

Philosophy Ripped From The Headlines!



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Compiled & Edited by *Philosophy Without Borders*

Philosophy Ripped From The Headlines! is delivered online in (occasionally discontinuous) weekly installments, month by month.

Its aim is to inspire critical, reflective, synoptic thinking and discussion about contemporary issues--in short, *public philosophizing* in the broadest possible, everyday sense.

Every installment contains (1) excerpts from one or more articles, or one or more complete articles, that recently appeared in online public media, (2) some follow-up thoughts for further reflection or discussion, and (3) a link or links for supplementary reading.

1. “Nonviolence and Social Change”

By Martin Luther King Jr

Jacobin, 4 APRIL 2018

Full article available at URL = <https://www.jacobinmag.com/2018/04/martin-luther-king-jr-nonviolence-direct-action>



Martin Luther King Jr at the March on Washington for Jobs and Freedom in Washington, D.C., August 28, 1963.
Rowland Scherman / US National Archives and Records Administration

There is nothing wrong with a traffic law which says you have to stop for a red light. But when a fire is raging, the fire truck goes right through that red light, and normal traffic had better get out of its way. Or, when a man is bleeding to death, the ambulance goes through those red lights at top speed.

There is a fire raging now for the Negroes and the poor of this society. They are living in tragic conditions because of the terrible [economic injustices](#) that keep them locked in as an “underclass,” as the sociologists are now calling it. Disinherited people all over the world are bleeding to death from deep social and economic wounds. They need brigades of ambulance drivers who will have to ignore the red lights of the present system until the emergency is solved.

Massive civil disobedience is a strategy for social change which is at least as forceful as an ambulance with its siren on full. In the past ten years, [nonviolent civil disobedience](#) has made a [great deal of history](#), especially in the Southern United States. When we and the Southern Christian Leadership Conference went to Birmingham, Alabama, in 1963, we had decided to take action on the matter of integrated public accommodations. We went knowing that the Civil Rights Commission had written powerful documents calling for change, calling for the very rights we were demanding. But nobody did anything about the Commission’s report. Nothing was done until we acted on these very issues, and demonstrated before the court of world opinion the urgent need for change. It was the same story with voting rights. The Civil Rights Commission, three years before we went to [Selma](#), had recommended the changes we started marching for, but nothing was done until, in 1965, we created a crisis the nation couldn’t ignore. Without violence, we totally disrupted the system, the lifestyle of Birmingham, and then of Selma, with their unjust and unconstitutional laws. Our Birmingham struggle came to its dramatic climax when some 3,500 demonstrators virtually filled every jail in that city and surrounding communities, and some 4,000 more continued to march and demonstrate nonviolently. The city knew then in terms that were crystal clear that Birmingham could no longer continue to function until the demands of the Negro community were met. The same kind of dramatic crisis was created in Selma two years later. The result on the national scene was the Civil Rights Bill and the Voting Rights Act, as president and Congress responded to the drama and the creative tension generated by the carefully planned demonstrations.

Of course, by now it is obvious that new laws are not enough. The emergency we now face is economic, and it is a desperate and worsening situation. For the 35 million poor people in America — not even to mention, just yet, the poor in the other nations — there is a kind of strangulation in the air. In our society it is murder, psychologically, to [deprive a man of a job](#) or an income. You are in substance saying to that man that he has no right to exist. You are in a real way depriving him of life, liberty, and the pursuit of happiness, denying in his case the very creed of his society. Now, millions of people are being strangled that way. The problem is international in scope. And it is getting worse, as the gap between the poor and the “affluent society” increases.

The question that now divides the people who want radically to change that situation is: can a program of nonviolence — even if it envisions massive civil disobedience — realistically expect to deal with such an enormous, entrenched evil?

First of all, will nonviolence work, psychologically, after the summer of 1967? Many people feel that nonviolence as a strategy for social change was cremated in the flames of the urban riots of the last two years. They tell us that Negroes have only now begun to find their true manhood in violence; that the riots prove not only that Negroes hate whites, but that, compulsively, they must destroy them.

This bloodlust interpretation ignores one of the most striking features of the city riots. Violent they certainly were. But the violence, to a startling degree, was focused against property rather than against people. There were very few cases of injury to persons, and the vast majority of the rioters were not involved at all in attacking people. The much publicized “death toll” that marked the riots, and the many injuries, were overwhelmingly inflicted on the rioters by the military. It is clear that the riots were exacerbated by police action that was designed to injure or even to kill people. As for the snipers, no account of the riots claims that more than one or two dozen people were involved in sniping. From the facts, an unmistakable pattern emerges: a handful of Negroes used gunfire substantially to intimidate, not to kill; and all of the other participants had a different target — property.

I am aware that there are many who wince at a distinction between property and persons — who hold both sacrosanct. My views are not so rigid. A life is sacred. Property is intended to serve life, and no matter how much we surround it with rights and respect, it has no personal being. It is part of the earth man walks on; it is not man.

The focus on property in the 1967 riots is not accidental. It has a message; it is saying something.

If hostility to whites were ever going to dominate a Negro’s attitude and reach murderous proportions, surely it would be during a riot. But this rare opportunity for bloodletting was sublimated into arson, or turned into a kind of stormy carnival of free-merchandise distribution. Why did the rioters avoid personal attacks? The explanation cannot be fear of retribution, because the physical risks incurred in the attacks on property were no less than for personal assaults. The military forces were treating acts of petty larceny as equal to murder. Far more rioters took chances with their own lives, in their attacks on property, than threatened the life of anyone else. Why were they so violent with property then? Because property represents the white power structure, which they were attacking and trying to destroy. A curious proof of the symbolic aspect of the looting for some who took part in it is the fact that, after the riots, police received hundreds of calls from Negroes trying to return merchandise they had taken. Those people wanted the experience of taking, of redressing the power imbalance that property represents. Possession, afterward, was secondary.

A deeper level of hostility came out in arson, which was far more dangerous than the looting. But it, too, was a demonstration and a warning. It was directed against symbols of exploitation, and it was designed to express the depth of anger in the community.

What does this restraint in the summer riots mean for our future strategy?

If one can find a core of nonviolence toward persons, even during the riots when emotions were exploding, it means that nonviolence should not be written off for the future as a force in Negro life. Many people believe that the urban Negro is too angry and too sophisticated to be nonviolent. Those same people dismiss the nonviolent marches in the South and try to describe them as processions of pious, elderly ladies. The fact is that in all the marches we have organized some men of very violent tendencies have been involved. It was routine for us to collect hundreds of knives from our own ranks before the demonstrations, in case of momentary weakness. And in Chicago last year we saw some of the most violent individuals accepting nonviolent discipline. Day after day during those Chicago marches I walked in our lines and I never saw anyone retaliate with violence. There were lots of provocations, not only the screaming white hoodlums lining the sidewalks, but also groups of Negro militants talking about guerrilla warfare. We had some gang leaders and members marching with us. I remember walking with the Blackstone Rangers while bottles were flying from the sidelines, and I saw their noses being broken and blood flowing from their wounds; and I saw them continue and not retaliate, not one of them, with violence. I am convinced that even very violent temperaments can be channeled through nonviolent discipline, if the movement is moving, if they can act constructively and express through an effective channel their very legitimate anger.

But even if nonviolence can be valid, psychologically, for the protesters who want change, is it going to be effective, strategically, against a government and a status quo that have so far resisted this summer's demands on the grounds that "we must not reward the rioters"? Far from rewarding the rioters, far from even giving a hearing to their just and urgent demands, the administration has ignored its responsibility for the causes of the riots, and instead has used the negative aspects of them to justify continued inaction on the underlying issues. The administration's only concrete response was to initiate a study and call for a day of prayer. As a minister, I take prayer too seriously to use it as an excuse for avoiding work and responsibility. When a government commands more wealth and power than has ever been known in the history of the world, and offers no more than this, it is worse than blind, it is provocative. It is paradoxical but fair to say that Negro terrorism is incited less on ghetto street corners than in the halls of Congress.

I intended to show that nonviolence will be effective, but not until it has achieved the massive dimensions, the disciplined planning, and the intense commitment of a sustained, direct-action movement of civil disobedience on the national scale.

The dispossessed of this nation — the poor, both white and Negro — live in a cruelly unjust society. They must organize a revolution against that injustice, not against the lives of the persons who are their fellow citizens, but against the structures through which the society is refusing to take means which have been called for, and which are at hand, to lift the load of poverty.

The only real revolutionary, people say, is a man who has nothing to lose. There are millions of poor people in this country who have very little, or even nothing, to lose. If they can be helped to take action together, they will do so with a freedom and a power that will be a new and unsettling force in our complacent national life. Beginning in the New Year, we will be recruiting three

thousand of the poorest citizens from ten different urban and rural areas to initiate and lead a sustained, massive, direct-action movement in Washington. Those who choose to join this initial three thousand, this nonviolent army, this “freedom church” of the poor, will work with us for three months to develop nonviolent action skills. Then we will move on Washington, determined to stay there until the legislative and executive branches of the government take serious and adequate action on jobs and income. A delegation of poor people can walk into a high official’s office with a carefully, collectively prepared list of demands. (If you’re poor, if you’re unemployed anyway, you can choose to stay in Washington as long as the struggle needs you.) And if that official says, “But Congress would have to approve this,” or, “But the president would have to be consulted on that,” you can say, “All right, we’ll wait.” And you can settle down in his office for as long a stay as necessary. If you are, let’s say, from rural Mississippi, and have never had medical attention, and your children are undernourished and unhealthy, you can take those little children into the Washington hospitals and stay with them there until the medical workers cope with their needs, and in showing it your children you will have shown this country a sight that will make it stop in its busy tracks and think hard about what it has done. The many people who will come and join this three thousand, from all groups in the country’s life, will play a supportive role, deciding to be poor for a time along with the dispossessed who are asking for their right to jobs or income — jobs, income, the demolition of slums, and the rebuilding by the people who live there of new communities in their place; in fact, a new economic deal for the poor.

Why camp in Washington to demand these things? Because only the federal Congress and administration can decide to use the billions of dollars we need for a real war on poverty. We need, not a new law, but a massive, new national program. This Congress has done nothing to help such measures, and plenty to hinder them. Why should Congress care about our dying cities? It is still dominated by senior representatives of the rural South, who still unite in an obstructive coalition with unprogressive Northerners to prevent public funds from going where they are socially needed. We broke that coalition in 1963 and 1964, when the Civil Rights and Voting Rights laws were passed. We need to break it again by the size and force of our movement, and the best place to do that is before the eyes and inside the buildings of these same congressmen. The people of this country, if not the congressmen, are ready for a serious economic attack on slums and unemployment, as two recent polls by Lou Harris have revealed. So we have to make Congress ready to act on the plight of the poor. We will prod and sensitize the legislators, the administrators, and all the wielders of power until they have faced this utterly imperative need.

I have said that the problem, the crisis we face, is international in scope. In fact, it is inseparable from an international emergency which involves the poor, the dispossessed, and the exploited of the whole world.

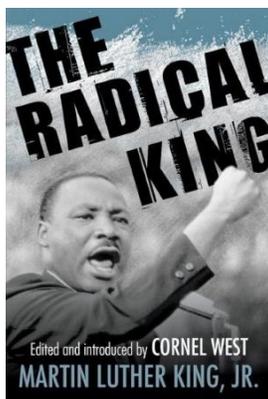
Can a nonviolent, direct-action movement find application on the international level, to confront economic and political problems? I believe it can. It is clear to me that the [next stage](#) of the movement is to become international. National movements within the developed countries — forces that focus on London, or Paris, or Washington, or Ottawa — must help to make it politically feasible for their governments to undertake the kind of massive aid that the developing

countries need if they are to break the chains of poverty. We in the west must bear in mind that the poor countries are poor primarily because we have exploited them through political or economic colonialism. Americans in particular must help their nation repent of her modern economic [imperialism](#).

But movements in our countries alone will not be enough. In Latin America, for example, national reform movements have almost despaired of nonviolent methods; many young men, even many priests, have joined guerrilla movements in the hills. So many of Latin America's problems have roots in the United States of America that we need to form a solid, united movement, nonviolently conceived and carried through, so that pressure can be brought to bear on the capital and government power structures concerned, from both sides of the problem at once. I think that may be the only hope for a nonviolent solution in Latin America today; and one of the most powerful expressions of nonviolence may come out of that international coalition of socially aware forces, operating outside governmental frameworks.

Even entrenched problems like the South African government and its racial policies could be tackled on this level. If just two countries, Britain and the United States, could be persuaded to end all economic interaction with the South African regime, they could [bring that government to its knees](#) in a relatively short time. Theoretically, the British and American governments could make that kind of decision; almost every corporation in both countries has economic ties with its government which it could not afford to do without. In practice, such a decision would represent such a major reordering of priorities that we should not expect that any movement could bring it about in one year or two. Indeed, although it is obvious that nonviolent movements for social change must internationalize, because of the interlocking nature of the problems they all face, and because otherwise those problems will breed war, we have hardly begun to build the skills and the strategy, or even the commitment, to planetize our movement for social justice.

In a world facing the revolt of ragged and hungry masses of God's children; in a world torn between the tensions of East and West, white and colored, individualists and collectivists; in a world whose cultural and spiritual power lags so far behind her technological capabilities that we live each day on the verge of nuclear co-annihilation; in this world, nonviolence is no longer an option for intellectual analysis, it is an imperative for action.



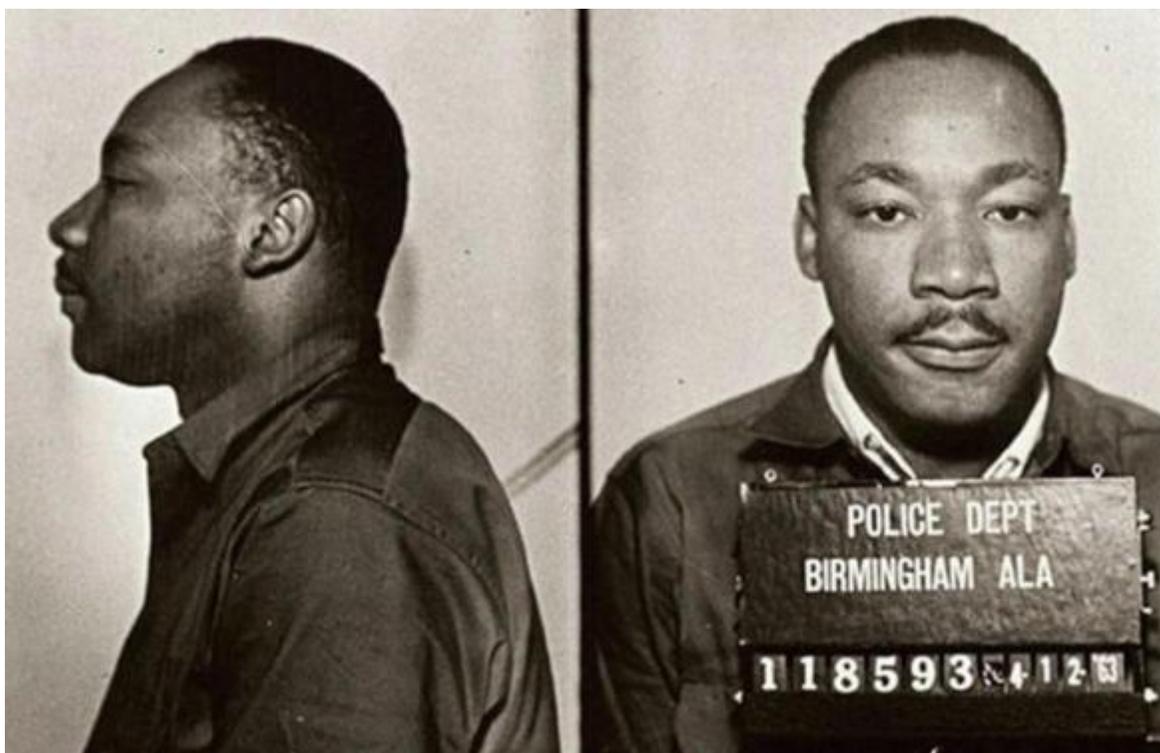
Excerpted from *The Radical King* by Martin Luther King Jr, ed. and intro. by Cornel West (Beacon Press, 2014)

2. “When King Was Dangerous”

By Alex Gourevitch

Jacobin, 21 JANUARY 2019

Full article available at URL = <https://jacobinmag.com/2019/01/martin-luther-king-civil-disobedience-injunction-birmingham>



Martin Luther King Jr's mugshot in Birmingham, 1963. Wikimedia Commons

Martin Luther King Jr was not a popular man. In 1963, just 41 percent of Americans expressed a positive view of him. Only Soviet leader Nikita Khrushchev was [more unpopular](#). It went downhill from there. By 1966, two-thirds of Americans held a negative view of King. In his remaining years, King polled worse than nearly all other well-known Americans. Worse than Ted Kennedy would after Chappaquiddick. Worse than Haldeman and Ehrlichman would during Watergate. Even French president Charles de Gaulle failed to provoke the same hostility as King.

Now that's all changed. Why? Some will say it's because King solved America's "race problem" through something we call "civil disobedience."

Yet right up until his assassination on April 4, 1968, King [insisted](#) that America's race problem had not been solved. He also was no mere civil disobedient, at least not as that term is commonly understood. He was not just a man of conscience, ready to break the law but affirm its authority. King was prepared to, and repeatedly did, challenge the authority of the state itself. He did so as

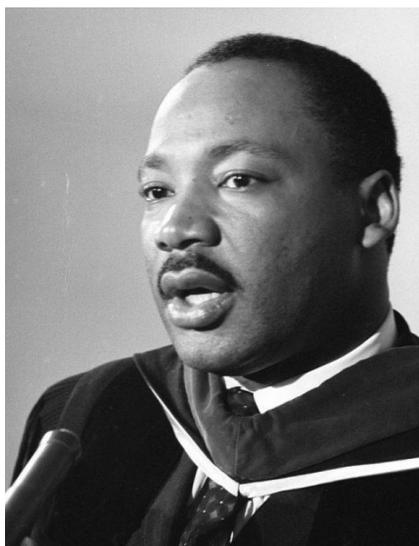
an act of resistance against the use of the “rule of law” on behalf of powerful interests. He was less part of an imagined tradition running back through Gandhi and Thoreau than part of a real tradition that runs like a red thread through the labor movement’s radical wing and left-wing politics more generally.

King should be honored, but he should be honored for who he was and what he did. But what did he do, and how do his actions connect to that wider tradition of the Left? The place to start is Birmingham, Alabama.

Project Confrontation

When King arrived in Birmingham in March 1963, he was full of doubts and the movement was sputtering. The [Montgomery bus boycott of 1955–56](#) had nearly been defeated, saved mainly by a Supreme Court decision declaring segregated busing unconstitutional. During the 1961–62 desegregation campaign in Albany, Georgia, King’s plans were so circumscribed by court orders and mass arrests that his movement beat a reluctant retreat. No serious civil rights legislation was in the offing. The segregation of everything in the South, from water fountains and pools to elevators, buses, and schools, remained more or less intact. Challenges to King’s leadership grew.

The plan in Birmingham, which King had worked out with other civil rights leaders, was to use Easter week to challenge segregation in one of the nerve centers of the Jim Crow South. The movement would spend the first part of the week building support and organizing direct actions like lunch counter sit-ins, pickets at boycotted businesses, voter registration marches, and kneel-ins at white churches. Project Confrontation, as King and other leaders like [Fred Shuttlesworth](#) and [Wyatt Tee Walker](#) called the plan, would culminate in a massive march on Birmingham’s downtown on Saturday, April 13. Easter Saturday was the busiest shopping day of the season so the march would be maximally disruptive, threatening business profits, shopping plans, and the deeper habits and expectations sedimented in the city’s economy.



Martin Luther King Jr in 1965. Library of Congress

Birmingham's white leadership quickly mobilized in response. On Wednesday, April 10, Commissioner of Public Safety Bull Connor dispatched lawyers to get an injunction against the planned marches. Connor's lawyers went to Judge William Jenkins, who was [known for issuing anti-labor injunctions](#). Injunctions had been regularly used to repress strikes in the United States [since the late nineteenth century](#) and were frequently used in Birmingham, an industrial city.

Jenkins issued his injunction, a sweeping prohibition of nearly every conceivable tactic of the movement. He prohibited "mass street parades or mass processions . . . congregating on the street or public places . . . parading, demonstrating, boycotting, trespassing and picketing or other unlawful acts, or . . . 'kneel-ins' in churches." On Thursday evening, Connor's men walked the injunction over to the Gaston Motel, where the movement leaders were staying.

They were devastated — "overwhelmed by a feeling of hopelessness," according to King. To make matters worse, city officials raised the financial and criminal penalties for disobeying the injunction. Disregarding the court order would mean long prison terms for the movement's leaders and massive fines that threatened to bankrupt their organizations. But obeying the injunction would be just as bad, destroying momentum and defanging the movement.

It looked like they were trapped, doomed to repeat the failure of the Albany campaign.

The Injunction Problem

Beyond its practical challenges, the injunction posed a political and philosophical problem for King. King didn't have any problem breaking the law. Quite the opposite. "The doctrine of legal change had become the doctrine of slow token change" was [King's mantra](#) in the post-*Brown v Board of Education* world — change would have to come through illegal acts. But while King was willing to violate the law, he hadn't been willing to challenge the rule of law or the courts and government authority that sustained that rule.

Before Birmingham, King wanted to distinguish the law-breaking of his movement from that of the segregationists. The latter openly violated court-ordered desegregation and engaged in terrorist violence. King's camp obeyed court orders, including injunctions, and respected the legal process. Segregation statutes and city ordinances could be disobeyed; courts, as representatives of the rule of law, had to be heeded. This was classic civil disobedience: conscientious disobedience coupled with respect for the legal order. In Montgomery (1955–56) and Albany (1961), King had insisted that the movement could only challenge injunctions in court. They were not to be disobeyed outright.

But the injunctions presented a major obstacle. Courts had [carpeted the South](#) with the legal orders, creating a dense fabric of repression. In 1956 an Alabama court had enjoined the National Association for the Advancement of Colored People (NAACP) from operating anywhere in the state, which the Supreme Court only overturned in 1964. In 1961 a local judge barred Freedom Riders from entering Montgomery, Alabama — an injunction that, along with one in Albany in 1962, prohibited members of the Student Non-violent Coordinating Committee (SNCC) from engaging in most of their sit-ins, boycotts, and demonstrations. In Baton Rouge, Louisiana,

injunctions prevented the Congress on Racial Equality (CORE) from demonstrating against segregation. In late 1963, injunctions in Jackson, Mississippi and Charleston, South Carolina would stop the NAACP from leading demonstrations there.

“The injunction method has now become the leading instrument of the South to block the direct-action civil-rights drive and to prevent Negro citizens and their white allies from engaging in peaceable assembly,” King [wrote](#). “You initiate a non-violent demonstration. The power structure secures an injunction against you. It can conceivably take two or three years before any disposition of the case is made.”

SNCC leaders argued for violating injunctions. King refused. Then came Birmingham.

From Civil Disobedience to Something More

On the Thursday night that the civil rights leaders received the Birmingham injunction, everyone (save for the radical Shuttlesworth) counseled against violating the order: they just couldn’t afford the long prison sentences and fines. Somebody phoned Harry Belafonte to start raising more money. They debated late into the night and continued the next morning.

Then King went into his hotel room, got on his knees, and prayed. He emerged with a decision. It was time to disobey the injunction — never mind the courts and the appeals process.

On Friday the movement’s leaders held a press conference announcing their decision to disregard the injunction. They explained:

In the past we have abided by Federal injunctions out of respect for the forthright and consistent leadership that the Federal judiciary has given in establishing the principle of integration as the law of the land.

However we are now confronted with recalcitrant forces in the Deep South that will use the courts to perpetuate the unjust and illegal system of racial separation.

Alabama has made clear its determination to defy the law of the land. Most of its public officials, its legislative body and many of its law enforcement agents have openly defied the desegregation decision of the Supreme Court. We would feel morally and [legally] responsible to obey the injunction if the courts of Alabama applied equal justice to all of its citizens.

Here was a new relationship to the courts and the legal process. The movement’s leaders were openly stating that the last and putatively most independent branch of government in the South had shown itself to be just another instrument of segregation. The “machinery of state government and police power,” as they called it, had lost its legitimacy. After speaking to the press, they proceeded with their illegal, Good Friday March towards the Birmingham City Hall, during which King, Ralph Abernathy, and a few others were arrested. By Easter Sunday, the rest of the leadership would be taken into custody for leading illegal processions that weekend.

It is a historical irony that Birmingham is remembered as the iconic act of civil disobedience, for this was the moment that King decided the authority of the state itself had to be questioned. The very moment for which he is lionized is the point at which he and his fellow leaders became something more than civil disobedients.

King was well aware of the momentousness of the decision. In *Why We Can't Wait* (1964), his history of the Birmingham campaign, King noted, “We did an audacious thing, something we had never done in any other crusade. We disobeyed a court order.”

The movement had issued a challenge to the courts to recognize that the legal order — the courts, the system of appeals, the judges, and officials in state legislatures and the administrative branches — was incapable of delivering even nominal justice. The question now was how the state would respond.

Walker v. Birmingham

The immediate reaction was mass arrests, which quickly turned into a series of court cases. When these challenges finally started arriving at the Supreme Court, [in 1967](#), they presented a problem for the justices. In prior civil disobedience cases, the Court had ruled that if the underlying city ordinance or segregation statute was unconstitutional, violating those laws was no crime. Two years later, [in 1969](#), the Court would hold that the act of marching without a permit in Birmingham was not illegal, since the permit law was unconstitutionally vague and enforced in a racially discriminatory fashion.

But flouting Judge Jenkins’s injunction was a different matter. In *Walker v. Birmingham* (1967), Justice Potter Stewart wrote that while “the breadth and vagueness of the injunction itself” might be a “constitutional question” subject to debate, the proper venue for that debate was in a court of law. Yet the protesters, Stewart lamented, “did not even attempt to apply to the Alabama courts for an authoritative construction of the ordinance.”

According to Stewart, refusing to challenge the injunction in a court of law was *worse* than the injunction’s potential unconstitutionality, because the protesters were taking the law into their own hands while rejecting the authority of the courts and the state itself. That, of course, *was* King and company’s view, though they claimed that the courts were incapable of administering the law in an impartial and independent fashion, a point the Supreme Court refused to consider. Instead, Stewart cited the Friday press conference, in which the leaders explained why they no longer felt “morally and legally responsible to obey the injunction” as evidence of their contempt for the law and legal process.

The *Walker* ruling was a kind of act of containment. It tried to confine racial injustice and constitutional rot to certain branches of the Alabama state government. The Court refused to see how deeply that injustice and rot affected the entire court system. After the Court handed down its ruling in 1967, King found himself flying on a plane back to Birmingham, preparing to serve out the sentence that had been meted to him and his comrades three years earlier.

We do not normally tell the story of Birmingham as having much to do with Supreme Court. Marches, arrests, protests, jailhouse letters, children, dogs, and firehoses are the stories of Birmingham.

But the Supreme Court needs to be part of the story. Because *Walker* didn't come out of nowhere. King's actions brought to the surface something that had been buried deep in the Supreme Court's institutional memory. In explaining how the ruling was "firmly established by precedents," Justice Stewart's majority opinion revived a piece of legal reasoning the Court had first perfected decades earlier while repressing labor strikes. The lasting significance of *Walker* is not the ruling itself but the historical threads it unintentionally pulled together.

From King to Debs

To find a "firmly established precedent" in *Walker*, the Court reached back nearly fifty years to a little-known 1922 case called [Howat v. Kansas](#). Alexander Howat was an anarcho-syndicalist who led an illegal wildcat strike in Kansas against a mining company. Facing an injunction, Howat and the miners stayed on strike. They didn't bother to appeal the order. "In Howat's view," [historian James Pope](#) writes, "courts, legislatures, and corporations had 'joined together to chain men to their jobs and crush the life out of organized labor of the entire country.'"

The strikers dismissed the courts as a legal authority; judges, they felt, were the tools of employers.

The labor action became what Pope calls a "constitutional strike": rather than appeal the injunction in court, the strikers claimed for themselves a constitutional authority to disobey. The illegal strike was a way of asserting their civil liberties while simultaneously asserting that the courts had lost their legal authority.

Howat's hostility towards the courts was widely shared. Anti-strike injunctions had been a fact of life for decades, so much so that the period between 1894 and 1932 is known as the era of "government by injunction," a phrase coined by socialist leader Eugene Debs. Injunctions turned conflicts between strikers and their employers into [conflicts between workers and the state](#). They gave legal sanction to [violent state repression](#), turning government action against strikes into [wholesale suspensions](#) of basic civil liberties.

Only later, with the Norris-LaGuardia Act (1932) and Wagner Act (1935) — and modest court victories like *NLRB v Jones & Laughlin Steel* (1937) and *Hague v. CIO* (1939) — did workers win some reprieve. [Even then](#), various state agencies continued to constrain labor organizing and strikes.

"Your Civil Liberties," a 1940 pamphlet from the Congress of Industrial Organizations (CIO), publicized a number of these measures. A Milwaukee anti-labor ordinance, for example, proclaimed: "It is hereby made unlawful for any person to circulate or distribute any circular, handbill or other printed matter in or upon any sidewalk, street, alley, wharf boat landing, dock or other public place, park or ground, within the City of Milwaukee." Other ordinances

prohibited assembly, boycotting, picketing, and marching — many of the very same activities that civil rights protesters would later be enjoined from in the South.

Howat was not acting spontaneously nor idiosyncratically when, in 1920, he ignored the courts. He expressed a view shared across labor leaders and the rank-and-file, born of years of experience, that injunctions were the weapon of a class-conscious judiciary defending the interests of employers.

In *Howat v. Kansas*, the Court ruled that regardless of the injunction's constitutionality, the court had the authority to issue it. Disobeying the injunction without first challenging it in court threatened the rule of law. That was the precedent Steward seized on in *Walker*. Citing *Howat*, he declared, "Disobedience of [court injunctions] is contempt of [the court's] lawful authority."

But if *Howat* was the precedent for *Walker*, what was the precedent for *Howat*? Two cases were especially important: *in re Debs* (1895) and *Gompers v. Bucks Stove & Range Co.* (1911). *In re Debs* rose out of the 1894 Pullman Strike, the first major national strike to provoke an injunction, which inaugurated the decades-long use of that tool. Initially, the strike's leader, Eugene Debs, cautioned workers to obey the law and refrain from violence: "We want to win as becomes law-abiding citizens." Soon, however, railroad corporations colluded with US attorney general Richard Olney, a former railroad official, to secure a series of injunctions. President Grover Cleveland sent federal troops to Chicago, and Olney declared martial law from Illinois to California.



Eugene Debs in 1912. Library of Congress

Unable to continue the strike without placing himself and his union in direct conflict with the state, Debs called for a general strike and was arrested for violating the injunction. The Supreme Court ruled that Debs was guilty of putting himself above the law. “Is it to be assumed that these defendants were conducting a rebellion or inaugurating a revolution,” the Court wrote, “and that they and their associates were thus placing themselves beyond the reach of the civil process of the courts?” The answer was yes.

To Debs there was no meaningful “civil process of the courts.” The state, including its courts, had become an instrument of class rule: “The organized forces of society and all the powers of the municipal, State, and Federal governments were arraigned against us.” A year later, he restated his case in a [statement he wrote](#) with Samuel Gompers:

Immense forces [are] held at the call of corporate capital for the subjugation of labor. For years the railroad interests have shown the lawless example of defiance to injunctions . . . They have displayed the utmost contempt for the Inter-State Commerce Law, have avoided its penalties . . . In this disregard of law these corporations have given the greatest impetus to anarchy and lawlessness. Still they did not hesitate, when confronted by outraged labor, to invoke the powers of the State. The Federal Government, backed by United States Marshals, injunctions of the courts, proclamations by the President, and sustained by the bayonets of soldiers and all the civil military machinery of the law, have rallied on the summons of the corporations.

Just as King would point to the segregationists’ unpunished murders and disobedience of desegregation orders, Debs and Gompers pointed to the “anarchy and lawlessness” of corporations as evidence that the legal order bore no relationship to its self-image.

The experience with Pullman and subsequent strikes informed the [otherwise conservative](#) Gompers’s participation in the events leading to *Gompers v. Bucks Stove*, the second precedent for the *Howat* court. Gompers and other leaders of the American Federation of Labor had decided to violate an injunction that, among other things, forbade the use of their national paper to advertise a boycott of the Buck’s Stove company. The injunction even forbade them from making public the text of the injunction.

According to Gompers, “when it comes to the choice between surrendering my rights as a free American citizen or violating the injunction of the courts, I do not hesitate to say that I shall exercise my rights.” Gompers is, for good reason, not normally considered a part of any radical tendency in the US labor movement. It is all the more notable that he nonetheless appears in this story. Even Gompers was willing to disregard legal process, ignore the courts, and endorse the right of workers to act under their own authority.

His actions prompted a lower court judge, whom the Supreme Court would cite approvingly in *Gompers v. Bucks Stove*, to say: “Are controversies to be determined in tribunals formally constituted by the law of the land for that purpose or shall each who falls at odds with another take his own furious way?”

Additionally, the judge claimed, “If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent . . . and what the Constitution now fittingly calls the ‘judicial power of the United States’ would be a mere mockery.” More than the ruling itself, this piece of dicta was what interested the *Howat* court. For that court, Howat was just another labor leader, like Gompers and Debs before him, insolently taking the law into his own hands and undermining state authority.

From King to Howat to Gompers and Debs runs a bright line of legal continuity, judicial anxiety, and radical disobedience. At each moment, the central drama was not disobedience of unjust laws but open challenge to the courts and the state as a whole. These historical figures shared roughly the same sense of why the courts had lost their authority: major portions of the state were in the control of a group who used the legal order to systematically oppress others.

It is well-known that King had a long-standing connection to a labor-civil rights coalition. But this is sometimes taken to be something like a union of separate movements or coalition of alliance of shared interests. The King-Howat-Gompers-Debs connection reminds us how deep the connection runs and how tightly bound it was to a willingness to threaten the state’s authority. None of these historical figures, in the relevant historical moments, set their organizations up as separate states nor announced themselves as “the people” suspending the Constitution to create a new one. They were not, at those moments, revolutionaries. But their disobedience was more fraught and vertiginous than what comes to mind when we think of civil disobedience.

The profound political differences among these figures are also familiar and important to keep in mind. But it is equally important, and even less well-known, that they ended up on the same side of this story regarding the nature and scope of mass disobedience. As we have seen, this is a story that has played such a deep, if poorly understood, role in shaping our public memory, the institutional politics of the court, and the self-understanding of mass movements.

King, Howat, Gompers, and Debs were engaged in a principled rejection of the state’s authority. They created a kind of legal void, an absence of accepted legal authority. They did so because anything less radical failed to measure up to the injustice they faced and the state power arrayed against them.

King Today

King’s connection to the radical wing of the labor movement was not just a matter of the precedent on which he was convicted. At the very moment that Justice Stewart and the *Walker* Court were reaching backward, to the history of labor repression, to send King to jail, King was looking forward, to rehabilitate some of the labor movement’s historic tactics.

He had spent the latter part of 1967 working on the Poor People’s Campaign, which was based on King’s growing awareness that segregation was no mere regional problem to be solved by the

tactics deployed in the South. For King, segregation was a wedge into the systematic injustice of the American political economy as a whole. The scope of the problem called for [new tactics](#):

In the South, a march was a social earthquake; in the North, it is a faint, brief exclamation of protest. Nonviolent protest must now mature to a new level to correspond to heightened black impatience and stiffened white resistance. This higher level is mass civil disobedience.

More than disruption for the sake of disruption, the social earthquake King envisioned had to confront unjust institutions where they were most vulnerable. These new tactics had to be “a force that interrupts [society’s] functioning at some key point.” One such tactic was the mass strike. King found himself, at the end of his life, calling for mass illegal strikes.

Thus King found himself, at the end of his life, calling for mass illegal strikes. On February 4, 1968, only a few months after finishing his prison term in Birmingham, and two months before his assassination, he gave a sermon known as “[The Drum Major Instinct](#).” Speaking of Jesus, King said,

He was only thirty-three when the tide of public opinion turned against him. They called him a rabble-rouser. They called him a troublemaker. They said he was an agitator. He practiced civil disobedience; he broke injunctions. And so he was turned over to his enemies and went through the mockery of a trial.

The speech was a real act of defiance. It wasn’t merely that King was fresh out of jail, having served his post-*Walker*, injunction-related sentence from Birmingham. King was also rallying support for striking sanitation workers in Memphis, who, among other things, were facing an injunction against their pickets and protest marches.

A few weeks later, King addressed the strikers themselves. “And so just as I say, we aren’t going to let any injunction turn us around. We are going on.” He wasn’t just encouraging disobedience, he was urging escalation:

Never forget that freedom is not something that is voluntarily given by the oppressor. It is something that must be demanded by the oppressed . . . If we are going to get equality, if we are going to get adequate wages, we are going to have to struggle for it. Now you know what? You may have to escalate the struggle a bit . . . just have a *general work stoppage* in the city of Memphis.

King even saw the general strike as a [kick-off event](#) for the Poor People’s Campaign itself.

King was assassinated in Memphis a few weeks later, calling for mass civil disobedience in the form of a general strike. That is the real King. The radical King. The unpopular King. The person to celebrate and commemorate.

3. Some Follow-Up Thoughts For Further Reflection and Discussion:

Is the following argument sound? If so, why? If not, why not?

1. By *violence*, we mean *the use of actually or potentially destructive force*, and by *nonviolence* we mean *the refusal to use actually or potentially destructive force*.
2. Violence with respect to people is rarely if ever rationally or morally justified; indeed, except in last-resort cases of self-defense against violent attack or in order to protect the innocent from violent attack, universal nonviolence with respect to people is rationally justified and morally obligatory.
3. Nevertheless, sometimes it is not only permissible, but even rationally justified and morally obligatory, to be nonviolent with respect to *people* yet also violent with respect to *private property*, if the relevant private property represents a basic and widespread source of violations of respect for universal human dignity—for example, if it's private property owned by big-capitalist conglomerates or corporations, that expresses and implements an inherently oppressive social system, such as the symbiotic combination of *racism, big capitalism, and the coercive authoritarianism of the State (e.g., of the police and the legal justice system of mass incarceration)*—and the purpose of the violence with respect private property of this kind is solely to change this inherently oppressive social system into something fundamentally better, in that it sufficiently respects universal human dignity.
4. Martin Luther King Jr (henceforth MLK), argues that massive nonviolent (with respect to people) civil disobedience is required in order to effect fundamental social change for the better in inherently oppressive social systems, and also that this nonviolent civil disobedience can include “direct action” such as the disruption of the daily operations of the inherently oppressive symbiotic social system of racism, big capitalism, and the coercive authoritarianism of the State, perhaps even including violence with respect to private property owned by big-capitalist conglomerates or corporations.
5. Although MLK does not explicitly draw this distinction, there is nevertheless a basic difference between (i) *coercion*, which is either (ia) imposing or threatening to impose violence on people or (ib) imposing or threatening to impose salient although nonviolent harms on people, in order to compel those people to do various things, or heed various commands or

demands, in order to bring about egoistic or publicly beneficial ends of the coercer, (ii) *noncoercion*, which is the refusal to engage in coercion.

6. Since coercion treats other people as mere means or mere things, and not as persons with dignity, it violates sufficient respect for human dignity; hence all coercion is rationally unjustified and immoral, *even if* it is beneficial for many people.
7. So only *nonviolent (with respect to people), noncoercive civil disobedience* is rationally justified and morally acceptable for the purposes of effecting fundamental social change for the better in inherently oppressive social systems, and *only nonviolent (with respect to people), noncoercive civil disobedient “direct action” or “disruption”* is fully consistent with MLK’s overall moral and political philosophy.
8. Therefore, although MLK was a *serious* radical—indeed, he was an *anarcho-socialist*, since political anarchism is just a generalization of civil disobedience which says that we’re *always* permitted or obligated to disobey the coercive authoritarian commands of the State *whenever* those commands are rationally unjustified and immoral, hence the State as such, as inherently coercive and authoritarian, has no genuine rational and moral legitimacy—he was not a *dangerous* radical, except insofar as he peacefully but also rebelliously challenged the oppression of racists, big capitalists, and coercive authoritarian Statists.

4. One Link For Supplementary Reading:

[The Political Philosophy of Martin Luther King Jr](#)

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