

GREAT DEBATES IN AMERICAN HISTORY

Unit 10: Is Civil Disobedience Ever Justified as a Method of Political Change?

The Issue

Early in 1963, Martin Luther King traveled to Birmingham, Alabama, to lead a civil rights demonstration protesting the city's segregation laws. Although King was dedicated to the idea of non-violent protest, he also believed that it was sometimes necessary to break laws that discriminated against black Americans. In the Birmingham demonstration, respect for the law and the legitimacy of civil disobedience became the central issues of debate between those who supported and those who criticized King.

Background

The United States has a history of opposition to unjust laws, a tradition embodied in the causes and goals of the American Revolution. Some Americans have advocated civil disobedience, the intentional violation of a law thought to be unjust, as a legitimate means of social and political change. Yet respect for the law also runs deep in the American character. The reliance on law and its strict enforcement to ensure life, liberty, and property lies at the foundation of our constitutional system of government. Some have argued that the only legitimate way to oppose a law is to respect it while working through the proper channels to enact its repeal.

King's intention in coming to Birmingham was to use massive demonstrations and boycotts of white-owned businesses to end the city's system of segregation. King hoped that the response to these acts of civil disobedience from Birmingham's notorious Public Safety Commissioner, Eugene "Bull" Connor, would focus national

attention on the city and spark a federal effort to desegregate the South.

As expected, Connor responded to black demonstrations with force, using police dogs and high-pressure fire hoses to turn back the demonstrators. Soon Birmingham was a city in chaos. Boycotts, violent confrontations in the streets, and the arrest and jailing of thousands of protesters threatened to tear the city apart.

The Readings

The following debate begins with "An Open Letter to Dr. King from Birmingham Clergymen." Published in the *Birmingham News* and signed by eight local religious leaders—Protestant, Roman Catholic, and Jew—this letter questioned King's tactics while supporting his goals.

Under arrest at the time the above letter appeared, King responded with a letter of his own. His "Letter from a Birmingham Jail," which explained and defended his tactics, has since become one of the most famous documents of the Civil Rights Movement.

Update

The debate over civil disobedience did not end in 1963. Groups opposing government policy and movements for social change have continued, from time to time, to resort to this tactic. While some Americans have strongly supported the use of civil disobedience, others have criticized it as "lawlessness," calling for tougher law enforcement and greater respect for the law.

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"An Open Letter to Dr. King from Birmingham Clergymen," *written by eight religious leaders from the community, appeared in the Birmingham News in April 1963.*

We the undersigned clergymen are among those who, in January, issued "An Appeal for Law and Order and Common Sense," in dealing with racial problems in Alabama. We expressed understanding that honest convictions in racial matters could properly be pursued in the courts, but urged that decisions of those courts should in the meantime be peacefully obeyed.

Since that time there had been some evidence of increased forbearance and a willingness to face facts. Responsible citizens have undertaken to work on various problems which cause racial friction and unrest. In Birmingham, recent public events have given indication that we all have opportunity for a new constructive and realistic approach to racial problems.

However, we are now confronted by a series of demonstrations by some of our Negro citizens, directed and led in part by outsiders. We recognize the natural impatience of people who feel that their hopes are slow in being realized. But we are convinced that these demonstrations are unwise and untimely.

We agree rather with certain local Negro leadership which has called for honest and open negotiation of racial issues in our area. And we believe this kind of facing of issues can best be accomplished by citizens of our own metropolitan area, white and Negro, meeting with their knowledge and experience of the local situation. All of us need to face that responsibility and find proper channels for its accomplishment.

Just as we formerly pointed out that "hatred and violence have no sanction in our religious and political traditions," we also point out that such actions as incite to hatred and violence, however technically peaceful those actions may be, have not contributed to the resolution of our

local problems. We do not believe that these days of new hope are days when extreme measures are justified in Birmingham.

We commend the community as a whole, and the local news media and law enforcement officials in particular, on the calm manner in which these demonstrations have been handled. We urge the public to continue to show restraint should the demonstrations continue, and the law enforcement officials to remain calm and continue to protect our city from violence.

We further strongly urge our own Negro community to withdraw support from these demonstrations, and to unite locally in working peacefully for a better Birmingham. When rights are

consistently denied, a cause should be pressed in the courts and in negotiations among local leaders, and not in the streets. We appeal to both our white and Negro citizenry to observe the principles of law and order and common sense.

"When rights are consistently denied, a cause should be pressed in the courts and in negotiations among local leaders, and not in the streets."

Birmingham Clergy

Source: Steven Cohen, ed. *Eyes on the Prize: A Sourcebook* (Boston: Blackside, Inc., 1987).

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Martin Luther King, minister and leading figure in the movement for black civil rights, wrote "Letter from a Birmingham Jail" in April 1963.

My dear Fellow Clergymen,

Several months ago our local affiliate here in Birmingham invited us to be on call to engage in a nonviolent direct-action program if such were deemed necessary. We readily consented and when the hour came we lived up to our promises. So I am here, along with several members of my staff, because we were invited here. I am here because I have basic organizational ties here. Beyond this, I am in Birmingham because injustice is here. . . .

Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of police brutality is known in every section of this country. Its unjust treatment of Negroes in the courts is a notorious reality. There have been more unsolved bombings of Negro homes and churches in Birmingham than any city in this nation.

You may well ask, "Why direct action? Why sit-ins, marches, etc.? Isn't negotiation a better path?" You are exactly right in your call for negotiation. Indeed, this is the purpose of direct action. Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that 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.

One of the basic points in your statement is that our acts are untimely. Some have asked, "Why didn't you give the new administration time to act?" The only answer that I can give to this inquiry is that the new administration must be prodded about as much as the outgoing one before it acts. . . .

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have never yet engaged in a direct action movement that was "well-timed," according to the

timetable of those who have not suffered unduly from the disease of segregation. For years now I have heard the words "Wait!" It rings in the ear of every Negro with a piercing familiarity. This "Wait!" has almost always meant "never." . . .

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask, "How can you advocate breaking some laws and obeying others? The answer is found in the fact that there are two types of laws: there are *just* and there are *unjust* laws.

Now what is the difference between the two? How does one determine when a law is just or unjust? 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. To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law.

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. . . .

I hope you can see the distinction I am trying to point out. In no sense do I advocate evading or defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it *openly, lovingly* . . . and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law.

Yours for the cause of Peace and Brotherhood,

Martin Luther King, Jr.

"I submit that an individual who breaks a law that conscience tells him is unjust . . . is in reality expressing the very highest respect for the law."

Martin Luther King

Source: James Melvin Washington, ed. *A Testament of Hope: The Essential Writing of Martin Luther King* (San Francisco: Harper and Row, 1986).

GREAT DEBATES WORKSHEET 10

Directions: Use the information in the Unit 10 debate to answer the following questions. If necessary, use an additional sheet of paper.

A. Comprehension

1. Identify two of the charges the Birmingham clergy make against Martin Luther King and list them here.

2. Refer to the charges identified in the question above. How does King respond to each of these charges?

3. The Birmingham clergy offer their own suggestions for resolving racial problems in Birmingham. List three of their suggestions.

4. King suggests that breaking the law can sometimes be justified. Restate his explanation in your own words.

B. Critical Thinking

1. **Identifying Alternatives:** Martin Luther King and his followers chose to violate the law on a number of occasions. Propose a list of alternative lawful actions that King could have taken. How effective would each of these actions have been?

2. **Making Comparisons:** List three other occasions, either before or after 1963, when Americans have used civil disobedience as a method of political action.

3. **Identifying Central Issues:** King suggests that it is possible to determine a "just from an unjust law." Using his criteria, develop a list of three possible laws that King might consider unjust.

4. **Testing Conclusions:** Evaluate the arguments on both sides of the debate. Which side's arguments are most convincing? Use specific reasons and examples to support your position.
