

Class Five - Socrates, MLK, and Civil (Dis)obedience

Philosophical Perspectives - Ryan Simonelli

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1 Obedience and Disobedience in *Crito* and *Apology*

- **Civil Disobedience:** “[N]on-violent lawbreaking committed with the intention of communicating a political message,” (Marcou, 349).
- **Question:** What is Socrates’s stance on civil disobedience?
- **An Apparent Tension in Socrates:** Marcou seeks to resolve an apparent tension between two strands in Plato’s Socratic dialogues.
 - **Socrates’s Obedience:** In the *Crito*, Socrates makes an argument for obedience to the laws, one that seems to lack exceptions. This argument seems to preclude the correctness of disobeying.
 - **Socrates’s Civil Disobedience:** In the *Apology*, not only does Socrates seem to be disobedient with respect to the orders of the state in his unwillingness to stop philosophizing, he also reports explicitly not following the orders of the previous government—the “Thirty Tyrants,” an oligarchy imposed by Sparta after the Peloponnesian War. He says, “That government, powerful as it was, did not frighten me into any wrongdoing,” (*Apology*, 32d).
- **Two Circumstances Under Which Disobedience Is Justified:**
 - **Circumstance One:** A law that is procedurally legitimate, in the sense of having been brought about through proper political processes, but issues substantively wrong judgments, for instance, requiring citizens to commit atrocities.
 - * **Example:** Disobedience to draft orders in the Vietnam War. One can imagine a case in which one disobeys not because one has a problem with a draft as such (for instance, we can imagine one has no problem with the draft in the case of WWII), but disobeys in this case because one takes the specific war to be substantively unjust.
 - **Circumstance Two:** Laws that impose inherent problem with procedure in that “agents or discourses are excluded from or marginalised in political processes.”
 - * **Examples:** Gerrymandering, laws precluding peaceful demonstration and protest (as in the case of Birmingham we’re about to discuss), other laws precluding certain sorts of free speech (for example, a law that would preclude Socrates from philosophizing), etc.
- **When “Persuade or Obey” Fails:** The second kind of circumstance is precisely the kind of circumstance in which the democratic maxim “persuade or obey” fails, since individuals excluded from or marginalized in through political processes through which persuasion would take place.
- **Question:** Suppose, rather than sentencing Socrates to death, the court sentenced him to quit philosophizing. What do you think he’d do?

2 Historical Context of King's "Letter from a Birmingham Jail"

- Published on April 16, 1963 and written in a jail in Birmingham, where King had been arrested on April 12, along with hundreds of others, for illegally demonstrating.
 - The law that King had broken was an injunction made on April 10, prohibiting "parading, demonstrating, boycotting, trespassing and picketing."
 - Prior to the demonstrations, the group of activists with which King was participating (the Alabama Christian Movement for Human Rights and the Southern Christian Leadership Conference) publicly stated that they would defy the law.
 - * In an April 11 Birmingham Newspaper, civil rights leaders are quoted as saying "We cannot in all good conscience obey such an injunction which is an unjust, undemocratic, and unconstitutional misuse of the legal process."
- On April 12, eight white Birmingham clergymen published an open letter called "A Call for Unity" which urged for justice through official, legal, democratic channels:
 - "When rights are consistently denied, a cause should be pressed in the courts and in negotiations among local leaders, and not in the streets"
 - King's "Letter from a Birmingham Jail" is a response to this letter, which he read in jail.
- King is not just an activist, but a theologian and philosopher, deeply influenced in the classical tradition.
 - He read *Crito*, *Apology*, and other works by Plato in his studies at Crozer Seminary.
 - He also took a course on Plato at Harvard while pursuing his Ph.D. in theology at Boston University.
 - His understanding of these works of classic philosophy clearly shapes his conception of justice, which, in turn, drives his political activism.

3 King's Activism vs. Socrates's

- **The Purpose of Direct Action:** Direct action is necessary when negotiation is impossible—it's a means to the end of negotiation:
 - "Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has consistently refused to negotiate is forced to confront the issue."
 - "[T]he purpose of direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation."
 - "Too long has our beloved Southland been bogged down in the tragic attempt to live in monologue rather than dialogue."
- **Comparison to Socrates:** "Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise up from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to
 - **The "Tension in the Mind" to which King Refers:** Consider again Euthyphro who Socrates questions in the dialogue we read. Presumably, a consequence of the dialogue will be a tension in the mind of Euthyphro between his pre-conceived judgments about the nature of piety (a "bondage of myths," as King describes it) and the doubts brought about by Socrates's questioning.
 - **The "Unfettered Realm of Creative Analysis and Objective Appraisal":** The quest for truth, according to Socrates, ought to be unrestrained and uninhibited by the laws and myths of the state. Only then could it possibly serve as a measure to which the myths and laws can be compared and evaluated.

- **Socrates's Gadfly Analogy:** "I was attached to this city by the god [...] as upon a great and noble horse which was somewhat sluggish because of its size and needed to be stirred up by a kind of gadfly," (*Apology*, 30e).
- **Contrast to Socrates:** Socrates is regarded as a full-fledged participant in public discourse, whereas, black civil rights leaders were not so regarded. So different means are necessary.
 - **Dialogue is Not Possible:** As King says, the situation in the South is that of "monologue rather than dialogue." This statement, and its place in the letter directly after a reference to Socrates, can be plausibly interpreted as making direct contrast between the means available to King and other civil rights leaders and the means that were available and used by Socrates.
 - **Bodies Rather than Words:** King says that, in engaging in direct action, he and other civil rights activists "would present our very bodies as a means of laying our case before the conscience of the local and national community."
- **Question:** Suppose that, like Socrates, King had an opportunity to get out of jail with no consequences. Do you think that he would have done so?

4 King's Defense of Civil Disobedience

- **Just and Unjust Laws:** King makes a distinction between just and unjust laws and argues that obedience is only required in the case of just laws. In the case of unjust laws, disobedience is not only permissible, but required.
 - **Just laws:** "A just law is a man-made code that squares with the moral law, or the law of God."
 - **Unjust Laws:** "An unjust law is a code that is out of harmony with the moral law."
- **A Quote from Augustine:** "An unjust law is no law at all."
- **Against the Use of Legality to Dictate Morality:** "We can never forget that everything Hitler did in Germany was 'legal' and everything the Hungarian freedom fighters did was 'illegal.'"
- **Response to the "Precipitating Violence" Objection:** An objection to civil disobedience of the sort King is engaging in is that, by engaging in it, one is precipitating violence.
 - "[I]t is immoral to urge an individual to withdraw his efforts to gain basic constitutional rights because the quest precipitates violence."
 - * One shouldn't blame a robbed man because his possession of money precipitated the violent act of being robbed.
 - * One shouldn't blame Socrates because his "unswerving commitment to truth and his philosophical delvings" precipitated the violent act of his being forced to drink hemlock.
- **Question:** How is the question of whether or not a man-made law is in accord with the moral law (or, the law of God) to be determined? What is to be done when there is disagreement over whether a given man-made law agrees or disagrees with the moral law?

5 Further Questions

- For Socrates, a law's being unjust didn't seem sufficient to violate it. It seems like the argument from the laws in the *Crito* applies equally to both just and unjust laws, insofar as one is unable to persuade others of the unjustness of the law so as to change it. Are Socrates and King in disagreement here?
- Socrates argues against violating laws on the grounds that doing so would undermine the basic structure of law in society. Given King's acceptance of St. Augustine's doctrine that "An unjust law is no law at all," would he disagree with this idea?