Understanding the Theoretical Basis for Civil Disobedience

Alicia Becker

Grade Level/Subject Area: 11th or 12th grade Language Arts
Class Size: Any size suitable for small and large group discussion
Lesson Duration: Three to five days

Guiding Questions:
- What is the relationship between an individual and his or her government?
- What are the duties of a citizen when his or her government behaves unjustly?

Lesson Abstract:
This lesson assists students in analyzing and evaluating the relationship between an individual and his or her government with respect to law and justice. The lesson centers on an analysis of Thoreau’s *On the Duty of Civil Disobedience* and King’s “Letter from Birmingham Jail,” which provide a strong theoretical basis for civil disobedience. Writing-based activities are included.

Lesson Content:
Henry D. Thoreau’s seminal essay *Resistance to Civil Government*, better known as *On the Duty of Civil Disobedience*, outlines his view of the relationship between the state and the individual. The essay was precipitated by Thoreau’s own act of civil disobedience in which he refused to pay poll taxes to a government that was “the slaves’ government also” (Thoreau ¶6). Although Thoreau’s stay in jail was brief—a single night, during which his taxes were paid anonymously—Thoreau’s defense of his actions on moral and philosophical grounds has inspired the actions of many of history’s most notable figures, including Dr. Martin Luther King, Jr. of the American Civil Rights Movement.

Thoreau’s essay opens by defining the purpose of government stating that “…at its best [it] is an expedient” (¶1) In other words, government exists by the consent of the people for the practical purpose of executing their will. This concept lays the foundation for Thoreau’s argument that the individual, a subject by choice to a government of the people’s own creation, need not—and must not—sacrifice his or her conscience to the will of the state. This point is reinforced by the fact that the state is amoral and easily manipulated. Similarly, the individual’s conscience should not be silenced by the majority, commonly considered the authority in a democracy, as “the majority rule in all cases cannot be based on justice” (¶4) since the majority rules from strength of numbers rather than conscience.

What then is the responsibility of the individual within society? According to Thoreau, we must heed our conscience, even when acknowledging its moral authority results in direct conflict with the state. As Thoreau states, “I think we should be men first, and subjects afterward” (¶4). By doing so, Thoreau implies that government can be improved. Thus, Thoreau is not anti-government per se but believes that the quality of government is derived in large part from the collective expectations of individuals. Thoreau best articulates this concept when he states, “…I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it” (¶3). By extension, injustice within society is ultimately the responsibility of the individual. True, evil may exist systemically—as in the case of slavery—but this evil can only continue with the tacit approval of individuals.
Thoreau anticipates that a political philosophy that places onus on individuals and encourages defiance of immoral laws will incur numerous objections and, therefore, he dedicates much of his essay to a rebuttal of potential critics. Most notable among these rebuttals is his response to Enlightenment philosopher William Paley’s “Duty of Submission to Civil Government,” in which Thoreau clearly rejects the philosophical tenant of Utilitarianism. This ethical theory, developed by Jeremy Bentham and John Stuart Mills, argues that the overall aim of society is the greatest good for the greatest number of people (Mills), resulting in the corollary that the end of any action justifies the means of its obtainment. Paley’s argument rests heavily on inconvenience as a detriment to the greatest good of the community; however, Thoreau argues that Paley’s theory, and by extension Utilitarianism, fails to consider higher moral truths, such as justice, thus failing as a tenable political theory.

*On Civil Disobedience* is a text that is not only necessary for cultural literacy but one that has transformative power. Thoreau’s philosophy, which contains both moral and political dimensions, is instructive for our students both as individuals and as citizens in American society. The significance of his message is best emphasized by its influence on Martin Luther King, Jr., a social and political leader credited with liberating African-Americans from the injustices of systemic racism in the Jim Crow South. Although students are no doubt familiar with Dr. King’s activities in the Civil Rights Movement, the relationship of his political and moral philosophy to earlier American thinkers is less frequently examined in the classroom. King’s “Letter from Birmingham Jail” provides an ideal opportunity to illustrate exactly such connections.

“Letter from Birmingham Jail” outlines King’s justification for direct action against racial inequities, using the tactic of civil disobedience. The letter, written in response to criticism from Christian leaders, parallels Thoreau’s view that it is the duty of a moral individual to oppose injustice in society. King argues that civil disobedience is not the tactic of an anarchist; but a practical method for “creat[ing] the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood” (¶9). In other words, King believes that the actions of resisters develop both the consciousness and conscience of a community, enabling individuals to pursue the universal laws of justice and unity. A moral individual cannot be limited by the confines of human law—particularly the laws of the majority imposed upon a minority—since laws themselves may be unjust, or they may perpetuate injustice through unjust application. To demonstrate his point, King notes that Hitler’s actions were lawful, although profoundly immoral; whereas, Jesus’ actions, though unlawful, were universally moral (¶18 and ¶19). Thus, King challenges his critics to consider the inaction of many Christian churches and white moderates on a moral level that transcends human law.

King’s letter also provides concrete examples of principles in action by discussing specific injustices against the African-American community (¶12), the stages of an effective nonviolent campaign (¶6), and examples of civil disobedience designed to achieve justice within segregated communities (¶37). Implicit throughout his text is the necessity of nonviolence in an effective civil disobedience campaign. Thus, King extends the basic premise outlined by Thoreau and develops his own terminology and practical application of their shared moral theory. Referring to himself and others as nonviolent resisters (¶9) involved in an on-going nonviolent direct action program (¶2), King
highlights the role of nonviolence in achieving the gains already experienced by African-Americans in cities throughout the South. In other words, “Letter from Birmingham Jail” exists within the larger context of a successful national movement, which clearly demonstrated that the theories of civil disobedience can transform a society when applied strategically and nonviolently.

Embracing the philosophy of Thoreau and King means acknowledging that the individual, as a moral being, has a higher responsibility to his or her own conscience than to the state. Moreover, recognizing that the state can only become more just through the action of individuals means that it is incumbent upon us to vigorously resist injustice within our communities and our nation. Although much of the injustice faced by minority communities has been ameliorated in the last half century, important work remains as new voices gain the courage to demand equal treatment under the law. Inspiring our students to view themselves as individual moral beings, rather than mere subjects of a state, may foster the values of justice and compassion necessary to further our nation’s ongoing struggle toward our democratic ideal.

CA English-Language Arts Content Standards—Grades Eleven and Twelve:

- Reading Comprehension 2.4—Make warranted and reasonable assertions about the author’s arguments by using elements of the text to defend and clarify interpretations.
- Reading Comprehension 2.5—Analyze an author’s implicit and explicit philosophical assumptions and beliefs about a subject.

Materials:

1. On the Duty of Civil Disobedience abridged text (Appendix A)
2. “Letter from Birmingham Jail” complete text (Appendix B)
3. Expository essay prompts (Appendix C)

Suggested Activities:

1. Analysis questions designed to enable students to identify Thoreau’s and King’s key arguments (Appendices A and B)
2. Socratic Seminar focusing on the soundness of the authors’ arguments and/or the practical applicability of civil disobedience in contemporary society
3. Expository essay response to a selected prompt (Appendix C)

Bibliography:

On the Duty of Civil Disobedience

BY HENRY DAVID THOREAU

1 I heartily accept the motto, "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe--"That government is best which governs not at all"; and when men are prepared for it, that will be the kind of government which the will have. Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient. The objections which have been brought against a standing army, and they are many and weighty, and deserve to prevail, may also at last be brought against a standing government. The standing army is only an arm of the standing government. The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. Witness the present Mexican war, the work of comparatively a few individuals using the standing government as their tool; for in the outset, the people would not have consented to this measure.

This American government--what is it but a tradition, though a recent one, endeavoring to transmit itself unimpaired to posterity, but each instant losing some of its integrity? It has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have. Governments show thus how successfully men can be imposed upon, even impose on themselves, for their own advantage. It is excellent, we must all allow. Yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the West. It does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way. For government is an expedient, by which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient, the governed are most let alone by it. Trade and commerce, if they were not made of india-rubber, would never manage to bounce over obstacles which legislators are continually putting in their way; and if one were to judge these men wholly by the effects of their actions and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.

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

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which the majorities do not virtually decide right and wrong, but conscience?--in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only
obligation which I have a right to assume is to do at any time what I think right. It is truly
enough said that a corporation has no conscience; but a corporation on conscientious men
is a corporation with a conscience. Law never made men a whit more just; and, by means
of their respect for it, even the well-disposed are daily made the agents on injustice. A
common and natural result of an undue respect for the law is, that you may see a file of
soldiers, colonel, captain, corporal, privates, powder-monkeys, and all, marching in
admirable order over hill and dale to the wars, against their wills, ay, against their common
sense and consciences, which makes it very steep marching indeed, and produces a
palpitation of the heart. They have no doubt that it is a damnable business in which they are
concerned; they are all peaceably inclined. Now, what are they? Men at all? Or small
movable forts and magazines, at the service of some unscrupulous man in power? Visit the
Navy Yard, and behold a marine, such a man as an American government can make, or
such as it can make a man with its black arts--a mere shadow and reminiscence of
humanity, a man laid out alive and standing, and already, as one may say, buried under
arms with funeral accompaniment, though it may be,

"Not a drum was heard, not a funeral note,
As his corse to the rampart we hurried;
Not a soldier discharged his farewell shot
O'er the grave where out hero was buried."

The mass of men serve the state thus, not as men mainly, but as machines, with their
bodies. They are the standing army, and the militia, jailers, constables, posse comitatus, etc.
In most cases there is no free exercise whatever of the judgment or of the moral sense; but
they put themselves on a level with wood and earth and stones; and wooden men can
perhaps be manufactured that will serve the purpose as well. Such command no more
respect than men of straw or a lump of dirt. They have the same sort of worth only as
horses and dogs. Yet such as these even are commonly esteemed good citizens. Others--as
most legislators, politicians, lawyers, ministers, and office-holders--serve the state chiefly
with their heads; and, as the rarely make any moral distinctions, they are as likely to serve
the devil, without intending it, as God. A very few--as heroes, patriots, martyrs, reformers
in the great sense, and men--serve the state with their consciences also, and so necessarily
resist it for the most part; and they are commonly treated as enemies by it. A wise man will
only be useful as a man, and will not submit to be "clay," and "stop a hole to keep the wind
away," but leave that office to his dust at least:

"I am too high born to be propertied,
To be a second at control,
Or useful serving-man and instrument
To any sovereign state throughout the world."

He who gives himself entirely to his fellow men appears to them useless and selfish; but he
who gives himself partially to them in pronounced a benefactor and philanthropist.

How does it become a man to behave toward the American government today? I answer,
that he cannot without disgrace be associated with it. I cannot for an instant recognize that
political organization as my government which is the slave's government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to, and to
resist, the government, when its tyranny or its inefficiency are great and unendurable. But
almost all say that such is not the case now. But such was the case, they think, in the
Revolution of '75. If one were to tell me that this was a bad government because it taxed
certain foreign commodities brought to its ports, it is most probable that I should not make
an ado about it, for I can do without them. All machines have their friction; and possibly
this does enough good to counter-balance the evil. At any rate, it is a great evil to make a
stir about it. But when the friction comes to have its machine, and oppression and robbery
are organized, I say, let us not have such a machine any longer. In other words, when a
sixth of the population of a nation which has undertaken to be the refuge of liberty are
slaves, and a whole country is unjustly overrun and conquered by a foreign army, and
subjected to military law, I think that it is not too soon for honest men to rebel and
revolutionize. What makes this duty the more urgent is that fact that the country so overrun
is not our own, but ours is the invading army.

Paley, a common authority with many on moral questions, in his chapter on the "Duty of
Submission to Civil Government," resolves all civil obligation into expediency; and he
proceeds to say that "so long as the interest of the whole society requires it, that it, so long
as the established government cannot be resisted or changed without public inconvenience,
it is the will of God... that the established government be obeyed—and no longer. This
principle being admitted, the justice of every particular case of resistance is reduced to a
computation of the quantity of the danger and grievance on the one side, and of the
probability and expense of redressing it on the other." Of this, he says, every man shall
judge for himself. But Paley appears never to have contemplated those cases to which the
rule of expediency does not apply, in which a people, as well as an individual, must do
justice, cost what it may. If I have unjustly wrested a plank from a drowning man, I must
restore it to him though I drown myself. This, according to Paley, would be inconvenient.
But he that would save his life, in such a case, shall lose it. This people must cease to hold
slaves, and to make war on Mexico, though it cost them their existence as a people.

In their practice, nations agree with Paley; but does anyone think that Massachusetts does
exactly what is right at the present crisis?

"A drab of stat,□
a cloth-o'-silver slut, □
To have her train borne up,□
and her soul trail in the dirt."

Practically speaking, the opponents to a reform in Massachusetts are not a hundred
thousand politicians at the South, but a hundred thousand merchants and farmers here, who
are more interested in commerce and agriculture than they are in humanity, and are not
prepared to do justice to the slave and to Mexico, cost what it may. I quarrel not with far-
off foes, but with those who, neat at home, co-operate with, and do the bidding of, those far
away, and without whom the latter would be harmless. We are accustomed to say, that the
mass of men are unprepared; but improvement is slow, because the few are not as
materially wiser or better than the many. It is not so important that many should be good as
you, as that there be some absolute goodness somewhere; for that will leaven the whole
lump. There are thousands who are in opinion opposed to slavery and to the war, who yet
in effect do nothing to put an end to them; who, esteeming themselves children of
Washington and Franklin, sit down with their hands in their pockets, and say that they
know not what to do, and do nothing; who even postpone the question of freedom to the
question of free trade, and quietly read the prices-current along with the latest advices from
Mexico, after dinner, and, it may be, fall asleep over them both. What is the price-current
of an honest man and patriot today? They hesitate, and they regret, and sometimes they
petition; but they do nothing in earnest and with effect. They will wait, well disposed, for
other to remedy the evil, that they may no longer have it to regret. At most, they give up
only a cheap vote, and a feeble countenance and Godspeed, to the right, as it goes by them.
There are nine hundred and ninety-nine patrons of virtue to one virtuous man. But it is easier to deal with the real possessor of a thing than with the temporary guardian of it…

§19 It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even to most enormous, wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too. See what gross inconsistency is tolerated. I have heard some of my townsmen say, "I should like to have them order me out to help put down an insurrection of the slaves, or to march to Mexico--see if I would go"; and yet these very men have each, directly by their allegiance, and so indirectly, at least, by their money, furnished a substitute. The soldier is applauded who refuses to serve in an unjust war by those who do not refuse to sustain the unjust government which makes the war; is applauded by those whose own act and authority he disregards and sets at naught; as if the state were penitent to that degree that it hired one to scourge it while it sinned, but not to that degree that it left off sinning for a moment. Thus, under the name of Order and Civil Government, we are all made at last to pay homage to and support our own meanness. After the first blush of sin comes its indifference; and from immoral it becomes, as it were, immoral, and not quite unnecessary to that life which we have made…

§20 Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men, generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to put out its faults, and do better than it would have them? Why does it always crucify Christ and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels?…

§21 If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth--certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

§22 As for adopting the ways of the State has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad. A man has not everything to do, but something; and because he cannot do everything, it is not necessary that he should be petitioning the Governor or the Legislature any more than it is theirs to petition me; and if they should not hear my petition, what should I do then? But in this case the State has provided no way: its very Constitution is the evil. This may seem to be harsh and stubborn and unconciliatory; but it is to treat with the utmost kindness and consideration the only spirit that can appreciate or deserves it. So is all change for the better, like birth and death, which convulse the body.
I do not hesitate to say, that those who call themselves Abolitionists should at once
effectually withdraw their support, both in person and property, from the government of
Massachusetts, and not wait till they constitute a majority of one, before they suffer the
right to prevail through them. I think that it is enough if they have God on their side,
without waiting for that other one. Moreover, any man more right than his neighbors
constitutes a majority of one already….

Under a government which imprisons unjustly, the true place for a just man is also a prison.
The proper place today, the only place which Massachusetts has provided for her freer and
less despondent spirits, is in her prisons, to be put out and locked out of the State by her
own act, as they have already put themselves out by their principles. It is there that the
fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the
wrongs of his race should find them; on that separate but more free and honorable ground,
where the State places those who are not with her, but against her--the only house in a slave
State in which a free man can abide with honor. If any think that their influence would be
lost there, and their voices no longer afflict the ear of the State, that they would not be as an
enemy within its walls, they do not know by how much truth is stronger than error, nor
how much more eloquently and effectively he can combat injustice who has experienced a
little in his own person. Cast your whole vote, not a strip of paper merely, but your whole
influence. A minority is powerless while it conforms to the majority; it is not even a
minority then; but it is irresistible when it clogs by its whole weight. If the alternative is to
keep all just men in prison, or give up war and slavery, the State will not hesitate which to
choose. If a thousand men were not to pay their tax bills this year, that would not be a
violent and bloody measure, as it would be to pay them, and enable the State to commit
violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution,
if any such is possible. If the tax-gatherer, or any other public officer, asks me, as one has
done, "But what shall I do?" my answer is, "If you really wish to do anything, resign your
office." When the subject has refused allegiance, and the officer has resigned from office,
then the revolution is accomplished. But even suppose blood shed when the conscience is
wounded? Through this wound a man's real manhood and immortality flow out, and he
bleeds to an everlasting death. I see this blood flowing now…

When I converse with the freest of my neighbors, I perceive that, whatever they may say
about the magnitude and seriousness of the question, and their regard for the public
tranquility, the long and the short of the matter is, that they cannot spare the protection of
the existing government, and they dread the consequences to their property and families of
disobedience to it. For my own part, I should not like to think that I ever rely on the
protection of the State. But, if I deny the authority of the State when it presents its tax bill,
and the officer has resigned from office, then the revolution is accomplished. But even suppose blood shed when the conscience is

This is hard. This makes it impossible for a man to live honestly, and at the same time
comfortably, in outward respects. It will not be worth the while to accumulate property;
that would be sure to go again. You must hire or squat somewhere, and raise but a small
crop, and eat that soon. You must live within yourself, and depend upon yourself always
tucked up and ready for a start, and not have many affairs. A man may grow rich in Turkey
even, if he will be in all respects a good subject of the Turkish government. Confucius said:

"If a state is governed by the principles of reason, poverty and misery are subjects of
shame; if a state is not governed by the principles of reason, riches and honors are subjects
of shame." No: until I want the protection of Massachusetts to be extended to me in some
distant Southern port, where my liberty is endangered, or until I am bent solely on building
up an estate at home by peaceful enterprise, I can afford to refuse allegiance to
Massachusetts, and her right to my property and life. It costs me less in every sense to incur the penalty of disobedience to the State than it would to obey. I should feel as if I were worth less in that case…

I know that most men think differently from myself; but those whose lives are by profession devoted to the study of these or kindred subjects content me as little as any. Statesmen and legislators, standing so completely within the institution, never distinctly and nakedly behold it. They speak of moving society, but have no resting-place without it. They may be men of a certain experience and discrimination, and have no doubt invented ingenious and even useful systems, for which we sincerely thank them; but all their wit and usefulness lie within certain not very wide limits. They are wont to forget that the world is not governed by policy and expediency. Webster never goes behind government, and so cannot speak with authority about it. His words are wisdom to those legislators who contemplate no essential reform in the existing government; but for thinkers, and those who legislate for all time, he never once glances at the subject. I know of those whose serene and wise speculations on this theme would soon reveal the limits of his mind's range and hospitality. Yet, compared with the cheap professions of most reformers, and the still cheaper wisdom an eloquence of politicians in general, his are almost the only sensible and valuable words, and we thank Heaven for him. Comparatively, he is always strong, original, and, above all, practical. Still, his quality is not wisdom, but prudence. The lawyer's truth is not Truth, but consistency or a consistent expediency. Truth is always in harmony with herself, and is not concerned chiefly to reveal the justice that may consist with wrong-doing. He well deserves to be called, as he has been called, the Defender of the Constitution. There are really no blows to be given him but defensive ones. He is not a leader, but a follower. His leaders are the men of '87. "I have never made an effort," he says, "and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangement as originally made, by which various States came into the Union." Still thinking of the sanction which the Constitution gives to slavery, he says, "Because it was part of the original compact--let it stand."

Notwithstanding his special acuteness and ability, he is unable to take a fact out of its merely political relations, and behold it as it lies absolutely to be disposed of by the intellect--what, for instance, it behooves a man to do here in American today with regard to slavery--but ventures, or is driven, to make some such desperate answer to the following, while professing to speak absolutely, and as a private man--from which what new and singular of social duties might be inferred? "The manner," says he, "in which the governments of the States where slavery exists are to regulate it is for their own consideration, under the responsibility to their constituents, to the general laws of propriety, humanity, and justice, and to God. Associations formed elsewhere, springing from a feeling of humanity, or any other cause, have nothing whatever to do with it. They have never received any encouragement from me and they never will.

They who know of no purer sources of truth, who have traced up its stream no higher, stand, and wisely stand, by the Bible and the Constitution, and drink at it there with reverence and humanity; but they who behold where it comes trickling into this lake or that pool, gird up their loins once more, and continue their pilgrimage toward its fountainhead…

The authority of government, even such as I am willing to submit to--for I will cheerfully obey those who know and can do better than I, and in many things even those who neither know nor can do so well--is still an impure one: to be strictly just, it must have the sanction and consent of the governed. It can have no pure right over my person and property but
what I concede to it. The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress toward a true respect for the individual. Even the Chinese philosopher was wise enough to regard the individual as the basis of the empire. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step further towards recognizing and organizing the rights of man? There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please myself with imagining a State at last which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbors and fellow men. A State which bore this kind of fruit, and suffered it to drop off as fast as it ripened, would prepare the way for a still more perfect and glorious State, which I have also imagined, but not yet anywhere seen.

**Directions**: After carefully reading and annotating Thoreau’s text, prepare thoughtful written responses to each of the following questions.

1. According to Thoreau, “government at its best is an expedient” (¶1). What does Thoreau mean by the word “expedient”? Provide at least two concrete examples of government fulfilling this role in society.
2. One of the most famous lines from this essay is Thoreau’s statement that “we should be men first and subjects afterward” (¶4). Explain this statement in light of Thoreau’s essay.
3. According to Thoreau, what is the ultimate source of moral authority for an individual in society? In this context, what is Thoreau’s view of laws? Of majority rule?
4. Using references to the text, identify and explain Thoreau’s justification for civil disobedience.
5. Thoreau anticipated criticism of his views by rebutting likely counter-arguments within his essay. Explore one counter-argument by discussing the opposition’s view and Thoreau’s response.
6. Based on Thoreau’s philosophy, what are our duties as individuals within American society?
"Letter from a Birmingham Jail"

MARTIN LUTHER KING, JR.

16 April 1963

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely." Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against "outsiders coming in." I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty-five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a nonviolent direct action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its
ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants—for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained. As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept blows without retaliating?" "Are you able to endure the ordeal of jail?" We decided to schedule our direct action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic-withdrawal program would be the byproduct of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoral election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene "Bull" Connor, had piled up enough votes to be in the run off, we decided again to postpone action until the day after the run off so that the demonstrations could not be used to cloud the issues. Like many others, we waited to see Mr. Connor defeated, and to this end we endured postponement after postponement. Having aided in this community need, we felt that our direct action program could be delayed no longer.

You may well ask: "Why direct action? Why sit ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. The purpose of our direct action program is to create a situation so crisis packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: "Why didn't you give the new city administration time to act?" The only answer that I can give to this query is that the new Birmingham
administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hope that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

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."

We have waited for more than 340 years for our constitutional and God given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse and buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six year old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five year old son who is asking: "Daddy, why do white people treat colored people so mean?"; when you take a cross county drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs.,"; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"--then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience. You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."
Now, what is the difference between the two? 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. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I it" relationship for an "I thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus it is that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. This is sameness made legal. Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that state's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First-Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. 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.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything
the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Counciler or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God consciousness and never ceasing devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber. I had also hoped that the white moderate would reject the myth concerning time in relation to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: "All Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth." Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad
people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be co workers with God, and without this hard work, time itself becomes an ally of the forces of social stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self respect and a sense of "somebodiness" that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible "devil."

I have tried to stand between these two forces, saying that we need emulate neither the "do nothingism" of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle. If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as "rabble rousers" and "outside agitators" those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in black nationalist ideologies--a development that would inevitably lead to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides -and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist. 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 of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime--the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. Perhaps the South, the nation and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some--such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden and Sarah Patton Boyle--have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach infested jails, suffering the abuse and brutality of policemen who view them as "dirty nigger-lovers." Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful "action" antidotes to combat the disease of segregation. Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the white ministers, priests and rabbis of the South would be among our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained glass windows.

In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.
I have heard numerous southern religious leaders admonish their worshipers to comply with a
desegregation decision because it is the law, but I have longed to hear white ministers declare:
"Follow this decree because integration is morally right and because the Negro is your brother." In
the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on
the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty
struggle to rid our nation of racial and economic injustice, I have heard many ministers say:
"Those are social issues, with which the gospel has no real concern." And I have watched many
churches commit themselves to a completely other worldly religion which makes a strange, un-
Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states.
On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful
churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her
massive religious education buildings. Over and over I have found myself asking: "What kind of
people worship here? Who is their God? Where were their voices when the lips of Governor
Barnett dripped with words of interposition and nullification? Where were they when Governor
Wallace gave a clarion call for defiance and hatred? Where were their voices of support when
bruised and weary Negro men and women decided to rise from the dark dungeons of complacency
to the bright hills of creative protest?"

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of
the church. But be assured that my tears have been tears of love. There can be no deep
disappointment where there is not deep love. Yes, I love the church. How could I do otherwise? I
am in the rather unique position of being the son, the grandson and the great grandson of
preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and
scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful--in the time when the early Christians
rejoiced at being deemed worthy to suffer for what they believed. In those days the church was
not merely a thermometer that recorded the ideas and principles of popular opinion; it was a
thermostat that transformed the mores of society. Whenever the early Christians entered a town,
the people in power became disturbed and immediately sought to convict the Christians for being
"disturbers of the peace" and "outside agitators." But the Christians pressed on, in the conviction
that they were "a colony of heaven," called to obey God rather than man. Small in number, they
were big in commitment. They were too God-intoxicated to be "astronomically intimidated." By
their effort and example they brought an end to such ancient evils as infanticide and gladiatorial
contests. Things are different now. So often the contemporary church is a weak, ineffectual voice
with an uncertain sound. So often it is an archdefender of the status quo. Far from being disturbed
by the presence of the church, the power structure of the average community is consoled by the
church's silent--and often even vocal--sanction of things as they are.

But the judgment of God is upon the church as never before. If today's church does not recapture
the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions,
and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day
I meet young people whose disappointment with the church has turned into outright disgust.

Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the
status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual
church, the church within the church, as the true ekklesia and the hope of the world. But again I
am thankful to God that some noble souls from the ranks of organized religion have broken loose
from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom. Yes, they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times. They have carved a tunnel of hope through the dark mountain of disappointment. I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom. Abused and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched the majestic words of the Declaration of Independence across the pages of history, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation -and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands. Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping "order" and "preventing violence." I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, nonviolent Negroes. I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick old Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrators. In this sense they have conducted themselves rather "nonviolently" in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of racial injustice. As T. S. Eliot has said: "The last temptation is the greatest treason: To do the right deed for the wrong reason."

I wish you had commended the Negro sit inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy two year old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: "My feets is tired, but my soul is at rest." They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in
at lunch counters and willingly going to jail for conscience' sake. One day the South will know
that when these dispossessed children of God sat down at lunch counters, they were in reality
standing up for what is best in the American dream and for the most sacred values in our Judaeo
Christian heritage, thereby bringing our nation back to those great wells of democracy which were
dug deep by the founding fathers in their formulation of the Constitution and the Declaration of
Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious
time. I can assure you that it would have been much shorter if I had been writing from a
comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write
long letters, think long thoughts and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable
impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates
my having a patience that allows me to settle for anything less than brotherhood, I beg God to
forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it
possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow
clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will
soon pass away and the deep fog of misunderstanding will be lifted from our fear drenched
communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will
shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,
Martin Luther King, Jr.

**Directions:** After carefully reading and annotating Thoreau’s text, prepare thoughtful
written responses to each of the following questions.

1) Discuss the conditions throughout the South that led to nonviolent civil
disobedience. In particular, discuss the First Amendment issues that are relevant
to King’s protest actions.

2) In his letter, King states that “injustice anywhere is a threat to justice everywhere”
(¶4). What does the author mean by this statement?

3) According to King, what is the difference between a just and an unjust law, and
how can we as citizens determine the difference between the two?

4) King distinguishes between negative and positive peace in his letter. What does
he mean by these terms, and how does this terminology criticize tacit supporters
of segregation?

5) What does King believe is the moral duty of all Christian people with respect to
the African-American freedom movement? Provide specific examples from the
text to support your claim.

6) How does King explain the purpose and effectiveness of nonviolent action?

7) Discuss the ways in which King’s views parallel those of Thoreau.
Prompt 1:
In a well-developed essay, discuss the theoretical foundations of civil disobedience, drawing from specific details in Thoreau’s and King’s texts.

Prompt 2:
In a carefully constructed argument, support, refute, or qualify Thoreau’s claim from *Civil Disobedience* that “we should be men first and subjects afterward.”

Prompt 3:
In his “Letter from Birmingham Jail,” King states 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 the law.” In a carefully composed essay, explain King’s statement and take a position in which you support, refute, or qualify its validity.