

REVIEW ESSAY: FOLLOWING THE DRUM MAJOR FOR
JUSTICE:¹ Reflections on Luther D. Ivory's *Toward A
Theology of Radical Involvement: The Theological Legacy
of Martin Luther King, Jr.*

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I. INTRODUCTION

When Dr. Martin Luther King, Jr. was assassinated in April, 1968, I was the freshman class president at Bridgewater-Raritan High School West in New Jersey. The day after his funeral we held a brief school memorial broadcast over the school intercom. I was asked to participate. After a few brief words, I read a poem I had written for the occasion. The thrust of the poem was that it mattered not how long one lived, but how well.² Dr. King's short, but incredible, life was well lived

1. This title is inspired by Dr. Martin Luther King, Jr.'s sermon entitled, The Drum Major Instinct, delivered at Ebenezer Baptist Church on February 4, 1968. Martin Luther King, Jr., *The Drum Major Instinct*, in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.* 259 (James M. Washington ed., 1986) [hereinafter *A TESTAMENT OF HOPE*].

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2. Steven H. Hobbs, Poem delivered at the Martin Luther King, Jr. Memorial, Bridgewater-Raritan High School West (1968).

It is not how long you live,
but how well.
Did you put forth your best effort each day?
It's not how long you live,
but how well.
Did you travel along the honest way?
It's not how long you live,
but how well.
Did you extend your hand to another?
It's not how long you live,
but how well.
Did you love ALL of your brothers?

because of the sacrificial service he made to secure justice for other Americans and to bring this country so much closer to the ideals articulated in our nation's organic documents. Dr. King's philosophy was best captured for me in his *Drum Major* sermon where he declared he wanted to be known as a person who tried to help others.³

Thus began for me the desire to model my life after Dr. King's selfless example and the genesis of my commitment to become a lawyer. I wanted to help others and to be involved in community development work. The first opportunity for this work was presented to me while in high school when I worked with a group of citizens to design and build a community center for the youth in my home town, Bridgewater, New Jersey. The work was spearheaded by Richard Thiele, an attorney who unselfishly devoted his time and legal skills to the community.⁴ We were successful in this effort, and established the Martin Luther King, Jr. Youth Center. Today, it is a place where youth have the opportunity for recreation, educational enrichment, and social development. Dr. King would have been pleased with the process and the results. Black and white, Jew and Gentile, persons of all ages and backgrounds worked collectively to make

It's not how long you live,
but how well.

3. In that sermon, Reverend King reflected on the fact that people have an instinct to draw attention to themselves and to stand out in a crowd, much like a drum major does at the head of a band. While recognizing that all of the awards and honors he had received were meaningful, he did not wish to be remembered that way when it came time to give his eulogy. Instead, he pointed out what was most important in his life:

I'd like somebody to mention that day, that Martin Luther King, Jr., tried to give his life serving others. I'd like for somebody to say that day, that Martin Luther King, Jr., tried to love somebody. I want you to say that day, that I tried to be right on the war question. I want you to be able to say that day, that I did try to feed the hungry. And I want you to be able to say that day, that I did try, in my life, to clothe those who were naked. I want you to say, on that day, that I did try, in my life, to visit those who were in prison. I want you to say that I tried to love and serve humanity.

Yes, if you want to say that I was a drum major, say that I was a drum major for justice; say that I was a drum major for peace; I was a drum major for righteousness. And all of the other shallow things will not matter.

King, *supra* note 1, at 267.

4. Attorney Richard Thiele practices in Somerville, New Jersey. His dedicated service to his community and his exemplary professionalism inspired me to go to law school. His mentorship continues to shape my career.

our dream a reality.⁵

Since then I have participated in other projects for community improvement and social justice. But the purpose of this essay is not to toot my own horn, my accomplishments being modest at best, but to pause, thirty years later, to reflect on the life of Dr. King and renew the commitment to fulfilling the dream for which he gave his life. The challenge is to understand what that dream means today in general, and what it means for practicing and academic lawyers specifically.

For far too long, I have been troubled by how we have honored and remembered King.⁶ Certainly, we have streets, schools,

5. Throughout his career, King used the metaphor of a dream to explain his vision of a future America living up to tenets of the Declaration of Independence. See, e.g., Martin Luther King, Jr., *The American Dream* (June 6, 1961), in *A TESTAMENT OF HOPE*, *supra* note 1, at 208. In *The American Dream*, he concluded with the following call to unity and justice:

I believe that it is through such maladjustment that we will be able to emerge from the bleak and desolate midnight of man's inhumanity to man into the bright and glittering daybreak of freedom and justice. That will be the day when all of God's children, black men and white men, Jews and Gentiles, Catholics and Protestants, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Thank God almighty, we are free at last!"

Id. at 216.

6. My concern is that we gather each year to remember King with parades, breakfast meetings and special presentations, usually with recitations from some of his more famous speeches. We feel good for the brief time that we come together and invoke his memory. The worry is that the moment passes and we hastily return to our busy lives, with "The Dream" safely tucked away until next year. In an effort to move beyond symbolism, members of a group in Birmingham, Alabama, recently pledged to commit themselves to working "daily to eliminate racial prejudice from their thoughts and their actions." Jaronda Little, *Over 2,000 Take Pledge at King Breakfast*, *THE BIRMINGHAM NEWS*, Jan. 20, 1998, at 1A. The following pledge was promoted by Operation New Birmingham:

THE BIRMINGHAM PLEDGE

I believe . . . every person has worth as an individual.

I believe every person is entitled to dignity and respect, regardless of race or color.

I believe every thought and every act of racial prejudice is harmful.

I believe if it is my thought or act, then it is harmful to me as well as to others.

Therefore, from this day forward, I will . . . strive daily to eliminate racial prejudice from my thoughts and actions.

I will discourage racial prejudice by others at every opportunity.

I will treat all people with dignity and respect.

I will strive daily to honor this pledge, knowing that the world will be a better place because of my effort.

buildings, and a national holiday named for King, but our celebrations often have rung hollow and superficial.⁷ Folks have ripped off his ideas and appropriated his words to suit their own purposes.⁸ I fear we have missed the true essence of Dr. King, both in the depth of his intellectual thinking, which undergirded the philosophical framework out of which came the movement he led, and in the depth of the personal commitment and sacrifice needed to engage in the social justice work he inspired us to do.

Our task of understanding King is made easier by the recent publication of *Toward a Theology of Radical Involvement: The Theological Legacy of Martin Luther King, Jr.*, by Dr. Lu-

Id.

7. See Adelle M. Banks, *Struggle Continues to Honor King in America's Shifting Racial Climate*, THE BIRMINGHAM NEWS, Jan. 16, 1998, at 3H. The report stated:

Last summer, the United Church of Christ considered a seemingly simple resolution at its annual meeting encouraging each church in the denomination to display a portrait of the Rev. Martin Luther King Jr. in their buildings.

But the effort was defeated, in part because some delegates worried such a symbolic act would allow churches to avoid taking a more active stand against racism.

Earlier this month, a suggestion to name a new high school in Riverside, Calif., after King was greeted with protests from white parents who were afraid the school would be branded as a predominantly black school. The name was adopted, but only after two hours of debate in which some parents argued King wasn't famous in some local communities.

Id.

8. In a provocative essay, Vincent Harding suggests that by making King a "hero" after his death, frozen in time at the Lincoln Memorial preaching, I Have a Dream, we render him "as harmless as George Washington." Vincent Harding, *MARTIN LUTHER KING: THE INCONVENIENT HERO 2* (1996). As Harding demonstrates, by doing so we miss the power of King's message and methods:

Then, in one of the most ironic scenes of all, President Reagan, in November 1983, moving toward an election year, apparently forgetting his earlier facetious question about whether or not King might have been a communist, decided that he was really in support of the national holiday. But that could have been less than a favor, for when he signed the bill into law, Reagan continued the trivialization of the new hero's vision by offering his own homily on King's significance. He said,

Traces of bigotry still mar America. So each year on Martin Luther King Day, let us not only recall Dr. King but rededicate ourselves to the commandments he believed in and sought to live every day: "Thou shalt love thy God with all thy heart and thou shall love thy neighbor as thyself."

Id. (citation omitted).

ther D. Ivory.⁹ While Dr. Ivory and I are about the same age, he was a citizen of Memphis in 1968 and an eyewitness to the events leading up to King's death.¹⁰ In fact, Ivory was in the church for that prescient last sermon of Reverend King.¹¹ For Ivory, that was a defining moment which would shape his life and send him on a life-long search for understanding who King was and what King's legacy means to us.¹² As Ivory observes:

There has not yet emerged in literature, media, or popular culture a clear and compelling public understanding of King's message and legacy that is true to the full "text" of his life and thought. At the same time, public debate has not yet been seriously engaged with regard to King's alternative social-economic-political vision. As a result, the Kingian legacy has had a rather limited, episodic, and superficial impact on society as regards the shaping of a lasting public policy agenda.¹³

Ivory's work is not merely another biographic account of King's life with a focus on the movement and marches and his nonviolent methods.¹⁴ Certainly, Ivory paints on the background of the campaigns King led from the Montgomery bus boycott to the Memphis garbage workers strike. But what Ivory successfully accomplishes is an in-depth explication of King's philosophy and world view as shown through King's writings, speeches and sermons.¹⁵ He makes the claim that King must be

9. LUTHER D. IVORY, *TOWARD A THEORY OF RADICAL INVOLVEMENT: THE THEOLOGICAL LEGACY OF MARTIN LUTHER KING, JR.* (1997).

10. *Id.* at 7.

11. *Id.* at 10. The sermon, *I See the Promised Land*, was delivered at the Bishop Charles Mason Temple on the evening before King's assassination. Martin Luther King, Jr., *I See the Promised Land* (Apr. 13, 1968), in *A TESTAMENT OF HOPE*, *supra* note 1, at 279.

12. Ivory explains his motivation for engaging in this work:

This book grows out of my own desire to gain clarity about the identity and the relevancy of Martin Luther King Jr. for our time. While this project culminated in my doctoral dissertation, I come as a pilgrim, a seeker who has wrestled with King for some twenty-nine years.

IVORY, *supra* note 9, at 11.

13. *Id.* at 13.

14. Many scholars have mined the rich, historical record and legacy of Dr. King's life. See, e.g., TAYLOR BRANCH, *PARTING THE WATERS: AMERICA DURING THE KING YEARS* (1998); DAVID GARROW, *BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE* (1986); STEPHEN B. OATES, *LET THE TRUMPET SOUND: THE LIFE OF MARTIN LUTHER KING, JR.* (1982).

15. IVORY, *supra* note 9, at 19.

situated in the "pantheon" of great thinkers in theology.¹⁶ According to Ivory, to know King and what he continues to mean is to study the intellectual content of his work, thereby developing a cosmology which leads toward greater understanding.¹⁷ King did not just move from crisis to crisis, but brought to bear systematic analysis of the times and created planned responses to endemic racism and oppression.¹⁸ Ivory presents a road map from which we can seek directions for needed social change.

Ivory's experience and training as a theologian assist greatly in obtaining new and deeper insight into the philosophy and work of Dr. King.¹⁹ What I hope to achieve in this Essay is to review this tremendous work of Ivory, drawing out some of the many lessons his book teaches.²⁰ There are portions of Ivory's

16. Ivory situates King "in the pantheon of American theological voices such as Jonathan Edwards, Reinhold Niebuhr, Walter Rauschenbusch, James Cone, or Rosemary Ruether." *Id.* at 14. For a more in-depth explication of modern theologians who sought a theologically-based understanding of God and Justice, see HARLAN BECKLEY, *PASSION FOR JUSTICE: RETRIEVING THE LEGACIES OF WALTER RAUSCHENBUSCH* (John A. Ryan & Reinhold Niebuhr eds., 1992).

17. See IVORY, *supra* note 9, at 44-45.

18. See *id.* at 134. Ivory explains:

The twofold concern of King's theology (discover where God was at work in the cosmos and to join God there), led to his appropriation of a two-step movement in the doing of theology. The first step of situational analysis was followed by a second step of practical social action. Again, both steps were informed by King's underlying theological perspective.

Id.

19. Ivory's work is a significant contribution to scholarship noted above in footnote 14. This symposium issue of the *Alabama Law Review* is thus inspired by a desire to engage in the expanding dialogue on King's life. James Washington comments as follows on the need to foster such an intellectual engagement with King's legacy:

The several recent studies of the life and thought of Martin Luther King, Jr., all show a certain degree of confusion about what I consider to be his essentially religious personality. They invent labels that attempt to capture his essence. He has been called "charismatic, the moral conscience of the nation, man with a hard head, militant conservative, anarchist, apostate, leftist, communist, a fool, a fool for Christ, De Lawd, martyr," etc. Some of these labels are complimentary, others seek to be objective, and still others are downright derogatory. As all great world historical figures, King has become the subject of intellectual archaeologists seeking to map the deep caverns of modern life and thought.

James M. Washington, *Introduction to A TESTAMENT OF HOPE*, *supra* note 1, at xx (endnote omitted).

20. While familiar with much of King's written work, it is beyond the purpose of this Essay to test out Ivory's work by a critical re-reading of King's writing. The

work which present theological constructs in a manner which may puzzle one who is not trained in systematic theological analysis.²¹ That notwithstanding, there is much to be gained by parsing the powerful prose and analysis crafted by Ivory. My goal in this Essay is to frame the issues explored by Ivory, glean fresh insight from the intellectual work of King, and acquire an understanding of the practical application of King's theory of radical involvement as presented by Ivory. Finally, I want to suggest that the road map presented by Ivory can be useful for lawyers and law professors who seek to use the law to respond to contemporary issues of racism, oppression, poverty, and other instances of social injustice.

II. REFLECTIONS ON THE THEOLOGY OF RADICAL INVOLVEMENT

Ivory makes the case that King must be studied as a trained theologian grounded in classical theological doctrine and the broad range of philosophical inquiry.²² In addition to this formal training in intellectual thought, King's formal training as a black Baptist preacher, steeped in the traditions of Biblical exegesis and superior oratory skills, suited King for the vocational choices he made.²³ Furthermore, King constantly refined, devel-

Essay assumes a correct reading of the record by Ivory and proceeds to presenting Ivory's work for its unique insight.

21. I do not mean this to be taken as a criticism of Ivory's work, but just a recognition that Ivory (a formally trained theologian) studies King on King's terms, as suggested by the following:

As a formally trained, systematic theologian who wrote numerous research papers, King demonstrated a solid familiarity with doctrinal terms of classical theological discourse. His writings, speeches, and sermons reflect this training. Therefore, what is implicitly stated in King's thought can be made explicit in the terminology, categories, and foci of classical theological discourse—Christology, ecclesiology, anthropology, Christian discipleship, eschatology, and so forth.

IVORY, *supra* note 9, at 45.

22. See *id.* at 44-46.

23. Ivory consistently points out the importance of King's grounding in the traditions of the black church:

Without question the prophetic black church tradition, or the black religious tradition of radical dissent, decisively shaped King's thinking. In fact, although King never lost his capacity to critique it, it was the tradition within which King was most thoroughly grounded. An area of King's thinking that

oped and expanded his philosophical grounding as a way to turn theory into practice in the civil rights movement he was destined to lead and shape.²⁴ Ivory describes King not just as studying theology, but also as "doing theology."²⁵ Accordingly, one must place action behind one's professed faith.²⁶

For me, the key agenda in Ivory's telling book is to understand why King did what he did on the battlefield for freedom. The following passage captures Ivory's sense of King's thought processes:

The quest to achieve doctrinal clarity as a minister of the Christian gospel stimulated, concomitantly, a serious engagement into philosophical and theological inquiry. Hence, King's vocational response raised important questions about the nature of God, the person and work of Jesus Christ, the content and requirements of the gospel, the church and its role in society, and the nature of the human enterprise. In responding to the crisis of vocational identity through a commitment to the Christian ministry, King was, at the same time, making a choice for the vocation of theologian. As a developing theologian, King sought intelligibility in the expression of his faith and struggled to dispel am-

has long been neglected, this tradition provided King with the initial and basic orientation to prophetic oration; emphasis on biblical thematics of justice, deliverance, and liberation; a sustaining faith; and what may be appropriately labeled a "dissenting tradition" or a "tradition of radical protest."

Id. at 35 (endnotes omitted).

24. Ivory describes this development in the following way:

King had certainly engaged in critical reflection prior to his public ministry. However, from Montgomery to Memphis, all of his theological statements are made either *in* or *after* his involvement in organized efforts aimed at comprehensive social change. In fact, participation in liberative social action acted to clarify and hone King's thinking. In reading the evolving Kingian corpus, one observes an increased level and skill in sophisticated analysis over time. For instance, *Why We Can't Wait*, written during and after the Birmingham Campaign of 1963, contains a much stronger line against gradualist politics. It is also more piercing in its critique of white liberals and the white church as compared to *Stride Toward Freedom* of 1957.

Id. at 200 n.20.

25. *Id.* at 44.

26. Ivory writes:

In this sense, King is not only to be understood as a creative theological thinker. Rather, he is also to be credited with innovatively linking the worship of God to active participation in the concrete exigencies of emancipatory struggle. King forged a unique theological-ethical paradigm that held in balanced tension moral-spiritual development and disciplined, liberative social action.

IVORY, *supra* note 9, at 123.

biguity about the nature and requirements of the vocational call to ordained ministry. In the quest to know and come to terms with God, self, and world, King-the-theologian provided purpose and direction for King-the-minister-and-public-servant.²⁷

Ivory thus provides a template for an in-depth study of King as a student of theology and as a doer of theology.²⁸ First, an understanding of King is framed by his vocational choice to be a minister, a decision at which he arrived with great struggle.²⁹ Ivory suggests that this struggle was, in effect, a vocational identity crisis out of which King's life work would emerge.³⁰ For King, the vocational decision depended on grasping an understanding of God's claim on an "individual to look outward toward the needs of others rather than solely or even primarily at one's personal needs, objectives, and desires."³¹ The vocational choice is determined by assessing how our abilities may be marshaled to respond to our need for "morally accountability"³² to our neighbors and their needs.

Second, King's choice of vocation was informed by his faith and educational training in theology. To be a minister of the Gospel propelled King to ask fundamental questions about God, man, and the community.³³ This reflective inquiry into fundamental questions of life grounded and solidified King's core belief system. The third portion of the template, King's choice of vocation and his sophisticated understanding of core beliefs,

27.. *Id.* at 43.

28. *See id.* at 109.

29. *See generally id.* at 38-40 (discussing the troubles King faced in deciding which vocation to pursue). King, being talented and intellectually gifted, had the full range of professional careers from which to choose. Ivory notes that "[f]rom the very beginning of King's wrestling with the choice of vocation as to law, medicine, or religion, much more was involved than the achievement of personal career objectives or the acquisition of money, prestige, and power." *Id.* at 38.

30. IVORY, *supra* note 9, at 40-41.

31. *Id.* at 38.

32. *Id.*

33. Ivory articulates this search as follows:

The quest to achieve doctrinal clarity as a minister of the Christian gospel stimulated, concomitantly, a serious engagement into philosophical and theological inquiry. Hence, King's vocational response raised important questions about the nature of God, the person and work of Jesus Christ, the content and requirements of the gospel, the church and its role in society, and the nature of the human enterprise.

Id. at 43.

drove King to act upon his beliefs.³⁴ He believed that God, who loved His creation, was at work in the world seeking to redeem mankind and to restore the beloved community.

The content of King's radical social vision was the dream of a beloved community in which relationships were characterized by love, justice, and peace mediated through democratic and egalitarian institutions. The resolution of the nation's moral-ethical dilemma lay in its capacity to recommit itself in practice to those ideals of equality, freedom, and justice that were echoed in the foundational documents of the nation's history.³⁵

As a Baptist minister, King believed he must be co-responsible with God and a co-partner with God; thus, as a co-partner with God, he should engage in activities which confront power, fight oppression and racism, and lovingly care for those who suffer social, political and economic injustice.³⁶

Upon this template of King's life, Ivory constructs a theology of radical involvement, which he summarizes as follows:

King's theology of radical involvement promotes a twofold concern. First, it is concerned with the strange ways and actions of a mysterious God who works decisively and continuously throughout history toward the realization of a "justice" community (analysis). Second, it concerns itself with the moral necessity of making a responsible human response to God's ways in and with the world (praxis).³⁷

The theology of radical involvement provides insight into who King was in terms of intellectual methodology of problem analysis and provides an instructive frame of reference we can use to develop an agenda for social action in our time. The first prong, analysis, considers a study of contemporary situations of social injustice viewed through the lens of God's desire for a community with peace, love and justice. The second prong, praxis, formulates a plan of action grounded in the situational analysis with a

34. Ivory demonstrates through his work that the strength of King's faith is what sustains him and directs his actions. As noted by Ivory: "The certitude of his faith in God motivated King to vigorously pursue a historical agenda for the moral, social, political, and economic improvement of the world." *Id.* at 96.

35. IVORY, *supra* note 9, at 137 (endnote omitted).

36. *See id.* at 55.

37. *Id.* at 110.

commitment to actively working with God in pursuing the beloved community. After a more in-depth discussion of the underlying principals of the theology of radical involvement, the next section will further reflect on the two prongs of the theology of radical involvement, situational analysis and definitive praxis or action.

First, the notion of theology is essential to Ivory's review of King's life and work. All analysis and action is grounded in both King's faith because he was experienced in the pulpit as an ordained minister of the Gospel and in his educational preparation because he was an intellectual.³⁸ Fundamental to his faith is the belief that God is a God of love.³⁹ It is God's love, manifested in the creation, which sustains us and directs the course of events in the universe. Articulating King's understanding of God, Ivory states that "[a]s loving Personality, God wills the operation of the universe as a coherent unity of just and harmonious relationships between and among God, humanity, and the remainder of the created order."⁴⁰ Thus, God is actively involved in human history, seeking to defeat the forces of evil and to establish the beloved community where peace, love and justice abound.⁴¹ It is God's will to create cosmic order through the establishment of basic moral laws.⁴² Any human laws or insti-

38. *Id.* at 133.

39. See generally *id.* at 46-50 (providing an explanation of divine love as divine involvement).

40. IVORY, *supra* note 9, at 50.

41. This point is critical to an understanding of King's theology. Every other principle spins out of or around this point. Ivory forcefully notes:

King argued that love was the essence of God. Love was the life-creating force at work in the cosmos. Love was the redemptive process actively overcoming forces of alienation and fragmentation through radical acts of Divine Self-giving. Love provided the conceptual clue for ascertaining the nature and purposes of God, and derivatively, the meaning and end of life.

Id. at 47 (endnote omitted).

42. According to Ivory, King's systematic theology held to the notion that "God set a multiplicity of laws in operation to ensure the perpetuation of what King referred [sic] to as the *moral foundation of the universe*." *Id.* at 50. Ivory's more in-depth explication of this matter is beyond the scope of this present inquiry, but one should note that understanding the moral unity of the universe and the fundamental principle of justice shades and defines how one comprehends current social situations. As Ivory explains:

Unjust laws, practices, and structures are in rebellion against God. King argued that just as the physical world was governed by silent, invisible laws, so too was the moral world. The moral order was structured by moral law in

tutions which are contrary to this moral order must be confronted and reformed. As a committed Christian, King saw himself as "a moral agent" working in partnership with God to ultimately establish the beloved community.⁴³

King's faith also led him to the belief that humankind was created in God's image and that we are all children of God.⁴⁴ As such, he considered oppression and injustice contrary to God's plan because human dignity is an essential part of the moral order of God's universe.⁴⁵ Furthermore, King believed that we are to manifest a concern for others: to love our neighbors, both near and far.⁴⁶ The implication of this belief is that we are to work for the elimination of laws, institutions and social situations which degrade and diminish our fellow human beings.⁴⁷

such a way that life would work only in a certain manner. God had woven into the fabric of the universe certain fixed, absolute moral laws. To defy and disobey them was to risk great peril for self and society.

Id. at 50-51 (endnote omitted).

43. *Id.* at 52.

44. IVORY, *supra* note 9, at 57-61.

45. *Id.* at 65.

46. *Id.* at 69. Ivory notes that King was a world traveler and understood the link between poverty and oppression in one part of the world and poverty and oppression in another part of the world:

After a visit to India in 1957, where he had witnessed stark, grim, massive poverty, hunger, suffering, and dislocation, King argued for American economic aid and food relief. Stressing the common destiny of all nations in the single neighborhood that the world had become, King sought to persuade America to develop a global concern for the plight of other nations.

We are tied together in the single garment of destiny, caught in an inescapable network of mutuality, and whatever affects one directly affects all indirectly. For some strange reason I can never be what I ought to be until you are what you ought to be. And you can never be what you ought to be until I am what I ought to be. This is the way God's universe is made; this is the way it is structured.

Id. (quoting MARTIN LUTHER KING, JR., *THE MEASURE OF A MAN* 48-49 (1959)).

47. This was the reason King went to Memphis to support the striking sanitation workers as he emphasized in his sermon, *I See the Promised Land*, the night before he was killed:

[L]et us keep the issues where they are. The issue is injustice. The issue is the refusal of Memphis to be fair and honest in its dealings with its public servants, who happen to be sanitation workers. Now, we've got to keep attention on that. That's always the problem with a little violence. You know what happened the other day, and the press dealt only with the window-breaking. I read the articles. They very seldom got around to mentioning the fact that one thousand, three hundred sanitation workers were on strike, and that Memphis is not being fair to them

In fact, we are to follow the example of Jesus Christ, the personification of God's love in action.⁴⁸ According to King, the ultimate challenge for humans is to measure the level of our commitment to the cause of the beloved community.⁴⁹ How much will we practice what we preach? More significantly, how are we willing to sacrifice and give as King did?⁵⁰ Ivory articulates the challenge with blunt force:

Professed loyalty to the values of freedom, love, justice, hope, and community required a radical sacrifice in pursuit of their historical realization. For the Christian specifically, this meant a moral obligation to a life of self-denial, cross-bearing, and walking the way of Christ. King identified redemptive suffering as central to this moral obligation for the Christian.⁵¹

This theological underpinning of King's faith shaped his radicality and compelled his vocational response to faith as action. To be radical is to see a vision of the beloved community where justice, peace and love reign, hence the constant reference to the Dream.⁵² The promotion of human dignity requires, in King's terms, a non-violent confrontation with people and in places where oppression and racism and poverty and war snuffed out hope and love.⁵³ Thus, faith calls for an engagement

King, *supra* note 11, at 281. For a description of the Memphis struggle on behalf of the sanitation workers and the violent clashes which erupted during King's previous march in Memphis, see D'ARMEY BAILY, *MINE EYES HAVE SEEN: DR. MARTIN LUTHER KING'S FINAL JOURNEY* (David Lyons ed., 1993).

48. Ivory's emphasis here is that loving our neighbors is at the core of Christ's gospel message, and our faith must lead us to Samaritan-like action:

The confession that "Jesus is Lord of life," by its very nature, imposed on the believer a moral obligation to actively participate in God's work of renewal in a fragmented and broken world. For King, commitment to the Christian life was a privilege that also brought an inescapable responsibility. In this way, King linked the contemplative life of inner spiritual development with the activistic life of outer prophetic social transformation.

IVORY, *supra* note 9, at 68.

49. *See id.* at 73.

50. Jesus demonstrated a willingness to challenge the power structure and the status quo, putting his life at risk and ultimately suffering death to lift God's message of radical love. Jesus provided the model for a lifestyle committed to Christian theology—a lifestyle calling for action on behalf of those without power. *See id.* at 83.

51. *Id.* at 73 (endnote omitted).

52. *See* discussion *supra* text accompanying note 5.

53. IVORY, *supra*, note 9, at 161.

by all believers in partnership with a loving God over and against the forces of evil which truck in human misery and degradation.⁵⁴ Theology calls us to a radical place to be involved in the moral course of human history.⁵⁵

III. TOWARD UNDERSTANDING AND APPLYING THE THEOLOGY OF RADICAL INVOLVEMENT

At this point, it is appropriate to reflect on this issue of vocational choice and vocational response and how these impact the decisions we make about our life's work. We lawyers and law professors struggle as King did in finding our place and our purpose in the world.⁵⁶ Like King we wrestle with self-

54. King had hoped that the communities of faith would join him in the struggle for civil rights. He noted in his essay written on April 16, 1963 from the Birmingham city jail to clergy who questioned why he was involved in the civil rights struggle in Birmingham that it was a Christian's duty to oppose an immoral law. Martin Luther King, Jr., *Letter from Birmingham City Jail*, in A TESTAMENT OF HOPE, *supra* note 1, at 289. King went on to express his disappointment in the white religious community's failure to join him in the struggle:

I had the strange feeling when I was suddenly catapulted into the leadership of the bus protest in Montgomery several years ago that we would have the support of the white church. I felt that the white ministers, priests and rabbis of the South would be some of our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of the stained-glass windows.

In spite of my shattered dreams of the past, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause, and with deep moral concern, serve as the channel through which our just grievances would get to the power structure. I had hoped that each of you would understand. But again I have been disappointed.

Id. at 298-99.

55. See Thomas L. Shaffer, *Faith Tends to Subvert Legal Order*, 66 *FORDHAM L. REV.* 1089, 1095 (1998).

56. Many have engaged in the vocational identity struggle through autobiographical writings, as Professor Lani Guinier does in her recent book, *LIFT EVERY VOICE: TURNING A CIVIL RIGHTS SETBACK INTO A NEW VISION OF SOCIAL JUSTICE*. She reflects on her failed nomination to be an Assistant Attorney General for Civil Rights, a position for which she was eminently qualified, by pulling together the many threads of her personal, educational and professional experiences. The cloth she weaves offers lessons about our current times as she observes in the introduction to the book:

It was while my nomination to be Assistant Attorney General for Civil Rights was pending in 1993 that I saw, from the inside, the ways in which

identification: the struggle to come to terms with who we are, from whence we have come, and where we are heading.⁵⁷ What factors influence the process in the vocational identity crucible? How do law professors and lawyers become drum majors for justice?⁵⁸ Ivory constructs the template of King's life, as we do our own, from the whole of his background, upbringing, education and life experiences.⁵⁹ We try on different intellectual hats

the commitment to a civil rights vision that is inclusive, democratic, and empowering often means that against you are arrayed the powerful forces of privilege, both public and private. That experience allowed me to understand *why* meaningful participation is so important. It also reminded me, in the most personal way possible, that the civil rights movement, in too many ways, has left that understanding behind.

LANI GUINIER, *LIFT EVERY VOICE: TURNING A CIVIL RIGHTS SETBACK INTO A NEW VISION OF SOCIAL JUSTICE* 19 (1998).

57. The search often takes the form of writing narrative stories about our historical travels through life and a coming to terms with how our very make-up is defined in significant part by the world around us. Professor Judy Scales-Trent made that journey of self-discovery in her book, *NOTES OF A WHITE BLACK WOMAN: RACE, COLOR, COMMUNITY*. Given her bi-racial background, she explores the issues of race from the perspective of one who, while she might "look" white, was indeed, by society's definitions, a black woman. In writing her narrative, she inspires us not only to share her journey, but also to embark on our own:

I had thought the writing was the important part. It was nothing compared with the sharing. Finally, speaking words that I had been afraid to speak was a step away from weakness, a step toward my own sense of power. I had thought I was "out" before. I wasn't. Not like this. I have discovered in new ways that these socially constructed wounds hurt most where there is fear and secrecy and shame. I understand better than ever my connection to my gay and lesbian brothers and sisters.

JUDY SCALES-TRENT, *NOTES OF A WHITE BLACK WOMAN: RACE, COLOR, COMMUNITY* 37 (1995).

58. IVORY, *supra* note 9, at 40.

59. Our life's work is often shaped by painful growth experiences out of which we emerge with great strength and deep insight on the state of justice in contemporary America. Professor Bryan Fair writes about such experiences with great power in his book, *NOTES OF A RACIAL CASTE BABY: COLOR BLINDNESS AND THE END OF AFFIRMATIVE ACTION*. He describes how a poor black boy raised in a large family by a single mother can nonetheless succeed in America when the doors of opportunity are propped open by affirmative action policies which seriously consider the reality that our society is still not color-blind. BRYAN K. FAIR, *NOTES OF A RACIAL CASTE BABY: COLOR BLINDNESS AND THE END OF AFFIRMATIVE ACTION* 1-65 (1997). In describing his history and experience as an African-American, in telling a story that rings with stunning familiarity, he makes the following assertion about racial caste in America:

If my narrative can be generalized—as I believe it can be—the color blindness myth is harmful, as it permits Americans to continue to live as if they were in a fairy tale. It allows us to act as if our history never happened.

and wrap ourselves with scarves from the world marketplace of ideas and traditions. Testing the shoes that have carried us on the familiar territories of childhood, we walk on the dirt and mud and stones of distant pathways. We suit up in the garments of different professions and vocational callings to seek the one most comfortable. We put our hands into the gloves of different cultures and climes and grasp how others live. We cinch the belts of our faiths, varied and diverse, to see if they withstand tugs in different directions.⁶⁰

As gigantic in size as we view King's legacy, he was like us as we struggle to figure out who we are and what our places are in the cosmos.⁶¹ The academic or practicing lawyer must search

It absolves us of any responsibility for racial caste, and it permits us to pretend that modern remedial affirmative action is the same as past policies promoting white supremacy.

I, for one, cannot live those fairy tales. I am not and do not wish to be color blind. No one in America is. To the contrary, Americans from birth to death are intensely color conscious, and we all are implicated in the persistence of racial caste.

This book is intended to promote racial understanding, to describe how we have come to such a horrible racial predicament in America, and to suggest how we can move beyond it.

Id. at 64. For other examples of such narratives, see SHIRLEE TAYLOR HAZLIP, *THE SWEETER THE JUICE: A FAMILY MEMOIR IN BLACK AND WHITE* (1994); JANE LAZARRE, *BEYOND THE WHITENESS OF WHITENESS: MEMOIR OF A WHITE MOTHER OF BLACK SONS* (1996); and PATRICIA J. WILLIAMS, *SEEING A COLOR-BLIND FUTURE: THE PARADOX OF RACE* (1998).

60. See Steven H. Hobbs, *The Lawyer's Duties of Confidentiality and Avoidance of Harm to Others: Lessons from Sunday School*, 66 *FORDHAM L. REV.* 1431 (1998). In that article I considered whether a lawyer could find help in addressing ethical issues by referring to lessons learned while attending Sunday School as a youth.

The lessons of Sunday School provided a way to hear and to feel the religious rhythms of life. They helped bring ethical structures and moral order to the entirety of our lives. Such lessons helped us understand what it meant to be in this world and not of it. Further, they helped us recognize the tensions that are inherent in Christian doctrine. Through this recognition, we came to tolerate the ambiguities of the lessons, realizing that the lessons must be relearned and restudied as we meet new life situations.

Id. at 1431.

61. Ivory challenges us to see ourselves in a larger context of vocational identity. He writes:

A mark of the spiritual innovator is the ability to correlate personal conflicts of identity and vocation with similar crises in others. The resolution of the individual's crisis is joined to that of a larger group in the attempt to establish a new vocational identity not only for him/herself, but for his/her entire generation. In other words, the calling upon that person's life with regard to identity and vocational needs is related to the identity and vocational needs of

his or her soul, seeking the measure against which the individual lawyer personifies the justice principles he or she teaches.⁶² In a previous work, I considered this issue by examining the life of Charles Hamilton Houston, former dean of Howard University Law School (1931-1935) and chief architect of the major civil rights litigation which effectively dismantled legal segregation in America.⁶³ Like King, Houston was driven by a vision of America in which all citizens enjoyed the full panoply of rights guaranteed by the Constitution and had the equal protection of the laws.⁶⁴ He "fought for the full inclusion of African-Americans into the fabric of the American community."⁶⁵ In considering

the historical time in which he/she lives.

IVORY, *supra* note 9, at 128.

62. All academic lawyers, particularly minority academic lawyers, are pressed to consider the nature and extent of their radical involvement in social justice movements. This adds a unique burden as Professor Roy Brooks notes:

Black tenured law professors may have the unique burden, one not necessarily shared by white law professors or even by other minority law professors, of applying their analytical skills to the problems of the black underclass or addressing issues of special interest to black Americans. Although blacks, of themselves, are not responsible for the development of the black underclass (which hopefully will not become a permanent social stratum) or for many of the special problems that beset black Americans, the black middle class, of which black law professors are a part, may be in the best position to speak on behalf of the black underclass and to black problems in general.

Roy L. Brooks, *Life After Tenure: Can Minority Law Professors Avoid the Clyde Ferguson Syndrome?* 20 U.S.F. L. REV. 419, 423 (1986) (footnotes omitted) (explaining that the stress of being radically involved in the struggle for justice can be hazardous to one's health).

63. Steven H. Hobbs, *From the Shoulders of Houston: A Vision for Social and Economic Justice*, 32 HOW. L.J. 505 (1989). For more information on Houston, see GENNA RAE MCNEIL, *GROUNDWORK: CHARLES HAMILTON HOUSTON AND THE STRUGGLE FOR CIVIL RIGHTS* (1983), and Spottswood W. Robinson, III, *No Tea for the Feeble: Two Perspectives on Charles Hamilton Houston*, 20 HOW. L.J. 1 (1977).

64. Houston made a major mark on American jurisprudence by bringing many of the major civil rights cases decided this century. For cases involving access to housing, see *Hurd v. Hodge*, 334 U.S. 24 (1947), and *Shelley v. Kraemer*, 334 U.S. 1 (1947). Cases in which Houston challenged segregated public schools include the following: *Brown v. Board of Educ.*, 347 U.S. 483 (1954); *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950); *Sweatt v. Painter*, 339 U.S. 629 (1950); *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); *Person v. Murray*, 182 A. 590 (1936). In the area of discriminatory employment practices, see *Steele v. Louisville & Nashville R.R.*, 323 U.S. 192 (1944), and *Tunstall v. Brotherhood of Locomotive Firemen & Engineers*, 323 U.S. 210 (1944). See also Hobbs, *supra* note 63, at 527-32 (discussing the life of Charles Hamilton Houston and his involvement in *Steele* and *Tunstall*).

65. Hobbs, *supra* note 63, at 519-20.

the goal of social and economic justice, I have suggested that an academic lawyer, inspired by Houston, should utilize his or her scholarship to design strategies for seeking justice.⁶⁶ Houston provides a vivid example of how we may live a radically involved life committed to justice:

Our task is two-fold: one, to make the Houstonian vision a reality for all Americans, and, two, to maintain and preserve that just society for which Houston lived, worked, and died. To accomplish this task, we scholar/activists must be as passionate and as determined as Dean Houston was. We must have a passion for justice in the fullest sense. We must have a passion for disciplined study and professional excellence. We must have a passion for personal integrity and the highest of ethical standards. We must have a will to sacrifice our very beings, if necessary, to make the Houstonian vision of pure legal existence and our inclusion in a just democratic society a living reality.⁶⁷

Moreover, we must realize and recognize the vocational identity crisis of our students.⁶⁸ Our teaching must not delude

66. Much of this thinking is grounded in what J. Clay Smith, Jr. calls the Houstonian School of Jurisprudence, which focuses on bringing impact civil rights litigation. See generally J. Clay Smith, Jr., *In Memoriam: Professor Frank D. Reeves Towards a Houstonian School of Jurisprudence and the Study of Pure Legal Existence*, 18 HOW. L.J. 1 (1973) (highlighting Professor Reeves' career as a teacher and lawyer in the area of civil rights). The methodology is similar to King's situational analysis process and can be described as follows:

Houston set about the task of making the Constitution a viable document for all Americans. To accomplish this monumental feat he utilized the following methods: (1) he developed a cadre of lawyers trained in the art of social engineering; (2) he designed strategies commensurate with the task; and (3) he sought to mobilize the masses in support of this 'interminable struggle.' Hobbs, *supra* note 63, at 512-13.

67. Hobbs, *supra* note 63, at 547.

68. See David L. Gregory, *The Discernment of (The Law Student's) Vocation in Law*, 66 FORDHAM L. REV. 1425, 1428 (1998) (considering whether law students have the opportunity to engage in serious discussion and thought about the nature of the vocation or profession they are seeking to enter). Professor Gregory observes:

Furthermore, I certainly do not believe that every law student is called to the law. Many law students mortgage their families' middle-class futures for a multiplicity of reasons—to postpone "life," to fulfill parental expectations, and/or because medicine or the computer industry offered even less palatable career prospects. Many law students who have considered their motivations may place aspirations for economic viability/survivability and future prosperity at the forefront of their considerations.

Id.

or disappoint their efforts to do good in their chosen profession.⁶⁹ In fact, we should heed the inspirational words of Dean David Hall of Northeastern University School of Law, who urges the teaching of the fundamental values implicit in the Kingian concept of justice and the beloved community:

Our role as professors and deans must not be to prescribe for you all of your personal values, but we can and must decide what values are fundamental to this profession. I deeply believe, as I'm sure most of you do, that the values of service, caring, honesty, dedication and love are indispensable to the legal profession. Law schools must create learning environments where these values are cultivated and nurtured within our students.⁷⁰

To promote a learning environment that fosters these values, Northeastern has a required first-year course designed to teach social justice and to promote it through active service in the community.⁷¹ Other schools have developed curricula which

69. Professor Gregory describes the devastating results which occur when a law student's desires to use his or her education to promote good are frustrated:

Unfortunately, however, the process of discernment of true vocation among law students and lawyers may not always end well. Bitterness and disillusionment of spirit are steep prices paid by many disappointed law students and lawyers. Worse, many truly called to the vocation of the law may never have the realistic opportunities, through the misallocation and market oversupply of lawyers, to come to their authentic vocation in law. This may be the most fundamental challenge facing the legal profession and, most immediately, law schools and legal education.

Id. at 1429.

70. David Hall, *Raising the Bar: A Campaign to Transform the Legal Profession*, 22 J. LEGAL PROF. 7, 9 (1998). See also Michael I. Swygert, *Striving to Make Great Lawyers—Citizenship and Moral Responsibility: A Jurisprudence For Law Teaching*, 30 B.C. L. REV. 803 (1989) (discussing the responsibility of law professors to teach not only the body of textual laws, but also the policies behind these laws).

71. Dean Hall describes the program in this manner:

In their first year, our students are required to take a course called Law, Culture and Difference in which they grapple with issues of race, gender, class, sexual orientation, morality and professional development. For to pursue social justice you must first understand the complexities of social injustice and see the role that law has played in creating and maintaining these barriers. In the second half of the course students are also required to participate in a community service project in which they are exposed to the issues and challenges of community lawyering. Through this course we hope to instill within our students the belief that public service and social justice require one to have a deep understanding of how law has often been an instrument of oppression, and to equip students with insights that will empower them to change those realities.

convey the strong message of providing legal services to the powerless and those striving to realize full participation in the American society.⁷²

We academic lawyers also are called to confront the meaning, content and extent of our religious faiths or, if we hold to no specific religious belief, the meaning, content and extent of our moral and philosophical views of the world. We compare what we believe to what others believe.⁷³ King's brand of Christian faith sees a loving God actively involved in human history, urging us to love one another in the example of Jesus Christ.⁷⁴ As suggested earlier, King believed that as an ordained minister he was called to a partnership with God in the pursuit of justice and the beloved community. A theological perspective such as King's presents important questions even to those of us who are not ministers. If we seek to model our lives after King, must we of necessity hold his religious beliefs? How do we reconcile alternative visions of who God is and what God is requiring us to do? How do we accommodate differing belief systems as we work with others in the pursuit of justice? And perhaps most fundamentally, what is the relevance of religion to a lawyer's work?⁷⁵

Matters of faith and philosophy often are skirted in the

Hall, *supra* note 70, at 9-10.

72. See Hane Harris Aiken, *Striving to Teach "Justice, Fairness and Morality,"* 4 CLINICAL L. REV. 1 (1997).

73. Several scholars have analyzed the religious beliefs of various faiths and how they relate to being a lawyer. See, e.g., Azizah Y. al-Hibri, *Faith and the Attorney-Client Relationship: A Muslim Perspective*, 66 FORDHAM L. REV. 1131 (1998); F. Giba-Matthews, *A Catholic Lawyer and the Church's Social Teaching*, 66 FORDHAM L. REV. 1541 (1998); Russell G. Pearce, *Jewish Lawyering in a Multicultural Society: A Midrash on Levison*, 14 CARDOZO L. REV. 1613 (1993); K.L. Seshagiri Rao, *Practitioners of Hindu Law: Ancient and Modern*, 66 FORDHAM L. REV. 1185 (1998).

74. King, *supra* note 5, at 208-16.

75. Ivory asks his own poignant questions about matters of faith which call into question the very nature of faith and our understanding of the concept of God:

The tensions regarding methodology, point of departure, and particularity versus universality in King's theology are also raised for the postmodern sojourner. How are we to speak of God in a broken, suffering world? From whence does our God-talk take its point of departure? For whom is theology done? To whom and for whom does it speak? For what purpose? At whose cost? For whose benefit? At a minimum, King forces us to deal with the fact of the contextual situatedness of all theology. The subjective nature of theology means that one has to be both deliberate and honest about where one begins one's theology.

IVORY, *supra* note 9, at 163.

classroom and in the law office. However, in recent years, scholars and practitioners have wrestled with these issues, as evidenced by a Fordham University Law School symposium on *The Relevance of Religion to a Lawyer's Work: An Interfaith Conference*.⁷⁶ The keynote address, by Thomas Shaffer, a pioneering scholar in the area of faith and the legal profession, provokes us to consider the subversive nature of the pursuit of justice:

If you open the Bible at random ten times, you will find that half the texts you see say that God is a God of justice, that He hates injustice, and that He hears the cry of those who suffer from the injustice of the law. The Bible's emphasis on justice thus tends to *subvert legal order*. This radical meaning of biblical justice has been tamed by institutional religion, because it is too drastic to support a comfortable partnership with legal order. Radical meaning here is also far beyond what democratic liberal politics and "the veil of ignorance" have come up with, by way of considering, for example, the situation of the underclass in the legal order of bureaucratic capitalism.⁷⁷

Shaffer, like King, is suggesting that a theology of radical involvement calls for proactive engagement in confronting laws, practices and institutions which support injustice. This idea is further captured by what Ivory identifies in King's work as creating "generative tension."⁷⁸ It is at that time when our advo-

76. See Symposium, *The Relevance of Religion to a Lawyer's Work: An Interfaith Conference*, 66 *FORDHAM L. REV.* 1975 (1998). The symposium was designed to accomplish the following:

First, we sought to develop for this issue a scholarly literature which would address systematically the range of theoretical issues raised by the existing religious lawyering literature. Second, we sought to bring together lawyers, judges, law professors, religious leaders, and theologians, from many religious faiths or none, to develop agendas for further scholarship, teaching, bar programs, and congregational activities.

Russell G. Pearce, *Forward: The Religious Lawyering Movement: An Emerging Force in Legal Ethics and Professionalism*, 66 *FORDHAM L. REV.* 1075, 1077 (1998).

77. Shaffer, *supra* note 55, at 1095 (emphasis added).

78. See IVORY, *supra* note 9, at 147-64. Ivory's focus is on the ethical response to a moral perspective such as King's, which requires the active participation in identifying injustice and making change happen. He describes the process as follows:

Tension may be understood as a condition of existential strain resulting from the pressure generated in the encounter between oppositional forces. Symptomatically, tension is empirically verified in heightened states of anxiety and stress. Generativity is linked to notions of procreation and productivity. To speak of a reality as "generative" is to acknowledge its power to function

cacy skills and scholarship are called forth to right a wrong, and we must act. Ivory calls this "the kairotic moment in the life of a person or community—a time of crisis and demanding choice, . . . where not to choose, is to choose."⁷⁹

Moreover, the active response to injustice can come whether or not the responder shares King's specific religious beliefs.⁸⁰ There are countless examples of radical lawyers who answered the call to challenge power structures which support injustice and oppression.⁸¹ Charles Hamilton Houston, Thurgood Marshall, Oliver Hill, Fred Gray, Constance Baker Motley, and countless other lawyers led court fights for civil justice.⁸² My

as a reproductive agent. Consequently, a "generative tension" is a tension, the presence of which continually re-creates or reproduces a heightened need for resolution.

Id. at 148-49 (endnotes omitted).

79. *Id.* at 149.

80. See Monroe H. Freedman, *Religion Is Not Totally Irrelevant to Legal Ethics*, 66 *FORDHAM L. REV.* 1299 (1998). Professor Monroe Freedman cautions that religion may not be a wholly justifiable basis for defining a lawyer's ethics, or for that matter, I suppose, a lawyer's response to social injustice. *Id.* at 1305. He states:

Yes, I like to think that my religion informs and enriches my professional life, just as it informs and enriches my life in general. Also, I accept the possibility—but only the possibility—that people who are religious are better people than they would otherwise be. But among Jews—just as among Christians—there is so much disagreement about what constitutes "tradition" and "ethics" that I am skeptical about how useful it would be for the organized Bar to attempt to apply anything called "religious ethics" to the essentially public endeavor of fashioning and enforcing rules of professional conduct for lawyers. Better, I think, for religion to remain what Professor [Leslie] Griffin denigratingly calls "merely personal or private accounts of morality."

Id. (quoting Leslie H. Griffin, *The Relevance of Religion to a Lawyer's Work: Legal Ethics*, 66 *FORDHAM L. REV.* 1253, 1271 (1998)).

81. Examples of such powerful figures abound in a recently published collection of writings by and about black women lawyers from the nineteenth century to the present. See *REBELS IN LAW: VOICES IN THE HISTORY OF BLACK WOMEN LAWYERS* (J. Clay Smith, Jr. ed., 1998). The editor, Professor J. Clay Smith, recognizes their contribution to our jurisprudence:

Fighting for identity, recognition of self has been more than a calling for black women lawyers; the fight has been viewed by some as an obligation of black women to her people. In 1970 one scholar wrote that "[Black women] have an obligation as Black women to project [themselves] into the revolution to destroy . . . institutions which not only oppress Blacks but women as well, for if those institutions continue to flourish, they will be used against us in the continuing battle of mind over body."

J. Clay Smith, *Introduction to REBELS IN LAW: VOICES IN THE HISTORY OF BLACK WOMEN LAWYERS*, *supra*, at 7 (alteration in original) (footnotes omitted).

82. See, e.g., FRED D. GRAY, *BUS RIDE TO JUSTICE: CHANGING THE SYSTEM BY*

friend Uncas McThenia has focused much attention on the life and radical lawyering of William Stringfellow, who practiced law in the poor sections of East Harlem and was an ardent student of theology.⁸³ Milner Ball's powerful reflections on lawyers who work for justice in their communities, often unnoticed, demonstrates that radically involved lawyers thrive whenever committed individuals courageously confront injustice.⁸⁴

At the University of Alabama, lawyers and law students have fought for justice for those with mental and physical disabilities in our Alabama Disabilities Advocacy Program.⁸⁵ Oth-

THE SYSTEM—THE LIFE AND WORKS OF FRED D. GRAY (1995); RICHARD KLUGER, SIMPLE JUSTICE: THE HISTORY OF *Brown v. Board of Education* AND BLACK AMERICA'S STRUGGLE FOR EQUALITY (1976); CONSTANCE BAKER MOTLEY, EQUAL JUSTICE—UNDER LAW: AN AUTOBIOGRAPHY (1998); J. Clay Smith, Jr., *Thurgood Marshall: An Heir of Charles Hamilton Houston*, 20 HASTINGS CONST. L.Q. 503 (1993).

83. See RADICAL CHRISTIAN AND EXEMPLARY LAWYER: HONORING WILLIAM STRINGFELLOW (Andrew W. McThenia, Jr. ed., 1995); see also A KEEPER OF THE WORD: SELECTED WRITINGS OF WILLIAM STRINGFELLOW (Bill Wylie Kellermann ed., 1994) (writings of William Stringfellow pertaining to theology). While it is challenging to simply capture a short description of Stringfellow, one essay in McThenia's book manages a brief summary:

Long before poverty law practice or Christian ministry to the inner city were much discussed, William Stringfellow was doing both in Harlem. His was one of the first voices to cry out the agony of the city, to speak truthfully about white racism, and to warn of the judgment to come.

In his chosen vocation, William Stringfellow was also a pioneer. In the 1950s, he went from Harvard Law School to East Harlem in New York City. He lived and practiced there, when storefront lawyers and government legal services were nonexistent. His clients were poor blacks and Puerto Ricans in trouble: evicted tenants, accused criminals, drug addicts, and prostitutes. For Bill, the defense of the poor and persecuted was never a "pro bono" activity; it was a way of life—simply what a Christian lawyer should do.

Jim Wallis, *Keeper of the Word*, in RADICAL CHRISTIAN AND EXEMPLARY LAWYER: HONORING WILLIAM STRINGFELLOW, *supra*, at 88, 89-90. McThenia himself is a radical academic lawyer, having established a law school clinic at Washington and Lee University designed to fight for coal miners suffering from black lung disease.

84. MILNER S. BALL, THE WORD AND THE LAW (1993).

85. THE UNIVERSITY OF ALABAMA SCHOOL OF LAW, 1998-2000 CATALOGUE 13. The CATALOGUE describes the Alabama Disabilities Advocacy Program as follows:

Each State is federally mandated to provide a statewide "protection and advocacy" system for eligible individuals with disabilities. In addition to being one of the clinical law programs of the Law School, the ALABAMA DISABILITIES ADVOCACY PROGRAM (ADAP) is the state's designated agency for this purpose. ADAP protects, promotes, and expands the rights of persons with disabilities, and also is a part of the Law School's Disability Law Institute.

ADAP's clinical law students work with a clinical law professor, as well as attorneys and advocates who specialize in disability law, to develop skills in

er Alabama lawyers have given countless hours in service to those whose access to justice is stymied by the lack of financial means. Morris Dees, founder of the Southern Poverty Law Center in Montgomery Alabama, for example, constantly fights against racism and injustice, even in the face of threats against his life.⁸⁶ Bryan Stephenson, through the Equal Justice Initiative, does the difficult and often tragically frustrating work of providing needed representation for defendants in capital murder cases. Indeed the highest nature of our calling as attorneys is to preserve justice.⁸⁷

IV. LISTENING FOR THE DRUM BEAT

Our quest to understand King's legacy and to heed the beat of the Drum Major for justice must take into account our own vocational identity crisis in the teaching and practicing of law.⁸⁸

advocacy, negotiation, counseling, and litigation. The cases involve challenges under the Americans with Disabilities Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, and various other state and federal laws that protect the rights of persons with disabilities.

Id. at 13. Examples of successful litigation by ADAP include *Wyatt v. Stickney*, 325 F. Supp. 781 (M.D. Ala. 1971) (holding that patients have a fundamental constitutional right to adequate care and treatment in state-run mental hospitals and facilities); *ACE v. Hunt*, 1993 WL 204083 (Ala. Cir. Ct. Montgomery County Apr. 1, 1993) (holding that children with disabilities have a constitutional right to attend public schools). The Law School also has a Civil Law Clinic, an Elder Law Clinic, a Pension Clinic, and a Public Defender Clinic.

86. See generally MORRIS DEES, WITH STEVE FIFFER, *A SEASON FOR JUSTICE: THE LIFE AND TIMES OF CIVIL RIGHTS LAWYER MORRIS DEES* (1991) (describing the author's legal fights with the Ku Klux Klan and various accounts of when his life was threatened).

87. The MODEL CODE OF PROFESSIONAL RESPONSIBILITY sets this aspirational goal for all lawyers:

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.

MODEL CODE OF PROFESSIONAL RESPONSIBILITY Preamble (1981) (citation omitted).

88. Dean Rennard Strickland reflected on the crisis of vocational identity in his telling article, *Scholarship in the Academic Circus or the Balancing Act at the Minority Side Show*, 20 U.S.F. L. REV. 491 (1986), as he explored the tensions of balancing competing pressures of teaching, service and scholarship. He made this obser-

Our professional choices are informed by our educational background and our upbringings, including our exposure to the faith belief systems of our developed, ideological world views.⁸⁹ Evidence of our continuing vocational identity crisis abounds throughout the profession.⁹⁰ The 1998 president of the Ameri-

vation about the law school world:

I believe, and have always believed, that this strange world we call academie is nothing more, nor nothing less, than an intellectual theatre of the absurd, a gigantic medieval carnival, a great and significant comedy. But, do not get me wrong, this is not a criticism; this is high praise. It is the reason I have chosen to work—indeed, not just to work, but to live—in the academic circus.

We know that minorities in the academic circus are expected to be virtuoso performers, acrobatic high-wire walkers who can also juggle at the same time. It does not hurt if we can do all of this while riding a unicycle.

Id. at 493.

89. Dean David Hall made the following observation about how his early educational experiences influenced his approach to legal education:

There is often a direct connection between our cultural and social experiences, and our philosophy of legal education. Growing up in the segregated schools of Savannah, Georgia, I learned early that successful educators had to be excited about what they taught; they had to be more concerned with learning than with teaching, for they believed that they could not lose any of us. Teachers felt compelled to instill values as well as dates and places Teachers had a direct investment in the future of each student they taught. Every success story was a victory over a system that discriminated against the teachers as well as the students. These students were the teachers' ammunition against a hostile and racist world that did not value black life or culture. These teachers were also risk-takers because they knew nothing would change unless they took risk. They would often shatter the boundary between student and pupil. They used whatever techniques they could think of to get students to believe in themselves and in the importance of education. Their ideals and images have shaped my perspective as an educator, a lawyer, and a dean.

David Hall, *Legal Education and the Twenty-First Century: Our Calling to Fulfill*, 19 W. NEW ENG. L. REV. 139, 143-45 (1997) (footnotes omitted).

90. The July 1998 issue of TRIAL, the journal of the Association of Trial Lawyers of America, is dedicated to the topic of professionalism and the necessary efforts to enhance our understanding of professionalism. In one article, Supreme Court Justice Anthony M. Kennedy reflects on the important role lawyers play in the maintenance of our democratic ideals and calls for a rededication of that role:

And, yet, despite our historic strength and prestige, the profession and the nation face a difficult and most urgent task. Each of us must feel its weight. Our task is no less than to reaffirm and reassert our country's belief in the law.

If the rule of law is to be preserved, we must restore and revive our belief in its most simple, fundamental principles. Law must live in the consciousness of a people. In a free society, law must be part of our intellectual conscience. The belief must be constant in order to precede and then secure

can Bar Association, Jerome J. Shestack, has selected as his platform the pursuit of professionalism.⁹¹ President Shestack, like many of us who listen for the drum beat of our professional legacy, urges us to return to and renew the commitment to the values of professionalism.⁹² Shestack provides a definition of professionalism that echoes King's definition of the beloved community: "[a] professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and public good."⁹³ With its emphasis on service, justice and the community, I suggest that this definition could entail a theology of radical involvement from a lawyer's perspective.

To follow in the footsteps of King is to believe deeply in the notion of providing service to our fellow human beings. For many of us, as it was for King, the duty of service to others is deeply rooted in faith traditions which claim from us our participation in God's plans for the moral universe. While we may not fully comprehend the purposes of God, nor recognize His actions in a world where death and despair seem to reign, our actions can be guided by our understanding of God's stated purposes in the Gospel for peace, love and justice in a beloved community.⁹⁴

this consciousness.

Anthony M. Kennedy, *Law and Belief*, TRIAL, July 1998, at 23.

91. See Jerome J. Shestack, *Forward to AMERICAN BAR ASSOCIATION, PROMOTING PROFESSIONALISM: ABA PROGRAMS, PLANS, AND STRATEGIES 3* (1998).

92. Shestack lists six core values:

- * ethics and integrity and professional standards
- * competent service to clients while maintaining independent judgment
- * continuing education
- * civility
- * obligations to the rule of law and the justice system, and
- * pro bono service

Id.

93. *Id.* (citation omitted).

94. Ivory reminds us that "King relied upon the Bible as the primary source of the revelation of God's nature." IVORY, *supra* note 9, at 52.

For King, *freedom* emerged as the operative interpretive principle. The Bible contained a gospel of freedom that chronicled the mighty deeds of a God of justice whose radical love expressed itself in continuous, liberative activity to free God's children from dehumanizing powers. Consequently, when read in light of the black experience in America, King came to see the Bible as highly relevant to the sociopolitics of the present.

Id. at 53. An understanding of our contemporary times could still be informed of

Moreover, even apart from traditions of Christian faith, the best of our theologies, whether sacred or secular, call for the pursuit of justice and peace and respect for others.⁹⁵

Ivory gives a potent explanation of why the pursuit of community is important and what is at stake in the endeavor:

Genuine community meant the opportunity for each person to develop, mature, realize his or her full potential as children of God, and to be respected as a person of inherent value and worth. Each individual and every institutional structure in society must act responsibly to ensure, as a minimum, that the basic subsistence necessities of all persons were met. For King, concern for the needs of the least advantaged members of society was tantamount to a moral responsibility from which no person, group, or institution could hope to escape. Mutual social concern represented a vital indicator of community.⁹⁶

The path King blazed requires taking risks to form relationships with our neighbors, both near and far, and with neighbors who suffer the pangs of poverty and stunted opportunities to lead fulfilling lives. It demands being open to pain and rejection in order to have the opportunity for community. Most importantly, community depends on individuals and groups taking action after thoughtful situational analysis.

One such effort I have the privilege of participating in is the development of the East Tuscaloosa Family Resource Center. Individuals and local civic and religious organizations are com-

God's purposes by studying this fundamental text.

95. This brings to remembrance the wonderful poem, *On the Pulse of the Morning*, Maya Angelou wrote and delivered for President William Jefferson Clinton's 1993 inauguration. In it, she calls forth the many strands of humanity that comprise the American beloved community, urging us to make contact with each other:

Here on the pulse of this new day
 You may have the grace to look up and out
 And into your sister's eyes,
 And into your brother's face,
 Your country,
 And say simply
 Very simply
 With hope—
 Good Morning.

Maya Angelou, *On the Pulse of Morning*, Poem delivered for President William Jefferson Clinton's Inauguration (Jan. 20, 1993), in *ON THE PULSE OF MORNING* (1993).

96. IVORY, *supra* note 9, at 141.

binning their efforts to address the needs of families impacted by welfare reform. The Center will coordinate community services in a manner that will empower families to meet the needs of their children and all family members. By combining new resources with existing government social agency resources, the Center will help families become self-sufficient. This model is often referred to as the "one-stop shopping" approach because many agencies offer their services in a single location.

Equally valuable for the clients will be an intake and assessment process that considers all of a family's needs. For example, transportation and child care can often be primary barriers to employment and access to services for low income families. The project will be designed to eliminate these barriers. For instance, by offering child care at the Center, parents will be free to work with various agency representatives, take education classes, or receive job skills training. The Center is scheduled to be operational in 1999.⁹⁷

V. CONCLUSION

From here we must ask what the legacy of King's theology of radical involvement is calling us to do and to be as we enter a new millennium. This study of Ivory's work brings me back to the drum beats of my roots in community and economic development. Whenever I look out into the community and see poverty, dismal housing, unemployment, limited educational opportunities, and neighborhoods depressed by decay, I am convinced that we can do much better.⁹⁸ Richard Thiele taught me that hope for social and economic opportunity can be fostered when neighbors care about neighbors. Lives shattered by hardship and

97. This description of the East Tuscaloosa Family Resource Center is derived from the collaborative work of the following individuals: Star Bloom, Madeleine Hill, Jacqueline Morgan, Shelley Jones, Sally Edwards, Tammy Yager, Brenda McComb, Rosemarie Childress, Susan McKee, Nancy Williams, and myself. Other individuals and organizations, including the West Alabama United Way, The Junior League of Tuscaloosa, and the Challenge 21 Educational Task Force, have contributed to this community effort.

98. Other writers are also convinced that we can do better. *See, e.g.*, FELICE DAVIDSON PERLMUTTER, *FROM WELFARE TO WORK: CORPORATE INITIATIVES AND WELFARE REFORM* (1997); *WELFARE IN AMERICA: CHRISTIAN PERSPECTIVES ON A POLICY IN CRISIS* (Stanley W. Carlson-Thies & James W. Skillen eds., 1996).

poverty can be restored through community-based social services designed to empower individual achievement in the worlds of education, work, and business.⁹⁹ When individuals are thus empowered, they are better able to meet the needs of their families and to contribute positively to our community.¹⁰⁰

As an academic lawyer, the drum beat calls me to offer my legal skills, scholarship, and assistance to community organizations committed to pursuing social justice, or as Ivory puts it, "to join God in the struggle to restore cosmic community."¹⁰¹ The Kingian commitment to community development will unfold in ways not yet imagined. The vision may inspire workshops on small business development, growing community centers, or promoting the welfare of our neediest children.¹⁰² The journey certainly will provide opportunities to link arms with others who, like King, seek to overcome the forces of hate and op-

99. *But see* HELENE SLESSAREV, *THE BETRAYAL OF THE URBAN POOR* (1997) (challenging us to re-examine the government poverty programs created at the height of the Civil Rights Movement and directly after King's death). While trumpeting community development and job creation, Slessarev admonishes us to proceed with studied caution so as not to repeat the failures of the past:

This book focuses on economic mobility policies as one large component of what is needed to create structures of economic opportunity. Recognizing that for minorities mobility is determined by a combination of achieving racial equality and gaining the necessary education, skills, and capital, the book traces policies aimed at both. Certainly there are numerous other policies influencing urban poverty, such as segregated housing patterns and poor quality schools, that are not treated in this book. I have chosen to take a historical approach, examining the flawed nature of federal anti-poverty and civil rights policies at their origins in the 1960s.

Id. at 22.

100. *See* Susan Jones, *Small Business and Community Economic Development: Transactional Lawyering for Social Change and Economic Justice*, 4 *CLINICAL L. REV.* 195, 199-200 (1997).

101. IVORY, *supra* note 9, at 179.

102. Portions of this unfolding vision take place in my seminar on Small Business Theory which has a public practicum component:

Law students may give business and legal advice to entrepreneurs in a supervised setting. Students may choose to conduct individual research for a small business person or to work collectively on a seminar project designed to evaluate public policy on small businesses, making recommendations for changes and improvements in that policy to the appropriate government official. The seminar provides a vehicle for community service through hosting workshops for local small businesses.

Steven H. Hobbs, *Toward a Theory of Law and Entrepreneurship*, 26 *CAP. U. L. REV.* 241, 251 (1997) (footnotes omitted).

pression.

The beloved community, while seemingly distant, is just beyond the horizon. Others who have journeyed along the continuum for social justice have seen it.¹⁰³ The challenge is to know when, where and how to join a Kingian pursuit of the beloved community. Again, Ivory helps us by directing us toward sustained theoretical analysis and theologically inspired praxis.¹⁰⁴ Out of our studies should emerge visions for new ideas formulated to radically change social structures which perpetuate injustice.¹⁰⁵

103. Marcus Garvey, in a speech delivered at Tuskegee Institute (now University) on November 1, 1923, reflected on the great work of Booker T. Washington at Tuskegee. Address by Marcus Garvey (Nov. 1, 1923), in 5 THE MARCUS GARVEY AND UNIVERSAL NEGRO IMPROVEMENT ASSOCIATION PAPERS 490 (Robert Hill ed., 1986). Garvey, who founded the Universal Negro Improvement Association, saw the vision of improved social conditions as our destiny to fulfill if we work with a thoughtfully conceived plan and dedicated purpose, as did Booker T. Washington. *Id.* The hope that Garvey shared with his audience in Tuskegee, Alabama, still rings true for us today:

The new doctrine that some of us are preaching is of that kind, and we are endeavoring to inspire this present generation to look forward to the highest in society, in industry, in politics. We say that whatever other peoples have been able to do we also are able to do by application. . . . When you leave Tuskegee, when you go out into the larger world to grapple with men and human affairs you must do it with the feeling and conviction of men believing that your place is there; that God has placed no limit on you and that you are *just going to rise to the place that you have got in mind.*

Id. at 492-93 (emphasis added).

104. In this manner, more symposia, workshops, and discussion groups will offer opportunities for reflective, strategic analysis. This symposium issue contributes significantly to this endeavor. Other efforts of engagement in strategic analysis of social situations can be found in recent symposium settings. See, e.g., *Proceedings of the Third Annual Mid-Atlantic People of Color Legal Scholarship Conference* 36 BRANDEIS J. FAM. L. 241 (1997) (focusing on issues of the family); *First Annual Northwestern People of Color Legal Scholarship Conference: Law Professors of Color in the Postmodern World*, 19 W. NEW ENG. L. REV. 1 (1997) (focusing on diversity in scholarship).

105. Such work is currently being done in the area of environmental law, where the practice of dumping toxic waste in minority and poor communities is being challenged. Professor Beverly McQueary Smith, invoking the legacy of Dr. King, notes:

It does us little good to be able to attend integrated schools and be treated in integrated hospitals if the polluted air we breath poisons us and our children. It does us little good to be able to eat in integrated restaurants if the food we eat is grown in contaminated soils and irrigated with polluted water. It does little good to be able to attend the best colleges and universities in the world when the cumulative impact of our poisoned environment means that we will die young of loathsome diseases. In short, the movement

Not all new ideas will be successful, but it is certain that having no ideas will lead to failure.

toward environmental justice seeks to address the excessive burden poor communities and communities of color bear when policy-makers locate pollution generating activities so as to impact adversely their neighborhoods.

Beverly McQueary Smith, *Ethics, the Legacy of the Reverend Doctor Martin Luther King, Jr., and the Movement Toward Environmental Justice*, 1 ENVTL. L.J. 1, 15 (1994).

