LETTER FROM A BIRMINGHAM JAIL

Martin Luther King, Jr. - 1963

Wednesday, May 22, 13
In 1963 Martin Luther King Jr. was imprisoned for protesting segregation in Birmingham, Alabama. The letter was initially written in the margins of a newspaper and on toilet paper.

There were regular bombings of Black churches and homes, and lynchings of innocent Black men.

There were separate restaurants, bathrooms, park benches, bus seats, etc. for Black and white people (the ones for Blacks being markedly inferior).

It was illegal to inter-marry, illegal for Black and white people to play pool together, and only recently could Blacks go to some of the same schools as whites.

Perhaps most importantly, Blacks were systematically disenfranchised from both voting and holding public office.

To sum up: Blacks were *second-class citizens*.

MLK’s letter was in response to a letter from white clergymen claiming that, while they had sympathy with MLK’s cause, that the protests he took part in were “unwise and untimely.”
MLK was claimed to be an outsider.

- He was invited by the Black community.
- “More basically, I am in Birmingham because injustice is here.”
- “Injustice anywhere is a threat to justice everywhere.”
- “Whatever affects one directly, affects all indirectly.”
Precursors: Thoreau, Gandhi

1. Collection of facts to determine where injustice is present.
2. Negotiation.
4. Direct Action (protests, sit-ins, boycotts, etc.)
THE POINT OF NON-VIOLENT ACTION

- To bring problems to forefront so that they can no longer be ignored, and, by not being violent, give no cause for oppressor to ignore demands, and to move the hearts and minds of oppressor.

- “Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored.”

- “Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise form the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood.”
WHY DON’T YOU WAIT?

- “Justice too long delayed is justice denied.”

- “...we have not made a single gain in civil rights without determined legal and nonviolent pressure....privileged groups seldom give up their privileges voluntarily.”

- “Freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed.”

- “I have yet to engage in a direct-action campaign that was ‘well-timed’ in view of those who have not suffered unduly from the disease of segregation.”

- “We have waited for more than 340 years for our constitutional and God-given rights.”
MLK’s letter shows the influence of philosophical views and arguments (as well as religious ones). MLK is influenced by St. Augustine, St. Aquinas, Thoreau, Locke, Buber, Gandhi, Kant, Mill, Jesus, Amos, Lincoln, St. Paul, Bunyan, Jefferson, and more.

We will look at some arguments that MLK makes which are in the Natural Law, Kantian, and Social Contractarian traditions.
MLK was breaking laws and advocating breaking laws, but was also seeking to establish laws. How can he do both?

“There are two types of laws: just and unjust.”

The racist laws of Germany were legal. Practicing Catholicism openly in Cromwell’s Ireland was illegal. Once we realize that there can be unjust laws the fact that something is a law does not give us a definitive reason to obey it.

“One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that ‘an unjust law is no law at all.’”
WHAT’S THE DIFFERENCE BETWEEN A JUST LAW AND AN UNJUST LAW?

- “A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of Harmony with the moral law.” (note that ‘the moral law’ is consistent with secularism)

How can we tell the difference?

- “Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality.”
“Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong with having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and deny citizens the First-Amendment privilege of peaceful assembly and protest.”
“[Segregation]...gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an ‘I-it’ relationship for an ‘I-thou’ relationship and ends up relegating persons to the status of things.”

MLK distinguishes between a positive and substantive peace and a negative peace and order. The difference is that the negative peace, while not marred by physical violence, is marred by psychic violence, by systematically denying the bases of dignity and self-worth to a portion of the population. This oppression can be peaceful, but peace at any price is not good. Better to have conflict and progression.
According to Social Contract Theories, a government is legitimate if it is consented to by the governed. Furthermore, the reason one obeys the government is that by taking on these obligations/responsibilities and burdens, one gets corresponding protections.

According to MLK and plain facts, the government was not consented to by the Black population, and while they got the crushing burdens of segregation, it did not come along with protections by the government. Lynchings of Blacks were not only not stopped by the police--they were often instigated by them.

So, Blacks (and whites too) had no obligation to obey the segregation laws.
“I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro’s great stumbling block in his stride toward freedom is not the White Citizen’s Counselor or the Ku Klux Klanner, but the white moderate, who is more devoted to ‘order’ than justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says, ‘I agree with you in the goal you seek, but I cannot agree with your methods of direct action’; who paternalistically believes he can set the timetable for another man’s freedom.”

“Shallow understanding from people of good will is more frustrating than absolute misunderstanding of people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.”
“Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself...The Negro has many pent-up resentments and latent frustrations, and he must release them...If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history.”
Dec 1, 1955. Rosa Parks refuses to surrender her seat to a white passenger aboard a Montgomery, Alabama segregated bus. This led to her arrest, and the subsequent outrage helped spark the modern Civil Rights movement. The Montgomery Bus Boycott, lead in part by MLK, lead to the end of segregation on buses in Montgomery.

“My feets is tired, but my soul is at rest”

- Rosa Parks