Dilemmas and Dissidents in Democracies: How can change be achieved?

Samantha Scott
001208699
POLI 4995
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Dr. John von Heyking

Introduction

In modern day Western democracies, it is generally accepted that changing ingrained systems and accepted norms poses inherent difficulties. Recognition is also given to the continued existence of systemic barriers that colonial structures and governing documents written hundreds of years ago implemented. Although Western systems were intentional in their designs when it came to the emphasis on civic responsibilities and the inclusion of liberties (for certain populations), they were also consciously created with stability in mind, and therefore continue to be inherently cautious of large systemic shifts. Although there are, theoretically, democratic means to change outdated ("unjust") laws and policies, often the individuals who these changes would benefit are those who explicitly face the barriers associated with said laws/policies. In response, this paper is a study of civil disobedience and philosophies surrounding the creation of systemic change within democracies. The focus is specifically on the evolution of civil disobedience (both in theory and in practice) and how M.K Gandhi and Martin Luther King Jr. contributed, impacted, and applied these theories. Although the process of large-scale systemic change is often slow, arduous, and dangerous, it is *possible and necessary* to engage in order for democracies to grow and function.[1] Established Western systems were created when the definition of "all" was extremely exclusionary, and that interpretation of "all" is now obsolete. While there is a fine line between creating change and causing instability/anarchy, if populations do not engage with civil disobedience (or the creation of change in some capacity), it leaves potential for the stagnation and erosion of democratic systems.

The first section of this paper serves as an analysis of civil disobedience in democracies. It focuses on how ideas surrounding civil disobedience have shifted over the last century and a

[1] Another question to consider through this paper is whether the need for change in democracies is driven by the system's inherent prevention of change or by the hypocritical denial of benefits to those seeking them.

half, how/when/why it should be utilized, when it should be justified (both morally and legally), and what role it plays within democracies. The early/mid 20th century saw Gandhi and King successfully theorize and organize civil disobedience that created tangible systemic change; their contributions (both theoretical and practical) were integral in shifting how civil disobedience was viewed by the world over, indicating that civil disobedience could potentially be successful in fights towards injustice. After the accomplishments of the civil rights movement, scholars began to differentiate civil disobedience aimed at specific unjust laws and civil disobedience directed at broader systemic injustice impacting minority populations; the distinction between minorities fighting tangible injustices (ie. segregation) and the general population opposing controversial (though potentially "just") government decisions became increasingly ambiguous. This disparity, along with the disconnect between the theory and practice of civil disobedience, demonstrated key gaps in academic arguments. To this day, these inconsistencies continue to be a point of contention in the everchanging theories of how civil disobedience should exist and function. As globalization and technology has expanded, individuals are partaking in activism towards causes that do not impact them specifically and fighting battles occurring in other geographical locations (ie. Europeans protesting for Black Lives Matter, Canadians striking for the Israel/Palestine conflict). While theories of civil disobedience have been evolving, so has the ability of the masses to participate (triggering further evolution in theories of dissidence). Unlike the days of Gandhi and King, it is no longer necessary to write an essay or letter and wait for others to share; the world can now hear and watch in real time as injustice and action occurs. Although much of the shift in theory occurs after Gandhi and King, it is necessary to analyse how the theory has changed in order to understand the impact that they had. That we are still discussing their ideas (despite civil disobedience looking significantly different in the

twenty-first century) is a testament to their importance and contributions as dissidents, theorists, and heroes.

Sections II and II analyse the ideas of Gandhi and King respectfully, comparing and contrasting their theories of civil disobedience, where/how they found success in its application, and how they existed in their positions as leaders. There will also be a discussion on how their philosophical, moral, and theological views affected their beliefs, actions, and leadership. It must be noted that while the focus of this paper is on Gandhi and King, they are not the only individuals who have led instances of civil disobedience in Western democracies (or colonial systems, as in the case of Gandhi)[2] that had significant impacts on unjust laws and policies.[3] What is unique, however, is that these two figures became (and continue to be) mainstream heroes.[4] Gandhi was instrumental in inspiring individuals in Western democracies to evaluate creating change from a different perspective, and King was precedent setting for the significance of the changes that the civil rights movement created. The combination of their written theories and application of their techniques contributed directly to both their individual fame and world views of civil disobedience. While other scholars wrote works that were perhaps more influential from an academic perspective, and there are examples of civil disobedience that were equally as crucial in shifting unjust laws for minorities,[5] Gandhi and King were able to theorize about civil disobedience, turn their ideas into actions, *and* spur the masses to create real systemic change.

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[2] Certainly one could point out that all Western democracies are built on colonialism in some capacity, which ties into the inherent inequalities and perhaps necessity for civil disobedience in the first place…

[3] Other prime examples of civil disobedience in Western democracies include Suffragette movements, feminist movements, and Queer rights movements.

[4] For the average individual, they would likely struggle to identify the leaders of the Suffragette movement or the leaders of Queer rights movements (especially the leaders in countries they do not live in). I suggest this is because the writings/works/impacts of King and Gandhi had an effect on how the world discusses achieving justice for minorities.

[5] I use the word minority here for the sake of using language associated with civil disobedience theory, however, a better term would be underrepresented population.

Section I: An Analysis of Civil Disobedience

Although Henry David Thoreau was not the first person to suggest that a government was unjust or to question the role citizens play in creating systemic change,[6] he is credited with coining the term *civil disobedience.*[7] Existing in the US during the mid 19th century, Thoreau heavily criticized that the government answered to (and was therefore *responsible* to) only the majority.[8] Thoreau wrote that the government should have minimal involvement in the affairs of the people, contending that it would abuse its power and carry out what it decided was right, not necessarily what was just. It must be noted that, as critical as Thoreau was, he did support "government" as a concept:[9] "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."[10] For Thoreau, it was up to the individual to do what they though was just, rather than blindly follow rules made by a "corrupt" authority. He faulted citizens who stood idly by knowing injustice was occuring, asserting that at that point, not only was the citizen equally as at fault for the injustices as the government, but that apathetic citizens were the biggest barrier to change.[11] Thoreau contended that citizens had a *duty* to do the just "thing" *even if* it required self

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[6] The Apology of Socrates and Crito (Plato) and Antigone (Sophocles) are often cited as some of the first examples of civil disobedience.

[7] Henry David Thoreau, "On the Duty of Civil Disobedience," The Project Gutenberg eBook of On the Duty of Civil Disobedience by Henry David Thoreau, January 18, 2018. Essay originally published in 1849, titled "Resistance to Civil Government." https://www.gutenberg.org/files/71/71-h/71-h.htm

[8] Thoreau, "On the Duty of Civil Disobedience." Concerns surrounding the rule of the majority were actively discussed by the Founding Fathers and an attempt was made, when writing the Constitution, to address this issue. For more on the specific concerns surrounding "factions" see James Madison, "*Federalist* No.10," Library of Congress, Federalist Papers: Primary Documents in American History. Originally published in the *New York Packet* on Friday, November 23, 1787. https://guides.loc.gov/federalist-papers/text-1-10#s-lg-box-wrapper-25493273. Because of Thoreau's disdain for how majoritarian representation functions, I would put forth the argument that if Thoreau was writing in the 21st century, he would be a supporter of proportional systems as currently seen in many European democracies.

[9] It is unclear whether in this instance "government" can be read as "democracy," as near the end of his essay Thoreau asks if democracy is "the last improvement possible in government?". Regardless, he believed that significant change needed to occur before the US democracy could be considered "just."

[10] Thoreau, "On the Duty of Civil Disobedience."

[11] Ibid.

sacrifice.[12] It was up to each citizen to stand up for what they believed in (if they were willing) and fully accept the consequences of their (potentially illegal) actions. That Thoreau expected each individual to actively dissent whenever they saw fit speaks both to Thoreau's personal dedication/belief in improving "government" as well as, more broadly, the level of civic responsibility necessary for democratic systems to sustain themselves. This is crucial to keep in mind in this section as the discussion centers around citizen involvement, as well as in the following sections that note the citizen mobilization Gandhi and King were able to achieve.

Thoreau's essay, despite its concise nature and a noticeable lack of specifics related to *how* civil disobedience should be applied in practice, has sparked significant scholarly discussion since it was written. It must be considered that *that* lack of detail provokes new interpretations and contributes to its continued relevance and inspiration: "Thoreau demands that readers face fundamental questions: What constitutes the life you lead? How can you be satisfied with it? What *is* your work and what are you working for?"[13] Two main factors that must be taken into account when discussing the application of civil disobedience are the role that it plays in democracies and the implications associated with participating (both moral and legal).[14] In 1954, David Spitz wrote about the role that civil disobedience plays in democracies, considering the diverging duties a citizen has to themselves, the government, and democracy itself.[15] Spitz argues

[12] Thoreau himself "sacrificed" by spending a night in jail after refusing to pay his taxes, although his aunt payed them the next morning.

[13] William E. Cain, "Introduction." in *A Historical Guide to Henry David Thoreau*, ed. William E. Cain, (New York: Oxford University Press, 2000), 5. It is crucial to keep these questions in mind when studying Gandhi and King within the realm of civil disobedience, knowing they both were inspired by Thoreau, and ponder how they might have answered these questions.

[14] The following information is presented mainly chronologically, with the hopes of demonstrating a quasi-timeline of theories on civil disobedience. I do not have the capacity to cover every theory written, and as such, have selected the ones most applicable to demonstrating diverse views on the topic. One crucial source not discussed, though worth noting for the connection between Gandhi and King, is Richard B Gregg, *The Power of Nonviolence* (Philadelphia: J. B. Lippincott, 1934; Cambridge, United Kingdom; New York, NY: Cambridge University Press, 2018).

[15] David Spitz, "Democracy and the problem of Civil Disobedience," *The American Political Science Review* 48, no. 2 (1954); While the views of Spitz are perhaps less drastic, I would argue that if Thoreau had been alive in the 20th century, their writing and theories would have been very similar. Both focus on the moral obligations of citizens and

that citizens should have the right to participate in civil disobedience in three instances: When the system is unjust and therefore "has no moral authority to make demands;" when the system "ideally conceived is just but that the particular state is a perverted form of democracy and is therefore unjust;" when there is a specific unjust law, and it will serve society more to dispute it than to continue obeying it.[16] He notes that when citizens consider the moral dilemma associated with civil disobedience, they are often afraid of both the legal repercussions *and* social consequences. While the state theoretically has at least some obligation to protect citizens, this is not always the case (nor is it always plausible).[17] Spitz articulates the moral dilemma(s) of civil disobedience:

> What, then, is the citizen to do? If he obeys the law, he may violate his conscience. If he obeys his conscience, he may violate the law. If he obeys his conscience and seeks to vindicate his alleged disobedience by invoking the protection of the Constitution, he exposes himself to social or economic sanctions that are sometimes more powerful than the legal penalties that might have been applied had he not claimed that protection. The state, where it is not itself the deliberate provocateur, is indifferent to his fate in this last circumstance. Should he then be indifferent to the state?[18]

Spitz denotes the hypocrisy of the state insisting that civil disobedience should not be allowed on the claims of morality and consciousness,[19] asserting that "[a] just system may produce unjust laws."[20] He comes to two (Thoreau-ean) conclusions: citizens are responsible for maintaining the

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how citizens function to uphold/improve democratic ("government") systems. Although Spitz does not state in this paper a specific cause that civil disobedience should be directed towards (focusing on theories and the relationship between citizens and government more than specific applications), communism and civil rights were at the forefront of political discussions at the time. Spitz also notes that the punishments for civil disobedience have significantly lessened over time, as evidenced by dissidents in Ancient Greece often facing death. It must be noted, in comparing the punishment of Socrates and Thoreau, that Thoreau's one night in jail was very different from King's punishment(s). Contributions to this difference include both the perceived severity of the "crimes" and the race of the individuals involved. Given the time period of this article, are democracies actually changing how they endure civil disobedience, or is it merely a reflection of other social factors? What is the level of acceptance that the US (and more broadly, Western democracies) have for dissidents in 2024?

[16] Ibid., 387.
[17] Ibid., 388-391.
[18] Ibid., 392.
[19] Ibid., 392-395.
[20] Ibid,. 401.

tenets of democracy, and each individual must decide whether that is done by obeying the laws, attempting change through legal means, or through (either legal or illegal) civil disobedience.

Thoreau and Spitz established that civil disobedience is an opportunity for citizens to rise to the occasion when injustices are committed. Thoroughly lacking, however, is what civil disobedience entails outside of these moral obligations. Writing in 1961, Hugo A. Bedau recognized this issue and attempted to rectify it with his own analysis: "I suggest the following definition: Anyone commits an act of civil disobedience if and only if he acts illegally, publicly, nonviolently, and conscientiously with the intent to frustrate (one of) the laws, policies, or decisions of his government."[21] Bedau also grappled with when civil disobedience is necessary and/or justified. Whereas Thoreau and Spitz contended that each individual should enact civil disobedience if they believed the government was unjust, Bedau is more hesitant. "The force of saying, 'I ought to disobey this law' cannot be derived from 'Obeying this law is inconsistent with my moral convictions.' To enable the deduction obviously requires begging the question. The most we can say is that one has a right to conscientious disobedience; we need not and we cannot always go on to say that conscientious disobedience is the right thing to do."[22] Bedau also emphasized that there are no (and should not be any) conditions for when civil disobedience is universally justified. Civil disobedience is not a one-size-fits all model and ultimately there are more open ended questions surrounding morals and ethics than there are agreed upon answers.

Harrop Freeman (also writing in 1961) listed very specific criteria for civil disobedience that differ from those listed by Bedau and provide more detail than both Thoreau and Spitz.[23] Freeman puts civil disobedience in the middle of a scale that ranges from "Pacificism - Active Goodwill and Reconciliation" to "Violence Without Hate." Having such succinct criteria for

[21] Hugo A. Bedau, "On Civil Disobedience," *The Journal of Philosophy* 58, no.2 (1961): 661.
[22] Ibid., 663
[23] Harrop A. Freeman, "The Right of Protest and Civil Disobedience," *Indiana Law Journal* 41, no.2 (Winter, 1966).

different types of dissidence allows for Freeman to engage on an extreme theoretical level. The following are his criteria of civil disobedience:

> (1) "Civil" is not used in contradistinction to "criminal" (for some civil disobedience is indicted as criminal), but it is used as "against the state, the civil, the civitas." (2) It is an "intentional" act, a chosen course, not occasioned by accident. (3) It is used for an external purpose (to call attention to injustice, to change conditions). (4) It is non-violent, at least in origin. (5) It is a form of communication and asserts that it is within the theory of the first amendment. (6) It is used by those who are in fact barred from otherwise exerting power. (7) It may be legal or illegal.[24]

Freeman then goes on to discuss the role of civil disobedience within the state, defending that it plays a very specific role in the US regime and should be "recognized" and "protected."[25] In the Addendum of his paper (added 1966), Freeman discusses the Civil Rights movement and the subsequent Student Anti-war Movement. At that time, he was already hinting at the differences in the "ideals" (justifications) for each movement, noting that the rationales for the Student Anti-war Movement are "more difficult to grasp" than those behind the Civil Rights Movement.[26] Whereas Spitz and Thoreau believed a claim of injustice was enough, Bedau and Freeman were beginning to question the potential grey area that justified the use of civil disobedience in different scenarios. This skepticism foreshadowed key areas of disagreement and controversy that would arise within theories of civil disobedience moving forward.

Hannah Arendt also discusses both the legality and the moral consciousness surrounding the participation of individuals in civil disobedience.[27] One point that Arendt frequently emphasizes is the necessity for civil disobedience to be *collective action*. This is associated both with the moral component, as well as the effectiveness and less radical nature of creating real

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[24] Ibid., 231-232.
[25] Ibid., 235. Of note, he does still contend there should be punishment for illegal activities, though he argues it should be "nominal" at most. Note here the similarities and differences in how Spitz and Freeman look at the state/government's role in protecting dissidents.
[26] Ibid., 252.
[27] Hannah Arendt, *Crises of the Republic: Lying in Politics, Civil Disobedience on Violence, Thoughts on Politics, and Revolution*, 1st ed. (New York: Harcourt Brace Jovanovich, 1972).

social change.[28] For Arendt, the main qualifying features of civil disobedience are that it has to be public, for the benefit of the collective group, and be explicitly non-violent.[29] On the role that civil disobedience plays specifically within the US, Arendt discusses social contracts, the extent to which citizens are expected to "consent" to the state and its rules, and the difficulties that the representative system in the US has at actually representing *all* citizens (rather than representing/protecting itself).[30] Ultimately, Arendt argues that civil disobedient groups should have a similar status to lobbyists, which would allow them to legally and more efficiently shift government policies from "inside" the system to better represent *all* citizens. That collective civil disobedience is necessary in the first place is a testament to the inherent systemic inequalities that continue to plague America.

Another key interpretation of civil disobedience made around the same time as Arendt was produced by John Rawls.[31] Although Rawls' theories focus specifically on justice, he does discuss the role of civil disobedience in creating just democracies. Notably, he contends that civil disobedience can only be used in democracies that are already "nearly just:"

> I shall begin by defining civil disobedience as a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. By acting in this way one addresses the sense of justice of the majority of the community and declares that in one's considered

[28] Ibid., 59-62, 67-68; 98-99. She directly contrasts this collective action with both Thoreau and Socrates, suggesting that Thoreau was not acting to specifically change laws, but rather acting explicitly on his moral self-consciousness. This is of significance for the discussion surrounding Gandhi and King, as they demonstrate the capacity to participate in/lead collective action while also maintaining/following their own morals.
[29] Ibid., 75-77.
[30] Ibid., 83-96. One could make the argument that it is still a main difficulty the US is facing, and could further argue the issue is even more pronounced now and will continue to be at the forefront of the minds of US citizens as the 2024 US election approaches. Explicitly noted in this section as well is how African Americans and Indigenous peoples were not intended to be included in the original constitution, and although amendments have been made, it begs a broader question of whether or not a representative democracy can ever truly represent (read: treat as equal) a portion of the population it never intended on representing in the first place.
[31] John Rawls, *A Theory of Justice*. (Cambridge: Harvard University Press, 1971; Cambridge: The Belknap Press of Harvard University, 1999). Citations refer to the 1999 edition. It must be noted that Rawls' theories were (are) extremely influential and, as such, *many* critiques were written *specifically* in response to his work which I unfortunately do not get a chance to discuss in this paper. With that in mind, however, many of the theories presented later in this analysis do comment on Rawls' ideas to some extent (whether in support or in favour).

> opinion the principles of social cooperation among free and equal men are not being respected.[32]

Rawls states that while the dissident does not need to break the specific law they are protesting, they do need to *publicly* and *non-violently* break *a* law, work against the majority rule, and be prepared to accept the consequences of their actions.[33] While most of these sentiments line up with Thoreau's views, Rawls does not consider Thoreau's actions to *be* civil disobedience (Thoreau partook in "conscientious refusal," dissidence that involves "noncompliance with a more or less direct legal injunction or administrative order."[34]). Rawls (similar to Bedeau and Freeman) also disagrees with Thoreau and Spitz on *when* an individual should resist unjust laws:

> The real question is under which circumstances and to what extent we are bound to comply with unjust arrangements. Now it is sometimes said that we are never required to comply in these cases. But this is a mistake. The injustice of a law is not, in general, a sufficient reason for not adhering to it any more than the legal validity of legislation (as defined by the existing constitution) is a sufficient reason for going along with it. When the basic structure of society is reasonably just, as estimated by what the current state of things allows, we are to recognize unjust laws as binding provided that they do not exceed certain limits of injustice. In trying to discern these limits we approach the deeper problem of political duty and obligation.[35]

Rawl argues for the use of civil disobedience on three conditions: when there are serious cases of injustice that are infringing upon basic liberties; when legal action has not succeeded in creating the necessary change (assuming legal action can indeed be taken); when one minority group sees another equally marginalized organized minority taking action (assuming the other two conditions have been met).[36] As for civil disobedience within democracies, Rawls states that

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[32] Ibid., 320; Rawls also discusses what a theory on civil disobedience should ask/entail, and an interesting question to consider is whether or not Thoreau answered any of these within his initial essay…
[33] Ibid., 320-323
[34] Ibid., 323; Based on his discussion of conscientious refusal (pages 323-326), Rawls likely would have also considered Socrates and Antigone to have participated in conscientious refusal rather than civil disobedience.
[35] Ibid., 308; He speaks to this point pages 308-312.
[36] Ibid., 326-331, though he does note that this is not exact and there may be exceptions.

while it is illegal, it is necessary for maintaining/strengthening institutions.[37] When used effectively and scarcely, civil disobedience contributes to making democracies more just for all.

Jumping ahead, writing from a German perspective a few years before the fall of the Berlin Wall, Jürgen Habermas discusses civil disobedience specifically related to the question of nuclear missiles and their role in the Cold War at the time.[38] Although Habermas comments on the tenets of civil disobedience (discussing Rawls specifically)[39] and the necessity to distinguish civil disobedience from criminal activity (in a similar vein to Arendt),[40] his work emphasizes that civil disobedience is necessary for effective democracies to exist. This argument hinges on the notion that systems are willing/able to change as morals and viewpoints shift: "The problem we are seeking to investigate can only arise if we proceed from the assumption that the modern constitutional state both requires and is capable of a moral justification."[41] He discusses the paradoxical nature of democracies existing in a state between sustaining themselves/order and the necessity of allowing for growth, *knowing* that at least part of this growth will be achieved through the disorder associated with civil disobedience.[42] Despite advocating for its use, Habermas does not go as far as Freeman to suggest that civil disobedience should be legal: "Civil disobedience must remain suspended between legitimacy and legality; only then does it signal the fact that the democratic constitutional state with its legitimating constitutional principles reaches beyond their positive-legal embodiment."[43] Without civil disobedience (that is taken into consideration), democracies run the risk of becoming stagnant and losing the faith of its citizens.

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[37] Ibid., 335-337.
[38] Jurgen Habermas, "Civil Disobedience: Litmus Test for the Democratic Constitutional State," *Berkeley Journal of Sociology* 30, (1985).
[39] Ibid., 99-100; I would argue that Habermas's theories also align mostly with those suggested by Freeman.
[40] Ibid., 97.
[41] Ibid., 101.
[42] Ibid., 103-105. He also makes the explicit note that often the individuals who must partake in civil disobedience are the ones who do not necessarily have access to the same protections and/or rights as the majority.
[43] Ibid., 106; This quote is a reaffirmation to the beginning of his paper where he notes the grey area that civil disobedience captures between solely obeying democratic norms and partaking in criminal acts.

Habermas states that civil disobedience against nuclear weapons is directed towards a type of injustice that is less distinct than unjust laws/policies against minorities (ie. the policies the civil rights movement fought).[44] While Habermas notes the importance of civil disobedience *in* democracies, by using the example of protesting the use of nuclear weapons, he is suggesting that *what* is considered unjust and *when* civil disobedience can be used is much more ambiguous than previously argued. Whereas Freeman and Rawls (and even Arendt to some extent) clearly distinguish dissidence without the specific end goal of changing an unjust law as different than civil disobedience, this distinction blurs post-Vietnam war and during the Cold War as theories on civil disobedience, justice, and citizen obligations within Western democracies emerge.[45]

Another question added to the civil disobedience dialogue, then, is related to the end goal of the action. This shift continues with Ronald Dworkin who also writes about civil disobedience towards nuclear weapons.[46] Dworkin distinguishes three types of civil disobedience: "integrity-based," dissidence against a law that requires one to act against their own morals; "justice-based," direct opposition of injustice put forth by a majority;[47] "policy-based," (most pertinent for this specific discussion), which is when "[p]eople sometimes break the law not because they believe the program they oppose is immoral or unjust, in the ways described, but because they believe it is very unwise, stupid, and dangerous for the majority as well as any

[44] Ibid., 109-110.
[45] Recall the different categories in Freeman's "Spectrum of Non-Violence," Rawls' discussion of conscientious refusal, and Arendt's thoughts surrounding collective morals. It should also be noted that while Freeman and Rawls did not consider Thoreau to have taken part in civil disobedience, newer theorists like Habermas and Dworkin (see footnote below) do.
[46] Ronald Dworkin, *A Matter of Principle*. (Cambridge, Massachusetts; London, England: Harvard University Press, 1985).
[47] Ibid., 107. Interestingly, while Dworkin does say that individuals should be willing to accept the consequences and punishment for their actions, he does not agree with other scholars on the necessity for civil disobedience to be a specifically public act (especially integrity based).

minority."[48] Although he is referencing dissidence towards specific laws, he is allowing civil disobedience towards policies that are not necessarily unjust, merely inadvisable and "stupid."

Other than Harbermas, scholars who discussed civil disobedience up until this point did not explicitly leave room for action against just (but potentially "immoral") laws/policy decisions (ie. entering a war). This begs a question of morals and civil disobedience within democracies from a different perspective. Scholars have said that either you *must* act against unjust laws, or that unjust laws potentially provide validation *for* civil disobedience, but what if a law can be argued to be just, you merely believe it is immoral? Dworkin, to his credit, does concede this is the least justified type of civil disobedience and it will be up to other theorists as to whether or not they can find a way *to* justify it,[49] but he expresses it as a category nonetheless. Theories like these began to set a precedent for new ideas considering a broader scope of what should be considered civil disobedience, along with how and when it should be utilized.

While Dworkin was unable to find justification for policy based civil disobedience, other scholars took on the challenge, going so far as to suggest that "liberal" theories (theories presented up to this point) were entirely outdated. Daniel Markovits echoes and expands on these ideas, explicitly noting how civil disobedience has shifted since the Civil Rights movement.[50] Markovits differentiates between "liberal disobedience" (traditional ideas) and his new theory of "democratic disobedience."[51] Crucially, the word "justice" is not associated with democratic disobedience; instead, the "justification" is purely related to the regime it exists in. To summarize the theory briefly, in "republican democracies," citizens are expected to actively participate in

[48] Ibid., 107.
[49] Ibid., 112-113.
[50] Daniel Markovits, "Democratic Disobedience." *Yale Law Journal*, 115, no 8 (June 2005): 1898-1900.
[51] Ibid.. 1902. Recall earlier in this paper when I noted that Thoreau was "for government," however, it is unclear whether that meant a broader governing system *or* democracy specifically. By creating a theory specifically *for* democracies, I would put forth that Markovits is also arguing that democratic regimes and how they are studied should be re-examined and updated (something I do not get to explore in this paper).

democracies and, if there are “democratic deficits" (the idea that democracies are imperfect with ever changing needs and potentially imperfect representatives), there is a case to be disobedient and bring issues to light. William Smith, a contemporary of Markovits, challenges Markovits’ theory and suggests his own “deliberative theory” of civil disobedience.[52] Again, to summarize, Smith contends that instead of examining “republican democracies,” we must consider democracies and their “public sphere.” This is where democratic notions can be healthily “deliberated,” revisited, and shifted when necessary. As such, civil disobedience can be defended as a way to bring issues into the discourse and debate *of* the public sphere.

There are two crucial points to discuss related to the theories of Markovits and Smith. First, Markovits’ and Smith’s new theories are related to the justification and rationale of civil disobedience, not the broadly accepted criteria of what civil disobedience entails. This suggests that by the early 2000’s, the debate surrounding the criteria of civil disobedience had been mostly resolved, the dialogue shifting towards its justification. The second point to make is that Markovits and Smith were writing with very specific (and not necessarily mainstream) ways of looking at democratic systems in mind. This distinction brings into question the ability to apply these theories of civil disobedience in practice; in order for the theories of Markovits and Smith to be applied/justified by either individuals or government, the democracy (and/or governing party/power) and citizens have to view themselves and the regime in that specific light.[53] When

[52] William Smith, “Civil disobedience and the public sphere.” *The Journal of Political Philosophy* 19, no.2 (2011): 145-66, https://doi.org/10.1111/j.1467-9760.2010.00365.x is an explicit critique of Markovits; William Smith, “Deliberative Democratic Disobedience,” In *The Cambridge Companion to Civil Disobedience*, ed. William E. Scheuerman (Cambridge, UK: Cambridge University Press, 2021) provides further analysis of deliberative democracies and dissidence.

[53] It must be noted, of course, that this is not the first time (either in history or in academia) that theories of civil disobedience have been criticized for being too specific and potentially unrealistic when applied in real life situations (we have seen numerous examples in this paper of the moral debate surrounding participation in civil disobedience). While these scholars are using specific real life events as past examples (meaning that their theories hold merit and are legitimate in some capacity), it must be observed that instances of civil disobedience are significantly different each time they happen, including different leaders, social/political issues, and responses from authorities. While X example(s) may be a prime opportunity to prove a specific theory, it does not mean that that situation can be replicated, nor does it mean that that theory can be applied to other cases that have their own

theories of civil disobedience were simpler to digest by the public (ie. Thoreau saying we must not support injustice, Gandhi and King preaching non-violence resistance), it was easier for the everyday citizen to participate and justify its use.[54] As civil disobedience theories become simultaneously more broad and more specific, the actual practice of dissenting against laws (whether they are unjust, undemocratic, or non-justified in another way), becomes diluted and confusing to achieve in practice. In other words, although Markovits and Smith both admit that their theories are imperfect, their suggestions of when and how to justify civil disobedience are equally as debatable and questionable as liberal civil disobedience theories. Although Markovits and Smith are correct in suggesting that by the 2000's (considering globalization and the increased use of technology) new theories of civil disobedience should emerge, democratic disobedience and the deliberative theory merely suggest *how* civil disobedience can exist in democracies in very specific ways.

Having reached the almost present day point to the timeline, various theories on the criteria of what should be considered civil disobedience, views on how the legal system should respond, the importance of civil disobedience *in* democracies, and most importantly, a healthy debate on when its use can be justified, have been presented. William Schuerman summarizes various debates of liberal versus new theories in his writing on the "Anti-Legal turn" of civil disobedience.[55] He discusses the complex issue of legality, arguing that despite new theories

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specific criteria. I would go so far as to suggest that as scholars create more specific theories, they are hindering the use and practice of civil disobedience in democracies.

[54] This is not to suggest that the theories presented by Gandhi and King are not complex in their own rights, as evidenced by the numerous analyses of their works. Rather, it is to note that their ideas were easy to comprehend by the average citizen, and that individuals did not need a degree in political science or philosophy to be able to morally justify whether their actions were acceptable.

[55] William E Scheuerman, "Recent theories of civil disobedience: An anti-legal turn?" in *The Journal of Political Philosophy* 23, no.4 (2015): 427-49. https://doi.org/10.1111/jopp.12055. Schuerman also compiled/edited various views on civil disobedience in William E. Scheuerman, ed, *The Cambridge Companion to Civil Disobedience* (Cambridge: Cambridge University Press, 2021). While I do not have the capacity to discuss each specific theory in this paper, many of the scholars who I have referenced in this paper already supplied chapters to the book, and, writing from a 2021 perspective, have supplied new and updated ideas to the theories of civil disobedience.

emerging against liberal disobedience, there is a necessity for civil disobedience "to be understood as underpinning the rule of law,"[56] and "that civil disobedience and respect for the rule of law go hand in hand"[57] (he does, on his part, concede that it is difficult to reconcile this part of the liberal civil disobedience theories).[58] Hatice Atilgan also discusses various theories of civil disobedience,[59] boldly asserting that violence *can* play a role:

> Weaving these divergent streams of literature together, this paper suggests an integrated view of civil disobedience. Accordingly, when regulated, violent tactics may be justifiable so long as it aims to foster deliberative communicative action. The majority's sense of morality can be used for practical purposes but cannot be a moral ground. Also, there is no moral guarantee for a subjective civil action, and civil action does not necessarily bring a positive change. Lastly, this integrated view argues that the definition of civil disobedience is produced by the dominant ideology to serve the powerful group's benefits and thus, may not be willing to capture the entirety of civil disobedience's socio-political aspects.[60]

Here we witness an attempt at a justification for potentially violent civil disobedience in democratic settings where scholars are *already* struggling to agree on if/when *nonviolent* civil disobedience should indeed be justified.[61] A question to pose here, then, is how far can theories surrounding civil disobedience shift and change before theorists are discussing two totally different concepts? Candance Delmas argues not for the use of violence, but for "incivility:" "It is thus time to start thinking about uncivil disobedience – to wit, disobedient acts that are principled yet also deliberately offensive, covert, anonymous, more than minimally destructive, not respectful of their targets, or which do not aim to communicate to an audience the need to

[56] Schuerman, "Recent theories of Civil Disobedience," 428.
[57] Ibid., 441.
[58] Ibid., 447
[59] Hatice Atilgan, "Reframing civil disobedience as a communicative action: Toward a critical deliberative theory of civil disobedience," *International Journal of Sociology and Social Policy* 40, no. ½ (2020): 169-83. https://doi.org/10.1108/IJSSP-06-2019-0127.
[60] Ibid., 179.
[61] There is a gigantic *IF* to be put here, related to whether or not violence *should* be considered part of civil disobedience, which Atilgan fully acknowledges. Although liberal theory has its critiques, this question and new proposal presents significant further moral and ethical questions. Perhaps the biggest question, however, is whether or not those (both scholars and the public) who support civil disobedience would continue to do so if it is associated with violence. The whole point of civil disobedience is that it was explicitly *non-violent*. What would Gandhi, King, and Freeman have to say about this?

reform laws, policies, or institutions."[62] Delmas further holds (in a very Thoreau-ean fashion, once again) that part of citizens' role in democracies is participating in opposition towards injustice.[63] These contrasting views (along with the numerous others summarized in their works) have swung the pendulum of civil disobedience (for a lack of a better metaphor) to the opposite end of Thoreau, leaving an equal level of ambiguity. Each theory written presents difficulties for practical implementation, admitted theoretical holes, and more questions than answers.

A final point to make for this section is that as civil disobedience has become more broadly used, the question of what is considered "unjust" has become more nuanced alongside the rise of populism and polarization that has been witnessed across Western democracies.[64] I spoke briefly in the introduction about the necessity of civil disobedience within democracies, and although I emphasised participation, the necessity of even witnessing civil disobedience occurring is crucial. Within democracies, there have been millennia long debates about the social contract and what freedoms/liberties citizens should relinquish in exchange for certain guaranteed safety/stability. Citing a present day (controversial) example, consider the Convoy protests against Covid-19 regulations that occurred in Ottawa in early 2022. Looking at this situation from a purely theoretical perspective, it was a minority population that believed their rights were being violated by the government, and therefore took action to defend themselves.

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[62] Candace Delmas,. "Civil Disobedience," *Philosophy Compass* 11, no. 11 (2016): 685. https://doi.org/10.1111/phc3.12354. She further discusses this idea in Candace Delmas, "(In)civility," In *The Cambridge Companion to Civil Disobedience,* ed. William E. Scheuerman, 203-230. Cambridge, UK: Cambridge University Press, 2021.

[63] Candance Delmas, *A duty to resist: When disobedience should be uncivil*, (New York: Oxford University Press, 2018).

[64] I would argue it has become even *more* nuanced than modern day scholars have expressed, especially in the world post Covid-19. An interesting point to consider here is that in almost all cases for the use of civil disobedience, a very explicit "us versus them" (populist) narrative is necessary (X oppressed population versus the government/state). Although I do not have the opportunity to provide an analysis of populism and civil disobedience in this paper, it is interesting to consider that *if* civil disobedience is necessary for democracies to sustain themselves/evolve (which is argued by many scholars presented in this analysis), and *if* some level of populism is required in order for civil disobedience to be necessary, does that suggest that populism will always be present in Western democracies as we know them? There is an opportunity for more research to be done on this topic.

Was the government indeed being unjust with their Covid-19 response plan? And further, was the Government in the right to employ the responses to the Convoy that they did?[65] These questions have left the country grappling with to what extent should the government leave legal wiggle room for civil disobedience, and how much civil disobedience should be allowed before the situation leads to a destabilization of both the government and the democratic system? It must be noted that (as most of the scholars in this paper discuss), one key tenet of democracy is the people's faith in the system; As the government allowed the movement to continue (the grey area of legality), the people who were impacted lost faith in the government and justice system to protect them. Speaking to the liberal theory of civil disobedience, was the perceived injustice that this minority was facing enough to morally justify the use of civil disobedience? The question then is really a question of systemic values and what individuals value more: their right of assembly/free speech (or whatever the equivalent is), or the ability of democratic governments to protect them, knowing that those with opposing views are granted equal rights, freedoms, and protection? This question has been worded differently by scholars for millenia, and how an individual answers is dependent on whether or not they think the government/system represents and *benefits* them. To summarize, whether or not an individual believes civil disobedience is justified is in direct relation to an individuals' perception of whether or not government policies protect or impede *their* own rights and the rights of *all*.

For the last 150 years, scholars have presented theories on civil disobedience and leaders have demonstrated how it can be applied to create change. These examples inspire everyday citizens to actively participate in democratic systems, and Gandhi and King were at the forefront of demonstrating the true impact that civil disobedience can achieve. Although the theory has

[65] I will not be attempting to answer the first question by any means; As for the second question, the Supreme Court ruled late January 2024 that the government *was* in violation of the Charter, however, the government has said they will appeal.

been diluted, rewritten, and reconsidered greatly since their action(s) found success, without these two figures, the use of civil disobedience would be vastly different than it is today. Comprehending both how civil disobedience has shifted and the specific theories of Gandhi and King is crucial to understanding the true impact civil disobedience can have. Their contributions to the theory and application of civil disobedience were monumentous for providing the foundational framework that theories of civil disobedience continue to be based on.

Section II: Gandhi and Visions of Non-Violence

Introduction

When discussing civil disobedience and non-violence, Mohandas Karamchand Gandhi is perhaps one of the most influential figures associated with these topics. He brought innovation to the tactics, theories, and implementations of non-violent resistance. Born in 1869 in Porbandar, Gujarat, India, Gandhi dedicated his life to preaching non-violence and leading others to resist injustice. Although a main focus of his was on combating injustice at the hands of the British government (any colonial government), of equal importance was the journey of the individual. His principles, ideologies, and actions continue to inspire others worldwide decades after his death. The goal of this section is to analyse Gandhi's philosophies related to non-violence, civil disobedience, and resistance, as well as examine him as a leader. This section begins with an examination of his autobiography, followed by an analysis of Satyagraha, Hind Swaraj, and the practical applications of these concepts. These works and movements will shed light on the massive impact he had in both South Africa and India and demonstrate his influence on civil disobedience figures world wide. There will also be a brief analysis on Gandhi's views/thoughts on democracy as a regime and the role of constitutionalism, which provides crucial context for how his works influenced civil disobedience in Western democracies.

The Journey to Satyagraha

Before discussing Gandhi's work related to civil disobedience, there are two critical considerations that must be noted.[66] The first is his complicated relationship with Britain. Gandhi

[66] While Gandhi wrote extensively on economics and politics, did crucial work related to religious equality, and provided a significant Indian addition to political theory, this analysis focuses specifically on his work, theories, and leadership related to non-violent resistance. For more insight into Gandhi's influence as a political theorist see: Anthony Parel, *Gandhi's Philosophy and the Quest for Harmony*, (Cambridge: Cambridge University Press, 2006); Anthony Parel. *Pax Gandhiana: The Political Philosophy of Mahatma Gandhi*, (Oxford University Press, 2016);

went to England in 1888 to study law, and although culture shock occurred, he was generally well received and aided in becoming "an English gentleman."[67] Before he began his journey, he made a vow to his mother "not to touch wine, woman and meat."[68] Gandhi's discussion on his dedication to vegetarianism elucidates key realizations: it was the beginning of him recognizing the necessity of truth and holding onto personal beliefs, and it was a lesson on acceptance of others.[69] Another key factor in Gandhi's complicated relationship with the British Empire was his time in South Africa. Gandhi saw the Indians in South Africa facing prejudices at the hands of the English differently than those faced by Indians *in* India. Despite the moral questions that arose from his time in South Africa, Gandhi believed the treatment in South Africa was "local" and therefore not truly representative of the British way. Gandhi felt a sense of loyalty to the British Crown in India, noting in 1897:

> Hardly ever have I known anybody to cherish such loyalty as I did to the British Constitution. I can see now that my love of truth was at the root of this loyalty. It has never been possible for me to simulate loyalty or, for that matter, any other virtue. … Not that I was unaware of the defects in British rule, but I thought it was on the whole acceptable. In those days I believed that British rule was on the whole beneficial to the ruled.[70]

Although these views shifted through his lifetime (exemplified by his writing of *Hind Swaraj* and the associated views on technology, civilisation, and decolonization), he encouraged/led others to resist unjust laws, policies, and ultimately British itself, Gandhi was a deeply loyal person who was tied to morals and values rather than political ideals.

Bhikhu C Parekh, *Gandhi's Political Philosophy: A Critical Examination*, (Notre Dame, Ind: University of Notre Dame Press, 1989).

[67] M. K. Gandhi, *An Autobiography or The Story of My Experiments With Truth*, ed. Shriman Narayan, trans Mahadev Desai (Ahmedabad, India: Navajivan Publishing House, n.d), 58.

[68] Gandhi, *An Autobiography,* 60. The women part of this is interesting because he had a wife at this point, though he was embarrassed that he was married so young.

[69] One could draw a connection between this and the theological acceptance that Gandhi preached throughout his life.

[70] Ibid., 199.

The second consideration is Gandhi's views on religion/theology. He admits in his autobiography that despite coming from a devout Hindu family, he knew very little about his own religion. During his time in England, he met individuals of various faiths, taking the time and energy to learn from all of them and to appreciate their diverse views on God(s)/spirituality. These ideas inspired him and it sent him on a lifelong journey of seeking spirituality and acceptance.[71] As described by Bikhu Parekh "For Gandhi religion was essentially concerned with how one lived, not what one believed. Accordingly he experimented with whatever religious idea appealed to him, rigorously tested their 'truth' in the crucible of daily life and explored their existential potential and limits. His philosophy of religion was born out of sustained reflection on his experiences."[72] In reading the Gita and the Bible, both described "turning the other cheek" and the necessity of responding with acceptance.[73] These views on rejecting violence and aggression were ideals that followed him through life and ultimately shaped his future, the future of India, and views on non-violent resistance across the world.

Gandhi's autobiography provides crucial context to his actions.[74] Although it plays an essential role in setting the scene for how and why some of his philosophies came to be, it is also critical for humanizing someone who held the title Mahatma[75] and was regarded with significant respect worldwide. Owing to the level of esteem that he is recognized with, it is easy to forget that he was a complex person who faced similar struggles to the everyday imperfect man; was he

[71] Theology and religion also played a crucial role in King's life and his dedication to civil disobedience movements. A question to consider here is the potential connection between the decline in organized religion in Western societies and the shift after liberal civil disobedience theories. Knowing that both of these great leaders were spiritual/religious, and considering the decreasing influence of religion on other civil disobedience leaders post civil rights movement, can this be connected to the declining dedication of leaders and impact to create change?

[72] Bhikhu C. Parekh, *Gandhi's Political Philosophy: A Critical Examination*, (Notre Dame, Ind: University of Notre Dame Press, 1989), 67.

[73] Gandhi, *An Autobiography*, 98.

[74] Gandhi, *An Autobiography;* For a summary of the Autobiography,, see Ravindra Varma, *Gandhi – A Biography for children and beginners*, (Ahmedabad, India: Navajivan Publishing House, n.d).

[75] This term can be translated to "great soul" and is given to individuals regarded with a high level of reverence. Despite the respect associated with this title, Gandhi mentions throughout his autobiography that it did not please him, which is an example of his humility when it came to his work and his place in society.

educating his children in the best way possible? Was he doing enough to keep them healthy and set them up for success? Was he a good husband?[76] Was he living up to the expectations of his family? Was he devout and spiritual enough? Throughout his autobiography, he discusses mistakes he made and how he learned from them,[77] as well as how his perspective on lessons changed throughout the course of his lifetime.[78] This work is also an opportunity to examine the respectful and mentally stimulating encounters that he had with others who disagreed with him, and how he fought to protect the rights of those around him.[79] Knowing what he said about religion and tolerance, this work is proof that he was able to both *communicate and live* the lessons he shared. Gandhi was an individual who held onto his values strongly and was willing to put in the time, effort, and self sacrifice even after he had achieved his status as a leader.[80]

When we discuss Gandhi's characteristics and the moral code that he followed as a leader of civil disobedience (*satyagraha*), it is less about the specific rules and more about the dedication to hold oneself accountable for their actions. His commitment to his causes and to continually learning and growing was perhaps the most important attribute to both his leadership and the success he found in creating change. While Gandhi himself wanted others to go on the journey of practicing internal *satyagraha* and *swaraj* themselves, it is important to recognize that

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[76] When we discuss his relationship with his wife, we must take into account the social/societal context and recall that their marriage began in late 1800's/early 1900's India with a child groom to a child bride.

[77] To cite a few examples, there was the instance of him eating meat during his childhood, the incident of him being betrayed by his housekeeper, and the time he loaned money inadvisably that he never was repaid for.

[78] That his autobiography was also called "The Story of my Experiments With Truth" is a testament to his willingness and ability to learn lessons and grow throughout his life. This is also emphasized in the foreword of Hind Swaraj where he writes, "The only motive is to serve my country, to find out the Truth, and to follow it. If, therefore, my views are proved to be wrong, I shall have no hesitation in rejecting them." See M.K Gandhi, *Hind Swaraj and Other Writings*, ed. Anthony J. Parel, Centenary Edition, (Cambridge: Cambridge University Press, 2009).

[79] It must be noted the role that theology played in Gandhi's life. Although he was more "spiritual" than necessarily religious, he is well known for fighting for equality of all religions in independent India.

[80] Some key examples of Gandhi's personal self sacrifice include his dedication to Brahmacharya and his unwavering adherence to vegetarianism. As well, he was insistent that he did not work to profit, and his extreme devotion to this is evidenced by unwillingness to accept gold and gifts as payment for public works (see Gandhi, Autobiography, 248-251).

there is a baseline level of dedication necessary before those qualities and moral codes can be fully implemented. It was not the intention of Gandhi for individuals to take the "lessons" listed in his autobiography literally, nor was it his intention for others to emulate them.[81] Worth noting here again is the *extreme,* almost inhuman level of dedication and self-control that Gandhi possessed. Denis Dalton makes an important point:

> Other political giants like Hitler, Lenin, and Mao used their mass movements to consolidate totalitarian regimes. Gandhi guided his nationalist movement to the establishment of India as the world's largest democracy, beginning a process of decolonization that would continue for decades after his death. The most distinctive aspect of the Indian movement, however, and the main reason for history's favorable judgment of Gandhi is that it wielded power nonviolently.[82]

Gandhi's uniqueness in his accountability and unwillingness to waiver from morals or personal ideals was what drew people to him as a leader and someone they could trust.

Although Gandhi is well known for his work related to Indian independence and the goal of achieving religious equality, it is also important to note the massive influences that both he and South Africa had on each other. His resistance in South Africa ultimately gave him the confidence to use non-violent techniques to resist injustice in India.[83] In 1893, after going to law school in England, moving back to India, and then realizing India was not the right place for him

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[81] For an example of these "lessons" perhaps being taken too literally, see K.D. Gangrade, *Gandhi's Autobiography: Moral Lessons*, (Rajghat, New Delhi: Gandhi Smriti and Darshan Samiti, nd). I will discuss this further in the section dedicated to Hind Swaraj and how he viewed the application of swaraj and satyagraha for everyday citizens; Each individual's journey was different. Something else that needs to be noted here is that, even though he did not expect others to emulate and practice his specific morals and sacrifices, he had high expectations of those close to him in other ways. I would almost argue that there was a level of selfishness with how much he expected those around him to go out of their way to accommodate *his* level of devoutness. For example, he dragged his family to and from India and South Africa multiple times, knowing that they might be placed in dangerous situations. As well, (and once again, taking into account the social and societal construct of the time and women's roles) he took the vow of brahmacharya without any consultation to his wife. Even when it came to his family facing illnesses, although he would have allowed them if they wanted to consume the animal products necessary for their survival, he himself could not condone it.

[82] M.K. Gandhi, Mahatma Gandhi: *Selected Political Writings*, ed. Dennis Dalton (Indianapolis; Cambridge;: Hackett Publishing Company, Inc., 1996), 3.

[83] Richard, Johnson, ed, *Gandhi's experiments with truth: Essential writings by and about Mahatma Gandhi*, (Lanham, MD: Lexington Books, 2006), chap. 1, DS481.G3G2774 2005 954.03_5_092—dc22. For more information on resistance in South Africa, see Jonathan Hyslop. "Gandhi 1869–1915: The transnational emergence of a public figure," in *The Cambridge Companion to Gandhi*, ed. Judith M. Brown and Anthony Parel, (New York: Cambridge University Press, 2011), 30-50.

to practice, Gandhi travelled to South Africa for a short term job opportunity. Immediately facing racism upon his arrival, the course of his life was forever altered:

> It was his devotion to truth, the beginning of a new experiment, which led him to believe he could do something to 'root out the disease of colour prejudice.' For him to believe that he was experiencing no more than a "superficial … symptom" means he knew a deeper truth: all humans are fundamentally equal. Color, race, and creed are insignificant surface phenomena. His upbringing in India and his study of religion in London taught him that he was a child of God no less than the officials who threw him off the train. At that time he knew nothing of satyagraha, but out of his devotion to truth he was compelled to seek redress of the wrongs he and others were experiencing.[84]

This racism continued throughout Gandhi's time in South Africa, with an attempt made to ban him from court because he was "coloured" and wearing a turban. Eventually, he was allowed to appear before the court so long as he took off the turban. Gandhi reflected on this event: "the very insistence on truth has taught me to appreciate the beauty of compromise. I saw in later life that this spirit was an essential part of Satyagraha."[85] These instances of inequality/injustice shifted the way Gandhi perceived the world around him. Parel also notes that Gandhi's time in South Africa provided him with a unique opportunity to examine "civilisation" (something discussed at length in *Hind Swaraj)*, gain insight into his Indian identity and nationalism outside of India, and build skills related to lobbying the British.[86] It was in South Africa that Gandhi became aware of the importance of "passive resistance," partaking in work that would spark the epiphany of satyagraha.

As Gandhi prepared to leave South Africa in 1894, he noticed a newspaper article discussing "Indian Franchise" which, as a bill, "sought to deprive the Indians of their right to elect members of the Natal Legislative assembly."[87] Hindu Businessmen (born in India, living in

[84] Johnson, *Gandhi's experiments with truth,* Chap. 1; for further insight into Gandhi's devotion to truth and its connection to satyagraha, see R.R Diwakar, *Saga of Satyagraha*, (Bhartitya Vidya Bhavan, Bombay: Gandhi Peace Foundation, New Dheli: 1969).
[85] Gandhi, *Autobiography,* 174.
[86] Gandhi, *Autobiography,* xxi-xxiv; this is further echoed in Gandhi, *Selected Political Writings*, 8-10.
[87] Gandhi, *Autobiography,* 164.

Pretoria) did not pay attention to this Bill, as it affected the young "Christian" Indians who were born in South Africa (thus calling into question their "Indian" identity). Gandhi was appalled by their lack of motivation to right this wrong: "Was this the meaning of Christianity: Did they cease to be Indians because they had become Christians?"[88] Friends and members of the community convinced Gandhi to stay to help fight, and thus the Natal Indian Congress was born. "Ten thousand signatures were obtained in the course of fortnight,"[89] all with volunteers, and a petition was submitted with copies to all the newspapers, publicists, and journals that Gandhi knew. Although that law did not pass, the oppression continued with another Bill brought forward that same year. It proposed an annual tax of £25 per indentured Indian per year, although it was reduced to £3 thanks to the Natal Indian Congress. While these events kept Gandhi in South Africa for longer than he intended, these occurrences also reaffirmed that differences in religion and race should not play a role in how people are treated by government or laws; all Indians needed to work together collectively to resist injustice.

Although Gandhi partook in successful "passive resistance" in South Africa, the oppression of Indians continued and increased, coming to a head in July 1906 with the Asiatic Law Amendment Ordinance. This law required all Indians in South Africa to be permitted and fingerprinted; Gandhi saw this as legislation "against free men."[90] Led by the Natal Indian Congress, in September of 1906, 3000 Indians swore an oath to not register or get fingerprinted. Each member knew that they must be prepared to accept the consequences associated with breaking these laws.[91] In December of 1907, Gandhi and other members of the resistance were imprisoned, however, they were released in January of 1908 after the "General promised to

[88] Ibid., 164.
[89] Ibid., 169.
[90] Diwakar, *Saga of Satyagraha*, 162.
[91] Ibid., 162.

repeal the Ordinance and validate registration provided the Indians registered voluntarily."[92] Gandhi and others cooperated, however, the General lied and there was "another bill barring all further Indian immigration which passed into law."[93] In September 1908, members of the Natal Indian Congress burned their certificates in an act of solidarity. For the next six years, the Indians suffered greatly in the name of passive resistance. In 1913, the high-court invalidated *all* Indian marriages, which was a catalyst to passive resistant action.[94] July 1914 *finally* saw the Indian Relief Bill pass ending the £3 tax, Indian registration, and validating Indian marriages. The years of struggle before the situation was resolved "made new history by revolutionizing the method of fighting for social justice."[95] Though a long and arduous process, the Natal Congress (and Gandhi) successfully used passive resistance in practice to revert unjust laws.

The three movements that Gandhi is best known for are also prime examples of the sustained nature of oppression that Indians face(d) at the hands of the British and how *satyagraha* was applied to create change. The first is the "Non-violent Cooperation Campaign." In 1919, Gandhi got pulled into national politics as he became a member of the Indian National Congress, an organization seeking self-rule for India.[96] 1920 saw, in an effort to assert India's desire for self-rule, Gandhi instigate a non-cooperation movement that called upon all Indians to stop everything. Lawyers, students, government officials, and everyone in between went on strike and protested in the streets.[97] This movement lasted for two years, and unfortunately was called off in 1922 as violence ensued and Gandhi felt that satyagraha was not being followed. Most individuals, even if they were not violent, were unprepared to sustain satyagraha for that

[92] Ibid., 163.
[93] Ibid., 163.
[94] Ibid., 164.
[95] Ibid., 164.
[96] Judith M Brown, "Gandhi as nationalist leader, 1915–1948," in *The Cambridge Companion to Gandhi*, ed. Judith M. Brown and Anthony Parel, (New York: Cambridge University Press, 2011): 52.
[97] Brown, "Introduction," xiv.

amount of time.[98] The second notable movement that Gandhi led was "the Salt Satyagraha" from 1930-1931. Gandhi began the Salt Satyagraha on March 12, 1930, with the 241 mile long "Dandi March" "[f]rom his Sabarmati Ashram at Ahmedabad to Dandi on the Gujarat coast" to protest the British forbidding Indians to make or mine their own salt.[99] As the March progressed, so did the number of protestors. Although Gandhi initially did not want women involved, "[w]omen made their own way into them, forcing a change upon Gandhi's gender politics."[100] When they finally arrived at the Gujarat Coast, Gandhi, in the "glare of global newspaper publicly picked up salt on the beach,"[101] effectively breaking the law. Many local government members resigned their positions during the march, and Jawaharlal Nehru and Gandhi were among those sent to prison. In 1931, after Gandhi was released, he travelled to England to engage in discussions on political reform. The third movement, "Quit India," was initiated by the All-India Congress Committee in 1942 as a path to an independent India.[102] Declared an illegal action, Gandhi as its leader was imprisoned from August 1942 through May 1944. Decades of protest led by Gandhi and his followers, along with the uncertain economic impacts of World War II on England, eventually led to an independent India. These three examples of satyagraha are proof that Gandhi was able to facilitate incredible change without resorting to the use of violence.

While in modern Western settings we often refer to non-violent resistance like that that Gandhi partook in as *civil disobedience*, it was referred to as "passive resistance" during its use throughout South Africa. Gandhi quickly realized that "passive resistance" was not the correct descriptor, instead referring to his actions as *satyagraha*.[103] As Richard L. Johnson describes:

[98] Brown, "Gandhi as nationalist leader, 1915–1948," 53.
[99] Irfan Habib, "Civil Disobedience 1930-31," *Social Scientist* 25, no 9/10 (Sept-Oct 1997): 55.
[100] Anthony Parel, "Gandhi and the State." in *The Cambridge Companion to Gandhi*, ed Judith M. Brown and Anthony Parel, (New York: Cambridge University Press, 2011): 186.
[101] Brown, "Gandhi as nationalist leader, 1915–1948," 53.
[102] Brown, "Introduction," xvi.
[103] King makes this note as well discussing non-violent resistance, highlighting that non-violence is active action and requires significant control.

"Satyagraha – soul or truth force – was the word Gandhi coined to demonstrate that they were seeking to bring a spiritual force to bear on the political process. This was active resistance to the injustices of the government, not passive resistance."[104] Gandhi himself spoke on this distinction in front of The Disorders Inquiry Committee in South Africa in 1919:

> Satyagraha differs from passive resistance as North Pole from South. The latter has been conceived as a weapon of the weak and does not exclude the use of physical force or violence for the purpose of gaining one's end, whereas the former has been conceived as a weapon of the strongest and excludes the use of violence in any shape or form.
>
> The term satyagraha was coined by me in South Africa to express the force that the Indians there used for a full eight years and it was coined in order to distinguish it from the movement then going on in the United Kingdom and South Africa under the name of passive resistance.
>
> Its root meaning is holding on to truth, hence truth-force. I have also called it love-force or soul-force. In the application of satyagraha, I discovered in the earliest stages that pursuit of truth did not admit of violence being inflicted on one's opponent but that he must be weaned from error by patience and sympathy. For what appears to be truth to the one may appear to be error to the other. And patience means self-suffering. So the doctrine came to mean vindication of truth, not by infliction of suffering on the opponent, but on one's self.[105]

There are a few points to make about satyagraha: First, Gandhi was able to eloquently discuss satyagraha, as well as apply it in action, which is a testament to his leadership. A second point is satyagraha's insistence on non-violence even if there is violent response. He was able to persuade the masses to peacefully oppose physically, spiritually, and morally the violence associated with resisting injustice. Not engaging in physical violence alters the battleground of opposition from the physical to the spiritual. That he was able to (with practice and patience) persuade others to participate in something that had not been tried before at the level demonstrates the faith that people had in both him, his cause and themselves.[106] One critique with the vow of total non-violence even *if* there is violent response is the necessary commitment of

[104] Johnson, *Gandhi's experiments with truth,* Chap. 1
[105] Gandhi, *Selected Political Writings*, 61.
[106] Diwakar, *Saga of Satyagraha*, 65-69.

the resistors to accept the violence. Gandhi's contemporaries questioned whether it was possible to apply satyagraha in practice; while Gandhi demonstrated it was, it takes a significant amount of strength to accept beatings and violence without any pushback that, quite frankly, not every individual possesses. The success of true satyagraha is dependent on each individual involved.[107]

A final note to add is that, while *satyagraha* is often discussed as a way to resist injustice, Gandhi considered it to be a way of life as well.[108] Knowing that it was to be used in both contexts, it consisted of morals to guide people in their fight towards injustice, as well as through their everyday interactions. That being said, most individuals did not adhere to the moral codes of *satyagraha* in their everyday lives. Gandhi was well aware of this hardship:

> ... despite his great reputation as a nationalist leader, he was always an ambiguous figure in Indian politics, and few ever shared his core values and goals. It was for this reason that so much of what he hoped and worked for never materialized in independent India, and why at the end of his life he felt that most of his countrymen had never understood or shared the ideal of satyagraha but had merely used nonviolent resistance as a temporary and disposable strategy.[109]

Although individuals might not have followed satyagraha in its entirety, its partial application played a role in making individuals more tolerant and peaceful in their everyday lives. That we are still discussing satyagraha and its impact is a testament to its impact.

Hind Swaraj

While Gandhi applied satyagraha many times over, it is also a crucial component of Gandhi's theory of *swaraj*.[110] Written in 1909, *Hind Swaraj* is a work that changed Gandhi's life,

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[107] For more elaboration on the notion of implementing Gandhi's morals fully as individuals, see Ronald Terchek, "Conflict and Non-Violence," In *The Cambridge Companion to Gandhi*, ed. Judith M. Brown and Anthony Parel, (New York: Cambridge University Press, 2011), 117-34.
[108] Diwakar, *Saga of Satyagraha*, 70-74; for specific rules, see Gandhi, *Selected Political Writings*, 81-83.
[109] Judith M Brown, "Introduction." in *The Cambridge Companion to Gandhi*, ed. Judith M. Brown and Anthony Parel, (New York: Cambridge University Press, 2011), 5.
[110] Gandhi, *Hind Swaraj and Other Writings*; Johnson, *Gandhi's experiments with truth*; and Gandhi, *Selected Political Writings* can be used as supplementary analyses for this section.

both from a personal and public perspective. Before analysing *Hind Swaraj*, there are a few key notes that must be provided. The first is associated with how and why it was written:

> The very composition of *Hind Swaraj* has something of the [sic] heroic about it. It was written in ten days, between 13 and 22 November 1909, on board the ship *Kildonan Castle* on the author's return trip from England to South Africa, after what proved to be an abortive lobbying mission to London. The whole manuscript was written on the ship's stationery, and the writing went on at such a furious pace that when the right hand got tired, Gandhi continued with the left: forty of the 275 manuscript pages were written by the left hand.[111]

Parel also suggests six key points related to the work's "intentions."[112] First Gandhi was so inspired by what was reading and doing that he had a sense of urgency related to communicating this message to the masses. Second, he wanted to clearly define the term *swaraj* and ensure there was a distinction between interpreting it as describing self-government and self-improvement. Third, this work was an opportunity to articulate that violence was not an answer to India's problems. Fourth/fifth, it was meant as a warning to all Indians about the dangers of "modern civilisation," and as a way to promote "reconciliation" between India and Britain. Sixth, he wanted "to give Indians a practical philosophy, an updated conception of dharma, that would fit them for life in the modern world. … Gandhi felt that the time had come to redefine the scope of dharma to invoice notions of citizenship, equality, liberty, fraternity and mutual assistance."[113]

Another point to make is related to its format: Hind Swaraj is written in a dialogue setting as opposed to an essay (similar to Plato's dialogues on Socrates).[114] This is of note for a few reasons. First, as he describes in the foreword, "[t]o make it easy reading, the chapters are written in the form of a dialogue between the reader and the editor."[115] Parel notes that one advantage related to the dialogue format is that it leaves the work as a more open-ended conversation,

[111] Gandhi, *Hind Swaraj and Other Writings*, xiv.
[112] Ibid., xiv-xvii.
[113] Ibid., xvi; Dharma is defined as "*duty, natural moral law; religion as ethics and religion as sect"* on page lxxvi.
[114] Gandhi discusses Plato's Apology as an inspiration and it is well documented that he is considered one of the first examples of civil disobedience.
[115] Gandhi, *Hind Swaraj and Other Writings*, 9.

rather than creating a feeling of finality and exactitude. It can be read more as a conversation between friends, which, in itself, is a characteristic of swaraj.[116] Second, Gandhi gives himself the character of the "Editor" within the dialogue and intended for the "Reader" to be a "Modern Indian."[117] That he did this specifically with Plato/Socrates in mind suggests that he wanted a comparison of himself and Plato to some extent. "Typically, Gandhi read Plato with Indian eyes: Socrates was 'a great *satyagrahi'* who practised satyagraha against his own people. The Gandhi of *Hind Swaraj* is no doubt the Socrates of modern India."[118] Gandhi knew the importance his work would have not only for the "modern day" India, but the immortality of the lessons he wanted to share. It is worth noting here as well that "[i]t is also a work which he himself translated from Gujarati into English: no other work of his, not even the *Autobiography* (translated by his secretary), enjoys this distinction. As such, the English text of this work, which is being presented here possesses an authority all of its own," and that "it was to this text that he returned throughout his career as if to the source of his inspiration."[119]

A third key consideration is the inspirations behind *Hind Swaraj*. Gandhi discussed the works/individuals who inspired him to write Hind Swaraj in the appendices. Although there are twenty works listed by various scholars, there are three individuals specifically that I would like to highlight.[120] The first is Thoreau, with Gandhi studying "On the Duty of Civil Disobedience" while he was in prison.[121] Although it has also been suggested that Thoreau's influence on

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[116] Gandhi, *Hind Swaraj and Other Writings*, li; Terchek, "Conflict and Non-Violence," 122 also discusses dialogue (though not specifically related to Hind Swaraj).
[117] Gandhi, *Hind Swaraj and Other Writings*, l. Parel notes the importance of Gandhi choosing a "modern" figure as opposed to a more "traditional" individual such as a "guru." "Modern Indians" in this case refers to those who do not necessarily see an issue with society, those who are apathetic or complacent.
[118] Gandhi, *Hind Swaraj and Other Writings*, xxxv.
[119] Ibid., xiii.
[120] Similar to the note in the first paragraph about the non-necessity to examine all of Gandhi's works related to their low level of relevance on civil disobedience, although these works are relevant to Gandhi's philosophies broadly, their analysis is not crucial for the arguments presented in this paper.
[121] Anthony J. Parel, *Pax Gandhiana: The Political Philosophy of Mahatma Gandhi*, (Oxford University Press: 2016), 191-195.

Gandhi is sometimes overstated,[122] when considering the impact that Thoreau had *on* civil disobedience and other key leaders, Gandhi being inspired by him and his insistence on civic participation is crucial to note. The second key figure is John Ruskin. On Ruskin's *Unto Last,* Gandhi says in his autobiography, "The book was impossible to lay aside, once I had begun it. It gripped me. Johannesburg to Durban was a twenty-four hours' journey. The train reached there in the evening. I could not get any sleep that night. I determined to change my life in accordance with the ideals of the book."[123] Gandhi took from the work Ruskin's values associated with industrial civilizations and economic philosophies that can be seen directly in Hind Swaraj.[124] He translated Unto Last ("Sarvodaya") for the Indian Opinion, and "[t]he last chapter of *Sarvodaya* reads like a prelude to Hind Swaraj."[125] The third inspiration to note is Leo Tolstoy.[126] There was a high level of mutual respect between the two, with Gandhi translating "A Letter to a Hindoo" into Gujarati and Tolstoy being one of the few who (when it was first published) had positive remarks about *Hind Swaraj*.[127] Although Tolstoy passed away before he could comment fully,[128] one can imagine the decisive and affirmative exchange that would have followed.

With that context in mind we can begin the discussion on *swaraj* and the importance of using satyagraha to achieve it. When referring to "self-rule," there is the notion of both the

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[122] George Hendrick, "The Influence of Thoreau's "Civil Disobedience" on Gandhi's Satyagraha," *The New England Quarterly* 29, no. 4 (Dec 1956): 462-71; Parel, *Pax Gandhiana*, 180-204.
[123] Gandhi, *An Autobiography,* 335.
[124] Gandhi, *Hind Swaraj and Other Writings,*xxxix.
[125] Gandhi, *Hind Swaraj and Other Writings*, xli; for more on Ruskin see Gandhi, *Hind Swaraj and Other Writings*, xxxix-xlii; and Parel, Pax gandhiana, 63-64, 112-15.
[126] Tolstoy wrote extensively on civil disobedience, non-violent resistance, religion, and colonialism. To read more about Tolstoy's influence on Gandhi's theories broadly, see Gandhi, *Hind Swaraj and Other Writings*, xxxvi-xxxix. Tolstoy was indeed so inspirational to Gandhi that he named the Ashram after Tolstoy. Because Tolstoy played such a large role in Gandhi's life, one might question why there was no mention of him in the first section that served as an analysis of civil disobedience. The answer to this question is that this paper is focused on civil disobedience directed to Western democratic (colonial) settings, and Tolstoy was writing in Imperial Russia. Although his works are interesting and valid in their own rights, they are not necessarily applicable to the civil disobedience perspectives/theories discussed in this paper.
[127] For Gandhi's translation, see Gandhi, *Hind Swaraj and Other Writings*, 136-138; for reception on Hind Swaraj, see Gandhi, *Hind Swaraj and Other Writings*, lviii-lix.
[128] For Tolstoy's letter to Gandhi, see Gandhi, *Hind Swaraj and Other Writings*, 139.

individual having a level of self-control and internal strength, and the concept of self-rule as India having control of itself over Britain:

> The attainment of swaraj is the immediate task facing colonial India. But here Gandhi draws a subtle distinction between swaraj as self-rule and swaraj as self-government or home rule. Swaraj as self-rule is the rule of the self by the self. More precisely, it is the rule of the *mind* over itself and the passions - the passions of greed and aggression, in particular. Self-rule enables one to pursue *ariha* and *kama* within the bounds of dharma. *Swaraj* as self-government or home rule is the rule of the nation *(praja)* by the nation. It is the founding and maintaining of the good state *(surajya).* The good state or good self-government is possible only if Indians acquire the capacity for self-rule; but self-rule itself can flourish only within an appropriate political community. That community in modern times is the nation-state. In *Hind Swaraj* Gandhi defends the view that India is a nation deserving self-government.[129]

Crucially, swaraj *cannot* be achieved with any use of violence. In order for true swaraj to exist, it must always be connected to satyagraha:

> This is the philosophy of freedom that came from India's classical tradition to shape Gandhi's idea of *swaraj.* It defined freedom in a dual sense, having political and spiritual sides, but it gave most attention to the "internal" aspect of freedom, a higher consciousness attained through disciplined pursuit of self-awareness and knowledge. What mattered most to Gandhi was how *swaraj* could be connected to a whole nexus of other concepts, but especially to *satyagraha*, his idea of nonviolent power and truth.[130]

Although Gandhi yearns to see an India where all citizens are able to thrive in the conditions necessary for *hind swaraj* to flourish, he does not (and cannot) advocate using violence as a way to accomplish these goals.[131]

Key commentary on modern society that Gandhi presents in *Hind Swaraj* is his critique of "civilization."[132] He describes that "civilization" (advances in "technology" meant to increase "comfort" for men) creates an over-reliance on "technology" that can only be resolved by the creation/reliance of new advances, causing a cyclical and systemic problem that will end with

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[129] Gandhi, *Hind Swaraj and Other Writings*, liii; For more information on the meanings of swaraj, see Parel, Pax Gandhiana, 73-93.
[130] Gandhi, *Selected Political Writings*, 11.
[131] Gandhi, *Hind Swaraj and Other Writings*, xxix-xxxii.
[132] Ibid., 34-38.

immorality, secularism, and (with Gandhi connecting civilization to "disease"), demise. Gandhi notes that the British are also afflicted by the ills of civilization:

> It is eating into the vitals of the English nation. It must be shunned. Parliaments are really emblems of slavery. If you will sufficiently think over this, you will entertain the same opinion, and cease to blame the English. They rather deserve our sympathy. They are a shrewd nation and I, therefore, believe that they will cast off the evil. They are enterprising and industrious, and their mode of thought is not inherently immoral. Neither are they bad at heart. I, therefore, respect them. Civilisation is not an incurable disease, but it should never be forgotten that the English people are at present affiliated by it.[133]

This is crucial to note as it once again demonstrates Gandhi's rationalization and separation between actively dissenting against a colonial force causing harm to India and the internal spiritual grounding associated with *satyagraha*. Knowing something is causing direct harm and not placing active blame demonstrates a key tenant of *satyagraha* that is difficult to execute. Through his discussions of the cyclical ills civilization causes, Gandhi suggests that railways, lawyers, and doctors all directly contribute to the downfall of society. The way to combat the collapse associated with civilization is to reject modern technology, limit indulgences, and focus on existing/creating with what one already has. It is (an extreme) direct critique of capitalism and the false creation of the increasing need for more.

While many scholars critique Gandhi's extreme comments on civilisation,[134] that is of less importance to the analysis of civil disobedience than is the list of "demands" written in the conclusion. These include the elimination of law and medicine as practices, a dedication to hand

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[133] Ibid., 38.

[134] While Gandhi does provide significant critique on technology, he does accept and even encourage other aspects of "modern civilisation." As Parel describes in his introduction, "... [Gandhi] welcomes a number of its contributions - civil liberty, equality, rights, prospects for improving the economic conditions of life, liberation of women from tradition, and religious toleration. At the same time, the welcome is conditional in that liberty has to harmonise with swaraj, rights with duties, empirical knowledge with moral insight, economic development with spiritual progress,religious toleration with religious belief, and women's liberation with the demands of a broader conception of humanity." (Gandhi, *Hind Swaraj and Other Writings,* xvii-xviii). For a deep dive into civilization in Gandhi's philosophy, see Parel, *Pax Gandhiana,* 137-155; for more information on his critique, see Parekh, *Gandhi's Political Philosophy,* 11-35.

looms (representing moving away from reliance on technology, industrialization, and civilization more broadly), and each individual practicing the tenets of true *satyagraha* in their everyday lives.[135] It was previously noted that Gandhi was critiqued by his contemporaries on the potential for the practical application of *satyagraha*; I would argue that critique is also applicable to the list of changes "the Editor" was suggesting.[136] At the end of Chapter XIX ("Machinery"),[137] the Reader makes a comment about the hypocritical nature of the Editor suggesting the total boycott of modern technologies in a written work that was to be created for the masses *using* modern technology. While the Editor notes that "[t]his is one of those instances which demonstrate that sometimes poison is used to kill poison. This, then, will not be a good point regarding machinery"[138] (effectively shutting down the conversation), this almost hypocritical nature is a recurring theme in Gandhi's life:

> The paradox in Gandhi's theological expositions, celibacy, and communal living was that he was apparently withdrawing from the world, but at the same time, by making this asceticism an increasingly central part of his self-image, he was able to present himself as a figure of unique political authority. The contrast is perhaps best captured by the presence of a modern newspaper, with an extensive international network of contacts, at the heart of the Phoenix Settlement. Gandhi's nominally anti-modernist project was propagated through a classically modern set of technologies. And although his work was informed by a genuine sense of spiritual quest, his saintliness became important political capital.[139]

Gandhi noted that *satyagraha* and *swaraj* were journeys, and while this could be seen (as the editor suggests) as a "poison is used to kill poison" situation, it is also an example of Gandhi struggling to balance implementing/following his own morals in "modern" India.[140] Despite

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[135] Gandhi, *Hind Swaraj and Other Writings*, 112-119.
[136] Gandhi, *Hind Swaraj and Other Writings*, Although there were chapters dedicated to the "dangers" of western medicine, it is jarring to see it suggested that doctors should not give drugs to patients and "he will understand that, if by not taking drugs, perchance the patient dies, the world will not come to grief, and that he will have been really merciful to him." (Gandhi, *Hind Swaraj and Other Writings*, 117 (Demand #8)).
[137] Gandhi, *Hind Swaraj and Other Writings*, 107-111.
[138] Ibid., 114.
[139] Hyslop, "Gandhi 1869–1915: The transnational emergence of a public figure," 43.
[140] I have already suggested that Gandhi had extreme expectations of others related to his personal journey, and also noted his displeasure in many individuals merely following only the "non-violence" portion of *satyagraha*.

Gandhi's dedication to his own personal journey of *satyagraha*, he acknowledges personal difficulties, and this use of technology highlights other key barriers. A recurring theme in this section has been Gandhi's uniqueness in his capacity to commit to *satyagraha/swaraj*, and Gandhi's personal struggles further exemplify these difficulties. When discussing Gandhi and his views on democracy later, in this section I note how his views shifted as he was forced to concede difficulties with *all* individuals achieving *swaraj*, and these implications on a modern independent India. Although *satyagraha* and some of the ideas presented in *Hind Swaraj* can perhaps be considered utopian, unrealistic, and unsustainable,[141] that Gandhi was willing/able to separate his own personal convictions related to *satyagraha, swaraj*, and the application of these ideas, further illustrates Gandhi's journey of self-reflection, growth, and personal change.

Hind Swaraj is also a warning of the dangers of colonial states implementing their values onto Indigenous populations that can be applied to colonial contexts worldwide.[142] Examining the suggestions presented in the conclusion of *Hind Swaraj*, although extreme, they are an explicit statement that the Indian people existed as a complete and functional society long before the English arrived. They had their own languages, religions, technologies, and economies. The rejection of explicit colonial structures in the suggestions presents the idea that India does not *need* Britain to function.[143] Embodied in these ideas is frustration at the sustained level of injustice and inequity that has been implemented thanks to the colonial system. To tie these ideas back to civil disobedience, many successful civil disobedience movements in the recent past have indeed been rooted in that sustained level of racialized injustice. Using the less successful examples of the post-liberal theory civil disobedience (ie. the anti-nuclear war movement), no

[141] Gandhi, *Hind Swaraj and Other Writings*, 112-119; 189-190.
[142] When reading the list of demands, it is easy to envision the Indigenous peoples of Canada making the same arguments related to their lands, language, and traditional practices.
[143] Indeed Gandhi argued it was the other way around, that England only thrived in India because the people were willing to help and work with them.

longer are the battles about long-term sustained injustice towards whole populations[144] who have continually faced discrimination, but rather, they are from groups of people bonded together through a patchwork system of different means and motivations.[145] Whereas Gandhi and King mobilized populations who had been collectively discriminated against for centuries, newer movements involved less sustained suffering and shorter-term inequity. Gandhi and King put in decades of work to be successful in achieving justice for their causes, however, *because* newer movements were shorter term and democracies have shifted in how they interact and respond to citizens, people have different expectations and views on how resolutions should occur.

Gandhi: Political Ideals vs. Political Rule

Working with this idea of collectivity and the role of citizens, we can open the discussion on Gandhi and his views on democracy, nationhood, and civic values. Along with Hind Swaraj, Gandhi wrote a related document called *The Constructive Programme*, which was presented as a detailed guide to realizing *swaraj* within Indian society.[146] He lists nineteen action items that need to be addressed that all play a crucial role in India becoming the state Gandhi envisioned. While the Constructive Programme is crucial for examining Gandhi's views on democracy, the state, and nationalism, the section on civil disobedience is pertinent for our purposes. Section XIX entitled "Place of civil disobedience" reads as follows:

> [civil disobedience] has three definite functions:
> 1. It can be effectively offered for the redress of a local wrong.
> 2. It can be offered without regard to effect, though aimed at a particular wrong or evil, by way of self-immolation in order to rouse local consciousness or conscience. …

[144] The word "populations" here is interchangeable with the word "nation"
[145] Even taking intersectionality of identities into consideration here, this point still stands relatively strong.
[146] The Constructive Program was written in 1941 and revised in 1945. For more information on the constructive programme, see Gandhi, *Hind Swaraj and Other Writings*, 170-181; Johnson, *Gandhi's experiments with truth,* chap.6.

3. … Civil disobedience can never be directed for a general cause such as for independence. The issue must be definite and capable of being clearly understood and within the power of the opponent to yield. This method properly applied must lead to the final goal.

… But when civil disobedience is itself devised for the attainment of independence, previous preparation is necessary, and it has to be backed by the visible and conscious effort of those who are engaged in the battle. … It should be clear to the reader that civil disobedience in terms of independence without the co-operation of the millions by way of constructive effort is mere bravado and worse than useless.[147]

Here, Gandhi was discussing civil disobedience as a tool to be used in certain conditions. Although *satyagraha* plays a role in achieving *swaraj*, there are other components that are necessary for its realization. This idea surrounding civil disobedience and its collective nature also furthers the idea that swaraj was to be lived internally by each individual, and that together, *all* citizens could work together to achieve Indian autonomy. Recalling the discussion on civil disobedience, Hannah Arendt discussed at length the necessity for civil disobedience to be collective in order for it to be effective. Although this sentiment was not shared by all scholars, Gandhi's suggestion of collective mobilization being the only way to achieve change sheds light once again on the question of the end goal of civil disobedience (is it merely a question of personal morals, or is the goal always to create systemic change?). The concept of collective action and civil disobedience is of further interest as Thoreau and Socrates (two of the individuals who greatly influenced Gandhi) participated in and documented their own civil disobedience through individual action.

Gandhi also emphasizes throughout the *Constructive Program* that that sense of collective identity must be emphasized and lived by those directly in power: "He has to feel his identity with every one of the millions of the inhabitants of Hindustan. In order to realise this, every Congressman will cultivate personal friendship with persons representing faiths other than

[147] Gandhi, *Hind Swaraj and Other Writings*, 179-180.

his own. He should have the same regard for the other faiths as he has for his own …"[148] Gandhi furthers this idea suggesting that it is not just other religions that must be seen as equal, but *all individuals* (including the untouchables and women). To circle back to the comments on the difficulties of following *swaraj* in the modern day, Gandhi makes crucial suggestions on sanitation to help eradicate diseases. Although this should be considered a necessary change, it is interesting to compare this suggestion with his critique of modern medicine and modern technology more broadly. What makes this different?

Discussing how he viewed an "Independent India" in an interview in 1946, Gandhi said the following ("The Pyramid vs. the Oceanic Circle"):

> Independence of India should mean independence of the whole of India, including what is called India of the States and the other foreign powers, French and Portuguese, who are there, I presume, by British sufferance. Independence must mean that of the people of India, not of those who are today ruling over them. The rulers should depend on the will of those who are under their heels. Thus, they have to be servants of the people, ready to do their will.
>
> Independence must begin at the bottom. Thus, every village will be a verity for my picture in which the last is equal to the first or, in other words, no one is to be the first and none the last. In this picture every religion has its full and equal place. We are all leaves of a majestic tree whose trunk cannot be shaken off its roots which are deep down in the bowels of the earth. The mightiest wind cannot move it.
>
> In this there is no room for machines that would displace human labour and that would concentrate power in a few hands. Labour has its unique place in a cultured human family. Every machine that helps every individual has a place. But I must confess that I have never sat down to think out what that machine can be. I have thought of Singer's sewing machine. But even that is perfunctory. I do not need it to fill in my picture.

The response to this question in the interview is an expertly summarized trifecta of the views presented in the constructive program, the critique of civilization in *Hind Swaraj*, and the emphasis on individual self truth found within *satyagraha*. To word it another way, for Gandhi, all three elements needed to coexist for an independent India to be functional and prosperous. I

[148] Ibid., 172.

mentioned earlier that the ideas presented in *Hind Swaraj* are perhaps utopic, and the combination of those ideas with true *satyagraha* for both citizens and leaders alike, as well as the equality of all individuals, adds another level of difficulty to the implementation. A crucial note about this description of independent India is there is no mention of politics, representation, civic participation, or even a regime. This is of even more importance as the interview took place in 1946, during the later part of Gandhi's life, and at a time when India was extremely close to becoming a democratic state. As I will discuss below, Gandhi did eventually express how his ideas could exist in a democracy and conceded certain difficulties. It is interesting to consider that such extreme and almost abstract ideas came from an individual so crucial in a long and arduous democratization process.

Parel also speaks at length about Gandhi and civic nationalism,[149] reviewing how he envisioned the ideal state (related to the Constructive Program).[150] What Gandhi envisioned in state and what he did *not* want is perhaps best summarized in the following quote:

> What is common to all these terms is the notion that the raison d'etre of the state, as the supreme coercive power of the political community, is the securing of the political, economic, and cultural welfare of all Indians without partiality towards their caste, tribe, religion, language, or region. Gandhi's state, as supreme coercive power, treats, or is supposed to treat, every Indian equally and justly. Its primary task is to defend and promote the fundamental human rights of its citizens, to protect the nation from external threat, and to preserve internal peace and order. All this requires that the state be active through its several institutions. However, all its activities have to occur within the limits of the principles of universal justice, equality, and individual liberty set out in its constitution. … He wanted Indians to be virtuous citizens, enjoying spiritual swaraj or self-mastery. But spiritual swaraj alone was not enough. Without the active presence of the *good state*, spiritual swaraj by itself could not produce the material and moral well-being of Indians.[151]

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[149] Parel, *Pax gandhiana*, 94-11; Anthony Parel, *Gandhi's Philosophy and the Quest for Harmony,* (Cambridge: Cambridge University Press, 2006), 31-51; Parel, "Gandhi and the State," 154-172.

[150] There are some crucial dates to be noted: Gandhi wrote the *Constructive Program* in 1941 and revised it in 1945. India officially became independent in 1947 and became a democracy in 1950. Gandhi was assassinated within a year of Indian independence, meaning he did not live long enough to ever see democracy implemented in India. While I discuss at length Gandhi's views and impact *on* Indian democracy, it is interesting to ponder how different the implementation of democratic systems would have been if Gandhi would have been alive to see their realization.

[151] Ibid., 155.

The ideal state should not be aggressive, should respect "the significance of spiritual soul for political conduct," should not exist merely to legislate and further its own values at the sake of its people, should be secular, should protect the rights of its citizens, should maintain "order and security," and should work with civil society.[152] Gandhi did not expect the state to be totally non-violent, as that was an unrealistic notion. Rather, occurrences would gradually lessen in both severeness and quantity. Similarly, he did not oppose the state using a controlled level of coercion "for maintaining internal order and external security. His moral idealism did not require the sacrifice of political realism. In fact, he tried to combine the two."[153] Gandhi advocated for a decentralized government and did not support traditional Western liberal democracies, as they were more focused on acquiring power than representing and bettering the lives of citizens.[154] As time progressed, however, Gandhi realized that his view of each individual holding themselves accountable and following internal swaraj was not necessarily as realistic as he had hoped. He reluctantly accepted that some type of government would likely benefit India on its journey to swaraj:

> [Gandhi] now began to realise that the state was far more complex than he had hitherto imagined, and had a potential for both good and evil. It was not entirely a soulless machine but also a *moral and spiritual* institution capable of playing a vital role in the moral development of its citizens. It *did,* no doubt, represent concentrated and organised violence; it was also, however, a vehicle of some of their deepest moral aspirations. It *was* a soulless machine; it was also, however, a custodian of the spirit of Indian civilisation and a vehicle of justice.[155]

[152] Ibid., 155-168.
[153] Ibid., 164.
[154] Parekh, *Gandhi's Political Philosophy,* 115-117.
[155] Ibid. 119-120.

For Gandhi, the most important aspect of any state was its people. It should at no point be focused on its own ambitions, but rather on improving the lives of those who live in it. Each individual was important and each individual played a role in the "character" of the state.[156]

While Parel does not necessarily comment on Gandhi's views in a democracy specifically, and Parekh noted his reluctant (eventual) acceptance, Uday Metah discusses Gandhi's direct "ambivalence." Indeed, Metah suggests that Gandhi did not focus on democracy (or politics more broadly) because there was no specific regime or state that could guarantee a separation of the governing body and violence: "Precisely because Gandhi saw an essential link between violence and politics, non-violence could not be stably affirmed within any political orientation. It is the underlying link between violence and politics, and what for Gandhi was a related diminishing of an everyday ethic, that is evident in Gandhi's ambivalence to democracy as a political form."[157] He describes that Gandhi negates many values associated with "traditional" politics, going so far as to suggest " …one must consider Gandhi not just as having a very different politics, but rather, in some crucial sense, as being a deeply anti-political thinker. One should be open to the thought that despite his having transformed the political landscape, he may have done so as an anti-political activist."[158] For Gandhi, less important was the specific state, and more important were the principles that people held.[159] Life was not about pondering existence within politics, but rather working to achieve justice. This sentiment is further exemplified in *Autobiography* and *Hind Swaraj* as he focuses on personal growth, values, and accountability over one's influence and/or power.

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[156] Ibid., 124.
[157] Uday Singh Mehta, "Gandhi on Democracy, Politics and the Ethics of Everyday Life.: *Modern Intellectual History* 7, no.2 (2010): 357.
[158] Ibid., 363
[159] This argument, while presented differently, is present in both Parekh, *Gandhi's Political Philosophy* and Parel, "Gandhi and the State."

Despite Gandhi's "ambivalence" and his untimely demise, Pratyush Kumar notes that Gandhi was instrumental in setting up Indian democracy and played a large role in influencing constitutionalism. Gandhi gained plenty of experience with the "spirit of constitutionalism" while leading movements of satyagraha, which led to his direct influence. Gandhi "almost single handedly" wrote the 1920 Constitution for the Congress Party, emphasizing the necessity of ensuring there was a constitution that had the best interest of India as a nation at heart and shifting how he envisioned swaraj being potentially implemented within a democratic India.[160] In contrast, on Gandhi's indirect influence, Kumar writes:

> Most of the members of the Constituent Assembly were either trained into the school of politics by Gandhi or were his students, followers, colleagues or those directly influenced by him. Most of what scholars identify as Gandhian ideas like village republics, trusteeship model and the like did not find their place in the Constitution as he would have wanted them to be, but the very deliberative process of constitution making had his imprint. It was democratic, dignified, inclusive and detailed and deliberative.[161]

Even though Gandhi was not convinced that democracy was the best form of government, nor was he confident that *swaraj* would be implemented, his ideas, values, and work through satyagraha in creating legal change played a crucial role in India's democratization. Although Gandhi wrote the Constitution for the Congress Party in 1920, democracy was not implemented until 1950. Those decades played a crucial role in familiarizing those who would form government with ideals surrounding constitutionalism and how it could be best implemented for India as an independent nation. If the constitution had been written later, or perhaps by someone else, there is a good chance Indian democracy would look quite different in the modern era.

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[160] Pratyush Kumar, "Gandhi and the Culture of Constitutionalism." in *Gandhi After Gandhi: The Relevance of the Mahatma's Legacy in Today's World*, ed. Casolari, Marzia, (Abingdon, Oxon; New York, NY;: Routledge, 2022), 14-17.
[161] Ibid., 12.

Conclusion

Throughout the section I have focused on painting Gandhi as a human being (despite his deity-like status), a key Indian political theorist, a crucial leader of movements against injustice, and an actor in setting up the framework for the institutions within the world's most populous democracy. Key considerations to keep in mind as we move into the discussion on King are the similarities of groups that they led in relation to sustained injustice, their personal dedication to their causes, the role that theology and religion played in their lives, and the contrast of how they viewed existing in democratic states. One key distinction I would like to draw on that last point is that because Gandhi did not exist in a democracy, he did not have to think about how he existed within the *realm* of a democracy. King, however, experienced a democratic system that was established and had strong institutions with centuries of racist precedent and values. Although these leaders were fighting the same fight, the context of their means of creating change differed greatly; Gandhi was trying to engage a nation to create a cohesive and peaceful state, whereas King was working in an established state in an attempt to create equity and equality within divided nations. When discussing modern civil disobedience movements, then, there is an unanswered question surrounding nation and identity related to creating change. These ideas are crucial to entertain as we move into a comparison of an equally influential leader living in extremely different circumstances.

Section III: King, civil rights, and the fight for justice

Introduction

Martin Luther King, Jr., was equally as influential as Gandhi when it comes to fighting against racialized injustice despite the differing circumstances of their lives and the distinctive outcomes associated with their work. King was born on January 15, 1929 in Atlanta, Georgia and grew up in a loving and religious household that unfortunately had to prepare him to live and love in a world where he would never be seen as equal. King dedicated his life to fighting racialized injustice against Black Americans in the US, and even after he helped achieve the Civil Rights act of 1964 and the Voting Rights Act of 1965, he knew the fight was not over. To his dying day, King was devoted to ending racialized inequality and its lasting effects within the US. The goal of this section is to discuss King's theories and leadership within civil disobedience, noting the impact he had on forever altering American/Western democratic views on civil disobedience. This section begins with an analysis of King's background and inspirations, followed by a discussion on important moments of the Civil Rights Movement that King was involved in and how history perceives his contributions. There will also be a brief discussion of his views on democracy and input on other social justice matters, which continues to shape the way that the US (and Western democracies) study and practice civil disobedience.

Principles of Nonviolent Disobedience

When discussing King, a key factor that shaped how he viewed the world was his educational background. Segregation was present in his childhood, however, attending Morehouse College in Atlanta, Georgia at the age of 15 demonstrated that discussions surrounding racial equality could be filled with hope and practical solutions:

> There was a free atmosphere at Morehouse, and it was there I had my first frank discussion on race. The professors were not caught up in the clutches of state funds and could teach what they wanted with academic freedom. They encouraged us in a positive quest for a solution to racial ills. I realized that nobody there was afraid. Important people came in to discuss the race problem rationally with us.[162]

Morehouse College is also where King first read Thoreau's *On Civil Disobedience* and became familiar with the concept of nonviolent action.[163] Unlike Gandhi, King is connected to Thoreau through their association with American democracy and the anti-Black racism that they opposed. Their differences, however, are numerous: "Thoreau was a white, northern, nature loving individualist; Martin Luther King was a black, southern leader of masses. Thoreau was an uninspiring public speaker; King was an exhilarating Baptist minister. Thoreau was thought to be eccentric and aloof; King, a hero to millions, was compared to Mohandas Gandhi and Jesus Christ."[164] Thoreau's writing "is individualist, secular, anarchist, elitist, and antidemocratic,"[165] yet King does not embody those characteristics or beliefs. Thoreau opposed government institutions and the constitution, whereas King wanted to see the constitution and tenets of democracy be better applied to represent all citizens. Thoreau had very little at stake as he partook in his dissidence, while King put himself at risk frequently.[166]

Upon first glance, there are extreme differences and disagreements between the theories presented by these two men. Despite their differences, however, King's views did overlap with Thoreau's in five key areas: "...1) the problem in a democracy of the majority oppressing the minority … ; 2) the presence of injustice; 3) the need for immediate action; 4) the appropriate

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[162] Martin Luther King, Jr., *The Autobiography of Martin Luther King, Jr.*, edited by Clayborne Carson (New York: IPM in Association with Warner Books, 1998), 11.
[163] King, *The Autobiography of Martin Luther King, Jr,.* 12.
[164] Brent Powell, "Henry David Thoreau, Martin Luther King Jr., and the American Tradition of Protest," *OAH Magazine of History* 9, no. 2 (Winter 1995): 26. https://www.jstor.org/stable/25163011
[165] Lawrence A Rosenwald, "The Theory, Practice, and Influence of Thoreau's Civil Disobedience," in *A Historical Guide to Henry David Thoreau*, ed. William E. Cain (New York: Oxford University Press, 2000), 154.
[166] Powell, "Henry David Thoreau," 28.

method of protest; and 5) the obstacles to reform."[167] They also shared the belief that bystanders contributed significantly to systemic injustice.[168] Both were aware of issues existing within the American democratic system and recognized the necessity to do something about it, even if their methods and broader beliefs were different.[169] One specific event that is often cited as a reflection of Thoreau's influence on King is the Montgomery Bus Boycott:[170]

> 'I remembered how, as a college student, I had been moved when I first read [On Civil Disobedience]. I became convinced that what we were preparing to do in Montgomery was related to what Thoreau had expressed. We were simply saying to the white community, "We can no longer lend our cooperation to an evil system.' [Quoting King] In speaking of "an evil system," King, like Thoreau, is thinking locally rather than globally; what makes the system evil is not the nature of a system of transportation but the particular injustices practiced on the Montgomery buses. Hence the goals the bus boycotters agreed on: "(1) courteous treatment by the bus operators; ... (2) passengers . . . seated on a first-come, first-served basis ... (3) Negro bus operators . . . employed on predominantly Negro routes". Thoreau's stated goals are grander than these, but they are equally particular.[171]

Acknowledging King and Thoreau's differing views on collective action, democratic institutions, and religion, King's capacity and ability to create the change he did might have looked quite different had he not been introduced to Thoreau's *On Civil Disobedience.*

Although King began college without the intention of pursuing theology, he realized that his religion and his intelligence could co-exist, and that he could apply modern approaches to how he deliberated theology.[172] Attending Seminary School was foundational in securing the relationship between theology and the role that is should play in bettering society: "... any

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[167] Powell, "Henry David Thoreau," 28.
[168] Ibid., 28.
[169] On this point we must recall Gandhi's discussions on swaraj and satyagraha, as well as his discussion within his autobiography. The idea that everyone was on their own timeline and journey when it came to finding swaraj and satyagraha is an acknowledgement that every individual is going to be inspired by some aspects of civil disobedience theories as they implement their own concepts and values.
[170] Rosenwald, "The Theory, Practice, and Influence of Thoreau's Civil Disobedience," 161-162, 166; George E Carter, "Martin Luther King: Incipient Transcendentalist," *Phylon (1960-)* 40, no. 4 (4th Quarter, 1979): 318-324. https://www.jstor.org/stable/274528; Powell, "Henry David Thoreau, 26.
[171] Rosenwald, "The Theory, Practice, and Influence of Thoreau's Civil Disobedience," 161-162.
[172] King, *The Autobiography of Martin Luther King, Jr,.* 11-14.

religion that professes concern for the souls of men and is not equally concerned about the slums that damn them, the economic conditions that strangle them, and the social conditions that cripple them is a spiritually moribund religion only waiting for the day to be buried. It well has been said: "A religion that ends with the individual, ends.""[173] Seminary school also provided King with the opportunity to study works by famous theologists and philosophers, as well as various theories including communism, liberalism, and pacifism.[174] Upon graduation from Seminary School in 1951, he continued his studies at Boston University, where he became familiar with theories surrounding personalism and its role in theology. Personalism, broadly, is the priority that one places on the dignity, value, and worth of the individual. It is the idea that all humans deserve value and respect.[175] On personalism, King notes "[p]ersonalism's insistence that only personality – finite and infinite – is ultimately real strengthened me in two convictions: it gave me metaphysical and philosophical grounding for the idea of a personal God, and it gave me a metaphysical basis for the dignity and worth of all human personality."[176] King ultimately graduated in 1955 with his PhD,[177] believing that non-violent action was the way to achieve the change he wanted to see in the world.

King's theological and academic nature translated into his everyday life and leadership style, and the connection between religion and the Civil Rights movement cannot be understated.[178] King's religious background, combined with the colour of his skin, influenced

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[173] Ibid., 16.
[174] Ibid., 17-24.
[175] For more information on personalism broadly, see David Walsh, *The Priority of the Person: Political, Philosophical, and Historical Discoveries,* (Notre Dame, Indiana: University of Notre Dame Press, 2020).
[176] Ibid., 27.
[177] Martin Luther King Jr., "A Comparison of the Conceptions of God in the Thinking of Paul Tillich and Henry Nelson Wieman" (PhD thesis, University of Boston, April 15, 1955). At the beginning of this copy of his dissertation, there is a note about citations and King's plagiarism. Peter Myers, "Two Revolutions of Martin Luther King, Jr," in *History of American Political Thought*, ed. Bryan-Paul Frost and Jeffrey Sikkenga (Lanham, Md: Lexington Books, 2003): 685-686 n1.
[178] Although he studied theology during his time in post-secondary education, throughout his whole life, he was surrounded by religion (his great great grandfather, great grandfather, father, brother, and uncle were all preachers)

how he existed and how he viewed both society and individuals around him. Both before and after King, there has been tension within the relationship between race and religion. At the Religion and Race conference in 1963, Rabbi Abraham Joshua Heschel (a friend of King's) passionately denounced the idea that an individual can be religious and simultaneously see those of a different race as inferior: "Perhaps this Conference should have been called "Religion *or* Race." You cannot worship God and at the same time look at man as if he were a horse."[179] His speech criticizes that white Americans at the time were separating their religious values from the explicit segregation present within US democratic institutions. For Heschel, the plight of Black Americans would only truly be resolved when institutions *and* ideals were changed: "It is not enough for us to exhort the Government. What we must do is to set an example, not merely to acknowledge the Negro but to welcome him, not grudgingly but joyously, to take delight in enabling him to enjoy what is due to him. We are all *Pharaohs or slaves of Pharaohs*. It is sad to be a slave of Pharaoh. *It is horrible to be a Pharaoh*."[180] The metaphor of loving thy neighbor saw frequent use throughout the Civil Rights Movement, and while it was often directed at Black Americans as they were instructed to accept violence with dignity, this speech explicitly directed it to religious white folks who were scared of change. On the integration of the bus system in Montgomery after the Boycott, King noted

> [i]n spite of all of our efforts to prepare the Negroes for integrated buses, not a single white group would take the responsibility of preparing the white community. We tried to get the white ministerial alliance to make a simple statement calling for courtesy and Christian brotherhood, but in spite of the favorable response of a few ministers, the majority "dared not get involved in such a controversial issue."[181]

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[179] Abraham Joshua Heschel. "Religion and Race." Speech was originally given at the Religion and Race Conference in Chicago, Illinois on Jan 14, 1963. Online version contributed by BlackPast. Published August 12, 2017. https://www.blackpast.org/african-american-history/1963-rabbi-abraham-joshua-heschel-religion-and-race/

[180] Heschel, "Religion and Race."

[181] King, *The Autobiography of Martin Luther King, Jr,.* 83.

Heschel's speech is an example of the theories presented by King throughout his life. While the speech was impassioned, it lacked the depth that King was able to achieve in his own works.[182] It also lacked the theological theory that King was able to bring to the table thanks to his extensive studies: "Three elements of King's Christian theology are particularly important in shaping his moral and political vision: (1) the doctrine of "personalism"; (2) the concept of universal love or agape; and (3) the dictates of the "social gospel."[183] King believed that each individual had the ability to make their own choices, the duty to love and respect everyone, and emphasized the spiritual nature over the presence of the human body and character.[184] I have already discussed briefly the influence of personalism on King's, however, an examination in more detail is necessary. Mainly, it must be noted that the basic ideas surrounding the concept were present early in his life:

> Long before King was formally introduced to philosophical personalism, he was the heir to a homespun personalism that reflected major black religious convictions about a Creator God who is personal and loving, who demands that justice and righteousness be done, and that compassion be exhibited toward the least fortunate. In this conviction is also the idea that each person, regardless of gender and race, is inherently precious to God, and therefore should be treated as such under actual living conditions.[185]

For King, there was an inherent connection between the person's inner being and their spiritual relation to God.[186] He was able to practically apply the ideas of personalism into how civil disobedience was conducted throughout the Civil Rights Movement, focusing on the dignity of

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[182] For his important works, see James Melvin Washington, ed., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.,* (New York: Harper Collins, 1991).
[183] Myers, "Two Revolutions of Martin Luther King, Jr," 667.
[184] Myers, "Two Revolutions of Martin Luther King, Jr," 667-668; He also calls this love "agape," which is a love that is associated with respect and understanding.
[185] Burrow, *God and Human Dignity*, 70; see pages 69-87 for an indepth look at how King viewed personalism; Rufus Burrow Jr., "Martin Luther King Jr.'s Conception of God," Church Life Journal, University of Notre Dame. Published January 16, 2024. https://churchlifejournal.nd.edu/articles/martin-luther-king-jr-s-conception-of-god/; Aaron Preston, "Martin Luther King's Personalist Vision," Law and Liberty, August 29, 2022, https://lawliberty.org/martin-luther-kings-personalist-vision/.
[186] Myers, "Two Revolutions of Martin Luther King, Jr," 667.

individuals involved. King also applied personalism to how he combated social issues more broadly, so as he shifted his focus to anti-Vietnam War efforts and eradicating poverty, he was still using these theories in his attempt to create change.[187] Alongside personalism, King also maintained that the "social gospel" was a key idea related to achieving racialized equality. "Social gospel" is the idea that good in society is achieved through a combination of emphasis on both the spiritual and the human nature of people. Society cannot thrive and function if too much emphasis is put on either one of them; churches often over-emphasize the spiritual nature of individuals, whereas governments/states tend to negate it.[188]

While those two ideas were crucial in King's writing, love (*agape*) was perhaps the most important element of King's philosophies and dissidence. It is crucial to note that when King references love, it is a very *specific* definition he has in mind:

> ...we are not referring to some sentimental or affectionate emotion. It would be nonsense to urge men to love their oppressors in an affectionate sense. … *Agape* means understanding, redeeming goodwill for all men. It is an overflowing love which is purely spontaneous, unmotivated, groundless, and creative. It is not set in motion by any quality or function of its object. It is the love of God operating in the human heart..[189]

Agape is the idea that one must love all others unconditionally, with ties to God's unconditional love for all and the interconnected relationship between all humans ("brothers"). It compels individuals to seek understanding and compassion for all, without exception. Despite the key role that love played in King's ideas *and* the changes that were achieved in the Civil Rights Movement, love is often separated from how we discuss civil disobedience and politics, to the detriment of the theory.[190] This separation is also potentially detrimental to understanding King:

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[187] Burrow, *God and Human Dignity*, 86-87.
[188] Myers, "Two Revolutions of Martin Luther King, Jr," 668.
[189] Martin Luther King, Jr., *Stride Toward Freedom: The Montgomery Story* (US: Harper & Brothers, 1958: Boston, MA: Beacon Press, 2010), 92-93.
[190] Alexander Livingston, ""Tough Love": The Political Theology of Civil Disobedience," *Perspectives on Politics* 18, no. 3 (2020): 1-2.

> Legal theories of civil disobedience read statements like King's as expressions of the "civil" character of civil disobedience. Disobedience ought to serve the public good, appeal to shared constitutional principles, and respect the dignity of one's fellow citizens. Translating the injunction to love into these secular legal terms makes for a triple distortion of King's political theology. The first is how it relieves the disobedient of the demanding ethical duty to love the enemy at great peril, and instead asks them to love political institutions of the state. The second is a moralization of civility at the expense of the confrontation or "aggressive" dimension of disobedience. Third is its displacement of the vital place of the social in black political thought.[191]

It is impossible to discuss King's work without taking into account the role that he believed love, above all, played in ending segregation and creating equality for racialized Americans.

There are also key notes that must be made about King's dedication to non-violence, and how it became an integral part of his theory. Although I discuss later in this chapter how Gandhi played a crucial role in solidifying King's adherence to nonviolence, it is tied directly with King's theories on love and agape. King discusses six key qualities associated with non-violence. The first point King emphasizes is that non-violence is not an individual demonstrating non-participation, rather they are making a conscious choice to control themselves in the face of opposition.[192] The second idea is related to the ultimate goal of nonviolent resistance. Non-violence is meant to "awaken a sense of moral shame in the opponent. The end is redemption and reconciliation. The aftermath of non-violence is the creation of the beloved community, while the aftermath of violence is tragic bitterness."[193] A third key aspect of non-violence is ensuring that the individual knows who the opponent is, and directs their energy towards fighting the injustice rather than specific individuals. Fourth, perhaps the most important aspect of non-violent resistance, is the ability for an individual to have violence enacted upon them without engaging in return. "Suffering, the nonviolent resister realizes, has tremendous

[191] Ibid., 2.
[192] King, *Stride Toward Freedom,* 90.
[193] Ibid., 90-91.

educational and transforming possibilities."[194] Fifth, with a direct tie to *agape*, is the idea that non-violence must exist both physically and spiritually, and that love must drive all nonviolent action. Sixth, non-violence must coexist with faith in a higher power (which, crucially, does not necessarily have to be God).[195] Although these are mentioned in specific relation to the Montgomery Bus Boycott, the importance of these ideas translates through all of his work.

Civil Rights Leadership

Knowing King's educational and theological background, as well as the basis for his ideas, we can discuss King's role as a leader, how he contributed to the Civil Rights Movement, and important work that demonstrates his philosophies. King not only led his followers spiritually, he led them physically by demonstrating agape/non-violence, marching alongside them with a willingness to be imprisoned for the cause. After graduating with his PhD, King found himself as a pastor in Montgomery, Alabama, and quickly became a part of the National Association for the Advancement of Colored People (NAACP), as well as the Vice President of the Alabama Council of Human Relations (an integrated group focused on achieving racial equality).[196] While these groups gave King the opportunity to participate in ending segregation in the South, the event that was the catalyst to King's leadership and the Civil Rights movement was the Montgomery Bus Boycott.[197] Rosa Parks was arrested on December 1, 1955 for refusing to give up her seat on the segregated bus system, and E. D. Nixon (then President of the NAACP and the person who posted Park's bond) worked with King and Reverend Ralph Abernathy (of the Montgomery First Baptist Church) to organize a city wide Bus Boycott to start on Monday,

[194] Ibid., 91.
[195] Ibid., 89-95.
[196] King, *The Autobiography of Martin Luther King, Jr,*. 35-42.
[197] King, *The Autobiography of Martin Luther King, Jr,*. 44-86; King, *Stride Toward Freedom*.

December 5th.[198] The Boycott saw significant success on its first day, and in an effort to ensure its prolonged effectiveness, the first meeting of the Montgomery Improvement Association (MIA) was held that night, with King elected as the President. Later that same night, the MIA decided that they were going to make the most of the opportunity presented to them:

> The resolution called upon the Negroes not to resume riding the buses until (1) courteous treatment by the bus operators was guaranteed; (2) passengers were seated on a first-come, first-served basis— Negroes seating from the back of the bus toward the front, whites from the front toward the back; (3) Negro bus operators were employed on predominantly Negro routes. At the words, "All in favor of the motion stand," every person to a man stood up, and those who were already standing raised their hands.[199]

King went on to add about the meeting: "That night we were starting a revealed with [sic] a new sense of dignity and destiny. That night we were starting a movement that would gain national recognition; whose echoes would ring in the ears of people of every nation; a movement that would astound the oppressor, and bring new hope to the oppressed. That night was Montgomery's moment in history."[200]

Although King had studied extensively the ideas of civil disobedience, this was the first opportunity he had to implement these ideas into action.[201] While it was not initially agreed upon by the members of MIA, King convinced them to at least try. The boycott was a test of

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[198] King, *The Autobiography of Martin Luther King, Jr,*. 45. They included "all of the ministers and civic leaders" in this boycott, which further demonstrates how integrated religion was for the civil rights movement from a purely organizational and messaging capacity. One of the Factors that made the bus boycott effective is that many users of the bus system at the time were indeed Black Americans who did not have the financial capacity or socioeconomic status to purchase their own vehicles.

[199] King, *The Autobiography of Martin Luther King, Jr,*. 54.

[200] Ibid., 54-55.

[201] For more information on Non-violence and Gandhi's influence within the boycott, see Carosso,"Stride toward Freedom"; Hardiman, "Gandhi's Global Legacy"; Gan, "The Gandhi-King Tradition and Satyagraha"; King, *The Autobiography of Martin Luther King, Jr,*. 44-86; Livingston, "Tough Love"; Myers, "Two Revolutions of Martin Luther King, Jr,"; King, *Stride Toward Freedom*; Burrow, *Extremist for Love*; Sir William Mitchell Ramsay, *Four Modern Prophets: Walter Rauschenbusch, Martin Luther King, Jr., Gustavo Gutierrez, Rosemary Radford Ruether* (Atlanta, GA: John Knox Press, 1986), 33-37; Mantena, Karuna Mantena, "Showdown for Nonviolence: The Theory and Practice of Nonviolent Politics." in *To Shape a New World: Essays on the Political Philosophy of Martin Luther King, Jr.*, ed. Tommie Shelby and Brandon M. Terry (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2018).

nonviolence both for King as a leader, as well as for King on a personal level as he was arrested for the first time in his life. Throughout the boycott, he and his family faced significant threats to the point where their home was bombed.[202] While King was not home at the time, his wife and youngest daughter were, and although they were not injured, the attack was a demonstration of both the ingrained racist values within the US and the significance of the role that King was playing in his attempt to create change. The bombings however, did not result in violence from the Black community, which was an affirmation of their ability to respond to brutal violence without reciprocating. The state attempted to fight nonviolence with nonviolence and arrest individuals involved with the boycott, however, this was unsuccessful as protesters were proud to be arrested fighting for freedom:

> Ordinarily, a person leaving a courtroom with a conviction behind him would wear a somber face. But I left with a smile. I knew that I was a convicted criminal, but I was proud of my crime. It was the crime of joining my people in a nonviolent protest against injustice. It was the crime of seeking to instill within my people a sense of dignity and self-respect. It was the crime of desiring for my people the unalienable rights of life, liberty, and the pursuit of happiness. It was above all the crime of seeking to convince my people that noncooperation with evil is just as much a moral duty as is cooperation with good.[203]

On November 13, 1956, the Supreme Court declared the segregation of the bus system unconstitutional, and on December 20, after 381 days, the boycott was officially called off. Although the boycott itself played a minor role in creating this change, it was a significant victory for Montgomery, the Civil Rights Movement, and King. The most important element that this boycott demonstrated was that nonviolence could play a role in combating injustice. Not only had they participated in changing unjust laws at a state level, they also integrated into the bus system with minimal pushback from white passengers.

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[202] The home of E.D Nixon was bombed as well on February 2nd
[203] King, *The Autobiography of Martin Luther King, Jr,*. 77.

Most of the above information is taken directly from King's Autobiography and *Stride Toward Freedom*, and while those are comprehensive accounts of the events from King's perspective, there is one figure associated with the boycott that is notably left out. This individual is none other than Bayard Rustin. As a prominent figure who was already well known for his views on pacifism and nonviolence related to fighting racialized injustice, he played a significant advisory role in the bus boycott. Rustin is also at least partially credited with encouraging King to dive deeper into Gandhi's theories of nonviolence and played a key role in creating the Southern Christian Leadership Conference (SCLC) that, in 1957, King became President of and used to continue the Civil Rights Movement.[204] "Rustin helped convince King that absolute nonviolence was a religious imperative, but he also showed the boycotters how it could work as a political strategy. Rustin encouraged King to cease the open display of weapons, arguing that the fear and suspicion that they created outweighed any security that they might offer."[205] Rustin being left out of this narrative is not surprising, as he was controversial before the bus boycott began. Not only was he involved with a communist group, he was also often ostracized as a gay man. With two prominent parts of his identity being extremely controversial at the time, many Civil Rights leaders worried that if white folks could not accept Black people as "people," this intersectionality might detract or damage further progress:

> As King's informal advisor, Rustin offered suggestions regarding the *Stride* manuscript, but acquiesced in his own excision from the boycott story: "In regard to … my name being left out - this was my decision and a very sound one." He explained that "reactionaries in the south have distributed several pieces of literature accusing King of being a Communist and linking me 'a Communist agitator' with him."[206]

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[204] Bayard Rustin, *Time on Two Crosses: The Collected Writings of Bayard Rustin*. Second ed, ed. Devon W. Carbado and Donald Weise (New York: Cleis Press Inc., 2015), Introduction. King, *Stride Toward Freedom,* xxv.
[205]Kosek, "Richard Gregg, Mohandas Gandhi, and the Strategy of Nonviolence," 1344.
[206] King, Stride Toward Freedom, xxv

While Rustin was not thrilled that he was either pushed behind the scenes or omitted entirely from civil rights narratives, there came a point where he recognized that it was for the best and that he could continue to make change from the background.[207]

By 1963, the Civil Rights Movement had been gaining strides, and King had taken on more work as leader of the SCLC in organizing larger movements across the Southern US states and working directly with the Federal Government. King found himself in Birmingham, Alabama, and as a city that was still experiencing *significant* segregation, King emphasized (in a very Thoreau-ean manner) that the centrists who did not directly and outwardly oppose racialized injustice contributed to the injustice: "Certainly Birmingham had its decent white citizens who privately deplored the maltreatment of Negroes. But they remained publicly silent. It was a silence born of fear – fear of social, political, and economic reprisals. The ultimate tragedy of Birmingham was not the brutality of the bad people, but the silence of the good people."[208] On April 3rd, 1963, the SCLC worked with the Alabama Christian Movement for Human Rights (ACMHR) and launched the nonviolent "Project C" campaign.[209] This included marches, sit ins, and boycotts, which angered local law enforcement. Instead of responding with

[207] It is important to mention Rustin here as another demonstration of how civil disobedience has shifted after King and liberal theories. During the twenty-first century, we have seen various marginalized groups work together to fight broader injustice within society. While this was criticized in Section I for reasons related to legal justification and being unspecific, it is empowering to see groups of individuals, like the 2SLGBTQ+ community and people of colour, working together to fight in a society that was clearly not designed with them in mind. I discussed earlier the notion that citizens have a duty to participate in civil disobedience, and I discussed the question of end goals within civil disobedience, but perhaps an end goal to consider is demonstrating support and allyship for a marginalized population. Recognizing that legal and systemic change is often very difficult to achieve, perhaps showing up and demonstrating that you support others within your nation is enough.

[208] Autobiography 161, for more on the brutal segregation in Birmingham see pages 159-161. This quote and these ideas draw us back to the discussion in Section 1 on whether civil disobedience needs to be a public display or whether it can be something enacted in private. and I would argue the answer to this question lies in what your intended goal is related to civil disobedience; if you want to create systemic change within the state and/or government, then your participation must be public and well documented. If your goal is more personal and individual action that demonstrates allyship, however, then secret participation should be welcomed. This idea relates back to the idea that there needs to be change within the system, as well as change within ideals and values of people, and it takes participation in all shapes and forms to create changes in all areas of society.

[209] The C stood for "Confrontation," referring to confronting segregation in Birmingham.

violence, however, the city and government responded with an injunction ordering the demonstrations to end. This order was directly and blatantly disregarded. King's Statement read:

> We cannot in all good conscience obey such an injunction which is an unjust, undemocratic, and unconstitutional misuse of the legal process.
>
> We do this not out of any disrespect for the law but out of the highest respect for the law. This is not an attempt to evade or defy the law or engage in chaotic anarchy. Just as in all good conscience we cannot obey unjust laws, neither can we respect the unjust use of the courts.
>
> We believe in a system of law based on justice and morality. Out of our great love for the Constitution of the U.S. and our desire to purify the judicial system of the state of Alabama, we risk this critical move with an awareness of the possible consequences involved.[210]

Hundreds of protestors were arrested, with King's own voluntary arrest occurring on April 12, 1963. In jail, King faced brutal conditions and was thrown into solitary confinement.[211] It was there, on the margins of a smuggled newspaper, that he penned his famous Letter from a Birmingham jail.

There are a few key points to pull from this letter. Firstly, it was a response to a letter written in the newspaper by white clergymen who were condemning the demonstrations. King spends the first part of the letter discussing how and why this action is taking place. The fact that King has to explain the extreme level of injustice that led Black Americans to participate in this action is a clear example of the moderates that King refers to so frequently. King criticizes that these clergymen are Christians who are actively either promoting or allowing segregation. We already saw the ongoing criticism of religious individuals carrying out segregation and racist sentiments, and these are examples of religious *leaders* who are advocating for the status quo, knowing that it is detrimental to a portion of the population. This letter also demonstrates that

[210] King, *The Autobiography of Martin Luther King, Jr,.* 168. This appeal to the Constitution is once again a demonstration of King's belief that the principles of US democracy can be better applied.

[211] King's wife had given birth to their fourth child only a few days before King was thrown in solitary confinement. She contacted President JFK, who called the jail and made arrangements for the two new parents to chat over the phone. This is notable for two reasons; one, the fact that the president of the United States was willing to use his power to help the King family is a testament to King's importance and impact, and two, it is an example of the difference in views on segregation through both different regions of the US and different levels of government.

without a "force" (a party elected into government, a civil disobedient leader, or a passionate individual), society stagnates. Society will not change unless it is pushed. King writes:

> We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."[212]

While King prided himself on his non-violent and calm demeanor, the frustration in this letter is evident. He was infuriated with a system that saw his people as unequal, at the continued segregation, and at the double standard that was being set for how Black Americans were expected to act as they fought for rights, while white Americans were never held accountable.

This letter, the way King described solitary confinement, and how he discussed turning himself in is an opportunity to examine how King changed as a leader during this experience. He was thrust into the leadership spotlight in Montgomery and gained the respect of his fellow Black Americans, but the raw emotion and frustration is a pivotal point of the acceptance and certainty that he was part of something that was much larger than he could have ever imagined.

> But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an ever- flowing stream." Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God." And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience." And Abraham Lincoln: "This nation cannot survive half slave and half free." And Thomas Jefferson: "We hold these truths to be self-evident, that all men are created equal …" So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension

[212] King, *The Autobiography of Martin Luther King, Jr,.* 177.

> of justice? … Perhaps the South, the nation, and the world are in dire need of creative extremists.[213]

Being religious, King knew there was a higher power guiding him, and he had been raised by people opposing racism, so he knew that there was an ongoing fight for racial justice. This letter was his personal affirmation that he needed to do this work, and the pivotal point of declaring to all, "you're with us or you're not, it is no longer an option to stand on the sidelines and watch as segregation occurs." Eventually, King was released from prison, the movement continued (with a more violent response), and progress was made on segregation within Birmingham, but the experience had a lasting impact on King's life and legacy.

The events that occurred in Birmingham influenced the whole country, both from a social perspective and at the legislative level:

> The summer of 1963 was a revolution because it changed the face of America. Freedom was contagious. Its fever boiled in nearly one thousand cities, and by the time it had passed its peak, many thousands of lunch counters, hotels, parks, and other places of public accommodation had become integrated. The sound of the explosion in Birmingham reached all the way to Washington, where the Kennedy administration, which had firmly declared that civil rights legislation would have to be shelved for 1963, hastily reorganized its priorities and placed a strong civil rights bill at the top of the Congressional calendar.[214]

On August 28, 1963, a quarter million Americans from all backgrounds, all corners of the country, and all faiths, joined together to assert that segregation needed to end. It was at this event that King gave perhaps one of the most famous speeches of all time, "I have a dream."[215] This speech, like the letter from a Birmingham jail, was King reinforcing that America could not be silent while racial injustice was occuring. It showed that Black Americans wanted change in legitimate ways, they were not merely dissidents who were causing chaos in the streets. Perhaps one of the greatest attributes of this speech, however, is the element of hope. There is one

[213] Ibid., 182-183
[214] Ibid., 202-203
[215] Ibid., 205-210.

specific section of the speech I would like to highlight, which is when he says "[t]here are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality."[216] The immediate thought that has to be associated with this is the Black Lives Matter movement (BLM) that came to the forefront of the news in 2020. King was able to inspire the individuals of his era to create change, yet BLM has shown both that the fight towards racialized injustice in the US is not over, and that King's legacy lives on. Although progress to achieving change is slow, we look back at King as a hero for what he was able to accomplish during his time, and perhaps it provides some solace that future generations will look back at the current battles being fought today and consider the efforts to progress society forward heroic as well.

The Civil Rights Act, which saw an end to segregation (among other things), was spearheaded by President John F Kennedy in 1963 and passed by President Lyndon B Johnson in 1964. Although many individuals had their doubts about whether it would be held up by the Supreme Court or whether these laws would even be followed, it was a momentous occasion as a demonstration of the impact that civil rights activists had on their nation. The battles that had been fought for centuries were *finally* being won:

> This legislation was first written in the streets. The epic thrust of the millions of Negroes who demonstrated in 1963 in hundreds of cities won strong white allies to the cause. Together they created a "coalition of conscience" which awoke a hitherto somnolent Congress. The legislation was polished and refined in the marble halls of Congress, but the vivid marks of its origin in the turmoil of mass meetings and marches were on it, and the vigor and momentum of its turbulent birth carried past the voting and insured [sic] substantial compliance.[217]

[216] Ibid., 207.
[217] Ibid., 232.

The passing of the Civil Rights Act did not "end" racism in the US,[218] and one key area in which this bigotry persisted was suffrage. Although these issues were present throughout the Southern states broadly, in Selma, Alabama, voter suppression against Black Americans was rampant. Voters were facing direct violence at the hands of law enforcement, constraints related to meetings, limited time slots available to register to vote, and literacy tests that were set up with an unfair advantage.[219] King helped lead an event in Selma, which led to a march from Selma to Montgomery (54 Miles) in early 1965.[220] King and the demonstration[221] played a critical role in convincing President Johnson to create and pass the Voting Rights Act of 1965, prohibiting racial discrimination in voting.[222] King's spirit and tenacity is best summarized by this quote: "The President said nothing could be done. But we started a movement."[223]

While King played a monumental role in the Civil Rights Movement, after the Voting Rights Act passed, he shifted his focus to injustice in other areas.[224] In 1965 he began speaking out against the Vietnam War, and in 1967 he started work with the SCLS on the "Poor People's Campaign," which sought to tackle economic inequality throughout the US. The movement was supposed to begin in the Spring of 1968, however, on April 4th of that year, King was assassinated and the movement lost momentum. King's final address, the night before his death began with "I guess one of the great agonies of life is that we are constantly trying to finish that which is unfinishable. We are commanded to do that. And so we, like David, find ourselves in so

[218] King, *The Autobiography of Martin Luther King, Jr,.* 233-239; also consider the ongoing BLM movement once again as an example of this systemic racism continued into the 21st century
[219] King, *The Autobiography of Martin Luther King, Jr,.* 253-254.
[220] Although never explicitly connected, King did say he was "moved" by the Salt March. See King, *Stride Toward Freedom*, 84.
[221] Truly, it was the violent response to the demonstration more than the actions of the protestors themselves.
[222] Martin Luther King, Jr,. *Where do we go from here: Chaos or Community?* (USA: Harper & Row Publishers, Inc; Boston: Beacon Press, 2010) 1-22.
[223] King, *The Autobiography of Martin Luther King, Jr,.* 255.
[224] King, *Where do we go from here*, 143-175.

many instances having to face the fact that our dreams are not fulfilled,"[225] a fitting sentiment to leave with his audience.[226] Because he passed away so young and he did not have a chance to get campaigns off the ground related to issues other than civil rights, it has been noted that the narrative often paints King as a one-dimensional, "moderate" theological figure who lead the Civil Rights movement, which ignores some of his more complex views on institutions and politics.[227] Despite his association with the Civil Rights Movement, he lived a well rounded life that unfortunately ended much too soon.

Martin Luther King Jr., and Gandhi: A Comparison

Gandhi's influence on civil disobedience, non-violent resistance, and King is extremely evident. Although King never had the opportunity to meet Gandhi in person, individuals that King worked and/or studied with (including Howard Thurman, Benjamin Mays, and Richard Gregg) did have the opportunity to (separately) meet with Gandhi and bond over their shared struggles for racial equality. University faculty and other leaders within the Civil Rights Movement discussed Gandhi's work at length and inspired King to study the influential figure.[228] Gandhi had a theological influence on King: "King was particularly impressed by the way in which Gandhi had channelled his anger at injustice into a constructive and creative nonviolent engagement. He realized that such a resistance provided a deeply Christian weapon that could

[225] King, *The Autobiography of Martin Luther King, Jr,.* 329.
[226] After King's death, the Black Power Movement began to take off, which did not adhere to the lessons of nonviolence that King preached. For more information on this, see Mantena, "Showdown for Nonviolence" and King, *The Autobiography of Martin Luther King, Jr,.* 292-307.
[227] Derrick P. Alridge, "The Limits of Master Narratives in History Textbooks: An Analysis of Representations of Martin Luther King, Jr." *Teachers College Record* 108, no. 4, (April 2006): 662–686; Alexander Livingston, "Power for the Powerless: Martin Luther King, Jr.'s Late Theory of Civil Disobedience," *The Journal of Politics* 82, no. 2 (2020): 700-13; Myers, "Two Revolutions of Martin Luther King, Jr."
[228] Barry L. Gan, "The Gandhi-King Tradition and Satyagraha." in *The Routledge Handbook of Pacifism and Nonviolence*, ed. Andrea Fiala, (New York: Routledge, 2018), 93-94; David Hardiman, "Gandhi's Global Legacy." in *The Cambridge Companion to Gandhi*, ed, Judith M. Brown and Anthony Parel, (New York: Cambridge University Press, 2011), 240-241.

provide a strong base for the mass mobilization of African Americans."[229] He also played a significant role in King's views and dedication to non-violence.[230] Speaking about the Montgomery Bus Boycott, King said "[a]s the days unfolded, however, the inspiration of Mahatma Gandhi began to exert its influence. I had come to see early that the Christian doctrine of love operating through the Gandhian method of nonviolence was one of the most potent weapons available to the Negro in his struggle for freedom."[231] Gandhi's philosophies contributed to many of the events and much of the success seen within the Civil Rights Movement. "Gandhian techniques of resistance had been shown to work in an American context, in a way that legitimized them for a generation of Americans."[232] That Gandhi's ideas were successful in combating injustice demonstrated that diverse perspectives on how to create change should be welcomed. It was an opportunity to revisit the functionality of engrained US ideals and values.

Despite Gandhi's influence, there are some key differences that must be noted. One can compare and contrast the way that Gandhi and King approached and discussed both their own education and the education of those around them. Whereas Gandhi was critical of the imposed British colonial education, suggesting that it promoted inequality and harmed Indian nationalism, King was a large supporter of access to education for all. For King, education was an opportunity to broaden one's horizon and think critically about the information that one consumes. It is not enough to be intelligent, a person has to be able to put their knowledge into action that will have

[229] Hardiman, "Gandhi's Global Legacy," 241, King, *The Autobiography of Martin Luther King, Jr,.*21.
[230] Andrea Carosso,""Stride toward Freedom": Martin Luther King, the Montgomery Bus Boycott and the Gandhian lesson." in *Gandhi After Gandhi: The Relevance of the Mahatma's Legacy in Today's World*, ed. Casolari, Marzia (Abingdon, Oxon; New York, NY;: Routledge, 2022), 50-51; Gan, "The Gandhi-King Tradition and Satyagraha, 97; Livingston, "Tough Love"; Rufus Burrow, *Extremist for Love: Martin Luther King Jr., Man of Ideas and Nonviolent Social Action* (Minneapolis: Fortress Press, 2014), 199-281; King, *Stride Toward Freedom*, 89-95.
[231] King, *The Autobiography of Martin Luther King, Jr,.* 59.
[232] Hardiman, "Gandhi's Global Legacy," 243. .

a positive impact on the world around them.[233] "For King philosophical study meant nothing if it could not be applied to eradicate the conditions that demeaned the worth of his people."[234] Gandhi was working to resist Colonial indoctrination within India, and promoting a formal British education would have assimilated Indian culture even further. King had almost the opposite goal in mind, as he saw education as an opportunity to dispute racism, lies, and widespread anti-Black propaganda. King embraced his formal education and used it to further discussions on racialized injustice, whereas Gandhi used his informal study of religious texts and his own spiritual journeys to guide his resistance.[235] Despite both being educated men, they viewed their formal education and its applications very differently, and the distinguishable outcomes of these choices are evident.

King was more willing to be on the front line, put himself at risk, and physically lead specific events, whereas Gandhi preferred to work as an individual, especially as his ideals evolved through his life.[236] A second key difference is adherence to democracy. While (as previously noted), Gandhi was indifferent to democracy, King was a strong believer in democratic principles. His fight for civil rights centered around these principles, as well as the principles of the Constitution and the Declaration of Independence being better applied to defend and protect *all* Americans.[237] While Gandhi and King were both extremely powerful leaders who

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[233] Martin Luther King, Jr., "The Purpose of Education". Originally published in The *Maroon Tiger* (January-February 1947): 10 at Morehouse College in Atlanta, Georgia. Online version provided by The Martin Luther King, Jr. Research and Education Institute at Stanford University. https://kinginstitute.stanford.edu/king-papers/documents/purpose-education In King, *The Autobiography of Martin Luther King, Jr.,* 6, King discusses how the segregated school system when he was a small child impacted his friendship with another boy who happened to be white.

[234] Rufus Burrow, *God and Human Dignity: The Personalism, Theology, and Ethics of Martin Luther King, Jr.*, (Notre Dame, Ind: University of Notre Dame Press, 2006): 69.

[235] He used his formal education when necessary for formal proceedings and to produce policy documents, though he suggested that hands-on learning was significantly more important.

[236]Hardiman, "Gandhi's Global Legacy," 242.

[237] King, *The Autobiography of Martin Luther King, Jr,.* 52: "We are here in a general sense because first and foremost we are American citizens and we are determined to apply our citizenship to the fullness of its meaning. We are here also because of our love for democracy, because of our deep-seated belief that democracy transformed from thin paper to thick action is the greatest form of government on earth."

were able to create significant change, they were very *different* leaders who amassed different followings for different reasons.[238] Another important contrast to note between these two figures is the movements they led and tangible/measurable outcomes they hoped to achieve. This has to be considered in both the connection and separation of these figures' theories from specific movements. Whereas Gandhi is associated with Indian independence and racial justice, his philosophies are able to be applied to life and broader spiritual ideas. King, on the other hand, will forever be associated with the Civil Rights Movement. Despite having quite robust theories on economic policies and institutions within government, his work is often pigeonholed into specific works he wrote and speeches he made.[239] Perhaps this can be attributed to his shorter lifespan, and if he would have had the opportunity to run the Poor People's Campaign as intended, he would have been able to branch out to affect other areas of injustice within the US. Another key aspect of this idea that I touched on briefly already, is that while Gandhi's goals and ideals were more philosophical, King had very specific policies and laws in mind that he wanted to change. While Gandhi wanted his followers to pursue their own journeys of swaraj and satyagraha, and perhaps participate in specific movements if the opportunity arose, King's writings and theories had a practical application when it came to ending segregation. King did not have the luxury of allowing individuals to take time on their journeys to decide what was right. As King's life progressed, he became increasingly aware that bystanders and individuals who were "neutral" were detrimental to the goals he was trying to achieve, and that he too must take a stand on issues that affected not just African Americans, but America as a whole.

[238] Compare and contrast the individuals in the Ashram vs. the individuals participating in the Montgomery Bus Boycott; one group was on a journey to discover internal swaraj that would aid in their fight against injustice, whereas the other was directly disobeying laws as a collective group to undo unjust policies. While Gandhi did lead successful instances of satyagraha, his "followers" often worked to embody his spiritual lessons, whereas King's "followers" were more concerned with directly combating segregation.

[239] Consider his association with his "I Have a Dream" speech, and the impact it has had on his legacy.

A crucial comparison to make is that Gandhi and King both gradually evolved from fighting specific instances of injustice to opposing unjust systems more broadly. Consider King's shift in perspective associated with the Letter from a Birmingham Jail and Gandhi's loss of faith in the British colonial system. While the quote is long, it provides crucial information to analyse:

> Gandhi and King are probably more similar than most realize, but there is one striking difference. Gandhi was already 36 or 37 years old when he undertook his first major nonviolence campaign. King was assassinated at age 39, by which time he had already helped lead the Montgomery Bus Boycott, the Albany campaign, the Birmingham and Selma campaigns, the Jacksonville campaign, and the Chicago campaign. … The differences between them that one is inclined to notice – Gandhi's relatively ascetic life and his communal life at an ashram, and his many varied concerns, from economics to the untouchables to disease eradication and *swadeshi* – were all activities of the second half of Gandhi's life, begun for the most part after the age of 36 or so. King, up until age 36 or so, had focused almost entirely on matters of segregation and racial injustice. … Both had recognized from their starts the evils of prejudice against certain classes of people. But both had moved from seeking acceptance from the powers-that-be in their cultures and from seeking material well-being to recognizing the dangers of people hungry to consume for the sake of consumption. Both had moved from hesitantly supporting wars that they thought were being fought for good causes to opposing war altogether. And what bound them together in their movement against these perceived evils was their commitment to Truth, which also bound them together in recognizing nonviolence as the only means by which Truth could be obtained.[240]

I have discussed the importance of these figures as leaders, however, these views suggest a level of moral transcendence rarely seen. Although achievements related to "small" policy changes were important (both figures continued to advocate against specific unjust policies), both were committed to changing systems and societies through non-violent means. Perhaps related to their theological natures, the self sacrifice involved and the personal faith necessary to fully commit to these ideas is a testament to how and why they were able to achieve the success they did.

[240]Gan, "The Gandhi-King Tradition and Satyagraha, 99-100.

Conclusion

I have discussed the idea that nonviolence is (at least most of the time) a key tenant of civil disobedience. While authorities often respond to civil disobedience with violence, it is unfathomable to imagine how much internal strength it would require to accept violence without defending yourself, as well as just how violent the responses to resistance in the Civil Rights Movement were. Violent reactions towards Black dissidents within the Civil Rights Movement did not just come from sources of authority and law enforcement, they also came from white folks who did not want segregation to end. The theories I presented in Section I were exactly that – theories for how civil disobedience should function in democracies without any real guidance for practical applications. We discuss the moral justification of fighting injustice and the necessity to take part when injustice is being faced, but it does not factor in the response of what people uninvolved with the state would do if they are in agreement with the "unjust" law. We often see civil disobedience directed towards either the government or state, but forget that citizens are not just bystanders, sometimes they indeed agree with "unjust" laws and will fight to uphold them.[241] King himself was stabbed, and there are countless stories of lynching, arson, and bombings that exemplify this violence. In instances of civil disobedience and resistance, while bystanders pose a threat to the capacity that a movement has to succeed in creating social change, citizens who exist in places of privilege, who "benefit" from and wish to uphold laws that are indeed unjust, pose a different yet equally as relevant danger.[242] We often forget that justice and progressing society forward is so nuanced, polarized, and dangerous.

[241] Delmas, *A Duty to Resist*, 1-4. Delmas discusses at length the unwarranted and excruciating violence that a group of CORE (Congress of Racial Equality) Freedom Riders faced at the hands of both citizens and law enforcement in Rock Hill, South Carolina in May of 1961, which is heartbreaking to read and think about.

[242] This is not even necessarily the "majority rule" that so many civil disobedience theorists discuss, but rather any everyday citizen who resists the resistance

Martin Luther King Jr played a crucial role shifting the political landscape in the US and advancing the racial equality for Black Americans. He is often compared to Gandhi for his theological and spiritual nature, and the way that he preached total non-violence no matter the response from either law enforcement or angry citizens. Although this idea of nonviolence did not necessarily continue after his death, he proved throughout his lifetime that change that involved love and respect for everyone was possible. King worked to create change both within political institutions as well as within the narratives and views of everyday citizens. He recognized that change could not happen if either one of those places still held racist systemic views. While he was not able to fulfill all of his goals, his work and writings were crucial in influencing individuals worldwide, both during his lifetime and beyond.

Conclusion

This paper has discussed civil disobedience within democracies and the difficulties defining and justifying how change should be created. The theories and ideas behind civil disobedience have shifted significantly since its conception in the mid-19th century, and we are able to pinpoint specific instances in history that have caused further change in the academic discourse. Another key element to focus on within the study of civil disobedience is the difficulty often associated with translating its functionality in theory into practical application. While many different perspectives exist on when and how dissidence should be used, a key tenant associated with civil disobedience is its adherence to nonviolence. Two of the most influential figures who were able to practically apply civil disobedience, create significant theories surrounding it, and advocate for the sustained use of non-violence in combating injustice were M. K. Gandhi and Martin Luther King Jr. Although extremely different in the circumstances in which they existed, both figures focused on combating sustained systemic racialized injustice, furthering equality for all citizens, and creating broader change within unjust systems. Theology and religion also played a key role in their lives, which contributed to their philosophies and moral views. Both individuals were able to write substantial works that had a significant impact on theories of civil disobedience and nonviolence, and participated actively in creating the change they envisioned. Their ideas continue to influence how the world sees resistance and the creation of systemic change when it is not necessarily well received by the system.

Engaging with change is a crucial aspect of existing within democratic systems. Without individuals and/or groups who are willing to stand up to laws/situations that they see as unjust, democracies run the risk of stagnation and not representing *all* citizens effectively. This paper discusses at length how bystanders and those who are unwilling to engage with change are

barriers when it comes to the bettering of society, to the point where apathy and direct opposition to change is essentially indistinguishable (unless the direct opposition makes itself well known). As nuance associated with civil disobedience has shifted, especially considering the rise of technology, we are beginning to witness more grey areas when it comes to how/when civil disobedience should be justified, and questions surrounding the identity and nationhood of participants. Although the theory has become more complicated, we are still drawn to the ideas that Gandhi and King were able to provide, alongside how they were able to inspire others to participate in creating change. Without the successes that these two individuals had, civil disobedience would likely not be as accepted as a way of creating societal change. Both figures were essential in demonstrating that non-violent resistance had the capacity to work. Although civil disobedience looks significantly different in 2024, and there are almost guaranteed changes that will be seen in the coming years influenced by political polarization, technology, and globalization, the theory would truly not be what it is now had it not been for the influences, contributions, and dedication of both Gandhi and King.

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