

Martin Luther King, Jr. (1929-1968)

“Letter from the Birmingham Jail” (April 16, 1963)

1929 Born in Atlanta.

1954/55 • Pastor at Dexter Avenue Baptist Church, Montgomery, Alabama. Ph.D. Boston University.

- Becomes involved in civil rights movement through the Montgomery bus boycott.

1963 • Jailed in Birmingham, Alabama, defying injunction against demonstrations (particular focus - segregated lunch counters in downtown Birmingham).

- April 13th *Birmingham News* - article written by white church leaders critical of nonviolent protests. King responds in jail - writing in the margins of the article.
- 9 days in jail. Famous Birmingham demonstrations: fire hoses and police dogs.
- August March on Washington (“I Have a Dream” speech)

1964 Awarded Nobel Peace Prize.

1968 Assassinated in Memphis.

King’s letter is a point-by-point response to arguments raised by the local clergy against the demonstrations.

I. The “Outside Agitator” Argument

The demonstrators are not citizens of Birmingham and have no right disrupting the local community.

King’s Response:

A. Against notion of outsider, King argues that “Injustice anywhere is a threat to justice everywhere.”

King appeals to a sense of community: The U.S. is a society of which Birmingham is a part. It behooves all members of society to take an interest in its general well-being.

Question: How far should a community extend? Physical limits of town? State? Nation?

Why is this important? (How do we determine the limits of the sphere of our moral concern?)

B. Against notion of agitator, King lays out the actions taken by the demonstrators:

- no alarmism
- well-thought out - postponements so as not to affect elections; further postponements until after run-off; etc.

Method of Non-violent Action: 4 Steps:

1. Collection of facts to determine if injustice has occurred.
2. Negotiation.
3. “Self-purification” (training workshops)
4. Direct action.

Question: Why do you think nonviolence worked in the U.S. and India (Gandhi) but not in Algeria?

King hint: In direct action, “... we present our very bodies as a means of laying our case before the *conscience* of the local and national community.” (pg. 135)

II. The “Negotiations Instead of Sit-Ins” Argument

“Isn’t negotiation a better path?”

King’s Response:

The purpose of nonviolent direct action is to create an atmosphere in which the community has to confront the issue: “It seeks to dramatize the issue so that it can no longer be ignored.” (pg. 136)

III. The “More Time” Argument

Why not give the politicians time to work through the problem?

King’s Response:

- (a) Practical concerns with efficiency of the Birmingham political system.
- (b) The oppressor does not willingly grant freedom; it must be demanded by the oppressed.

 Fanon Similarity #1

IV. The “Concerns with Law-Breaking” Argument

What principle guides the breaking of some laws, and the abeyance of others? (King is willing to obey the 1954 Supreme Court ruling against segregation in public schools, but he is not willing to obey local Birmingham laws against public demonstrations and disturbances of the peace.)

King’s Response: Distinction between just and unjust laws.

 legal and moral responsibility to obey moral responsibility to disobey

Definition #1: Just law = man-made in harmony with moral law (law of God)

Unjust law = out of harmony with moral law

Problem with Def. #1: Who interprets the moral law? Priests and ministers?

What about other contentious issues - abortion, for instance.

One option: Replace “Moral Law/Law of God” with “sphere of moral concern”. The issue then moves from “Who decides what the Law of God is?” to “How is the sphere of moral concern defined?”. Should it include minorities? If so, then “man-made” laws that discriminate against minorities are unjust. Does the sphere of moral concern include unborn fetuses? Where is the limit drawn? After 1st trimester? At conception? We can ask these questions of physiologists - specialists in the given context - instead of people with perhaps hidden agendas.

Note: Factors determining the limits of the sphere of moral concern can, of course, come from religious notions of morality. The point is that they don’t have to; i.e., they are not *defined* in terms of religious notions of morality.

Definition #2: Unjust law = a law that a majority inflicts on a minority that is not binding on itself.

Just law = a law that a majority compels a minority to follow that it is willing to follow itself.

Problem with Def. #2: What about laws governing the behavior of (criminal) prisoners?

Note: The notion of discrimination is key here : a “difference made legal”. When a minority is bound by an abusive law for *no other reason* than that it is a minority, then the law is unjust. (The laws governing the behavior of prisoners are made with other reasons in mind.)

Definition #3: Unjust law = “a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote.”

(But what about mentally-challenged people and children?)

V. The “Non-violence Precipitates Violence” Argument

Non-violent protests disrupt the community and encourage violent responses.

Kings’ Response: “Like blaming the victim of a robbery for having too much money.”

This argument is committing the fallacy of confusing cause and effect. According to King, non-violence is a reaction to, an *effect* of, the violence of segregation. It is not the *cause* of violence.

VI. The “Non-violence is a Form of Extremism” Argument

King’s response: The non-violence movement is the middle course between giving up hope, and violence (Black Panthers; Black Nationalists; etc.)

Fanon Similarity #2: King’s critique of the “white moderate” vs Fanon’s critique of the “native intellectual”.

King: The white moderate agrees with the goal (desegregation) but not the method (non-violent direct action).

Fanon: The native intellectual agrees with the goal (decolonization) but not the method (violence).

Fanon Similarity #3: The tension of the oppressed.

King: Non-violence brings tension out in the open where it can be dealt with and treated.

Fanon: Violence releases tension and lets it do its thing unhindered.

Fanon Similarity #4: King: “Oppressed people cannot remain oppressed forever. The urge for freedom will eventually come.” (pg. 140)

King: If we don't allow non-violent releases of tension (sit-ins, marches, prayer pilgrimages, etc.), then violent modes of release will replace them. (Recall that Fanon also thinks non-violent protests are a means to "blow off steam", but he also thinks "blowing off steam" isn't good enough - why?)

King: "The question is not whether we will be extremist but what kind of extremist we will be." This adds a moral dimension to the notion of extremism.

King appeals to human conscience (compassion) (Rousseauian tendencies). Appeals to a common moral basis between oppressor and oppressed.

Fanon does not (Hobbesian tendencies). No common moral substratum between settler and native.

pp. 141-142: King's criticism of southern church non-involvement is perhaps evidence that his first definition of "just law" is problematic: Even the church sometimes cannot distinguish what is just from what is unjust.