(White) Tyranny and The Democratic Value of Distrust*

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Abstract: This paper makes an argument for the democratic value of distrust. It begins by analyzing distrust, since distrust is not merely the negation of trust. The account that it develops is based primarily on Martin Luther King Jr.'s work in *Why We Can't Wait*. On this view, distrust is the confident belief that another individual or group of individuals or an institution will not act justly or as justice requires. It is a narrow normative account of distrust, since it concerns a specific normative task. Distinctions between vertical and horizontal distrust, as well as trust and agnostic trust will also be discussed. This paper argues that distrust's democratic value lies in its ability to secure democracy by protecting political minorities from having their voices ignored. As such, distrust can be viewed as a kind of Madisonian "check and balance" that works to prevent tyranny. Distrust also works to secure democracy by forging new or alternative forms of democratic participation. The main example discussed in this paper is King's involvement in the Birmingham Campaign during the Black Civil Rights movement in America. In this case, King and his supporters' distrust of fellow White citizens and political institutions led to alternative forms of political expression such as non-violent protests, boycotts, and other forms of civil disobedience, all of which led to greater racial justice by working to alleviate White tyranny.

§1. Introduction

Recently, a number of scholars have argued that trust is essential to a well-functioning democracy.[1] Yet, despite its potentially close relation to trust, very little attention has been given to the value of distrust among democratic theorists.[2] In part this is because of the tendency among democratic theorists to focus on the democratic value

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[1] For a few recent examples, see the selections in Mark Warren (ed.) *Democracy and Trust* (Cambridge, MA: Cambridge University Press, 1999); Patti T. Lenard, "The Decline of Trust, The Decline of Democracy?" *Critical Review of International Social and Political Philosophy* 8.3 (2005): 363-378; Shayla Nunnaly, *Trust in Black America* (New York, NY: New York University, 2012); and Sandra Susan Smith, "Race and Trust," *Annual Review of Sociology*, 36 (2010): 453–475.

[2] There is some discussion of distrust among democratic theorists. For example, Vivien Hart, *Distrust and Democracy: Political Distrust in Britain and America* (Cambridge: Cambridge University Press, 1978); Barbara Arneil, *Diverse Communities: The Problem with Social Capital* (Cambridge: Cambridge University Press, 2006), see especially pp. 140-144; Patti T. Lenard, *Trust, Democracy, and Multicultural Challenges* (University Park: Penn State Press, 2012); and Russell Hardin, "Liberal Distrust," *European Review*, 10.1 (2002): 73-89. Similarly, distrust has received some attention in the empirical literature on democracy. See James M. Avery, "Political Mistrust Among African Americans and Support for the Political System," *Political Research Quarterly*, 62.1 (2009): 132-145; James M. Avery, "The Sources and Consequences of Political Mistrust Among African Americans," *American Politics Research*, 34.5 (2006): 653-682. Furthermore, while it has not been a central topic of discussion, there has been some discussion of distrust in the general philosophical literature. See Trudy Govier, "Distrust as a Practical Problem," *Journal of Social Philosophy* 23.1 (1992): 52–63; Trudy Govier, *Social Trust and Human Communities* (McGill-Queens, 1997); Russell Hardin (ed.), *Distrust* (Russell Sage Foundation: New York, 2004); Edna Ullmann-Margalit, "Trust out of Distrust," *The Journal of Philosophy*, 99.10 (2002): 532-548; Katherine Hawley, "Trust, Distrust, and Commitment," *Nous* 48.1 (2014): 1-20.

of positive attitudes such as trust, solidarity, and empathy.[3] Little emphasis has been placed on the so-called negative attitudes such as anger and despair and their potential value for democracy. Distrust is usually counted as a negative attitude and is often considered a threat to democracy.

Additionally, one might conjecture that a theory of distrust is not needed. Once we have an account of trust at hand, we can simply define distrust as the negation of whatever trust turns out to be; and, to the extent that trust is valuable, it will follow that distrust is not valuable. This seems straightforward enough. However, things are not so straightforward. As Edna Ullmann-Margalit aptly argues, distrust is not simply the opposite of trust.[4] One can not-trust an individual without thereby distrusting her. If I do not-trust you, this could mean that I have positive reasons to distrust you. Or, it could mean that I have no reason to trust (or distrust) you. In this sense, I might be agnostic about trust in relation to you. Furthermore, if distrust was simply the opposite of trust, then saying that "I do not distrust you" would mean that I trust you. This, however, would be in stark contrast with common usage of the term. If distrust is not merely the negation of trust, then the value of distrust cannot be determined merely by determining the value of trust or the disvalue of the lack of trust. Distrust is worthy of consideration in its own right for conceptual and normative reasons.

The main aim of this paper is to offer an account of distrust. The account is derived from Martin Luther King Jr.'s writings in *Why We Can't Wait*. I aim to show not only that it is a plausible account of distrust but also, through detailed textual analysis, that it is an account that can properly be said to be King's. I argue that distrust – in King's sense – is a narrow normative concept. In order for A to distrust B, A must have a confident belief that B will not act justly. It is a narrow concept because it concerns a specific task. It is a normative concept because it concerns beliefs about what individuals ought to do.

The argument for this account of distrust differs from others in two respects. First, instead of the usual trend in analytic conceptual analysis, I will not spend time explaining why the concept that I argue for here is the best account of distrust (or better than the other proposed accounts). I will argue in favour of this account by showing that it is politically useful or valuable. It is likely that there are a wide variety of concepts of distrust (and trust) available to us. The underlying suggestion here is that the concepts that we should choose to use, at least in some circumstances, are the ones that are politically useful or valuable.[5] The account that I propose here is one such account. There may be others.

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[3] I have argued that political solidarity is of value to a just society. See Meena Krishnamurthy, "Political Solidarity, Justice, and Public Health," *Public Health Ethics* 6.1 (2013): 129-141. Nussbaum argues for the democratic value of love in *Political Emotions: Why Love Matters for Justice* (Cambridge: Harvard University Press, 2013); and Sharon Krause argues for the democratic value of sympathy in *Civil Passions Moral Sentiments and Democratic Deliberations* (Princeton: Princeton University Press, 2008).

[4] "Trust, Distrust and In Between" in Russell Hardin (ed.), *Distrust* (Russell Sage Foundation: New York, 2004).

[5] I see my paper as a contribution to the growing field of conceptual ethics. On this see Alexis Burgess and David Plunkett, "Conceptual Ethics 1," *Philosophy Compass* 8.12 (2013): 1091-1101; and Alexis Burgess and David Plunkett, "Conceptual Ethics 2," *Philosophy Compass* 8.12 (2013): 1102-1110. Burgess and Plunkett argue that a variety of values or goods are operative in conceptual ethics (the ethics of concept selection), including those of social justice and justice more generally. Here I am suggesting that democratic values ought to be a criterion for concept selection, at least when one is concerned with the

This takes us to the secondary aim of this paper, which is to make an argument for the democratic value of distrust. Because of the lack of attention paid to distrust by democratic theorists, its potential value for democracy has been ignored. This paper argues that distrust's value lies in its ability to secure democracy by protecting political minorities from tyranny. As such, distrust can be viewed as a kind of Madisonian "check and balance" in a political system – something that is commonly viewed as being essential to the maintenance of democracy. The main example discussed in this paper is the Black Civil Rights movement in America. I argue that Black citizens' distrust of fellow White citizens and political institutions led to new forms of political expression such as non-violent protests, sit-ins, boycotts, and child demonstrations that were essential to securing greater racial justice and a more genuine form of democracy. I use this case to distinguish primarily between horizontal distrust (between citizens) and vertical distrust (between citizens and institutions). The argument given here is a causal one: Black citizen's sense of distrust (in both senses) caused or led them to engage in unique actions that promoted democracy by challenging (White) tyranny. This is why I give a detailed account of the Birmingham campaign and what led up to it.

Few of the philosophers who write on distrust note, even in passing, that the concept of distrust is of great importance in American history. Rather, they explore the concept in abstraction, divorcing it from its social significance.[6] This paper attempts to fill this gap, and in the process to highlight the role that the concept of distrust played in African Americans' fight against racial injustice during the mid-twentieth century. It is written with the hope that it will not only contribute to philosophical discussions of distrust and King's work more broadly but that it will also contribute to the study of racial injustice and genuine democracy in America. That it brings together these matters is the central unique contribution of the paper. I close by drawing out the significance of distrust to the current struggle for racial justice in America.

§2. King's Distrust

Slavery had officially ended in 1865. Yet, institutionalized racism continued to oppress Black citizens in America even in the mid-20th century.[7] Black citizens were still forced to use public utilities and schools that were separate from White citizens. Black citizens suffered from discrimination in employment and housing. They suffered from

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political aptness of a concept. I am not arguing that it is the only criterion by which to judge concepts or even that it is most important one. I am only suggesting that it is an important criterion.

[6] Exceptions to this trend can be found. See for example, "In my next life, I'll be White," *Ebony*, Dec., 1990, Laurence Thomas describes in detail how "being black" can be grounds for distrust (available here: http://www.laurencethomas.com/NextLife.pdf). Trudy Govier briefly discusses Thomas's work and related topics in *Social Trust and Human Communities*. In "Progressive and Regressive Uses of Reasonable Distrust," *Journal of Social Philosophy*, 28.1 (1997): 87-100, Carl Hedman focuses on warranted distrust, arguing that "constituencies that are nonprivileged on one or more important social dimension such as race, class, sex – often have good reasons for distrusting the super – privileged." Russell Hardin, "Liberal Distrust," discusses distrust and its importance to political liberalism, especially in America.

[7] Black activists had already fought against racial segregation with at least some success. For example, in 1954, the Supreme Court decision Brown v. Board of Education held that state laws requiring racial segregation in schools were unconstitutional. However, despite this important victory, racial segregation continued.

abuse and lynchings.[8] Jim Crowe laws such as literacy tests and poll taxes kept Black citizens from voting, despite the fact that Black men acquired the legal right to vote in 1869 and women (White and Black) acquired the legal right to vote in 1920. Martin Luther King Jr. opposed racial segregation because he believed that it conveyed a denigrating sense of "nobodiness" that was detrimental to Black citizens' sense of self-respect (93).[9]

The Birmingham campaign against racial segregation in Alabama began on April 3, 1963. The campaign was led by King's Southern Christian Leadership Conference (or the SCLC) and its affiliate, the Alabama Christian Movement for Human Rights. On April 10, 1963, Circuit Judge, W.A. Jenkins issued a temporary injunction against Wyatt Tee Walker (Chief of Staff to King and a Board Member of the SCLC), which prohibited involvement with "mass street parades or mass processions or like demonstrations without a permit" and any other "acts calculated to cause breaches of the peace" in Birmingham, Alabama. On April 12, 1963, King was arrested for violating this injunction. It was during this time that King wrote the famous "Letter from Birmingham Jail." It was a response to a statement that was written by eight Birmingham clergymen who urged Black citizens to withdraw their support from the demonstrations.[10] Most of King's response in this letter and related work (some of which is published in *Why We Can't Wait*) consisted in giving an account of the reasons for why King had to act. This discussion brings us to King's account of distrust.

From King's work, we can extract a *narrow normative* concept of distrust.[11] A narrow account of distrust concerns distrust as it relates to a specific task, whereas a broad account relates to distrust in a more general sense. Roughly, on King's view, to distrust someone is to be confident that she will not act justly. In this particular instance, justice required action to promote and ensure racial equality and the end of racial segregation. King specifically distrusted White moderates with respect to action regarding the promotion of racial justice. King's account is a normative account of distrust because it concerns beliefs about how one should act. King had a confident belief that White moderates would not act as they ought to, that is, to promote or secure justice or what is right, on their own.

The focus of King's "Letter" is on the White moderate. White moderates are White individuals, typically members of the clergy and other Christian groups, who King believed held that racial segregation was unjust and ought to end. King's distrust of White moderates lied not in their commitments but rather in their inaction. He wrote,

> First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizens Council or the Ku Klux Klanner, but the white moderate who is more devoted to "order" than to justice; who prefers a negative peace which is the

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[8] Lynchings may have been more prolific than originally thought. On this see, Campbell Robinson, "History of Lynchings in the South Documents Nearly 4,000 Names," Feb. 10, 2015, *New York Times*. Available at: http://www.nytimes.com/2015/02/10/us/history-of-lynchings-in-the-south-documents-nearly-4000-names.html.

[9] All in-text page references refer to page numbers in Martin Luther King Jr., *Why We Can't Wait* (London: Signet, 2001).

[10] The statement was published in the Birmingham News. King wrote his letter in the margins of this paper.

[11] On this distinction see Katherine Hawley, "Trust, Distrust, and Commitment," at p. 1.

absence of tension to a positive peace which is the presence of justice; who constantly says, "I agree with you in the goal you seek, but I cannot agree with your methods of direct action" (97).

King made it explicit that his distrust of White moderates lied in his belief that they would not engage in the direct action that was needed to promote racial justice. They would not act justly. King was confident in his belief. He had what he believed were good reasons[12] to believe that White moderates would not act on their own initiative to promote the equality of Black Citizens. In this sense, he believed that his distrust was warranted.

Why was King confident that White moderates would not act to promote racial justice? One might contend that it was because he believed that White moderates had bad will toward Black citizens.[13] King did not seem to hold this view, however. He was clear about his belief that White moderates were sympathetic. He explicitly referred to them as having goodwill, writing, for example, that the "ultimate tragedy of Birmingham was not the brutality of the bad people, but the silence of the good people" (48).

King was careful to layout the reasons for why he believed that good people, such as the White moderates who had good will toward Black citizens, might fail to act.[14] Much of the time, King chalked up their inaction to a lack of understanding:

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent and determined action (103).[15]

He also noted that fear played an important role, suggesting that the White moderate dreaded "change" and was afraid of "social ostracism" and economic and political reprisal (48).

At other times, however, he accused White moderates of being irrational:

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[12] Whether his distrust is warranted will depend on whether, objectively, these reasons are sound. Given the state of affairs at the time, his reasons for his belief seem sound.

[13] Karen Jones, "Trust as an Affective Attitude", *Ethics*, 107. 1 (Oct., 1996), pp. 4-25 at pp. 4-5, for example, argues that "an attitude of optimism that the goodwill and competence of another will extend to cover the domain of our interaction with her, together with the expectation that the one trusted will be directly and favorably moved by the thought that we are counting on her." She sees goodwill as being very important to trust. In turn, one might at least be tempted to think that bad will is important to distrust. It would seem from the discussion of King's view that beliefs about the bad will of the other agent are not necessary for distrust. Though, such beliefs may play a role.

[14] It is likely that King's distrust of White moderates was not categorical. For example, it was not the same as his distrust of the KKK, where he expected total opposition from beginning to end. One could argue that King's overall strategy was predicated on the expectation that White moderates would be brought along to support the movement's demands if they were put under enough moral pressure. Otherwise, why would King bother address arguments (in the "Letter") to them at all?

[15] It is important to note that King did not think that White moderates were doomed to inaction. He thanked a number of "white brothers in the South" who had "grasped the meaning of this social revolution and committed themselves to it" (103). These were people who not only wrote in support of racial equality, but also "recognized the urgency of the moment and sensed the need for powerful 'action' antidotes to combat the diseases of segregation" (103). These statements demonstrate that King believed that White moderates were capable of action to promote justice. He was just confident in his belief that most of White moderates would not act in such a way on their own.

> In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? . . . Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock (98).

It was irrational, in his view, to condemn non-violent action simply because it might cause others, namely, the police, to act violently.

As this discussion indicates, in most of his criticism of White moderates, King placed emphasis on their unwillingness to "act" and not on their reasons for failing to act. This is largely because his letter was written to those whom he deemed "moderates," those who had the right reasons for acting (i.e., they believed that justice required racial equality) but still failed to act. Their flaw, in his view, was their passivity. This was the basis of King's distrust. He distrusted White moderates because he believed with a high degree of certainty or was confident in his belief that they would not, on their own, act as justice required.

His distrust of the White moderates was quite different from his distrust of Bull Connor, the Police commissioner in Birmingham, or members of the Ku Klux Klan (KKK), who one could argue, were of bad will, since they believed in racial segregation and racial inequality and consistently acted to uphold them. However, even here it is unclear whether King truly believed that they had bad will toward Black citizens or whether he believed that they too were victims of misunderstanding.

We also get at least a beginning sense of what trust was for King when we consider his response to some of those who argued in favour of Connor. Some of the clergymen that King was responding to claimed that Connor acted justly by reacting non-violently toward King and the other protestors. King responded by arguing that Connor engaged in violent behavior. He used dogs that mauled at least one small child (74) and a number of "unarmed" Black citizens (109). However, King granted that the police, under Connor, showed at least some restraint in handling the demonstrators. So, at least in some sense, King was confident that Connor would to, *some* degree, constrain his actions within the bounds of justice. Even so, this did not mean that King trusted Connor. King believed that Connor acted this way for strategic rather than moral reasons. King suggested that Connor restrained himself in public largely because he believed (following Police Chief Laurie Pritchett of Albany) that non-violent action was the only way to defeat the demonstrations (76, 110) and, in turn, to preserve the system of racial segregation. He was also awaiting the court injunction directing King to cease his activities (76). Connor, he argued, was a segregationist, dedicated to the maintenance of the (racist) status quo (91).[16] Belief that someone would engage in right action was not sufficient for trust, on King's view. Right action for strategic reasons was not enough to give King positive reasons for trusting Connor. To trust someone, on King's view, was to believe that they would not only act justly but also that they would act justly for the right reasons. However, the opposite is not true of distrust. One can rightfully distrust another person even if one merely believes that she is unlikely to act justly or rightly. As King's discussion of the White moderate highlights, one can be agnostic or at least unsure about

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[16] He also describes Connor as a "racist who prided himself on knowing how to handle the Negro and keep him in his place" (47).

their reasons (there may be many potential candidates) for failing to act justly, while still being confident about their tendency toward such a failure in action.

Contrasting King's discussion of Bull Connor with that of White moderates allows us to identify a further distinction in types of distrust. King's distrust of Connor was not restricted to Connor as a man, but was also very much related to Connor as a man of the administration. King explained that he was ready to protest even if Connor was not elected as the new Mayor. Indeed, the Birmingham campaign initiated just after a new city administration was elected, before it had much time to act. In explaining why this was the case, King wrote,

> the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to the maintenance of the status quo. I have hoped that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights (90-91).

Here, King expressed his belief that Boutwell, the newly elected mayor, was a more gentle person than Connor. But King was still doubtful that such gentleness was sufficient to move Boutwell to act justly. His distrust of Boutwell concerned Boutwell as a person. King believed that Boutwell was committed to the status quo and the maintenance of White supremacy. However, King's distrust was more about Boutwell as a member of the privileged White community. King writes, "[l]amentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily . . . groups tend to be more immoral than individuals" (91). King's distrust was also about Boutwell as a representative of the Birmingham administration, an administration King believed to be representative of the nation as a whole and of its nationally institutionalized racism. King wrote, "[a] campaign in Birmingham would surely be the toughest fight of our civil-rights careers, it could, if successful, break the back of segregation all over the nation. The city has been the country's chief symbol of racial intolerance. A victory there might well set forces in motion to change the entire course of the drive for freedom and justice" (53-54).

Using King's thoughts here, we can distinguish between the distrust that individuals have toward one another, qua individual citizens, and the distrust that individuals have toward political institutions and the individuals, qua instruments of such institutions, that have power over them. Call the former *horizontal* and the latter *vertical* distrust. King's distrust of Connor can be and was likely best described as a species of vertical distrust. We can also derive, from King's writing, a concept of *social distrust*: distrust that individuals have toward one another as members of a particular social group (i.e., "the privileged" or "White"). Social distrust can overlap with either horizontal or vertical distrust. For example, King distrusted White moderates not only as individuals but also as members of the social group "Whites" and, potentially, also as individuals who had more political power than him and other Black citizens. The various types of distrust are linked through their connection to one's belief about various entities' tendency to fail to act justly.

From this theory of distrust, we can also derive at least an initial account of trust and agnostic trust. To *trust* is to be confident that a person, group, or institution will act justly for the right reasons. To be agnostic about trust/distrust, in relation to an individual, group, or an institution, is to be unsure about whether she or it will act justly or not – it is a "wait and see" type of attitude. In such cases, one lacks positive reasons to trust or distrust.

§3. The Consequences and Value of Distrust

King's account of distrust is a narrow normative account. Distrust is a confident belief that other individuals, groups, or institutions will not act as justice requires. It is the normative aspect of this concept that gives rise to its democratic value. In the case we are considering here, that of the Birmingham Campaign, it is King and his supporters' confident belief that White moderates will not act justly, that is, to bring about racial justice, that propelled them into action, action that ultimately changed the democratic landscape of America.

(i) Consequences

In September 1963, King met with the leaders of Birmingham's economic community. During these negotiations, promises were made by store merchants to remove "the stores' humiliating racial signs" (88). As a result, all demonstrations were halted. However, King writes,

> as the weeks and months went by, we realized we were the victims of a broken promise. A few signs briefly removed, returned; the others remained. As in so many past experiences, our hopes had been blasted, and the shadow of our disappointment settled upon us. We had no alternative except to prepare for direct action whereby we would present our very bodies as a means of laying our case before the conscience of the local and national community (88).

King's distrust of the White moderates reached its height after the negotiations with the merchants of Birmingham failed. After this, King became very confident in his belief that White moderates – even those who were willing to engage in negotiations – would not act justly. It was this belief that led him to initiate a campaign of direct action in Birmingham.[17]

King believed that direct action was essential to ensuring racial justice. Direct action is action that is taken by an individual or a group to reveal an existing social problem or a possible solution to an existing social problem. Following Gandhi, King believed in non-violent direct action. King believed that non-violent direct action was necessary to bring about negotiation and peaceful discussion in Birmingham (89). This was the purpose of direct action, in his view. It forced those who constantly refused to

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[17] He takes on the objection that this was not the right time for action, responding with "I have yet to engage in a direct-action campaign that was 'well-timed' in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word 'Wait!' It rings in the ear of every Negro with piercing familiarity. This 'Wait' has almost always meant 'Never.' We must come to see, with one of our distinguished jurists, that 'justice too long delayed is justice denied'" (91).

negotiate to confront the social issue of racism by dramatizing the issue so that it could no longer be ignored (89). King also noted that, in this particular case, direct action had the positive side-effect of economic-withdrawal and would, in turn, send a direct message to the merchants.

King's distrust led to a unique plan for engaging in direct action. Initially, efforts were limited to sit-ins. King and his supporters felt it best to begin modestly and then to build up to something more spectacular. Small groups of Black citizens sat in at lunch counters in the downtown department stores and drugstores. When they were asked to leave and refused to do so, they were arrested under the "trespass after warning" ordinance (63). King was not able to attend these sit-ins himself.[18] Though, he did lecture on the philosophy of non-violence and its methods at the nightly meetings that followed the demonstrations (64).

Shortly after the sit-ins began, King and his supporters started training for the more intense forms of direct action. King's plan was for himself and other Black citizens to submit to being jailed – something that had never been done on such a large scale on American soil before. He wrote,

> let us not fear going to jail. If the officials threaten to arrest us for standing up for our rights, we must answer by saying that we are willing and prepared to fill up the jails of the South. Maybe it will take this willingness to stay in jail to arouse the dozing conscience of our nation.[19]

In preparation, King and his supporters organized and participated in a series of workshops on non-violence, which, among other things, involved being ready to endure physical and verbal abuse as well as being in jail (67). They engaged in other preparatory work – the running of errands and making phone calls (67). Each volunteer signed a "Commitment Card" that pledged, among other things, to always seek justice, to never use violence, and to walk and talk in love.

On April 6, 1963, the first wave of demonstrators marched on City Hall, just as they had been trained to do. When they were a few blocks from Connor's offices, "they stood firmly and refused to obey Connor's orders to disperse. Thereupon forty-two were arrested for 'parading without a permit'" (75). From here, the demonstrations grew stronger. The boycott of downtown merchants became more and more effective. King writes, "a few days before Easter, a careful check showed less than twenty Negroes entering all the stores in the downtown area" (75). The number of volunteers had grown, which allowed for a variety of kneel-ins, sit-ins and marches. All of which meant, "the jails were slowly but steadily filling up" (76). The demonstrations reached their height on April 12, 1963, when King lead a demonstration and submitted himself to arrest. King writes, "As we neared the downtown area, Bull Connor ordered his men to arrest us. Ralph [Abernathy, King's staunch supporter] and I were hauled off by two muscular policemen, clutching the backs of our shirts in handfuls . . . In jail, Ralph and I were separated from everyone else and later from each other" (82). King was subjected to solitary confinement.

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[18] King did participate in lunch counter sit-ins at Rich's department store in Atlanta, Georgia, where he and 300 students were arrested, in October 1960.

[19] Martin Luther King Jr., "Creative Protest," Feb. 16, 1960. Available at: http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/a_creative_protest/

King and Abernathy were released on April 20, 1963, which was 8 days after their initial imprisonment. Shortly after this, King and James Bevel, the organizer of the SCLC, worked out a new tactic: the use of children (or minors) in demonstrations. Children were an untapped resource. Until this point, most of the demonstrators in Birmingham were adults, many of whom were now in jail. Children were needed to sustain the demonstration under such conditions. After Bevel and his associates held recruiting sessions, where teenagers and high school students were invited to attend after-school meetings at churches, "by the fifties and by the hundreds, these youngsters attended mass meetings and training sessions" (114). King's desire to use children in the demonstrations was not merely strategic. He also wished to give these children a sense of their "own stake in freedom and justice" (114).

On May 2, 1963, hundreds of children between the ages of 6-18 were arrested for attempting to march into downtown Birmingham. King says, "for the first time . . . we were able to put into effect the Gandhian principle: 'Fill up the jails' . . . At the height of the campaign . . . there were 2,500 demonstrators in jail at one time, a large proportion of them children" (117). Until this point, Connor had remained fairly docile. However, things changed after the May 2 demonstrations. The next day, when hundreds of students returned, Connor started using more forceful tactics to halt the demonstrations, directing local police and fire departments to blast the protestors with high pressure hoses (118). Children were hit hard with the blasts of water, causing many of them to fall down in the streets. They were also clubbed by police officers and attacked by dogs.[20] The media captured images of these clashes. They were printed in newspapers and broadcasted over the television to the rest of the nation, who viewed in shock.

This was a turning point in the Birmingham campaign. King wrote,

Strangely enough, the masses of white citizens in Birmingham were not fighting us. Only a year or so ago, had we begun such a campaign, Bull Connor would have had his job done for him by murderously angry white citizens. Now, however, the majority were maintaining a strictly hands-off policy" (119).

White citizens may not have shared in King's cause, but the majority were no longer actively fighting against it. It was a significant shift in attitude. King recounts that even Connor's own men were affected by the demonstrations, refusing, at least in one case, to hose down Black citizens (120). All of this national attention and pressure culminated in negotiations, starting May 4, 1963,[21] which ultimately led President John F. Kennedy to propose a civil rights bill in June 1963. President Lyndon Johnson signed this bill into law with King and other activists present as the Civil Rights Act on July 2, 1964. Later, after the Birmingham Campaign, King would become involved with the March on Washington for Jobs and Freedom and the Selma to Montgomery Marches. The demands of which were reflected in the Voting Rights Act, which was also initiated by President Kennedy and signed into law by President Johnson on August 6, 1965. The Voting Rights Act abolished literacy tests and authorized investigation of poll taxes (which were later outlawed by the Supreme Court). It also prohibited certain jurisdictions from

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[20] "Birmingham Campaign 1963." Available at: http://mlk-kpp01.stanford.edu/index.php/encyclopedia/encyclopedia/enc_birmingham_campaign/
[21] The attorney general dispatched Burke Marshall, his chief civil rights assistant, and Joseph F. Dolan, assistant deputy attorney general, to negotiate (123).

implementing any new voting practices or procedures without receiving preapproval from the federal government.

In short, King's campaign for the end of racial segregation and racial injustice was successful. It was a sense of distrust of White moderates and those in favour of the status quo, such as Connor, as well as the political institutions that implemented racial injustice that propelled King and his supporters into a campaign of direct action that used new forms of political participation.[22]

(ii) Value

The value of distrust lies in its tendency to bring about justice by tempering tyranny.[23] Tyranny has always been understood, in America, as among the biggest threats to a well functioning democracy. In the Federalists papers, James Madison famously worried about factionalism and its effects on democracy within America.[24] A faction, in his view, "whether amounting to a majority or a minority of the whole [, are those] who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community." To prevent tyranny, Madison argued that factions must be "unable to concert and carry into effect schemes of oppression."[25] We cannot merely rely on individuals' moral or religious motives to ensure justice.[26] Like King, Madison expressed distrust of those among the majority, believing that they were unlikely to act to promote justice merely because of their own inner motivations. Further external motivations were necessary. Where there were no further external checks, tyranny was a central threat to a genuine democracy (or a "republic" in Madison's words). Madison argued that, representative democracies of this sort, were seats of "turbulence and contention" and were "incompatible with personal security or the rights of property"; and in general were unstable and unlikely to persist.

Madison was not only distrustful of factions that formed among ordinary citizens. Like John Locke and David Hume, before him, he was distrustful of factions that might form within the government itself. Following Baron de La Brède et de Montesquieu, Madison believed that no branch of the government should be centralized in all of its powers.[27] Madison supported a tripartite system (a separation of powers). However, since there would be some overlap in power between the branches, he believed that a tripartite system was in itself insufficient to protect against tyranny. He believed that the different branches would be jealous of one another and would have a tendency to block each other's usurpations.[28] He writes,

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[22] Avery, "Political Mistrust Among African Americans" argues, on empirical grounds, that "greater mistrust among blacks leads to greater activity in protest types of participation that are historically rooted in the civil rights movement and are often motivated by a strong desire for social and political change" (132).

[23] The value of distrust is likely multifaceted. I take myself to discuss here only one – if central – aspect of its value.

[24] For a complete discussion of Madison's distrust and its role in the constitution, see Russell Hardin, "Liberal Distrust."

[25] James Madison, *Federalist 10*, 1788.

[26] Ibid.

[27] "The accumulation of all powers, legislative, executive and judicia[l] in the same hands, whether of one, a few, or many, and whether hereditary, self–appointed, or elective, may justly be pronounced the very definition of tyranny," James Madison, *Federalist No. 51*, 1788.

[28] See James Madison, *Federalist 47*, 1788 and also Russell Hardin, "Liberal Distrust," p. 82.

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.[29]

On the one hand, the government was necessary to prevent individual citizens from forming into factions and tyrannizing one another. On the other hand, governments were themselves likely to form factions and were also something to be protected against. To some extent the people serve this function, but given their own tendency toward factionalism, they were not enough to prevent tyranny. For this reason, Madison believed that a system of checks and balances – as provided through the constitution and bill of rights – would provide "auxiliary precautions" that were necessary to prevent abuses of government power. In short, Madison's support of the constitution and later the bill of rights was grounded in a sense of distrust. Because of their tendency toward factionalism, he had a confident belief that individual citizens and branches of government would not act justly on their own initiative. The threat of factionalism and resulting tyranny needed to be checked and balanced by other mechanisms such as a constitution and a bill of rights.

King's distrust can be understood both as raising a challenge to Madison's views and as being in general agreement with them. Like Madison, King was distrustful of his fellow citizens and of the government. However, he can be understood as believing that the Madisonian system of checks and balances (as Madison conceived of it) failed to provide a complete solution to the problem of distrust/factionalism.[30] Despite the fact that a tripartite system, a constitution, and a bill of rights existed, King distrusted his fellow citizens (the White moderates) and the political institutions of the time. He was confident that they would not act to ensure justice for Black citizens. His distrust suggested that, even with a constitution and a bill of rights, the tripartite system was not enough to temper the ill tendencies of the people or the government. They simply were not enough to protect Black citizens from White tyranny. Viewed in this light, King's distrust and the resulting direct action were a way of checking and balancing White Tyranny and the Madisonian system of checks and balances itself. Direct action was meant to correct for the failures of the Madisonian system, which had so grievously failed to ensure justice for Black citizens. It was meant to force change in both individuals and institutions by encouraging productive and progressive negotiations by ensuring that the voices of Black citizens were heard and taken into account and responded to.

This brings us to the democratic value of distrust. King and other Black citizen's distrust of White moderates and political institutions gave rise to action that directly challenged White tyranny in the South and in America more broadly. It did this by giving those who had no voice or at least very little voice in democratic politics a voice and by

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[29] Madison, ibid.

[30] The key failure of *Federalist 10* was Madison's excessive confidence that the large scale of the U.S. republic would create many diverse factions at cross-purposes with each other, rather than a solid majority faction with continuous tyrannical aims. He clearly did not see racial solidarity of the White majority, united across numerous issues against the Black minority, as a dangerous source of tyranny.

ensuring that this voice was registered. And, it did this by giving rise to new forms of political participation such as passive resistance, marches, sit-ins, teach-ins, child demonstrations – all of which had not happened before on such a large scale in American history. In this way, direct action and the distrust it stemmed from checked and brought back into balance a system that had long been lopsided. In short, distrust led to new forms of democratic participation that worked as "auxiliary precautions" against abuses of power at both the individual and governmental level. Distrust serves democracy by tempering tyranny through direct action. In this sense, distrust itself can be viewed as an essential part of the Madisonian system of checks and balances.

The value of distrust is primarily motivational: distrust motivated Black citizens and their supporters to engage in new forms of action that would work to ensure racial justice. Its value is contingent. The connection between distrust and being so motivated is not a necessary one, but it is a tight one. If King had continued to trust White moderates, then political change would likely not have come or, at least, would have come very much later. It is King's confident belief that White moderates would not act justly and that Bull Connor and other avatars of institutionalized racism would continue to act unjustly that motivated him to take things into his own hands. It is why he couldn't wait any longer.

§4. Conclusion

Many theorists have focused on the democratic value of positive attitudes such as trust, solidarity, and empathy.[31] In contrast, little emphasis has been placed on the so-called negative attitudes of anger, aggression, and despair and their potential value for democracy. Distrust is usually counted as a negative attitude and is often considered a threat to democracy. For example, Patti T. Lenard argues that "the more distrust prevails, and the deeper it runs, the more we need to worry about our democracies."[32] This paper takes a different track by arguing for the value of distrust. Using King's arguments and the Birmingham campaign as my focus, I have argued that distrust is of democratic value. Its value is motivational. It has a tendency to motivate individuals to engage in the actions that are needed to ensure a just democracy. Distrust played an essential motivating role in King's fight to end White tyranny in America. It motivated a largely successful campaign of direct action that was aimed at ending racial segregation and also, eventually, at ensuring greater political equality and justice more broadly for Black citizens. Distrust also motivated the creation of the Madisonian system. In this sense, distrust is not merely a negative attitude. It can be productive and protective in the face of tyranny and injustice.

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[31] See n. 5.

[32] Lenard, *Trust Democracy and Multicultural challenges*, p. 62. In chapter 3, Lenard argues against the claim that distrust is central to democracy. She argues instead that trust is central to democracy and that distrust is a threat to democracy. The argument here is not meant to undermine the claim that trust is central to democracy. Indeed, I have argued elsewhere, see n. 4, that trust is essential to a just and democratic society because of the role that it plays in political solidarity. The claim here is that a sense of distrust is also of central important to a just and well-functioning democracy. This is something that is usually denied. There is, of course, the further question of how to balance the two, that is, of how to balance trust and distrust, in a democracy. This is an important question, but is not something that I can address within the scope of this paper.

There is some truth in the negative views of distrust, however. Distrust may pose a threat to democracy. In some cases, it may bread a tendency toward to extremism or violence, for example.[33] This is likely the case when frustration and cynicism also run high. A complete theory of the value of distrust will need to give an account of the dangers of distrust. It is important to keep these dangers in mind so that distrust can be harbored in ways that ensure that its genuine value is realized.

All of this is especially worth keeping in mind in the current context. Distrust is present in America again and it is taking its effect. Like King and his supporters, today's Black citizens distrust fellow White citizens, including the moderates among them, and especially the police. As President Obama suggests, "in too many communities around the country, a gulf of mistrust exists between local residents and law enforcement."[34] And, as Zachery Williams, an associate professor of African-American History at the University of Akron in Ohio, recently suggested, "there is this sense that they can't get fairness; that fairness can't be achieved and accomplished by people of color."[35]

As the situation worsens, Black citizens are becoming more and more confident that the police will not act justly. Much of this growing distrust stems from increased awareness and acknowledgment of the widespread and consistently poor treatment of Black citizens in America. More specifically, there is a growing awareness and acknowledgment of the proliferation of unnecessary killings of Black citizens, including those of Travvyon Martin, Michael Brown, and Eric Garner. There is also a growing awareness and acknowledgment of police profiling of Black citizens especially in small towns in America for high court fines and fees on nonviolent offenses such as traffic violations. The profits of which are used to bolster the municipal budget.[36] A recent report by ArchCity Defenders showed that revenue from fines and court fees made up about 10 percent of Ferguson's 2013 budget.[37]

The sense of distrust among Black citizens is evidenced in recent Gallup polls. Gallup has found, from combined data from 2011-2014, that "Black citizens in the U.S. have a significantly lower level of confidence in the police as an institution than do White citizens."[38] 50% of Black citizens believe that Black males are more likely to go jail than

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[33] Threads of extremism can be found in King's work. For a discussion of this aspect of King's work and personality see Jonathan Reider, *Gospel of Freedom* (Bloomsbury Press, New York, 2013).

[34] "Obama: Ferguson Exposed 'Gulf of Mistrust' Between Cops and Communities," *Time*, September 28, 2014. Available at: http://time.com/3441544/obama-ferguson-gulf-of-mistrust/. The complete transcript of Obama's speech can be found there.

[35] Monsy Alvarado, "Unrest in Ferguson, Mo., fueled by distrust, experts say," *Northjersey.com*, Nov. 26, 2014. Available at: http://www.northjersey.com/news/unrest-in-ferguson-mo-fueled-by-distrust-experts-say-1.1141921?page=all

[36] Joseph Shapiro, "In Ferguson, Court Fines And Fees Fuel Anger," *NPR*, Aug. 25, 2014. Available at: http://www.npr.org/2014/08/25/343143937/in-ferguson-court-fines-and-fees-fuel-anger

[37] The report is available here: https://www.dropbox.com/s/vwptqn3mhq9xvy7/ArchCity%20Defenders%20Municipal%20Courts%20Whitepaper.pdf

[38] Frank Newport, "Gallup Review: Black and White Attitudes Toward Police," *Gallup*, Aug. 20, 2014. Available at: http://www.gallup.com/poll/175088/gallup-review-black-white-attitudes-toward-police.aspx?utm_source=tagrss&utm_medium=rss&utm_campaign=syndication&utm_reader=feedly. For a summary of the Gallup poll, see Noah Gordon "Americans' Deep Racial Divide on Trusting the Police," *The Atlantic*, Aug. 20, 2014. Available at: http://www.theatlantic.com/politics/archive/2014/08/americans-deep-racial-divide-on-trusting-the-police/378848/

White males because of racial discrimination.[39] Furthermore, the Pew Center has recently found that, 76% of Black citizens have little or no confidence at all in the investigations of the shootings of individuals such as Eric Garner.[40] 40% of Black citizens express very little confidence in the police to not use excessive force on suspects.[41] Finally, "when people of both races are asked about their confidence in police around the country to treat people of both races equally . . . About half (46%) of Black citizens express very little confidence.[42] All of this data demonstrates that Black citizens distrust the police.[43] They have a confident belief that the police will not act justly toward Black citizens.

As a result of this sense of distrust, campaigns of direct action are beginning. There have been mass protests across America in support of Eric Garner and Michael Brown, for example. In an attempt to bring greater awareness and to motivate further action, there have also been media drives through social networking platforms such as Facebook and Twitter with the tag #Blacklivesmatter and #Ican'tbreathe.

President Obama has committed to addressing "the simmering distrust that exists between too many police departments and too many communities of color." As Mark Twain wrote, "actions speak louder than words, but not nearly as often." So far, Obama's actions have said much less than his words. Let us hope that Black citizens' sense of distrust will grow and continue to foster the direct action that is needed to ensure that racial justice and genuine democracy are secured. In a world where Darren Wilson's run free and untempered, and Michael Browns are gunned down, we must hope that the distrust of Black citizens will force necessary change and that White Tyranny will finally be eliminated.

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[39] Gallup, ibid.

[40] Bruce Drake, "Ferguson highlights deep divisions between blacks and whites in America," Pew Research Center: Facttank: News in the Numbers, Nov. 26, 2014. Available at: http://www.pewresearch.org/fact-tank/2014/11/26/ferguson-highlights-deep-divisions-between-blacks-and-whites-in-america/

[41] ibid.

[42] Ibid.

[43] It also suggests that race is an important social factor in distrust.