

TWO VIEWS OF CIVIL DISOBEDIENCE:
HENRY DAVID THOREAU AND MARTIN LUTHER KING, JR.

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CHAPTER I

INTRODUCTION

Both Henry David Thoreau and Martin Luther King, Jr., believed in the power of civil disobedience as a form of justifiable protest against certain laws and functions of government. Both men practiced nonviolent resistance, and both were convinced of its workability, but there are distinctions in their ultimate objectives for its use. These distinctions relate primarily to the role of the individual in society and his involvement with or detachment from the state. The subject of this monograph is to study two views of civil disobedience, a subject which in itself implies a divergence of opinion. The procedure for identifying the views held by Thoreau and King will involve explanations of Thoreau's essay "Civil Disobedience," (1849) and King's "Letter from Birmingham City Jail," (1963).

Thoreau's primary motivation for practicing nonviolent protest was his desire to be left alone. His social opinions point to the basic premise that individual character must be allowed to develop freely, unhampered by social conventions and governmental restrictions.¹ Henry Thoreau did not form this opinion on the basis of one disagreement with the

¹Henry S. Salt, Life of Henry David Thoreau (Hamden, Connecticut: Archon Books, 1968; reprint of the 1896 edition), pp. 160-161.

Concord tax collector. The origins of his belief in the superiority of the individual are rooted deeply in his experience, beginning with his first teaching assignment shortly after his graduation from Harvard College in 1837. Thoreau was engaged by the trustees of Concord's Center School. After two weeks' work, he was visited by three members of the school committee. Deacon Nehemiah Ball, the leader of the delegation, observed that "Schoolmaster" Thoreau used no corporal punishment and that the pupils were inclined to be noisy. Deacon Ball reprimanded Thoreau for his "laxity" and demanded that the students be flogged.

Always one to keep his side of the bargain and wishing to dramatize the preposterousness of Deacon Ball's request, Thoreau returned to the room, called out several of the pupils, including the Thoreau family maid, and feruled them. . . . That evening Thoreau handed his resignation in to the committee. If he could not teach the school in his own way, he would have none of it.²

Thus, it was an altercation with a school committee that formed the basis for one of Thoreau's first acts of resistance against the established authority.

From the school incident which involved personal regimentation, Thoreau moved to a consideration of the evils of slavery. His thoughts on the subject were undoubtedly influenced by his acquaintance with Mrs. Joseph Ward and her daughter Prudence.³ The Wards moved from Boston to Concord

²Walter Harding, The Days of Henry Thoreau (New York: Alfred A. Knopf, 1965), pp. 52-53.

³Ibid., p. 73.

in 1833, and made their home with Thoreau's maiden aunts. Mrs. Ward and her daughter were radical abolitionists, having become charter members of Concord's Womens' Anti-Slavery Society in 1837. By 1839, this organization, whose membership also included Henry Thoreau's mother and sisters, was contributing significantly to the abolitionist activities of William Lloyd Garrison.⁴

It was unquestionably the Wards, mother and daughter, who aroused the interest of the Thoreau family in the anti-slavery movement and in turn planted the seeds in the young Henry's mind that were later to yield some of his most memorable words and deeds.⁵

Although Thoreau sympathized with the Garrisonian brand of abolitionism, he still was not convinced that an organizational approach in anti-slavery agitation would achieve the best results. In the April, 1844, issue of The Dial,⁶ Emerson published an essay by Thoreau on the Herald of Freedom, an abolitionist weekly published in Concord, New Hampshire. Henry praised the Herald's editor Nathaniel P. Rogers for his "individualistic rather than . . . organizational approach in anti-slavery activities."⁷ Rogers had called for the

⁴Harding, The Days of Henry Thoreau, p. 73.

⁵Ibid., p. 74.

⁶The Dial, a literary magazine and organ of the Transcendentalist movement, was founded in 1840 by Theodore Parker, Bronson Alcott, Orestes Brownson, Margaret Fuller, James Freeman Clarke, and Ralph Waldo Emerson. It was edited by Margaret Fuller (1840-42) and Emerson (1842-44) and ceased publication in 1844. Max J. Herzberg, The Reader's Encyclopedia of American Literature (New York: Thomas Y. Crowell Company, 1962), p. 256.

⁷Harding, The Days of Henry Thoreau, p. 119.

dissolution of abolitionist societies and organizations believing that they retarded the exercise of freedom on the part of individual abolitionists.⁸

For this heresy he was removed from the editorship of his paper later in the year by Garrison. But to Thoreau's mind Rogers was applying principles thoroughly in keeping with Transcendentalism to the major social problem of the day, slavery, and thus praised his efforts and his courage.⁹

The question of slavery was debated vigorously in the Concord Lyceum by radical abolitionists and conservatives alike. Thoreau became a curator of the Lyceum on March 5, 1845,¹⁰ and the organization invited Wendell Phillips of Boston to address them the following week. Phillips had appeared before the Lyceum in 1842, and his forthright abolitionist remarks had shocked John Keyes, one of the Lyceum's more conservative members. Keyes described Phillips' speech as "vile, pernicious, and abominable"¹¹ and moved for public censure of the Boston anti-slavery leader. Thoreau played a prominent role in defending Phillips' right to speak, and on March 12, 1845, he sent a letter to William Lloyd Garrison, editor of The Liberator, praising the courage of Wendell Phillips. Garrison printed the letter in The Liberator on March 28.¹² In lauding

⁸Harding, The Days of Henry Thoreau, p. 119.

⁹Ibid., p. 120.

¹⁰Ibid., p. 176.

¹¹Ibid., p. 175.

¹²Ibid., p. 176.

Phillips, Thoreau wrote:

We must give Mr. Phillips the credit of being a clean, erect, and what was once called a consistent man. He at least is not responsible for slavery, nor for American Independence; for the hypocrisy and superstition of the Church, nor the timidity and selfishness of the State; nor for the indifference and willing ignorance of any. He stands so distinctly, so firmly, and so efficiently, alone, and one honest man is so much more than a host that we cannot but feel that he does himself injustice when he reminds us of "The American Society," which he represents.¹³

Here again, Henry Thoreau saves his words of highest praise for a man acting alone to bring about reform. For him, "the mob" included all institutions, and "the mob" impeded progress. The fifth paragraph of Thoreau's "letter to the editor" emphasizes once more the superiority of the individual.

We would fain express our appreciation of the freedom and steady wisdom, so rare in the reformer, with which he (Phillips) declared that he was not born to abolish slavery, but to do right. We have heard a few, a very few, good political speakers, who afforded us the pleasure of great intellectual power and acuteness, of soldier-like steadiness, and of a graceful and natural oratory; but in this man the audience might detect a sort of moral principle and integrity, which was more than his own intellect, and more graceful than his rhetoric, which was not working for temporary or trivial ends. It is so rare and encouraging to listen to an orator who is content with another alliance than with the popular party, or even with the sympathising [sic] school of the martyrs, who can afford sometimes to be his own auditor if the mob stay away, and hears himself without reproach, that we feel ourselves in danger of slandering all mankind by affirming that here is one, who is at the same time an eloquent speaker and a righteous man.¹⁴

¹³The Liberator, March 28, 1845, p. 51.

¹⁴Ibid.

Besides the abolitionists, other "social reformers" attracted Thoreau's attention. Among them was J. A. Etzler, a German immigrant living in Pittsburgh, Pennsylvania, in 1833.¹⁵ Etzler had written a book of Utopian overtones¹⁶ which Emerson asked Thoreau to review in February of 1843.¹⁷ He sent his article to O'Sullivan's Democratic Review, where the review was published in the November, 1843, issue. Thoreau biographer Henry Salt has commented on the main point of Thoreau's criticism of Etzler's Utopian scheme.

. . . Under present conditions he (Thoreau) considered that the best hope of society lay in the progress and perfecting of the individual man by his own personal effort. . . . This view is stated very clearly in his criticism of a volume entitled The Paradise Within the Reach of All Men, in which the magical results of co-operation had been depicted in glowing colours--

"Alas! this is the crying sin of the age, this want of faith in the prevalence of a man. Nothing can be effected but by one man. He who wants help wants everything. True, this is the condition of our weakness, but it can never be the means of our recovery. We must first succeed alone, that we may enjoy our success together."¹⁸

The development of Thoreau's belief in individualism led to his consideration of the relationship of the individual to

¹⁵Henry S. Canby, Thoreau (Boston: Houghton Mifflin Company, 1939), p. 227.

¹⁶J. A. Etzler, The Paradise Within the Reach of All Men, Without Labour, by Powers of Nature and Machinery. An Address to All Intelligent Men. In Two Parts. (Pittsburgh, 1833; second edition, London, 1842).

¹⁷Canby, Thoreau, p. 227.

¹⁸Salt, Life of Henry David Thoreau, p. 159, citing The Democratic Review, November, 1843.

the state, Thoreau's opinions on this subject are best revealed in three political essays: "Civil Disobedience" (1849), "Slavery in Massachusetts" (1854), and "A Plea for Captain John Brown" (1859). These three documents represent a "progression of increased resistance to the State as an institution."¹⁹ The first, "Civil Disobedience," forms part of the basis for this study and will be examined in detail in the succeeding chapter. At this juncture, it will suffice to state that "Civil Disobedience" is a generalized consideration of the obligations of an individual to his government which carries implications of a "higher law doctrine." "Slavery in Massachusetts" is more outspoken in its condemnation of the evils of government,

. . . denouncing a particular incident of wrongdoing to a specific individual. The State could arrest him when wittingly he refused to pay his taxes and he would denounce government in general. But when it stepped in and took away the rights of an innocent individual, a Negro, Thoreau rose up in righteous wrath, shouting, "My thoughts are murder to the State." He swore, "The law will never make men free; it is men who have got to make the law free. They are the lovers of law and order who observe the law when the government breaks it."²⁰

"A Plea for Captain John Brown" is less an appeal for the radical abolitionist's life than a plea for his character. Brown was willing to implement his words with overt acts, and his courage and his ideals attracted the sympathy of Henry Thoreau, who thought of Brown as a Transcendentalist

¹⁹Harding, The Days of Henry Thoreau, p. 418.

²⁰Ibid., p. 318.

who had "followed the voice within himself even though it led him into opposition with the state."²¹

Throughout his life and in his work, Henry Thoreau maintained a defiant individualism which ranged from the protection of his personal rights as a teacher and a citizen, the defense of men sincerely committed to anti-slavery opinions, and the advocacy of a higher law doctrine, to the sympathetic tribute paid to John Brown, who had, in Thoreau's opinion, given his life in the cause for individual freedom.

Thoreau's belief in the efficacy of individual and moral integrity contains an obvious weakness.

For if the individual is to determine his own rights, what authority is left to distinguish between enlightened resistance to the rulers of a state, and anarchy, which will inevitably dissolve the state itself? Thoreau would have answered that you must have faith in man, you must believe that an intuition of what is necessary for survival is a reality in human nature.²²

This basic optimism is lacking in the philosophy of Martin Luther King, Jr., who was convinced that human nature is essentially not geared for progress but "distortions and rationalizations."²³

Martin Luther King's use of civil disobedience was intended to achieve friendship with the element of society

²¹Harding, The Days of Henry Thoreau, p. 418.

²²Canby, Thoreau, p. 236.

²³Martin Luther King, Jr., "Pilgrimage to Nonviolence," in Peter Mayer, ed., The Pacifist Conscience (New York: Holt, Rinehart and Winston, 1966), p. 404.

which had denied him his rights.²⁴ He believed that the desired ends of passive resistance could be best effected by an organized group, that total participation was essential to creating a new society.²⁵

When King was in his senior year at Crozer Theological Seminary (1951),²⁶ he was "a thoroughgoing liberal . . . absolutely convinced of the natural goodness of man and the power of human reason."²⁷ In doing doctoral work in systematic theology at Boston University (1951-1954),²⁸ King began to question the liberal doctrine of man and realized the "complexity of man's social involvement and the glaring reality of collective evil."²⁹ Writing about this change in his thinking, Dr. King stated:

I also came to see that liberalism's superficial optimism concerning human nature caused it to overlook the fact that reason is darkened by sin . . . Liberalism failed to see that reason by itself is little more than an instrument to justify man's defensive ways of thinking. Reason, devoid of the purifying power of faith, can never free itself from distortions and rationalizations.³⁰

²⁴Martin Luther King, Jr., Stride Toward Freedom (New York: Harper and Row, 1958), cited in Peter Mayer, ed., The Pacifist Conscience, p. 402.

²⁵Martin Luther King, Jr., Where Do We Go From Here: Chaos or Community? (New York: Harper and Row, 1967), p. 20.

²⁶Staughton Lynd, ed., Nonviolence in America: A Documentary History (Indianapolis: Bobbs-Merrill Company, 1966), p. 379.

²⁷King, "Pilgrimage to Nonviolence," Mayer, p. 403.

²⁸Lynd, ed., Nonviolence in America, p. 379.

²⁹King, "Pilgrimage to Nonviolence," Mayer, p. 403.

³⁰Ibid., pp. 403-404.

King's reading of the works of Reinhold Niebuhr³¹ made him "aware of the complexity of human motives and the reality of sin on every level of man's existence."³²

Dr. King developed an appreciation for existentialism, calling its awareness of man's finite freedom and "perception of the anxiety and conflict produced in man's personal and social life as a result of the perilous and ambiguous structure . . . especially meaningful in our time."³³ His concern for this "anxiety and conflict" began in Atlanta, Georgia, where he deeply felt the bigotry of racial injustice. His studies at the seminary prompted him to begin "a serious intellectual quest for a method to eliminate social evil."³⁴

Reading Gandhi³⁵ and Thoreau³⁶ helped to establish non-violent resistance as the method in King's fight against social evil. He moved away from Niebuhr's condemnation of pacifism as nonresistance and submission and adopted the Gandhian conviction that true pacifism is nonviolent resistance to evil.³⁷

³¹ Reinhold Niebuhr, American theologian, born 1892, Wright City, Missouri; author of Moral Man and Immoral Society (1932), Christianity and Power Politics (1940), and Nature and Destiny of Man (1941). Maxine Block, ed., Current Biography 1941 (New York: H. W. Wilson Company, 1941), pp. 612-614.

³² King, "Pilgrimage to Nonviolence," Mayer, p. 403.

³³ Ibid., pp. 404-405.

³⁴ Ibid., p. 405.

³⁵ Ibid., p. 406.

³⁶ King, "Pilgrimage to Nonviolence," in Stride Toward Freedom (New York: Harper and Row, 1958), cited in Lynd, ed., Nonviolence in America, p. 380.

³⁷ Ibid., p. 387.

Gandhi resisted evil with as much vigor and power as the violent resister, but he resisted with love instead of hate. True pacifism is not unrealistic submission to evil power, as Niebuhr contends. It is rather a courageous confrontation of evil by the power of love, in the faith that it is better to be the recipient of violence than the inflicter of it, since the latter only multiplies the existence of violence and bitterness in the universe, while the former may develop a sense of shame in the opponent, and thereby bring about a transformation and change of heart.³⁸

Just prior to completing his doctorate at Boston University in 1955, Martin Luther King accepted the pastorate of the Dexter Avenue Baptist Church in Montgomery, Alabama.³⁹

He encountered discrimination in the city's bus transit system, and through his leadership, a boycott was instituted. Nonviolent resistance proved to be a potent weapon. Montgomery's municipal buses were integrated without restrictions on seating Negro passengers, and Dr. King scored a victory for civil disobedience.⁴⁰ King put forth a six-point system, explaining the basic aspects of nonviolent resistance:

(1) nonviolent resistance is not a method for cowards; it does resist; (2) it does not seek to defeat or humiliate the opponent, but to win his friendship and understanding; (3) it is directed against the evil force rather than the persons who practice the evil; (4) nonviolent resistance demands that those who practice it must accept the necessary suffering

³⁸King, "Pilgrimage to Nonviolence," Lynd, pp. 387-388.

³⁹Lynd, ed., Nonviolence in America, p. 379.

⁴⁰King, "Pilgrimage to Nonviolence," Lynd, p. 390.

without retaliation; (5) it avoids not only physical violence but also violence of the spirit, and (6) nonviolent resistance is based on the conviction that the universe is on the side of justice.⁴¹

As founder and president of the Southern Christian Leadership Conference, Martin Luther King marched and demonstrated for equal rights for the members of his race. Before his assassination in Memphis, Tennessee, in April, 1968,⁴² King had often been the victim of personal violence and humiliation.

I have been arrested five times and put in Alabama jails. My home has been bombed twice. A day seldom passes that my family and I are not the recipients of threats of death. I have been the victim of a near-fatal stabbing. I must admit that at times I have felt that I could no longer bear such a heavy burden, and have been tempted to retreat to a more quiet and serene life. But every time such a temptation appeared, something came to strengthen and sustain my determination I have attempted to see my personal ordeals as an opportunity to transform myself and heal the people involved in the tragic situation which now obtains.⁴³

It was one of the later jail experiences, the one of April, 1963, in Birmingham, Alabama, which prompted Dr. King to write his "Letter." The "Letter from Birmingham City Jail" contains Dr. King's reasons for his use of nonviolent resistance in pursuit of racial equality and will be considered

⁴¹King, "Pilgrimage to Nonviolence," Lynd, pp. 391-395.

⁴²The New York Times, April 5, 1968, p. 1.

⁴³Martin Luther King, Jr., "Suffering and Faith," in Peter Mayer, ed., The Pacifist Conscience, p. 410.

in the third chapter of this study.

With some attention given to biographical backgrounds of Henry Thoreau and Martin Luther King insofar as these influence the development of their nonviolent resistance doctrines, this monograph now concentrates on two views of civil disobedience: the view from Concord and the view from Brimingham.

CHAPTER II
THE VIEW FROM CONCORD

The circumstances of Thoreau's arrest¹ for non-payment of the poll tax in 1846 are too well-known to rehearse here, but it should be established that his arrest was not the first of its kind in Concord, Massachusetts.² Three years earlier, Emerson's friend Bronson Alcott was arrested for the same offense. Alcott was not jailed, however, his taxes having been paid by the leading citizen of Concord, Squire Hoar. In December, 1843, Charles Lane, a friend of Bronson Alcott, was also arrested for refusing to pay the tax and was likewise quickly released. Once again, Squire Hoar paid the tax and avoided "a blot on the town escutcheon."³

The poll tax in question was a capitation tax which had been a standard source of revenue since colonial times. It was

. . . reaffirmed by the Massachusetts Constitution of 1780, which provided that "the public charges of government" should be assessed "on polls and estates in the manner that has hitherto been practiced." State taxes financed by levies on

¹Accounts of Thoreau's arrest are related by John C. Broderick, "Thoreau, Alcott, and the Poll Tax," Studies in Philology, LIII, 1956, pp. 612-626 and Walter Harding, The Days of Henry Thoreau (New York: Alfred A. Knopf, 1965), pp. 200-205.

²Walter Harding, The Days of Henry Thoreau (New York: Alfred A. Knopf, 1965), p. 200.

³Ibid.

polls and estates were not infrequent during the early years of the republic though taxes were not uniformly assessed.⁴

Thoreau's initial reason for refusing to pay the tax is not clear despite the emphasis he placed on the war with Mexico.⁵ He wrote:

It is for no particular item in the tax-bill that I refuse to pay it. I simply wish to refuse allegiance to the State, to withdraw and stand aloof from it effectually. I do not care to trace the course of my dollar, if I could, till it buys a man or musket to shoot one with,--the dollar is innocent,-- but I am concerned to trace the effects of my allegiance.⁶

The preceding statement suggests that slavery and war, both of which were practiced with the approval of the government, were significant factors in his decision. In his attempt to establish sources for the essay, Raymond Adams has explained:

. . . the essay grew out of contemporary events: the annexation of Texas in 1845, the War with Mexico in 1846, and the controversy over the obligation of Massachusetts to return fugitive slaves which came to a head in the state in 1848, the year Abolitionism forced a showdown in American politics through the Free Soil Party. Thoreau wrote

⁴John C. Broderick, "Thoreau, Alcott, and the Poll Tax," Studies in Philology, LIII, 1956, p. 613, citing The Massachusetts Constitution, Chapter I, Section I, Article IV.

⁵Ibid., p. 625.

⁶Henry David Thoreau, The Variorum "Civil Disobedience," edited and annotated by Walter Harding (New York: Twayne Publishers, 1967), p. 50, hereafter cited as "Civil Disobedience."

his essay in 1848. And in that essay he mentioned specifically the Texas annexation, the Mexican War, the returning of fugitive slaves, and the presidential election of 1848.⁷

Obviously, Thoreau's concerns had grown from the time of his arrest in 1846 until he delivered the lecture on "the relation of the individual to the State" before the Concord Lyceum on January 26, 1848.⁸

Thoreau's release from the Concord jail prompted a variety of reactions.

Georgie Bartlett (a Concord youth) in the excitement thought he was seeing a Siberian exile or John Bunyan himself. Emerson complained to Bronson Alcott that Thoreau's action was "mean and skulking, and in bad taste."⁹

Here is an essential difference between Emerson and Thoreau. Emerson was content to theorize, but Thoreau implemented theory with action.

He not only objected to the law; he made himself an object for the law to deal with. In other connections, Emerson expressed admiration for this quality of the concrete and specific in Thoreau, for the ability to put into action what Emerson left but a theory.¹⁰

⁷Raymond Adams, "Thoreau's Sources for 'Resistance to Civil Government,'" Studies in Philology, XLII, 1945, pp. 640-641.

⁸Harding, The Days of Henry Thoreau, p. 206.

⁹Ibid., p. 205.

¹⁰Adams, "Thoreau's Sources for 'Resistance to Civil Government,'" p. 646.

Alcott, however, was not so quick to criticize. He praised Thoreau, calling his willingness to go to jail for a principle "dignified non-compliance with the injunction of civil powers."¹¹

Thoreau's essay was first published in Elizabeth Peabody's Aesthetic Papers on May 14, 1849.¹² The periodical was established to further the transcendentalist philosophy after The Dial had ceased publication in 1844. At the time Miss Peabody requested a copy of Thoreau's lecture, he was working on the proofs for A Week on the Concord and Merrimack Rivers, and he hesitated at first to take the time to produce a fair copy of the Lyceum speech. However, Elizabeth Peabody soon received the manuscript, and six weeks later, it appeared in print under the new title "Resistance to Civil Government." The present title "Civil Disobedience" did not appear until the essay was included in Thoreau's Yankee in Canada, with Anti-Slavery and Reform Papers in 1866.¹³

The essay has four major points: (1) the law of one's individual conscience is a "higher law" than the law of the state; (2) when civil law and the "higher law" are in conflict, the individual is obligated to violate the civil law; (3) when

¹¹Bronson Alcott, Journals, edited by Odell Shepard, (Boston: Little, Brown and Company, 1938), pp. 183-184.

¹²Harding, The Days of Henry Thoreau, p. 206.

¹³Ibid., pp. 206-207.

the individual opts for the "higher law," he must willingly bear the penalty imposed by the civil law, and (4) the penalty demanded by the civil law may be found to be so unfair that fair-minded men may be moved to repeal it; or if sufficient numbers of honest men are willing to go to jail for a principle, the law will become unenforceable.¹⁴

Thoreau viewed governments, like other institutions, essentially as mere forms, sterile collections of unnatural limitations imposed upon the individual's moral judgment. He termed governments as impractical expedients.

Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient
The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it.¹⁵

In his evaluation of what the essence of the American government was in his own time, Thoreau called it a tradition, explaining that a single individual possesses more vital energy than all the processes of government.

It (the government) has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have.¹⁶

¹⁴Walter Harding, "Introduction," in The Variorum UCivil Disobedience" by Henry David Thoreau, p. 19.

¹⁵"Civil Disobedience," p. 31.

¹⁶Ibid., pp. 31-32.

Continuing his thoughts on government, Thoreau stated his conviction that the majority is allowed to exercise power, not because it is likely to do right, nor because government by the majority is fair, but because the larger group is physically stronger than the minority.¹⁷ This characteristic of majority rule did not, in Thoreau's mind, represent justice. Always willing to rely on the efficacy of the individual conscience, he declared:

Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right.¹⁸

Grown too large to be the efficient agent of the will of the people, the government, in Thoreau's view, had become an obstacle, a stumblingblock, denying the expression of individual will and perverting the intentions of progress and education.

Yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the west. It does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way.¹⁹

¹⁷"Civil Disobedience," p. 32.

¹⁸Ibid., pp. 32-33.

¹⁹Ibid., p. 32.

With the government thus indicted, one would expect that the law, the civil law, in its role of furnishing the fuel for the operation of "the machine" would come into unfavorable consideration by the man of Concord. Thoreau attacks the primary weakness of the law, declaring its abuse of common sense and conscience.

Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice. A common and natural result of an undue respect for law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys, and all, marching in admirable order, over hill and dale to the wars, against their wills, ay, against their common sense and consciences²⁰

Thoreau believed that a man who lives in a society governed by unjust laws should feel an obligation to disobey them. He called for an end to government by "machine."

If one were to tell me that this was a bad government because it taxed certain foreign commodities brought to its ports, it is most probable that I should not make an ado about it, for I can do without them. All machines have their friction; and possibly this does enough good to counterbalance the evil But when the friction comes to have its machine, and oppression and robbery are organized, I say, let us not have such a machine any longer. In other words . . . I think that it is not too soon for honest men to rebel and revolutionize.²¹

Henry Thoreau was not the first concerned thinker to advocate revolution. A century earlier, Jean Jacques Rousseau had justified rebellion against the power structure of France in

²⁰"Civil Disobedience," p. 33.

²¹Ibid., pp. 34-35.

his "social contract theory" of the origin of government.²² Rousseau's treatise implies that disharmony can result even in the best of socio-political arrangements, that one element of society will not always receive complete satisfaction, that protest is inevitable, and that revolution is highly probable. Unlike Rousseau, Thoreau did not call for a social revolution, but an individual reformation. He distrusted social institutions, and he suggested instead individual liberty brought about by personal evaluation of reforms deemed necessary. Despite his opinion that an end should be made of government by "machine," Thoreau was no anarchist.

But to speak practically, and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.²³

Social action, as Thoreau saw it, offered no practical solution. Thoreau critic and scholar, Walter Harding has written:

There is an irony about all this, that "Civil Disobedience" has become a manual of arms for reformers, for "Civil Disobedience" is "less a declaration of any intention to become a social reformer than a reaffirmation of his defiant individualism."²⁴

²²Jean Jacques Rousseau, Du Contrat Social; ou, Principes du Droit Politique (Paris: Editions Garnier Freres, 1962).

²³"Civil Disobedience," p. 32.

²⁴Walter Harding, A Thoreau Handbook (New York: New York University Press, 1959), p. 52, citing Joseph Wood Krutch, Henry David Thoreau (New York: William Sloane Associates, Inc., 1948), p. 134.

Protest for Thoreau exists on the level of a self-liberated individual opposed to a self-enslaved majority.²⁵

Directing his commentary toward contemporary political issues, Thoreau considered the annexation of Texas, the Mexican War, the return of the fugitive slaves, and a national political convention of 1848. He opposed each of these actions because of their denial of individual freedom. He particularly criticized the nomination procedure of presidential candidates, asserting that political conventions select only one candidate, thereby forcing the individual to limit his consideration of men available for the office.

I hear of a convention to be held at Baltimore, or elsewhere, for the selection of a candidate for the Presidency, made up chiefly of editors and men who are politicians by profession; but I think, what is it to any independent, intelligent, and respectable man what decision they may come to? . . . But no: I find that the respectable man, so called, has immediately drifted from his position He forthwith adopts one of the candidates thus selected as the only available one, thus proving that he is himself available for any purposes of the demagogue.²⁶

Statesmen and legislators, he believed, were most inadequate to deal with the crises confronting the nation. They were, in his opinion, too much grounded in the institution of government itself to see its evils. They thought within limits too narrow to detect the potential enslavement of

²⁵Don W. Kleine, "Civil Disobedience: the Way to Walden," Modern Language Notes; LXXV, 1960, p. 298.

²⁶"Civil Disobedience," p. 37.

individual conscience. He castigated one of the most respected legislators of the mid-nineteenth century, Senator Daniel Webster of Massachusetts.

Webster never goes behind government, and so cannot speak with authority about it. His words are wisdom to those legislators who contemplate no essential reform in the existing government; but for thinkers, and those who legislate for all time, he never once glances at the subject.²⁷

Thoreau's opinion of Webster was not entirely negative. He considered the Massachusetts orator one of the most sensible men in Congress, compared to the "cheap politicians" who constituted the majority. He continued:

Still, his (Webster's) quality is not wisdom, but prudence. The lawyer's truth is not Truth, but consistency, or a consistent expediency He is not a leader, but a follower.²⁸

Politics and civil law are matters for a majority, and as has been stated earlier, Thoreau was suspicious of the motives of the majority. The majority, he submitted, had crucified Christ, excommunicated Copernicus and Luther, and denounced Washington and Franklin as rebels.²⁹ Seeking a means for genuine reform, Thoreau chose to look not at the institution of government, not at the majority, but at the individual. For an individual to make his convictions known

²⁷"Civil Disobedience," p. 53.

²⁸Ibid.

²⁹Ibid., p. 40.

and his influence felt in a society ruled by a majority was to Thoreau the basis for a peaceful revolution and the beginning of a truly free and enlightened state.

The willingness of an individual to violate a civil law which runs contrary to what he knows to be right constitutes a belief in a "higher law doctrine." Thoreau's plan for implementing the higher law involves four steps: (1) the individual must recognize the existence of unjust laws; (2) he must act upon this recognition and violate the unjust law; (3) he must act alone, without banding with others, and (4) he must accept the consequences imposed by the civil law for his action. Thoreau explained:

Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? . . . If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the action of masses of men Under a government which imprisons any unjustly, the true place for a just man is also a prison.³⁰

Here, then, is the substance of Thoreau's "higher law" philosophy which became his means of striking at the bondage of man to government and restrictive legal codes designed to enslave individual conscience. Henry Thoreau concluded his

³⁰"Civil Disobedience," pp. 37, 39, 40, 42.

Martin Luther King likewise felt the influence of Thoreau's essay. Referring to his student days at Atlanta's Morehouse College, he wrote:

. . . at Morehouse I read Thoreau's "Essay on Civil Disobedience" for the first time. Fascinated by the idea of refusing to cooperate with an evil system, I was so deeply moved that I reread the work several times. This was my first intellectual contact with the theory of nonviolent resistance.³³

³³King, "Pilgrimage to Nonviolence," Lynd, p. 380.

CHAPTER III

THE VIEW FROM BIRMINGHAM

The year 1963 proved to be critical for the American nonviolent movement for civil rights. The forceful "Birmingham Manifesto," issued on April 3, 1963, launched demonstrations for racial equality that shocked American sensibilities on the civil rights issue. The immediate effect of the Birmingham demonstrations produced little change in the Alabama city, but the movement in Birmingham precipitated the peaceful "March on Washington" in August, 1963, and the struggle in the United States Congress for new civil rights legislation.¹

The "Birmingham Manifesto" was issued by two Negro clergymen, F. L. Shuttlesworth and N. H. Smith, chief executive officers of the Alabama Christian Movement for Human Rights, a sister-organization of Martin Luther King's Southern Christian Leadership Conference. The document contains a scathing indictment of the tradition of racism practiced in Birmingham.

The Negro protest for equality and justice has been a voice crying in the wilderness. Most of Birmingham has remained silent, probably out of fear. In the meanwhile, our city has acquired the dubious reputation of being the worst big city in race relations in the United States. Last fall, for a

¹ Staughton Lynd, ed., Nonviolence in America: A Documentary History (Indianapolis: Bobbs-Merrill Company, 1966), p. 458.

flickering moment, it appeared that sincere community leaders from religion, business and industry discerned the inevitable confrontation in race relations approaching Solemn promises were made, pending a postponement of direct action Some merchants agreed to desegregate their rest-rooms as a good-faith start . . . only to retreat shortly thereafter. We hold in our hands now, ² [sic] broken faith and broken promises.

Those who issued this statement resolved to resort to direct nonviolent action, stating:

We act today in full concert with our Hebraic-Christian tradition, the law of morality, and the Constitution of our nation. The absence of justice and progress in Birmingham demands that we make a moral witness to give our community a chance to survive. We demonstrate our faith that we believe that The Beloved Community can come to Birmingham.³

Two critically significant ideas are stated here: (1) "the law of morality" and (2) "The Beloved Community." The former implies a system of "higher law," which is morally right and which must be observed at the expense of the civil law if necessary. The latter suggests a unified brotherhood of men dedicated to observing the law of morality and living together in peace.

Once issued, the "Birmingham Manifesto" initiated a series of marches and demonstrations. Negro children were met by police dogs and fire hoses, and more than once Martin

²F. L. Shuttlesworth and N. H. Smith, "The Birmingham Manifesto," Freedomways, Winter 2964, pp. 20-21, cited in Staughton Lynd, ed., Nonviolence in America, pp. 459-460.

³Ibid., p. 460.

Luther King and other civil rights leaders lost control of the demonstrators.⁴ The police acted promptly, and Dr. King and many of his colleagues were arrested and confined to the Birmingham City Jail. During his incarceration, Dr. King read a statement issued on April 12, 1963, by eight Alabama clergymen⁵ who disagreed with the direct-action method used by the Southern Christian Leadership Conference and its affiliate organizations.

The eight clergymen who issued the statement included Charles C. J. Carpenter, Protestant Episcopal Bishop of Alabama; Joseph A. Durick, Auxiliary Bishop, Roman Catholic Diocese of Mobile-Birmingham; Rabbi Milton L. Grafman, Temple Emanu-El, Birmingham; Paul Hardin, Bishop of the Alabama-West Florida Conference of the Methodist Church; Nolan B. Harmon, Bishop of the North Alabama Conference of the Methodist Church; George M. Murray, Bishop Coadjutor, Episcopal Diocese of Alabama; Edward V. Ramage, Moderator, Synod of the Alabama Presbyterian Church, and Earl Stallings, Pastor, First Baptist Church, Birmingham.⁶ These clergymen, representing Protestant, Roman Catholic, and Jewish views, recognized the urgency of the demonstrators' plea for equal rights;

⁴Lynd, ed., Nonviolence in America, p. 461.

⁵C. C. J. Carpenter, et al., "Public Statement by Eight Alabama Clergymen," in The Borzoi College Reader, Shorter Edition, edited by Charles Muscatine and Marlene Griffith (New York: Alfred A. Knopf, 1968), pp. 186-187.

⁶Ibid., p. 187.

however, they were not convinced that the nonviolent direct-action approach was the best method to achieve a constructive solution to the racial dilemma. They stated:

. . . we are now confronted by a series of demonstrations by some of our Negro citizens, directed and led in part by outsiders. We recognize the natural impatience of people who feel that their hopes are slow in being realized. But we are convinced that these demonstrations are unwise and untimely We commend the community as a whole, and the local news media and law enforcement officials in particular, on the calm manner in which these demonstrations have been handled. We urge the public to continue to show restraint should the demonstrations continue We further strongly urge our own Negro community to withdraw support from these demonstrations, and to unite locally in working peacefully for a better Birmingham. When rights are consistently denied, a cause should be pressed in the courts and in negotiations among local leaders, not in the streets. We appeal to both our white and Negro citizenry to observe the principles of law and order and common sense.⁷

When Dr. King read this statement, he objected particularly to the following points: (1) the demonstrations were led by outsiders; (2) the demonstrations were unwise and untimely; (3) the law enforcement officials were commended for their "handling" of the demonstrations, and (4) the Birmingham Negro community was urged to withdraw its support. These objections, together with Dr. King's thoughts on the obligations of society to obey the moral law and his formula for nonviolent direct action, are contained in his response to the "Public Statement," the "Letter from Birmingham City Jail," of April 16, 1963.⁸

⁷Carpenter, et al., "Public Statement," pp. 186-187.

⁸Martin Luther King, Jr., "Letter from Birmingham City Jail," in Lynd, ed., Nonviolence in America, pp. 461-481, hereafter cited as "Letter."

King's letter begins with an explanation of his reasons for being in Birmingham to lead and participate in the demonstrations. By giving an account of the reasons for his presence there, he hoped to answer the charge that the protest had been led in part by "outsiders." He explained:

I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every Southern state with headquarters in Atlanta, Georgia. We have some eighty-five affiliate organizations all across the South--one being the Alabama Christian Movement for Human Rights Several months ago our local affiliate here in Birmingham invited us to be on call to engage in a nonviolent direct action program I am here because I have basic organizational ties here. Beyond this, I am in Birmingham because injustice is here.⁹

Aside from explaining his concern for the injustice evident in the Alabama city, King describes the extent of his organization. The presence of eighty-five affiliates indicates his conviction that reform must be organized with emphasis placed on educational and financial resources. The concern with a "united front" of resistance is explained further.

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea.¹⁰

Social reform, to be effective, must be, in Dr. King's view, comprehensive; it must be universal, and it must be carried

⁹"Letter," p. 462.

¹⁰Ibid., pp. 462-463.

on by all men together. The pursuit of social justice depends directly on the "network of mutuality" which encompasses all mankind.

Next in order of his objections is Dr. King's rebuttal to the opinion that the Birmingham demonstrations were unwise and untimely. He began by expressing "perplexity" that the clergymen's statement did not express a similar concern for the conditions that prompted the demonstrations.¹¹ His argument becomes particularly sharp when he declares:

I am sure that each of you would want to go beyond the superficial social analyst who looks merely at effects, and does not grapple with underlying causes.¹²

The power of King's rhetoric is particularly evident in this statement. He indicts the eight clergymen for their superficial consideration of the events in Birmingham with subtle care, transferring their own lack of concern with the "underlying causes" to the "superficial social analyst." He concludes his reply to the charge made against the wisdom and timeliness of the direct action program by saying:

I would not hesitate to say that it is unfortunate that so-called demonstrations are taking place in Birmingham at this time, but I would say in more emphatic terms that it is even more unfortunate that the white power structure of this city left the Negro community with no other alternative.¹³

¹¹"Letter," p. 463.

¹²Ibid.,

¹³Ibid.

Contending with the clergymen's praise for the Birmingham police department, King cited numerous examples of "inhuman treatment" inflicted by the law enforcement officials on the demonstrators, both in the streets and within the jail itself. His accusation penetrates with passionate eloquence.

You warmly commended the Birmingham police force for keeping "order" and "preventing violence." I don't believe you would have so warmly commended the police force if you had seen its angry violent dogs literally biting six unarmed, nonviolent Negroes. I don't believe you would so quickly commend the policemen if you would observe their ugly and inhuman treatment of Negroes here in the city jail; if you would watch them push and curse old Negro women and young Negro girls; if you would see them slap and kick old Negro men and young Negro boys; if you will observe them, as they did on two occasions, refuse us food because we wanted to sing our grace together. I'm sorry that I can't join you in your praise for the police department.¹⁴

Acknowledging the "rather disciplined" behavior of the police force in public, King objects not so much to the acts of personal violence and humiliation, serious as they are, but more to the perversion of their sworn obligation to protect the innocent and punish the guilty. The police, he charged, used moral means to further immoral ends; they maintained "flagrant racial injustice."¹⁵

Dr. King then directed his thinking to the appeal for Negroes in the city of Birmingham to avoid participation in demonstrations. Realizing, however, that negotiation with

¹⁴"Letter," pp. 479-480.

¹⁵Ibid., p. 480.

community and business leaders as well as in local, state, and federal courts is the ideal solution, he frankly admitted:

History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily . . . We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed . . . For years now I have heard the word "Wait!" It rings in the ear of every Negro with a piercing familiarity. This "wait" has almost always meant "never." It has been a tranquilizing thalidomide, relieving the emotional stress for a moment, only to give birth to an ill-formed infant of frustration.¹⁶

The forcefulness of his reasoning continues with an enumeration of frustrating and humiliating events both in the experience of the southern American Negro in general and of his own family in particular. He builds a convincing case against the element of society which countenances patience by explaining the reasons for his "legitimate and unavoidable impatience."¹⁷

Explaining his formula for any nonviolent direct action program, King insisted on following the following order of steps: (1) investigation to ascertain the presence of injustice, (2) negotiation, (3) self-purification, and (4) direct action.¹⁸ His organization had proceeded through each step in the formula in the Birmingham campaign. He cited

¹⁶"Letter," p. 466.

¹⁷Ibid., p. 467.

¹⁸Ibid., p. 463.

Birmingham's long record of segregation and unsolved bombings of Negro homes and churches,¹⁹ and on the basis of these facts, he determined that injustice was alive in Birmingham. Negotiations were attempted, beginning in September, 1962.²⁰ Local merchants agreed to remove racial signs from their establishments, and Shuttlesworth and Smith, the leaders of the Alabama Christian Movement for Human Rights, "agreed to call a moratorium on any type of demonstrations."²¹ The signs remained, and other attempts at negotiations failed. Self-purification involved personal and group evaluations of individual purpose, and the participants asked themselves, "Are you able to accept blows without retaliating?" "Are you able to endure the ordeals of jail?"²² Agreeing to postpone the demonstrations until after the March, 1963, elections,²³ the nonviolent resisters did not want their actions to cloud the election issues.²⁴ King explained the purpose of direct action.

Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored.²⁵

¹⁹"Letter," p. 463.

²⁰Ibid.

²¹Ibid., p. 464.

²²Ibid.

²³Ibid.

²⁴Ibid.

²⁵Ibid., p. 465.

The ultimate objective of this "creative tension" is to prompt negotiation to end the "tragic attempt to live in monologue rather than dialogue."²⁶

In King's formula for nonviolent direct action, the first consideration is the identification of unjust laws. The major thrust of the "Letter" is an explanation of the difference between just and unjust laws and King's rationale for considering segregation statutes unjust. Civil statutes, in Dr. King's thinking, are of two types: just laws and unjust laws.²⁷ He defined a just law as a "man-made code that squares with the moral law,"²⁸ and the citizen has not only a legal obligation but also a moral obligation to observe it to the letter. A just law uplifts the human personality.²⁹ But

An unjust law is a code that is out of harmony with the moral law. To put it in terms of Saint Thomas Aquinas, an unjust law is not rooted in eternal and natural law. Any law that lifts human personality is just. Any law that degrades the human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. To use the words of Martin Buber, the great Jewish philosopher, segregation substitutes an "I-it" relationship for the "I-thou" relationship and ends up relegating persons to the status of things.³⁰

²⁶"Letter," p. 465.

²⁷Ibid., p. 468.

²⁸Ibid.

²⁹Ibid.

³⁰Ibid.

King condemned segregation as politically, economically, and sociologically unsound, and citing Paul Tillich, American theologian, he makes a case for segregation as a moral evil as well.³¹

The higher law must be obeyed, he urged. Respect for law constitutes a willingness to disobey a law that conscience declares unjust and an acceptance of whatever civil penalty that may be imposed for the act of civil disobedience. Conscious of his obligation as a citizen as well as a civil rights leader, King denounced flagrant evasion and defiance of the law, realizing that this practice would lead to anarchical chaos.³² "One who breaks an unjust law," he stated, "must do it openly, lovingly . . . and with a willingness to accept the penalty."³³

To conclude, Martin Luther King used the civil disobedience approach to effect an atmosphere of "creative tension" in which divergent viewpoints could be discussed and ultimately resolved, permitting mutual understanding and acceptance. Four years after the Birmingham campaign, Dr. King wrote:

No great victories are won in a war for the transformation of a whole people without total participation. Less than this will not create a new society; it will only evoke more sophisticated token amelioration.³⁴

³¹"Letter," pp. 468.

³²Ibid., p. 469.

³³Ibid.

³⁴Martin Luther King, Jr., Where Do We Go From Here: Chaos or Community? (New York: Harper and Row, 1967), p. 20.

He sought a new society, the "Beloved Community" invoked by the "Birmingham Manifesto," where all men would work for unity.

We have inherited a large house, a great "world House" in which we have to live together--black and white, Easterner and Westerner, Gentile and Jew, Catholic and Protestant, Moslem and Hindu, a family unduly separated in ideas, culture, and interest, who, because we can never again live apart, must learn somehow to live with each other in peace.³⁵

³⁵King, Where Do We Go From Here: Chaos or Community?, p. 167.

essay with a note of guarded optimism.

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. I please myself with imagining a State at last which can afford to be just to all men³¹

Obviously, Thoreau's major objective in his act of civil disobedience was to demonstrate publicly his desire for a state which would appreciate the worthiness of each individual citizen, and to earn the right to such a state he must first be willing to overturn "the machine" and go to jail if necessary.

The essay "Civil Disobedience" has been before a reading public for one hundred twenty-one years, and in that time, many men have been moved by its straightforward assertion of the sanctity of the individual man. Among them was Mohandas K. Gandhi who first encountered Thoreau's philosophy as a young lawyer in South Africa. He said:

Why of course I read Thoreau. I read Walden first in Johannesburg in South Africa in 1906, and his ideas influenced me greatly. I adopted some of them and recommended the study of Thoreau to all my friends who were helping me in the cause of Indian independence. Why I actually took the name of my movement from Thoreau's essay, "On the Duty of Civil Disobedience," . . . until I read that essay I never found a suitable English translation for my Indian word, Satyagraha.³²

³¹"Civil Disobedience," p. 55.

³²Mohandas K. Gandhi, quoted in Webb Miller, I Found No Peace (New York: Simon and Schuster, 1936), pp. 238-239.

CHAPTER IV

"ONE HONEST MAN" OR "WORLD HOUSE"

As literary documents, "Civil Disobedience" and "Letter from Birmingham City Jail" present many contrasts. The former has an established reputation, both as a work of literature and as a statement of socio-political significance. Comparing Thoreau's essay to William Godwin's¹ An Enquiry Concerning Political Justice, Vernon L. Parrington has written:

. . . To neither thinker is there an abstract state, society, or nation--only individuals; and to both, the fundamental law is the law of morality. Political expediency and the law of morality frequently clash, and in such event it is the duty of the individual citizen to follow the higher law. Thoreau went even further, and asserted the doctrine of individual compact, which in turn implied the doctrine of individual nullification²

Frequently reprinted, anthologized, and translated,³ "Civil Disobedience" has received world-wide attention and has become an American "tradition." Martin Luther King's "Letter from Birmingham City Jail" has been in print less than one decade;

¹William Godwin (1756-1836), British author whose writings influenced Shelley and other English Romantic poets, author of the Gothic novel Caleb Williams (1794). Leslie Stephen and Sidney Lee, eds., Dictionary of National Biography (London: Smith, Elder, and Company, 1908), VIII, pp. 64-68.

²Vernon Louis Parrington, Main Currents in American Thought (New York: Harcourt, Brace and World, 1930), II, p. 410.

³Walter Harding, A Thoreau Handbook (New York: New York University Press, 1959), pp. 199-200.

therefore, sufficient time has not passed for it to become as deeply grounded as a work of "protest literature." The letter has received consideration, however. Staughton Lynd of Yale University has included it in his Nonviolence in America: A Documentary History (1966), and Peter Mayer's The Pacifist Conscience (1966) includes two other works by King, Stride Toward Freedom (1958) and Strength to Love (1963), in its extensive bibliography. Undoubtedly, the "Letter" will eventually become a primarily significant document in the literature of the American civil rights struggle.

A stylistic difference is evident in the two works. Thoreau's essay reflects a consciously developed sense of literary style. The style is straightforward and unadorned, and Thoreau's own degree of involvement in the subject matter is somewhat subdued, i.e. he remains philosophically aloof. The quality of literary style is not as highly developed in Dr. King's "Letter;" yet, the work is marked by a particularly moving eloquence influenced by the author's deep emotional involvement in the events which precipitated the composition of the letter.

Other contrasts in the two documents are the "primary targets" for the authors' statements and the ultimate objectives of their acts of civil disobedience. Thoreau's target is the institution concept, with particular emphasis on the institution of American government. The target of Dr. King's letter is the statement issued by the eight Alabama clergymen,

with larger implications involving the white power structure of the city of Birmingham in particular and all who practice racial discrimination in general. Thoreau practiced civil disobedience to demonstrate his contempt for the institution concept and its code of unnatural limitations on individual conscience. King led campaigns of nonviolent direct action to dramatize the evils of segregation statutes which denied the fulfillment of his idealized "community of brothers."

On the "higher law" belief, both Thoreau and King were in essential agreement, although King emphasized the orthodox religious view that segregation is sin because of its denial of moral unity. Thoreau obeyed the "higher law" because it came from within himself as evidence of man's essential goodness. King obeyed the "higher law" because it welled from the fountainhead of his religious faith. Both writers regarded civil law and government as instruments devised by the human institution, and because men are capable of error, laws may be unjust and governments may become abusive. For Thoreau the most effective deterrent to an unjust law is the "one honest man" who obeys the inner voice and consequently refuses to acknowledge the morality of such a law. For King unjust laws are best eliminated by a united brotherhood dedicated to the observance of moral law and the ultimate success of the "world house."

In conclusion, this monograph has been concerned with two aspects of civil disobedience philosophy as revealed in

Henry David Thoreau's essay "Civil Disobedience," (1849) and Martin Luther King's "Letter from Birmingham City Jail," (1963). Both documents have been examined, and both were found to appeal to man's sense of morality. The most significant similarity in the ideas emerging from the two works is the belief in the "higher law" doctrine. Both Thoreau and King evaluated man's moral and legal responsibilities and concluded that the moral right represents the higher law. The fundamental contrast revealed in the two statements involves the question of operational tactics to effect social reform. Thoreau insisted on an individual approach, while King relied on the organizational method. The principal difference in the thinking of the two writers is their view of society; Thoreau sought a means to avoid its conformism and mediocrity because to him it represented merely an assembly of men whose freedom of conscience and personal integrity had been violated. King reacted to society by seeking for the members of his race a means of involvement with it in order to bring about a new society, a society voluntarily governed by the law of morality.

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TWO VIEWS OF CIVIL DISOBEDIENCE:
HENRY DAVID THOREAU AND MARTIN LUTHER KING, JR.

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Both Henry David Thoreau and Martin Luther King, Jr., believed in the power of civil disobedience as a form of justifiable protest against certain laws and functions of government. Both men practiced civil disobedience, and both were convinced of its workability, but there are distinctions in their ultimate objectives for its use. These distinctions relate primarily to the role of the individual in society and his involvement with or detachment from the state. The subject of this monograph is to study two views of civil disobedience, a subject which in itself implies a divergence of opinion. The procedure for identifying the views held by Thoreau and King will involve explications of Thoreau's essay "Civil Disobedience," (1849) and King's "Letter from Birmingham City Jail," (1963).

Thoreau's primary motivation for practicing nonviolent protest was his desire to be left alone. His social opinions point to the basic premise that individual character must be allowed to develop freely, unhampered by social conventions and governmental restrictions. Martin Luther King's use of

civil disobedience was intended to achieve friendship with the element of society which had denied him his rights. He believed that the desired ends of passive resistance could be best effected by an organized group, that total participation was essential to creating a new society.

Thoreau's target is the institution concept, with particular emphasis on the institution of American government. The primary target of Dr. King's letter is the statement issued by the eight Alabama clergymen who criticized the Birmingham demonstrations, with larger implications involving the white power structure of the city of Birmingham in particular and all who practice racial discrimination in general. Thoreau practiced civil disobedience to demonstrate his contempt for the institution concept and its code of unnatural limitations on individual conscience. King led campaigns of nonviolent resistance to dramatize the evils of segregation statutes which denied the fulfillment of his idealized "community of brothers."

Both writers regarded civil law and government as instruments devised by the human institution, and because men are capable of error, laws may be unjust and governments may become abusive. For Thoreau the most effective deterrent to an unjust law is the "one honest man" who obeys the inner voice and consequently refuses to acknowledge the morality of such a law. For King, the unjust laws are best eliminated by a united brotherhood dedicated to the observance of moral

law and the ultimate success of the world house.

Both "Civil Disobedience" and "Letter from Birmingham City Jail" appeal to man's sense of morality. The most significant similarity in the ideas emerging from the two works is the belief in the higher law doctrine. Thoreau and King evaluated man's moral and legal responsibilities and concluded that the moral right represents the higher law. The fundamental contrast revealed in the two statements involves the question of operational tactics to effect social reform. Thoreau insisted on an individual approach, while King relied on the organizational method. The principal difference in the thinking of the two writers is their view of society; Thoreau sought a means to avoid its conformism and mediocrity because to him it represented merely an assembly of men whose freedom of conscience and personal integrity had been violated. King reacted to society by seeking for the members of his race a means of involvement with it in order to bring about a new society, a society voluntarily governed by the law of morality.

Accepted by:

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