



Justice and Race in America: The Constant Struggle

The two stories of America.

- ▶ America often perceived as the home of the 'American Dream'. Life, Liberty, and Pursuit of Happiness.
- ▶ That has, to a large degree, been at least partially true for White, Male Americans.
- ▶ Reality for Minority Americans extremely different. A story of injustice, struggle, and bloodshed.

The American Genocide

- ▶ 'Manifest Destiny'- Imperialistic American belief that the settlers were divinely ordained to spread across America and attain its wealth. Early 'American Dream'.
- ▶ Required the genocide of the Native populations, and the seizure of their wealth and lands.
- ▶ 90 % of the native population eventually killed through war, disease or poverty.
- ▶ Trail of tears and 'Indian Removal Act' (1830), involved the forced removal of 30,000 Native Americans by Andrew Jackson's administration.

SLAVERY

- ▶ 12 Million slaves taken forcibly from Africa. 500,000 arrived in US.
- ▶ Uncounted Millions of African Americans were sold and bought into slavery, lasted 95 years.
- ▶ Children ripped from mothers, generation after generation subjected to starvation, torture, famine and death.
- ▶ US constitution explicitly created a 'compromise', treating slaves as 3/5 of a human being.

Narrative of Frederick Douglass

- ▶ The shrieks of my Aunt Hester often woke me at dawn. Captain Anthony would tie her up and whip her naked back until she was covered with blood'. The louder she screamed, the harder he whipped. Where the blood ran fastest, he whipped longest. He would whip her to make her scream and whip her to silence her. He wouldn't stop swinging the blood-clotted whip until he was exhausted.'
- ▶ "If you teach him how to read, there would be no keeping him. It would forever unfit him to be a slave. He would at once become unmanageable, and of no value to his master. As to himself, it could do him no good, but a great deal of harm. It would make him discontented and unhappy."

Frederick Douglass: What is the 4th of July to a slave?

- ▶ What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciation of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade and solemnity, are, to Him, mere bombast, fraud, deception, impiety, and hypocrisy — a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States, at this very hour.

After Slavery- Jim Crow Laws (Late 19th Century to 1965)

- ▶ All facilities segregated by law in the South. Schools, restrooms, restaurants. Also banned inter-racial relationships and marriages.

- ▶ Purpose to disenfranchise black people and to roll back gains African Americans had made in the aftermath of the Civil War.

- ▶ Huge violence, lynchings, and brutality committed against African Americans. No real justice. Mississippi Burning.

- ▶ Tulsa Race Massacre (1921). Destroyed Black Wall Street

Civil Rights Movement in America

- ▶ Nonviolent movement of Civil disobedience by millions of African Americans across the US, spurred by the Murder of Emmett Till and other atrocities carried out in the USA and a wider yearning for justice. Fighting for integration and equal rights under the Law.
- ▶ Vigorously opposed by many Southern States. 'Mississippi Burning'.
- ▶ Rosa Parks and the Freedom Riders rejected segregation laws on buses. Tremendous organisational effort across the US for voter registration and civic engagement.
- ▶ March on Washington (300,000), including nearly 100,000 whites and MLK's speech 'I have a dream' galvanized much of the country into supporting Civil Rights, although it was still arguably opposed by the majority of the White population. President's support tipped balance.


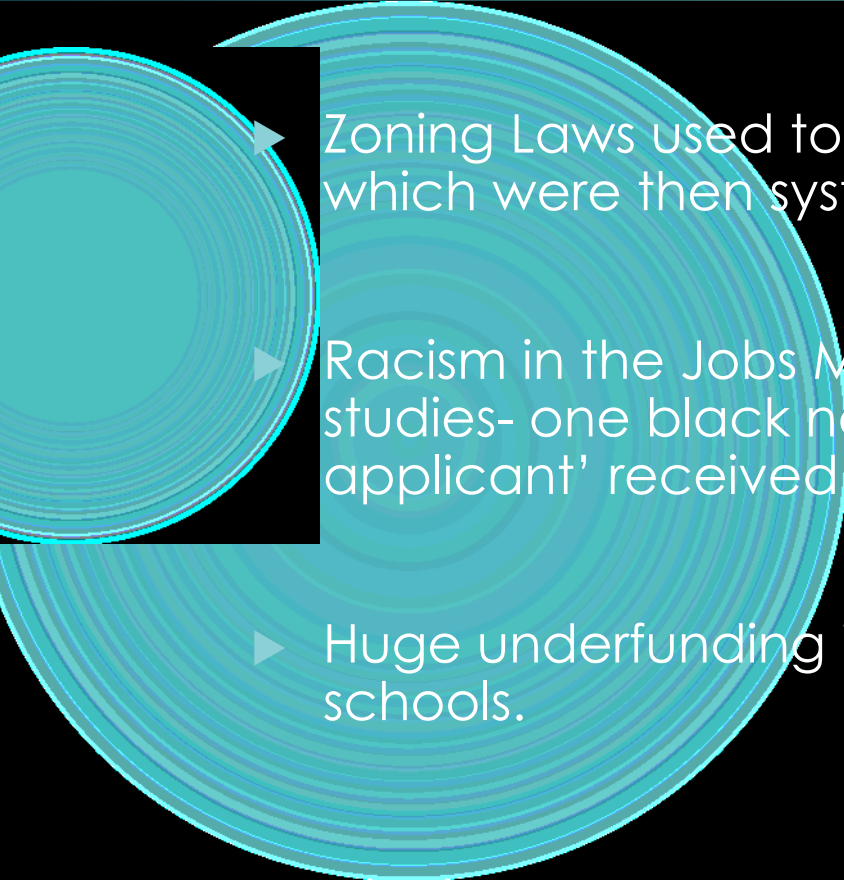
Civil Rights Victory: Legal Equality for African Americans in the USA

- ▶ Civil Rights Act: Barred all Racial discrimination in housing, employment. In essence, provided legal racial equality.

- ▶ Voting Rights Act: Outlawed practices of discrimination that prevented African Americans from voting.

USA Today: Systemic Racism



- ▶ Systemic Racism refers to Racism embedded in the institutions of a country. In the US this manifests in several ways
 - ▶ Zoning Laws used to 'corral' African Americans in certain zones, which were then systemically neglected
 - ▶ Racism in the Jobs Market: Identical CV's sent round in many studies- one black name, one white name. In all cases the 'white applicant' received many more replies and interviews.
 - ▶ Huge underfunding in education districts with primarily black schools.
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Systemic racism 2: The Justice System

- ▶ Black people 4x more likely to be stopped and search for drug possession as whites- despite no difference in possession or drug use.
- ▶ Black suspects 3x as likely to be shot and killed by police as white suspects. Breonna Taylor, George Floyd, Tamir Rice.
- ▶ Black men sentenced to 20% longer sentences than white men for the exact same crime.
- ▶ BLM: A Rebellion against systemic racism.

Are African Americans Obligated to Follow the 'Social Contract?'

- ▶ Social Contract binds citizens to obey the law in order to attain the rewards of living in civilised society.

▶ System of equal and just reciprocity between citizens and the state.
BOTH SIDES HAVE OBLIGATIONS.

- ▶ Are we still obliged to follow the Law in an unjust an unreciprocal system where the 'institutions' set up to protect us and enforce the social contract are institutionally racist?

Tommy Shelby: Justice, Deviance in the Dark Ghetto

- ▶ African Americans in the 'Ghetto' are treated as an underclass and face a unique set of challenges that makes it very difficult to escape from the injustice in these regions.

- ▶ Housing

- ▶ Education

- ▶ Criminal Justice

Justice, Deviance and the Dark Ghetto 2

- ▶ Shelby argues that breach of the social contract means that it is no longer 'unjust' or 'unreasonable' for individuals in the ghetto to break the law if the purpose of that breach is sustenance or attempting to attain the benefits denied to them by an unjust and racist society.
- ▶ However, these breaches still must not involve unnecessary suffering or cruelty to others.
- ▶ Examples: Prostitution, Pickpocketing, Fraud, etc may be reconcilable with justice given the breach of the social contract with wider society.

Discussion Questions.

- ▶ Is Shelby in right in saying that the disadvantages and institutional racism faced by African Americans justify breaking the law?
- ▶ Why do we obey the law? Is it fear, or is it out of a sense of citizenship and a duty to each other?
- ▶ Are some laws more 'breakable' than others? Why?