



10-1-1975

Being Black in an Uncivilized Society--The Need for Social Justice

Jesse Jackson

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Jesse Jackson, *Being Black in an Uncivilized Society--The Need for Social Justice*, 51 Notre Dame L. Rev. 15 (1975).

Available at: <http://scholarship.law.nd.edu/ndlr/vol51/iss1/3>

This Article is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.

BEING BLACK IN AN UNCIVILIZED SOCIETY—THE NEED FOR SOCIAL JUSTICE*

*Reverend Jesse Jackson***

I would like to thank Professor Glickstein, Director of the Center for Civil Rights, who has been such a gracious host, the staff of the Center for Civil Rights, Dean Shaffer, and Father Hesburgh, to whom this lecture is dedicated. It is appropriate that this lecture be dedicated to Father Hesburgh, for he has been a significant figure in civil and human rights for several decades, a period that includes 15 years as member and chairman of the United States Commission on Civil Rights. I am grateful for the opportunity to deliver this lecture, and I have benefited immensely from the dialogue with students and faculty while here at Notre Dame.

I. Social Justice: The New Focus

I start with the basic premise that our struggle today can no longer adequately be described as a movement for civil rights. Rather, the focus of our struggle is social justice. In distinguishing between the two, I would say that civil rights is concerned with the rights of citizenship; social justice concerns itself with the uninhibited exercise of these rights. Social justice requires more than rhetoric and mere verbal commitment to legal change; it demands hours of hard work, patience, and an ability to find genuine means of helping the poor.

My desire to find the most efficacious means to help people leads me to look beyond just talk about "equal opportunity." It is one example of the empty phrases used by Washington bureaucracies and private industry. "Equal opportunity" is not sufficient to meet the demands of *equity* and *parity* in all human benefits and powers required by social justice.

The struggle for social justice is more fundamental and existential than the movement for civil rights; it demands more than marching and protesting. It depends on solidarity which results in a confidence that allows the voices of our people to articulate more than despair, alienation, and oppression. Social justice in the abstract is a noble goal; the struggle for social justice provides inspiration and hope to reach the goal. Civil rights raised the question of where men can eat;¹ social justice raises the question of whether men are eating. Civil rights raised the question of what schools children can attend;² social justice raises the question of what children can learn in school. Civil rights is concerned with where men can live;³ social justice, however, is concerned with whether men will

* This lecture was presented April 16, 1975, at the University of Notre Dame.

** Director, Operation PUSH; former director, Operation Breadbasket; B.S., A & T College of North Carolina, 1964.

1 *Katzenbach v. McClung*, 379 U.S. 294 (1964); *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964).

2 *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971); *Brown v. Board of Educ.*, 347 U.S. 483 (1954); *Sweatt v. Painter*, 339 U.S. 629 (1950); *Sipuel v. Board of Regents*, 332 U.S. 631 (1948); *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938).

3 *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968); *Shelley v. Kraemer*, 334 U.S. 1 (1948).

live in dignity. In his book, *The Humane Imperative*, Father Hesburgh makes essentially the same point. "More is required than . . . civil rights to secure the dignity of human beings. We must move beyond . . . civil rights and afford protection to economic and social rights as well."⁴

II. Black Society in White America

A. *Black Institutions*

The American system of higher education provides a graphic example of how civil rights by themselves are not capable of ensuring genuine parity or justice. No one questions the existence of Brandeis or Yeshiva; no one challenges the legitimacy of Georgetown or Notre Dame. Nor does one consider the propriety of student composition at Harvard and Yale. Yet, ironically, questions are raised about the legitimacy of Howard and Fisk or Tuskegee and Morehouse. This obvious hypocrisy overlooks the important contributions black colleges and universities make in American society, contributions no less significant than those of Brandeis or Notre Dame. Hypocrisy also exists in the criticism of other black institutions, such as black banks and businesses, as being racist, while white businesses in this country profit from exploiting black people in Africa.

Most colleges and universities serving black students were founded after the Civil War. Culturally, economically, and politically, where would black people in the United States be today if schools like Howard, Fisk, Tuskegee, Atlanta, Hampton, Shaw, Talladega, and Morehouse had not been founded? When these colleges and universities were founded, none of them received broad public support. Indeed, many faced very strong opposition; but they endured. Even today they enroll more blacks than all the predominantly white colleges and universities combined.⁵

B. *Black People*

I wish to emphasize that blacks are a unique part of this nation. We have a common geographic origin—Africa; we have a common culture—African culture; we have a common history—institutionalized slavery; we have a common life experience—continual oppression; we have a common citizenship—second-class.

Blacks have a common world-view. We believe that survival depends on our ability to liberate ourselves, this country, and the world. These similarities make us a people, or if you prefer, an ethnic group. Because of these similarities, we have an inherent right to maintain institutions and organizations to represent our experiences, speak to our aspirations, and be dedicated to serving our needs. This right is not dependent on human, political, or legal concession; it stems from a dignity bestowed on all men by God.

⁴ T. HESBURGH, *THE HUMANE IMPERATIVE* 33 (1974).

⁵ S. LEVITAN, W. JOHNSON & R. TAGGART, *STILL A DREAM: THE CHANGING STATUS OF BLACKS SINCE 1960*, at 100 (1975) [hereinafter cited as LEVITAN].

C. *Disparity Between the Black and White Societies*

The persistent problem of the "color line," viewed by Dr. Du Bois as the problem of the twentieth century,⁶ has passed through successive stages of definition. Yet it is still not understood. There was the "American problem" at the beginning of the century,⁷ an "American dilemma" in the 1940's,⁸ and finally an "American crisis" in the 1970's. One definition follows another; yet even now the full dimensions of the crisis are not perceived by the American public. Refusing to recognize the "color line" only reinforces the seriousness of the problem and the likelihood of no improvement. Obviously, problems cannot be solved when they are ignored; whether the problem is deliberately ignored or innocently misunderstood makes little difference.

Some idea of the proportions of the color line is possible by examining the following facts.

If social justice means equity and parity with respect to access to the opportunities, benefits, and power in our society, then the number of black students currently enrolled in institutions of higher education should be approximately one million, but it is not even one-half that number. More importantly, only one-third of the black students enrolled are in programs granting a degree. Much of the celebrated increase in black college enrollment has taken place in community colleges with large numbers of black students placed in terminal programs not leading to a college degree. If black students constitute 12 percent of the college-age population, then equity and parity demand that black students be legitimately enrolled in higher education in proportion to their numbers in the college-age population.⁹

Although the situation is bad in the undergraduate liberal arts colleges, the picture is dismal in graduate and professional schools. In the 1971-72 academic year, there were 43,723 students enrolled in medical schools; only 2,055 of these students were black (4.7 percent).¹⁰ Equity would require 7.3 percent more black students in medical schools. The total enrollment in dental schools in the same year was 18,214; only 765 of these dental students were black (4.2 percent).¹¹ In the 1970-71 academic year there were 62,923 students in the nation's law schools; only 2,454 of these law students were black (3.9 percent).¹² During the 1971-72 academic year there were 210,825 engineering students; only 4,136 of these students were black (2.0 percent).¹³

Equity and parity would demand a 12 percent figure a minimum to overcome past discrimination. However, if we are truly committed to overcoming

6 See *THE SEVENTH SON: THE THOUGHTS AND WRITINGS OF W.E.B. DU BOIS* 408 (J. Lester ed. 1971) [hereinafter cited as *Du Bois*].

7 *Id.*

8 G. MYRDAL, *AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY* (1944).

9 In 1973, the ratio of blacks to whites enrolled in college was 1:12, or 8.3 percent. See LEVITAN, *supra* note 5, at 82.

10 URBAN ED, INC., *MINORITY ENROLLMENT AND REPRESENTATION IN INSTITUTIONS OF HIGHER EDUCATION* 98 (1974).

11 *Id.* at 201.

12 *Id.* at 98.

13 PLANNING COMM'N FOR EXPANDING MINORITY OPPORTUNITIES IN ENGINEERING, *MINORITIES IN ENGINEERING: A BLUEPRINT FOR ACTION* 80, 97 (1974).

generations of racial discrimination it may be necessary for black enrollment levels to be at least 25 percent. In large urban areas such as Chicago, black enrollments in colleges and universities should be as high as 50 percent, since this would more accurately reflect the number of blacks living in major cities. Urban colleges and universities would only then meet the educational needs of urban blacks.

This demonstrable disparity between theoretical goals and actual enrollments causes us to favor "quotas." Blacks view quotas as a just method of compensation for many years of cruelty and deprivation. The disparity between theoretical goals and actual enrollments also accounted for the development of black colleges which served the educational needs of the black community for decades while predominantly white colleges closed their doors to blacks. Dr. Du Bois articulated this problem more than 70 years ago:

The proper education of any people includes sympathetic touch between teacher and pupil; knowledge on the part of the teacher, not simply of the individual taught, but of his surroundings and background, and the history of his class and group.

If this is true, and if we recognize the present attitude of white Americans toward black Americans then the Negro not only needs the vast majority of these schools . . . but it is a grave question if, in the near future, he will not need more such schools, both to take care of his natural increases, and to defend him against the growing animosity of the whites . . .¹⁴

If the American Negro really believed in himself; if he believed that Negro teachers can educate children according to the best standards of modern training; if he believed that Negro colleges transmit and add to science, as well as or better than other colleges, then he would bend his energies, not to escaping inescapable associations with his own group, but to seeing that this group had every opportunity for its best and highest development . . .¹⁵

I know that this article will forthwith be interpreted . . . as a plea for segregated Negro schools and colleges. It is not . . .

[T]heoretically, the Negro needs neither segregated schools nor mixed schools. What he needs is Education. What he must remember is that there is no magic, either in mixed schools or in segregated schools.¹⁶

D. *Impossibility of a Color Blind Society*

There is something ironic about the idea of eliminating the racial identity of black colleges and universities under the guise of "integration"; there is something ironic about the attempt to persuade us that black colleges and universities should be merged or consolidated with white colleges and universities. Those who advocate this position are wrong because they ignore several important factors.

¹⁴ Du Bois, *supra* note 6, at 408.

¹⁵ *Id.* at 412.

¹⁶ *Id.* at 417.

First, America does not possess the level of maturity or racial tolerance that allows anything to lose its "racial identity." Colleges and universities would simply alter their racial identity, not lose it. Specifically, colleges serving primarily black students would become colleges primarily serving white students if a neutral or "color blind" admissions policy were adopted. Should this occur, the underrepresentation of blacks in the total college and university population would increase. Black students of college age would be "shut out" and "pushed out" of the system of higher education. They would be denied access to higher education just as they were previously denied access to primary and secondary education.

Second, black institutions have never argued for a "racial identity," and therefore should not be asked to abandon an identity not based on race. Black institutions have an ethnic identification and exhibit distinctive cultural features, yet they are not racial in the sense of espousing a philosophy or advocating an ideology which would exclude nonblack individuals from membership and participation. Because blacks have a questioned status, they must continue to support and defend black institutions of higher education. As long as blacks do not receive equal access to white colleges and universities, there will be a concomitant need for black colleges and universities.

Lastly, American racism made it necessary for black institutions to be established. The continuation of this racism, now more subtle than overt, argues that black institutions continue indefinitely.

III. Economic and Social Rights

For equity and parity to be a reality, Americans must broaden their concept of what are appropriate human rights. Yet the events occurring in cities like Boston are discouraging. Integration of the public schools continues to be an extremely controversial issue. Boston's burning hatred is symptomatic of the resistance that must be overcome if blacks are to move beyond civil rights to social justice. Protection must be extended to economic and social rights. Father Hesburgh made this point in his Terry Lectures at Yale:

Too often we deal with social and economic issues in this country as problems, as the discharge of minimal responsibilities to take care of the needy. When we have acted to provide economic and social benefits we have viewed such actions as bestowing a privilege. Our people have political and civil rights; in economic, social and cultural areas, we dispense privileges. This is too narrow a view.¹⁷

During the period between the Supreme Court's decision in *Plessy* in 1896¹⁸ and its decision in *Brown* in 1954,¹⁹ the racist philosophy that blacks possessed only insignificant rights was reinforced by courts and other governmental institutions. Changes resulting from the trauma of World War II finally led the Supreme Court to decide in *Brown* that the rights of men were not dependent on the

¹⁷ HESBURGH, *supra* note 4, at 33.

¹⁸ *Plessy v. Ferguson*, 163 U.S. 537 (1896).

¹⁹ *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

color of their skin. The decision stood for the proposition that, regardless of their color, human dignity inheres in all men. Beginning with the Montgomery bus boycott in 1955, the civil rights movement concentrated on public accommodations.²⁰ This phase of the movement continued for nine years. The victories of those years—so painfully achieved—were codified into a body of civil rights legislation designed to end institutionalized segregation. A year later, in 1965, the civil rights movement focused on voting rights, already guaranteed by the fifteenth amendment. The Voting Rights Act of 1965²¹ emerged from the struggle in Selma, Alabama. With these victories behind us, the civil rights movement then turned its attention to the myriad problems of poverty and deprivation affecting millions of people—black, white, and Spanish-speaking. This new effort was the moving force behind the poor people's campaign in 1968; it was in this setting that the leader of the civil rights movement, Dr. Martin Luther King, was assassinated.

The rigorous attempt to move from civil rights to social justice draws much of its strength from the memory of Martin Luther King. Dr. King's assassination, however, also raises the specter of violence. Violence is antithetical to social justice; peace, not violence, is integral to genuine social justice. But violence is inevitable as long as blacks lack plans for housing the ill-housed; lack plans for educating children regardless of where they live; lack plans for ensuring both socially useful work for decent wages and adequate health care. To realize these goals blacks must have comprehensive economic planning, and the lack of this planning is one of the causes of our present domestic crisis. While blacks must be patient they must also be determined to achieve goals. Blacks cannot allow frustration, manifested by violence and crime, to destroy a movement dedicated to both civil rights and social justice.

The movement for social justice also is concerned with helping the worker. Millions of workers are unemployed; they must cope with the problems created by limited health care; they must cope with the loss of other benefits caused by an economic system that fails to provide jobs for everyone. The priority in the national budget given to excessive military expenditures creates rampant inflation and high taxes. The living standard of millions of working people has been destroyed by the inflation and high taxes caused by an unthinking militarism. Misplaced priorities like this have created not only an economic crisis of vast proportion, but a spiritual and moral crisis as well. A concern for social justice could develop values based not on desperation, but on the affirmation provided by employment and education.

IV. A New Coalition

Social justice will not be possible without a new coalition. The old civil rights coalition no longer exists. It is important that we understand the reasons for its demise. One reason for it was the paternalistic attitude of many liberal

20 M. KING, *STRIDE TOWARD FREEDOM: THE MONTGOMERY STORY* (1958).

21 42 U.S.C. § 1973 *et seq.* (1970) (originally enacted as Act of August 6, 1965, Pub. L. No. 89-110, 79 Stat. 437).

whites towards blacks. While liberal whites expressed moral concern, they refused to share power with blacks. The participation of blacks in civil rights organizations increased and was encouraged, while the vertical movement of blacks into positions of authority stagnated.

Another reason for the demise of the civil rights coalition was "boundless liberalism." Under its pervasive influence, discipline declined both at home and school. "Boundless liberalism" was as much a roadblock to progress as the inflexibility of conservatism. The new coalition must be free from the defects of the old. Such a coalition is possible, but its formation will entail considerable work. It requires that we look beyond jargon, and commit ourselves to a struggle not comprised of emotions but of perseverance.

V. Black Responsibility

There are some who firmly believe that America offers no hope for blacks or other minorities, but I refuse to believe this. I will continue to struggle to help America do what is morally right. Blacks have given too much for too long to let another generation of black Americans abdicate their responsibility. This country belongs to black Americans just as it belongs to white Americans. Blacks responded to every call to bear arms in the defense of liberties they never had. The bodies of black Americans are buried in cemeteries around the world. They sacrificed their lives to preserve a democracy that excluded them. Our parents begged on bended knee to be accorded the most elementary rights of human beings. Many of our black leaders laughed when they were not amused, shuffled their feet when they were not nervous, and bowed their heads when they were not praying.

We peacefully assembled and petitioned for redress of our grievances. We sat in and slept in; studied in and prayed in. We waged a nonviolent struggle in the spirit of love, hoping to appeal to America's moral conscience. The response was bloodied heads and broken limbs, bombed churches and burned homes, assassinated leaders and murdered followers, broken spirits and crippled hopes. But despite all this, the struggle continues because the problems still persist.

We have turned our attention to gaze the true issues—survival of our ethnic institutions and civilization in general. In so doing, we recall the words of Epictetus, a former slave, who in observing the society of ancient Greece wrote:

Man has decided that only free men shall be educated; but God has decreed that only the educated shall be truly free.