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**Abstract:** Martin Luther King, Jr.'s 'Letter from a Birmingham Jail' has been canonized as an essential statement of the political theory of civil disobedience. This article examines the early reception of King's essay and the development of the liberal idea of civil disobedience it has become synonymous with to argue that its canonization coincided with, and displaced, the radicalization of King's developing thinking about disobedience. It examines published and archival writings from 1965 through 1968 to reconstruct King's power-oriented theory of "mass" civil disobedience as it developed in response to the dual challenges of white backlash and Black Power. The basic challenge of mass civil disobedience is how to mobilize liberating acts of taking power without undercutting the possibility of transformative integration through sharing power. To articulate this dilemma, this article draws on an under-theorized category from Rawls' *A Theory of Justice* to conceptualize mass civil disobedience as a practice of militant love.

**Keywords:** King, Martin Luther; civil disobedience; nonviolence; power; civil rights

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Martin Luther King, Jr.'s 'Letter from a Birmingham Jail' has been canonized as an essential document of western political thought alongside Plato's *Republic* and John Locke's *Second Treatise on Government*. Through the labors of a generation of political philosophers and jurists who brought the study of civil disobedience from the streets to the seminar room in the 1960s and 70s, King's essay became a powerful expression of the idea that civil disobedience, properly understood, can strengthen the rule of law rather than undermine it. At the same time, its canonization has disseminated an incomplete understanding of the historical practice of the civil rights movement and the continuing development of King's complex thoughts on the politics of nonviolent direct action. Just as scholars began to turn to King's essay as a source for theorizing

civil disobedience as a form of legal appeal, the urgencies of political action pushed King's own reflections on disobedience in a bolder, more radical direction.

In August 1965, five days after President Johnson signed the Voting Rights Act into law, riots erupted in Los Angeles. King saw these climactic days as signaling the close of one period of the civil rights struggle and the beginning of the next: "The flames of Watts illuminated more than the western sky; they cast light on the imperfections of the civil rights movement and the tragic shallowness of white racial policy in the explosive ghettos" (King 1986, 189). These imperfections became increasingly manifest the subsequent year with the critical failure of the Chicago Freedom Movement's campaign to dramatize the problems of segregated housing and ghetto poverty. The Southern Christian Leadership Conference's strategy of dramatic nonviolent demonstrations faced profound challenges in these years from, on the one hand, conservative counter-revolution under the banner of law and order and, on the other, calls for Black Power transforming the freedom struggle. Nonviolence was in crisis. Backlash and riots exposed how the "mechanical application" of the tactics of civil disobedience that had proven so successful in Birmingham and Selma had become "unsound" in the North, King conceded (n.d.e, 5). His response to this impasse was to reimagine the theory and practice of civil disobedience. "Nonviolent protest must now mature to a new level corresponding to heightened black impatience and stiffened white resistance," King announced in 1968. "This higher level is mass civil disobedience" (2010c, 15).

Contemporaneously, liberal scholars in law schools and philosophy departments were attempting to defend the moral gains of the civil rights movement from the charges that it was undermining respect for the rule of law by recasting the argument of 'Letter from a Birmingham Jail' in more rigorous analytical terms. Originally published to little fanfare, King's letter was widely republished by in the wake of the March on Washington and celebrated as "a classic

expression of the Negro revolution of 1963” (*Time* 1964, 21; cf. Reiter 2013, 157-8). Liberal scholars created space for civil disobedience within the constitutional framework of the United States by recasting King’s argument in color-blind terms that presumed the fundamental justice of the existing legal and political order. Recent scholarship on civil disobedience has stressed the conservatism of this influential liberal discourse of civil disobedience (Celikates 2016; Scheuerman 2018, 132-54; Delmas 2018, 21-46). At best, its critics charge, the legal idioms of these liberal theories constitute “politically tamed restatements” of King’s radicalism and the militancy of the era’s civil rights agitation (Scheuerman 2015, 436). At worst, they conscript the civil rights movement to a “counterintuitive strain of American exceptionalism” that obscures the structural nature of racial oppression and its afterlife beyond 1965 (Sitze 2013, xxv). By diminishing the scope of American racism, this narrative of constitutional progress depoliticizes the past and disfigures the present, with the result that contemporary protest movements against state violence and racial oppression are chastised for failing to abide the strictures of properly civil practices of disobedience supposedly exemplified by a sanitized portrayal of King and the civil rights generation (Hooker 2016; Theoharis 2018, 3-30).

Conspicuously absent from these constitutional theories of disobedience, moreover, is the challenge of mobilizing power without violence. In these final years, King came to conceptualize the basic challenge facing the civil rights movement as one of organizing the scarce ideological, political, and economic resources of the poor to exert power over the federal government and a recalcitrant white majority (Jackson 2007). “To produce change,” King observes, “people must be organized to work together in units of power” (2010d, 139). The spectacular protests at Birmingham and Selma had been too spontaneous, he conceded, and failed to cohere into a viable counter-power to the white power structure (2010d, 145). The struggle for power, however, was never a question of control alone. To borrow a distinction commonly credited to Mary Parker

Follett, the challenge of exercising *power over* the white majority as inseparable from that of developing the capacity to share *power with* them. Power as control is only ever a fragile achievement if it not grounded in mutual consent. “Genuine control,” Follett observes of these two faces of power, “is activity between, not influence over” (1924, 186). King’s late remarks on mass civil disobedience represent an attempt to unite these two faces of power in the face of growing black skepticism about nonviolence and white resistance to demands for equality. The basic challenge of mass disobedience, in other words, is mobilizing liberating acts of *taking power* without undercutting the possibility of transformative integration through *sharing power*. Or, to put it in King’s own idioms, mass civil disobedience takes place at the intersection of love and power.

Love is a source of some anxiety for political theorists. It is often denigrated as a private feeling either too sentimental or too otherworldly to confront the tragic conflicts of politics. King’s political theology of love resists these familiar connotations. *Agape* is no feeling or “emotional bosh,” he explains; it is “the love of God operating in the human heart” (King 1986, 335; 2010a, 93). To love as God does is to acknowledge human interdependence and to strive for mutual freedom. Love as interdependence and power as integration together represent the spiritual and political dimensions of the radical conception of freedom at the core of King’s political thought. The mutuality of love and power, moreover, frames King’s late analysis of oppression and disobedience. In contrast to his liberal interpreters who conceive of civil disobedience as a form of constitutional appeal taking place against the backdrop of a *nearly just* society, love and power orient disobedience in a *deeply*, although not *absolutely*, unjust society where there is no obligation to abide by the terms of civility but neither ought political action undercut the possibility of democratic repair and renewal.

This paper examines published and unpublished materials to critically reconstruct the late, power-oriented theory of mass civil disobedience King began to articulate in his final years. The qualifier “late” is meant to mark continuity and innovation in King’s political thought, not dramatic rupture. The liberal canonization of ‘Letter from a Birmingham Jail’ represents a profound misreading of King’s letter yet some elements of King’s political theory of disobedience are captured in this distorted mirror, although precisely those elements that King himself was revising as he confronted the problem of power. As Brandon Terry observes, King’s thinking in the wake of Birmingham was marked by a growing realism concerning the role of coercion in nonviolent direct action (2018, 305). The emphasis on hypocrisy and shame that defined King’s account of nonviolent persuasion in the 1950s increasingly gave way to an embrace of disruption and compulsion. Ethical appeals alone, he now argued, “must be undergirded by some form of constructive coercive power” (2010d, 137). Related is a growing distrust of the state’s commitment to the program for racial equality. Finally, waves of urban unrest spreading across the country reoriented King’s view of the relationship between civil disobedience and rioting. As conservative backlash came to cement the idea that civil disobedience leads to riots and lawlessness, King stood apart from others in the civil rights movement and the Johnson administration who implicitly affirmed this conservative portrayal of urban uprisings as merely criminal and apolitical (Flamm 2005; Weaver 2007). On his developing view, ghettos illustrated the problem of power rather than disrespect for law. Urban disorders were acts of political resistance against domination that could be transformed into real social power by channeling them into mass nonviolent direct action. Reading King’s best known works, like *Where do We Go From Here?*, in a broader historical context outlined by his unpublished speeches and movement documents reveals not only a radical King, as much recent scholarship has sought to recuperate, but a militant theory of nonviolence that resists the domesticated portrayals of civil disobedience.

The argument of this article proceeds in five sections. The first reviews the emergence of liberal discourses of civil disobedience as a form of constitutional dissent that have become synonymous with the civil rights movement. The ideological dimensions of these liberal theories are considered in the second section through an account of King's turn to power. Opposition to civil rights agitation pushed King to conceptualize civil disobedience beyond liberal terms as a way of coercing the white power structure. The third section discusses the oppression of powerlessness and the relationship between power and freedom. King's account of ghetto oppression and resistance portrays the unauthorized experience of taking power as enacting a crucial aspect of self-rule that cannot be addressed by control alone. The challenge facing mass civil disobedience is how to discipline rioting's spontaneous enactment of freedom into a nonviolent source of collective resistance. The final section addresses the role of love in reconciling the two faces of power as control and power as integration. To conceptualize the impossible dilemma King faced in articulating a nonviolent politics that negotiated the challenge of taking power without undercutting the possibility of sharing power with the hostile white majority, I turn to an under-theorized category from John Rawls's *A Theory of Justice*. While Rawls seeks to conscript King into the constitutional terms of his liberal theory of disobedience, his text offers a more fitting framework for conceptualizing the problem space of mass civil disobedience as a case of militant action in a deeply unjust society.

### **Constitutionalizing Civil Disobedience**

Civil disobedience became a topic of national discussion in 1960 when African-American students launched a campaign of sit-in protests in segregated restaurants and department stores across the South. Public concern with the legitimacy of these bold new forms of nonviolent protest intensified the following year when interracial groups of activists boarded buses headed to the deep South in order to challenge the constitutional legitimacy of segregation in interstate travel. Dramatic media

images of nonviolent activists passively enduring brutal violence at the hands of white mobs in Alabama sparked the beginnings of a scholarly search for a theory of civil disobedience adequate to justify these seemingly just, yet technically illegal, acts. On a panel titled ‘Political Obligation and Civil Disobedience’ at the 1961 meeting of the American Philosophical Association, speakers expressed ambivalence about the possibility of such a defensible moral theory. Hugo Bedau argued that civil disobedience may be morally beneficial but no principles alone can adequately distinguish it from other modes of law breaking. It is “a regrettable failure on the part of dissenting minorities,” Bedau concludes, that they have not provided a fuller account of “those situations in which civil disobedience might have some chance of success” (1961, 665).

It is in this context that King’s 1963 ‘Letter from a Birmingham Jail’ was taken up as the philosophical statement the student movement lacked. King’s epistle appealed to the authority of philosophical giants the likes of Socrates, Augustine, and Thomas Aquinas to argue that white critics of the SCLC’s campaign to desegregate Birmingham confuse facts with norms when they conflate legality with legitimacy. “One may well ask, ‘how can you advocate breaking some laws and obeying others?’,” he writes. “The answer is found in the fact that there are two types of laws: there are *just* and there are *unjust* laws” (King 1986, 293; italics in original). Just laws are positive codes that accord with “the moral law or the law of God” (ibid.). Unjust laws are laws that “are out of harmony” with these higher laws. Where justice “uplifts human personality,” injustice degrades it (ibid.). Segregation, as a system of unjust laws, is therefore not simply politically and economically unsound but “morally wrong and sinful” (ibid.). There is no moral wrong in violating unjust laws because there can be no moral obligation to comply with immoral commands. Disobedience to unjust law is a duty of obedience to God’s higher law.

King’s appeal to higher law is at once a philosophical claim and a political tactic. Philosophically, it offers a moral point of view that legitimates illegal acts of protest while

challenging the legitimacy of legal codes upholding segregation. Politically, it stakes a strategic distinction between unlawful protest against segregation and massive resistance to court-ordered integration. Southern officials resisting desegregation were, no less than civil rights activists, violating legal commands they judged unjust. King draws a moral distinction between these two forms of lawbreaking by framing civil rights agitation as doing so in a way that expresses “highest respect for law” (1984, 294). Civil disobedience that breaks the law “openly, lovingly” accepts legal punishment in order to “arouse the conscience of the community” concerning injustice in need of redress (ibid). Like Socrates, civil rights activists are “nonviolent gadflies” who awaken the public to the injustice of segregation and restore the Christian brotherhood of a beloved community sundered by human laws out of harmony with divine law (ibid).

King’s defense of civil disobedience quickly became a topic of intense scholarly debate. At a May 1963 meeting of the New York University Institute of Philosophy, just as the Birmingham campaign was coming to a settlement, the legal scholar Wolfgang Friedmann offered the earliest philosophical interrogation of King’s natural law justification of disobedience (1964). Philosophers sympathetic with the civil rights movement found King’s letter moving even as they argued that its appeal to divine law was unsustainable. Fortunately, as Carl Cohen explained in an early symposium on civil disobedience, King’s appeal to higher law “may prove entirely defensible on wholly empirical, but less dramatic, grounds” (1966, 12). In the years following the Birmingham campaign, scholars reoriented King’s defense of civil disobedience in terms of constitutional law. They argued that conscientious and nonviolent acts of lawbreaking can be justified as a means of initiating judicial review of laws suspected of violating constitutionally protected rights. As Alexander Bickel observed, the United States’ federal system of higher and lower sovereignties means “some flouting of the local law, aimed at provoking action by the higher sovereignty, is virtually invited” (1965, 79). Conceptualizing morally-motivated law breaking as



an appeal to higher constitutional authority provided a firmer normative foundation for civil disobedience than King's religious language while still tracking the civil rights movement's strategic concern with federal enforcement of constitutional protections in the South. Notably these attempts at securing the philosophical foundations of King's letter involved shifting its political focus. In the place of King's stinging rebuke of white moderates who value order over justice, these liberal accounts attempted to square the circle of order and justice. In doing so, they tacitly accepted the premises of the conservative critique of disobedience as breeding disorder and, with it, the criminalization of black protests that fell outside the bounds of civility (Pineda 2015).

The most sophisticated and enduring statement of the constitutionalization of civil disobedience remains an essay delivered by John Rawls at the 1966 meeting of the American Political Science Association (Rawls n.d.a).<sup>1</sup> Rawls's essay outlines a political defense of civil disobedience as "a stabilizing device in a constitutional regime, tending to make it more firmly just" (Rawls 1969, 251). Central to the argument is the caveat that its defense of morally-motivated law breaking presumes a "reasonably just" society where, due to the imperfect procedural justice of majority rule, laws are sometimes passed that deviate from the society's ultimate constitutional principles (1969, 240). Minorities who believe that laws deviate unreasonably from these principles may be justified in exercising civil disobedience, understood as a form of public speech, to address the majority's sense of justice and "urge reconsideration" of legal enactments (ibid). In doing so, they exercise of a sort of constitutional check on the power of the democratic majority analogous to judicial review (cf. Dworkin 1977, 206-223). Grounding the authority of civil disobedience in impartial constitutional principles strips it of its parochial religious character and shows how "disobedience to law" can be justified "within the limits of fidelity to law" (1969, 247).

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<sup>1</sup> Published with minor revisions as Rawls 1969. All citations refer to the published version.

Rawls's essay on civil disobedience contains no references to the civil rights movement but his remaining research notes reveal the imprint of current events on his account. In one set of notes on the lunch counter sit-ins, Rawls writes that "because our Constitution is just" civil disobedience can be interpreted "as an appeal to the Constitution itself." Student protest in the South aims only to appeal "to law against itself... it does not seek to revise fundamental law but to see it enforced" (n.d.b, 1-2 underscoring in original). One trace of this context shine through in a footnote appended to the expanded version of the essay on disobedience published in *A Theory of Justice* which Rawls describes as setting the "sort of conception" proposed by King's 'Letter from a Birmingham Jail' "into a wider framework" (1999, 320n19). By the time of his later *Political Liberalism*, Rawls is even more explicit in conscripting the civil rights movement to the terms of the United States' constitutional order. King's prophetic language should rightly be considered a permissible use of public reason because its appeal to divine law is in fact only appeal "to the political values expressed in the Constitution correctly understood" (Rawls 1996, 250). The profound influence of Rawls's texts on the development of liberal political philosophy over the last fifty years has brought with it this particular constitutional understanding of both King and civil disobedience. Civil disobedience is theorized as a dramatic but legitimate form of public reasoning over constitutional principles amongst democratic citizens. John Dryzek illustrates this legacy in contemporary liberal political thought when he upholds King as a model deliberative citizen who fought against injustice by appealing to "the place of the Declaration of Independence and the Constitution in the *hearts* of white Americans" (2000, 52; italics in original).

The ideal theory of constitutional civil disobedience constructed during these years has become virtuously synonymous with King's 'Letter from a Birmingham Jail'. This is not without good reason. King frequently framed the justification of civil rights agitation in just such constitutional terms, particularly when addressing white audiences. As he told the American

Jewish Congress, civil rights protests belong so squarely within the nation's constitutional framework they should not even be considered disobedience (King n.d.a, 4). Yet reducing King's argument to these terms obscures a broader conception of civil disobedience as a weapon wielded to paralyze "the power structures against which it was directed" (2010b, 36). Charles Mills (2017, 9) warns that political philosophy's flight to ideal theory displaces the perspectives of people of color and instead reflects the experiences and privileges of white professionals. Ideal theories that bracket out people of color's analyses of how racism and oppression operate in non-ideal contexts often produce representations of the social order that unwittingly serve to rationalize existing constellations of power.

Three examples of such white ideology built in to the constitutional theory of civil disobedience handed down from this literature stand out. The first is the notion that civil rights agitation in the 1960s took place against the background of what Rawls calls a "nearly just" constitutional society. Civil disobedience is a defensive measure meant to correct deviations from a just social order rather than an offensive tactic aiming to transform that order itself. The second is the notion that the power of civil disobedience lies in its persuasive appeal to the majority's sense of justice. While disobedience "may warn and admonish," Rawls explains, "it is not itself a threat" (1999, 322). The third is the notion that desegregation was singularly a project of winning basic rights protections. The first idealization involves a slight of hand that reduces anti-black racism to a merely accidental feature of American political development; the second frames the conscientious white majority as the ultimate agents of social change; the third prioritizes political rights over material relations of power to argue, as Rawls does, that so long as individual rights are respected "other injustices, while possibly persistent and significant, will not get out of hand" (1999, 327).

In 1964, King republished the ‘Letter from a Birmingham Jail’ in *Why We Can’t Wait*. Reading the letter in the context of the book’s broader argument about the meaning of the civil rights struggle reveals a bolder vision of disobedience and racial justice than Rawls and other liberal interpreters suggest. The “malignant kindship” of color and class represent interlocking sources of domination (2010b, 16). The struggle for civil rights was never isolated from demands for fair employment, quality housing, and redistribution. White supremacy, moreover, was never simply a regional deviation in an otherwise just society but a national and international crisis. Yet for all its distortions, the liberal theory of disobedience rightly captures a certain ambivalence in King’s account of the power of nonviolence. From the Montgomery bus boycott to Project C in Birmingham, King equivocated about the coercive face of disobedience. These campaigns sought to compel the white power structure to negotiate yet King insisted on the essentially persuasive character of nonviolence. “Our method will be that of persuasion, not coercion” he writes at one point. “We will only say to the people, ‘Let your conscience be your guide’” (2010a, 51). Behind this ambivalence was a faith in the idea that the white majority and the state could ultimately be moved through appeal to their conscience. King never abandoned this faith but the spectacular confrontations of the Birmingham campaign, and the retaliatory violence that followed in its wake, mark a tipping point in his reluctance to affirm the coercive face of nonviolence. This emerging late theory of mass civil disobedience, we turn to now, confronts the interdependence of love and power in a way that explodes what remains of the constitutional commitments of his earlier thinking. More urgent than fidelity to the constitution is the fact “that the Movement must address itself to the restructuring of the whole of American society” (King n.d.c, 18; cf. King 2010d, 141).

### **Experiments with Power**

The month before Rawls first delivered his essay, King was laying out a radically different account of civil disobedience. His 1966 presidential report to the SCLC outlined the challenges facing “a

new era” of the civil rights struggle (King n.d.b, 4). After a decade of gains dismantling legal segregation in southern states, the movement faced the question of how to extend the struggle for equality into northern ghettos. Challenging clear violations of constitutional rights in the South only demanded “potential power” to rouse the conscientious public to action. The entrenched economic interests sustaining structures of racial inequality in the North, from the Democratic Party machine to municipal zoning boards to the real estate industry, by contrast, must be confronted by “actual power” (King n.d.b, 20). King offers the labor action that rocked the airline industry that summer as an example of power actualized. The International Association of Machinists organized a work stoppage by some thirty-five thousand employees at five major carriers. The forty-three day strike paralyzed domestic air travel. The economic and logistical costs of the disruption forced the industry to concede to a substantial wage increase and won the first multi-carrier contract (Walsh 2015). King upholds the power of organized mass action to coerce employers and the federal government to concede to changes they oppose as a model to replicate. “So far our work is but an experiment with power, as Ghandi [*sic*] called his work an experiment with truth,” King concludes. “There is no contradiction in these two in-so-far as our work grows from a commitment to the philosophy of nonviolence” (n.d.b, 23).

This turn to power reflects the movement’s encounter with an intensified form of white resistance ironically linked to the representation of the civil rights movement as a distinctively constitutional struggle. The passage of the Voting Rights Act signaled the completion of the civil rights era to many sympathetic white observers. The system of segregated public spaces and political disenfranchisement that had ruled the South since its triumph over Reconstruction had been morally delegitimized through nonviolent protest and legally dismantled by the federal government. With the imperfections of a well-ordered society corrected by the Voting Rights Act, as Rawls might put it, there was simply no further justification for the sort of dramatic civil

disobedience the movement had become synonymous with. SCLC marches against black poverty and ghetto housing in Chicago in the summer of 1966 faced the same white rage and violence prior demonstrations encountered in the South but without catalyzing the same moral outrage. As Vesla Weaver (2007) argues, conservative “frontlash” against civil rights forged a durable connection between black activism and criminality in public perceptions of protest. Civil disobedience was increasingly seen as leading to lawlessness and riots. One effect of this discourse of law and order was to set a trap for liberals who now had to defend civil rights activism by distinguishing it from crime and lawlessness, thereby affirming a conservative framing that racialized crime and depoliticized dissent that fell outside narrow constitutional boundaries.

One response to this conservative reframing was to distance the movement from street protests. Bayard Rustin argued that the protests of the early 1960s “hit Jim Crow precisely where it was most anachronistic, dispensable, and vulnerable – in hotels, lunch counters, terminals, libraries, swimming pools and the like” (2015, 116). These were services peripheral to the economic and political structure of white supremacy. Pushing beyond these token accomplishments meant demanding secure jobs and better wages. Protests, however, were no longer of use in achieving this goal. The civil rights movement ought instead focus on political action to remake these institutions by building a radical coalition within the Democratic Party. But just as Rustin was advocating a turn towards electoral politics, the freedom struggle was moving in the other direction. The refusal to seat the Mississippi Democratic Freedom Party at the 1964 Democratic National Convention signaled to a younger generation of activists that the white power structure blocked any possible nonviolent avenue to racial equality. In their place, black nationalists looked to armed liberation struggles in Algeria and Vietnam for militant models of emancipation.

King's presidential report strikes a path between the Scylla of electoral politics and the Charybdis of guerrilla warfare. The poverty, exploitation, and slum housing of northern ghettos illustrate the urgency of pushing the movement's demands beyond rights claims to attack the economic basis of inequality. Protests alone are not sufficient for this task of radically restructuring the American economy, yet neither can they be put aside. With Rustin, King agrees that any substantial redistribution of wealth would require mobilizing the full force of the federal government. But when the state lacks the will to promote black freedom, it must be forced to do so through campaigns of militant nonviolence. King observes in an internal SCLC memo, "Neither our government nor any government that has sanctioned a century of denial can be depicted as ardent and impatient to bestow gifts of freedom" (n.d.d, 2). Nonviolent direct action has a crucial role to play in forcing government action, yet the movement has to rethink both the means and meaning of mass civil disobedience.

1967's *Where Do We Go from Here?* offers King's clearest analysis of these challenges facing the freedom struggle in the wake of its dramatic legal gains. The book is noteworthy for its depiction of the radically non-ideal prospects for civil disobedience in contrast to the idealizing presumptions of the constitutional theories of disobedience. "Negro demands that yesterday evoked admiration and support, today – to many – have become tiresome, unwarranted and a disturbance to the enjoyment of life," he writes. "Cries of Black Power and riots are not the causes of white resistance, they are consequences of it" (2010d, 12). White sympathy for the civil rights movement was premised on a thin and stingy idea of equality as mere decency. What passionate but constrained support even this bare notion of decency could muster quickly evaporated once whites discovered that the movement held a more robust vision of social equality that posed a direct threat to their material interests.

The book's emphasis on the need for power in this context reflects King's repudiation of three ideological pillars of these constitutional theories. The first is the presumption that the notion of a reasonably but imperfectly just society can be meaningfully applied to the United States. King's account of the practice of American legal reform offers a damning indictment of this idealized presentation. "The legal structures have in practice proved to be neither structure nor laws" (King 2010d, 10). The very same constitutional order that is meant to provide a path to law's self-correction also provides ample means for conservatives in Congress and state governments to resist enforcement of court decisions. The color-blindness of ideal theory has no way to see the racialized asymmetries of power when political struggle is reduced to contractual terms. The belief that "American society is essentially hospitable to fair play" and steadily progressing towards racial harmony is a "fantasy of self-deception and comfortable vanity" (2010d, 5).

The intensifying law and order resistance to civil rights activism punctures the other illusions of ideal theory as well: that democratic majorities in a well-ordered society are sincerely committed to equality, and that the struggle for civil rights can be meaningfully conducted without a radical challenge to the economic order. White resistance to economic redistribution beyond the formal desegregation of employment opportunities revealed that the majority "are uneasy with injustice but unwilling yet to pay a significant price to eradicate it." (2010d, 12). Their sense of justice finds its limits in their economic self-interest. After three hundred years of racial domination, white Americans are "not even psychologically organized" to confront the contradiction between their political ideals and the racial organization of their society (2010d, 8). It therefore falls on African Americans to liberate themselves. "The Negro will only be truly free when he reaches down to the inner depths of his own assertive selfhood and signs his own emancipation proclamation" (2010d, 44). Freedom is not given by the oppressor; it must be taken by the oppressed.



King concludes from this appraisal that civil disobedience must become a form of political action that does more than appeal to legal authority or white conscience alone. Economic justice takes the movement out of “the realm of constitutional rights” where it won its early victories into a new terrain “where the voice of the Constitution is unclear” (2010d, 138). In this realm beyond law moral appeals to public opinion remain important, but it is a mistake to believe that persuasion alone can be effective without the backing of nonviolent coercion. White America will never grant African Americans equal rights “unless it is coerced into doing it” (2010d, 96). The white power structure must be made to bend to the freedom movement’s demands where the law is blind and the majority is deaf. The Poor People’s Campaign embodied this new vision of civil disobedience as power actualized. Like the airline strike, it aimed to mobilize mass non-cooperation to force the federal government to invest billions of dollars into poverty relief, job programs, and affordable housing. The campaign proposed to channel the explosive rage of the ghettos into coordinated mass civil disobedience. As King explained to the press, the idea behind the campaign is to “forcefully to cripple the operations of an oppressive society” by organizing a million poor and working people to march on the capital and engage in sit-ins at the Department of Labor, blockade entrances to factories, and lead boycotts of schools (*U.S. News and World Report* 1967, 10). Mass civil disobedience “will so tie that town up, that it won’t be able to function” (King n.d.g, 5).

### **Power, Oppression, and Freedom**

These descriptions of the Poor People’s Campaign frame power as the capacity to control the actions of others. In his 1966 president’s report, King approvingly quotes Walter Reuther’s definition of power as “the ability to make the largest corporation in the world, General Motors, say yes when they wanted to say no” (n.d.b, 20). The power of mass civil disobedience exceeds this narrow definition, however. The power to exercise *control over* is intertwined with that of enacting shared *power with*. “In America Freedom and Power are inextricably bound,” King

continues. “One cannot be free without power and there can be now power without freedom to decide for oneself” (n.d.b, 21). Powerlessness is not simply a lack of control; it denotes a lack of participatory involvement in the decisions shaping one’s life. Seizing power for the powerless is therefore Janus-faced. Disobedient acts of taking power are means to freedom because they enact the end of equal power and mutual recognition activists seek.

Exporting nonviolent civil disobedience to northern cities posed unanticipated challenges for King’s earlier views on the force of mass protest. “We spent ten years in the South using new tactics of nonviolence that were successful,” King writes. “But in the Northern cities, with time running out, we failed to achieve creative methods of work. As a result, a desperate, essentially leaderless mass of people acted with violence and without a program” (n.d.e, 4). To King, Chicago’s “leaderless mass” embodied the limits of the movement’s earlier phase. Civil rights gains had largely been limited to the black middle class and had little to offer the working poor. The urban poor, after years of civil rights agitation in the face of the more polite white power structure of the North had proved futile, came to look skeptically on the SCLC’s message of love and nonviolence. Rioting replaced *satyagraha* as the preeminent expression of black protest in the shadow of Watts. The case for mass civil disobedience in this context became a matter not of moral philosophy but a matter of outlining a viable alternative tactic to rioting.

King sometimes characterizes urban rioting in dismissive custodial. A riot is “an irrational burst of rage” afflicting the poor who act like “little children” without self-control (King, 2010d, 2, 120). This dismissive language is in tension with King’s deeper analysis of powerlessness as the ultimate cause of urban violence, however. Powerlessness is an effect of structural oppression. As Iris Marion Young describes this face of oppression, the powerless “are those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them” (Young 1990, 56). To be in a relationship of powerlessness is

to be subject to disrespect and inhibited in the development of one's capacities. "From the old plantations of the South to the newer ghettos of the North, the Negro has been confined to a life of voicelessness and powerlessness," King argues. "Stripped of the right to make decisions concerning his life and destiny, he has been subject to the authoritarian and sometimes whimsical decisions of the white power structure" (King 2010d, 37). Rioting is both a symptom of and response to the oppression of powerlessness. As symptom, the fires sweeping through American cities dramatically illustrate the lack of political channels and economic opportunities available to the ghetto poor. As response, they are demands for power denied. Rioting is therefore not merely an emotional outburst or the work of criminal elements; it is a political act of the powerless "so fed up with the powerlessness of his cave existence that he asserts that he would rather be dead than ignored" (2010d, 119-20).

The powerless' violent cries for power are therefore political demands for freedom. "Our movement was the Freedom Struggle," King explains. "Implied in the concept of freedom, however, is the right of self-determination; and self-determination for an oppressed people requires power" (n.d.b, 21). King's writings invoke multiple languages of freedom but seldom pause to dwell on the concept's meaning (King 1992, 87-107). An important exception is a 1962 speech, 'The Ethical Imperative of Integration,' where he argues that the urgency of legal desegregation should not distract the movement from the fact that legal gains represent "only a first step" towards real emancipation, "the freedom of the whole man" (King 1986, 118, 120). The speech offers a perfectionist vision of freedom as the development and enjoyment of "one's capacity to deliberate, decide and respond": deliberation, because it is the exercise of our rational faculties; decision because it is an act of autonomous self-determination; and response because the capacities for rational autonomy develop through social relations marked by equality and mutual recognition (2010d, 120). Integration here is not merely accommodation by the white middle class, as King's

critics often charged. Rather, it names a conception of freedom synonymous with what feminists call relational autonomy, the “capacity to engage in ongoing, interactive creation of ourselves – our relational selves that are constituted, yet not determined, by the web of nested relations within which we live” (Nedelsky 2011, 45). Segregation severs this web. It isolates and closes off spaces for exercising deliberation, decision, and responsiveness over matters of vital concern, stunting the development of these relational capacities for self-creation. This is what King means in ‘Letter from a Birmingham Jail’ when he defines an unjust law as one that “degrades human personality” by distorting an “I-thou” relationship into one between an I and an “it” (King 1986, 293). Passages of this earlier speech are reproduced verbatim throughout *Where Do We Go from Here?*

King’s analysis of powerlessness draws out the demanding political and economic entailments of this vision of freedom. Mutuality in freedom is empty without mutuality in power. “What is necessary now is to see integration in political terms where there is a sharing of power. We don’t want to be integrated *out* of power; we want to be integrated *into* power” (King 1986, 666). Politically, this involves organizing an insurgent black voter base to break the Dixiecrat hold on Congress and elect black representatives in their place. Economically, it means abolition of ghettos and freedom from exploitation. King argues for a democratization of the states’ redistribution of wealth in the form of a massive transfer of wealth to African Americans and a guaranteed basic income for all Americans. The “rallying cry of our generation” ought to be “the actualization of power for people to participate in the decision which govern their lives” (King n.d.b, 22). Freedom now is an empty slogan absent a robust vision of social democracy.

Freedom, however, is not an end for which power is only a means. Here we touch on another aspect of King’s political thought obscured by its constitutional codification: the interdependence of ends and means. Ends are not abstract principles regulating conduct from an ideal point of view; they are ideals immanent to the political practices embodying them. The

powerless, to genuinely share power, must become the agents of their own empowerment. King outlines two reasons for this. The first is the insufficiency of appeals to white conscience. Intensifying hostility to civil rights agitation demonstrated that whites are not ready to voluntarily forfeit the privileges they enjoy. The second concerns the oppression of powerlessness itself. Norms, laws, and institutions that close down channels for self-rule thwart the development of the oppressed's capacities to deliberate, decide, and respond. Power is not simply an instrumental good to protect these capacities; participating in the collective exercise of power is both a means and end of their development. Self-assertion, as involvement, is therefore a "positive and necessary power for black people" in the face of white society's denial of their full humanity (King 2010d, 45). Taking power in advance of the rules that might authorize it is, as Bonnie Honig argues, "a quintessentially democratic practice" of redefining the terms of who is worthy to possess it (2001, 99).

The continuity of means and ends informs King's interpretation of rioting as a spontaneous form of political resistance rather than black criminality. The poor steal or destroy property because it reflects the affluent society they are barred from. In doing so, they enact a fugitive version of the autonomy the white power structure denies them. "The 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" (2010c, 59; italics added). Mass civil disobedience represents King's attempt to channel this experience of taking into nonviolent direct action. Mass disobedience "can utilize the militancy wasted in riots to seize clothes and groceries many did not even want" (King n.d.f, 3). As a means, nonviolent direct action can "dislocate the functioning of a city without destroying it" (n.d.e, 5). As an end, it enacts the collective power the powerless demand.

Nonviolent discipline cathects powerless anger into a creative force that performs black self-rule in a fashion that is more difficult for white moderates to dismiss or repress. Rioting, for all its momentary catharsis, is ultimately futile as a path to power. The challenge facing nonviolence is how to forge this rage and spontaneity into a collective power the state cannot resist.

### **Black Power and Militant Love**

The militancy of King's late theory of disobedience reflects a rejection of the basic claim of constitutional theories: that the United States represents a nearly just society. For Rawls and others, this claim is a crucial one because without it there is no moral ground for delimiting resistance to "civil" disobedience alone. Rawls admits that oppressed citizens have no obligations to obey unfair terms of social cooperation. Deeply unjust social arrangements "are themselves a kind of extortion, even violence, and consent to them does not bind" (1999, 302). This conclusion is the same one informing the turn to Black Power. In a society marked by both personal and structural racism, African Americans have no binding obligations to abide by the terms of an oppressive white majority. Just as slaves have no obligations to their masters, oppressed minorities have no obligations to oppressive majorities. As Stokely Carmichael and Charles Hamilton put this point, "a 'non-violent' approach to civil rights is an approach black people cannot afford and a luxury white people do not deserve" (1992, 53). It is in the gap between these two ways of conceptualizing the American scene – between, on the one hand, liberal disobedience's presumption of a nearly just society and, on the other, Black Power's portrayal of white society as absolutely unjust – that King articulates the problem space of mass civil disobedience. It is an act of disobediently taking power in the face of deep injustice that holds upon the possibility for sharing of power with current oppressors in a transformed democratic future.

An unlikely source for theorizing this problem space is Rawls' *A Theory of Justice*. In its revised discussion of civil disobedience, Rawls offers a quick and unexamined reference to a more

radical model of protest he calls “militant action” if only as a contrast case for explaining what’s civil about civil disobedience. Militant action’s aim is not to strengthen the rule of law but rather to fundamentally reorder the terms of social cooperation. For this reason, the militant does not appeal to the majority’s shared principles of justice. She thinks this moral language is merely empty talk and the majority too deeply corrupt to be morally persuaded. There is little or no shared moral ground uniting the status quo and the militant’s conception of justice. In the absence of shared public reasons, the militant drives social change through “well-framed militant acts of disruption and resistance” (1999, 323). Rawls is unclear on whether the militant’s uncivil disobedience is violent. I propose that it is not. The militant seeks to remake the social order but can only do so by “arousing the public to an awareness of the fundamental reforms that need to be made” (ibid.). She is not seeking to expel the ruling population or to secede. Her end of radical social reconstruction is not possible without the participation of the very corrupt majority she opposes. The militant therefore faces the incredibly difficult task of devising tactics to arouse a hostile public with whom she shares scarce semantic ground and who angrily resist any challenge to their unjust power and privilege.

Given that Rawls does not consider why the militant rejects the majority’s principles of justice, situating militancy as a response to a deeply unjust society gives the concept political bite. This is a society with deep and systematic forms of oppression. Institutions are unresponsive and the majority openly hostile to demands that they take responsibility for these injustices. The militant rejects the majority’s principles because she sees them as only the ideological masks of an oppressive society. She is therefore not bound by the community’s standards of justice, but, due to her end of radical reconstruction with the existing population, neither can she fully disregard the need to ultimately build future coalitions with the very majority defending the current unjust order. This way of framing the challenge of mass civil disobedience better describes the

problematic of King's late theory than the liberal presumption of a nearly just society. African Americans, as a demographic minority, can only find their liberation through some form of integration into the white majority. But this integration cannot be on terms prescribed by the white middle class; it must be a process that transforms the social order as a whole. "In our kind of society liberation cannot come without integration and integration without liberation" (King 2010d, 63-64). Integration as liberation names the reconciliation of *power over* and *power with*. "When you and I decide on a course of action and do that thing, you have no power over me nor I over you, but we have power over ourselves together," Follett explains of a genuinely integrated situation where these two faces of power support and augment one another (1924, 186). At the same time, this end is in profound tension with the means it demands. The militant's need to use power to disrupt the existing order and exert control over the white majority perpetually risks intensifying a backlash that forecloses the possibility of sharing power with them in a genuinely integrated future. Between these militant means and democratic ends lies the moral core of King's late theory of disobedience: a politics of militant love.

This challenge of mass disobedience is mostly clearly articulated in King's encounter with Black Power. The rise of Black Power, as "a call to reject the racist institutions and values of this society," signaled the freedom struggle's growing skepticism concerning the very possibility of integration into white society (Ture and Hamilton 1992, 44). Equality is impossible on the prejudicial and economically-motivated terms of the white majority. Black people must instead define their own values and institutions as a powerbase for promoting their interests in American society. "This is what we seek: control. When black people lack a majority, Black Power means proper representation and sharing of control," write Carmichael and Hamilton (1992, 46). This means turning away from the dominant institutions of white society and building parallel



community institutions that give African Americans a measure of control over their collective fate in a hostile society.

King's relationship with Black Power is a complicated issue I can only touch on briefly here (see Terry 2018). In many ways, King came to adopt much of the political vision of Black Power as a compelling response to the problem of powerlessness. From his account of institutional racism, to taking pride in African heritage, to his adoption of the language of domestic colonies to describe northern ghettos, to his concession that parallel black social and political institutions may be a necessary means to ultimate integration, King's late writings reflect the judgment that Black Power embodied both a powerful diagnosis of powerlessness and a bold program for power. That said, King ultimately resisted the conclusion that this power could be generated exclusively in opposition to the white majority. Freedom is an empty ideal without a "mutuality of power" (n.d.d, 5). King means two things by this. The first is narrowly strategic. King wagered that only the collective power of an interracial national coalition could force the welfare state to pursue his aggressive proposal for redistribution. Black Power's turn away from shared institutions raises the opportunity costs for such a venture. The second is boldly political. Black power is a misguided means to freedom because it is oriented around a faulty end. The control black people seek cannot be won and held on to outside a society where they are genuine partners in power with the white majority. Black Power's pluralist vision of the state as a series of competing ethnic interest groups reduces political struggle to bargaining for control. King's democratic vision, by contrast, looks towards a more radical reconstruction of American society where the fate of black people to exercise control over their lives is augmented and enlarged by a society that welcomes them as partners in power rather than adversaries at the bargaining table.

Power, as we have seen, is never simply an end in itself. It is a means interdependent with King's broader political and theological vision of mutual freedom that he characterizes as the

obligation to love. It is a common tendency in political theory to interpret King's references to love in secular terms as respect for the rights of others (Sundstrom 2018, 139). This is not so much wrong as a distortion of a moral vision that exceeds the secular terms of the liberal imaginary. Paul Tillich is a more reliable reference than Rawls to King's thought on this matter when he writes that "no discussion of concepts like love, power, and justice, is possible without touching on the dimension of ultimate concern, the dimension of the holy" (1954, 108). Agapic love transcends the demands of justice alone. Whereas justice demands *respect* for the dignity of individuals, love is an obligation of *charity* owed to the sanctity of Creation (Jackson 2015, 2-9). It is a selfless commitment to the wellbeing of the other that seeks no good in return. Agape is "disinterested love" that "springs from the need of the other person," a need to belong to the human community that cannot be satisfied without equality and justice (King 2010a, 93). Separation is a sign of humanity's sinful alienation from unity in God, an alienation Jesus died on the cross to restore. To love another is to desire to preserve this interdependence. It is a duty to restore community and therefore to resist oppression that stands in its way. Love, in short, is a selfless and active duty to respond to the other's infinite potential for self-transcendence.

This spiritual conception of interdependence as love underpins the entirety of King's ethical and political conception of interdependence as integration. Freedom, understood as the relational capacity for autonomy, is impossible without ethical integration with others. "The self cannot be self without other selves," he writes in 'The Ethical Demand for Integration.' "I cannot reach fulfillment without thou" (1986, 122). This ethical integration dovetails with King's power-oriented notion of political integration in turn. Just as the self cannot be a self without other selves, African Americans cannot enjoy genuine power to control their fate outside an integrated society where power is shared with the white majority. As he explains in *Where Do We Go from Here?*, "the black man needs the white man and the white man needs the black man. However much we

may try to romanticize the slogan, there is no separate black path to power and fulfillment that does not intersect with white paths, and there is not separate white path to power and fulfillment, short of disaster, that does not share power with black aspirations for freedom and human dignity” (2010d, 54). Love, as a spiritual duty of charity, is inseparable from the political duty to struggle for a shared experience of freedom that unites political integration, “the mutual sharing of power,” with the ethical integration of “true intergroup, interpersonal living” (2010d, 64). Trading off liberation for integration or integration for liberation, as both Rawls and Carmichael do in different ways, is not only a failure of the divine duty to love but a tactical error that fails to understand that one cannot be won without the other.

Mass civil disobedience names the political project of spanning the chasm between this dream of a beloved community and the nightmare of American society. “What is needed is a realization that power without love is reckless and abusive and that love without power is sentimental and anemic” (King, 2010d, 38). This antinomy captures the incredibly difficult position that the militant finds herself in. On the one hand, the militant faces a hostile majority that refuses to take responsibility for their role in injustice. The depth of white reaction to black demands for freedom reveals that they do not in fact believe in the moral principles they claim to uphold. Power alone speaks in such a scenario, but power, as merely control, is only the language of domination. The militant therefore faces the dilemma of devising tactics to arouse the hostile public with whom she shares scarce semantic ground and who angrily resist to any challenge to their unjust privileges. This nearly impossible situation is the one King names when he claims that conflict of “immoral power” with “powerless morality... constitutes the major crisis of our times” (2010d, 38).

Where does militant action go from here? King’s response to the challenge of uniting love and power is to reorient the terms of civil disobedience from a backward-looking appeal to

constitutional principle to a forward-looking experiment in democratic transformation. To love is to never lose sight of the possibility for infinite transcendence in the finite enemy or the present potentials for future reconciliation. King's early sermons depict the relationship between love and power in existential terms as a division internal to the self each individual must struggle to synthesize (King 2010a, 48-52). His late theory of disobedience, by contrast, looks outwards towards the common world to frame their relationship in terms of provoking public action without foreclosing the possibility of democratic reconciliation. Persuasion and coercion must work hand in hand, but the future-oriented pursuit of possible cooperation is incompatible with violence. From his earliest sermons in Montgomery through these last writings, King distinguishes the power of coercion to heal community from violence's tendency to deepen animosity and escalate conflict. 'Letter from a Birmingham Jail,' for instance, distinguishes the power of direct action to establish "creative tension" that forces the community to confront the issue from violent tension that allows the white majority to deflect the issue of justice at stake (1986, 291). Violence may be able to exercise power over a foe, but it undermines the possibility of a future sharing of power with them. The result is not freedom but only a *modus vivendi* of force. A rule for militants: fight to win but don't do so in a way that precludes cohabitation with your former foes once the struggle comes to a close.

King's sermons and speeches during these final years ask the freedom movement to look beyond the successes of Birmingham and Selma to imagine new repertoires of nonviolent protest. The practices of dissent must be remade for urban conditions where white power need not defend itself with the same kind of spectacular violence it wielded before the cameras of the world in Birmingham, and where the movement lacks the same kind of disciplined political base it found in Southern churches. The Poor People's Campaign sought to move civil disobedience beyond spectacular conflicts with police to actively disrupt the operations of the nation's capital in

whatever form poor people could use their very bodies to do so, from occupying government offices to bringing commuter traffic to a grinding halt. At another moment, King considered the possibility of organizing welfare recipients into unions that could disrupt government offices and agitate for bargaining power with the state (Jackson 2007, 303). King even called on social scientists to study the ways a “militant middle” can provide a viable alternative to riots that “can be aggressive but nonviolent” (1968, 4). Yet despite these multiple ways King was beginning to reimagine novel tactics of mobilizing power without violence in these final years, he refused to succumb to the illusion that control could be won without integration. This took the form of returning again and again to themes of self-discipline, emotional control, and the duty to accept legal punishment that played such an important role in Birmingham as a way of signaling the self-limiting nature of one’s commitment to a genuinely integrated future. In the face of white backlash and black nationalism’s rejection of the sacrificial logic of nonviolence as an expression of meekness and subservience, this self-limiting message went unheeded as both the freedom movement and white majorities turned to the tragic pursuit of power as control untempered by the need to share power with their adversaries.

### **Conclusion: Late or Too Late?**

‘Letter from a Birmingham Jail’ is rightly considered a sacred document of the black freedom struggle and one of the great essays of the twentieth century. Its elevation to a canonical statement of the theory of civil disobedience reflects its stature and, at the same time, has had the effect of distorting our understanding of both King and the praxis of nonviolence. The ironic consequence of how liberal discourses of civil disobedience connect King’s practice of direct action and the nation’s constitutional order is the perpetuation of an exceptionalist myth that serves to deflect the freedom movement’s radical democratic demand for social reconstruction. This paper has aimed to recover a late theory of disobedience from King’s final writings that articulates a militant

conception of protest politics that looks towards emancipatory transformation beyond the terms of the nation's constitutional frame. Militant love is a nonviolent politics of agitation rooted in a realistic appraisal of the present without losing sight of an idealistic vision of the future. But in suspending civil disobedience between the present and the future, King's late writings are haunted by the question of whether or not it is already *too late*.

Consider again the ways King's late theory marks a turning point in both his thinking and the freedom struggle it belongs to. In a recent article, William Scheuerman has returned to 'Letter from a Birmingham Jail' to recover a future-oriented conception of disobedience eclipsed by its constitutional canonization. King's liberal interpreters "proffered a politically more cautious rendition" of civil disobedience by equating his talk of respect for law to loyalty to existing institutions (Scheuerman 2015, 435). By identifying the normative principles underlying the American political order with its current constitutional arrangements, Rawls and others "defanged" King's argument and foreclosed the possibility of civil disobedience as an engine of radical political transformation (2015, 438). Scheuerman sharpens these fangs by reconstructing a procedural account of legitimacy from King's notion of just and unjust laws that links legal authority with popular sovereignty. The democratic principles underlying the legal order express a "future-oriented aspiration" that activists can tap to criticize existing institutions (2015, 432). In mobilizing this gap between facts and norms, civil disobedience can function to catalyze legal innovation and spark far-reaching and even radical social transformation.

Scheuerman's essay is a thoughtful and sophisticated response to the shortcomings of orthodox liberal theories of disobedience. However, in reintroducing consensual procedural norms back into King's theory, Scheuerman bypasses the dilemma of dissensus characterizing the problem space of militant action. One aspect of this dilemma is the problem of mobilizing means that provoke confrontation without undercutting the end of integration. Another is the absence of

shared norms. King does not simply frame economic demands as exceeding the consensual terms of legitimacy represented by the Declaration of Independence or the Constitution; he denies that there is any common moral language shared between white and black Americans. Whites speak out against racism but fail to see how their alleged commitments to freedom and equality require them to take responsibility for the conditions of racial subjugation. The work of liberatory integration is therefore in no small part the creation of new values that could serve as the shared language of any future association worth fighting for.

The future-oriented pursuit of new values worthy of a democratic society reflects King's changing perceptions of the moral capacity of white citizens. Theories of civil disobedience haunted by the conservative discourse of law and order place the onus of justification on activists to prove that their law breaking is more than merely criminal. King, by contrast, stages this dissensus to put the focus back on the majority and its failure to hold its own values as anything more than empty talk once black demands for equality pose real challenges to their privileges and power. This is reflected in his changing evaluation of the moral psychology of nonviolence itself. King's early writings framed nonviolence as a way of awakening a sense of shame in the white majority to live up to their commitments. The spectacle of black men and women suffering fire hoses and police dogs without retaliation would inaugurate a process of conversion in the spectating public. Nonviolence, he explained, "reaches the opponent and so stirs his conscience that reconciliation becomes a reality" (1986, 39). The depiction of white America in *Where Do We Go from Here?*, by contrast, raises the question of whether or not white America has a conscience at all. Gone are appeals to shame. There is no hypocrisy to be ashamed of precisely because whites are not sincerely committed to the principles they profess. In its place, King focuses on the overwhelming power of fear in the white psyche. Only coercion can move them but this coercion must negotiate the fragile and volatile reaction of white fear. Here, nonviolence is not a principled

power to melt the stony heart, as Gandhi would put it, but rather a pragmatic principle of self-defense. Whites feel a primordial guilt for oppression but this takes on distorted form in the fear of black equality. Violence provides no alternative to fear because it only intensifies it and relieves whites of the guilt they ought rightly to feel. Nonviolence, by contrast, represents the last chance for emancipatory transformation by attenuating the rage of white fragility.

Can mass civil disobedience ever be transformative in such a situation? Lawrie Balfour observes that King's portrayal of American history in these final years is haunted by the possibility that the very distinction between a deeply unjust and an absolutely unjust society framing his increasingly lonely defense of nonviolent revolution is no longer a viable one. Balfour writes, "The future King envisions in 1967 demands immediate and radical action in the shadow of mounting evidence that it is already too late to avert disaster" (2018, 21). One cannot read King's late writings without reckoning with the questions that loom over every page: Will nonviolence survive the white refusal to take responsibility for injustice? Can the explosive rage of the ghettos be contained any longer? Is it not already too late? These are questions that draw King's readers to reimagine their own responsibilities for the future in the present. The challenge presented in King's final writings is their "insistence that we confront the myriad ways in which we are 'too late' and yet take that belatedness as a spur to action, in King's words, to love" (Balfour 2018, 23-4). The question of whether or not we are still too late for love is one we continue to wrestle with fifty years later. Taking it as a spur to action today means remaining alert to the dilemma of militant action: resisting the liberal illusion that only the lack of good reasons holds us apart, while guarding against the fantasy that a more democratic future can be won without a politics that holds open the possibility of liberating both the oppressor and the oppressed.

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