

THREE PRINCIPLES OF CIVIL DISOBEDIENCE: GANDHI, KING, AND THOREAU

By Nick Gier

published in *Lewiston Morning Tribune*, January 15, 2006

True peace is not merely the absence of tension;
it is the presence of justice.—Martin Luther King, Jr.

I'm sure that people have protested unjust laws ever since the first laws were promulgated. Some scholars claim that Gandhi was influenced by an ancient tradition of civil disobedience in his own country, and we now know that Gandhi protested South African pass laws a year before he read Henry David Thoreau's famous work *On Civil Disobedience* in 1907. But it cannot be doubted that Thoreau's work did give an intellectual framework for Gandhi's program of active non-violence as well as new ideas for specific forms of non-cooperation.

When faced with unjust laws, Thoreau proposed that people could "obey them, amend them, . . . or transgress them." With respect to the Fugitive Slave Law of 1850, Thoreau chose to transgress. In eventually supporting the violent acts of John Brown, Thoreau broke with the non-violence resistance to which Gandhi and King consistently adhered. In July, 1846, Thoreau refused to pay a poll tax and spent one night in jail for his crime. Thoreau proclaimed that "under a government that imprisons unjustly, the true place for a just man is also in prison." Gandhi and King would go to jail for much longer terms and willingly accept the punishment for breaking the law.

We can now begin to discern several principles of civil disobedience. The first principle is that you maintain respect for the rule of law even while disobeying the specific law that you perceive as unjust. Gandhi very much admired Socrates' respect for Athenian law and his decision not to flee when his prison guards were bribed. King was always confident that American democracy would eventually treat his people as equal under the rule of law.

Non-violent activists do not seek to undermine the rule of law, but only the repeal of unjust laws. Gandhi and King's demands were clear and simple: laws that discriminated and disenfranchised must be abolished. Indian outcastes, African-Americans, and gays do not want "special rights"; they simply want the rights that all others enjoy. All legislators should realize that keeping discriminatory laws that many reasonable people protest erodes respect for the law.

The second principle of civil disobedience follows from the first: you should plead guilty to any violation of the law. As Gandhi explains: "I am here to . . . submit cheerfully to the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen." Gandhi

instructed his disciples to take the penance of their oppressors upon themselves. Gandhi's tactics were a form of moral and political *ju jitsu*. Some of Gandhi's judges felt as if they were the ones charged and convicted. Thoreau said that his one night in jail made the state look foolish. We have now arrived at the third principle of civil disobedience: you should attempt to convert your opponent by demonstrating the justice of your cause. Active nonviolence does not seek, as Gandhi says, "to defeat or humiliate your opponents, but to win their friendship and understanding."

Gandhi would have agreed with King's axiom that "there is within human nature something that can respond to goodness." This is what gave King hope that "the aftermath of nonviolence is the creation of the beloved community, while the aftermath of violence is tragic bitterness." Even though Thoreau cited Hindu scriptures in his book *Walden*, there is a much stronger spiritual dimension to Gandhi's and King's political activism. One could criticize them for violating the hallowed separation of politics from religion. This criticism, however, is unfounded. The establishment clause does not ban the expression of religious views; rather, it proscribes the favoring of one religion over another. Gandhi's and King's vision was inclusive and nonjudgmental, rather than declarations, such as a recent one by an army officer in uniform that "our God is greater than Allah."

Non-violent resistance to oppressive regimes had a good track record in the late 20th Century. From the Baltic States, across to the Ukraine, and east to the Philippines, ordinary people in dozens of countries have proved Thoreau correct: "When all subjects have refused allegiance, and all officers have resigned from office, then the revolution is accomplished."

Nick Gier taught religion and philosophy at the University of Idaho for 31 years. Excerpts from his book *The Virtue of Non-Violence: from Gautama to Gandhi* can [here](#). For the success of non-violent revolution in the 20th Century see Peter Ackerman and Jack Duvall, *A Force More Powerful: A Century of Nonviolent Conflict* (Palgrave Press, 2000).