree of destruction which they cause,
but in the aggressive character of violence and the negative character in
nonviolence; (4) Nonviolence is capable of producing ends not totally dis-
similar from those of violence. Observe the Albany and Montgomery incidents;
(5) Love as advocated by Gandhi and Dr. King is, seemingly, strongly effec-
tive as a cohesive element—that is, it facilitates the nonviolence myth
which moves people emotionally and solicits their support in the name of
God. But it must be aided by other powerful physical forces, such as court
orders, boycotts, sit-in demonstrations and pickets, in the task of actually
removing laws and hindrances which are obstructing the path of justice; (6)
The Agape level of love, as referred to by Dr. King, is perfectly disinterested,
non-assertive and non-resistant, according to Reinhold Niebuhr. Therefore,
it is improbable that ordinary mortal man, with his egoism, can achieve,
with any degree of certainty, this level of love. Furthermore, there is a
seemingly constant struggle for justice and self-realization between men.
Moreover, this love is, according to Niebuhr, above and beyond the historical
setting and it can only be achieved by a refusal to participate in the con-
flicting struggles of history; (7) Neither of the doctrines of nonviolence,

1Reinhold Niebuhr, The Nature and Destiny of Man (rev. ed.; New York,
1949), p. 73.

2Ibid., p. 74.
appears to have valid criteria for judging "soul force," ahimsa, or Agape as norms of action; (8) Court action, not love, has caused the nonviolence movement to be successful in removing unconstitutional laws.
BIBLIOGRAPHY

Books


Pamphlets, Lectures and Articles

Cook, Samuel DuBois. "The Syndicalists." Lecture delivered to class in Political Science, Atlanta University, Atlanta, Georgia, May 1, 1962.


