

CIVIL RIGHTS AND THE WOMEN'S MOVEMENT

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During recent years, I have been severely criticized for being forthrightly and enthusiastically in favor of the Equal Rights Amendment. It has been alleged that this puts me on the side of those who are destroying womanhood in America. I guess that the truth of the matter depends on what womanhood in America is perceived to be, either ideally or realistically. I am happy to declare myself on that point, and will do so presently.

When asked to defend my support of ERA, I simply say that the whole history of America has been the story of the enlargement of justice for everyone. ERA is a part of that development, long overdue. All during the Bicentennial Year, we heard the stirring words of the Declaration: "We hold these truths to be self-evident, that all men are created equal and are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

Great words, but too often we were not reminded that the Declaration merely declared these rights, it did not effect them. In fact, when the words were written in 1776, and even when to establish justice and to secure these rights, the Constitution was written in 1789, those great human rights were fully enjoyed by only affluent, mature, free, Anglo-Saxon males. The most fundamental political right, voting, was not enjoyed by women in America until this century by amendment of the Constitution in 1920. Must one say that this is the result of prejudice? I would simply say, yes, prejudice and all of its associated ills,

especially stereotyping: "women are weak;" "women are unstable and irrational;" "women shouldn't mix in politics;" "woman's place is in the home, not the political arena," "all women will simply vote like their husbands;" etc.

One could argue that the enjoyment of the full panoply of human rights for women would follow the right to vote. One might just as well claim that the blacks' problem of rights was solved by the passage of the 13th, 14th, and 15th Amendments following the Civil War. We still needed, about a century later, the omnibus Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Housing Act of 1968. Even now, the problem of basic human rights for blacks is far from a full solution. The same might be said for women. Their struggle for equality is a long, arduous, uphill battle.

Inequality for women is an ancient tale. It took a woman, Dr. Rivkah Harris of Northwestern University, to point out recently that of the 185 scribes in the Babylonian city of Sippar, between 1850 and 1550 B.C., only ten were women. Scribes at that time happened to be highly honored professional people in a sea of illiteracy. They required long years of education. All that one needed to qualify was intelligence and manual dexterity for writing complicated cuneiform characters on clay tablets. It is not surprising that although many women are endowed with high intelligence and manual dexterity, a great preponderance of men were chosen for the honored positions, even that long ago. Prejudice, the enemy of equality and equal rights among men and women, has deep roots in history. Nothing that deeply rooted will

be easily eradicated from the minds and hearts and attitudes of mankind. "All men are created equal." Men have tended to take that statement to mean literally and univocally "all men."

One does not have to go back in history 3500 years to demonstrate the necessity of concerted effort and cumulative legislation to balance a situation that is still completely out of balance today. However one views the women's movement today, a close look at the actual situation in America should persuade even the most prejudiced that women are discriminated against in many ways. The record speaks for itself. Women may, in fact, need a much more effective women's movement than they have if they are to enjoy equality of opportunity in the foreseeable future. Also, a few men should join the movement, for undoubtedly, prejudice comes mainly from the male side. Look at a few facts which I have extracted from a 362-page report to President Ford by the National Commission on the Observance of International Women's Year. The facts are striking. These are only a few of them.

Thirty-seven million American women work outside the home. White women's median earnings are \$6,823, while the comparable figure for white males is \$12,104. The black woman faces a double prejudice in achieving equality and justice. Black women receive a median salary of \$6,258 compared to \$8,524 for black men.

In elementary and secondary education, women represent 67% of all teachers, but only 15% of women are principals in elementary schools and only 3% of high schools have women principals.

Six million women belong to labor unions, but are almost completely without a voice in the management of unions. A most striking case is the International Ladies Garment Workers Union which has one lady on its 23-member Board of Directors. One word for that is tokenism; another is inequality.

Women make up 53% of the voting population in America, and 39% of the labor force. How many women hold elective government positions? 5%! I spare you the percentage for lawyers, doctors, scientists, and engineers.

There are 399 authorized judgeships in the United States District Courts and 97 judges in the Federal Appeals Courts. Women judges in these courts number 4, much less than 1%. In the 200 year history of our country, only 10 women have been named to the federal bench, none ever to the Supreme Court.

Jobs traditionally done by women are consistently undervalued in the federal government's Dictionary of Occupational Titles, used often to determine salary levels. For example, dog trainers are rated higher than foster mothers! Paraprofessional jobs in education, health, and welfare are classified menial because they are generally performed by women.

Need I say more? It is not so much that this represents monumental injustice towards women, but it has a deleterious effect on the self-image, motivation, and hopes of young women who cannot expect equal opportunity or recompense, despite equal intelligence and education, not to mention equal or superior performance. In addition, the nation

itself is deprived of much creativity and intelligence. This is a continuing and cumulative impoverishment that we can ill afford in America. To make the picture even more dismal, America would look like a paradise for women compared to most of the world beyond our shores. However, that does not justify our delay in living up to the promises of our Declaration and Constitution, even if we have to amend the Constitution to speed up the process.

The situation of women in America may be one of the best reasons for reviewing the whole effort towards achieving civil rights in our day. I have been reasonably quiet on the subject since my quick dismissal by President Nixon in 1972 immediately following his re-election. I had spent 15 years on the Commission on Civil Rights since its inception in 1957, the last four years as Chairman. Those were golden years when America in the sixties completely reversed the mores and practices that had humiliated blacks since the first days of slavery in our country. Enormous progress was made in establishing equality of access in public accommodations, practically eliminating apartheid overnight with the passage of the federal Civil Rights Act of 1964.

There was also an impressive breakthrough on voting with the 1965 law. Within a few years, we went from a handful to thousands of elected black officials, including many members of Congress and the Mayors of some of our largest cities across the nation, Washington, Newark, Detroit, Atlanta, and Los Angeles. There was also a massive enlargement of equality of opportunity for blacks in that concatenated

problematic trilogy of education, employment, and housing, the latter thanks largely to the federal law of 1968, which had been filibustered to death a year earlier.

While all of this was happening to blacks, our largest minority, numbering more than all the Canadians in Canada, we of the Civil Rights Commission were concerned that forward progress was far slower on all fronts for Spanish-speaking Americans, mainly Mexican-Americans and Puerto Ricans, and, of course, almost no progress for native Americans. As we began to intensify our efforts on both of these other fronts in the late sixties and early seventies, the women's movement began in earnest -- there had long been a quieter one -- and we suddenly realized that women were not specifically included in our legislative mandate which only cited "race, religion, color, and national origin," the standard legal list of concerns for unequal protection of the laws in America.

There was mounted a new and concerted effort on the part of the women's movement, in which we concurred and with which we collaborated enthusiastically. As a result, the basic 1957 law creating the Commission on Civil Rights was amended in the early seventies to read: "race, religion, color, national origin, and sex." There was some resistance, for some thought that our new involvement with the women's movement would dilute our efforts for the standard minorities. I said at the time, and I still believe it, that the problem of equal rights for women, at least white women, would eventually be easier to solve than

the problems relating to prejudice on account of color. Even so, one cannot be selective in fighting injustice. One must be against injustice wherever and whenever it is encountered. Justice, like truth and freedom, is indivisible. When one person suffers injustice, we should all suffer.

All of this leads me to two broader observations. First, I think that the time has come, even for the women's movement, to drop the term "civil rights" in favor of the broader and more comprehensive term "human rights." It is a curious development that the Western world of Europe and America has tended to emphasize, in its political documents, civil and political rights, while the Socialist countries have spoken more frequently of economic, social, and cultural rights. When the Universal Declaration of Human Rights of the United Nations was reduced to political protocols for approval by governments, there were two of them, following this same division of political and civil rights in the one document and economic and social rights in the other.

I believe that we in America have come far enough in our recent developments to speak now of the whole panoply of rights; political, civil, economic, social, cultural, religious, educational -- all of which would be contained in the one expression "human rights," now recognized worldwide at least in principle, following the almost universal acceptance of the United Nations Declaration of Human Rights. Moreover, it seems to me that this larger expression is a felicitous elaboration of that wonderful statement in our Declaration of Independence,

"the pursuit of happiness." It is unthinkable that one could honestly pursue happiness, or human fulfillment, in modern America without enjoying the whole spectrum of what might best be called human rights.

My second observation is that we in America can no longer just think of our own pursuit of happiness. Somehow our concern for human rights here in America must be linked to the same concern for human dignity and human rights everywhere. I would, of course, say the same for the concerns of the women's movement, here and abroad. The striving for women's rights should be worldwide, for as noted above, whatever our problems for equality of women in America, the problem is far worse in most of the rest of the world.

When one looks at the sweep of problems facing us today, it is quickly evident that the worst of them are necessarily worldwide and interdependent in their understanding, as well as in their solution. Ultimately, there are no purely national solutions for energy, hunger, development, trade, terrorism, population, monetary systems, use of the seas, environment, health, disarmament, peace, justice, and yes, human rights, too.

In this increasingly interdependent world, our efforts must be both national and international. We breathe the same air, we drink the same water, we are each of us passengers on a single spaceship earth, with finite irreplaceable life resources, with a common yearning for peace and justice. I suspect that we will achieve our common hopes together or not at all.

Before abruptly departing from the Civil Rights Commission, I had been urging my fellow Commissioners to consider renaming our work the Commission on Human Rights and enlarging our purview to consider the human rights implications of everything the United States does, not just nationally, but worldwide. What, for example, are the implications of a nation dedicated to and working for liberty and justice for all giving preferential aid treatment and arms to repressive regimes that trample on the human rights of their citizens, for example, in South Korea and Chile?

Two hundred years ago, all the world was thrilled when a small country of 3 million people spread thinly over 1,400 miles of Atlantic coastline in thirteen very disparate colonies declared that all men were created equal and that government was created to secure their rights and that the government derived its just powers from the consent of the governed. In fact, the world was never the same again, from the French Revolution that followed soon after our Declaration, to the complete freeing of a vast colonial world that has happened in our lifetime. If I had one mandate for the women's movement today, it would be that they take their inspiration from our beginnings and dedicate themselves to making America today what Governor John Winthrop challenged the fledgling Massachusetts Bay Colony to become, a good city set upon a hill, for all the world to see.

I would hope that by now I have sufficiently established my dedication to the best of the women's movement to be indulged a word or two of criticism. It is no state secret that the passage of the

ERA is presently in trouble. Even some states who have approved the amendment are now attempting to retract their approval. What went wrong? I think that somehow the women's movement, or at least its leadership, went astray and, in doing so, estranged many women. Curiously, most of the criticism I receive for supporting ERA comes from women, not men. Women across the land are in the vanguard of efforts to defeat ERA, which somehow has become entangled, for all the wrong reasons, with abortion, lesbianism, masculinizing women, destroying family stability, co-educational rest rooms, combat service in the Armed Forces, etc.

Somehow, the whole essence of the movement, its deep meaning for feminine equality and identity, its inherent justice and rightness, have been lost in the process. My only advice is for women to get the whole movement back on the tracks that are going somewhere that most women want to go. I don't think that men can do it, even though they can and should collaborate.

As a Christian theologian, I am often heartened by the way that theology can point reality in the right direction when a good movement falters. Just consider two ancient texts, one Jewish, another Christian. They put the whole matter quite simply.

First, consider the story of creation in the opening chapter of the Book of Genesis, which is one of the first great statements on the relationship of men and women. It says that only in being men and women is mankind reflective of the image of God. No confusion here, such as "all men are created equal," that we noted earlier. It even

specifies the best reason for human dignity and equality, together they reflect the image of God.

"God said, 'Let us make man in our own image, in the likeness of ourselves, and let them be masters of the fish of the seas, the birds of the heavens, the cattle, all the wild beasts, and all the reptiles that crawl upon the earth.' God created man in the image of Himself, in the image of God he created him, male and female he created them." (Genesis, I - 26-7).

The good news that Christ, Our Lord, brought into the world was magnificently proclaimed by St. Paul to a world that was split, as ours is yet, between nations, free men and slaves, men and women. Paul proclaimed that these distinctions were less important than the basic oneness and unity of human beings, especially those who are one in Christ, something transcending our basic human oneness.

"All baptized in Christ, you have clothed yourselves in Christ, and there are no more distinctions between Jew and Greek, slave and free, male and female, but all of you are one in Christ Jesus."
(Galatians, 2: 27-8)

Despite the grandeur of these texts, two thousand five hundred years have not sufficed to help us create a world that would reflect realistically what they teach. In the Thirteenth Century, even a great theologian like Thomas Aquinas could repeat the assertion of the Greek philosopher, Aristotle, who said that woman was a miscarried, or incomplete, man. I often fight off discouragement by remembering a conversation with the late French philosopher, Jacques Maritain, who

said that mankind's history is a long uphill growth in moral discernment. Certainly, the women's movement moves us in that direction. There is a very special energy in women, an energy seeking to be liberated for good. As another Frenchman, the Jesuit anthropologist Teilhard de Chardin, said, "to limit energy," to allow the treasury of feminine energy to be diluted or lost, "that is sin." Following the inspiration of Genesis, Teilhard also says to us for women: "Listen, it is God who awaits you in me." They too, are in a very special way, God's image among us.

On that note, I would like to make a few personal observations about the person and the life of Rosemary Park who has inspired all of the contributors to this volume. I will try to relate what she is to what I have been writing about.

First, it must be said that Rosemary is quintessentially a woman, a lady. She brings me back where I began, namely what is womanhood in America today. I cannot precisely detail all that this means, but looking at Rosemary, I know what it is to be a woman, to be something special that we men can never be. To be with her is to be specially enriched in a most feminine way.

Best of all, she utterly destroys, just by being what she is, all of the hackneyed stereotypes about women. She is highly intelligent and superbly educated, both here and in Europe. She speaks with the authority of one who has studied and read widely and knows exactly what she is talking about. She not only knows what to say, but how to say it well and clearly. Nothing weak or shy about her, she leads from

the strength of a strong mind and deeply-held convictions. But she does this in a very special way, not alienating people, but quietly convincing them with sweet reason.

What comes through is her confident competence. She has had an unusually rich professional experience in her varied lifelong tasks, and she has learned from what she has seen and lived, as well as from what she has read and studied.

There is not only a pleasant personality named Rosemary Park, but a woman of character, a lover of civilizing values, who lives what she loves. You know if you are her good friend, but I suspect that friendship with her depends largely on the kind of person you are. I suspect that she would not suffer fools gladly, at least not moral fools.

Because of her superb qualities, Rosemary Park has been called upon to perform at the highest levels of higher education. I suspect that her's has been a largely pioneering role, that of being the first woman to do this or that important task. Because she always performed so well, always essentially as a womanly woman, the requests multiplied as the years passed. So her influence and her host of friends widened. All of us learned, through her, that we had missed a great deal over the years by not having more women like her to enrich our many associations. To know and to work with Rosemary Park was to grow in respect for the special leadership and creativity and insights that only a woman can bring to a wide variety of tasks that all too long have been essentially and solely performed only by men.

All of us who worked closely together monthly for six years on the Carnegie Commission on Higher Education were enriched by her presence and bettered by her friendship. In almost every important association, council, or commission for higher education, she made her presence felt, her ideas accepted, and her leadership acknowledged.

When the University of Notre Dame decided to become coeducational in 1972, it was obvious that we would only avoid serious difficulties if we could enjoy the insights that only a talented woman educator could provide us. Fortunately, Rosemary Park was the first woman member of our Board of Trustees, but the first of many, so valuable was her contribution. She had already served the University superbly in providing us with a basic study of the problems and opportunities involved in a possible merger with our sister institution, Saint Mary's College. As our University Trustee, Rosemary quickly assumed chairmanship of a most important Faculty Affairs Committee, again the only woman among fellow Trustees and elected faculty members on that Committee. Once more, she performed outstandingly in a variety of difficult situations that simply could not have been equally handled by any man available. She proved to us all that a professional woman is a great unifying force, even among, perhaps especially among, embattled men.

What has all of this to do with the women's movement and human rights? Certainly, women should not have to prove themselves any more than men to achieve equality as human beings in human affairs. However, this is, at times given the attitudes of our society, the only way that a vicious circle of prejudice is broken. It is difficult to argue

against a fact, especially the fact of demonstrated intelligence, widespread competence, deep personal influence, and all of this demonstrated while being quintessentially a woman.

Rosemary Park has done all of this, and more, for many years. She has been a one person women's movement all by herself. She has opened more doors than a battalion of noisy, abrasive, and unwomanly women. In a recent discussion I attended, someone complained to Margaret Mead that some women had performed well without much notice. Margaret Mead responded with some acerbity, "But they didn't come through as women. They don't even look like women!"

No one will ever say that of Rosemary Park. She is proud to be a woman. She knows that a woman can do as a woman some very special tasks in a very special way. She has no desire to be a man, even to be competitive with men. She truly complements every man's group she joins. Her insights surprise them -- they had never thought of that, or quite not that way. Her understanding, compassion, and sensitivity make most men look like Neanderthals. Her intelligence and learning have a special edge that we men often need and lack.

Having said all of this, may I add that we who have been blessed to work with her and love her cannot forget that special light in her eyes, sometimes soft, but when needed, hard; that special smile that so often dissolves opposition and welds affection. Thank God for Rosemary Park and women like her. We have much to learn from all they can teach us. My only problem with Rosemary is how can we possibly replace her when she retires. I am sure that she will say, "There are a million

Rosemarys out there. You fellows just have not been looking hard enough." She will say it with such gaiety and charm, that all of us fellows will try to believe her, but all the time we will know in our hearts that there is only one Rosemary Park. If there really were millions, we would not need a women's movement. Maybe that is the basic problem, and maybe as men, that is our fault.