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#BlackLivesMatter: This Generation's Civil Rights Movement

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#BlackLivesMatter: This Generation's Civil Rights Movement

By

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An undergraduate honors thesis submitted in partial fulfillment of the

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Abstract

Do Black Lives Matter or do All Lives Matter? That question has been the cause of many debates and conversations across America recently. The All Lives Matter response was created to criticize the Black Lives Matter Movement and operates under the assumption that the movement isn't needed in America because it is a post racial society. This thesis reviews race theories, racial formation in the United States and racist ideology in the pre- and post-Civil Rights era in order to show why the Black Lives Matter Movement is needed. It looks at the influence colorblindness has on the United States Criminal Justice System and the All Lives Matter response. Finally, this thesis explains why the Black Lives Matter Movement is important and suggest next steps that can be taken by the Black Lives Matter Movement to reach its goal of social justice for black lives.

Research Questions

How did American society reach the point where it needs a Black Lives Matter Movement? What is the relationship between the All Lives Matter response and the concept of colorblindness*? *Colorblindness in this context is referring to the practice of not taking into account a person's skin color when making some sort of decision.

Introduction

Police brutality (especially against African Americans) is not a new topic in America, but the recent shootings of young black men by cops in cities around the United States has turned it into a hot topic of late. There have been numerous protests and riots due to police officers not being indicted for killing unarmed young black men, and with these protests a new social movement was formed that started out as a twitter hashtag that is entitled #BlackLivesMatter. Though a civil rights movement is nothing new to America, this particular movement comes at a time when America sees itself as a "colorblind" or "post-racial" society. This means that the general population of people living in America believe that they are not racist and that they don't take into consideration the color of a person's skin. The colorblind ideology that is prevalent in the post-Civil Rights era, that America is currently in, considers everyone to be nonracial or not belonging to any race (Van Cleve & Mayes 2015).

Colorblind ideology may sound like the perfect solution to inequality, but in reality it is not. This colorblind ideology has contributed to the systematic issues throughout the criminal justice system that then caused disparate racial impacts to manifest (Van Cleve & Mayes 2015). Colorblind is a new form of racism that has developed in the post-Civil Rights era and is connected to the negative response that the Black Lives Matter Movement has received. As with the Civil Rights Movement in the 1960s there has been backlash. For the Black Lives Matter campaign, it has come in the form of the statement that #AllLivesMatter. This leads to the question: How did America reach a point where it needs a Black Lives Matter Movement? And What is the relationship between the All Lives Matter response and the concept of colorblindness?.

The Black Lives Matter Movement came about after the death of Trayvon Martin and continued to grow with the death of Michael Brown. Both of these young men were black, unarmed, and were shot and killed. Martin was a seventeen year old black man that was visiting his dad in Florida when he was shot and killed by George Zimmerman in February of 2012 (Graff 2015). Zimmerman was a neighborhood watch captain of a gated community that was tried and found not guilty for the murder of Trayvon Martin. Michael Brown was a black teenager that was shot and killed by white police officer Darren Wilson in August of 2014 (Graff 2015).

The Black Lives Matter Movement was started in response to these deaths and was intended to be a celebration and humanization of black lives. It aims to be a political and ideological intervention in a society where black lives are systematically and intentionally targeted for demise. Its goal is to rebuild the Black liberation movement. The Black Lives Matter Movement is trying to move the mentality of those in America away from "us versus them" and in doing so truly free black lives from inequality. If America has truly reached a post-racial society why is such a movement needed to assert what Americans already know? Many people have been shifting the focus of this movement by saying that it's not just Black lives that matter, all lives mater and all lives are important.

People in America are using the All Lives Matter statement to twist the Black Lives Matter Movement into being anti-white instead of pro-black. By doing this and focusing on the "Black" part of the Black Lives Matter Movement, they are not truly hearing the concerns that are being voiced. Yes, all lives matter, but there is a reason why people are reasserting that black lives matter. If the statement that black lives matter is not true, then America is sending the message that black lives are not truly lives and therefore they can be disposed of, killed or lost.

Furthermore, history reflects that black lives were seen as being a fraction of a human life during slavery. In Southern states where slavery was legal, slaves were counted as 3/5 of a person when counting population. A true post-racial society has not been reached, so why are some people in the United States disregarding this new civil rights campaign and asserting that all lives matter? It is being said that the statement (that Black Lives Matter) is an obvious one, but this obvious statement hasn't been reflected in history or current American society.

Methodology

This thesis addresses the question of how American Society reached a point where it needs a Black Lives Matter Movement by first looking at race theory and the history of racial formation in the United States. It proceeds to look at the differences in pre- and post-Civil Rights Movement racism and colorblind racism in the criminal justice system. This thesis will address the relationship between the All Lives Matter response to the Black Lives Matter Movement and the concept of colorblindness. Finally, this thesis will address where the Black Lives Matter Movement is now and why it is needed.

Literature Review

To understand why the Black Lives Matter Movement was started and to answer the question on how American society reached a point where it needs such a movement, an understanding of how race developed in the United States is needed. In this literature review, I start out by looking at different race theories and then I move onto look at racial formation in the United States. I then continue to look at racist ideology during the pre- and post-Civil Rights Movement eras. Some race theorist believe that race and racial categories have always existed and that race is based solely on biological factors, but other theorists believe that race was socially constructed and has changed over time. I conclude this literature review by discussing how the Post-Civil Rights era racism has affected the criminal justice system.

Race Theories

Race consciousness (the understanding or awareness that there is a difference between one person's physical characteristics, culture and history and the next person's) is a modern phenomenon. Race was not a factor used to divide people in a society until the last few centuries. The first theories on race were based on biological characteristics of humans. When the first European explorers came to America and were introduced to people that looked different compared to themselves, they began to question if they were of the same species (Omi and Winant 1986). This line of questioning lead to a desire to categorize humans in the same way animals were being classified. At this time race was being invented and thought of as a concept grounded in biology. By believing that race was a biological characteristic, scholars and society in general felt the need to classify humans into categories. The classification of these different cultures of people then further developed into the creation of the "Great Chain of Being". The

Great Chain of Being was a classification of all things on earth in a hierarchical order. It started with inanimate objects at the bottom, going up through inferior species, and then to humans that were the closest to God (Omi and Winant 1986). Once the Great Chain of Being established that humans were the closest to God, the next question to be answered was which race of humans was the closest to God. At this point in time there was further classification within the human race placing certain groups of people over the other. The *Essay on the Inequality of Races* was written in the nineteenth century and was based off of the scientific studies that, at the time, were looking at race as a biological feature (Omi and Winant 1986). Its main theme was that superior races produce superior cultures and is the basis for racist ideology to this day.

Race then shifted from being thought of as biological to being thought of as a social construct. The belief of one culture being lower than the other based on biology was being rejected. In its place was race as being defined from both a social and historical perspective. Each racial group and its importance was now being determined by a mix of social, economic, and political forces (Omi & Winant 1986). This new way in which race was being formed now caused a person's skin color to be an indicator of personality traits. Biological factors were still being taken into account, but they were no longer the main reason that made one race inferior to the other. Instead, the stereotypes that developed out of social, political and economic forces were linked back to the color of one's skin and it is those characteristics that society believed everyone of a certain group possessed.

Racial formation, the theory developed by Michael Omi and Howard Winant, looks at race as a social construct. This theory says that what makes up a racial category and the importance of each racial category is based on a mix of social, economic and political forces (Omi and Winant 1986). A large part of racial formation is giving social meaning and qualities to

biological factors that are insignificant. The social meanings that are assigned to certain biological factors have far reaching consequences and influence daily interactions, beliefs and choices that are made.

History of Racial Formation in the U.S.

In the United States, racial formation started with the birth of slavery. Before slavery the main source of labor came from indentured servants that were paying back a debt to the people they worked for. At this time both blacks and whites were in the same social class and it was the white ruling elite that were the upper class. The growing demand for cheap labor in the South and the large size of the lower class led to the enslavement of African Americans (Alexander 2010). The elite planter class was oppressing the lower class blacks and whites by controlling the majority of the land, money and politics. The elite class was afraid that the lower class would overthrow them. In order to maintain power, the white ruling elite prevented the laboring class made up of black and white from joining together (Graff 2015). To justify the enslavement of black people the elite planter class used the excuse that blacks were a lesser race, thus both slavery and racism was born. To further reinforce this idea that black people were inferior and to divide the laboring class, whites were given more rights and positions of power (through policing and patrolling slaves) over the black people (Alexander 2010). This was the beginning of race as a social construct.

Racist Ideology Pre-Civil Rights Movement

In the time period prior to the beginning of the Civil Rights era the racist ideology was centered on African American's inability as a culture and their lesser intelligence. It was during

this time that racism was also very blatant or overt. Those that disliked black people used derogatory statements in public and supported segregation in housing and schools (Virtanen and Huddy 1998). During this time period societal norms allowed for this type of behavior; it wasn't frowned upon, like in today's society. The attitudes that many people had, the words they used, and the laws on segregation were different in that time period compared to today. All of these factors contribute to what most commonly comes to mind when many people in America think of racism or what a racist person is like, but racism has evolved since that time period. When the Civil Rights Movement was first started, the agenda was to fight these forms of racism and get the government to guarantee fundamental citizenship rights for blacks. (Virtanen and Huddy 1998). While the Civil Rights Movement worked to end some legal barriers of discrimination, it did not end all forms of discrimination (Graff 2015).

Racist Ideology Post-Civil Rights Movement

Since the end of the Civil Rights Movement there has been a shift in the major racist ideology. The overt discrimination against groups of people based off of biological factors is no longer the main form of racism, it has been replaced by covert racism or colorblind racism based on the cultural failing of a group (Bonilla-Silva, 2012). One of the beliefs during this time is that discrimination no longer exists and that American's don't "see" the color of a person's skin; they are colorblind. There is also the belief that seeing race is admitting that it matters and it does still have an effect on the lives of people of color. Societal expectations have changed in numerous parts across America in the post-Civil Rights era. In this time period saying certain things in public or discriminating against someone based on skin color is not socially acceptable, instead it is more acceptable to criticize a group due to cultural and social failings. This new form of

racism has far reaching consequences in American society. It has influenced the beliefs about the culture of black people and it has had a huge effect on the criminal justice system and those that come into contact with is the most.

At face value, a colorblind society may be ideal because that means the society has moved beyond race. By stating that America is a colorblind society the assumption is that it was able to leave behind the racial divisions that have been present since the beginning of slavery (Bobo 2011). That is not the reality, America has simply developed a new form of racism that has replaced the overt racism of the past as the most common type of racism. This new form of racism is a culture-centered subtle form of racism, unlike the biological founded racism of the past (Bobo 2011). One of the first things people notice about someone is their race. It is used as a clue to who they are as a person. The differences in skin color, facial features and other biological characteristics are used as a clue to determine who a person is on the inside (Omi and Winant 1986). There has been a change in what the American people believe inequality is due to. The overt form of racism depicted in the belief that black people are born with a lesser ability to whites is disappearing while the colorblind form of racism shown in the belief that it's black people's lack of motivation or willpower that leads to inequality (Bobo 2011). This means that American people say inequality has nothing to do with the color of one's skin it has to do with their culture and morals that they come from. It "[E]mphasizes core US values of like individualism, morality, self-reliance, obedience, work ethic, and discipline while deemphasizing the role of race or racial discrimination" (Van Cleve and Mayes 2015). This completely ignores that past history of oppression that black people suffered through and focuses solely on myths and stereotypes that were used as excuses to justify the oppression.

Colorblind Racism and the Criminal Justice System

Colorblind racism has had a significant effect on the criminal justice system. It is a systematic issue and has had an effect on all levels of the criminal justice system. For operating under a "colorblind" society that doesn't take race into consideration when making decisions and writing policies, the criminal justice system has a huge disparity when it comes to the number of black people affected by it. Race does matter in the criminal justice system. The rate of black incarceration almost tripled between 1980 and 2000. It was also during this time period that the black-to-white ratio increased to above 8 to 1 (Bobo 2011). This means that a black person is eight times more likely to go to prison than a white person. One out of every three black men will go to prison at one point in their lifetime compared to one out of every eighteen white men (Mauer 2011). In 2009, the Uniform Crime Report showed that 39% of those arrested for a violent offense and 30% of those arrested for a person offence were black (Mauer 2011). These numbers are disproportionate to the 12% of the population in America that is black. The main justification of this stark racial disparity in the criminal justice system is that the system is now racially unbiased; thus the increase in the racial disparity in incarceration rates is because there is just that much crime being committed by black people. This is not the case, policies (such as mandatory minimums, drug laws, and stop-and-frisk) that were created to be colorblind and reduce the discretion of those working in in the criminal justice system have had a larger impact on communities of color. These polices are not colorblind at all and that can be seen by how the black population is incarcerated at rates that are higher than any other race.

Police officers and prosecutors have a lot of discretion in the criminal justice system. Police have discretion over who comes in contact with the system and prosecutors have discretion over what charges are pursued. Police across the United States use race as a factor

when making decision on who they contact. In 2011 there were 685,724 stop-and-frisks conducted by the New York Police Department and between June 2005 and June 2008, 85% of the stop-and-frisks were on black people while only 8% were on white people (Graff 2015). This means that black people are more likely to be searched by police and be inducted into the criminal justice system. This policy causes a racially disproportionate outcome that is then rationalized as nonracial because it wasn't designed to be implicitly biased it was designed to reduce such biases (Van Cleve and Mayes 2015).

Prosecutors are the next level of criminal justice system workers that have a lot of discretion over who is going to continue contact with the system. They decide which cases will be charged and how they will be charged. In cases where a white person is killed it is four times more likely that the defendant will be sentenced to death than if the person that was killed was black (Mauer 2011). This shows the level of discretion prosecutors have over the lives of the defendants. While the use of race in prosecution and sentencing is prohibited by the guidelines that were written that doesn't stop the implementation of policies with racially disparate effects (Wu 2016). The race of the offender had also been found to play a significant role in the prosecutor's decision to file a charge and proceed with full prosecution. Minorities had higher odds of being charged and fully prosecuted compared to white (Wu 2016). The discretion that both police officers and prosecutors have over who enters and exits the criminal justice system is backed by policies that claim to be race neutral; however they have a larger negative effect on black lives.

Colorblind racism has also infiltrated the criminal justice system through the laws and policies (such as mandatory minimums and drug laws) that were put in place. The implementation of sentencing guidelines were originally set to reduce the discretion of judges

and to ensure fair sentences to everyone without taking race into consideration (Wu 2016). The laws didn't end discretion it just moved it from the hands of the judges to the prosecutors. One of the policies that was put in place with the intention of being "colorblind" was a result of the "war on drugs" and they have played a big role in locking up large numbers of the black population (Alexander 2010). The sentencing guidelines that judges have to impose on those convicted of drug offenses often lead to sentences that are longer than violent crime sentences (Alexander 2010). The Anti-Drug Abuse Act of 1986 included the mandatory minimum sentences for distributing cocaine. This included the punishment of selling five grams of crack cocaine (associated with blacks) equal to the punishment of selling five hundred grams of powder cocaine (associated with whites). Under this law almost eighty percent of those sentenced are black (Graff 2015). The criminal justice system "produces and illusion of neutrality while exacerbating racial disproportionality." (Van Cleve and Mayes 2015). Colorblind racism is a problem in American society and that problem is reflected in the entire American Criminal Justice System.

All Lives Matter Response

The Black Lives Matter Movement has had its share of backlash. One of the biggest campaigns against it is twisting the name of the movement into a response entitled All Lives Matter. This response is a socially acceptable way to counter the Black Lives Matter Movement. Most social movements have a counter movement that works against them and tries to shut them down. The All Lives Matter response is the counter movement to Black Lives Matter. It critiques the Black Lives Matter Movement for the civil disobedience it creates and dismisses the movement all together. A criticism of the Black Lives Matter Movement is that it needs to move beyond protests if it wants to gain sympathy from the pubic and make change in society. This is an excuse used in an attempt to end the attention that the Black Lives Matter Movement is bringing to the colorblind racism in America. The All Lives Matter response is also dismissive of the Black Lives Matter statement and movement. It ignores the implied "too" that is present at the end of Black Lives Matter and assumes there is an implied "only" at the beginning of Black Lives Matter. In doing this, the All Lives Matter response disregards the statement, the movement and the problem of colorblind racism in America.

The All Lives Matter response is a product of the predominant racist ideology in America right now; colorblind racism. It is partly due to a lack of knowledge about where racist ideology is right now. A survey, after the election of President Obama in 2009, showed that almost two thirds of white Americans believed that black people had reached racial equality (Bobo 2011). The majority of Americans believe that society has moved beyond race and that belief has influenced the creation of the All Lives Matter response. In the post-Civil Rights era it has become almost a taboo to discuss race. This is used by the All Lives Matter response to stop the conversation that has been started. At this point in time (when America has disregarded race) the

colorblind racism has influenced All Lives Matter into believing that the Black Lives Matter Movement is racist because it is not including all races and all lives. Critics of believe that a movement focusing on equality should include “all” lives and that “black” lives is not only limiting, but a form of racism (Smiley and Fakunle 2016). This is because under colorblind racism seeing race is admitting that it is matters and that is what colorblind racism is trying to hide. Colorblind racism uses the belief that race only mattered under the overt from of racism in the pre-Civil Rights era and that race doesn’t affect people’s lives now. The All Lives Matter movement fails to understand that being color conscious does not equal being racist.

The All Lives Matter response is operating under the belief that the overt, biology based racism that was the main form of racism prior to the Civil Rights Movement is still the primary racist ideology today. In today’s society there is a preoccupation with what a “real” racist looks like. The picture that comes to mind is a person that discriminates based on skin color or practices the overt racism that was most common in the past. The All Lives Matter response uses this picture of what many believe a “real” racist is like to say that Black Lives Matter is racist because it is not including everyone in the movement. The Black Lives Matter Movement may be “pro-black”, but that does not mean it is being anti-white or any other race. This is another tactic used by the counter movement to try and discourage population in America from joining the Black Lives Matter Movement in fighting against the negative stereotypes of black people that were built in to American society as it developed.

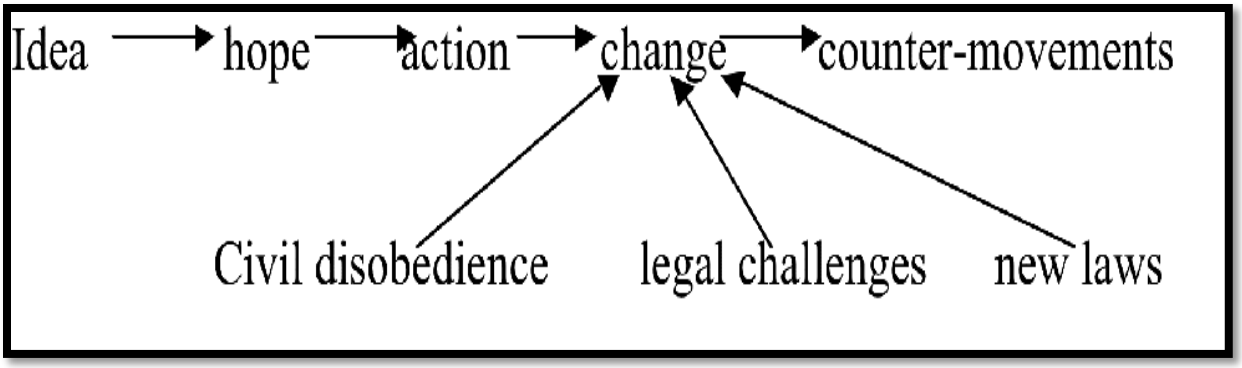
#Black Lives Matter

Black Lives Matter was started to fight against and dismantle the colorblind racism that is present in today's society. The Black Lives Matter Movement is aimed at ending the racial oppression that the United States was founded on. It has the potential to become the "broad based social movement, one that rivals in size, scope, depth, and courage the movement that was begun in the 1960s and left unfinished." (Alexander 2010). It is picking up where the Civil Rights Movement of the twentieth century left off and reinventing it. It's a new type of civil rights movement to fight against a new kind of racism. When the Civil Rights Movement of the past shifted from being a grassroots campaign to legal battle fought by lawyers in court rooms the movement began to distance itself from the people it set out to help. The lawyers became political personalities and sought to distance themselves from the stigma of working with those that were labeled criminals (Alexander 2010). The Civil Rights Movement was focused on helping those that would elicit sympathy from society and criminals were not relatable and would not garner sympathy from the majority of people in America. The Black Lives Matter Movement is changing all of that. The statement, "Black Lives Matter", isn't just saying the implied "black lives matter too", it is saying that all black lives matter. It is an inclusive movement that seeks to bring together all of those people that were left out of the Civil Rights Movement of the past. The type of movement that Black Lives Matter has started to develop into is necessary to dismantle the colorblind racism present in American society today.

The Black Lives Matter Movement didn't just appear out of nowhere and pick up where the Civil Rights Movement left off. Social movements' progress through a series of stages overtime and the Black Lives Matter movement is still in the early stages of development. Social movements start with an idea. For this social movement, it was the death of Trayvon Martin in

2012 that prompted the idea that Black Lives Matter. The idea and phrase “Black Lives Matter” was invented in response to neighborhood watch member George Zimmerman being acquitted of killing Trayvon Martin (Graff 2015). The three women that founded Black Lives Matter took to social media to share their new phrase as a hashtag. Their idea started to gain more attention over social media site and it entered the “hope” stage of social movement progression. The Black Lives Matter hashtag was gaining attention and some people in America started to believe that it could move from social media to affect change in society. After the death of the Michael Brown the movement gained even more attention and moved into the action stage. The Black Lives Matter Movement is still transitioning from the action stage to the change stage.

For the Black Lives Matter Movement to make it to the point where there is change in society there needs to be civil disobedience, legal challenges and new laws. These three things all contribute to change occurring in a society. The Black Lives Matter Movement is currently at the point of causing civil disobedience. Civil disobedience is used to gain the media’s, politician’s and society’s attention. The different chapters across the United States are staging protests that interrupt people’s lives and bring attention to the movement in order to get society to acknowledge that there is a problem. Once the Black Lives Matter Movement has caused enough civil disobedience to get people listening, there can be legal challenges and new laws that can work to influence a societal change. One of the critiques of the Black Lives Matter Movement is that it is disruptive and the protests cause discomfort in people’s lives, but that is the point of them. They need to be disruptive to in order to get the attention and be heard so changes can be made.



The overall goal of the Black Lives Matter Movement is to fight the colorblind racism and change the structures and systems, in American society, that treat black lives like they don't matter. One of the systems that the Black Lives Matter Movement is working to transform is the criminal justice system, but in order to change it there has to be larger change in the general society (Van Cleve and Mayes 2015). The Black Lives Matter Movement works at different levels trying to make changes in society in order to make changes in the criminal justice system. It understands how the general population's beliefs about crime and racism work against any sort of reform to lower the racial disparities that are widespread throughout every level of the criminal justice system. The Black Lives Matter Movement is trying to direct the conversation to about how race does matter in both the criminal justice system and society. While policies in the criminal justice system may be written to be race neutral and try to ensure that one race isn't negatively affected more than the others; that is no the reality of what is happening. The goal of the Black Lives Matter Movement is to move away from colorblindness and to become color conscious. In her book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Michelle Alexander touches upon this topic of being aware of race and how policies in the criminal justice system will affect people of different races:

> "It may always be necessary for us as a society, to pay careful attention to the impact of our laws, policies, and practices on racial and ethnic groups and consciously strive to

> ensure that biases, stereotypes, and structural arraignments do not cause unnecessary harm or suffering to any individual or any group for reasons related to race (Alexander 2010)."

The Black Lives Matter Movement is fighting to end colorblind racism and the belief that race is no longer significant in today's society. If race was truly insignificant and black lives mattered, there wouldn't be racial disparities present in the criminal justice system and other societal factors (Smiley and Fakunle 2016). Race does matter and it needs to be discussed out in the open without the people being in fear of being labeled as a racist. Ignoring that racism is an ongoing problem only exacerbates the issue. The Black Lives Matter Movement is not ignoring colorblind racism. It is a social movement that is seeing race and admitting that it matters.

Conclusion

Since the beginning of America black lives have been treated like they don't matter. Black people were enslaved and oppressed because of the color of their skin and other biological characteristics. When slavery ended, black lives were still discriminated against due to the color of their skin. It was acceptable to discriminate based on skin color in the pre-Civil Rights era, but in the post-Civil Right era things changed. The predominant form of racism is no longer overt or based on biological characteristics. It is a subtle form of racism known as colorblind racism that has influenced various parts of American society including the criminal justice system. The All Lives Matter response is a product of the colorblind society. It is used to try and stop the Black Lives Matter Movement and end any conversation about race.

The Black Lives Matter Movement is a new civil rights movement to fight against this new form of racism. It's stating that race matters in a society where race is considered insignificant. The Black Lives Matter Movement is trying to shift away from colorblindness to color consciousness. It's not ignoring that racism is still a problem in the United States.

The Black Lives Matter movement needs to continue to grow as a social movement. It should try to avoid becoming a civil rights lawyer led movement like the Civil Rights Movement in the 1960s where the leaders distanced themselves from the people they were advocating for. The Black Lives Matter Movement has local chapters across the United States that can be used to address racism at the local level. The Black Lives Matter Movement should focus on gaining support and educating their communities about colorblind racism to build up. There also needs to be legal challenges and new laws and policies to replace the race neutral ones in the criminal justice system that cause racial disparities. The policies at every level of the criminal justice system need to be looked at to ensure that they aren't more harmful to one race over the others.

These new policies are a ways off for the Black Lives Matter Movement. The most important thing the Black Lives Matter Movement can do next is educate America about colorblind racism, change public opinion and gain support. Race does matter, black lives matter and it will take a fundamental shift in the public to believe that they matter in order to change the criminal justice system and American society.

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