

# RESISTANCE POLITICS : ITS IMPLICATIONS FOR DEMOCRACY

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Although resistance politics, best exemplified in various civil disobedience movements, has a long history in this country; in the West, it came to acquire respectability mainly thanks to American theorists and resistance movements. Resistance politics may very broadly be defined as implying deliberate disobedience of laws for reasons of moral or political principles. The American tradition of resistance politics can be traced to two intellectual sources in American history. The first is Protestantism and particularly the teachings of John Calvin. The second is Liberalism, especially the teachings of John Locke.

## *Early Manifestations of Resistance Politics*

The New England Puritans, who were the earliest colonizers of the USA, were firm believers in the Calvinist political philosophy of a covenant of government.<sup>1</sup> This philosophy carried both conservative as well as radical overtones. On the one hand it required subjects to submit to their rulers and to obey the laws of the land as well as the will of God. On the other hand, implicit in the idea of the covenant was the principle that the people had the duty to disobey the magistrates and rulers when they acted in ways that violated the covenant with God thereby forfeiting their authority. The Calvinists firmly believed that to allow a wayward ruler or an unjust authority to continue in power or office was tantamount to disobeying God and risking his wrath.

It was under this Calvinist influence that the early Americans resisted the Stamp Act and other rules and regulations. The English parliamentarian and philosopher, Edmund Burke, warned

grasping interests.' This explains why Jefferson and Paine remained skeptical of the Constitution though it did guarantee that government would not interfere with the rights that Jefferson had enunciated in the Declaration viz. the rights to life, liberty and the pursuit of happiness. They remained skeptical because they felt that the framers were much too pre-occupied with the citizens' vices than their virtues and hence concentrated much more on controlling liberty than augmenting it.

The difference in the philosophy of the Framers on the one hand and Jefferson and Paine on the other hand are clear. Jefferson and Paine saw the potential for tyranny in centralized power, the Framers in the unruly behaviour of the aggressive masses. Jefferson and Paine feared the few (the aristocracy), the Framers feared the many (democracy). Jefferson and Paine feared the actions of the State, the Framers feared the actions of society. Jefferson and Paine wanted a Bill of Rights which would help citizens protect themselves from the actions of government, the Framers on the other hand wanted a system of 'auxiliary precautions' viz. countervailing power, juxtaposing faction to faction and liberal pluralism, which would enable government to protect itself against the threat of popular majorities. In short, Jefferson and Paine, unlike the Framers of the Constitution, were theorists of civil disobedience.

Little wonder then if Henry David Thoreau and the Abolitionists turned to Jefferson and Paine and not the Constitution to find the political grounds for resisting State authority.

### *Henry David Thoreau*

While undoubtedly Jefferson and Paine laid the theoretical foundations of resistance politics, it was H.D. Thoreau who emerged as the most systematic theorizer of resistance politics. Thoreau's famous tract on civil disobedience was published in 1849. Its immediate historical context was the war with Mexico which he viewed as a pretext for the expansion of slavery into the Southwest. As an act of protest against slavery and the war he refused to pay his taxes, a gesture which led to his having to spend one night in jail. Thoreau used the war and slavery as an occasion to write in universal terms regarding the nature of the individual and his relations to government.

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unimportant government really is in the history of America; that government did not create the conditions of liberty, educate the people, settle the frontier nor made possible the bounties of nature. Government is not even necessary to reform society because the regeneration of society must begin with self-regeneration and not political participation. Denouncing law as a negative force, Thoreau observes, "the law never made a man a white more just, and by means of their respect for it even the well disposed are daily made the agents of injustice."

In brief Thoreau visualized a social order where individuals will be so deeply engrossed in self-government that the external machinery of formal government will be rendered futile. The higher the individual civilization and discipline, the lesser the need for government.

Given his view of the individual and the nature of the State, it is easy to understand how Thoreau came to be one of the most forceful advocates of resistance politics. Since man is essentially moral and with a conscience he cannot afford to resign his conscience, even for a moment, to the legislator. Thoreau wanted us to be men first and subjects afterwards. He wanted men to cultivate a respect for the right, not so much for law. The role of the man with a conscience, according to Thoreau, begins the moment the State deviates into the diabolical. To obey diabolical laws out of fear, callousness or ignorance, claims Thoreau, will not only perpetuate injustice but also destroy the group itself, since a group of men can only be sustained by the moral law.

Thoreau was not much attracted by the argument that one should obey laws if they are passed by a democratic majority. Like Gandhi he had little faith or respect for the ballot. This is what he has to say: "All voting is a sort of gaming like checkers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance as I think right; but I am not vitally concerned that the right should prevail. I am willing to leave it to the majority. Its obligation therefore never exceeds that of expediency. Even voting for the right is doing nothing for it. It is only expressing to men feebly your desire that it should

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form of either a) non payment of taxes thus paralysing the government economically or b) courting imprisonment thereby paralysing the government administratively. Imprisonment must be courted by all just resisters since, Thoreau says, "under a government which imprisons any unjustly, the true place for a just man is also a prison."

However unlike Gandhi, Thoreau was not an advocate only of non-violent resistance. Non-violent resistance is to be desired, Thoreau would say, but a bloody revolution is not to be feared. Bloodshed is inherent in injustice. "There is a sort of bloodshed", says Thoreau, "when the conscience is wounded and through this wound man's real manhood and immorality flow out and he bleeds an everlasting death". Rather than allow oneself to be so spiritually bled, one must violently resist.

That Thoreau did not make non-violence a creed, like Gandhi did, is clear from his attitude to war. His account of the battle of the ants, an episode in Walden, reveals Thoreau's respect for valour and self-sacrifice in war. War or violent resistance was to be undertaken in a spirit of duty. Thoreau himself came out openly in defence of John Brown, "the bloody abolitionist", who massacred slave holders in the name of God and freedom. In "Slavery in Massachusetts" (1854) Thoreau breathes fire. "My thoughts" he wrote "are murder to the State and to involuntarily go plotting against her".

Whether the government can be brought on the path of justice or not, whether it will sink deeper into violence and repression, depended, according to Thoreau on the strength and quality of the individual conscience. In any conflict between the conscientious individual (the moral man) and the unjust State, Thoreau had the simplistic faith of the pious man who believes that right ever triumphs over might and that moral law is always stronger than State law.

#### *Resistance Politics After Thoreau*

After Thoreau, till the mid-twentieth century, the resistance tradition continued in American thought but only at the margins. Thus there was Benjamin Tucker who derived inspiration from the Quaker ethic of "the inner light" to urge the individual to resist the encroachments of State power. Then there was Mark

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In August 1967 Prof. Naom Chomsky and others issued a signed statement entitled "A Call to Resist Illegitimate Authority". The call sought to justify resistance to the American war effort in Vietnam on the grounds that the USA, in pursuing the war, was violating the higher law, in this instance the UN charter. The signatories claimed that the UN charter specifically obligated the US to refrain from threat or the use of force in international relations and required all States to first exhaust every peaceful means of settling disputes. The Call accused the US of systematically violating these UN charter provisions for thirteen years. It cited how the US had subverted the Geneva Accord of 1954, how it had proceeded to destroy rice crops and livestock, bulldozed entire villages etc., and concludes, "Therefore we believe on all these grounds that every freeman has a legal right and a moral duty to exert every effort to end this war, to avoid collusion with it, and to encourage others to do the same."<sup>8</sup>

The authors of the Call also claimed that their standpoint was justified in the light of the Nurember trials and judgement. The Nurember judgement had clearly stated that those who committed crimes against humanity and international law (as Hitler's generals had done) should be punished and that the guilty should not seek immunity from punishment by saying that they were obeying national laws. The Nuremberg judgement held that individuals have duties which transcend the national obligation of obedience. Therefore in this instance, the disobedients claimed they could not be punished because they were only fulfilling their higher duties.

Before the Presidential election of 1968, an organization known as "Resist", representing a large number of groups opposed to the war in Vietnam and the draft, ran a campaign urging citizens not to vote. In full page advertisements the signatories Naom Chomsky, Bishop James Pike, Benjamin Spock and others

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Secondly, King clarifies that a law is unjust which "the majority inflicts upon the minority, which that minority had no part in creating or enacting, because that minority had no right to vote in many instances, so that the legislative bodies that made these laws were not democratically elected". King gives the examples of the legislative bodies of Alabama and Georgia where black voters confront reprisals and threats all the time.

Thirdly King opines that any law which aims at segregating people on the basis of colour is a sin since it seeks to separate man from man. Such a law is distinctly out of harmony with the will of God, or the Eternal, Natural, Moral Law and subjects are therefore entitled to disobey it.

Having concretised what is an unjust law, King next outlined his conception of a just law. A just law according to King is "sameness made legal". It is a code that the majority compels the minority to follow not only because they believe it is good but because they are willing to follow it themselves.

Once it is realized that a law is unjust, it becomes duty to disobey it. But the disobedient must be non-violent, insists King. A disobedient who non-violently accepts the penalty by staying in jail, argues King, is in fact expressing the very highest respect for law. King here deliberately opted for the Gandhian technique and acknowledges his debt and inspiration to the Mahatma. Like Gandhi, King did not consider disobedience as a mere act of defiance of State authority; it was also an act of self-purification through self-suffering. The advocates of both, violence as well as non-violence, consider suffering as a powerful social force. But, argues King, whereas the advocates of violence (like Hitler) seek to make suffering a powerful force by inflicting it on others, the advocates of non-violence seek to make suffering a powerful force by accepting the violence on themselves.

King laid down certain prerequisite conditions which must be fulfilled before embarking on civil disobedience. These he outlined in his address to the American Jewish Committee (1965) as follows: "One, do we have a grievance or is our purpose

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First of all I would like to reject the radical individualism of Thoreau and Gandhi which makes one's moral conscience alone an adequate ground for disobedience. A dubious thesis underlying this sort of radical individualism is that the ultimate source of authority is the self and the State is an extension of the self, or, rather the higher self. Hence it follows that one is bound to disobey the law which is not an extension of the higher or moral self. What is disturbing in such a position is the psychological inability to accept authority as a condition of adulthood. Civil Disobedience resisters are obviously not much troubled by the notion that what they conceive as a right might be wrong in someone else's perspective, that, in fact political questions are many sided issues of claimed rights in conflict. Resisters generally conceive of morality as absolute and tend to hold that there is only one right and that is what they have perceived. Such a moral fanaticism comes out clear in Thoreau's statement that one need not wait for the sanction of a statute to take an action, or, even for the support of a simple majority, for, when God was on his side, a man did not need the support of men. Moreover, as Thoreau puts it, "any man more right than his neighbours constitutes a majority of one already".

The Federalist authors quite correctly feared politics that sprang from the zeal, passion and pride of a presumed superior spiritual conscience. They feared that such self-righteousness of one or a few could threaten reason and civility. The Gandhian and Thoreau view refuses to see modern liberal society as a commercial or legalistic society but instead views it as an arena for the affirmation of self by heroic individuals. The consequence of this approach is that the radical individualist rejects voting on moral issues as, at best, an expediency or a compromise; whereas, in our opinion voting is precisely necessary to settle the issue of conflicting moral claims to what is right. In short, we cannot accept civil disobedience, the aim of which is to make the assumedly superior morality of the resisters overcome superior numbers.

Rejecting the radical individualism of Thoreau and Gandhi does not mean that we reject a moral basis to obligation. It is true that the ultimate obligation to obey the law can only be moral and not legal. It cannot be legal for the simple reason

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To arrive at a fair compromise in this manner is not a retreat from morality. Rather it is the only moral and rational stand one can take in a world of diverse and competing value preferences.

Having noted the moral basis of political obligation we are now in a better position to lay down the two specific reasons why subjects should be obliged to obey laws in a democracy. In the first place, we ought to obey laws in a democracy because of all the known political systems, it alone allows all the active and legitimate groups in society to make themselves heard. Or, to put it differently, it follows a decision making process which permits government to be run on the basis of a fair compromise between competing claims to power. In this sense, democracy is in effect, "rule by minorities" and is easily distinguishable from dictatorship, which instead of being rule by minorities is rule by one minority. In brief, in a democracy which permits every group the opportunity to be active, the requirement of a fair compromise being struck between competing claims to power are satisfied and hence in such a democracy there can be no right to disobey the State. The fact that a decision is a fair compromise, gives the dissenter not only reason for obeying the law but also for participating in the decision making process.

The second reason for obeying laws in a democracy is based on the simple consideration of fair play. Since all the competing groups participate in the decision making process in good faith, it creates a *prima facie* obligation to accept the result or outcome of that procedure. Were any individual or group to participate in the democratic system and vote, but subsequently refuse to be obliged by the outcome of that vote, then it would clearly amount to taking undue advantage of, and, not being fair to those who had put their faith in the decision making procedure.

Just as the grounds for obeying laws in a democracy are clear, likewise the grounds for disobeying laws are clear. In the first place, a citizen or subject acquires the right to resist the

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Fourthly, civil disobedience may be accepted as a means of persuasion. Central to the civil disobedience movement of Martin Luther King and Gandhi was the idea of 'redemptive suffering,' that is, accepting suffering for self in the hope that such self-suffering would bring about a change of heart in the oppressor or the unjust government. The resister stays non-violent and accepts cheerfully the punishment of the law because he claims that he seeks to destroy the unjust system of law, and not the individuals who are caught in that system. Disobedience followed by acceptance of punishment may make the majority realize that it has not correctly gauged the intensity with which the dissenting group holds a contrary view. Civil Disobedience in such circumstances may help the community or government to reconsider its views. By clearing manifesting goodwill, even when the opponent is most clearly in the wrong, the resister not only seeks to create a situation that dramatises grievances but causes the opponent's wrong doing to stand out in bold relief as something inexcusable and unpardonable, while at the same time leaving the door open for the latter to change.

Finally, a ground for disobedience can be said to exist when a government fails to keep its own pre-electoral promise. President Johnson, for instance, promised to de-escalate the war in Vietnam, yet after his election victory he did just the opposite and continued the escalation of the war. Hence Spock and other fellow resisters claimed they were justified in encouraging resistance because Johnson's pre-election promise misled some voters as to the kind of candidate they were voting for.

To conclude, it is incorrect to say that resistance politics is incompatible with democracy. Rather, strange as it may seem,

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Finally, a ground for disobedience can be said to exist when a government fails to keep its own pre-electoral promise. President Johnson, for instance, promised to de-escalate the war in Vietnam, yet after his election victory he did just the opposite and continued the escalation of the war. Hence Spock and other fellow resisters claimed they were justified in encouraging resistance because Johnson's pre-election promise misled some voters as to the kind of candidate they were voting for.

To conclude, it is incorrect to say that resistance politics is incompatible with democracy. Rather, strange as it may seem,

3. See Bailyn, B., *The Ideological Origins of the American Revolution*, Cambridge, Mass., 1965 for the main currents of early American political thought.

4. Thoreau, H. D., *Complete Works*, four volumes, Houghton Mifflin Co., USA, 1929. All quotations from Thoreau in this essay are from the Complete Works.

5. Vide Weber, D. R., (Ed.), *Civil Disobedience in America, A Documentary History*, Cornell University Press, USA, 1978, pp. 207-210.

6. Grant J., (Ed.), *Black Protest: History, Documents and Analysis*, Fawcett World Library, New York, 1968, pp. 459-466.

7. Vide Berrigan, D., *The Trial of the Cantonsville Nine*, Beacon Press, Boston, 1970.

8. Vide Bedau, H. G. (Ed.), *Civil Disobedience : Theory and Practice*, Pegasus, New York, 1969, pp. 162-164.

9. *Ibid.*

10. Vide Bedau, H. G., *Op. Cit.*, pp. 72-79 for King's letter; and Weber, R., (Ed.), *Op. Cit.*, pp. 212-219 for King's essay on "Love, Law and Civil Disobedience." All quotes from King in this essay are from his Letter and Essay.

11. King's Address to the American Jewish Committee is reproduced in Weber D. R., (Ed.), *Op. Cit.*, pp. 219-222.

12. Biegelow, A., *The Voyage of the Golden Rule: An Experiment with Truth*, Doubleday, New York, 1959.

3. See Bailyn, B., *The Ideological Origins of the American Revolution*, Cambridge, Mass., 1965 for the main currents of early American political thought.

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