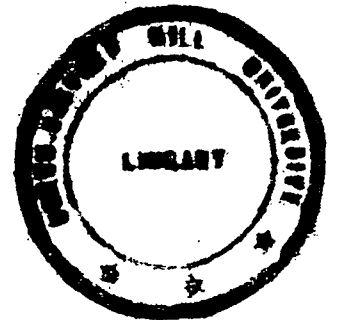


**NATURE AND JUSTIFICATION
OF
CIVIL DISOBEDIENCE**

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**SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENT OF THE DEGREE OF
MASTER OF PHILOSOPHY**



**THE NORTH-EASTERN HILL UNIVERSITY
SHILLONG
SEPTEMBER, 1985**

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Certified that the subject matter of this dissertation is the record of work done by Lalsangkimi Sailo, that the contents of this dissertation did not form a basis of the award of any previous degree to her or, to the best of my knowledge, to anybody else, and the dissertation had not been submitted by her for research degree in any other university.

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SHILLONG
The 30th Sept., 1985.


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ACKNOWLEDGEMENTS

It is indeed a great privilege for me to work under the supervision of Dr. R.V. Vyas, Reader in Philosophy, whose inspiring suggestions and advice form the main source of success for the completion of this work.

I owe a great deal to Dr. N. Malla, Head of the Department of Philosophy, who not only gave me useful suggestions and advice but also took great pain and keen interest in seeing through the whole dissertation. I am also thankful to Dr. M. Miri, Dr. (Mrs.) S. Miri, Dr. J. Pal, Dr. S.C. Daniel and Dr. R. Ghosh for their helps and suggestions.

I am highly thankful to Mr. Godfrey Pathaw for his diligence in typing out the thesis.

Lastly, but not the least, I express my sincere thanks to my husband Mr. T. Lawma who helped me in every way he could to complete the work.

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I N T R O D U C T I O N

The main objective of this study is to philosophically analyse the nature and justification of civil disobedience as a method of political protest. A philosophical analysis differs from a scientific analysis in the sense that it does not seek merely an explanation of why a particular movement has taken place; it rather aims at clarifying and analysing the central concepts, examining their inter-relationships and assessing the argument showing justifiability or desirability of civil disobedience. The study thus comprises of discussion on general nature of civil disobedience, analysis of some major theories and their assessment. Since, we are living in a democratic set up, I have also briefly attempted to examine the role of civil disobedience in a democratic set up.

The first chapter deals with the nature of civil disobedience. Therein, I have argued that civil disobedience is a conscientious, public and non-violent behaviour. I have distinguished civil disobedience from political disobedience. 'Civil' is the term which emphasizes the non-violent character of disobedience. Political disobedience may not be necessarily non-violent. Armed rebels or revolts are political in nature but not civil. A further distinction between disobedience and breaking or evading of law has been made. A thief or a dacoit or a criminal is not a disobedient in the strictest sense of the term. They are intentionally breaking the law. Their objective is neither social welfare, nor are they willing to

accept punishment. The role of moral and legal considerations have also been examined. It is argued that civil disobedience is primarily rooted in moral considerations. The supporters of civil disobedience justify the primacy of a moral order over the legal order.

In order to further enrich our understanding of the issues involved, three leading theories have been examined in the subsequent chapters.

The study of Socratic case is based on two major writings on the subject, i.e. 'The Crito' and 'The Law'. Socrates implicitly distinguishes between two kinds of obligations: first, an obligation to uphold a social living under all conditions. A man cannot continue to live like a man without society. Thus, it is man's primary obligation to maintain a society under all conditions. This obligation is moral in character. The second obligation is political in nature. The sustenance of society and the well-being of its members require a political-legal system. An individual member is free to question a particular law or even the whole system on the grounds of fulfilling his primary obligation. Civil Disobedience is justified when a particular law or even the whole legal system becomes detrimental to the possibility of a happy and peaceful life. The members have to constantly search for newer and newer dimensions of making a good society. Civil Disobedience

is the proper method of protesting against existing laws and for drawing attention of the rulers as well as people for bringing new changes. Socrates vehemently argues against the use of any force in the process other than moral force. Moral force under such circumstances requires willingness to suffer even up to the extent of giving one's life. This leads to the position that there has to be, as a matter of principle, harmony between theory and practice.

Henry David Thoreau's theory also raises the same points of principle in a different context. In his article, he implicitly argues that freedom to disobey on moral grounds or conscience is built into the nature of man. Therefore, no external coercion will ever be successful in taking away the freedom to disobey. Thoreau raises the question of disobedience in the context of two laws, i.e. the poll-tax and income-tax. He is, in principle, not opposed to revenue collection by any political order but he does question the use of that money. Thoreau refused to pay tax as the revenue collected was used to fight unjust war against a section of humanity. In other words, Thoreau hints that it is not the justice and injustice in the society that alone matter, but the unjust behaviour of a society with other societies could also very well be a justifying ground for civil disobedience.

In the contemporary world, Gandhi once again took up the course of practising and defending the case of civil disobedience. His theory is known as 'Satyagraha'. Satyagraha is much more wider in scope than the civil disobedience of Socrates and Thoreau. The concept of Satyagraha has two important components, i.e. 'Truth' and 'Non-violence'. Gandhi's commitment to these two is absolute. In his view, every aspects of human life should be organised according to the principle of truth. Truth represents an eternal moral order. No society can hope to survive by deviating from the path of truth or eternal moral order. Man is obliged to undertake disobedience to a particular law or politico-legal system if it is based on untruth. The commitment to truthfulness automatically leads to non-violent behaviour. Thus, in Gandhi also we find moral consideration as the sole justification for civil disobedience. However, Gandhi covered all aspects of human living under moral considerations. Hence, he talked about domestic satyagraha, political satyagraha and even religious satyagraha.

The discussion of these three theories reveals that in one or the other way moral claims for the betterment of social living is the most fundamental ground for justifying civil disobedience. However, in each case, the answer for the question, i.e. under what empirical conditions civil disobedience is justified, may vary from time to time.

In the ~~other~~ chapters, apart from recapitulation and critical assessment, I have discussed the role and place of civil disobedience in a democratic set up like ours. It can be argued that democracy being a rule of elected representatives leaves no scope for civil disobedience. The elected people, in fact, represent the views of people and thereby leaves no room for any kind of dissent. It is also an accepted principle of democracy that minority will be morally and legally bound to accept the decisions made by the majority. Hence, civil disobedience or satyagraha is not only unconstitutional but morally unjustifiable as well. In my view, this is not a sound argument. To think that majority is always morally right and minority cannot have a different moral perception is an untenable proposition. Truth, moral order or moral principle are such things which need constant investigation. The knowledge obtained about the same is such in nature that it becomes irresistible in practice. Gandhi presented this truth when he said, 'the only dictator I accept is the voice of conscience'. The genuine knowledge of truth does force a person to act, even if he is one man minority. Simple numerical strength cannot justify the truth. Greater and greater knowledge of truth would necessitate that these be a part of our daily personal as well as social living. The change over cannot have a better system to follow than civil disobedience. Hence, I have tried

to maintain that it is highly necessary for a democratic system to keep room for civil disobedience, if it wants to grow.

In our country, we have for a long time, seen various kinds of political movements. All the violent movements have always threatened the existence of not only democratic structure but the very existence of society as such. Violence in my view cannot do any good to anyone. The use of violence prevents any movement from being a mass movement. The surest and the best way of achieving the desirable ends in a society is to launch a mass movement. The peaceful or civil character of any movement is the necessary character of an efficacious and desirable movement. It may take little more time to realise the end through civil or non-violent movements, but it does give genuinely good and durable results.

CHAPTER I

NATURE AND SIGNIFICANCE OF CIVIL DISOBEDIENCE

The problem of civil disobedience has remained central among the problems of moral and political philosophy. Almost all political thinkers, beginning with Plato, Hobbes, Locke, Rousseau and including the contemporary thinkers such as Gandhi, Rawls, Harry Prosch, etc. have all given important place to this problem of political obligation.

Before I proceed to examine various questions, issues and assumptions involved in the discussion of the nature and justification of civil disobedience, I would like to draw attention to the fact that the problem of civil disobedience has been handled mainly by two kinds of people, i.e.,

- 1) Philosophers/Theoreticians and
- 2) Social Activists/Reformers.

Their attempts are bound to be different because their concerns are basically different. A philosopher is mainly interested in working out the presuppositions of the doctrine and in analysing the various key concepts necessarily linked with the problem. In short, a philosopher is interested in giving a logically consistent and coherent theory of civil disobedience; whereas a social activist/reformer is more keen to bring about a desirable change in the society. He views the problem of civil disobedience from the point of view of securing the desired change which necessarily implies certain activities.

An exhaustive account of civil disobedience will be possible by taking both these approaches together. In any case, these are not mutually exclusive. An adequate theory leads to perfect practice and experience gained by practices enables one to build a better theory. The doctrine intended to be put into practice, if rests on defective logical and conceptual foundations, is bound to result in failure. Hence it is necessary to pay attention to both these aspects of the problem.

At the very outset, I would like to make a distinction between philosophical and the so called scientific formulation of the problem. The philosophical questions are: 'Why should we disobey any political authority/state? When should we disobey a political authority or state?' The scientific question is: 'What are the social factors that as a matter of fact lead to disobeying?' The philosophical question seeks a justification or demands a theory primarily to justify one's belief and practice of civil disobedience. The scientific question, on the other hand, requires merely a causal explanation. Explanation could be psychological, historical, sociological, etc. In other words, I am trying to say that one might be, as a matter of fact, disobeying a state/law for psychological, economic and political reasons or even just because of habit. Philosophical formulation, on the contrary, demands a thorough examination of the

desirability and justifiability of disobedience. Therefore, it raises the question: why should we disobey any law/state at all? Being a student of philosophy, naturally, I would like to discuss philosophical questions in this work for study and examination.

Moral and political concepts cannot precisely be defined as it is in the case of concepts in Mathematics and Natural Sciences. They seem to have some kind of open texture which keeps open the possibility of wide variety of interpretations and also a wide ranging use of them by thinkers. It is evidently true in the case of a problem like civil disobedience. Both theoreticians and practitioners of civil disobedience have chosen to offer different views regarding civil disobedience. A proper study and close examination is, therefore, an imperative need for comprehension and proper assessment of civil disobedience. Given this situation, one would not be wrong in saying that moral and political concepts are not easy to be learned, they are to be grappled with.

The term 'civil disobedience', no doubt, has a wider connotation, but it is frequently used in the sense of disobedience to political authority. Thus, civil disobedience is treated as a synonym to political disobedience. The term 'political disobedience' is used by philosophers and social practitioners to refer to those acts which are forbidden by state/political authority. These are deliberately intended

against the given political authority. In other words, one can say that civil disobedience or political disobedience is the refusal to obey the laws or commands of the established political authority. The refusal may be based on the fact that laws or commands are wrong/unjust in themselves or wrong/unjust for what they represent explicitly or implicitly.

The most elementary form of disobedience would be (always) a complete personal rejection of 'or' non-compliance with any one specific law 'or' a set of laws. Such rejections are not based on the grounds of the law itself, but a personal conscientious objection to one's fulfilment of the commands in question. In such a case, conscientious nature of the objection is crucial. It is different from evasion of the law. There is a need to specify the difference between 'evation of law' and 'disobedience to a law'. Evasion of law is motivated with an intention to secure some personal gains or benefits. For achieving these benefits, it is intended that one should not be caught by the law enforcing authorities. Thus, it is planned to escape from any punishment for one's deed. It can be properly termed as illegal activity. Civil disobedience based on conscientious objection, on the contrary, is never intended to gain some personal benefits. The civil disobedient is also ready to accept the punishment for his deeds. Therefore, disobedience in the form of evation of law is more in the nature of being criminal than being political or civil. For example, stealing, thieving and dacoity are not forms of

political 'or' civil disobedience. These are social, moral or legal crimes.

The conscientious civil disobedient thinks in terms of the necessity of changing the law. The first step he takes in this direction is to refuse to obey the particular law. He is willing to accept the punishment for his disobedience on the ground that it makes his refusal to obey any particular law a matter of public concern. Wilful acceptance of punishment is likely to arouse concern in the society. Once people are made aware or their attention is drawn about the whole question of obeying or disobeying a particular law, the task before the civil disobedient is to convince others or create a public opinion of the desired kind regarding the law in question. A failure to do so will not entitle a conscientious objector to claim his refusal to obey as a case of civil disobedience. A purely personal conscientious objection of any authority is not only rare but a remote logical possibility. To think that something is wrong for me to do (it is not to say that it is disadvantageous to me) does involve the belief that it is wrong for others also. Although the legal and political commands, even though in a particular situation, are directed against any individual, yet, these are highly generalised. Hence, a purely personal conscientious rejection is not possible¹. Broadly, one can say that 'civil disobedience' or 'political disobedience' aims at

the annulment of the law or to overthrow (whatever) the government 'or' the whole social and political system. Therefore, one can say that civil or political disobedience includes the ~~the~~^{non-}performance of any act required by the law, with the purpose of securing changes in the actions, laws, policies based on a given constitutional and political structure of a given state².

In almost all kinds of societies, people do raise about the legitimacy or the authority of the rules and the rulers. It amounts to creating an overt opposition to the rule and the ruler. It is also undeniable that the dissenters in a society are always likely to be in minority. Their minority character puts them not only in opposition to rulers but also in opposition to a wider section of society. A civil disobedient, therefore, is required to convert the majority to his side. For doing so, he has to present his arguments for disobedience in such a manner that the large chunk of population can understand and accept them. Such a conversion is possibly by following rational method. Without some degree of voluntary support from people in general a civil disobedient might not be able to succeed. The members of a given society or a community are bound together by a common set of values and beliefs. Any argument based on these values and beliefs will find an easy acceptability and thereby improve chances of success for a civil disobedient. It is also possible that a civil disobedient may be challenging even the value structure of a society. Such a desire will pose a great

difficulty in case a society which considers its values sacred and beyond criticism or revision. In such societies, the notion of changing the social or political system is foreign. It does not mean that its culture or system will never change. However, the changes are likely to occur due to natural and economic factors, or alien human influence³. It diminishes the chances of a society changing from within by its own conscious effort. Hence, it is generally seen that such societies do not create ground for the emergence of civil disobedience, even though conflicts, disputes, assassinations are accepted as parts of its way of living. However, such societies cannot perhaps exist in reality. All societies have a desire to be better and better and a conflict of new ideas with the existing system is inevitably one of the desirable ways of creating an awareness of the necessary change.

Disobedience to law or state could be of two types: non-violent and violent. Violent disobedience will not be a civil disobedience. The concept of 'civil' as opposed to the concept of 'uncivil' emphasizes the non-violent character of disobedience. It seeks to embody the ideals of moral behaviour and thereby inspires every one towards more civilized behaviour. The concept of 'civil' also necessarily includes the idea of respect for other people including one's adversary. The respect for other people brings automatically the idea of non-violence

as a crucial attribute of civil disobedience. Civil disobedience presupposes the recognition of general obligations of a citizenship and the necessity of a legitimate legal order. Through civil disobedience justifiability of a particular law or of a whole legal order is questioned. It is an affirmation of general duties of a citizenship. Civil also refers to a public act as distinct from private. However, it intends to seek a special consideration. Therefore, use of violence and evasion of the law fall outside the realm of civil disobedience⁴.

In case the governing authority practises discrimination or favouritism among different groups in society the maltreated minority ought to resort to civil disobedience because they cannot accept the legitimacy of a political system which treats them as secondary subjects or as objects. Failure of the authorities to take note of such popular mass feelings may well give rise to a violent outburst directed not only against the majority but against their own unsympathetic leaders. The leaders will then have to run the risk of being out-flanked and ousted by their political rivals. The problem might be even more serious if the members of the minority are thought of as distinct alien group whose continued presence is accepted only under highly restricted conditions.

In some societies, due to its social settings, irrespective of their creeds and able and dedicated leaders it may find itself faced with a problem leading to the

eruption of violence. Sometimes, even the most efficient government may find it difficult to handle it. These are the problems of the vast growth in population, failure to distribute agricultural output equitably, mass unemployment, growth of communalism, narrow regionalism and political extremism of all brands. The general problems faced by various minorities in India are something that are inherent in the social setting of India. By social setting, I mean the predominant social attitudes which govern social inter-relation. The best way to avoid violent conflict is to provide all parties a political framework or political activity of the non-violent type such as civil disobedience to voice their grievances and seek redress of their problems. Civil disobedience in such a situation ought to generate such values which intends to bring a greater harmony among all the groups by way of cultural integration.

In socialist societies like Russia, everyone is supposed to develop his own capacities to the full. It leaves no scope for the success of civil disobedience. Even then some resistance to political authority in the form of political disobedience does take place. Even the most powerful government cannot escape political protest. Perhaps dissent and protest are the indicators of a dynamic society. The question one has to bother is that how do we or how should we register our protest. Civil disobedience comes handy to us as a method

to do so. This is true about all kinds of societies whether western or eastern, socialist or capitalist. Every society is likely to come across some situation where political protest becomes inevitable.

In this work, I wish to emphasize that civil disobedience is the best method to register political protest. Refusal to grant men a right to disobey in a civil manner may lead to unconstitutional and violent method of struggle. Even a government as well established as that of the U.S.A. has so far shown itself incapable of effectively tackling, let alone, solving the social and economic problems of the Negroes. The civil disobedient movement of the Negroes has also been crushed. Consequently, violent methods are only left open to them.

Whatever is the form of the government, whether in the east or in the west, what is today prevailing is the continuous political struggle and upheavals, especially by the discontented minorities and very often these struggles take violent rather than non-violent form. Taking resort to violence is being treated as the most obvious method of political protest, a political control and change.

However, in the developed western European countries, where violent revolution and military overthrow of the government seldom takes place, the constitutional oppositions

usually pay off through economic reforms with the gradual awakening of the masses. This may not necessarily result in the change of the rulers or government and as a matter of fact, once the government establishes itself, political disobedience may be contained within the system itself.

What I wish to suggest is this: violence has no place in any type of government, be it a monarchy or a democracy. Violence breeds violence, hatred and malice. I will be arguing in the subsequent chapters that non-violent civil disobedience is the only suitable method of registering social protest and bringing about social change.

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CHAPTER II

SOCRATES' CONCEPT OF CIVIL DISOBEDIENCE

The earliest systematic discussion on the problem of civil disobedience is available in the writings of Plato, especially in the Dialogues called the Crito and the Law. Plato, as a matter of fact, was interested in discussing the justifiability of obeying the state/laws. By implication, he suggests the grounds and mode of disobeying the laws also.

The Law and Crito provide us an excellent framework of the Socratic concept of civil disobedience. In the Crito, Plato presents Socrates as a conscientious man as well as a good citizen. As a result, Socrates does not want to take the society and its governing laws lightly. He recognizes the value of social living but at the same time he cannot ignore the dictates of his conscience. The dictates of conscience are given supreme place so much so that Socrates is not willing to submit them to the scrutiny of the state. He is convinced that a just society could be evolved only by following those dictates. In this sense, the voice of conscience has a higher value over the state laws. Addressing the Athenians, Socrates says:

"Men of Athens, I honour and love you; but I shall obey God rather than you, and while I have life and strength I shall never cease from the practice and teaching of philosophy ... etc."¹.

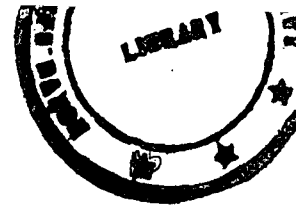
In case of conflicts between conscience and the state/laws one ought to live according to the dictates of conscience irrespective of the consequences. Ideally, of course, the laws ought to be always in conformity with the dictates of the conscience.

The real good of mankind, i.e. social good, according to Plato, consists in developing institutions based on the commands of conscience. There are other kinds of human goods also but they do not enjoy the status obtained by conscience. They are the lesser goods.

Of the lesser goods, the first is health, the second beauty, the third strength (body agility, swiftness, etc.) and the fourth is wealth. Wisdom is the chief and leader of the divine goods, next is temperance, followed by justice and courage. All these naturally take precedence of the other goods and this is the order in which the legislation must place them^{and} after them he will enjoin the rest of his ordinance².

For Socrates, the objectives of the state laws should be to look after the two kinds of goods. Any given society in Plato's thinking has to fulfil these objectives. However, a society which obstructs or does not pave the way for the growth of higher goods, i.e. justice, temperance, wisdom etc. cannot be considered worthy of acceptance under this situation.

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One is fully justified to take recourse to the measure of civil disobedience to bring society or change its laws to the main objective. It does not require a major attempt because sincerity in the fulfilment of the first will naturally lead to the second. Fulfilment of only the second objective will not be enough because:

"A man who has all the external goods is only miserable, his life is evil and painful"³.

"They put what is first last, they do not know that the soul is prior to the body"⁴.

Thus we get a glimpse of Plato's ground for disobedience of a state/laws.

Plato suggests that in principle,

"The state would be safe and happy if they distribute honour and dishonour as they ought: the good of the soul first and highest in the scale; second the good of the body; third to money and property"⁵.

In the Law, Plato presents his theoretical position with regard to the value of man and law. However, in the Crito, he places Socrates in a concrete situation in which Socrates comes into conflict with the state laws. Thus, in the Crito, begins a situation where Socrates is tried and death sentence is pronounced on him by the Athenian jury for having disobeyed the laws of the state. A friend of Socrates

i.e. Crito approaches him in prison and pleads for escaping the death sentence. He puts forward various reasons.

In any given society, the system is such that the members have to agree to obey the laws. They have also to agree that in case of disobedience they will accept punishment. Hence, obeying laws and accepting punishment for disobedience is a necessary constituent of the idea of a member of society. Socrates is fully aware of this. He has willingly and quite thoughtfully decided not to accept certain prescriptions of the Athenian state as they were, in his opinion, in conflict with his higher obligation. The state was not willing to accept this and consequently he was considered guilty of breaking some laws. The first question which arises here is; 'Is Socrates justified in breaking the laws of the state on the ground of higher or divine obligation?' Socrates obviously maintains that social and political obligations are not justifiable in themselves. They have to seek their sustenance from outside. The very formation of society is justified on the ground that it will facilitate the pursuit of divine or higher obligation. Socrates does not consider it necessary to demolish that society. He pleads that disobedience must lead to a change in social norms. Hence he refuses to accept the arguments advanced by Crito for escaping from the prison. Socrates is

committed to the position that it is his obligation to put the society in right direction. By escaping from the prison or running away to another place, instead of correcting the society, he would only strengthen the evil. Thus, one could clearly see that disobedience should become one's duty to fight evil in society (one's society), but that disobedience which is likely to strengthen the evil ought not to be practised. The entire dialogue of Crito is intended to show apparently the reasons for obedience, i.e. in favour of acceptance of punishment for having disobeyed some laws on the ground of higher principle. I shall briefly present some of the arguments presented by Crito and Socrates' refusal of the same.

Crito tries to persuade Socrates to escape from prison. If Socrates does not escape and dies, Crito will not only lose a dear friend but he will also be blamed for doing nothing to save the life of Socrates. Crito also assures Socrates that in case the latter escapes there will be no danger for his friends. Everything has been so arranged that Socrates will be able to save his life and will not suffer. Secondly, Crito pleads before Socrates that he will have no justification in throwing away his life. Crito also advances the argument reminding Socrates about his responsibility of educating and nurturing his children. Dying in this manner would mean leaving them to their fate. After all, he is the

one who brought them to this world. It will be bad and unmanly for a man who teaches virtue to act this way. Many others who do not know the case will reproach his friends as cowards for not saving their friend - Socrates.

Socrates refuses to be persuaded by any one of the arguments put forward by Crito. He firmly holds the view that on all occasions in life one must act according to reason. Socrates declares:

"For I am and always have been one of those natures who must be guided by reason, whatever the reason may be which upon reflection appears to me to be the best; and now that this chance has befallen me, I cannot repudiate my own words: the principles which I have hitherto honoured and revered I still honour, and unless we can at once find other and better principles, I am certain not to agree with you; no, not even if the power of the multitude could inflict many more imprisonments, confiscations, deaths, frightening us like children with hobgoblin terrors"⁶.

The principle involved here is the principle of reason which means reflecting rightly. Under the circumstances, it would be wrong on the part of Socrates, to make compromise with the principle which he had held so dear to himself. One must attach greater value to a right principle than the life of an individual. The society is sustained by right principles and not by anything else. A right principle is indispensable.

Rightness or wrongness of any issue cannot be decided by majority. In other words, majority opinion cannot make a man more wise or foolish. The sound or right opinion is one which is arrived at by using one's ability to use reason and that alone should be regarded as a wise opinion.

"In questions of just and unjust, fair and foul, good and evil, which are the subjects of our present consultation, ought we to follow the opinion of the many and to fear them; or the opinion of the one who has understanding? ought we not to fear and reverence him more than all the rest of the world: and if we desert him shall we not destroy and injure that principle in us which may be assumed to be improved by justice and deteriorated by injustice; ..."⁷.

As for life, "that not life, but a good life, is to be chiefly valued"⁸. Just as a disease destroys the body, evil and injustice destroy the good life. For Socrates, a life full of evil and injustice would not be worth living because it implies that the higher part of mind (conscience) which is far more honourable than the body is destroyed by evil and injustice. Therefore, Socrates was fully justified in accepting punishment for disobedience, choosing death than living in an evil and corrupt body.

He emphasizes the principle that,

one should never do wrong intentionally and should never injure in return of the injury one has suffered. So one ought not to retaliate or render evil for evil. Warding off evil by evil is wrong and unjust. A man's duty is to do always what he thinks right⁹.

In the case of Socrates even the state wrongly punished him, it was not right for him to damage the society and its structure by escaping from the prison cell. The argument is developed in an imaginary dialogue in the Crito. Suppose at the time of escape laws appeared before him and reminded him of the parental care they have given him. The laws will say:

"Well then, since you were brought into the world and nurtured and educated by us, can you deny in the first place that you are our child and slave, as your father were before you"¹⁰.

To disobey the laws of punishment means revolution or rebellion. To escape punishment is not merely disobeying but it is revolting or rebelling. The idea of revolt or rebel contains an element of condemnation. How can one be morally justified to condemn someone who has acquired the status of parents in our life. Hence, a sincere devotion to laws and a firm conviction in truth leave the voluntary acceptance of the punishment as the only justified course

of action.

Laws ~~farth~~er say that if everyone ignores the laws of the state or government, the state or the government cannot subsist without any power over its citizens.

'Tell us, Socrates', they say, 'what are you about? are you not going by an act of yours to overturn us - the laws and the whole state, as far as in you lies? Do you imagine that a state can subsist and not be overthrown, in which the decisions of law have no power, but are set aside and trampled upon by individuals?*'11

Disobedience here will involve doing a serious injury to the state. The injury to the state will have larger consequences for the society as a whole. In other words, for one wrong done, the objective is not to damage the state as a whole but by meek submission one ought to attempt to prove how the laws have gone wrong and thereby bring desirable change in the structure of laws. A man of virtue will be contradicting his own principle by escaping from the prison.

If Socrates disobeys the laws of punishment, the state will accuse him of committing three kinds of wrong:

'first, because in disobeying us he is disobeying his parents; secondly, because we are the author of his education; thirdly, because he has made an agreement with us that he will duly obey our commands ...'12.

It is not justified for an individual to believe that he will obey the state and its laws only, as long as they suit him. The agreement involved here is just that whatever both good and bad accrue out of the social structure will be voluntarily accepted by the individuals. Socrates by escaping punishment or by way of rebelling and revolting, will be violating this principle. The agreement is farther strengthened in that if one does not find a society good, one may leave it and go somewhere else.

Here it is important to note that by agreement it does not mean a blind obedience to the state laws, good or bad, just or unjust, right or wrong, but an obedience to laws in general which is a duty and obligation of an individual for the stabilization of the state, for the peaceful co-existence and for the promotion of social good. Socrates, as a moral man, can never have such an unconditional 'agreement' to obey all laws just or unjust. Therefore, he disobeyed the particular law which is in conflict with his basic principle. At the same time, to fulfil obligations arising out of the basic agreement towards the state he has to accept the punishment arising out of that disobedience. Thus, Socrates refused to obey the bad laws but at the same time without committing any breach of laws.

Moreover, if Socrates escapes he will only bring evils and ruination to his friends. And if he goes to other state his friends will, no doubt, welcome him as long as they are pleased with him; but when he displeases them they will remember his crime and will call him a traitor of his state and all other names. Will it be good for his children to have such a kind of father? The answer is clearly, 'No'. This suggests that he has run to face ridicule if he escapes. His life will always be plagued by it. Even after he dies his soul will never find peace. Therefore, for Socrates:

"The mere preservation and continuance of life is not the most honourable thing for men, but the continuance of the best life"¹³

and

"The greatest ignorance is to know and not do the good and the noble, where there is no wisdom there is no harmony"¹⁴.

As already discussed in the earlier chapter, civil disobedience is a conscientious, non-violent, public and political act. It is a refusal to obey the laws or commands of the established political authority. The refusal may be based on the fact that laws or commands are wrong/unjust in themselves. Therefore, civil disobedience is a disobedience to the law of the state or the government on the ground of moral

reasons. The sources of such a disobedience are the values or commitments which an individual holds dear. When there is a conflict between his moral commitment and his commitment to the state, he chooses the former over the latter. The civil dissenter, while respecting the social living and values, chooses to disobey a particular law of the state or the government, which is, according to him unjust. A non-violent civil disobedient person does not want to destroy the state and its laws but wants to destroy or change the unjust laws. This is why civil disobedience is very different from rebellion or revolution. Moreover, a civil dissenter chooses to disobey the laws publicly so that others will come to know that a particular law is unjust. It is a kind of call for the public support, and it is performed without any thought of personal gain.

We find that Socrates' disobedience is indeed a civil disobedience; it is not a revolution or a rebellion. A civil disobedient person not only tries to change the minds but also accepts the punishment arising out of his disobedience in deed and thought, which includes death in Socrates' case.

A study of the *Law* and the *Crito* shows that Socrates does only what his conscience guides him to do. Obedience to his divine command led Socrates to disobey the Athenian

law many times. The thirty tyrants who ruled the Athenian at that time commanded Socrates and four others to bring Leon from Salamis to Athens to be murdered. The four feared to disobey the command, but Socrates boldly disobeyed the command and went home. Again, Socrates was treated as an evil doer. He not only corrupted the youth but also received other Gods than the state Gods, i.e. Apollo and Zeus. He believed that his gods are higher than the state gods. Therefore, by keeping true to his own conception of gods, Socrates also committed disobedience to the laws concerning the state gods¹⁵.

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CHAPTER III

HENRY DAVID THOREAU'S CONCEPT OF CIVIL DISOBEDIENCE

Like Socrates, Thoreau based his concept of civil disobedience on the principle of conscience, though the circumstances in which he applied his theory were different from those of Socrates. Thoreau raises the same points of principle, as in Socrates, but in a different context. In his article¹, he implicitly argues that freedom to disobey on moral grounds or conscience is built into the nature of man. Therefore, no external coercion will ever be successful in taking away the freedom to disobey. Thoreau raises the question of disobedience in the context of two laws, viz., the poll-tax and income-tax. He is in principle not opposed to the system of taxation or revenue collection by any political order; but he does question the manner in which the collected revenues are spent. Thoreau refused to pay the state poll-tax as the revenue collected went towards supporting, however slightly and indirectly, the practice of warfare and slavery². In other words, Thoreau refused to pay tax as the revenue collected was used to fight a war against a section of humanity. According to him, it is not the justice and injustice within the society that alone matter, but the unjust behaviour of a society with other society could also be very well a justifying ground for civil disobedience. Thus, Thoreau refused to obey the law or the state on the ground that it was unjust and immoral. He

disobeys the law as a matter of principle with the intention of getting it changed or reformed. Therefore, Thoreau willingly accepts the penalty for his act of disobedience. He was not willing to leave the jail even after his aunt Maria Thoreau paid the tax for him. In fact, Thoreau was not pleased at his aunt's action as it hindered the path of his civil protest against the injustice being done³. This reminds us of a situation where Socrates also refused to accept the escape-offer.

At another time, Thoreau again refused to pay money towards the support of the priest. He says:

"Some years ago, the state met me in behalf of the Church, and commanded me to pay a certain sum toward the support of a clergyman whose preaching my father attended, but never I myself. 'Pay it,' it said, 'or be locked up in the jail'. I declined to pay ... I did not see why^{the} schoolmaster should be taxed to support the priest, and not the priest the schoolmaster ..."⁴

Thoreau refused to pay the tax this time on the ground that it was imposed unjustly and that there was no reason why he should pay for the priest and not the other way round. Like Socrates, Thoreau always resisted injustice in whatever form it came to him.

Thoreau recognises the distinction between legal and trans-legal justice. This distinction implicitly makes it clear that justice is not exhausted in legality. What is legally just may not necessarily be what is morally just. Hart remarks

"We think and talk of justice according to law and yet also of the justice and injustice of the law"⁵.

According to Thoreau, moral right and legal right may not necessarily coincide, because the laws cannot satisfy the moral ideals of each and every person. In this case the moral right will stand above the legal right. According to Thoreau, we should in no way resign our conscience to the legislators. He says:

"... legislators, politicians ... serve the State chiefly with their heads; and, as they rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God. A very few ... serve the State with their consciences also, and so necessarily resist it for the most part ..."⁶.

When morality and legality come into conflict, Thoreau says:

"The only obligation which I have a right to assume, is to do at any time what I think right"⁷.

According to him, no undue respect for law is required as it will commit one to do many unjust things. Thoreau remarks

that because of such a blind respect, "even the well disposed are daily made the agents of injustice"⁸. He further says:

"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"⁹.

Those who blindly obey the law, whether just or unjust are more like machines than men. Thoreau again remarks:

"A common and natural result of an undue respect for law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys and all, marching in admirable order over hill and dale to the wars, against their wills, aye, against their common sense and consciences, which makes it very steep marching indeed, and produces a palpitation of the heart"¹⁰.

Thoreau tries to remove or change those laws which compel men to serve as agents of injustice. He declares:

"What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn"¹¹.

As a conscientious civil disobedient Thoreau does not like to compromise his conscience with his legal obligations. He always tries to resist the wrong and injustice arising out

of his legal commitments. However, since he is not against the whole governmental set-up, he cheerfully accepts the penalty for his act of disobedience. This fact sets him apart from ordinary law-breakers such as robbers, thieves and even from anarchist and revolutionary as well.

With regard to the kind of government that should prevail, Thoreau argues that ideally there should be no ruler. At best, the government is a matter of expediency. The very first line of his celebrated essay runs thus:

"I heartily accept the motto, - That government is best which governs least ..."¹²

Thoreau farther explains that when:

"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 they will have"¹³.

According to Thoreau,

"Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient"¹⁴.

The governments chosen by the people to execute their will often abuse the power and run the government to achieve their selfish ends. To minimize this kind of abuse the most

effective method is to give the government the least opportunity to rule. Therefore, Thoreau favours the government which governs the least where one enjoys freedom to follow one's own conscience and to do what one thinks right. As a matter of fact, he maintains that ideally there should be no government at all.

According to Thoreau, there will never be really a free and an enlightened state until the state comes to recognise the individual as a higher and an independent power from which all its authorities are derived and treats him accordingly. Our democracy of today which is based on majority rule is not best because it is not necessarily based on justice, but rather and very often on strength. The majority cannot simply decide what is right or wrong. Thoreau remarks about the American government thus:

"It has not the vitality and force of a single living man; for a single man can bend it to his will"¹⁵.

Though Thoreau maintains that ideally there should be no government, he does not ask for it, as he puts it:

"... I ask for, not at once no government, but at once a better government"¹⁶.

The better government, here, does not mean a negation of it, but the one where individuals have freedom to disobey laws which

they consider unjust, on moral grounds and conscience.

Thoreau says:

"I cannot for an instant recognise that political organisation as my government which is the slave's government also"¹⁷.

In order to have a better government Thoreau is ready to declare a 'war' of disobedience against the unjust laws and policies of the state. He considers a government better if it provides considerable freedom to the individual and maintains justice with its laws and policies. Thoreau remarks:

"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 ... 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 neighbour ..."¹⁸.

It follows, therefore, that Thoreau does not discard a state but asks for a better and just state. By a better state he means the one which governs with justice and recognises the individual as a higher and independent power. According to this principle a limited monarchy is preferable to an absolute monarchy and a democracy to a limited monarchy.

Thoreau goes farther than Socrates in recognising revolution. He says that when the government as a whole is unjust and does not rule according to the principle of justice, it should be overthrown. Thoreau cannot, without disgrace be associated with this kind of government and says:

"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"¹⁹.

Thoreau recommends revolution to overthrow the unjust government when its oppressive rules and policies can no longer be tolerated by the people. In other words, when the government is totally unacceptable, a revolution is called for and when some few laws only offend the individual, civil disobedience is an appropriate method for the remedy.

Thoreau regards wounding a man's conscience by forcing him to do unjust things the same, if not more serious, as wounding his physical body. A man is made up of body and mind. He cannot be deprived of one or the other. If the state law or policy curtails the freedom of one's conscience, one is treated merely as a robot. To deprive a man of his mind, according to Thoreau, is worse than bodily injury. Thus he questions:

"Is there not a sort of bloodshed when the conscience is wounded? Through this wound a man's real manhood and immortality flow out, and he bleeds to an everlasting death"²⁰.

Thus, Thoreau accepts his moral obligation as higher than his political obligation. In other words, the law of conscience is higher than the law of the state. When the two are in conflict with each other the law of conscience should be obeyed rather than the state law. However, if an individual deliberately violates the state law he must be willing to accept whatever penalties including fines, imprisonment or even death that may be imposed for his act of disobedience. He must cheerfully accept the punishment and never run away from it even when he has a chance to do so. This is the duty of a true civil disobedient. But all cases of disobedience is not an act of civil disobedience. According to Thoreau, civil disobedience pertains to a conscientious, public, non-violent and deliberate act of disobedience to unjust laws or policies of the government. Disobedience should be resorted to on grounds of conscience and with an intention to change or reform the unjust laws. Thus, civil disobedience is a method of political protest against unjust law or policy of the government.

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CHAPTER IV

M.K. GANDHI'S CONCEPT OF CIVIL DISOBEDIENCE

Gandhi coined the word 'Satyagraha' in South Africa to describe his non-violent protest against what he considered unjust laws or government. The word 'Satyagraha' is derived from 'Sat' which means abiding, right, actual, wise, self-existence, etc. 'Agraha' means to hold fast, adherence or insistence. The central meaning of 'Sat' seems to be 'permanent existence'. By giving truth a central place in his philosophy, Gandhi intended to consider 'permanent existence' as the law of everything. The word 'Satyagraha', therefore, means an untiring and determined search for 'Truth'.

According to Gandhi, Satyagraha, as a form of political disobedience, is much broader in scope than civil disobedience. Rather, it includes civil disobedience as one of the elements. The prerequisites or presuppositions underlying both the systems are also different and therefore, it would not be right to interpret the two as the same.

Satyagraha was first practised by Gandhi in South Africa. In those days, the term 'passive resistance' was generally used to express peaceful revolt against the state. Gandhi did not find this term appropriate enough for his method, and therefore, introduced Satyagraha. According to him, 'truth' is the centre of life. He emphasized that life, in all its

aspects, should be developed in accordance with the principle of Truth and that this truth should be the main concern of man whether it is in politics, ethics or religion. This implies that truth should be accepted as the highest value and that any change in thought or belief should be judged according to the principle of truth. Thus, the Gandhian Satyagraha is much wider in scope and application than civil disobedience. While civil disobedience as propounded by most thinkers and politicians is mainly concerned with limited aspects of human life, viz., laws or state, the term 'Satyagraha', Gandhi argues, should be a guiding principle in all aspects of human life including politics, ethics, religion, etc. Moreover, since, truth is the highest value in the principle of Satyagraha, there is perhaps, ground even for an atheist to follow this principle as there can never be two different opinions about absolute truth.

Satyagraha, according to Gandhi, is a persistent and determined search for truth. It also implies that one should hold firmly to whatever little knowledge of truth one has obtained. Gandhi maintained that man's life would be worthless without the particle of truth, and that truth is the beginning of all human virtues. Truth is, therefore, logically prior to all human virtues as it has no temporal origin. Untruth may

seem to be temporarily beneficial, yet, in essence, it is evil and destructive. Therefore, it cannot have enduring existence. Hence, one must accept truth as the reality and mould his life accordingly. The knowledge of truth gives inherent strength which eventually leads to the formulation of truthful thoughts and truthful actions.

Satyagraha is a method of seeking as well as for the practice of truth. The knowledge of truth leads to practice and practice in turn, opens new dimensions of truth. Thus, knowing and doing are mutually interdependent. This process continually leads to the moral evolution of man. Morality is the essential character of truth. Man is a moral agent to the extent he embodies and seeks truth. To be moral does not merely mean to be away from evils or evil deeds. Rather one has to develop positive moral qualities. Moral qualities or virtues originating from truth are adopted irrespective of the consequences. Doing this is not an easy task. It involves a tremendous self-struggle. Thus the path of truth is not an easy one.

Gandhi holds a two fold concept of truth, viz. the absolute truth and the relative truth. He maintains that it is impossible for us to realise the absolute truth completely in any given life. We ought to begin with a faith in the absolute truth of which we can possibly have glimpses but

cannot attain in fullness. Hence, we are always bound to have incomplete knowledge of truth. This incomplete knowledge of truth is termed as 'relative truth'. There is nothing wrong in every man following the truth according to his light, rather it is his duty to do so sincerely.

Sincerity in following the truth leads even to correction of mistakes in understanding truth. According to Gandhi, in practice, man lives in a world of relative truths and as one mind differs from another, the knowledge of truth that one has acquired might be different from that of another. Yet, this does not mean that there are many truths nor that each individual has his own truth. Truth, according to Gandhi, is one which may be seen in varying forms from different corners. Each individual should sincerely try to perceive this truth and each must

"adhere to what he believes to be the truth until he is persuaded to acknowledge his errors"¹

What appears to be different truth, seen from different corners, will ultimately turn out to be one which is the absolute truth.

Persistent search for truth with all sincerity presupposes a readiness to admit openly errors and mistakes. Readiness to openly admit errors and the right to freedom of

experience are preconditions for all success and progress. No one can claim an infallibility on behalf of any authority and, therefore, one must always aim at acquiring more knowledge which is complete and genuine. Knowledge of error is important as much as knowledge of truth is, because one must not repeat the error or untruth over again. Therefore, truth is to be followed with all humility and strict discipline. One must be open to corrections and if one is on the wrong, one should openly confess and atone for it at all cost.

Gandhi farther emphasized that truth must be followed with fearlessness. If all individuals regulate their lives in accordance with the principle of truth, there would be no need for civil resistance. But since only a few people are governed by the sovereign principle of truth, the need for non-violent resistance arises. According to Gandhi, truth can be discovered only in social organization of community through interactions among different people. Therefore, truth should be the main concern in solving problems in community and it should energise and do battle in its practical world and in spiritual affairs as well.

"A man who has learned to respect the truth is entitled and required to uphold the truth against the very society which has taught him to respect it"².

Gandhi, like Thoreau, believed that once each individual lives according to his own principle of truth, the need for authority would necessarily be lessened in a society. He even believed that the rejection of all forms of external authority as morally sacrosanct might be possible. If truth is regarded as the highest value and as the basis of the universe, social institutions would simply subvert the principle of truth in so far as they exact conformity and political obligations that are not derived from ultimate loyalty to truth.

Gandhi's Satyagraha is necessarily non-violent. It is based on the doctrine of 'Ahimsa' or 'non-violence'. Gandhi believed that there is an eternal struggle between truth and falsehood, good and evil, non-violence and brute force. The word 'ahimsa' literally means non-injury or non-killing. In a wider sense, it means harmlessness; the renunciation of the will and intention to hurt any living thing; the abstention from hostile thought in word or action. In other words, ahimsa means non-injury to any living being whether in mind or body. One should neither harm the person even a wrong doer nor bear any ill-will causing him mental suffering and torture. But this does not cover the suffering of the wrong doer caused by his

own natural act of mind. In its positive form, 'ahimsa' means the highest love and the greatest charity, for the follower of ahimsa must love his enemies as much as a father loves his wrong-doing son. This active ahimsa is, therefore, based on the principle of truth and fearlessness.

It is not correct, as some philosophers often argue that the Gandhian principle of Satyagraha is impracticable for in order to follow it sincerely, we are led to commit violence since, in the very act of living involving breathing, we kill bacteria. As a matter of fact, Gandhi did make a distinction between 'killing' and 'dying'. The killing of bacteria is a natural process rather than deliberate killing. Moreover, Gandhi only pleaded for a high degree of non-violence and conceded that complete absence of violence is not yet feasible. As such, he even did not hesitate to say that some forms of killing especially killing of lower animals might well be necessary. In short, Gandhi allowed the destruction of insects and pests that destroy crops and are harmful to human beings. In this context Gandhi remarks :

"I am not able to accept in its entirety the doctrine of non-killing of animals. I have no feeling in me to save the life of these animals who devour or cause hurt to man ... I will not feed ants, monkeys or dogs. I will never sacrifice a man's life in order to save theirs"³.

He further comments:

"To allow crops to be eaten up by animals in the name of ahimsa while there is famine in the land is certainly a sin ..."⁴

Gandhi recommended destruction and killing of insects and animals in all these cases. It can, therefore, never be argued that the Gandhian principle of non-violence cannot be practised in all sincerity as it involves killing of bacteria and other insects. Gandhi simply argued that complete non-violence is complete absence of ill-will and active non-violence is good-will towards all life and this would lead to evolution of a perfect state which is the goal towards which mankind moves naturally though unconsciously.

Gandhi did not like to translate his Satyagraha into love. Rather, he preferred charity to love for according to him, charity implies pity for the wrong doer. He maintains that non-violence is not resignation from fighting against wickedness but a more active fight against wickedness than retaliation which by its very nature, increased wickedness. Non-violence presupposes the ability to abstain from desire for vengeance.

Ahimsa is intended to convert the wrong doer and not to coerce him. It involves self-suffering in refusal to submit to injustice. It accepts personal discomfort and sufferings in refusing to submit to injustice and treats everyone as equal and as oneself.

According to Gandhi, non-violence should play a vital role in political fields. It must be used to influence power politics without succumbing to its corrupting influences. Gandhi realised that nobody could practise perfect non-violence and yet it is the duty of everyone to strive for higher degree of non-violence which would, in turn, promote the wellbeing of the society as a whole.

Gandhi classified the four fields of practical ahimsa as follows:

- (a) non-violence in its operation against constituted authority.
- (b) the exercise of non-violence in internal disturbance, viz. riots, etc.
- (c) the use of non-violence against external invasion and
- (d) the practice of non-violence in a family.

Gandhi stated that his non-violent Satyagraha necessarily presupposes the willingness to suffer and the readiness to die for one's conviction. The exercise of non-violence, he said, is summed up in "die for your honour and freedom instead of kill, if necessary and be killed in the act"⁵. A brave soldier kills only if necessary and risks his own life, but non-violence demands even greater courage and sacrifice. Gandhi was always deeply moved by the bravery and heroism shown

by brave soldiers in battle:

"These soldiers were ready to die rather than anxious to kill and, in Gandhi's view, were merely brave instruments of the cowardly will to kill of those who sent them to battle but were themselves not so ready to die⁶.

Gandhi distinguished between use of violence as self-defence and its exercise in aggression. He, however, insisted that non-violence should be the foremost instrument in solving any trouble for non-violence would be meaningless if violence is automatically permitted for self-defence. People, according to Gandhi, should learn the art of self-defence and the best method for self-defence is non-violent and not a violent one. Non-violence does not necessarily imply that a man should not fight his enemy. By enemy, Gandhi means, evil which men commit but not necessarily the human beings themselves. Ahimsa, therefore, consists not only in checking one's own thought, feelings, actions, etc. but also in getting concerned with the commission of acts against the practice of ahimsa by others in the society.

To Gandhi, God is Truth and Truth is God. An atheist and agnostic who does not believe in God, would at least believe in truth. He said to a friendly atheist,

"Truth means existence; the existence of that we know and of that we do not know. The sum total of all existence is absolute truth or

the Truth ... The concepts of truth may differ. But all admit and respect truth. That truth I call God ...⁷

God or truth can be found only through non-violence. Gandhi believed that violence hides truth and, therefore, truth cannot be reached through violence. Those who search truth through violent means would only reveal their ignorance about truth and would never succeed in their search for truth. Truth and non-violence, according to Gandhi are like the two inseparable sides of the same coin. However, absolute truth can never be realized within the life time of a man. Only relative truth is within the reach of human being. But it is the duty of everyone to try to attain the highest possible degree of absolute truth. Although in practice, Gandhi emphasizes ahimsa more than satya, he consistently maintains that Satya is superior to ahimsa if we have to make comparison between the two. Though satya and ahimsa are two convertible terms, Gandhi felt that, if the choice between the two has to be made, the truth or satya should be chosen for truth is supreme. In Gandhi's view, it is better to hold even to one's relative truth than to submit oneself to passive resistance. One should never lose sight of justice and become sentimental about passive non-violence, though it is not possible to proceed on the quest for truth without accepting the need for active non-violence.

Gandhi puts the relationship between Satya and Ahimsa into three forms:

- a) 'Satya gives rise to humility to accept the need for ahimsa in relationship with fellow human beings who are also seeking for truth. Satya here implies ahimsa.
- b) Ahimsa presupposes Satya. Ahimsa or non-violence is rooted in fearlessness which can be established only through the pursuit of Satya.
- c) Ahimsa is the means to Satya. Ahimsa as the means to Satya has become supremely important. Thus although satya is higher than ahimsa the latter is in practice more important than the former. More generally, it may be stated that the degree of ahimsa displayed is a measure of the degree of satya possessed'⁸.

Thus, the method based on the principle of truth and non-violence is the one which Gandhi called 'SATYAGRAHA'. It can be differentiated at two levels: 1) Individual Satyagraha and 2) Satyagraha at social level. While individual satyagraha operates for the betterment of individual in his relentless search for truth, Satyagraha at the social level operates at the society and for the improvement of the social life in general. Individual Satyagraha can be practised by everyone. Through a continuous search for the ultimate truth, an individual acquires more spiritual knowledge for fighting against the evil (himsa) in him, so that

he can become a better man. This requires control of man's animal instinct, viz. violence, evil, hatred, etc. In order to fight against these evils, one requires courage and discipline as well as preparation and training which will lead to attainment of higher degree of satya.

Satyagraha in a society may take different forms such as domestic satyagraha, political satyagraha, etc. In fact, satyagraha should be the main guiding principle in all aspects of human life inside and outside the society. Gandhi emphasized that satyagraha should start in the family and then in the society as a whole. The practice of non-political satyagraha is much more easy as no question of legality or illegality arises. This question of legality arises only in political satyagraha that has to be pursued when conflict arises between the authority or state and individual or groups of individual. This kind of satyagraha is known as Civil disobedience which is only one of the many branches of satyagraha as introduced by Gandhi.

Although Gandhi used the terms satyagraha and passive resistance as synonymous especially in the Hind Swaraj, he pointedly stressed the distinction between the two in his 'Satyagraha in South Africa'. According to Gandhi, satyagraha is a spiritual weapon whereas passive resistance is a political weapon based on expediency. Satyagraha can be practised only by a man who is morally and spiritually strong, whereas passive

resistance is a weapon of the weak. Satyagraha is based on love for the opponent, but passive resistance may be resorted to out of fear or hatred. Satyagraha is dynamic whereas passive resistance is static. Passive resistance acts negatively and suffers unwillingly whereas satyagrahi acts positively and suffers cheerfully. Satyagraha does not tolerate violence in any form whether in word or in deed, but passive resistance does not completely rule out the possibility of violence because it is based on expediency. Thus, Satyagraha, unlike passive resistance, 'postulates the conquest of the adversary by suffering in one's own person'. Civil disobedience is a civil breach of statutory enactment. Gandhi's non-violent resistance to evil neither means the absence of any resistance nor resistance of evil for evil. It rather means resistance of evil for good and return of good for evil deeds. Non-action is not the theme of Gandhi's principle of non-violence. Although Gandhi discarded passive resistance in favour of his own Satyagraha, yet, he sometimes used the phrase 'passive resistance' because it is well known and easily understood.

According to Gandhi, 'soul force' is the main tool for satyagraha and this soul force is superior to physical force because it is not intended to cause suffering to others. Even its misuse will injure the user and not the others against whom it is used. Satyagraha calls for greater courage than

violent resistance because the user of soul force must be willing to accept physical suffering and this suffering would act as a source of joy to the sufferer. The users of the satyagraha regard their souls as superior to their bodies. Therefore, physical suffering should be readily sacrificed at the altar of satyagraha. Gandhi summed up his practice of satyagraha, thus:

"When I refuse to do a thing that is repugnant to my conscience, I use soul-force. For instance, the government of the day has passed a law which is applicable to me. I do not like it ... If I do not obey the law and accept the penalty for its breach, I use soul-force. It involves the sacrifice of self ... Everybody admits that sacrifice of self is infinitely superior to sacrifice of others. Moreover, if this kind of force is used in a cause that is unjust, only the person using it suffers. He does not make others suffer for his mistakes ... No man can claim to be absolutely in the right or that a particular thing is wrong because he thinks so; but it is wrong for him so long as that is his deliberate judgement. It is, therefore, meet that he should not do that which he knows to be wrong, and suffer the consequence whatever it may be. This is the key to the use of soul-force."⁹

Gandhi also practised 'Non-Cooperation' as a branch of his principle of satyagraha. As is pointed out, satyagraha is used as the pursuit of truth. In political sphere, it takes the form of civil disobedience. Gandhi stressed the difference

between individual's right to resist unjust laws and the duty of the entire group to resort to non-cooperation against the oppressive state such as the British regime in India. Gandhi recommended non-cooperation against the state or government which has become completely oppressive and corrupt so much so that nothing short of overthrowing the said government would save the oppressed community. Thus Gandhi intended to overthrow the British. Yet, his non-cooperation is directed only against the evil deed of the government and not against the evil doer. The overthrow of the government would be called for when the said government has become completely corrupt and its tyranny can no longer be tolerated by the people. Gandhi recommended non-cooperation in this kind of situation. Non-cooperation in a sense is, therefore, wider in scope and application than civil disobedience. While non-cooperation is directed against the whole set of the corrupt government, civil disobedience is directed only against particular unjust laws or commands. Yet, both the theories necessarily presuppose non-violent protest and involve sacrifice of physical suffering without having any ill-will against any particular person. Civil disobedience and non-cooperation are techniques to fight injustice and falsehood. As elements of satyagraha both require the purity of means and ends. This is not necessarily the case in passive resistance where the goal or the end is to achieve good, the means might be full of evil intentions.

From our discussion, we find that Gandhi's satyagraha not only includes civil disobedience but also transcends it. Civil disobedience is satyagraha in politics, to fight injustice, i.e. unjust laws or government, and to bring about changes in a peaceful way. Satyagraha is a pursuit of truth as well as a method to fight injustice and falsehood whenever and wherever it appears in human life.

For Socrates, Thoreau and Gandhi, human life as such is superior, though it presupposes political life which is necessary but by no means a sufficient condition for the realization of higher life. For Socrates, it is 'divine command', for Thoreau it is 'conscience', and for Gandhi it is 'Truth or God'. Whenever a conflict appears, all of them follow non-violent disobedience and accept the consequences, i.e. the punishment. All of them underwent punishment for violating the laws, i.e. going to jail etc. and in the case of Socrates it included even death.

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CHAPTER V

CIVIL DISOBEDIENCE : A REVIEW

Civil disobedience is best understood as a public, non-violent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government¹. The main consideration for the practice of civil disobedience should, therefore, be whether the laws and policy of the state are just or unjust. The question of justice and injustice of the laws and policy should be determined according to the conscience, reason or truth or the voice of God as suggested by Socrates, Thoreau and Gandhi. Is there any justification in determining the rightness and wrongness of the government on the basis of individual conscience or reason? Does an individual has the right to protest against the government just because a particular law (or laws) goes against his moral conscience? In this connection, the principle of civil disobedience does not provide the ground for unreasonable protest against the government especially a protest based on individual interests and benefits. Rather a civil disobedient is not an ordinary citizen who may never be aware of his civic duties and rights. He is a conscientious citizen who dedicates his mind, soul and body for the well-being of the society as a whole. He is very much conscious of the functioning of the government and, therefore, he is quite competent to look into the rightness and wrongness of the functioning of the government. As a civil disobedient, he knows that those rules and policies of the government which he considers unjust

and, therefore, need to be changed or improved, would also be unacceptable to the general public. He, therefore, takes up a public protest against those unjust laws until the same are changed or removed. Moreover, a civil disobedient is not against the whole set up of the government. He does not challenge the authority of the government nor is he against the law making process of the state in which he himself is an active member. He is only against those laws which he considers unjust or oppressive. Therefore, civil disobedience is different from rebellion or revolution. Only in extreme case, when the government is completely oppressive and corrupt so much so that people can no longer tolerate the oppressive rule, Thoreau and Gandhi recommend the practice of revolution and non-cooperation solely to overthrow the said government.

Again: "disobedience of law may be 'political' or 'nonpolitical'. Concepts, such as rebellion, revolution and civil disobedience point to behaviour which falls under political disobedience, whereas 'robbery' and 'theft' point to cases of nonpolitical disobedience"²

Here again, civil disobedience is different from nonpolitical disobedience such as robbery and theft though in both the cases disobedience to law is involved. While robbers and thieves break the law mainly to fulfil their personal benefits without taking into account the rightness and wrongness of the

law a civil disobedient makes a public protest against the unjust law or laws for the sole purpose of improving the social life irrespective of his own interests and benefits and the impending sufferings and sacrifices that it may involve. Therefore, civil disobedience is different from robbery and theft both in its objective and method. While civil disobedience necessarily presupposes non-violent public protest, robbery and theft are committed in secrecy and may involve violence as and when the situation requires. The success of the civil disobedient movement depends on the strength of the publicity that an individual draws and unlike robbers and thieves the civil disobedient gains nothing by acting in private.

"Rather by making his act public, he brings to the attention of the government as well as the public at large, the injustice and undesirability of the law, he is contending against ... Thus the civil disobedient differs radically from another kind of dissenter, the rebel or the revolutionary"³

While the latter objects to the whole governmental set up and therefore, tries to overthrow the government, the former wants to bring about reformation in the laws and policy of the government within the existing governmental framework. A civil disobedient tries to reform only those laws which he considers to be unjust while at the same time accepting the basic set up

of the government. He is, therefore, in a sense, a political reformer and not a burden to the state. As a matter of fact, the protest against the unjust law should be strictly based on the principle of non-violence and that an individual practising civil disobedience should not have any ill-will and cause violence or inconveniences whatsoever to his fellow citizens. At the same time, he must willingly accept the legal consequences of his protest that may include imprisonment, fines, tortures and sufferings, even death. True to their principles and conscientious behaviour the three civil disobedients namely, Socrates, Thoreau and Gandhi suffered imprisonment and all kinds of tortures and sufferings. In fact, Socrates had to sacrifice his own life instead of violating his own moral principle and conscience though he had a good chance of escaping from the prison to save his life.

Socrates launched a public protest against those laws which curtailed freedom of speech and disobeyed the unjust command of the authority while Thoreau refused to pay taxes by which the government pursued its policy of slavery and warfare. Gandhi resorted to his satyagraha in politics against the government's oppressive and discriminatory policy towards the Indians in South Africa. Again, he took up non-violent civil disobedience in Champaran where the laws required the farmers to plant three out of every twenty parts of their land with

indigo for their landlords⁴. Gandhi launched a civil disobedient campaign to remove these laws because they caused great hardships and injustice to the farmers concerned.

As a true citizen of the state and a moral human being, an active civil disobedient has the dual function of accepting the legal system of the state on the one hand and to obey the dictates of his moral conscience on the other. In case conflict arises between the two, the latter is to be accepted in lieu of the former. Thus, whenever the legal system of the state violates the moral conscience of an individual by enacting oppressive or unjust laws, a civil disobedient is morally justified to make public protest against such laws until they are changed or removed. Being a member of the state he totally accepts the constitutional framework of the government and has a high degree of regards and respects to the law and orders. As his main objective is political reform rather than throwing out the government, he willingly accepts the penalties for his act of disobedience. Therefore, his acts of disobedience is fundamentally different from that of rebels or revolutionaries for the latter mainly aim at bringing down the whole structure of the government and if possible form an alternative government in place of the one just thrown out.

Civil disobedience as propounded by Socrates, Thoreau and Gandhi, necessarily presupposes non-violent protest against the unjust law or laws of the state. Violence or force should be avoided at all costs. No individual or group of individuals have the slightest chance of success against the powerful state government in case of the protest taking a violent turn. The modern government is much too powerful and has much vaster reservoir of forces to crush any violent uprising by individuals. Besides, the civil disobedient might lose the support of the public rather than winning their sympathies and convictions. The common people who are mostly concerned with their material well-beings and physical comforts are most likely to leave them rather than support them when violence is employed against the government.

Although non-violence is the essential characteristic of civil disobedience, all non-violent disobediences to law are not civil disobedience. According to Gandhi, civil disobedience is nothing but satyagraha in politics. It is a conflict between the state or government and the individual or groups of individuals with respect to the laws and policy of the government⁵. One may readily violate the rules and break the laws for his own personal convenience or benefits quietly and without causing any harm to others. He may even be ready to face the consequences. Yet, his act of disobedience to law does not qualify him to be a civil disobedient, because it is based on his personal interest and benefit.

It is important to distinguish between 'violent force' and 'non-violent force'. All forces are not non-violent. A doctor may have to use some force in his operation in theatre in order to save the patient. This force is a non-violent one. But if the doctor deliberately kills his patient through conspiracy and ill-will by the same process of operation, the force he now employs is no longer non-violent.¹¹ The essence of violence then, it may be said, is hatred and ill-will; the essence of non-violence is love and goodwill¹¹⁶.

Non-violence which is the essential characteristic of civil disobedience does not necessarily imply inactivity. According to Gandhi, a satyagrahi must try to attain the highest possible degree of truth and justice. Ahimsa which is often interpreted as 'non-violence' is not just a negative word. It connotes not merely 'non-injury' but also refers to great love and great compassion for all creatures. In short, non-violent and disobedience implies a persistent and continuous strife towards the attainment of the highest possible good to all creatures. It is not just an abstention from doing evil to others, but most importantly, it implies doing good to others. In this connection, what is basically important is the state of mind which is the root of all actions.

A man whose imaginations and thought are full of desire for revenge, ill-will and injury is much more dangerous than the one who accidentally resorts to force and causes harm to others. What is important is the state of mind, and it is on this ground that Gandhi recommended non-violence, not only in action but also in word and thought.

From what we have discussed, it can be concluded that civil disobedience is a conscientious, non-violent, public and political act committed to change what is considered to be the unjust law or policy of the government. It is fundamentally different from another form of disobedience to law such as rebellion or revolution and robbery or theft.

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CHAPTER VI

JUSTIFICATION OF CIVIL DISOBEDIENCE

The need to justify the practice of civil disobedience has been felt more deeply since no authority has taken the act of disobedience to law lightly. Except in certain exceptional circumstances, obedience to law is the normal act of the people. Civil disobedience is a challenge to the normal functioning of the government and its practitioners should take their issues in terms of the consequences involved. Man, being a social animal, needs to live in a society which is sustained through the formation of the government to enforce law and order. Under these circumstances, the justification of the act of disobedience to law should be conducted in terms of the basic values for the realisation of which the society is formed.

By and large the so called modern democratic governments in the west are oppressive and most of the time take resort to violence. In this connection Leslie J. Macfarlane comments:

"The official forces of law, order and freedom are, on this view, forces of violence, repression and totalitarianism. Their confrontation and destruction is socially necessary and morally justified"¹.

According to Harold Laski civil disobedience may be justified purely on personal conviction. He says:

"The only ground upon which the individual can give or be asked his support for the state is from the conviction that what it is aiming at is in each particular good"².

According to him men do not normally rise up to threaten the stability of the government except when they have suffered deeply from unremedied grievances. In this case, the government and the rulers are themselves to blame.

One has a prima facie obligation to obey the laws of the state. This prima facie obligation may never be questioned in a normal society; but it may be overridden if an individual can bring forward counter arguments which morally outweigh it. He may then justifiably disobey the law's command. However, Lucas discusses the situation where no prima facie obligation to law exists. According to him, in what he called 'Pathological Systems' of government where the whole system of government lack confidence of the people, men have a prima facie right to rebellion³. "Against such systems men have a prima facie right of rebellion and it is for each law to demonstrate why it should command compliance"⁴.

David Spitz in his article, 'Democracy and the Problem of Civil Disobedience'⁵ also discusses this aspect of the problem. Spitz contents that situations can arise in a

political democracy where the integrity of the political system may be threatened by the laws and policies of the government in power. In such circumstances, political disobedience can be justified in terms of the principle on which the government itself rests and which it is meant to uphold.

Civil disobedience again needs to be justified in extra-legal terms and grounded on something firmer than the sincere convictions of the people involved. No act of disobedience can be justified legally. Individual conscience cannot be accepted as true or even morally right for the people as a whole and, therefore, his act of disobedience cannot be justified legally. It is true that a deep sense of personal conviction should act as the basis for act of disobedience, yet, it is not in itself a sufficient ground for such action. A conscientious civil disobedient is concerned not just with what is right for him but with what is right for the society as a whole.

Civil disobedience should also be committed as the last resort after all other alternatives are exhausted. It should be committed within the principle of the law of the society because a civil disobedient never tries to overthrow the government or the system as such. This is the reason why Socrates, Thoreau or Gandhi readily accepts the resulting

consequences of disobedience to law. As such no single factor can provide us an adequate ground for resorting to civil disobedience. We shall now try to examine a few important factors which play an important role in compelling people to defy laws whether on grounds of morality or conscience.

Firstly, as already discussed, personal conviction or conscience happens to be one of the important factors that compel people to resort to civil disobedience. It is yet to be ascertained as to whether man sacrifices his conscience to the basic principle of law, which, at the same time, implies absolute obedience to law. Moreover, the clash between the existing laws and personal conscience does not in any way indicate the rightness or wrongness of the two. We cannot say that just because one's moral conscience does not agree with the existing law or laws, the law is wrong and vice-versa. What is important here is that whether the law is right or wrong, the intention of the civil disobedient and the consequences of his protest should be in line with or be conducive to the promotion of common good and the general welfare of the people. There should not be any selfish personal interests which very often do not promote general well-being but go against it. Great political thinkers like Socrates, Thoreau, Gandhi and others might have priority to

their higher values over the state values, yet, this may not be acceptable to a common man in a street or a slum-dwellers in a city. Although man cannot act only on the basis of what he thinks right, yet he needs to take great care in order to ascertain what he thinks right is really so. It is, therefore, pertinent that one is justified to do what one thinks right to the extent to which one is conscientious enough to determine what is right or wrong.

Secondly, Civil disobedience may have to be inevitably committed when one or more than one laws of the state are openly unjust, discriminatory or immoral. It is a fact that no moral person should submit himself to immoral laws. This is especially relevant in the modern western democratic societies where the laws or constitutions of the government can no longer represent the moral norms of the various sections of the people. The case of the Negroes in the U.S.A. may be cited as an example. In other words, no democratic government can embody all the moral norms of the various sections of the people. Similarly, other forms of government such as dictatorship or anarchy never fulfil the moral norms. In such a situation, confrontation with the law or laws of the state may be socially necessary and morally justified. It is no doubt true that state laws cannot embody the whole aspects of moral norms in

the society, yet it can still promote the welfare of the people and, therefore, maintain peaceful coexistence among the various sections of the people. However, the civil disobedient may still have reason to defy laws, not because he doubts the performance of the government but because he feels that he can make improvement over and above the present functioning of the government.

Another important ground for the justification of disobedience to law may arise when civil disobedience has to be resorted to after all other alternative means or methods are exhausted. We have already pointed out that civil disobedience should be committed as the last resort after all other non-violent means of protest are exhausted. It is a fact that in all political democracies, legal and other procedural means are provided for redressing discontent against the laws. Yet, it is also a fact that these means are not within the reach of each and every individual citizen or they are, in reality, available and are, in fact, effective only for the politically influential..

Civil disobedience is a public, non-violent and conscientious political protest with the aim of bringing about a change in the law or policies of the government. The practice is justified on the ground that the aim is for the good of the

public in general and the method is also a peaceful one. Thus, a civil disobedient is a good citizen who does not blindly obey the state laws but protests against the unjust laws in order to reform them so that the society becomes a better place to live.

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CHAPTER VII

CIVIL DISOBEDIENCE AND DEMOCRACY

Civil disobedience, it has been argued, is simply political protest assuming forms prohibited by law or the political authorities, and as such it has, in the vast majority of cases, roots in the deep-set fears and suffering. Any political protest implies situations that are no longer felt to be tolerable. Widespread practices of civil disobedience are an indication that there is something seriously wrong in the society. It is quite possible that not all forms of political protest are based on truth or fact and yet at least, they merit serious considerations. It so happens that some governments may become so degenerate that they fail to provide the basic minimum needs and requirements so much so that the public can no longer tolerate the oppressive government and thus raise widespread outbursts and protests. This kind of situation would be the one where there is a strong case of justification for non-violent political protests. Even in the present western societies, there are some places where the voices of a certain group of people are simply not heard, or, if heard, not listened to.

"Those without access to 'the corridors of power' may find that the only way to make the authorities aware of their desperate straits is to create disorder and nuisance, since only such manifestations of dissent are listened to"¹.

Civil Disobedience has a more important role to play in the western liberal-democratic states than in the eastern communist states like Russia, the Eastern Europe and China. This, however, does not mean that a civil disobedient has no role at all to play in the communist countries. The fact is that in a communist state, practically there^{is} neither freedom of speech nor freedom to express one's own convictions in the public. The only limited scope the civil disobedient has is that he can quietly practise his own protest within himself and pass on to his friends and relatives. A truly civil disobedient, therefore, can still resort to non-violent political protest against the communist government, though the chance of its success may be limited.

However, in the western liberal-democratic states of Europe, North America and Australia, the practice of civil disobedience has a much greater chance of success as the governments guarantee freedom of protest and agitation. In other words, the scope of success of political protest of whatever dimensions is much greater in the western democratic political set-up than in the eastern communist countries.

In the first place, it may be pointed out that no government is infallible by nature. The political system or the social order maintained by that system is, in principle, unjust and, therefore, the state has no moral authority to demand any obligation on the individual. In this case democratic government is completely rejected as unjust. Democracy, as we all understand, is described by Abraham Lincoln as a "government of the people, by the people and for the people."² Under democracy, it is more likely that unjust laws are enacted as the government is run by the majority. Under such circumstances, compliance with laws would be against the will and conscience of the civil disobedients. Rather, a civil disobedient has an obligation to protest against the laws and even against the social system that it maintains. There is no guarantee that even with just constitution, unjust laws would not be passed and unjust policies not be enacted. Dixit says:

"The right to make laws does not guarantee that the decision is rightly taken and while the citizen submits his conduct to the judgement of the democratic authority, he does not submit his conscience to it, that is, we are not required to accept the majority's acts unconditionally³.

Even if the system, as is the case in democracy, is accepted as just, it may happen that the particular state in question may be unjust because it is a perversion of the ideally conceived democracy. In other words, democracy is considered good and just in this case, but the particular state is not democratic in practice. The conscientious citizens would not accept the undemocratic system, and the law and orders it maintains. The dissenters argue that the government though democratic in form, is in fact oligarchical in practice. The laws and policies of the government are nothing but devices to hinder the translation of public opinion into public policy. The people in the authority may change these laws and policies to suit their private interests and material benefits. In such situations, the people will not have confidence in the effectiveness of the legal and political processes, even if available, for redressing their grievances and, therefore, resort to political protest to express their disapproval of the whole system. If the government fails to embody a just political order which the system is supposed to maintain, it is in fact not a democracy. As Spitz says:

"It is a perverted form of democratic government and, as such, it is bound to rely on unjust laws ... men committed to democracy are under no moral obligation to obey undemocratic laws"⁴.

Secondly, a civil disobedience is, as already discussed, a good citizen who agrees, in principle, to follow laws and orders but at times disobeys particular laws to refine them in order that they may bring about a better sort of order and justice in the society. In this case, the loyalty of an individual is to the system as a whole and not to each and every particular law as such. Therefore, an individual is justified in disobeying a particular law or laws which he considers unjust or immoral. However, the problem is not as simple as that. Since the individual citizen agrees to obey the laws by committing his allegiance to the social system, the question is whether he must obey all laws always irrespective of the rightness or wrongness of the law in question. According to one view of thought, each law is an integral part of a coherent body of law and therefore disobedience to a particular law results in the destruction of the entire system of law. As Dickinson puts it:

"It is not a question of a bare conflict between the individual and the sovereign; the conflict must be regarded as rather between the individual and all that the sovereign stands for"⁵.

According to Spitz, this is not a reasonable argument. In his article, Spitz says:

"What holds society together ... is not simply law (and perhaps not even law) but the customs and moral codes, the sentiments, of the people ... it is not the state that produces cohesive will; it is will that creates and sustains the state"⁶.

Spitz does not agree with the view that all laws form a coherent unity, so that disobedience to a law necessarily involves the destruction of the entire system of law. According to him violation or evasion of law is a normal part of the legal system and it is very doubtful that the existence of jails constitutes sufficient proof of the breakdown of the system. Spitz, therefore, replies Dickinson thus:

"... the conflict is also between the sovereign and all that the individual stands for. It may even, in fact, be between the actual sovereign and all that the ideal sovereign stands for"⁷.

From these two points we can find a sufficient justification for some acts of civil disobedience.

First, let us consider the situation when the State demands that an individual obeys the law and not his conscience. The problem arises when the law is in conflict with the conscience. If any action contrary to one's conscience is immoral, then the state is not justified in insisting the individual to obey the law and not his conscience, for this necessarily

implies that the State demands the individual to act immorally. Moreover, the notion that the state embodies the real conscience and the true morality of an individual is, in essence, incompatible with the principle of democracy. The state cannot remain a democracy if it maintains that it has discovered the true morality which shall henceforth bind all men. It may, therefore, happen that while the system and the laws that sustain the system are just, particular laws emanating from the system may be wrong and, therefore, unjust. It is true that a just system may produce unjust laws and policies.

The second question is whether a good man can always be a good citizen even if he disobeys the law which he considers unjust. According to Spitz, since a citizen commits his allegiance to the system and not to the law, he is justified in registering disobedience to unjust laws which may threaten even the very existence of the system. A good citizen obeys the law not because it is law, but because it serves the public good and also because it respects the system of democracy. If it fails to maintain the social order for which the law is made, it should be disobeyed and in that case disobedience to law may be the only way to save the democratic process.

Again, in a democracy, the composition and formation of legislature and executive can be changed through legal-political process, i.e. public election. No sensible persons in the authority would dare to ignore the wishes and aspirations of the people knowing that they can be thrown out of the authority at any time. Therefore, a civil disobedient acts as a check and balance to the government from being oppressive and tyrannical. He is, in fact, acting from a highly developed sense of duty to the state and the people.

It is evident from this study that the civil disobedients and satyagrahis are highly valuable possessions of the society. Even though they render invaluable service to the state and the society at large, ironically they are made objects of suspicion and vehement criticism both at the hands of the common man and the government. In the light of this proposition, it would be very interesting to study the role that a civil disobedient movement played in the Indian society. Although, Gandhi successfully performed non-violent satyagraha against the oppressive British regime, still there are conflicting opinions as to whether any act of disobedience to laws or policies enacted by the government has any ground for justification even morally or otherwise. There are sceptics who are very critical about the practice of non-violent

satyagraha. This scepticism is, however, born out of the misunderstanding of the Gandhian principle in full. As already discussed, Gandhi was very much aware of these kinds of criticism and, therefore, provided the alternative way to follow whenever the situation requires without in any way violating his principle. Although Gandhi pleads for a high degree of non-violence, he knows that total absence of violence from human life is not yet possible and, therefore, argues that some forms of killing are inevitable especially when it concerns with killing of lower animals.⁸

At the present circumstances in India where different communities rise up in communal riots and uprising, thinking that their community is being looked down upon or at least discriminated by the government both at the central as well as the state level it will be interesting to study to know if civil disobedience has any role to play. However, this wider subject is beyond the scope of the present study and, therefore, we can only say now that this study opens a wider scope of very interesting subject.

R E F E R E N C E S

1. Echen, D. Von., Kirk, A., and Pinard, M.: "The Contribution of Direct Action in a Demand Society", Western Political Quarterly, XXII, (June 1969) also see

Lipsky, M.: "Protest as a Political Resource", American Political Science Review, LVII (1968).
2. Lincoln, A.P "Gettysburg address of 1863", quoted in Giovanni Sartori: Democratic Theory, Oxford, 1965, p.26.
3. Dixit, R.D.: Civil Disobedience : A Philosophical Study, GDK Publications, Delhi, 1980, p.78.
4. Spitz, D.: "Democracy and the problem of Civil disobedience", The American Political Science Review, XLVIII, (June 1954) p.397.
5. Dickinson, J.: "A Working Theory of Sovereignty", Political Science Quarterly, XLIII, (March, 1928), pp. 50-51.
6. Spitz, D.: "Democracy and the Problem of Civil Disobedience", The American Political Science Review, XLVIII, (June 1954) pp. 398-399.
7. Ibid., p.399.
8. "Non-Violence in Peace and War", Navajivan, Ahmedabad, VI: III (1960), p.65.

CHAPTER VIII

CONCLUSIONS

The preceding chapters trace the philosophical questions concerning the nature and justification of civil disobedience as a form of political protest. The works of three leading thinkers in the field such as Socrates, H.D. Thoreau and Gandhi provide us valuable materials for our analysis. These philosophers professed and practised in their own time, a kind of political protest which, on an analysis, presupposes the same fundamental principle of one of the most important methods of political protest: Civil Disobedience. Our analysis reveals that a civil disobedient is a person who confronts a situation of conflicting commitments - a situation wherein he finds his primary obligation under attack. As a spiritual/moral man he has a commitment to follow the dictates of his conscience or voice of god; and as a citizen and member of a society he has his political obligations. In case of conflict between the two, a conscientious civil disobedient follows the dictates of his conscience. This means that his primary obligation emanating from moral conscience or voice of god occupies a higher place over and above his secondary obligation which is the same as political obligation. This, however, does not imply that a civil disobedient rejects the whole structure of the government along with its law and orders. As a matter of fact, a civil disobedient

recognises and accepts the whole set up of the government including the process of law-making, but only protests against a particular law or policy of the government which he considers morally unjust in order to change or improve them. Therefore, he willingly accepts the penalty for his act of disobedience. This fact is fully endorsed by the practical experiences of Socrates, Thoreau and Gandhi.

The word 'civil' in civil disobedience emphasizes the non-violent character of disobedience and this particular point sets civil disobedience apart from political disobedience. Armed rebels or revolts are political in nature but not civil. A further distinction between disobedience and breaking or evading of law has also been made. A thief or a dacoit or a criminal is not a disobedient in the strictest sense of the term. They not only break the law intentionally but also do it for their selfish interests and material benefits, nor are they willing to accept punishment for their actions. These differences emphasize more than ever the importance of the non-violent character of civil disobedience. According to Gandhi, the practice and justification of civil disobedience should be strictly based on the principle of truth and non-violence. Man is obliged to undertake disobedience to a particular law or politico-legal system if it is based on untruth. The commitment to truthfulness automatically

leads to non-violent behaviour. Thus, in Gandhi we find moral consideration as the sole justification for civil disobedience.

On the question of justification our analysis reveals that non-violent political protest should not only be justified on moral ground rather it should be assigned an important role to play in a democratic political set up. Our study also reveals that to reject civil disobedience as completely unjustifiable would be tantamount to accepting absolutely the justice and infallibility of the government and its policies. This is certainly an extreme view on the sanctity of the government and the law and orders it maintains. Moreover, there is no evidence in our examination to prove the charges against the justification of civil disobedience for encouraging disrespect to and violation of laws. However, this kind of objections to the application of civil disobedience seem to originate only from a confused and shallow understanding of the concepts such as obligation, law and order, etc. not to mention civil disobedience itself. The view also implies unconditional acceptance of tyrannical, dictatorial and thoroughly corrupt and degenerate governments which can hardly be acceptable to a just and conscientious man. In fact, our analysis of the nature and justification of civil disobedience reveals that non-violent political protest does not lead

to such undesirable results, rather it brings forth results which are beneficial to the society as a whole. As already discussed a civil disobedient does not reject the whole governmental set up including the process of law-making, but only protests against specific laws which he considers unjust or immoral. He tries to change or improve those unjust laws in order to bring about a better society.

Thus we find that civil disobedience is best understood as a public, non-violent, conscientious, yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government. A conscientious civil disobedient tries to change what he considers unjust law or policies of the government with the sole purpose of creating a better society irrespective of the consequences or penalties whatsoever; and as such he cheerfully accepts the punishment for his action. Thus, in engaging in civil disobedience one may in fact be acting from a highly developed sense of civic duties to the state and the people.

It follows, therefore, that a civil disobedient and a satyagrahi are highly valuable possessions of the society, a fact which is generally not recognised. It seems to me that a civil disobedient has a very important rather an indispensable role to play in societies especially inspired and influenced by

western liberal-democratic political ideals. No doubt, a civil disobedient has an important role to play in an under developed democratic political framework like India. However, this subject is beyond the scope of the present study and therefore, it is only appropriate to emphasize that the present study opens a wider range of fields that can be taken up for further investigation.

It has been argued throughout the chapters of the dissertation that the civil disobedient primarily, is a moralist and he acts in accordance with the dictate of his conscience. Morality knows no discrimination, no limitation. It cuts across the boundaries of caste, creed, community, race and tribe. A civil disobedient is neither inspired by the slogans of ethnic identity nor by cultural identity. He is inspired only by justice and morality. In this sense, civil disobedience ultimately leads to Sarvodaya or prosperity to all. In other words, it means love to all and hatred to none. Farther, in the process the civil disobedient must be ready to suffer. It ultimately leads to self-renunciation.

As a means of social change, civil disobedience has a tremendous potential. Terrorism and underground activities resorted to by certain self-style saviours of mankind/particular group throughout the world have ultimately perpetrated misery and suffering on others. In other words, instead of

lessening, it has increased misery. A civil disobedient himself suffers. On the other hand, a terrorist/leader of the terrorist makes others suffer (for his own nefarious designs). A civil disobedient enjoys in self-renunciation, whereas a terrorist seeks to grab power and bargains for it at any cost. The latter does not mind killing thousands of innocent people to serve his selfish ends.

Let me for a moment reflect on the political situation obtaining in the North East part of the country and see whether civil disobedience can be used as a means of solving the tangle. There is no scope to present a detailed analysis of the political situation of the North East But I instinctively feel that civil disobedience is the only method to solve the political and social problems of the region. If happiness is the goal of humanity then all attempts should be made to avoid torture and suffering. A civil disobedient does not make a distinction between his own self and others. On the other hand, a terrorist starts with the assumption that others can never be his brothers. This ultimately gets manifested in ethnic conflict and mutual hatred. Gandhi rightly maintains "All men are brothers". It rules out the very possibility of mutual hatred and conflict, let alone mutual killing in the name of ethnic and cultural identity. Violence in any form is immoral. Morality and non-violence

are synonymous; violence and immorality go together. Thus civil disobedience being non-violent in nature is moral. Violence not only brings ruination to others but destroys the agent itself. In fact, violence is self-destructive. In the present context of the political and social unrest in the country in general and the North Eastern region in particular, civil disobedience has a major role to play.

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