

The Analysis of Thoreau and Martin Luther King Jr.'s Perspectives on Unjust Law

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Abstract

Within discussions of legal philosophy, the enduring debate over the relationship between law and morality, centered on the proposition that "an unjust law is no law at all" (*lex injusta non est lex*), has remained one of the central issues in both theoretical inquiry and social practice. This paper takes the core viewpoints of Henry David Thoreau and Martin Luther King, Jr. on "unjust laws" as its research object, exploring the classic jurisprudential proposition of "whether an unjust law is truly law and whether it needs to be obeyed." The paper begins with an introduction to the differing stances on this issue held by the natural law school and the legal positivism school. It focuses on analyzing Thoreau's critique of the Mexican-American War and slavery in "On the Duty of Civil Disobedience," where he proposes the theory of "*lex iniusta non est lex*" based on individual conscience and practices tax resistance. Simultaneously, it examines Martin Luther King Jr.'s position in his "Letter from Birmingham Jail," written during his imprisonment for participating in nonviolent demonstrations against racial segregation. King inherited and developed Augustine's view that "an unjust law is no law at all" to confront systemic injustice like segregation laws, advocating for nonviolent direct action. The paper conducts an in-depth comparison of the commonalities and differences between their perspectives. The research indicates that their ideas profoundly influenced subsequent legal ethics, social movements, and legislative processes, jointly promoting reflection on the justice of law, the duty of citizen obedience, and the advancement of democratic legal change through peaceful protest. This provides significant insights for understanding the moral foundations and limitations of law.

Keywords

Unjust law, Henry David Thoreau, Martin Luther King Jr., Civil Disobedience, nonviolent resistance.

1. Introduction

The question of whether an unjust law is truly law and whether it needs to be obeyed has been a topic of continuous debate among scholars throughout history. This problem is commonly attributed to Socrates. In Plato's Republic, Socrates is found guilty, and his students wish to help him escape punishment. However, Socrates refuses their help. Despite knowing that the relevant laws of Athens were unfair and unjust, he chose to obey them. In Socrates' view, as a citizen of Athens, he should submit to the city-state's laws; otherwise, his actions would be considered treason and a destruction of the state's rule of law. Ultimately, Socrates used his death to express his obedience to the law, even when it was unjust, thereby upholding its order and dignity [1].

From the perspective of legal positivism, Thomas Hobbes argued that the power to enact and interpret laws belongs solely to the sovereign, the ruler of the state, and justice is defined as conformity to the law. Law itself is the rule distinguishing right from wrong and the sole

standard for measuring justice and injustice; any unjust act is unlawful [2]. John Austin distinguished the existence of law from its goodness, asserting that the existence of law is one question, while its merit is another [3]. Later analytical positivist jurist H.L.A. Hart attributed this problem to people employing different concepts of law, suggesting that the natural law school adopts a narrow concept, holding that only just laws are true law [4]. Among representatives of the natural law school, Augustine stated that "an unjust law seems to be no law at all". Aquinas called an unjust law "a species of violence" [5]. Finnis pointed out that justice is a crucial reason for respecting law and for law having authority; the lack of justice strips it of its essential meaning, a claim that all legal claims ought to possess [6]. Lon Fuller argued that law should not be merely a command of power but must conform to morality. Law must possess qualities worthy of respect to command adherence; otherwise, it deviates from universally held human values.

2. Thoreau's Perspective

In "On the Duty of Civil Disobedience," Thoreau stated that under unjust laws, it is commonly believed that people should obey them until they persuade the majority to change them. However, he argued that if injustice is an inevitable part of the government's function, there is no need to tolerate it. It is evident that Thoreau endorsed the view of "*lex iniusta non est lex*" (an unjust law is no law at all), believing that unjust and unreasonable laws, even if they exist, need not be obeyed [7].

From the late 18th to the mid-19th century, the United States committed itself to territorial expansion. The ideology of "Manifest Destiny" emerged, holding that God had ordained the US to spread its advanced ideology and way of life across the North American continent. Furthermore, due to high birth rates and continuous European immigration, the population in the eastern US grew rapidly. Coupled with the desire for natural resources like minerals, arable land, and timber, the lands of the American West held great appeal. Advances in transportation, communication, industrial manufacturing, and rapid economic growth provided sufficient support for US territorial expansion. In contrast, post-independence Mexico was plagued by prolonged political instability and chaos, with slow and backward development in all aspects. Thus, the US naturally set its sights on Mexican territory for expansion.

In this context, US government taxes undoubtedly funded military expenditures to facilitate territorial expansion plans. In 1846, the Mexican-American War officially began. Thoreau, starting in 1842, refused to pay taxes for six consecutive years. In his view, the war was an act of unilateral oppression by the US against Mexico, an unjust war. If citizens' taxes were used by the government to fund the war and support slavery, then these taxes became complicit in such injustice. Therefore, the legally mandated duty to pay taxes also violated justice. The actions and related laws of the US government conflicted with Thoreau's conscience, leading him to choose his own way to resist and oppose the flawed legal system. For this, Thoreau was even jailed overnight.

3. Martin Luther King Jr.'s Perspective

Over a hundred years later, Martin Luther King Jr. wrote a long letter from Birmingham Jail, where he was imprisoned for participating in nonviolent demonstrations against racial segregation. In the letter, he stated his agreement with St. Augustine's view that "an unjust law is no law at all" [8].

Despite the Emancipation Proclamation being issued a century earlier, Black people in the US still faced inequality, injustice, and pervasive discrimination from whites. In some areas, even where Blacks constituted the majority population, they still lacked voting rights and suffrage. Real power remained in the hands of whites, who used it to enact discriminatory, unjust, and

unequal laws favoring themselves and disadvantaging Blacks. In his writing, King stated, "Segregation substitutes an 'I-it' relationship for an 'I-thou' relationship". "It" typically refers to animals or objects, not people. Whites gained a sense of superiority by degrading other races and denying them their human rights and personhood. King believed that such laws were fundamentally immoral, should not be obeyed, and could not be obeyed. Oppressed Blacks should resist changing their status and treatment, rather than passively accept them.

Simultaneously, with the development of the Civil Rights Movement, *Brown v. Board of Education* overturned the "separate but equal" doctrine, ending the long-standing practice of racial segregation in public schools that required Black and white students to attend separate institutions. Subsequently, any form of legal segregation could be ruled unconstitutional for violating the equal protection guaranteed by the Constitution. The Montgomery Bus Boycott ultimately led to the 1956 US Supreme Court ruling that Montgomery's bus segregation laws were unconstitutional, demonstrating the determination and perseverance of African Americans and other Americans supporting the Civil Rights Movement in resisting segregation and social inequality. In 1960, four Black college students in Greensboro, North Carolina, initiated sit-in protests at a lunch counter. By nonviolently occupying segregated public facilities to demand equal rights, this movement spread rapidly, leading to the formation of the Student Nonviolent Coordinating Committee (SNCC) and promoting the organized development of protest activities. These individuals striving for the movement made significant contributions against racial discrimination and prompted Martin Luther King Jr. to deliver his profound "I Have a Dream" speech at the Lincoln Memorial.

King's perspective indicated his willingness to obey and urge others to obey morally sound laws, while he could also encourage disobedience to morally wrong laws, such as segregation laws. He argued that unjust laws fall into two categories: first, laws inherently unreasonable; second, laws originally fair and reasonable that become unjust through distorted application. Furthermore, King believed that evaluating a law also requires examining its essence as applied in different contexts. For instance, requiring permits for parades serves to maintain social order and prevent large-scale, unprepared demonstrations from disrupting society's normal functioning. However, this requirement should not become a tool to protect unfair and unjust privileges, used to prohibit reasonable and legitimate activities that disadvantage those with privilege. This constitutes an abuse of the law, undoubtedly contrary to its original intent, thereby rendering it an unjust law.

4. Commonalities in Their Perspectives

Both Martin Luther King Jr. and Thoreau were influential figures in American history. Moreover, some scholars believe Thoreau's essay "On the Duty of Civil Disobedience" significantly influenced Martin Luther King Jr.'s perceptions about a century later.

Thoreau, as an abolitionist, wrote "On the Duty of Civil Disobedience" near the end of the US-Mexico War. He argued that people should not allow the government to rule their conscience or atrophy it and should avoid becoming agents of injustice. This essay deeply resonated with Martin Luther King Jr. Influenced by these ideas, a century later, despite the abolition of slavery, when Blacks still faced various forms of inequality, King firmly declared his stance against racial discrimination, rejected unjust legal provisions, and advocated for nonviolent resistance movements. Both men openly acknowledged the existence of unjust laws but argued that such laws should not be obeyed; instead, they should be abolished or changed. They held that individual conscience and social justice take precedence over the existence of unjust laws. Both emphasized the need for individuals to possess their own conscience and judgment, believing people must actively assume moral responsibility, use their actions to confront unreasonable and unfair systems, and even fight for the rights belonging to broader groups.

Thoreau's personal conscience and his naturalism shaped his philosophy of passive non-cooperation. Preferring peaceful methods over direct violent resistance, Thoreau expressed his disapproval of US government actions and dissatisfaction with unjust laws through the relatively moderate act of refusing to pay taxes for six years. This thought profoundly influenced Mahatma Gandhi, the later leader of the national liberation movement, inspiring his significant "nonviolent non-cooperation" movement. In turn, Martin Luther King Jr. drew inspiration from Gandhi's movement and led discriminated Blacks in resistance through sit-ins at segregated public facilities and refusing bail after arrest for violating unjust laws to fill jails. Thus, both Thoreau and King advocated for claiming rights through nonviolent means, believing peaceful methods should be used to confront unjust laws and systems.

5. Differences in Their Perspectives

Although Thoreau's thought influenced King, their conceptions of unjust law also differed, reflected in their respective actions.

First, Thoreau emphasized individual conscience and morality, while King advocated for collective resistance.

Thoreau expressed his dissatisfaction with unjust laws through personal action. His character and conscience inclined him towards emphasizing individual behavior. Just as he lived alone by Walden Pond while writing his famous work *Walden*, contemplating politics and philosophy in the tranquility of nature, he stood alone against laws he deemed wrong, even willing to bear the consequences, including imprisonment.

In contrast, Martin Luther King Jr. promoted unity and collaboration. His publicly delivered speech "I Have a Dream" aimed to change the tragic reality of oppression and discrimination faced by Black Americans. It was highly infectious, persuasive, and inspirational, mobilizing Black people to take continuous action, organize social movements, voice their protests and grievances, resist unjust laws and systems, and fight for their rightful equality.

Secondly, another difference lies in the focus of their critiques: Thoreau's views primarily targeted the policies and laws of the US government of his time, while King focused on racial discrimination and inequality within American society.

The formation of these perspectives was inseparable from their respective social contexts and life experiences. During Thoreau's time, US cities developed rapidly, industrialization and urbanization accelerated leading to environmental pollution, the nation expanded westward through war, and slavery remained a severe social problem. Thoreau was a Transcendentalist, abolitionist, and conservationist. Though uninterested in professional natural science, he still appreciated and loved nature. He possessed a strong sense of social responsibility, dared to expose the shortcomings of his era and government, and championed human rights and peace. Consequently, he viewed many policies and laws enacted by the US government for territorial expansion and economic/technological development as unreasonable and some even unjust. Therefore, most of Thoreau's criticism was directed at the US government's actions, and he resisted the unreasonable based on his own conscience.

Martin Luther King Jr. lived in the mid-20th century. Despite the abolition of slavery, Black people faced severe discrimination politically and socially, leading to widespread segregation. Some Blacks with economic means and social status endured the situation, but in a society with widening wealth gaps, most Blacks were impoverished, suffering worse treatment and living conditions. The Civil Rights Movement grew increasingly vocal in demanding Black equality and rights. King, being Black himself and a church pastor, was well-versed in theological concepts and knowledge, evident in his frequent citations of renowned theologians and pastors in his writings. This identity allowed him to deeply understand and empathize with the suffering of the Black underclass, knowing how to inspire them, unite Black people, and employ reasonable

and effective methods to collectively confront injustice. Despite numerous threats, multiple arrests, three imprisonments, and three assassination attempts, he never ceased promoting social movements among Black people, continuing to contribute to human rights equality and the elimination of discrimination [9]. Additionally, this led to Thoreau's views being grounded more in natural law and theories of individual rights, while King's were rooted more in Christian doctrine and theories of social justice.

In terms of impact, Thoreau's thought leaned more towards intellectual enlightenment, representing individual reflection and awakening. King, however, combined this thought with social reality, evolving it into concrete methods to guide practice.

Thoreau's philosophy emphasized confronting unjust and unreasonable systems through individual morality. Practicing this view inherently made it difficult to form large-scale, broadly influential social movements. In the context of his era, those awakened to recognize injustice were already a minority; those willing to express their views and dare to resist injustice were even fewer. Consequently, it was hard to expect many people to spontaneously resist individually, thereby driving large-scale change.

Martin Luther King Jr., conversely, refined this intellectual enlightenment and implemented it into feasible strategies. He chose to propagate excellent ideas, awaken more people, and mobilize them to participate in a transformative movement guided by these ideas. This generated a powerful collective force to confront unjust rules and systems. Compared to Thoreau, King's actions arguably had a greater impact. His advocacy contributed significantly to the passage of the US Civil Rights Act and the Voting Rights Act, making monumental contributions to the Black Civil Rights Movement. He infused Thoreau's ideas with a transformative interpretation and significance specific to the period from the mid-1950s to the mid-1960s.

6. Conclusion

Regarding the question of "whether an unjust law is truly law and whether it needs to be obeyed," both Thoreau and Martin Luther King Jr. gave a negative answer: "lex iniusta non est lex"-an unjust law is no law at all and need not be obeyed. This view of "unjust law is not law" simultaneously reconstructed legal ethics and, to some extent, promoted the democratization of legislative processes. King's actions legitimized expressing demands for changing immoral legal norms through methods like demonstrations and protests, thereby forcing changes in the legal system and making legislative procedures more democratic. The classic legal question of "whether an unjust law is law" continues to provoke discussion and reflection among countless subsequent thinkers, cultivating critical thinking and fostering law students' awareness of the limitations of law.

In future research, it might be worthwhile to delve deeper into the following questions. Under what circumstances might individual acts of resistance be more effective than collective cooperation? In what situations might actions guided by nonviolent thought lose effectiveness? In conclusion, the perspectives of both Thoreau and Martin Luther King Jr. have profoundly influenced later generations. They dared to actively criticize and confront unjust laws and social phenomena, expressing the view that unjust laws are not true laws and should not be obeyed. Their thoughts and actions have made outstanding contributions to the development of social justice, human rights equality, and the elimination of racial discrimination.

References

- [1] Plato. (1943). Plato's The Republic. New York :Books.
- [2] .Hobbes, T. (1651). Leviathan. London: Penguin Books.

- [3] Austin, J. (1995). Austin: the province of jurisprudence determined. In Cambridge University Press eBooks. <https://doi.org/10.1017/cbo9780511521546>Bodenheimer, E. Jurisprudence: The Philosophy and Method of the Law.
- [4] Finnis, J. (2011) Natural Law and Natural Rights. 2nd Edition, Oxford University Press.
- [5] John M. Finnis, Natural Law Theory: Its Past and Its Present, 57 Am. J. Juris. 81 (2012). Available at: https://scholarship.law.nd.edu/law_faculty_scholarship/1085
- [6] Thoreau, H. D. (2006). On the Duty of Civil Disobedience: (1849).
- [7] King Jr., M. L. (1963). Letter from Birmingham Jail. Ebony, 7(73), 814.
- [8] Li Haiqiang. Martin Luther King and Civil Disobedience [J]. Journal for Party and Administrative Cadres, 2017, (07): 26-30.
- [9] Gan Lin. A Comparison between Thoreau's "On Civil Disobedience" and Martin Luther King's Nonviolent Resistance Movement [J]. English on Campus, 2016, (31): 246-247.