Riggins R. Earl Jr.*

THE AMERICAN CONSTITUTION: ITS TROUBLING ETHICAL AND THEOLOGICAL PARADOXES FOR BLACKS

Introduction

For Black Americans, the Constitution symbolizes both despair and hope, oppression, and freedom. This is the case primarily because the Constitution speaks in troubling exclusionary/inclusionary terms regarding Blacks' humanity or their partial lack of it. The document both excludes Blacks as being inferior and includes them as being equal under the preamble's "We the people" clause. Except for the Bible, the Constitution's ritualistic place in the consciousness of Blacks is without rival. All national public officials must promise to uphold the Constitution in their oath-taking ceremonies for public office or service. This is the case from the swearing-in ceremonies of the presidents of the United States down to the induction of soldiers into its military. The highlight of the inaugural ceremony of the president of the United States is when the chief justice of the nation's Supreme Court leads the elected president in taking the oath of office. The Chief Justice will ask the president to place one hand upon the Bible and raise the other hand vertically. Subsequently, the justice will ask the president to swear to uphold the Constitution of these United States of America. The elected president is expected to answer in the affirmative. Every soldier at the induction ceremonies into the nation's military swears to uphold and

*Riggins R. Earl Jr. is professor, Ethics and Theology, Interdenominational Theological Center, Atlanta, Georgia.
Defend the Constitution of these United States of America.

Despite their ritualistic reverence for it, Blacks find the Constitution's implicit and explicit racial language both offensive and liberating. On the one hand, its "three-fifth compromise clause," code language for referencing Blacks—characterizes slaves as being less than human, i.e., as being unworthy of citizenship rights in America. On the other hand, Blacks have taken faith and hope in the Constitution's Thirteenth, Fourteenth, and Fifteenth Civil War Amendments' acknowledgment of their ethnicity and affirmation of their worth as persons. Blacks have also taken hope in the ideals of freedom and equality expressed in both the Declaration of Independence and Lincoln's Emancipation: a) The Declaration of Independence's acknowledgment of the natural rights of all persons has given Blacks faith and hope when the nation has aborted justice. b) Lincoln's Emancipation Proclamation has gifted Blacks with their rights of citizenship in theory if not practice.

Since the nation's inception, Blacks have rightly taken offense with the Constitution's reduction of them to less than full-human status. This official reductionism inevitably has produced a religious and ethical challenge regarding Blacks' citizen-

'Art. 1, sec. 2, cl. 3, the "three fifths of all Persons" [emphasis added] is the standard for representation and direct taxes. United States Constitution, art. 1 & 2, cl. 3; United States Constitution, art. 1 & 9, cl. 1. Leon Higginbotham, Shades of Freedom: Racial Politics and Presumptions of the American Legal Process (New York: Oxford University Press, 1996), 68, notes that the framers of the Constitution were subtle in that reference to slavery: "It is indeed ironic that the first time the word 'slavery' appeared in the United States Constitution was when the institution of slavery was abolished by ratification of the Thirteenth Amendment in December 1865. The founding fathers' refusal to use the word 'slavery' in the Constitution of 1787 reveals that they did not want to acknowledge to the world their legitimization of the precept of black inferiority."

ship worthiness. The religious aspect of the challenge is that white framers, interpreters, and enforcers of the Constitution presupposed that God originally gifted only their ethnic kind with rights. The ethical aspect of the challenge is that white framers, interpreters, and enforcers of the Constitution have presupposed that it is their right to decide whether and when Blacks are citizenship worthy of having rights humanly conferred upon them.

This implicit religious and ethical challenge of the Constitution has produced national and international debate about Blacks’ rights for more than 140 years. Central to this challenge has been the Constitution’s inherent exclusionary/inclusionary language regarding Blacks’ citizenship worthiness. It has provided, depending on which side of the paradox you chose, both friends and foes of Blacks’ rights litigable arsenal. Blacks’ citizenship worthiness challenge produces at least the following three complicated religious and ethical issues: a) whether Blacks’ rights are an endowment by nature’s God; b) whether Blacks’ rights are a human gift to them by white America via Lincoln’s Emancipation Proclamation; and c) whether Blacks’ rights are the results of their own human achievement in whites’ system of meritocracy. These three aspects of Blacks’ citizenship rights regarding the Constitution’s paradoxical exclusionary/inclusionary language will focus our discussion. They raise the theological and ethical issue of whether Blacks believe their rights are acquired or infused. Black America’s complex civil-rights narrative for equality points to the fact that all three aspects of the citizenship-worthy challenge are an inextricable part of the religious and moral fabric of the nation’s story. These three issues make audible the contradictory metaphorical voices—too often unheard—at the heart of America’s constitutional debate regarding Blacks’ freedom.
Blacks’ protest voice for equal rights has kept the nation honest about the troubling paradoxical exclusionary/inclusionary language of the Constitution. The protest voice of Blacks accents the contradictory metaphorical voices surrounding the Constitution’s origin and meaning. The protest history for Blacks’ civil rights demand a rehearing of the voices of the document’s framers, interpreters, emancipators, amenders, and enforcers.

One group of the contradictory metaphorical voices from the Constitution’s framers to its enforcers has argued that the document does not include Blacks because: a) “They have not been equally endowed by nature’s God”; b) “They have lacked the capacity for self-governance”; and c) “They have lacked the cognitive skills to compete with whites culturally.” Opposing metaphorical voices, i.e., interpreters and enforcers, have argued for the recognition of Blacks’ full citizenship rights for one or all three of the following reasons: a) “They have been endowed by nature’s God”; b) “They have been gifted with rights by the nation via President Lincoln’s Emancipation Proclamation order and the amenders of the Thirteenth Amendment”; and c) “They have merited it by virtue of their own noble achievements.” These contradictory metaphorical voices all indicate that the paradoxical language of the Constitution and America’s civil-rights narrative have by no means produced simplistic consequences. Racist voices of the framers and interpreters of the Constitution have assumed that Blacks were void of holistic, i.e., body, mind, and soul,

3Paul Ricoeur’s philosophical critical discourse on the idea of metaphor has deeply influenced the writer’s use of the term here. See Mario J. Valdes, ed. A Ricoeur Reader: Reflection and Imagination (Toronto: Toronto University Press, 1991).
worth. The framers of the Constitution formalized this racist belief in the “three-fifth compromise clause.” The earlier white racist interpreters of the Constitution legalized their exclusionary racist conviction that Blacks lacked holistic worth in the infamous Dred Scott case. In this infamous case, Chief Supreme Court Justice Taney in 1857 ruled in substance that the Black man had no rights which the white man was bound to respect.

The Constitution’s amenders, interpreters, emancipationists, and enforcers have all sought to make a case for Blacks having at least the potential for holistic worth. It must be remembered, however, that leaders differed as to what this meant for Blacks’ place in the body politics of America. Ironically, even President Lincoln was not convinced that Blacks were equal functionally or intrinsically with whites. White abolitionists contributed to the array of minority public voices by interpreting the Constitution as a means for the freeing of Blacks from slavery during the nineteenth century. As Black abolitionist Frederick Douglass reminds us, this did not always mean that white abolitionists viewed blacks as having holistic worth functionally and intrinsically. The pros and cons of the metaphorical voices resulting from the making of the Constitution’s exclusionary/inclusionary language about Blacks are obvious. These voices have kept alive in the consciousness of America a creative tension around the document between the spirit and the law. In a real sense Black protest voices have contributed to liberating the Constitution religiously and ethically from its framers’ using it for idolatricizing their own whiteness. Religiously, Blacks have revered the ideals behind

---

4 In the book manuscript completed summer 2008, Jesus Paradoxes in the Making of Black Church Self-worth Consciousness, the writer deals with Blacks’ struggle to arrive at a harmonious understanding of self-worth in a society that has refused to affirm them as having holistic, i.e., body, mind, and soul, worth.
the document as affirming of the sacredness of all humanity. Ethically, Blacks have believed that the Constitution has provided them with the right to protest for their divine rights in America.

Above we noted that the white racist metaphorical voices of the Constitution have questioned Blacks' capacity for citizenship worthiness. This questioning takes a threefold dimension, provoking the following questions: a) Were Blacks gifted with their rights by Lincoln's Emancipation Proclamation? Or, does the Constitution's Thirteenth Amendment only promise Blacks the protection of Lincoln's Emancipation Proclamation's bestowal of rights upon them rather than acknowledging them as innately having Constitutional rights? The issue involved in these questions is that of the oppressor's human conferment of rights upon the oppressed. b) Were Blacks endowed by their Creator with certain inalienable rights? This question addresses the issue of the divine inheritance or gift of rights. And c) Have Blacks been expected to be the achievers of their rights by meritoriously proving themselves citizenship-worthy in the eyes of whites? Insight on each of these perspectives is necessary for the illumination of this discussion. Such insight will show that America and Blacks are inescapably caught in this triple way of viewing Constitutional rights.

The Human Bestowal Question of Rights

President Lincoln's Emancipation of Proclamation has constituted a document of sobering proportions for Black Americans in particular. It has had a profound impact upon the religious and moral sensibilities of America in general. The question is whether

These typologies are chosen as heuristic ways of looking at how Blacks have responded to the troubling paradox of the Constitution as a source of both oppression and liberation. The reader will note that the purpose of the typologies is to illuminate the nuances of the complexities of the argument regarding Blacks and their constitutional rights.
American Constitution

Lincoln’s act of the human bestowal of rights has been seen as a theological or a political virtue. Note Thomas Aquinas’ distinction between what he called *acquired virtues* and *infused virtues*. This distinction of virtues is helpful in making my argument about the Constitution and the rights of Black Americans. For Aquinas, acquired virtues can be attained through human effort and infused virtues can only be attained through grace. Any study of virtue as understood by Blacks must take into consideration the influence of both enlightenment thought and evangelical Christianity. Both traditions have influenced the way that Blacks consciously or unconsciously have processed and expressed theological virtues and political virtues. Assessment must be made of the way that Blacks have appropriated the biblical story of Jesus’ redemptive death on the cross. This view must be held in creative tension with Blacks, starting with the abolitionists, political understanding of virtue achieved as a result of human effort. This belief is clearly transparent in the Christian social witness of Blacks from leaders such as Harriet Tubman and Frederick Douglass to Martin and Coretta Scott King.

The above-notion of political virtue must be viewed afresh in lieu of Lincoln’s Emancipation Proclamation. It gives a new twist to interpreting Blacks’ different responses to that event. Millions of Blacks and whites have believed that President Lincoln’s signing of the Emancipation Proclamation gifted Blacks with their freedom of American citizenship that the Constitution had denied them. In this case, freedom for Black people in America is the result of white people’s effort and grace. It is white America’s cer-

---


The certificate of freedom to Blacks. Nowhere was this dramatized more than during the Civil War when some Union Army officers issued what they called a “certificate of freedom” to slaves serving in the United States military. The following is a case in point:

An “American Citizen of African descent” bearer of this Declaration by me issued at Helena in the State of Arkansas in the Federal Union, formerly held as a slave within a District in rebellion against the United States, has been by a Proclamation of his Excellency Abraham Lincoln President of the United States declared to be henceforward and forever free.

The freedom of Daniel Webster will be recognized and maintained by the forces under my command and he is commended to the kindness and protection of other military or naval authorities and to the respect and esteem of civilians as he journey northward to the state of Ohio.8

The questions are: Did Lincoln understand the Emancipation Proclamation document to make Blacks’ citizenship worthy? If so, is it merely a political worthiness? Historical documentation suggests that this was not the case. Prior to Lincoln’s document, America had never recognized Blacks as having any constitutional or natural rights. While they celebrated it initially, Black leaders such as Frederick Douglass at the end of Reconstruction became critical of Lincoln’s emancipation statement’s failure to protect the rights of Blacks. Immediately following the Reconstruction in 1888, on its twenty-six anniversary, Douglass denounced Lincoln’s Emancipation Proclamation “as a stu-

pendous fraud. . . a fraud upon him, a fraud upon the world.” Douglass’ rationale was that “the national government had abandoned the African American, ignored his rights as an American citizen,” leaving the Black “a deserted, a defrauded, a swindled and, an outcast man—in law, free, in fact, a slave.”

Twenty-years earlier, leaders such as Douglass had celebrated Lincoln’s signing of the Emancipation Proclamation as an act of divine intervention. Following slavery, most Blacks believed that Lincoln’s emancipatory act of freeing slaves gave Black people their rights. Does such an assertion mean that America’s national ritual of conferring rights upon Blacks under President Lincoln suggests that they constitutionally lacked the presumed inherited rights that all whites were credited with innately having? If this is the case, Lincoln’s presidential order rescued the Constitution from its posture of impotence as it related to Blacks rights. It, also, placed the white nation in the position of being the dispenser of rights to Blacks. Better still, Lincoln’s Emancipation Proclamation positioned America in the role of being the sovereign giver of rights to Black people. The brutality of slavery and the failure of the Emancipation Proclamation clearly demarcate why Blacks inevitably see, as opposed to whites, the whole rights issue in America through different lens.

White Americans born in this country have never had to speak of their rights as having been given to them by an earthly source, persons or nation. Blacks are the only group in America

---


Ibid.

who were forced into such a compromising view of human rights. It is for this reason that white people have perceived the nation as the Sovereign Protector of the rights given them by nature's God. Lincoln's Emancipation Proclamation suggests that white America was able to bestow on Blacks what only nature's God could give them, i.e., "innate rights and freedom." Ironically, this is the history of a people who believed, as colonialists of America, that it was their sacred duty to take up arms to defend their God given-rights against mother England. This seminal idea was the driving force behind the genesis of the American Revolution that led to the birthing of the United States of America.

Prior to the Emancipation Proclamation, Blacks could merely appeal to the ideals of natural endowment rights delineated in the Preamble of the Declaration of Independence. Black leaders have continuously found consoling its generic ideal that "all men are endowed by nature's God with certain inalienable rights..." They have been unwilling to cease their quest for the document's delineated promissory ideals of "life, liberty, and the pursuit of happiness." Before and after the Civil War, Black leaders have posited great faith and hope in the generic reference to the all men reference in the Preamble to the Declaration of Independence. From Frederick Douglass and Sojourner Truth to Fannie Lou Hammer and Martin L. King Jr., Black leaders have held firm to the belief that the Constitution, despite its exclusionary/exclusionary language, fully affirms Blacks' humanity. They have never lost hope in the "We the people..." declaration in the preamble of the document. These leaders have faithfully believed that the Thirteenth Amendment assured Blacks their rights and promised the protective legal space for enabling them to become full citizens. Lincoln's Emancipation Proclamation's conferment of rights on Blacks must be seen in relationship to the Constitution's Thirteenth, Fourteenth, and...
Fifteenth Civil War Amendments and vice versa. This presidential document is the precursor so to speak for the amending of the Constitution following the Civil War.

The Thirteenth Amendment symbolized the nation’s collective promise to protect the rights that had been conferred upon Blacks. This Amendment’s promissory freedom symbolized the wounded nation’s effort to make null and void Chief Supreme Court Justice Taney’s infamous ruling that the Black man had no rights that the white man was bound to respect.12 Recent Black scholars of the American Constitution, such as Leon Higginbotham, have rightly noted that its promise of protection of Blacks was in theory rather than practice. He and others have based their conclusion on the facts of history. One of the most glaring facts was that the federal government withdrew its troops from the South following Reconstruction. The nation’s act of insensitivity denied Blacks all of the rights that Lincoln’s Emancipation Proclamation and the Thirteenth Amendment of the Constitution had given them. Higginbotham notes that the Thirteenth Amendment did not eliminate the belief in Blacks’ inferiority. It did not guarantee equality under the law for freedpersons.

As a scholar of Constitutional law, Higginbotham expressed doubt about the inclusiveness of the Amendment’s intent for Blacks. He was less hopeful at the end of the civil rights era of the 1960s. He expressed a diametrical point of view of the Amendment compared to that minister Henry Highland Garnet’s almost 100 years earlier. Higginbotham says: “The [Thirteenth Amendment] merely stated that slavery and involuntary servitude shall not exist within the

United States.” It did not state explicitly whether African Americans could “become citizens and enjoy equal rights.” On the contrary, more than 100 years earlier, minister Garnet, in his 1865 address before the U.S. House of Representative, declares that the Thirteenth Amendment abolished slavery. Could it be that the Thirteenth Amendment of the Constitution of minister Garnet’s generation merely gave Blacks an illusion of having backdoor access into America’s house of democracy. Higginbotham notes 100 years later that the justice problem has not been resolved for Blacks even with the Thirteenth Amendment. The masses of Black Americans are still struggling for full access to America’s house of democracy. Framers, interpreters, emancipators, and enforcers of the American Constitution have all contributed to what its troubling exclusionary/inclusionary language actually means. In lieu of this history, Blacks have viewed the Constitution as both a symbol of despair and hope.

Lincoln’s Emancipation Proclamation of the bestowal of rights upon Blacks raises several critical questions about Blacks’ perception of God: Are blacks interpreting whites’ bestowal of rights upon them through the lens of deism? Or, do they see it through the lens of theism? Or, do Blacks see it through the lens of Christo-centrism? A perusal of the rhetoric of Blacks before and since the Emancipation Proclamation tends to indicate that they have seen God through different theological lens. The Black masses have embraced God through the lens of their evangelical heritage. This has often caused them to move back and forth between theo-centric and Christo-centric views. Sometimes it has been a fusion of both. Leaders such as Frederick Douglass were more inclined to employ both deistic and theistic language in addressing God’s

relationship to Blacks’ victimization of their rights. On other occasions, more contemporary Black protest civil-rights rhetoric seemingly has used the deistic, theistic, and sometimes Christo-centric language about God interchangeably. A more detailed assessment will be done on this particular theme at a later phase of this study.

The question of humanly bestowed rights obviously makes interesting assumptions about God and human responsibility. Such assumptions provoke religious and moral questions that are inextricably tied up with the divine inheritance question of rights. The divine inheritance question must be addressed.

The Divine Inheritance Question of Rights

A careful read of Black Christian ministers’ rhetoric of the civil-rights struggle throughout the twentieth century points to the divine inheritance question of Blacks’ rights. Civil-rights leaders’ speeches and sermons all suggest that Blacks believed that the biblical God created them with equal rights. Black Christian leaders have often failed to make a critical distinction between being made in the image of the biblical God and that of being endowed by nature’s God with certain inalienable rights. . . Jefferson’s deistic perspective of nature’s God, perhaps, has been too impersonal for the masses of oppressed Black people.

The fact is that Blacks were deeply influenced in the South by the evangelical Christian movement that accentuated the personal salvation of each individual’s soul. Blacks obviously found this belief highly appealing because it allowed each individual to affirmed God as personal creator and redeemer through Jesus. It was this belief that gave each individual a sense of “I am somebody” in the sight of God. The story of Jesus has been most attractive to Black people because the Bible portrays Jesus as the individual’s Lord. This element of Christology gives the story of Jesus its magnetic draw for downtrodden people, allowing them to delight in the fact that they are individually and collectively...
the handiwork of the Christian God both in creation and redemption. The Black masses have been rightly intrigued with the idea of being made in the image of God by the hands of God. This notion of creation and redemption by God has led Blacks to conclude, often uncritically, that they are equal with any and everybody. In short, Blacks have concluded that, because the Bible’s anthropomorphic God has imaged them with God’s image, they are created with inheritance rights. Such belief has given Blacks a sense of superiority over the natural order as well. Black preachers’ common condemnation of the ideas of social Darwinism evidences our claim.

The idea of being endowed by nature’s God has obviously had a certain negative psychological impact upon Blacks who were told by whites that their race descended from apes and monkeys. Minister and abolitionist Henry Highland Garnet appeals to the theory of God personally, making “the black man” in God’s image as normative. Following the ratification of the United State’s Constitution, Garnet addressed the issue of the Black man being created in the image of God in the House of Representatives in 1865.

Our poor and forlorn brother whom thou hast labeled a slave, is also a man. He may be unfortunate, weak, helpless, and despised and hated; nevertheless he is a man. His God and thine has stamped on his forehead his title to inalienable rights in characters that can be read by every intelligent being. Pitiless storms of outrage may have beaten upon his defenseless head, and he may have descended through ages of oppression; yet he is a man. God made him such and his brother cannot unmake him. Woe, woe to him who attempts to commit the accursed crime.14

The above quote reflects this highly educated Black minister’s assimilation of the language of the Bible with that of the promissory ideals of the Preamble to the Declaration of Independence. Garnet portrays God as the stamper of God’s qualification for inalienable rights upon the Black man’s forehead. The image of God as stamper of these rights upon man is more in sync with the picture of God in Genesis as “the maker of man in God’s own image.” God’s portrait as stamper differs from the notion of God as endower of inalienable rights in humans. Garnet, who was a prominent Black abolitionist, obviously, gives more weight to the idea of God being a personal creator of the Black man than to that of the Black man as a product of nature’s God. He thinks that these stamped characters of inalienable rights upon the Black man’s forehead reflects God’s image. Garnet can conclude that the Black man by virtue of this fact has inherited from God innately the right to be free.

Black religious leaders’ ideas about freedom have not varied greatly on this notion of equality. Black-church leadership has drawn heavily upon this tradition. Theologian James Evans notes that despite the differences in interpretation, the Civil Rights Movement and the Black Power movement are part of a continuous tradition of protest and struggle in African-American religious life. According to Evans, “The civil rights movement was based on the notion that the equality of black people was a function of their legal status in American society.”

R. Drew Smith and Corwin Smidt, as political scientists, have taken significant interest in the way in which Black churches have been influenced by the ideals of the Constitution. Smith and Smidt have noted that Black churches often “invoke the U.S.
Constitution as a standard of moral ideals that are part of the nation's charge, particularly its emphasis on the inalienable rights and freedom of individuals." In invariably, the ideals of justice and human dignity set forth in the Constitution have influenced the Black church and vice versa. In actuality, Blacks adopted these ideals before white America constitutionally adopted blacks as citizens.

Black ministers have been convinced that Jesus' adoption of Black people into his universal plan of salvation makes them bona fide candidates for the Constitution's rights. Their belief is consistent with the idea that the God of personal salvation also influenced the framers of the Constitution and the writers of the Declaration of Independence. Oppressed individuals of the biblical faith believe that Jesus has personally saved them from sin. It is this sense of personal salvation that gives Blacks a sense of having inherited rights to the common good of America. Martin L. King Jr. drew upon that embedded sentiment in the consciousness of Black people as he led the Civil Rights Movement. He and other leaders celebrated oppressed Black people's idea that "homebodies" is a gift from Jesus and God. It is this possession of "homebodies" from Jesus and God that has emboldened oppressed Black people with the conviction that they have a right to what their slave ancestors called "the tree of life," i.e., Jesus Christ who died upon the cross. On the one hand, Blacks have believed that the biblical notion of

---

American Constitution

rights are derived from their having been created in the image of God. This belief qualified them holistically, i.e., body, mind, and soul, for equal inclusion under the Constitution. Many Black leaders have believed that it made them superior to the Constitution and equal to its framers. On the other hand, Blacks have believed that their adoption rights from Jesus qualified them for membership in the family of God and humanity. Adoption rights as a gift from Jesus came as a consequence of having been washed in his blood. This idea has produced a lasting tension in Black consciousness between the person's rights, derived from being created in the image of God, and rights presumably derived from being redeemed in the blood of Jesus Christ. These different theological perspectives of rights illustrate the complexity of the inheritance question of rights for Blacks. The bestowal question of rights and the inheritance question of rights are certainly complex. Their complexity thickens when seen in light of Blacks' achievement struggle to satisfy whites' meritorious expectations of them.

The Achievement Question of Rights

The Constitution's troubling exclusionary/inclusionary language regarding Blacks produces the achievement question of rights. It taps into that side of the Black American Experience that operated with the presupposition that human beings must achieve their own rights. This belief counters that which presupposes that Blacks must wait on whites to give them their rights. It is driven by the idea that the virtue of freedom is acquired through human effort alone. Black abolitionists and minister Henry Highland Garnet expressed his radical convictions in this matter long before the beginning of American Civil War. Garnet was forthright about his convictions that Blacks must
The Journal of the ITC

be willing to violently fight whites for their freedom. He makes his convictions unequivocally clear in a speech delivered before the National Convention of Colored Citizens Buffalo, New York August 16, 1843. Countering the white abolitionist Garrison, minister Garnet told Blacks: “However much you may . . . desire it there is not much hope of Redemption without the shedding of blood.”20 Garnet believed that the colored citizens of this convention should fight to free their brothers and sisters in slavery for two reasons: a) “They were, by birth, just as much American citizens as anybody;” and b) “They were bearers of a Christian conscience.” Black abolitionists such as Garnet, Douglass, and Harriet Tubman believed in a God who expected them to fight for their own liberation.21 Arguing that Black Christians had just as much of a right as whites to literally fight for their freedom, Garnet told his Buffalo, New York audience of colored citizens: “Brethren the time has come when you must act for yourselves. It is an old and true saying, that ‘if hereditary bondsmen would be free, they must themselves strike the first blow.’ You can plead your own cause, and do the work of emancipation better than any other.”22

Blacks have concluded that neither Lincoln’s Emancipation Proclamation, the words of the Declaration of Independence nor the Thirteenth, Fourteenth, and Fifteenth Amendments have brought about their freedom automatically. “Human struggle” has become the mantra of the oppressed. This has been so with


22Ibid.
leaders of the abolitionist and integrationist areas. Black theologians have sought to communicate this to the academy and the Black Church.

The idea of Blacks having to achieve their rights tend to suggest that they were created unworthy of them. For this reason, whites, who presume to be their superiors, must raise Blacks to their standard of qualification. It implies that white Americans have created a system of meritocracy predicated on race that they deliberately can make insurmountable for Blacks by changing the rules at every level of the latter’s efforts of accomplishment. In such a system, Blacks find themselves trying to achieve the impossible. In a social system any oppressed group that has no say in making or enforcing the rules find itself unable to meet the criteria of worthiness set by the oppressed. This painful reality has often driven many Blacks to place all of their energy on the attainment of theological virtues rather than political virtues. For this reason, Blacks gravitate to an expression of Christianity that focuses on the virtue of freedom that God infuses via God’s grace. It is for this reason that Black scholars such as Benjamin E. Mays and others noted that Blacks embraced a kind of otherworldly religious belief. This type of religious conviction led Blacks to want a God who would give them in the other world what this one had absolutely denied them because of the color of their skin. The fact is that Black church leadership has not made very much progress in helping Blacks maintain a creative tension between an otherworldly religious belief system and a this worldly one. Black megachurch leadership, by inverting the otherworldly paradigm, places all of the value on material prosperity. Material prosperity is made the chief cardinal virtue.

The civil-rights history of America is filled with white’s stereotypical belief in the unworthiness of Blacks. The term unqualified
has been white America's code word for labeling Blacks as being unworthy. Whites' idea of the unworthiness of Blacks was institutionalized in slavery. It is conceivable that the very nature of the slave society perpetuated this individual and group sense of unworthiness among Blacks. One of the most visible ways of creating a capitalistic gradation of worthiness consciousness among slaves themselves toward each other must have taken place at the auctioning of slaves. The practice of the auctioning of slaves demanded a capitalistic way of grading the slave's market value. The slave was valued on the auction block according to work skills, physical size, and breeding capacity. Institutionalized slavery required a system for valuing the slave's extrinsically and intrinsically. The slave's work skills were highly valued on the auction block. Some slave masters encouraged a voluntary work ethic in their slaves by giving them a half-day off on Saturdays to work. Some slaves obviously maximized the use of such practice to work for pay. Such practice allowed some slaves to make money and buy their freedom. This practice undoubtly created in such slaves a rare sense of "homebodies." Advertisement for runaway slaves was a medium for slave masters to publicize their view of the slave's market value. For an example, the advertisement for the runaway slave might read: "John is a short Nigger of dark complexion. He has a large scare on his forehead. A good Christian! Hard worker!"

During slavery—and after—Blacks have sought constructive ways in the society of trying to achieve their rights to the satisfaction of white people. This has been referred to as the "uplift self-help Christian ethic." Black Christians and Black Muslims in America have strongly advocated this philosophy. At least three constructive approaches have dominated Blacks' "uplift self-help" Christian ethical efforts to achieve their rights in America: a) the acquisition of literacy skills. Because slavery
once made it illegal, Blacks for generations were enchanted by the thought of learning the skills of literacy. For generations, preachers and educators admonished their people to acquire them, i.e., learning to read and write. Leaders such as Booker T. Washington23 and W. E. B. Du Bois24 thought of the acquisition of literacy skills as one of the signal means of proving themselves worthy for inclusion under the protection of the Constitution. This notion of the virtue of literacy has been transmitted generationally. It has been motivated by the classical Greek philosophical belief that education is foundational to democracy. It is the prerequisite to free citizenry.

The clarion call for education has been at the heart of the civil-rights struggle since the end of slavery. The Civil Rights Movement under the leadership of Martin L. King Jr. must be viewed as an experiment in democracy. Every mass meeting was a lesson in making choices individually and collectively regarding freedom. Speeches on the teachings of the Bible and the Constitution regarding Blacks were thematic in mass-meeting presentations.

In our knowledge-saturated society there is less a zeal for education. Educators face a greater challenge than ever of trying to convince this generation of the value of highly developed literacy skills. Poor children in public schools are now being compared to the intelligence of the computer. This glaring reality makes it more difficult for the neglected child to acquire those literary skills that are fundamental prerequisites to achieving constitutional rights as active citizens. The question of the child’s comparative worth raises questions about how to teach the

---

The Journal of the ITC

ethic of loyalty to the country from one generation to another.

b) Loyal military service for the defense of country.\(^{25}\) Blacks have understood loyal military service to America as being another means of proving themselves worthy of full citizenship rights under the Constitution. This has been the case for Blacks for generations despite the nation's racist exclusion of them from the reward systems. Malcom X, Louis Farrakhan, and Martin L. King Jr. have been open critics of the nation's military use of Black soldiers to fight to free other people in the world while denying Blacks' access to freedom in America. Minister Francis J. Grimke declared, following the Civil War, that Blacks had earned their rights through years of unremunerated sacrifices for this country as slaves and soldiers in nation's wars:

“We are not asking for favors, we are contending only for what justly belongs to us; for what we have earned the right to by centuries of toil; by the sacrifice of life in defense of the Nation; and by efforts, as praiseworthy, as commendable as were ever put forth by any other race under similar circumstances, to make something of ourselves.”\(^{26}\)

It is for this reason that Black leaders have encouraged Blacks to volunteer to fight in every war even when it seemed antithetical to the interest of the race. The battlefield itself has been viewed as a theater for proving and achieving Black manhood.

---

\(^{25}\)For a marvelous insight into Blacks' attitudes as well as those of whites in the Union Army, about fighting for their freedom during the Civil War, see “The Black Military Experience,” in Freedom: A Documentary History of Emancipation 1861-1867, Series II, ed. Ira Berlin, Joseph R. Reidy, and Leslie Rowlands (London: Cambridge University Press, 1982).

American Constitution

Obviously, the sterling performance of the Tuskegee Airmen during World War II is but one classic case in point. In every major war, Blacks have held on to the belief that ultimate loyalty and sacrifice to the America, against an outside enemy, takes primacy over the nation's treatment of them. Martin L. King Jr. and Malcolm X were the first major contemporary Black leaders to challenge blacks' and whites' blind commitment to the "my nation right or wrong" ethic during war. In lieu of America being a land of economic opportunity, many Black Americans held on to the idea that America is worth fighting for in spite of its racist treatment of them. It was viewed as a means for poor Black males, who were denied employment in this society, to achieve employment.

c) Acquisition of economic wealth. This means of achieving worth in America has been lauded for generations. Booker T. Washington and W.E.B. DuBois deemed economic wealth as the means to freedom from white oppression. They saw it as a means of bringing about a balance of power between Black and white people. Despite what often seemed to be his naiveté about race relations, few will refute Washington's claim. Scholars have often noted the flaw in Washington's advocacy of compromising Black voting rights for lesser skilled jobs in the white man's racist society.

The one thing that major civil rights leaders have had in common seemingly has been the idea that the acquisition of economic wealth is power. This has been the mantra of Black civil-rights leaders of every era regardless of their ideological persuasion. Gradually, Blacks are seeing the correlation between constitutional rights and the acquisition of wealth. They are see-

---

ing that political and economic power is inseparable forces in the social order. It is not an accident that the most prominent Black athletes and entertainers become conservative in their politics. Entertainers of the hip-hop culture are not exempt from this reality. Ironically, the entertainment industry and the illegal drug culture are fast dispelling the myth of education being the prerequisite for the acquisition of wealth.

Conclusion

The writer has posited the argument that the American Constitution's history of framing, amending, and enforcing it has constituted a troubling paradox for Black Americans. The Constitution's language has been exclusionary/inclusionary regarding Blacks' humanity. This provokes the question of whether Blacks have believed that their rights are humanly conferred, divinely inherited, or humanly achieved. These three ways of engaging the rights question means that Blacks have been caught between theological and political notions of freedom as a virtue. The troubling paradox of the Constitution can be summed in this way: On the one hand, framers of the Constitution refused to acknowledge Blacks as having inherited rights. On the other hand, amenders of the Constitution amended it to promise protection of Blacks' freedom conferred upon them by President Lincoln's emancipator act. The fact is that Lincoln's Emancipation Proclamation does more than liberate Black people. It really breaks white racists' death grip on the Constitution. In so doing, Lincoln's emancipatory act sets forth the legal and moral trajectory for white America to free itself from its own immoral constitutional entanglement. Lincoln's emancipator act shows that the human bestowal, divine inheritance, and human achievement questions of rights are at the very
heart of the history of the civil-rights struggle in this country. Basic to this struggle is the fact that America has taken Blacks through a convoluted religious and moral struggle for their rights. The nation’s act of conferring rights upon Blacks took primacy over any constitutional acknowledgement of them having inherited rights. Historically, Blacks’ struggle for their rights is testimony to their belief of having achieved them through sacrifice. The bestowal, inheritance, achievement questions of Blacks’ rights are an inescapable web spun by the framers, liberators, amenders, and enforcers of the Constitution. Black and white America is caught in it.

We have shown that America’s different convoluted metaphorical voices, i.e., framer, interpreter, emancipator, amender, and enforcer, in and around its own Constitution regarding Blacks’ rights constitute the making of it as a troubling paradox. This study demands a deeper probing into the idea of how rights are understood to be given by the oppressor and received by the oppressed.
The writer has pointed out the significant relationship between theological commitment and scientific knowledge. In contemporary theological discourse, many scholars argue that Black thought and the Bible are intertwined, emphasizing the importance of theological understanding of the Bible. This understanding is crucial in engaging the rights questions associated with the Constitution. The tension between theological and political questions of freedom is a theme. The ongoing paradox of the Constitution can be summed up in this way. On the one hand, the Constitution refuses to acknowledge Black people as having human rights. On the other hand, amendments to the Constitution are often driven by President Lincoln's Emancipation Proclamation. The idea that Lincoln's Emancipation Proclamation does more than liberate Black people is deeply rooted in the history of the Constitution. In doing so, Lincoln's Emancipation Proclamation reinforces the legal and moral trajectory for white Americans to live from an era of unequal constitutional amendments. Lincoln's Emancipation Proclamation shows that the tension between slavery, democracy, and human enhancement questions of rights are at the very