

## THE IDEAL OF EQUALITY IN AMERICA\*

by  
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Denis W. Brogan writes in *The American Character*: "Not all Americans are at home in America or are accepted as first-class citizens. America, like other older countries, has not completely succeeded in uniting all its people on a basis of freedom and equality."<sup>1</sup>

In his "Message on Civil Rights" delivered to the Congress in 1948, Harry S. Truman states:

The founders of the United States proclaimed to the world the American belief that all men are created equal, and that governments are instituted to secure the inalienable rights with which all men are endowed. In the Declaration of Independence and the Constitution of the United States, they eloquently expressed the aspirations of all mankind for equality and freedom.

Unfortunately, there still are examples—flagrant examples—of discrimination which are utterly contrary to our ideals.<sup>2</sup>

In "An Act of Lawmaking" delivered before signing into law the Civil Rights Act of 1964, Lyndon B. Johnson declares:

We believe that all men are created equal—yet many are denied equal treatment.

We believe that all men have certain unalienable rights—yet many Americans do not enjoy those rights. We believe that all men are entitled to the blessings of liberty—yet millions are being deprived of those blessings, not because of their own failures but because of the

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<sup>1</sup> Denis W. Brogan, *The American Character* (New York: Time Incorporated, 1962), p. 126.

<sup>2</sup> Harry S. Truman, "Message on Civil Rights to the Congress in 1948," in *The Idea of Equality*, ed. George L. Abernethy (Richmond, Virginia: John Knox Press, 1959), pp. 302-03.

color of their skin. The reasons are deeply imbedded in history and tradition and the nature of man. We can understand without rancor or hatred how this all happened. But it cannot continue.<sup>3</sup>

Writing in 1971 about the Warren era of the Supreme Court, Arthur J. Goldberg asserted, “Emblazoned on the portals of the great edifice that houses the Supreme Court of the United States are the words ‘Equal Justice under Law.’ Equal justice was an unrealized goal when the ‘marble palace’ was erected in the 1930s; it is still unrealized.”<sup>4</sup> He added, “The Supreme Court has recently spoken of courts in general as ‘palladiums of liberty’ and as ‘citadels of justice.’ . . . However, to some elements of our population the judicial system is viewed as anything but a ‘citadel of justice.’ ”<sup>5</sup>

Such observations are among many that have been made by American leaders and by foreign observers concerning the gap between the vision and the reality of the ideal of equality in America. The importance of this issue cannot be over-emphasized as it has affected almost every major aspect of American life—social, religious, legal, economic, and political. As a Chinese student of American civilization, committed to the ideal of equality as one of the most important values of the so-called American Dream, I am stirred by these statements to a deep concern about the not-yet-fully-realized ideal. I am convinced that this ideal in theory and in practice deserves careful study.

Since this is a very big subject, it is practically impossible to give an adequate treatment of every aspect of it in this short article. Hence, with the problem of racial inequality as my central concern, I would like to refrain from discussing the effects of equality upon American manners or mores such as Tocqueville did in *Democracy in America* or as James Bryce did

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<sup>3</sup> Lyndon B. Johnson, “An Act of Lawmaking,” *New York Times*, 3 July 1964, p. 9. Quoted in *Civil Rights*, ed. Grant S. McClellan (New York: The H. W. Wilson Co., 1964), p. 76

<sup>4</sup> Arthur J. Goldberg, *Equal Justice: The Warren Era of the Supreme Court* (Evanston, Illinois: Northwestern University Press, 1971), p. vii.

<sup>5</sup> *Ibid.*, p. 27.

in *The American Commonwealth*.<sup>6</sup> In order to offer a clearer picture of the racial problem in America, I would like to begin with a very brief account of the origins of the American philosophy of equality. Then I would proceed to discuss the history of the development of this ideal by presenting a few representative thinkers who have contributed to its gradual growth. Special attention will be directed to the various interpretations of the famous pronouncement—"all men are created equal." To further illustrate the actual development of the philosophy of equality, I will then discuss the issues of slavery and the civil rights movement in America. Finally, I wish to conclude by way of commenting on the future prospects of this vital ideal.

The ideal of equality has a very long history. It lies "embedded in the very foundation of western civilization, in the amalgamation of Greek, Roman, and Hebraic-Christian ideas and institutions. In part, it is based upon concepts of natural rights and natural law, which are essential elements of a sound philosophy of man and nature and God."<sup>7</sup> David Thomson gives an explanation in *Equality* along the same line:

The ideal of equality has two sources of origin, one pagan and rationalistic, one Christian and spiritual. . . . One dates from the Stoic philosophers of ancient Greece and their conception of natural law. "They first taught the principle," writes Lord Lindsay, "unknown to Plato and Aristotle, of the natural equality of mankind. They taught that in spite of all differences of race, culture, and station there was in every man a spark of the divine reason. By the help of the reason within him he could apprehend the fundamental principles of natural right." . . . Christianity taught that all men are children of one Father, all men for

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<sup>6</sup> Both showed many admirable insights into the issue under question. Tocqueville described in great detail the intimate relationships between equality and democracy in America. See *Democracy in America*, translated by George Lawrence, and edited by J. P. Mayer (Garden City, New York: Doubleday & Company, Inc., 1969). James Bryce discusses several kinds of equality, including "political equality," "the equality of material conditions," "the equality of education and intelligence," "the equality of social status or rank," and "the equality of estimation, i.e. of the value which men set upon one another, whatever be the elements that come into this value, whether wealth, or education, or official rank, or social rank, or any other species of excellence." See *The American Commonwealth*, vol. II, edited by Louis Hacker (New York: G. P. Putnam's Sons, 1959).

<sup>7</sup> George L. Abernethy, "Preface" to *The Idea of Equality*.

whom he had died. The equality of men rested now on the equality of their relation to God.<sup>8</sup>

Among the major natural rights philosophers, one of the most familiar names to Americans, and one of those who most profoundly influenced the founding fathers of America, is John Locke. In his famous book, *The Second Treatise of Civil Government*, Locke asserts that the state of nature is a state of perfect freedom and equality “wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident than that creatures of the same species and rank, promiscuously born to the same advantages of nature and the use of the same faculties, should also be equal one amongst another without subordination or subjection. . . .”<sup>9</sup> This is a classical statement defining the principle of equality, which may be taken as a foundation of Locke’s political philosophy. This principle is related to such other doctrines as a pre-political state of nature governed by the law of nature, the social compact, government by the consent of the governed, the sovereignty of the people, majority rule, private property, legislative supremacy, and the right of rebellion and revolution. Locke made many other statements elaborating on the same principle. For example, he wrote, “The state of nature has a law of nature to govern it, which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it, that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions” (Section 6). In order to ensure the perfect freedom and equality to which the people are entitled, they established a social compact and united into a political or civil society. So, Locke considered the government as a trustee: “The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth; nor under the dominion of any will or restraint of any

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<sup>8</sup> David Thomson, *Equality* (Cambridge at the University Press, 1949), pp. 11-12.

<sup>9</sup> John Locke, *The Second Treatise of Civil Government*, Section 4. In *Two Treatises of Government*, ed. by Thomas I. Cook (New York: Hafner Publishing Company, 1969).

law, but what that legislative shall enact according to the trust put in it" (Sec. 22). For the sake of liberty and equality, Locke argued strongly for freedom from absolute arbitrary power, and in this way he differed sharply from Thomas Hobbes who advocated a theory of absolute monarchy.

It is evident that Locke emphasized the humanitarian purpose of government. He was convinced that "The end of government is the good of mankind" (Sec. 229). Therefore he advocated that "Salus populi suprema lex"—which means "The welfare of the people is the highest law" (Sec. 158). To ensure the achievement of this end, Locke wisely relied upon the supremacy of law and of majority rule based on law. The legislative is the supreme power, but that power is limited to working for the public good of the society. In other words, in a constitutional commonwealth the highest power resides in the people. This concept is perfectly consistent with Locke's belief that the people have the right to dissolve a government when it fails to act according to the trust put in it.

Having reviewed briefly the main ideas concerning the principle of equality as discussed in *The Second Treatise of Civil Government*, we come to see clearly that the ideal of equality upheld by Americans is not their own invention, but a common inheritance from other cultures. In fact, as Robert J. Harris has rightly observed, there has been a stream of political thought which emphasizes the equality of all men running from the Stoics to the Christians and thence to Locke.<sup>10</sup>

However, the belief in equality based on the rationality of men was threatened by Darwinian evolutionary theory, and was more specifically challenged by some of the social Darwinists, such as William Graham Sumner in America, who sought to apply Darwin's ideas to human society. The "struggle for survival" was held to justify the inferior status of the "unfit" who would not succeed. The notion was a convenient one to justify those who resisted the extension of equality to Blacks. John C. Calhoun, for example, insisted that there was

<sup>10</sup> Robert J. Harris, *The Quest for Equality* (Baton Rouge: Louisiana State University Press, 1960), p. 9.

no such thing as equality of men. He contended that men were constantly struggling against each other for power and control of others. Like Calhoun, William Harper expressed the same arguments:

It is the order of nature and of God, that the being of superior faculties and knowledge, and therefore of superior power, should control and dispose of those who are inferior. It is much in the order of nature, that men should enslave each other, as that other animals should prey upon each other.<sup>11</sup>

Apparently, this Darwinian doctrine of inequality contradicts the ideal of democracy. Close relationships exist between democracy and equality. As regards such relationships, Thomas V. Smith gives a succinct account of the views of some leading philosophers:

Plato rated democracy as a form of government very low because, among other reasons, of its insistence upon "equality between things that are equal and those that are not"; Aristotle, though more favorably disposed, admitted that for democratic states "equality is above all things their aim"; Montesquieu thought equality the very soul of democracy; De Tocqueville identified democracy with equality; Locke certainly supposed that democracy involves at least equality of natural rights; Rousseau held equality as the precondition of liberty and the primary aim of all popular government; the American fathers shared the faith of Locke; and the French Revolutionists wrote "equality" into their trinity of aims. . . .<sup>12</sup>

In the above passage may be found a terse description of the main stream of Western philosophy of equality. America drew upon this tradition from the very beginning of her history. Indeed, the ideal of equality for all members of society has had a strong appeal to Americans. In the earlier days, Puritans were favorable to the idea of equality to some extent. As pointed out by Robert J. Harris, Roger Williams practiced policies of equality in Rhode Island. John Wise expounds in the *Vindication of the Government of the New England*

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<sup>11</sup> Quoted by Allan Pendleton Grimes, *American Political Thought* (New York: Holt, Rinehart and Winston, Inc., 1960), p. 252.

<sup>12</sup> Thomas Vernor Smith, *The American Philosophy of Equality* (Chicago: The University of Chicago Press, 1927), pp. 133-34.

*Churches* (1717) the theory of equality primarily in terms of the law of nature.<sup>13</sup> Eventually, the doctrine of natural equality found expression in the Declaration of Independence and most of the state constitutions.

But the natural-rights philosophy gradually declined because, as A. L. Lowell observes in "The Theory of the Social Compact," there was a "general change from speculative to positive thought and especially its historical absurdity, which became evident through an evolutionary philosophy and exploration of surviving semi-barbarous races."<sup>14</sup> After the decline of the doctrine of natural equality, the assertion of equality has found newer bases in America, as correctly observed by Thomas V. Smith:

... Speaking generally, the doctrine of equality has undergone two closely connected transformations. The first change was from the assertion of equality as a past or present fact to the declaration of it as a worthy ideal . . . Equality, like freedom, ceased to appear an original datum of human nature, and came to be an achievement of the social process, as Calhoun had contended.

As the second transformation, equality as a general abstract doctrine got dissipated into specific claims more or less concrete.<sup>15</sup>

These transformations are highly significant for they brought greater depth and complexity to the philosophy of equality in America. As a result, the demands for equality have become more and more concretely defined and specified.

We may now examine some specific areas in which Americans have sought to create equal conditions for all citizens. In general, the demands for equality may be divided into the following categories. First, religious equality, such as proclaimed in the "establishment of religion" clause of the First Amendment (1791) providing that "Congress shall make no law respecting an establishment of religion, or prohibiting the

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<sup>13</sup> Robert J. Harris, p. 13.

<sup>14</sup> Cited by Thomas V. Smith, p. 132.

<sup>15</sup> *Ibid.*, pp. 136-37, 140-41.

free exercise thereof. . . .” The spirit of this amendment is also well expressed in *The Federalist*, Number 51 which declares, “In a free government, the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects.”<sup>16</sup> In other words, equal religious liberty is guaranteed for all. This has required the American courts to strike a precise balance between the principle of free religious expression on one hand, and the separation of church and state on the other. Thus prayers in the public schools have been found an unconstitutional imposition of religious practices upon children of various religious persuasions. Besides, state support to religious schools is in certain cases permitted. The decision of *Everson v. Board of Education* is an embodiment of religious equality. In this case, the Supreme Court upheld the provision for transportation of children in public buses to accredited religious schools.

Another important application of the ideal of equality is in economic life. Men should all be equally free to undertake economic pursuits according to their capacity. David Thomson noted that the ideals of economic equality conflicted with the principles of economic freedom because the slogan “equality of opportunity” which reconciled the ideals of liberty and equality came to mean in effect “freedom of enterprise, untrammelled competition, liberty to use one’s abilities to become economically and socially unequal.”<sup>17</sup> In *Equality*, a sequel to *Looking Backward: 2000-1887*, Edward Bellamy interpreted equality almost in terms of a Marxian Socialist view. He advocated the governmental control of the economic system. He considered it necessary to use “the collective social machinery for the indefinite promotion of the welfare of the people at large.”<sup>18</sup> So far, the ideal of economic equality is not yet completely fulfilled in the so-called land of opportu-

<sup>16</sup> Jacob E. Cooke, ed., *The Federalist* (Middletown, Conn.: Wesleyan University Press, 1961), pp. 351-52.

<sup>17</sup> David Thomson, p. 92.

<sup>18</sup> Edward Bellamy, *Equality* (New York, 1897), p. 19.



nity. In *Wealth and Power in America*, Gabriel Kolko found that during the prosperous 1950's, a third of American families lived on indecently meager incomes and that "Throughout the 1950's, the incomes of the top tenth was larger than the total for the bottom five income-tenths—about the same relationships as existed in 1910 and 1918."<sup>19</sup> Needless to say, the remarkable disparity between the poor and the wealthy is an unmistakable sign of economic inequality. That equality of economic opportunity leads to inequality of social and economic status is a serious paradox Americans have yet to solve.

A third kind of equality is legal equality which demands that all men are treated as equals in accordance with legal principles. This means, in the words of David Thomson, that "all citizens equally have the right of recourse to it for protection and the redress of grievances; that all citizens are equally subject to penalties imposed by the law for violations of rights; that no citizen or class of persons is placed above or below the law, or entitled to claim any special and privileged type of jurisdiction."<sup>20</sup> An embodiment of this sort of equality was seen in the Warren Court's efforts to defend "the right to counsel for the poor."<sup>21</sup> The Sixth Amendment was accordingly adopted providing that the accused should have the assistance of counsel, at least in criminal prosecutions.

Another important kind of equality is of a political nature, which seeks to grant an equal share in policy decisions and providing for universal suffrage. The principle of "one man, one vote" was expanded in 1920 to include "one women, one vote." The case for universal suffrage and political equality rests on the belief that only through a free electoral system can the interests of all sections of the community be equally treated in state action. There has been continuous struggle, especially on the part of the Blacks, to win more poli-

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<sup>19</sup> Gabriel Kolko, *Wealth and Power in America* (New York: Frederick A. Praeger, 1962), pp. 12-13. Quoted by Allan P. Grimes, *Equality in America* (New York: Oxford University Press, 1964), p. 110.

<sup>20</sup> David Thomson, p. 32.

<sup>21</sup> Arthur J. Goldberg, p. 10.

tical equality. The progress is steady, but the complete victory has not yet been seen. A federal legislation to guarantee Negro voting rights, takes the form of the Voting Rights Act of 1965 which prohibits literacy tests and other discriminatory devices from being used in any election. "While the main thrust of the act was concerned with the plight of Negro voters, implementation was designed to aid the economically impoverished, the poorly educated, and the non-English-speaking minorities as well."<sup>22</sup>

The last major category may be termed social or civil equality, which refers to the absence or removal of discrimination against colored people, women, linguistic and national minorities, and various religious groups. In one way or another, equality in this area somehow overlaps that in other areas. But in a sense the problem of social equality is to a considerable extent a racial problem. This is why I would like to discuss **slavery** and the civil rights movement under this category. Before going more deeply into these issues, I wish to examine various interpretations of the well-known statement—"All men are created equal"—because this is a fundamental expression of the ideal of racial equality.

As mentioned earlier, the Declaration of Independence follows the same logic of Locke: "We hold these truths to be self-evident: that all men are created equal. . . ." Why self-evident? Because "they need neither empirical proof to substantiate them nor the refined reasoning of deductive logic. They stand, in other words, without explanation or verification, upon their own merits."<sup>23</sup> The idea of equality does not imply "sameness" or "uniformity," said David Thomson, and men are alike "only in one important specified respect, their individuality. . . ."<sup>24</sup> Indeed, men are different in many respects—such as knowledge and wisdom, mental capacity,

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<sup>22</sup> Albert P. Blaustein & Robert L. Zangrando, eds., *Civil Rights and the Black American* (New York: Washington Square Press, 1970), p. 566.

<sup>23</sup> Allan P. Grimes, *American Political Thought*, p. 89.

<sup>24</sup> David Thomson, p. 4.

<sup>25</sup> Jacobus Ten Broek, *Equal Under Law* (New York: Collier Book, 1965), p. 18.

physical attributes, motivation, environment, heredity, moral qualities, as observed by Jacobus Ten Broek.<sup>25</sup> Now that we acknowledge the differences among men in so many respects, in what sense are men created equal, then?

According to Ten Broek, "all men are created equal" is not a declarative, but an imperative, sentence. He asserted, "It is not a statement but an exhortation. It is not an affirmation or description. It is a command. Whatever its form, its function is directive. It says in substance, within certain limits and for certain purposes, that we should treat men as if they were the same, although we know full well that they are not. Within these limits and for these purposes, we must emphasize the similarities among men and disregard their differences."<sup>26</sup>

A similar position is shared by John P. Roche, who suggests that we supply some qualifications to make this statement understandable. The basic proposition proposed by him is that "all those who have been admitted to the political community are equal," a proposition which is helpful in understanding the development of equality in America over the past three centuries. He added, "In other words, men achieve equality as a function of membership in the body politic—and this membership is not an inherent right, but a privilege which the majority accords on its own terms."<sup>27</sup> He also asserted, "Equality, like liberty, was a condition conferred by the community at its discretion, usually to 'good' people who had earned their prerogatives."<sup>28</sup> It seems that Roche's proposition contains seeds of inequality because he took it for granted that the majoritarian establishment possesses the right to confer equality on minorities.

In his celebrated debates with Stephen A. Douglas, Abraham Lincoln contended that the pronouncement on human equality had been meant to apply to all men, not only to white Europeans but to Negroes, Indians, and immigrants

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<sup>26</sup> *Ibid.*, p. 19.

<sup>27</sup> John P. Roche, "Equality in America," in *All Men Are Created Equal*, ed. William W. Wattenberg (Detroit: Wayne State University Press, 1966), p. 20.

<sup>28</sup> *Ibid.*, p. 22.

from Asia. He remarked:

I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—equal with “certain inalienable rights, among which are life, liberty, and the pursuit of happiness.” This they said, and this they meant. They did not mean to assert the obvious untruth that all were then actually enjoying that equality, nor yet that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit.<sup>29</sup>

This is a very eloquent and convincing explanation of the pronouncement. Lincoln held it as an imperative command urging the struggle to achieve the goal of equality, and he did not think that any group of people had the right to confer equality upon others. Like other abolitionists, he fully recognized human equality on the basis of the individual dignity. Therefore, the proposition “sounded the death knell of slavery.”<sup>30</sup>

The principles reflected in this pronouncement are entirely in harmony with Jefferson’s attitude toward slavery. Speaking at the First General Congress of the Colonies at Philadelphia in 1774, Jefferson declared that “the abolition of slavery is the greatest object of desire in these colonies.”<sup>31</sup> Undoubtedly the truth of human equality was meant to include Negroes.

Since 1619 when Africans were first brought as indentured servants to America, the plight of Negroes has never ceased to be an object of grave concern to many people. In the following pages, instead of dwelling on the historical development of slavery in America, I would like to discuss the main contentions given by representative abolitionists and their counterparts.

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<sup>29</sup> Quoted by H. A. Myers, *Are Men Equal?* (Ithaca, 1955), p. 89.

<sup>30</sup> Jacobus Ten Broek, p. 15.

<sup>31</sup> Quoted by Thomas V. Smith, p. 45.

The first argument for slavery rested on the theological doctrine of equality before God. It was argued that "the slave and the master were equal precisely in this sense; they both had infinite souls, and before God there was no difference between black and white, between bond and free."<sup>32</sup>

The next notable proslavery argument considered slavery as a civilizing and Christianizing agency for the good of the slave. A Professor Bledsoe held that "no fact is plainer than that the Blacks have been elevated and improved by their servitude in this country."<sup>33</sup> Besides, slavery was viewed as a good rather than an evil because of its contribution to the general good of the society. "Cotton had become king, and slaves were his gracious subjects, serving mankind as they did his bidding!"<sup>34</sup> It was even held that "Cotton alone would have justified slavery on the greatest happiness principle. . . ."<sup>35</sup>

Calhoun based his proslavery theory on a Darwin-like argument as mentioned earlier and on the denial of Lockean natural-rights philosophy. He insisted that there was never such a state of nature and never can be. Men are born in the social and political state and therefore they are born subjects of the laws and institutions. So he rejected the contract theory. He declared, "Nothing can be more unfounded and false" than "the prevalent opinion that all men are born free and equal."<sup>36</sup> Following his line of reasoning, he asserted then that freedom was a social reward rather than a natural right. "It is a reward to be earned, not a blessing to be gratuitously lavished on all alike;—a reward reserved for the intelligent, the patriotic, the virtuous and deserving;—and not a boon to be bestowed on a people too ignorant, degraded and vicious, to be capable either of appreciating or of enjoying it. . . ."<sup>37</sup> In other words, Calhoun considered slavery justifiable because in his eyes

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<sup>32</sup> *Ibid.*, p. 187.

<sup>33</sup> *Ibid.*, p. 66.

<sup>34</sup> *Ibid.*, p. 64.

<sup>35</sup> *Ibid.*

<sup>36</sup> John C. Calhoun, *A Disquisition on Government*, ed. Richard K. Cralle (1853; New York: Peter Smith, 1943), p. 57.

<sup>37</sup> *Ibid.*, p. 55.

Negroes were too ignorant and degraded to deserve liberty and equality as their masters did.

This argument was shared by Alexander H. Stephens, Vice President of the Southern Confederacy. He contended that the assumption of the equality of races was simply an error. He said, "Our new government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and moral condition. . . ." <sup>38</sup> Obviously, the concept of white supremacy played a decisive role in erecting the institution of slavery.

In developing his proslavery theory, Calhoun advocated states' rights at the same time. He rejected the principle of majority rule on the ground that majorities can be tyrannical, and he developed the so-called theory of "concurrent majority" as an alternative for protecting sectional interests. By thus granting each section of the country a veto power over the federal actions, Calhoun granted the slave-holding states the right to perpetuate the slavery system.

Now we may turn to anti-slavery theory. The primary elements of anti-slavery thought include the beliefs in man's inalienable natural rights, in the essential equality of men, and in the concepts of the equal protection of the laws and due process of law. William Lloyd Garrison drew upon the Declaration of Independence as the basis of his Declaration of Sentiments of the American Antislavery Convention (1833). William Ellery Channing was basically concerned with the moral issue of human rights, contending that man should not be held as property because he has natural rights. Hinton R. Helper criticized the social consequences of slavery and attacked what he called the "oligarchy of slave holders." <sup>39</sup>

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<sup>38</sup> Thomas V. Smith, p. 72.

<sup>39</sup> Allan P. Grimes, *American Political Thought*, p. 239.

<sup>40</sup> Richard B. Hofstadter, "Lincoln and the Slavery Question," in *Lincoln and the Coming of the Civil War*, ed. Norton Garfinkle (Boston: D. C. Heath and Company, 1959), p. 6.

Lincoln fought against slavery because of the "monstrous injustice of slavery itself."<sup>40</sup> He declared in a speech, "The great mass of mankind consider slavery a great moral wrong."<sup>41</sup> On June 16, 1858, he voiced his strong opposition to the Dred Scott decision, which denied a freed Negro all the rights white men enjoyed and also ruled that Congress had no power to prevent the spread of slavery into the territories. He denounced this decision by contending that white men had no right to enslave black men for reasons either of color or of intellectual superiority.<sup>42</sup>

As the conflict between the South and the North became extremely tense, the Civil War broke out finally. For his proclamation of January 1, 1863, Lincoln has been called the Great Emancipator. At last, the Civil War set four million slaves free under the Thirteenth Amendment (1865). Then in 1868, abolitionism was reconsummated in the Fourteenth Amendment, which was designed to restore the freed Negro to a condition of civil equality. Two years later the Fifteenth Amendment was established to grant Negroes the right of suffrage. Apparently, the antislavery basis of the Constitution, as seen in these important amendments, was rooted in the faith in the equal protection under the law.

However, serious racial barriers survived the Civil War and the Reconstruction and the post-Reconstruction years. As a matter of fact, equal rights have not been granted to all Blacks and other minorities even today. Consequently, civil rights movements have persisted until today.

The Civil Rights Bill of 1875, a part of the federal Reconstruction legislation, showed that Congress intended to give the Blacks social equality to a considerable degree. But under the pressures of the majority of the whites, the Supreme Court declared in 1883 that the bill was unconstitutional. Following this deplorable act by the Supreme Court, the "Jim Crow" legislation appeared in the Southern states and municipalities,

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<sup>41</sup> *Ibid.*

<sup>42</sup> See William O. Douglas, *Mr. Lincoln and the Negroes* (New York: Atheneum 1964), pp. 21-22.

aiming at segregation and discrimination. Writing in 1890 about the opinion of the Court on a "Jim Crow" transportation law in Louisiana, Justice Henry B. Brown based the law on the assertions that Negroes were biologically inferior to the whites and that legislation could do nothing about racial instincts or distinctions. He stated, ". . . if the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane."<sup>43</sup> This statement clearly shows that Justice Brown meant to bow to discriminatory practices in society disregarding the principles of equality and justice.

Thus, the tradition of legislation of inequality was initiated. After the Civil Rights Bill was declared unconstitutional in 1883, state legislatures enacted many segregation statutes. Besides, beginning in 1890 many Southern states passed laws to disqualify Negroes to vote, such as "grandfather clauses" which were declared unconstitutional in 1915. In the *Plessy v. Ferguson* case of 1896 the Supreme Court devised the so-called "separate but equal" doctrine by arguing that the phrase "equal protection of the laws" in the Fourteenth Amendment did not prevent the enforced separation of races, so long as each race was treated equally. Only Justice John Marshall Harlan opposed this decision. He considered the judgment as pernicious as the decision made in the *Dred Scott* case. Obviously, this theory was a disguise to keep the Negro in an inferior status. Justice Harlan voiced his opposition to it:

What can more certainly arouse race hate, what can more certainly create and perpetuate a feeling of distrust between these races, than state enactments, which, in fact proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens.<sup>44</sup>

This legislation of inequality was not denounced and repealed until May 17, 1954 in *Brown v. Board of Education of Topeka, Kansas*. Chief Justice Earl Warren held that the ex-

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<sup>43</sup> John P. Roche, p. 36.

<sup>44</sup> Arthur J. Goldberg, pp. 57-58.



istence of enforced separation was a source of inequality.

In *The American Issues Forum* conducted by Voice of America in commemoration of the 200th anniversary of the birth of America, M. Stanton Evans, a syndicated columnist with the *Los Angeles Times*, comments on the issue of "equal protection under the law" by saying, "I think we have lost the rule of law that we were supposed to have under our Constitution. I think we lost it by design back in the thirties when it was simply asserted that whatever the majority wants to do it can do."<sup>45</sup> He observed that the root of the whole problem lies in the enormous power in Washington which "is hostile to minority rights of whatever kind."<sup>46</sup> If Evans' accusation is right, then the "separate but equal" doctrine may serve as an appropriate footnote to it.

The oldest and largest Negro civil-rights organization is the National Association for the Advancement of Colored People (NAACP) founded in 1909. It relied mainly upon legal proceedings based on the Fourteenth and Fifteenth Amendments. There are many other organizations dedicated to the same cause, such as the American Civil Liberties Union, the Afro-American League of the United States, the Universal Negro Improvement Association, the Congress of Racial Equality, the Southern Christian Leadership Conference, and the Student Non-Violent Coordinating Committee. These organizations have been making remarkable efforts to transform the two worlds of race into one harmonious and peaceful world. As a result of their constant protests by all sorts of means, the movement gained greater and greater momentum until racial tensions reached a climax in the 1960's. Needless to say, these and other similar organizations have contributed greatly to winning many equal rights for the Blacks.

The status of the Blacks began to improve considerably

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<sup>45</sup> *The American Issues Forum*, ed. Voice of America (Washington, D. C.: United States Information Service, 1976), p. 182.

<sup>46</sup> *Ibid.*, p.184.

during the Second World War because of heavy demands upon Black manpower. The Civil Rights Section was created in the Department of Justice in 1939 to prosecute violators of the limited Civil Rights Act of Reconstruction days. President Roosevelt established the Fair Employment Practices Committee in 1941. President Truman established the President's Committee on Civil Rights in 1946 and in 1948. Under his administration, racial segregation in the armed forces was strictly prohibited. But after the war the government chose to ease the efforts to promote civil rights. For example, Congress discontinued appropriating funds to sustain the Fair Employment Practices Committee. This led to the racial tensions of the 1960's, which in turn helped bring about further legislation of equality.

The 1960's witnessed a series of new civil-rights legislation, including the Civil Rights Act of 1960, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, which was passed only a week after the tragic assassination of Martin Luther King. The latest important government action in the same cause was the Supreme Court's decision upholding busing for school integration in 1971. Although many hold that wholesale busing of students and racial balancing are effective legal tools for achieving the desegregation of public schools, the Court's unanimous (9-0) ruling has provoked a good deal of sound and fury.<sup>47</sup> Now school-desegregation law has also been applied to Mexican Americans, Puerto Ricans, any group of Spanish surname, Chinese, and Japanese. Perhaps the same judicial requirement will spread to include other ethnic groups.

The 1970's can be regarded as a new era of change in the civil-rights movement. Roy Innis, once head of the Congress of Racial Equality (CORE), said, "The old civil-rights movement emphasized basically the social goals. The new—what I call the

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<sup>47</sup> See *U.S. News & World Report*, May 3, May 10, August 16, August 30, September 13, October 18, 1971; And April 3, 1972.

<sup>48</sup> "Civil Rights: A New Approach," *U.S. News & World Report*, 23 August 1971, p. 27.

'human rights'—movement emphasizes the economic and political goals."<sup>48</sup> The NAACP, like many other black organizations, has also adopted the new approach. Its leader Roy Wilkins remarked:

We're going to have to build black economic power. We must develop black jobs, black retailers, wholesalers, contractors, manufacturers. And we're going to have to build political "black power." I don't like the term, but that's what it is—"black power." And it's going to co-operate with other kinds of power. It's not going to be developed for the purpose of creating a separate society, but for the purpose of leveling the walls of separation in this country.<sup>49</sup>

Many walls of segregation have been leveled in America. We have reasons to share the optimism of Roy Wilkins who proposed to level such walls by building up black economic and political power. To create a better economic situation for the poor class is one of the most fundamental steps to take for the cause of equality, for, as Thomas V. Smith rightly said, "Property and, still more, income constitute the power to attain the decencies of life. These lacking, there is no other dependable guaranty of any of the great historic American rights—life, liberty, or the pursuit of happiness."<sup>50</sup> The fight against poverty has thus become a highly urgent demand on the part of the underprivileged.

Looking toward the future development of egalitarianism in America, I believe legislation remains a useful means by which the problem of inequality can be solved. Of course there should never be any more legislation of inequality as exemplified by the "Jim Crow" statues and the doctrine of "separate but equal." At the same time, the enforcement of the civil-rights laws should be strengthened. Howard A. Glickstein, who used to serve as staff director of the U.S. Commission on Civil Rights, asserted, "The enforcement effort suffers from lack of money, from lack of personnel and, most especially, from a lack

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<sup>49</sup> *Ibid.*, p. 28.

<sup>50</sup> Thomas V. Smith, p. 317.

<sup>51</sup> *U.S. News & World Report*, 23 Aug. 1971, p. 25.

of will.”<sup>51</sup> Apparently, “a lack of will” is a grave and yet fair accusation.

It might be safely said that the lack of will to enforce the civil-rights laws has something to do with the concept of the so-called “white supremacy.” To cure racial prejudices, we may resort to President Kennedy’s appeal to every American to examine his conscience on the question of race. He declared in June, 1963, “We are confronted primarily with a moral issue. It is as old as the Scriptures and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities; whether we . . . treat our fellow Americans as we want to be treated. . . .”<sup>52</sup> This statement contains an important truth which is classically expressed in a famous saying by Confucius, “Do not do unto others what you do not want others to do unto you” (己所不欲，勿施於人). If every American, white or colored, learns to treat his or her fellow countrymen as he or she wants to be treated, then the spirit of fraternity will prevail in America and consequently racist attitudes, which are the root of racial inequality, will disappear forever.

The importance of the spirit of fraternity cannot be over-emphasized. Many great virtues, such as benevolence, magnanimity, altruism, and universal brotherhood, spring from this sort of spirit. In his famous autobiography Malcolm X says of the value of brotherhood as an essential solution to the racial problem: “Where true brotherhood existed among all colors, where no one felt segregated, where there was no ‘superiority’ complex, no ‘inferiority’ complex—then voluntarily, naturally, people of the same kind felt drawn together by that which they had in common.”<sup>53</sup> There is no doubt that the sense of brotherhood or the spirit of fraternity will lead one to treat other people with respect and love.

What is equally important is that the same spirit will also

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<sup>52</sup> Cited by Allan P. Grimes, *Equality in America*, p. 82.

<sup>53</sup> *The Autobiography of Malcolm X* (New York: Grove Press, 1966), p. 344.

lead one to help or serve other people. Inspired by Lincoln's faith in democracy based on liberty and equality, Dr. Sun Yat-sen advocates in *The Three Principles of the People* the philosophy of service as a practical solution to the problem of inequality. According to him, human equality is "the highest of moral ideals,"<sup>54</sup> and for the sake of this moral ideal, he proposes that every man should be granted an equal opportunity to use his natural endowments and that every man should try to serve the people to the limit of his natural endowments. "In this way," he asserts, "although men now may vary in natural intelligence and ability, yet as moral ideals and the spirit of service prevail, they will certainly become more and more equal. This is the essence of equality."<sup>55</sup> In *Up From Slavery*, Booker T. Washington upholds the same philosophy of service. He writes, "Those who are happiest are those who do the most for others."<sup>56</sup> Commenting on this philosophy, John K. Roth writes in *American Dreams*, "American happiness, white as well as black, depends uniquely on service which mitigates the misery of race hatred."<sup>57</sup>

In "Liberty, Equality, Fraternity—and Ethnicity," Nathan Glazer also expounds the importance of fraternity in solving the racial problem. He is opposed to such recent developments in law as school-desegregation law and the extension of the Voting Rights Act in 1975 because they tend to increase attention "to the inequalities among ethnic groups, leading to requirements for government and private institutions to overcome such inequalities and, in doing so, to treat persons on the ground of their race, color, and national origin."<sup>58</sup> According

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<sup>54</sup> Sun Yat-sen, *The Three Principles of the People* (Taipei: China Publishing Co., n.d.), p. 90.

<sup>55</sup> *Ibid.*

<sup>56</sup> Booker T. Washington, *Up From Slavery* (New York: Dell Publishing Company, 1970), p. 56. Cited by John K. Roth, *American Dreams* (San Francisco: Chandler & Sharp Publishers, Inc., 1976), p. 136.

<sup>57</sup> John K. Roth, p. 136.

<sup>58</sup> Nathan Glazer, "Liberty, Equality, Fraternity—and Ethnicity," *Daedalus*, vol. 105, no. 5 (Fall, 1976), 125.

<sup>59</sup> *Ibid.*, p. 126.

to him, the best solution to the problem of racial inequalities is to create a more homogeneous society by living with the two fraternities—"the fraternity of the racial and ethnic groups and the fraternity of the larger American society."<sup>59</sup> He is convinced that when each individual is taken as "part of the overall fraternity," he will be treated "without distinction of race, color, national origin, or religion."<sup>60</sup> This is a very well-grounded explanation of the role fraternity can play in eradicating racial inequalities in any multi-ethnic society.

Perhaps the moral approach to the problem can be most effectively carried out through education. One social scientist wrote, "The higher one's education, the more likely one is to believe in democratic values and support democratic practices. All the relevant studies indicate that education is more significant than either income or occupation."<sup>61</sup> A research on the racial attitudes of white Southerners found that "The most poorly educated whites are the strictest segregationist; the best educated whites are the least segregationist."<sup>62</sup> It is beyond doubt that racial tolerance is a natural result of good education.

As noted at the start of this essay, Denis Brogan felt that America shared with some older countries an inability to unite its people on a basis of freedom and equality. However, with the abolition of slavery and the establishment of the civil-rights laws, the problem of inequality in America has been ameliorated greatly. Indeed, very impressive progress, led by both Black and white Americans of good will, has been made. Although Americans did not invent the ideal of equality, as mentioned earlier, yet, because of the multi-ethnic characteristic of their society, because of their unique experiences of the Civil War and the civil-rights movements, and also because of their persistent and painful efforts to improve interracial relationships,

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<sup>60</sup> *Ibid.*, p. 125.

<sup>61</sup> Cited by Allan P. Grimes, *Equality in America*, p. 84.

<sup>62</sup> *Ibid.*

<sup>63</sup> James Bryce, *The American Commonwealth*, vol. II, p. 514.

they have immeasurably enriched the Western tradition of this ideal. With this in mind, we can better understand what James Bryce writes in *The American Commonwealth*: "The United States are deemed all the world over to be pre-eminently the land of equality."<sup>63</sup>

In short, we sincerely hope that Americans will double their efforts to solve the problem of racial inequality so as to make their country a genuinely and completely "united" one. The process must continue, so that the "American Dream" can be a reality eventually. As it does so, this great ideal will not only improve America. It will also provide guidance and inspiration for the entire world. Americans have been offered a unique opportunity to make great contributions to the building of a world of "Great Harmony" which, as envisaged in the *Book of Li*, a Chinese classic, will be securely founded on the principles of liberty, equality, and fraternity, and therefore will be full of peace, justice, prosperity, and happiness.<sup>64</sup>

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<sup>64</sup> See Chen Huan-Chang, trans., *Economic Principles of Confucius and His School*, vol. I (New York: Columbia University, 1911), pp. 17-20. Also see Sun Yat-sen, *The Three Principles of the People*, pp. 324-29.

## 論美國的平等理想

(摘要)

余 玉 照

本文主旨在於探討美國的平等理想及其理論與實踐之間的差距。

全文分爲六部分。首先說明此項研究的重要性；平等的理想實係所謂「美國夢」所蘊含的最有意義的憧憬之一。

其次討論西方平等理想的發展簡史，特別着重於洛克學說對美國領袖們的深遠影響，以及社會達爾文主義等思潮給予平等理想的挑戰。

第三部分闡述平等的理論在美國宗教、經濟、法律、政治與社會諸方面的實際應用情形，同時指出「人類生而平等」此句名言的真諦。

緊接着兩部分研討平等的理論與實踐對美國黑人的影響，尤其值得關切的是有關廢奴運動與民權運動所反映出來的進步實況。

結論中建議幾點有關種族問題的根本解決方針，特別強調孔子倡導的處世待人之道、國父孫中山先生的服務哲學、以及博愛思想對改善種族關係所能做的重大貢獻。

最後本文呼籲美國人，不論白種或有色人種，皆能爲創造一個「大同世界」而貢獻更多更大的心力。正如「禮運大同篇」所描繪的，此一理想的世界必須建立於自由、平等與博愛的基礎上，因而必將充滿和平、公正、繁榮與幸福。