

Review article

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THOREAU'S "CIVIL DISOBEDIENCE"

Is It Still Relevant?

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Abstract

This paper seeks to explore the concept of civil disobedience through the works of H. D. Thoreau, in particular "Resistance to Civil Government." The objective is to demonstrate what makes Thoreau's concept of civil disobedience relevant today and whether there are parallels between the past and present forms of civil disobedience, namely those of Mahatma Gandhi, Martin Luther King, Jr., and the Black Lives Matter movement. The first part of this paper focuses on the socio-cultural context that shaped Thoreau's literary production, ideas, and actions. The second part explains Thoreau's understanding of civil disobedience. The third part examines the connection of Thoreau, Gandhi, and King as the basis for the fourth part, which focuses on the analysis of Thoreau's powerful contribution to the conceptualization of civil disobedience as a prominent concept in modern times and the Black Lives Matter movement. The analysis of the relationship between Thoreau, Gandhi, King, and the Black Lives Matter movement will be examined through a theoretical framework that considers Demas' and Brownlee's central features of civil disobedience – principled disobedience, civility, and fidelity to law.

Key words: civil disobedience, Thoreau, Mahatma Gandhi, Martin Luther King, Jr., Black Lives Matter

1. Introduction

In the nineteenth century, Henry David Thoreau was many things. Naturalist. Philosopher. Political activist. Abolitionist. Poet. These and numerous other labels could accurately – if somewhat incompletely – describe this transcendentalist thinker, and there is little doubt that his work was remarkably insightful for its era. But is it still insightful today? Do we have anything more to learn from this man? And have we correctly understood his lessons in the first place? What is civil disobedience, why do we have or need such a concept, and has it changed at all since its introduction?

In order to understand Thoreau's importance in the present, it is critical to first understand his importance in the past. The socio-cultural context that shaped Thoreau's literary production affects the core of socio-cultural issues, and as such, it impacts modern social protests and reform movements. To start with, we will discuss Thoreau's views and

activities in life, before continuing to the ways in which these have been interpreted and applied later – from the work of Mohandas Gandhi, through Martin Luther King Jr., and to relatively recent displays of civil disobedience by various individuals and organizations in the 21st century.

2. Socio-cultural Context

In his works, Thoreau addresses a variety of branches of knowledge from religion, ethics, and literature, through economics, natural science, and the major figures and episodes of world history, to the traits and trends of contemporary culture, and the urgent social issues of the day. He explores the inseparability of the individual and community, and by advocating neglected and repressed socio-cultural values and anxieties, he expresses his critique of society and culture. He represents the individual as the product and the creator of social and cultural values. Even though his ideal foundations made him socially separated and sometimes passive, as a social and cultural critic he offers an elaborate review of society as a member of a culture that he could not totally reject and avoid.

The political aspect of his writings is related to liberalism: His political actions begin with his plea for John Brown. Bingham points out that his views on work, leisure, slavery, government, and his analysis of the rapid economic changes of his time are reactions to an emerging 18th-century industrial economy (1). Thus, he addresses sociological concerns such as race, class, industrialization, and social forces. Broad social changes, industrialization, intellectual upheavals, an emerging capitalist ethos, and materialistic values caused changes of social norms and values. The capitalist ethos changed social values towards fashion and money, while industrialization changed the workplace. Hence, Thoreau eagerly examined how the evolving capitalist and economic system of his time structured daily life (Bingham 37). He observes that people are treated like machines - stripped of their dignity - by stating that "The mass of men serve the State thus, not as men mainly, but as machines, with their bodies" (Thoreau, "Resistance to Civil Government" 1794). The voice of the majority was supposedly ensured by voting, while in reality, the power of the masses was in the control of a handful of people: "In most cases there is no free exercise whatever of the judgement or of the moral sense; ... wooden men can perhaps be manufactured that will serve the purpose as well" (Thoreau, "Resistance to Civil Government" 1794).

Early capitalism offered a picture of progress and social change, but to Thoreau it seemed false, and as such, incited his interest. He believed that the government failed in its primary role to protect and develop the individual. For this reason, he calls for individual action from principle and non-cooperation, and emphasizes self-reform and willingness to use violence as mechanisms for broader change. Hence, he claims that "Action from principle, - the perception and the performance of right, - changes things and relations; it is essentially revolutionary..." (Thoreau, "Resistance to Civil Government" 1797). He urges readers to think and discover the hidden meanings and motives of the actions and policies of the capitalist ethos (Bingham 105). Namely, he believes that too much government interference is problematic, and a government that enforces unjust laws is unacceptable: "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' " (Thoreau, "Resistance to

Civil Government" 1792). He believes that change starts with the individual and reform of the self, since "It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even the most enormous wrong;... 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" (Thoreau, "Resistance to Civil Government" 1796, 1797). Without self-reform, one cannot expect a political or social reform. Even though he believes the improvement would be slow, one "honest man" that is true to his conscience and resists unjust practices could create a ripple effect, and ultimately serve as an inspiration for broader social change, "For it matters not how small the beginning may seem to be: what is once well done is done for ever" (Thoreau, "Resistance to Civil Government" 1799). Therefore, individuals should refuse to cooperate with a government that commits great injustice: In his historical context, this is related not only to slavery, but also the injustices of the war against Mexico and the United States' treatment of Native Americans. While Thoreau's central message is nonviolent resistance, he acknowledges that the usage of violence in extreme cases, as a solution of last resort, might be necessary.

As Powell indicates, "Thoreau was the first American to define and use civil disobedience as a means of protest" and, with Martin Luther King Jr., "fundamentally altered the American tradition of protest reform" (26). A non-parochial approach in addressing important social issues through literary nonfiction enables him to reach a broad audience, thus there are always new insights to gain. It is therefore not surprising that his influence on leaders of resistance movements is everlasting.

3. Thoreau and civil disobedience

In July 1846, while visiting the Concord town cobbler to pick up a mended shoe, Thoreau was interrupted by a certain Sam Staples, regarding the writer's delinquent poll tax payments from the preceding years. Though Staples made every effort to resolve the matter without confrontation, Thoreau was insistent that he would not pay the tax, nor consent to having the tax paid on his behalf. This was not a new behavior for Thoreau, who had previously refused to pay taxes for a church whose member he had never been. Staples' subsequent decision to arrest Thoreau on the spot was similarly not unheard of in Concord, as fellow abolitionists Bronson Alcott and his friend, Charles Lane, had both been arrested in 1843 for refusing to pay the same tax – in January and December, respectively. Nor was it unusual that all three men had their taxes paid in their name: Though Thoreau's ill-advised benefactor remains unknown to this day, the other two were paid for by Concord's leading citizen (and later their families) to avoid embarrassment (Harding 199-201).

In the case of Thoreau, the delinquent tax was paid on the evening of his arrest, and he was released – albeit unwillingly – the following morning. With or without his approval, Thoreau's taxes would henceforth be paid by his family or friends, to prevent similar incidents in the future, but one seemed to be enough to arouse the interest of many Concordians. One and a half years later, in January 1848, Thoreau would finally offer an explanation in the form of a lecture originally called "The Rights and Duties of the Individual in Relation to Government" at the Concord Lyceum: the lecture that would become known as "Resistance to Civil Government" with its publication in May 1849. It was published anonymously, and it was never connected to him during his life. In 1866, it would become known under its more popular title of "Civil Disobedience" and though it went on to inspire

a number of vastly successful movements, it had very little impact in its own era (Harding 203-207).

Following the enactment of the Fugitive Slave Law of 1851, and John Brown's unsuccessful attack on Harper's Ferry in 1859, Thoreau would go on to write more concrete works such as 1854's "Slavery in Massachusetts" and 1859's "A Plea for Captain John Brown," addressing more directly the question of slavery in the United States before returning to a somewhat more abstract tone with 1860's "The Last Days of John Brown." These have often been viewed as contradicting the original ideas of "Civil Disobedience" by such people as Laraine Fergenson (104-105, 115) and Leon Edel (qtd. in Goodwin 156), however this portrayal of Thoreau's work has been challenged by writers such as James Donahue (247-264) and James Goodwin (156, 158, 163), who argue either that there is no inconsistency – for example, that an insistence on nonviolence oversimplifies Thoreau's viewpoint (Donahue 251) – or that it is an evolutionary shift, showing the growth of Thoreau's understanding of the subject (250). This is also a stance adopted to some extent by Duban and McBride, who believed that the essays' apparent contradictions could be stripped away by the realization that although Thoreau did not *wish* for circumstances to compel Brown to his violent acts, he nonetheless approved fully of the conscientious motivation for those acts (Duban 220-222; McBride 38-40).

Fergenson and Edel are not the only ones who have misread some aspects of "Civil Disobedience." Stephen Alton, in his essay on civil disobedience, also reads many contradictions into Thoreau's work:

Thoreau's essay contains contradictions and impracticalities. For example, Thoreau calls for resistance to government, yet also asks to be left alone by government and to be allowed to live apart from it. How can one resist or change government if one simply withdraws and lives apart from it? Thoreau never explains this apparent contradiction. Moreover, he appeals to a higher authority on those occasions when such appeals are convenient. Yet, he never fully develops or integrates a theory of higher or natural law with his call for civil disobedience. Furthermore, however appealing they might seem in theory, Thoreau's libertarian calls for the least quantum of government are simply impractical in today's complex society. (Alton 45)

Taken at face value, Alton's assessment would be fairly accurate. However, although Thoreau would certainly hope to someday see the absence of a government, he is content to simply reduce his interactions with it. His "isolation" and "alienation" were the result of excessive control over individual conscience given that the sovereignty of the individual conscience was at stake. After all, he doesn't expect much from the corrupt government but from the citizens and individuals that are constituent elements of social institutions such as government, economy, or education. All strata of society were visiting Thoreau during his "isolation," yet he most valued those considered disadvantaged and socially inferior, such as paupers, children, slaves, women, farmers, and the like (Bingham 105). Thoreau is of the opinion that when one gets away from the institutions of society and retreats into their inner self, one can experience true freedom (Parel 374). There are things that citizens, individuals "can achieve without the interference of the state" (Parel 381). Furthermore, the mass withdrawal of people from a government would indeed effect change by weakening

said government, until it either collapsed or took measures to reinvigorate itself; for what power does a government have, but that of the people it controls? (At least until these are replaced by mindless robot drones and other automated weaponry, and that government loses any practical need to rally even a fraction of a fraction of its population to its banner.)

Similarly, while one might brand it as sadly misguided, Thoreau has no need to "develop or integrate a theory of higher or natural law," because he believes that "all people possess a conscience" and "all consciences discern good from evil" (Medeiros 58). In such a context, there is *no need* to describe this higher law, simply because everyone carries that law within themselves. One may consider this to be a pitiable delusion on Thoreau's part, but this is less of a contradiction in Thoreau's work and more a matter of reality refusing to conform to his laudable ideals.

Worley states that Thoreau does not promote nor abandon higher laws, but looks for the strongest moral perception already present in the populace yet repressed or neglected (105). His argument that individuals have a moral duty to their conscience to resist external social pressure stems from his understanding of reliance upon others, and the influence of society with a false understanding of progress and social change as a violation of human nature. Men serve their state as machines, with their bodies and very few that serve the state with their conscience are treated as enemies (Thoreau, "Resistance to Civil Government" 1794). Aware of the fact that it is impossible to convince others to act and think independently all at once, his main argument is that one should oppose everything that contradicts their own conscience. From such a perspective, his work represents progressive change and action, and as such, inspires individuals globally to start the ripple effect through self-reform: "we must first succeed alone, that we may enjoy our success together" (Thoreau, *The Higher Law; Thoreau on Civil Disobedience and Reform* 42).

As for minimizing government, modern society does not allow this to the same extent as might have been possible in Thoreau's time. Still, there is no need to dismiss this idea simply because the maximal practical extent of its implementation has shifted. In fact, Thoreau himself was aware of the benefits of *some* degree of government: "I have never declined paying the highway tax, because I am as desirous of being a good neighbor as I am of being a bad subject; and, as for supporting schools, I am doing my part to educate my fellow-countrymen now" (Thoreau, "Resistance to Civil Government" 1804). These do not seem like the words of someone who wishes to blindly remove all government, though he may certainly have preferred to separate these things from the government if anyhow possible.

4. Ghandi and King

The influence of "Resistance to Civil Government" in the 20th century has been remarkable, primarily in Gandhi's campaign for Indian independence and King's struggle to overcome racial injustice in the American civil rights movement. Mohandas Karamchand Gandhi – better known under the honorific "Mahatma" – and Martin Luther King Jr., are easily the most compelling examples of nonviolent resistance to injustice in recorded human history. Each of these is sometimes purported to have been tremendously inspired by Thoreau's work, though the former, at least, in some degree refuted such claims (Rosenwald 153, 161-162; Ramanathan and Jacobs 32; Gandhi 400; King 78).

However, although King didn't deny that he was to some extent inspired by "Civil Disobedience," Gandhi is given far more credit for the nonviolent methods of King's "Southern Christian Leadership Conference" (Ramanathan and Jacobs 32-34; King 84-85). This may be because of Thoreau's failure to effect any significant change during his lifetime, or the non-exclusivity of his preference for nonviolence, or it may be because of Gandhi's unprecedented success in the same. After all, who *wouldn't* prefer a tried and tested method of achieving their goals?

Gandhi first read Thoreau's work in 1907 and published a paraphrase of "Civil Disobedience." Parel claims that Thoreau "was one of five [Gokhale, Tolstoy, Ruskin, Thoreau, and Rajchandbhai] who had lasting impact on Gandhi" (372). To be exact, Thoreau was "the model par excellence for the early practitioners of *satyagraha*" (nonviolent civil resistance), and in 1919, his essay was on a reading list for Gandhi's followers in India (Parel 372,373). Yet, it is important to highlight the fact that Gandhi put *satyagraha* into action a year before he read Thoreau, which indicates that its inception was not influenced by Thoreau. Furthermore, when we compare Thoreau's concept of civil disobedience and Gandhi's *satyagraha*, we find considerable differences.

Gandhi was impressed by four ideas from "Civil Disobedience:" 1) "the moral basis of government and the state;" 2) "the relationship of the individual to the state;" 3) "the need to limit government's power over the citizen;" 4) "the idea that the duty to disobey an unjust law requires prompt, concrete action" (Parel 379, 380, 381). Thoreau's genius is evident in the fact that the applicability of both his example and his writings is not only limited to America. Therefore, his role in India was to morally validate the activities Gandhi had already started.

Powell writes that Martin Luther King Jr. "built upon the work of both Thoreau and Gandhi" (26). While Thoreau did not contribute to the formation and inception of Gandhi's movement and his views expressed in his work, crucial for the movement *Hind Swaraj* – which was crucial for the movement – King reified Thoreau's ideas. In his "Letter from Birmingham Jail," King "supported and expanded the concepts first presented in Thoreau's essay, injecting nonviolent direct action into the American tradition of protest" (Powell 26). Their ideas are broadly similar in terms of fighting for the freedom of blacks: Thoreau refused to pay taxes that support slavery, wrote essays against slavery, and aided fugitive slaves, while King became a leader of a nonviolent American civil rights movement that focused the abolition of legalized segregation (Powell 26). Moreover, Powell states that Thoreau's essay and King's letter share "five important themes: 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 method of protest; 5) the obstacles to reform" (28).

All things considered, Thoreau's failure to effect significant change during his lifetime with regard to his ideas of justice and humanity locally in Concord, America, is due to the fact that his fellow citizens and peers did not feel any great threat to their immediate freedom. Nevertheless, this does not diminish the fact that his global impact is of great importance to past and future civil rights struggles and resistance movements. Both Gandhi and King were profoundly influenced by Thoreau in their messianic mission based on conscience and morality, willing to break the law and endure imprisonment, pain, and punishment for

justice and a just people. They updated and integrated into their work what was universal in Thoreau's essay and made it relevant to modern times (Parel 389).

5. Modern Times

Among the most prominent recent displays of civil disobedience is the Black Lives Matter movement, yet it is not the only one to have occurred in the past few decades. While Thoreau's and Gandhi's work served as the foundation for King's work, the Black Lives Matter movement, as a prominent recent display of civil disobedience, continues the practice of nonviolent resistance as a preferred path to achieve social change in terms of racial injustice. Hooker reports that the protests were first sparked in 2014 by the killing of Michael Brown in Ferguson, Missouri, which triggered severe and "disproportionate police repression against citizen protestants" (449). Later, in 2020, Minneapolis police officers arrested one George Floyd. One of the officers knelt on his neck for more than eight minutes and killed him, while other officers watched without any intention of stopping the violent act. The killing of George Floyd triggered Black Lives Matter protests that, according to Buchanan, Bui, and Patel, may be the largest movement in the country's history. Simply enumerating the names of unarmed black persons killed by mainly white police officers would take half a page at least, so we have opted only to highlight the cases that had the most public resonance.

Today, civil disobedience remains a prominent concept, due in no small part to its popularization by Gandhi and King (Zain and Yusoff 129; van der Horst 1959). It has, however, gone through some measure of analysis, definition and redefinition, by a variety of figures with a variety of opinions. Kulenović claims that from today's perspective, solely appealing to an individual's conscience is a weak foundation for the justification of civil disobedience, given that the concept of an individual's moral conscience is deeply subjective, which ultimately results in very different views on which laws and policies are unjust (62). Therefore, it is necessary to consider the broader picture of civil disobedience. Demas and Brownlee state that Rawls's account on civil disobedience as "a public, nonviolent and conscientious breach of law undertaken with the aim of bringing about a change in laws or government policies" is most broadly accepted (1). They point out that "Thoreau understood the 'civil' in civil disobedience to characterize the political relations between civilian subjects and their civil government [while] today most scholars and activists understand the 'civil' to relate to *civility* – a kind of self-restraint necessary for concord under conditions of pluralism" (Demas and Brownlee 3). Taking into account their central features of civil disobedience – principled disobedience, civility and fidelity to law – there is a link between Thoreau, Gandhi, King and prominent recent displays of civil disobedience, notably the Black Lives Matter protests against police violence and systematic racism (Demas and Brownlee 2).

Racial terror in the United States in the 21st century has resulted in complex response to the contemporary protest and "the demonization of those who have taken to the streets to protest the routine killing of black persons with impunity across the United States for minor, if not imagined, offenses by representatives of the state" (Hooker 449). The view on the situation was polarized: "where some saw unlawful 'riots,' others participated in justified 'uprisings' " (Hooker 449). Principled disobedience implies "an act of lawbreaking that must be deliberate, principled, and conscientious if it is to be civil and, hence,

distinguishable from ordinary criminal offenses" (Demas and Brownlee 3,4). While Thoreau, Gandhi, King engaged in direct civil disobedience and went to prison due to breaching the law, Black Lives Matter activists cannot breach the unjust law directly.

The problematic aspect of reciprocity is evident in the possibility of testing the constitutionality of a law (Hooker 449). Demas and Brownlee indicate the relevance of the distinction between direct and indirect civil disobedience to emphasize that not all unjust laws can be directly violated: "Black Lives Matter activists cannot directly disobey police brutality, stop-and-frisk policing, or the acquittal of police officers who killed unarmed Blacks" (4). Although direct civil disobedience gives a clear image of protest, indirect civil disobedience is accepted today for the reasons mentioned earlier. The willingness to engage in direct civil disobedience in the past and today is influenced by consequences in the form of punishment. Thoreau did not have much to lose in terms of punishment for breaking the law, compared to the evidently more extreme consequences for direct civil disobedience in the cases of Gandhi and King. Today, these consequences may be extreme and overly burdensome to the Black Lives Matter activists, and indirect civil disobedience is therefore acceptable as a form of civilly disobedient act.

Furthermore, Demas and Brownlee identify five features to define an act of disobedience as *civil*: communication, publicity, non-violence, non-evasion, and decorum (6). They understand civil disobedience "as a communicative act – a kind of symbolic speech, which aims to convey a message to a certain audience, such as the government and public. Civil disobedients are thought to contribute arguments to the public sphere. Typically, their message is a call for reform or redress; and their audience is the majority" (Demas and Brownlee 6). In all four cases - Thoreau, Gandhi, King, and the Black Lives Matter activists - civil disobedience is primarily communicative.

Besides its communicative feature, civil disobedience must also have a public feature - *publicity-as-visibility* and/or *publicity-as-appeal*, and Demas and Brownlee claim the latter is clearly "part of the definition of civil disobedience" clarified by Rawls as a " 'political act,' ... 'an act guided and justified by political principles, that is, by the principles of justice which regulate the constitution and social institutions generally' " (qtd. in Demas and Brownlee 7). Thoreau, Gandhi, King, and the Black Lives Matter activists each fulfill the requirement of publicity-as-appeal. When considering Rawls' and Hugo Bedeau's publicity-as-visibility requirements - openness, non-anonymity, advance warning, and responsibility-taking - Demas and Brownlee conclude that openness, nonanonymity, and advance warning "can in fact detract from or undermine the attempt to communicate through civil disobedience and are therefore not necessary to identify civil disobedience" (8).

Non-violence should be an essential quality of being clear in a communicative act. Demas and Brownlee claim that critics hold a different opinion, and emphasize the compatibility between violence and communication (9). Depending on its form and targets, violence can have the communicative quality of a disobedient act. While in "Resistance to Civil Government," Thoreau may not plainly communicate his support of violence, he clearly deems necessary the usage of violence in extreme cases as a solution of last resort, by praising John Brown and his radical acts in his lecture "A Plea for Captain John Brown." The aim of John Brown's violent act of treason and murder was to provoke uprising among the

slaves, and therefore, communicate a clear message of opposition to the state's tyranny. Similarly, Demas and Brownlee state that "burning a police car or vandalizing a Confederate monument, as some protesters did under the Black Lives Matter banner, conveys a clear message of opposition to police brutality and anger at the state's failure to address systemic racism" (9). Furthermore, they emphasize the importance of specifying the categories of violence and non-violence in order to prevent dishonest uses of these categories, as in the case of the 2020 Black Lives Matter protests, where the police characterized a peaceful protest as a 'riot' (Demas and Brownlee 10). Kishi and Jones state that the demonstrations ignited by the death of George Floyd in 2020 and associated with the Black Lives Matter movement are "overwhelmingly peaceful," as they report that "In more than 93% of all demonstrations connected to the movement, demonstrators have not engaged in violence or destructive activity." Self-violent protests, such as hunger strikes and self-immolation, differ from Gandhi's fasts of moral pressure and satyagrahic fasts, which were persuasive and non-violent, and self-immolation that could be in accordance with non-violence given the right circumstances (Demas and Brownlee 12). Correspondingly, King "saw appeals to conscience as insufficient without disruption and 'some form of constructive coercive power' " (qtd. in Demas and Brownlee 13).

Civil disobedients who break the law should take responsibility for their actions and bear the legal consequences. According to Demas and Brownlee, non-evasion accompanies "the conscientiousness and non-violence of civil disobedience," and submission to law enforcement "is part of the dramatic display of suffering" that nonviolence demands (14). In keeping with the tradition established by Thoreau, Gandhi, and King, the Black Lives Matter activists as civil disobedients spent some time in jail, and experienced violations by law enforcement. Thoreau praises the willingness to go to jail for a morally justified cause, and states that "under a government which imprisons any unjustly, the true place for a just man is also a prison" (Thoreau, "Resistance to Civil Government" 1799). The willingness to accept punishment is more likely when one has not much to lose, as in Thoreau's case. Though the endeavors of Thoreau, Gandhi, King, and the Black Lives Matter activists are praiseworthy, looking at it from today's angle, it is not reasonable to expect that one will willingly accept the punishment when they know they risk severe punishment.

Being civil, from certain standpoints, implies a dignified and respectful behavior that involves following the established social conventions set forth clearly in "displays of dignity and ways of showing respect in their society" (Demas and Brownlee 15). Demas and Brownlee indicate that "decorum may be understood to prohibit conduct that would be seen as offensive, insulting, or obscene (with the standards for each varying widely across cultures)" (15). According to Scheuerman, Gandhi and King believed that politeness and decorum had a function to serve (qtd. in Demas and Brownlee 15). Thoreau, Gandhi, and King demonstrated dignified and respectful behavior, in contrast to the Black Lives Matter activists who were not recognized as civil by many due to the usage of offensive language and expressions of anger. Critics, on the other hand, hold that offensive displays and expressions of anger are compatible with civility and "insist on dissociating the politics of 'respectability' from civil disobedience" (Demas and Brownlee 16).

In terms of Fidelity to law, Demas and Brownlee argue that "signaling one's fidelity to law by abiding the demands of civility is seen as necessary to thwart fears of disorder or counter the impression that civil disobedients are contemptuous of democratic procedures" (16).

Civil disobedients may not respect the legal system against which they are protesting. Civility does not necessarily imply disobedients' respect for the law since they can use civil disobedience for its effectiveness. Nevertheless, some theorists argue that civil disobedience need not involve respect for the law, but focus on the communicative aspect of their actions, be they violent or not. Traditional ideas about civil disobedience are challenged by theorists who "critique the liberal account of civil disobedience as unduly narrow and restrictive ... and articulate a more inclusive concept" (Demas and Brownlee 17). They have reassessed Thoreau and Gandhi's complex legacy to show misinterpretations and misappropriations of civil disobedience (Demas and Brownlee 17). Along with Thoreau and Gandhi's legacy, scholars have also reconsidered the American Civil Right movement with the intention of underlining a radical understanding of civil disobedience often overlooked today, particularly when used as a benchmark to judge modern protests such as Black Lives Matter (Demas and Brownlee 18). Notably, modern protests and activists are compared to the idealized standards of past movements in a disadvantageous manner.

Even though Thoreau, Gandhi, King and the Black Lives Matter activists come from different historical periods, they share their commitment to the fight for civil rights. And whether one agrees with all of their methods or goals, it is difficult to disregard the frequency with which various forms of protest and disobedience are shown in the news and on social media every day. In light of this, it seems impossible to argue that civil disobedience is in any way a dead concept.

6. Conclusion

Henry David Thoreau was undoubtedly a powerful contributor to the conceptualization of civil disobedience. We would go as far as to say that he was one of the most insightful. But the question we set out to answer was this: Does his work still apply to us?

We have reached the conclusion that it does, to a degree. Though the sociopolitical realities of our day are not those of Thoreau's time, there is a great deal of value in his work that has, from our perspective, not been adequately replaced by his successors. As he is interpreted, reinterpreted, and even dismissed outright, his original message is obscured and lost to many of us. However, there are parallels between the past and present forms of civil disobedience, precisely the civil disobedience of Mahatma Gandhi, Martin Luther King, Jr., and the Black Lives Matter movement, that we have corroborated through the central features of civil disobedience – principled disobedience, civility and fidelity to law.

However, even as we sing his praises, it is important to remain acutely aware of the fact that Thoreau's world is *not* our own. The words and acts of this transcendentalist mind would have been radically different in the 21st century, and were he alive today, he might very well have seen a new Brown in a Black Lives Matter activist, as he certainly could have seen in Gandhi and King. Ultimately, it falls to each of us to decide the price of our conscience – or even the absence of such a price – and the price we are willing to pay to satisfy it. And like Thoreau in his time, we believe that a great many problems with our society might be resolved if more people (including ourselves, sadly) raised those prices to a higher standard.

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