

MARTIN LUTHER KING AND THE

Good Samaritan

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A few months ago I was asked to speak to a group of lawyers in observance of Martin Luther King's birthday. Had he lived to the present day, Dr. King would have been well into his 80s and, no doubt, a continuing force for justice in our nation and the world. Eighty years is more than twice the length of his actual life, but King's example confirms the adage that what matters is not the years in one's life but the life in one's years.



It's not hard to write a speech about King. His words and deeds are familiar to all of us, and his legacy was recently memorialized in a monument in Washington, DC. But for this occasion I took the opportunity to read some of King's writings that I had not read before, including his 1963 book *Strength to Love*,² a collection of sermons he preached as pastor of the Dexter Avenue Baptist Church in Montgomery, Alabama, and later as pastor of the Ebenezer Baptist Church in Atlanta. I thought I might share with you a few reflections on King's legacy—in particular, the powerful message he had for each one of us to be a force for good and a force for justice in society.

ON BEING A GOOD NEIGHBOR

The year 1963 was a turbulent one in the civil rights movement. That spring King led the Southern Christian Leadership Conference (SCLC) in its campaign to end segregation in Birmingham, Alabama—at the time one of the nation's most racially divided cities. That campaign of boycotts, sit-ins, and marches produced some of the most memorable images of the civil rights era, including the use of police dogs and water hoses against nonviolent protestors by Birmingham sheriff Bull Connor.

In April, King and his supporters defied an injunction against the protest, and King was arrested for the 13th time, just two weeks after his wife had given birth to their fourth child, Bernice.³ During his incarceration, King wrote his "Letter from Birmingham City Jail" using the margins of a newspaper and scraps of paper supplied by a black janitor. His letter responded to eight local clergymen who had accused King of being an outsider agitator.

King began his letter by answering why he had come to Birmingham. He said his organization, the SCLC, had a local affiliate that had asked him to be there to engage in nonviolent protest. King wrote:

So I am here . . . because we were invited here. I am here because I have basic organizational ties here.

Beyond this, I am in Birmingham because injustice is here. . . .

. . . I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere.⁴

That phrase would be just one of King's quotable statements from 1963, for in August of that year King gave his "I Have a Dream" speech on the steps of the Lincoln Memorial as part of the March on Washington for Jobs and Freedom.

Against the backdrop of 1963, King's book *Strength to Love* is more contemplative and more philosophical. It is a religious work. As King wrote in his preface, "I have sought to bring the Christian message to bear on the social evils that cloud our day and the personal witness and discipline required."⁵ But the genius of King's theology was its universalism—its relevance to believers and nonbelievers alike.

I'd like to focus on one sermon in the book called "On Being a Good Neighbor."⁶ In it King retells the parable of the good Samaritan, which, according to the Gospel of Luke, is told by Jesus in response to a lawyer who asks, "Teacher, what shall I do to inherit eternal life?"

Jesus says to the lawyer, "What is written in the law?"

And the lawyer replies, "The law says to love the Lord and to love your neighbor as yourself."

To which Jesus says, "Well, there you have it. Just follow the law."

But the lawyer, being a lawyer, follows up by asking, "Who is my neighbor?"

From there Jesus tells the story of a man, most likely a Jew, traveling the road from Jerusalem to Jericho. He was assaulted by robbers, who beat him and left him for dead. After a while, a priest happened to be traveling the same road, but when he saw the man, he passed by on the other side. Next, a Levite came down the road, but he, too, passed by the injured man. Finally, a Samaritan came by, and when he saw the injured man, he bandaged the man's wounds, put the man on his donkey, brought the man to an inn, and paid the man's tab.

At this point Jesus asks the lawyer, "Who was a neighbor to the injured man?"

And the lawyer said, "He who showed mercy on him."

"Injustice"

Then Jesus said, "Go and do likewise."⁷

The simple lesson of this story is that we should be good neighbors and do good deeds, like helping an injured man on the side of the road. And it's true; we should. But King wanted us to see some broader lessons in the story, and today I will mention three virtues he thought important. The first is courage. The second is duty. And the third is justice.

COURAGE

It's one thing to help an injured man when it's not inconvenient, but it's another thing to do so when it may involve a significant cost. In retelling the parable, here is what King said:

The Jericho Road was a dangerous road. When Mrs. King and I visited the Holy Land, we rented a car and drove from Jerusalem to Jericho. As we traveled slowly down that meandering, mountainous road, I said to my wife, "I can now understand why Jesus chose this road as the setting for his parable." . . . Many sudden curves provide likely places for ambushing and expose the traveler to unforeseen attacks. Long

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ago the road was known as the Bloody Pass. So it is possible that the priest and the Levite were afraid that if they stopped, they too would be beaten. Perhaps the robbers were still nearby. Or maybe the wounded man on the ground was a faker, who wished to draw passing travelers to his side for quick and easy seizure.⁸

While acknowledging the danger, here is how King pivots to make his point. He said:

I imagine that the first question which the priest and the Levite asked was: “If I stop to help this man, what will happen to me?” But . . . the good Samaritan reversed the question [and asked]: “If I do not stop to help this man, what will happen to him?” . . .

We so often ask, “What will happen to my job, my prestige, or my status if I take a stand on this issue?” . . . The good man always reverses the question. . . . Abraham Lincoln did not ask, “What will happen to me if I issue the Emancipation Proclamation and bring an end to chattel slavery?” but he asked, “What will happen to the Union and to millions of Negro people if I fail to do it?” The Negro professional does not ask, “What will happen to my secure position, my middle-class status, or my personal safety if I participate in the movement

to end the system of segregation?” but “What will happen to the cause of justice and the masses of Negro people who have never experienced the warmth of economic security if I do not participate actively and courageously in the movement?”⁹

No doubt this is a very high standard. All of us possess some instinct toward self-preservation, and King understood that you have to pick your battles. Standing up for the cause of justice may expose you to criticism, retaliation, or worse, and often it may seem prudent or more comfortable to just play it safe. But as a friend of mine once said, no one goes to his grave seeking an epitaph that reads, “He kept his options open.” King put it this way:

The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy. The true neighbour will risk his position, his prestige, and even his life for the welfare of others.¹⁰

Although few of us have taken the kinds of risks King took, his message rings true: we need courage if we are to conquer injustice.

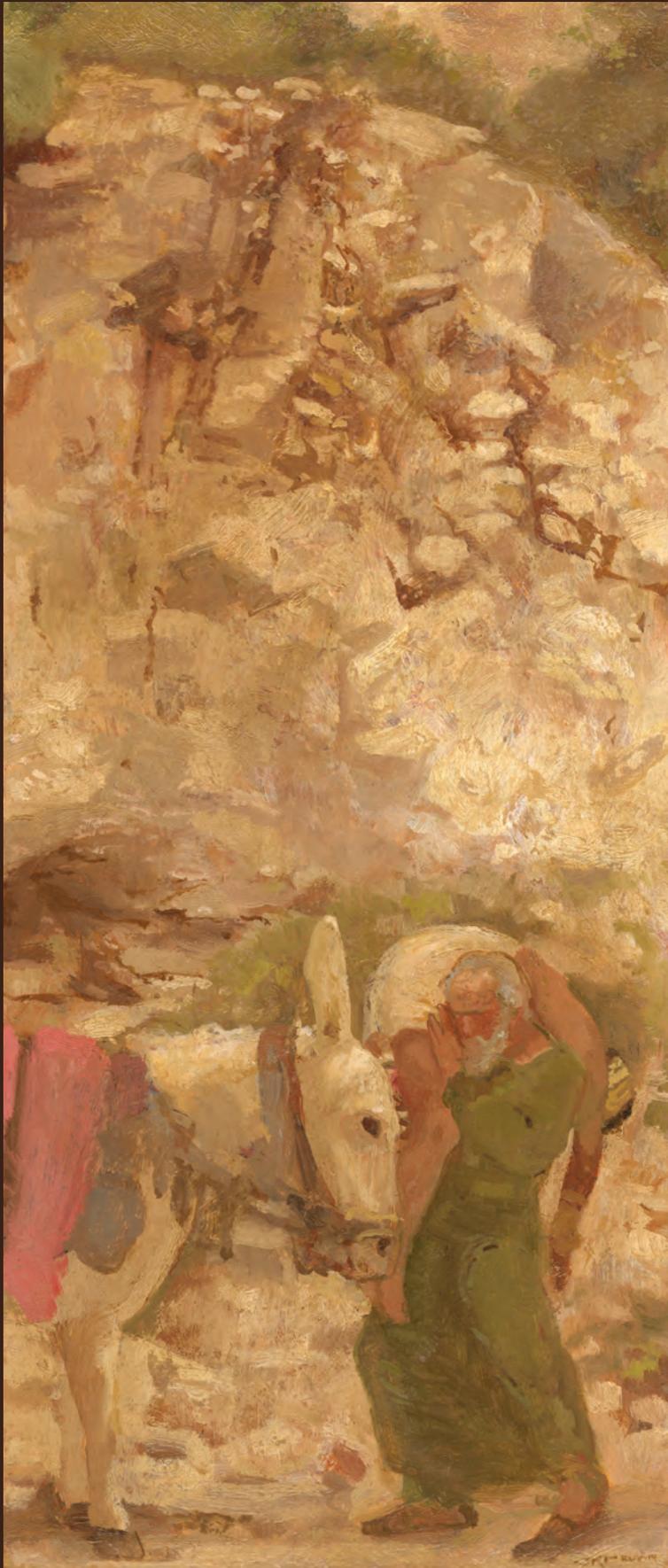
D U T Y

Here is the second lesson King drew from the parable. The conduct of the good Samaritan is thought to exemplify altruism or charity—a kind of generosity that is praiseworthy in part because it is optional. In first-year torts many law students learn that today we have so-called “good Samaritan laws” that limit the liability of voluntary rescuers in order to encourage this kind of altruism. But recall the parable. A *lawyer* asks the questions, and Jesus tells him to follow the law. When the good Samaritan helps the injured man, he is doing what the law requires—but not the kind of law you can take to court. As King put it, “True neighbors . . . are willingly obedient to unenforceable obligations.”¹¹

The term *altruism* does not capture the element of duty in the conduct of the good Samaritan. His good deed is not merely a good deed; it has a moral inflection. Helping the injured man is not something we do when we are feeling generous. It is something we *must* do because of our obligations to one another. Those obligations are unenforceable, but they are obligations nonetheless.

The notion of unenforceable obligations may seem odd or even artificial, especially to law students and lawyers who are trained to seek enforcement of the law. But consider for a moment our everyday obligations to one another and to society—to keep our promises, to refrain from causing injury, to pay our taxes, and, in the case of lawyers, to uphold one’s oath to support and defend the Constitution. Do we discharge these legal obligations because of an ever-present threat of enforcement? I would submit that most of us do not obey the law out of fear—whether it is fear of a lawsuit, fear of an audit, or fear of sanctions. Indeed, I would be quite worried, and reluctant, to live in a society in which the primary reason that people obey the law is the threat of enforcement. What kind of society, and what kind of state, would that be? Certainly not one that cherishes liberty as much as we do and not one in which law and morality have much to do with each other.

The legal philosopher H.L.A. Hart famously argued that brute force alone does not make for a system of law. For a legal system to exist, Hart said, people



must generally obey the law. A totalitarian regime might be quite effective in exacting such obedience. But a system of law must have something else. Obedience, he said, must be premised upon acceptance of the law. To loosely borrow Hart's phrase, the law must have authority—it must command our obedience—from “an internal point of view.”¹² In other words, we discharge our legal obligations not simply because we fear enforcement but primarily because those obligations make sense to us as participants in the legal system and as members of a political community.

In describing this internal point of view, Hart stopped short of saying that acceptance of the law necessarily arises from a sense of moral duty.¹³ For King, however, the notion of unenforceable obligations was deeply intertwined with his moral vision of an integrated society. The subtext of the parable is that the Samaritans and the Jews were enemies, dating back to Israel's division into two kingdoms 600 years before Christ.¹⁴ When the Samaritan helps the injured man, a Jew, he is obeying the principle, eloquently expressed by King, that “[w]e are caught in an inescapable network of mutuality, tied in a single garment of destiny.”¹⁵ King urged us to recognize that network of mutuality because that is what makes our obligations to each other make sense from an internal point of view.

King was, of course, a vigorous advocate for civil rights laws. But he recognized that “the ultimate solution to the race problem lies in the willingness of [people] to obey the unenforceable.”¹⁶ The solution must make sense from our perspective as insiders within the legal system. It must proceed from an acceptance, as King put it, that “I must not ignore the wounded man on life's Jericho Road, because he is a part of me and I am a part of him.”¹⁷

JUSTICE

The example of the good Samaritan helping an injured man is admirable. But it is told as an isolated act, limited in scope and cut off from what happened before and what happens after. It is akin to volunteering once a year in a soup kitchen. The volunteer performs a commendable service, but a lack of context can distort its significance. Imagine,

for example, a soup kitchen volunteer who, after working a satisfying day, exclaims, “Wow, that was such a great experience that I hope my kids and grandkids have a chance to do it someday!”

When the good Samaritan encounters the injured man, he is right to bandage his wounds and bring him to safety. It is an act of courage and it is an act of duty, but would we call it an act of *justice*? King understood the parable as an opening for further inquiry. He, of all people, was interested in tackling root causes, not merely Band-Aid solutions. And so he saw the parable as incomplete:

*On the one hand we are called to play the good Samaritan on life's roadside; but that will be only an initial act. One day we must come to see that the whole Jericho road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey on life's highway. True compassion is more than flinging a coin to a beggar; it is not haphazard and superficial. It comes to see that an edifice which produces beggars needs restructuring.*¹⁸

A single good deed can, in many situations, be an act of justice. But justice has other facets as well. The philosopher John Rawls wrote that “the primary subject of justice is the basic structure of society”—by which he meant the institutional architecture of the legal system; the economic system; the system of production, exchange, and transfer; and the system of allocating rights, duties, opportunities, powers, and offices in society.¹⁹ The good Samaritan is not immediately concerned with that kind of justice. But the plight of the injured man, if we were to encounter him today, should cause us to ask some questions: What were the circumstances that required the injured man to walk a dangerous road by himself? Did the road have warning signs that might lead travelers to take appropriate precautions? Why did it take a good Samaritan to respond to his injury instead of law enforcement or some other public institution? And what about the robbers who caused his injury? What were the circumstances that led them to assault and steal from travelers on the Jericho road? Were there any police to patrol the road and deter such robberies? Would the robbers be apprehended, and

would they receive a fair trial and, if convicted, just punishment?

We are duty-bound to be good Samaritans, but King urged us not to lose sight of the bigger picture. “Philanthropy is commendable,” he said, “but it must not cause the philanthropist to overlook the circumstances of . . . injustice which make philanthropy necessary.”²⁰

THE DRUM MAJOR INSTINCT

I hope you draw inspiration, as I have, from these meditations on King’s legacy. Perhaps no one captured his legacy better than King himself, so I will close with a passage you’ve heard before. It’s from his sermon called “The Drum Major Instinct,” which he gave at the Ebenezer Baptist Church in Atlanta on February 4, 1968, exactly two months before his death.

All of us, he said, have basic human desires for attention, recognition, and importance. King called this the drum major instinct—an instinct “to be important, to surpass others, to achieve distinction, to lead the parade.”²¹ King acknowledged that he too had the drum major instinct, but he went on to explain how the instinct can distort one’s personality and produce a false sense of greatness so powerful that it can undergird a system of racial caste.

So King sought a different definition of greatness, and it is in that sermon that he said, “[E]verybody can be great. Because everybody can serve.”²² At the end of the sermon, prophetically he imagined his own funeral:

[I]f you get somebody to deliver the eulogy, . . . [t]ell them not to mention that I have a Nobel Peace Prize. . . . Tell him not to mention where I went to school.

I'd like somebody to mention that day, that Martin Luther King, Jr., tried to give his life serving others. I'd like somebody to say that day that Martin Luther King, Jr., tried to love somebody. I want you to say that day that I tried to be right on the war question. I want you to be able to say that day that I did try to feed the hungry. And I want you to be able to say that day that I did try, in my life, to clothe those who were naked. I want you to say, on that day, that I did try, in my life, to visit those who were in prison. I want you to say that I tried to love and serve humanity.

*Yes, if you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for peace; I was a drum major for righteousness.*²³

Those words speak for themselves, and I think King’s ultimate message was that we can all have those things said of us if we live a life of courage, duty, and justice.

NOTES

- 1 Associate Justice, California Supreme Court. Justice Liu was a Jurist-in-Residence at the J. Reuben Clark Law School on March 1–2, 2012. Reprinted here are remarks he gave to the BYU Law School community during his visit.
- 2 MARTIN LUTHER KING JR., STRENGTH TO LOVE (1963).
- 3 For an overview of the events, see Walker v. City of Birmingham, 388 U.S. 307 (1967).
- 4 Martin Luther King Jr., *Letter from Birmingham City Jail*, in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR. 289, 289–290 (James Melvin Washington ed., 1986).
- 5 KING, *supra* note 2, at ix.
- 6 Martin Luther King Jr., *On Being a Good Neighbor*, in KING, *supra* note 2, at 16.
- 7 See Luke 10:25–37.
- 8 King, *supra* note 6, at 20.
- 9 *Id.*
- 10 *Id.*
- 11 *Id.* at 23.
- 12 H.L.A. HART, THE CONCEPT OF LAW 88–99 (2d ed. 1994). I say *loosely* because commentators have differed on what Hart meant by “internal point of view.” For helpful background, see Scott J. Shapiro, *What Is the Internal Point of View?*, 75 FORDHAM L. REV. 1157 (2006).
- 13 See HART, *supra* note 12, at 203.
- 14 See King, *supra* note 6, at 19 (“If the Samaritan had considered the wounded man as a Jew first, he would not have stopped, for the Jews and the Samaritans had no dealings.”).
- 15 King, *supra* note 4, at 290.
- 16 King, *supra* note 6, at 23.
- 17 *Id.*
- 18 Martin Luther King Jr., *A Time to Break Silence*, in A TESTAMENT OF HOPE, *supra* note 4, at 231, 241.
- 19 JOHN RAWLS, A THEORY OF JUSTICE 7 (1971).
- 20 King, *supra* note 6, at 19.
- 21 Martin Luther King Jr., *The Drum Major Instinct*, in A TESTAMENT OF HOPE, *supra* note 4, at 259, 260.
- 22 *Id.* at 265.
- 23 *Id.* at 267.