

Aquinas and King

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A Discourse on Civil Disobedience

Charles P. Nemeth

CHAIR AND PROFESSOR OF GRADUATE LEGAL STUDIES
CALIFORNIA UNIVERSITY OF PENNSYLVANIA

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Dedication

To Michael Augustine Nemeth—youngest son,
of good heart and an intellect soon to unfold.

To St. Thomas Aquinas, who states:

Man is subject to God absolutely in all respects both within and without, and therefore he is bound to obey Him in all things. But inferiors are subject to their superiors, not in all things, but in certain matters of limited range; and in those matters superiors are intermediaries between God and their subjects: in other matters the latter are subject immediately to God, by whom they are instructed through the natural or the written law.

(Summa Theologica, II-II, Question CIV)

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Preface

Those familiar with the works of St. Thomas Aquinas are forever amazed at the prophetic relevance of the Angelic Doctor. By prophetic, we mean that he seems to understand not only causes and effects but the proper remedies for any temporal injustice. By this I mean, that St. Thomas has an answer for just about everything. And when the stakes are at their highest, his answers always seem to make the most sense.

Civil Disobedience is one such problem. During the tumult of the 1960s, the American character was tested in extraordinary ways—none more pressing than the rightful clamor for civil rights in the Black community. Existing laws institutionalized the second class citizenry in many quarters and courts were very unsympathetic to the obvious injustices coursing through the American experience. Laws were plentiful—most of which served to maintain the unjust status quo. Those seeking reform had a variety of options open when challenging these wrongs. That the challenge was justified is undeniable. The method of challenge could include violent revolution, passive resistance, legislative lobbying and public protest to name just a few. For St. Thomas, unjust laws not only did not bind or oblige the citizen; these enactments could not be simply disregarded in hope for better days. St. Thomas urges the citizen to resist and undermine injustice for unjust human laws cannot “bind a man in conscience, and if it conflicts with a higher law, human law should not be obeyed.”¹

Consider the life and times of Martin Luther King, Jr. How did Dr. King arrive at a philosophy of nonviolent civil disobedience to the inequalities of his day? Why did he choose this method of structural challenge over the other options? Dr. King could have

gone in very different directions. For example, he could have adopted the militant stance of the Black Panther, or in the alternative he could have sided with those calling for complete, open and violent rebellion. Or he could have urged his followers to separate from white society since some movements held that any alliance with the former “master” was not only distasteful but also completely unproductive. That King had alternatives is a fact often forgotten. So the seminal question becomes, why did Dr. King advocate a resistance rooted in complete nonviolence? Why did he passionately urge his followers to lay down the sword, to accept suffering and humiliation rather than strike his errant and hateful neighbor, and to willingly and very humbly experience the jail cell for his alleged crimes? King passionately argues:

I’ve seen too much hate to want to hate, myself, and I’ve seen hate on the faces of too many sheriffs, too many white citizens’ councilors, and too many Klansmen of the South to want to hate, myself; and every time I see it, I say to myself, hate is too great a burden to bear. Somehow we must be able to stand up before our most bitter opponents and say: We shall match your capacity to inflict suffering by our capacity to endure suffering. We will meet your physical force with soul force. Do to us what you will and we will still love you. We cannot in all good conscience obey your unjust laws and abide by an unjust system, because non-cooperation with evil is as much a moral obligation as cooperation with good, and so throw us in jail and we will still love you.²

It is King that fully understands that “the dignity of the human person flows from the fact that the human person is created in the image of God, redeemed by Jesus Christ, and thereby promised eternal life with God.”³

I think when one examines the man, his life and his work, both written and oratorical, only one conclusion is possible—that Dr. Martin Luther King, Jr. was in fact a Thomist through and through. Not a Thomist on all things, but as to his understanding

of law and its corresponding obligation or lack thereof, King is the ultimate Thomist. In his letters and writings, texts and speeches, Dr. King is a regular advocate of the philosophy of St. Thomas Aquinas. You can feel the respect that King has for Thomist principles, and in a sense, Thomism is the “antidote” against the ravages of modernity.⁴ King’s theory of civil disobedience classically adheres to the teachings of St. Thomas Aquinas. Amazingly, he even tells us about his allegiance to the philosophy of St. Thomas. That is what this humble work is all about—a discourse and discernment into the compatibility of both men and a revelation that once again, St. Thomas had the answers long before the problem ever emerged.

In *Chapter 1*, the reader is introduced to rudiments of law—what it means; how it is defined; whether human law depends upon a higher law or rests sufficiently in its own promulgation, or whether law is tied to a morality. Any theory of civil disobedience needs this foundational understanding. Considerable attention is given to the legal theory of St. Thomas since King will come to depend upon it in his rationalization for civil disobedience. Hence, the chapter examines the types of law, eternal, natural, divine and human, as well as how these types of law are interlocked and unified. The role of the natural law on human legal reasoning is stressed. Justification for civil disobedience will depend upon the higher law jurisprudence espoused by both King and Aquinas.

Chapter 2 defines civil disobedience and lays out the necessary parameters for justified disobedience to an existing law. First, the advocate of civil disobedience must demonstrate the injustice of a given law. How does one distinguish the just from the unjust law? Second, how does a human law undergo this sort of moral scrutiny? What standards or measures will find that a particular human law is just? Does the law in question uplift or denigrate the human person and does the law assure the appropriate distribution of wealth, honors and economic opportunity? Third, what method of civil disobedience is consistent with proper moral action? Is non-violence a mandatory method of resistance or can the party advocating civil disobedience do so violently? For Aquinas

and King, the only acceptable method of resistance will be non-violent in design. Fourth, is the advocate willing to protest and resist in an open, visible setting as if the whole world need know of the action's intent and purpose? Moral, civil disobedience seeks to educate the collective and bring about change in an open setting. Finally, particularly in the case of Dr. King, the role of suffering receives significant attention. Suffering rests firmly in the ethos of civil disobedience. Suffering is a predictable effect for those engaged in public resistance. As Christ suffered on the cross for the sins and errors of humanity, so too the resistor, who witnesses injustice and stands firm against it, fully expects to suffer a wide array of consequences.

At *Chapter 3*, the stress includes the relationship of civil disobedience with the duty and obligations of the Christian moral agent. Being a Christian prompts Christian responsibility in human affairs. Claiming Christianity assumes a certain righteousness in human conduct while expecting resistance to those things in opposition to the moral truths discoverable in Christianity. For both King and Aquinas, the relationship of faith and reason is fully developed and not severable. In each, the centrality of Jesus Christ in the affairs of the world is not in doubt, nor is the role of love and charity when dealing with those who heap injustice upon us. For King and Aquinas, it is the truth of Christ and his philosophy that drives the enterprise and it is the commandment, to love one's neighbor as I have loved you, that shapes the form and methodology of resistance. Civil disobedience lacks legitimacy unless rooted in the divine, the higher jurisprudence of an all powerful and loving God. Civil disobedience leaps beyond the simple affairs unraveling on the streets but finds its anchor in the perfection of the Creative God. In the world of Aquinas and King, non-violence in the display of civil disobedience is fully compatible with the Christian life. Violence assaults the Christian ethic since it is an "immoral means to attain moral ends."⁵

In *Chapter 4* we discover the "radical" jurisprudence of St. Thomas and Martin Luther King. In the view of St. Thomas, the moral agent refuses to recognize the existence of a particular

promulgation. The refusal to recognize is grounded in the inherent injustice of the law in question. Here the moral player rejects not only the content of the law but also refuses the label or designation “law” applied to its content. To refuse recognition implies a complete resistance to the content of the law as well as its formula alleging to be a law. St. Thomas will term these unjust enactments as not law but “acts of violence rather than laws.”⁶ Such laws cannot bind in conscience and cannot require compliance on the part of the resistor. For Dr. King a similar conclusion will be reached. King will query whether the human law “squares with the moral order” and whether a law in opposition to the law of God can bind in any sense. King concludes that,

God walks with us. He has placed within the very structure of this universe certain absolute moral laws. We can neither defy nor break them. If we disobey them, they will break us.⁷

Chapter 5 concludes that the respective philosophies Dr. Martin Luther King, Jr., and St. Thomas Aquinas are fundamentally compatible. When King explicitly mentions St. Thomas in his *Letter from the Birmingham Jail*, we can only conclude that King’s theory depends upon a traditional theological and philosophical outlook. King could not be plainer when he remarks,

A just law is a manmade code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in the eternal or natural law.⁸

King’s entire theory of civil disobedience depends upon a “metaphysical otherness” or a “transphysics” that forces the human actor to look beyond the positive law. The legitimacy of the cause will tie directly to the perfection of the higher order he advocates. Equality does not arise strictly from the legislative process but finds a home in the dignity of the man, the worth and value of all free and rational beings created in the image of God. Rights are teth-

ered to a perfect God who authors all human existence. These rights are permanent and universal and not subject to the whims of men. As a result, both King and Aquinas chart a path of civil disobedience that will blend faith and reason, human law and divine law, as well as a form of non-violent disobedience that will resist injustice. For all things “created by God, whether it be contingent or necessary, is subject to the eternal law.”⁹

In the final analysis, each thinker looks to the heavens when shaping a theory of civil disobedience. It is an incredible story—that a 20th century Civil Rights leader, arguably this nation’s greatest proponent of non-violent civil disobedience, derived his wisdom from the genius of St. Thomas—a scholar whose ideas have never been more relevant.

Charles P. Nemeth, J.D., Ph.D., LL.M.
Pittsburgh, Pennsylvania
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Charles P. Nemeth, J.D., Ph.D., LL.M.
Pittsburgh, Pennsylvania
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