

Response: letter from a birmingham jail

[Law](#), [Justice](#)



In this letter, addressed to eight “ fellow clergymen” from Alabama who collectively published a letter of criticism in a newspaper on the handling of protests by King and his cohorts in Birmingham, King gives a few different takes on the difference between a just and unjust law. They've all to do with, as King says, “ difference made legal”; as to say, “ An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. ” It is necessary before pursuing further to explain that King believed that a just law was one, as he says, “ is one that squares with the moral law, or the law of God; ” by extension, King believes in absolute morality, and this becomes a foundational tenet of his argument. Likewise, an unjust law is defined as a code out of harmony with the moral law, one “ that is not rooted in eternal or natural law. ” (Aquinas) We can reasonably assume that the pastors to whom this letter is addressed believed at least in the concept of absolute morality or natural law as defined by God. So, King levels the playing field in that sense from the start. This, then, means that that which “ distorts the soul and damages the personality”, as segregation does, is unjust; therefore, King refutes segregation by virtue of being out of line with an absolute moral law handed down to humans by God, and so condones disobeying laws that are thus. I disagree with King on these points, that there exists an absolute moral law; that a law, or anything really, may be called moral or immoral and then justified by the selfsame system of thinking. Actually, I think this was something of an error on King’s part, for, while he contends that segregation exists out of hatred, segregation and slavery has been justified by the same modality of thought that his argument uses, but with a different definition of

what the “ natural law” is. This is, of course, not surprising, given the glaringly inconsistent nature of the bible. One may find a passage or situation to support nearly any stance, from slavery to homosexuality to rape to ‘ family values’; so in this way, I disagree with King’s use of such a tenuous foundation to build his argument, but as mentioned previously, it makes sense given his audience of religious personalities. One law that I consider to be unjust that is currently “ on the books” is the USA PATRIOT Act, which stands for Uniting (and) Strengthening America (by) Providing Appropriate Tools Required (to) Intercept (and) Obstruct Terrorism Act of 2001. The reason why I take issue with this piece of legislation is because it is potentially a foot in the door for covert government activity in the name of “ protecting the US from terrorism”. The three “ key provisions” of this law that were given a four-year extension by President Obama on May 26th, 2011 are: roving wiretaps, searching of business records, and “ monitoring” of “ lone wolves”: individuals suspected of terrorist-related activities that are not related to groups. (What exactly does “ monitor” entail - everything from watching of suspect’s activities to indefinite incarceration?) This is an extremely open ended provision that is ripe to legitimize domestic “ surveillance” of individuals deemed by the government to be terrorist related. Depending on the time period, this could be used to “ monitor” Assata (apparently, COINTELPRO was a few decades ahead), or even King himself. So it could be used for tremendous oppression; conversely, it may be useful if it does actually catch a terrorist plot in the making. But the cons heavily outweigh the pros in my opinion, considering that we have

alternatives. Modern day / future MLKs will likely have to deal with some collateral effects of this or similar laws.