

Civil Disobedience: *Antigone*, Thoreau and King

One of the most influential works supporting the right of the individual to disobey the laws of the state is Henry David Thoreau's *Resistance to Civil Government*, more commonly known by its subsequent titles, *Civil Disobedience* and *On the Duty of Civil Disobedience*.

In *Civil Disobedience*, Thoreau wrote, "I heartily accept the motto: 'That government is best which governs least' . . . Carried out, it finally amounts to this, which I also believe: 'The government is best which governs not at all' . . ." Although living in a democratic republic, he did not believe its citizens had to wait until unjust laws were changed by constitutionally prescribed processes; in fact, he thought voting was ineffective. To end such injustices as slavery, the operation of the Fugitive Slave Act, and the Mexican-American War, the correct course of conduct was simply to disobey unjust laws. Although individuals might not be required to fight affirmatively against injustice, Thoreau believed it was necessary for them, on a personal level, to refuse to participate in injustice. This could be achieved by withholding support for injustice, even if that meant breaking the law, for example, by refusing to pay taxes. Indeed, that very sort of refusal was the genesis of *Civil Disobedience*, Thoreau having written it after a night spent in the Concord jail for failure to pay the Massachusetts poll tax.

Both Mohandas Gandhi and Martin Luther King, Jr. cited Thoreau as a significant influence, although their lives and teachings differed significantly from his. Gandhi and King were not only thought leaders on the moral response to injustice, but leaders of successful mass movement against injustice. In contrast, Thoreau, dying before *Civil Disobedience* became widely known, did not seek to lead a mass movement and, indeed, had no contemporary followers.

Further, the India Gandhi lived in was not a democracy, but rather part of the British Empire in which Indian nationals had no voice in governance. And, although the United State was a democracy, blacks were systematically excluded from voting in the South. Effectively denied a say in how they were governed, Gandhi and King turned to civil disobedience as an immediate way to make their demands for just treatment and access to government heard. As noted, Thoreau wasn't denied the vote, rather his disenchantment with democracy and the electoral process stemmed from his dismay that his fellow citizens did not see things his way.

In addition, while the civil disobedience of Gandhi and King was expressly non-violent, Thoreau's was not so limited. Although, he never personally engaged in violent civil disobedience or argued that it was a necessary response to injustice, Thoreau taught that it was a permissible response. In this regard, he vigorously supported John Brown's bloody raid on Harpers Ferry and campaigned against Brown's being hanged, comparing him to Christ and calling him, "the bravest and humanest man in the country".

Comparing both King's and Thoreau's basis for civil disobedience with Antigone's is instructive. Her flouting of Creon's edict against burying her brother was informed by her conviction that the law was immoral, contrary to the traditions of her society, against the law of the gods and, therefore, unjust. To the extent that King relied on tradition and, more specifically, religious principles to support his call for civil disobedience, he is similar to Antigone.

How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.

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In contrast, Thoreau's argument for civil disobedience is the epitome of American individualism, untethered to anything more substantial than his personal view of justice. He believed that his only political obligation was "to do at any time what I think is right." So personalized a standard may have informed Thoreau's apparent view that the Mexican-American War was an evil of equal magnitude to chattel slavery.

Thoreau has been justly hailed as an advocate of following one's conscience even if doing so leads to personal unpopularity, inconvenience, and even imprisonment. However, his conviction that an individual's personal judgement concerning matters of justice is paramount, even if it leads to scorning the principle of majority rule, breaking the law, and, ultimately, committing acts of violence is troubling. This mindset comports disturbingly with those of such terrorist followers of "a different drummer" as abortion clinic bombers, anti-federal government Neo-Nazis, and violent jihadists. Thoreau's ardent support of what can fairly be described as the domestic terrorism of John Brown shows that he understood and accepted the violence that his theory of civil disobedience condones.

In contrast, the only violence involved in Antigone's flouting of the law was self-inflicted and in itself constituted a form of civil disobedience. To a certain extent Antigone's conduct was consistent with another tenet of King's teaching on civil disobedience:

One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

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