**Braille Monitor                          February 2019**

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**Three Out-Castes of American Society**

**by Professor Jacobus tenBroek**

**From the Editor: The previous article discussed the 2018 Jacobus tenBroek Law Symposium, and it is clear that Jacobus tenBroek was an advocate not only for blind people but for others he considered disadvantaged in American society. I believe that the message he sent reinforces the need for integration of blind people into the broader society and reinforces the notion that we must be concerned about more than just people who are blind. We are careful as the elected representatives of blind people to speak only for the blind, but our caring goes far beyond our own selfish interests, and we are keenly aware of situations in which we share similar problems with other minorities.**

**In running this article without editing I realize there are some who may be offended by its language. I have not tried to apply any standard of modern political correctness to it, feeling that to make such changes would detract from the historical import of the article. Here is how it was originally introduced in November 1961 in the *Blind American*: The following address by the President of the American Brotherhood for the Blind was delivered earlier this year before the congregation of the University Christian Church of Des Moines, Iowa.**

All of us know the Ten Commandments—the Decalogue of Divine law recorded in the Book of Exodus. But how many of us remember the numerous other commandments, no less sacred and no less binding, set forth elsewhere in the Holy Bible? How many recall, for example, the commandment contained in Leviticus: "Thou shalt not curse the deaf, nor put a stumbling-block before the blind."

How different would have been the social progress of the blind, and how improved their present status, if that Divine directive had been taken to heart by all who have professed their faith in the Good Book!

The ancient term "stumbling-block"—whose original reference was literally and specifically addressed to the blind—has since come into our common language chiefly in the figurative sense in which a modern dictionary defines it: namely, "an obstacle or hindrance to progress or belief." This is as it should be. Ever since the days of Moses, it has been the figurative stumbling-blocks—the intangible obstacles or hindrances to progress and belief—which have lain most perilously athwart the path of the blind. The meaning of the commandment, for us today, is as specific as it ever was; its message is not only literal but symbolic as well. It says to us: "Thou shalt not put a stumbling-block before the blind whether of wood or stone, whether in law or in vocation, whether of substance or of spirit, whether of discrimination or prejudice neither shalt thou suffer any to remain in their path."

But it is not the blind alone before whom are placed stumbling-blocks. I should like to speak this morning about a sinister stumbling-block in the path of our democracy—which takes the form of a social caste system. More exactly, what I want to talk about is a system of "out-castes."

You all know the meaning of "caste," as social scientists use the term. A caste is a social class which has become rigid and immobilized which neither moves itself nor permits movement out of it. In such countries as India, where caste is hereditary, one's very life and livelihood may be permanently fixed by the caste one belongs to. The status of high caste is displayed like a badge; that of low caste is worn like a brand. The lowest castes of all—the pariahs or Untouchables—are less a part of their community than apart from it.

Every society, primitive or modern, may be said to have its own Untouchables—or reasonable facsimile thereof. They are the out-castes, dwelling on the margins of society: among them are the disadvantaged and disfranchised, the deviant and deprived, the "beat" and the offbeat.

Nor is America an exception to the rule, for all its vaunted classlessness and social mobility. There are more such groups among us than I have time or competence to describe. Three conspicuous out-castes of American society are the blind, the Negroes, and former convicts.

Few social groups, on the face of it, appear more radically different from one another than these three. And indeed each of them is unique in its origins and its distinctive needs. Among the three only the blind present a problem which has its source, if not its main expression, in physical disability. The special dilemma of racial minorities, and in particular of the Negro, arises from an accidental variation in skin pigmentation which has taken on as well a kind of "cultural coloration." Finally, the peculiar problem of the ex-convict springs originally from his own individual action—in contrast to the others, whose "guilt," if it may be called that, is by association.

There are other differences, scarcely less definitive, among these social out-castes. The histories of each are widely divergent. The heritage from which the blind still seek to be liberated is one of custodialism and charity; for the former felon it is a tradition of lifelong condemnation and social exile; for the Negro it is the inextinguishable memory of slavery.

As the three groups differ in their backgrounds, so do they differ in many of their needs. The blind alone require such services as physical retraining, adjustment, and vocational rehabilitation. Only the Negro finds himself barred on sight from the ordinary restaurants, churches, schools, and residences of the community. In his turn, the former convict faces problems no less distinct: branded by a requirement of public registration, his privacy invaded, his right of anonymity destroyed, his credit nullified and his freedom of contract impaired, his citizen's rights to vote, to hold office, to sit on juries, to enter public service, all cast in jeopardy.

The differences among these groups are numerous and profound. Yet I wish to speak here not of differences but of similarities—for the likenesses among these three out-castes are no less striking and scarcely less profound. In fact, they are so compelling that for certain practical purposes of life and livelihood the three groups may almost be treated as one.

Most important of all is the fact of their common stigma as social out-castes. All three groups labor under a social handicap—a stereotype fixed upon them by the community which sets them apart from its main body and keeps them out of its main stream. In short, they are all victims of public prejudice and of the active discriminations it engenders—however much that prejudice may differ among them in both its roots and its fruits.

What these out-groups share most in common, in other words, is not some physical trait or innate characteristic, but a social and psychological image. It is not something in themselves, but something outside and around them, which provides the parallel. That parallel, of course, is closest and most obvious with respect to the blind and the Negro. Thus, for example, one recent study of the blind has called attention to what its authors term "the minority parallel." In both instances, they maintain, "the phenomenon is one of a group of people whom the majority insists on endowing with special characteristics, for whom a stereotype has been evolved which each member of the minority is supposed to exemplify, and the essence of which is the imputation of inferiority." We may wish to qualify this diagnosis with respect to some minorities; but I think we would all agree that in the cases of the blind man and the black man society does indeed clothe its venerable practices of exclusion and discrimination with a sweeping assumption of inferiority—if not also of abnormality and incompetence.

This is the crux of the matter. Both of these out-castes—the blind and the Negro—aim above all at integration and away from the segregation which has been their lot. The official motto of the National Federation of the Blind is "Security, Equality, Opportunity." That motto might equally stand, without change, as the slogan of the NAACP. Each of these objectives, moreover, depends upon the others: there can be no genuine security without access to opportunity; there can be no effective opportunity without an acceptance of equality. The attack upon that American dilemma which we know as the "Negro problem"—as upon the less publicized but no less profound dilemma which confronts the blind—is therefore a three-pronged attack. It is an attack on the economic front, for the expansion of job opportunity; it is an attack on the political front, for the enactment and enforcement of fair employment practices and an end to segregation; and it is an attack on the educational front, for the diffusion of knowledge and understanding and the consequent erosion of the stereotypes of inferiority and incompetence.

I said earlier that the blind person and the Negro may be distinguished from the former convict by the fact that their guilt in the eyes of society is strictly guilt by association. The American who is blind or colored finds himself judged not on his individual record or performance but by his involuntary membership in a socially defined (if very imperfectly defined) class: that of the "blind" or of the "colored." But there is an important sense in which this stereotype-casting is equally the fate of the ex-convict. For he also is a member of a defined if spurious class: the class of "criminals." It is a class from which he cannot easily graduate, however full his penance or firm his resolve. Despite the remarkable advances of the last century in criminology and social science, popular attitudes remain largely in the horse and buggy era of Lombroso—as expressed in the dreary homilies that criminals are born and not made, that the purpose of prisons is retribution not rehabilitation, and that he who has walked a crooked path cannot ever go straight. The very term "ex-convict" carries its own irony; for that "ex," which should be a sign of emancipation, symbolizes instead the mark of the jailhouse which can never be quite erased.

The case of the former convict is in many ways a special one; but with respect to the paramount problems of life and livelihood the minority parallel is scarcely less compelling here. Our democratic American faith enjoins discrimination on the basis of race, color, creed, or "previous condition of servitude." Although this latter phrase was intended originally to apply to former slaves, it has a literal application to the former convict. His social condition is in fact very much like that of the Negro freedman after the Civil War; although officially released from penal servitude, he too is the victim of a prejudice which has not yet been liberated. Although in theory he has atoned for his crime and paid his price, he is not welcomed as an equal but shunned as a pariah. Not only is equality denied him; his opportunity is critically circumscribed. Often the only references he can offer to employers are those supplied by his former jailers; typically he is relegated to the menial and undesirable jobs which others turn down, at lower wages than those who work with him. If by dint of exceptional effort he struggles upward to a position of responsibility, his record will return to haunt him. And not only equality and opportunity are refused him but dignity itself. Just three years ago the Supreme Court of the United States upheld a Los Angeles city ordinance requiring all ex-felons to register with the authorities upon entering the community. By its action the court in effect under-wrote the doctrine that a prison record is so crucial a fact about a man that he may be compelled to subject himself to police harassment for the remainder of his life wherever he goes in the land. For numbers of our cities have enacted such ordinances in order to be able to round up all ex-cons when a crime is committed. The effect upon the individual is obvious. "This registration" as one expert has concluded, "is a vicious practice for it exposes the conscientious ex-prisoner to intimidation and perhaps even blackmail by insecure police officers or those who are badgered by their superiors to arrest someone." The Supreme Court, by the way, took note of the fact that such enactments were on the books of numerous communities across the country. But the justices were not prepared to face the question whether this discriminatory requirement rests upon the assumption “once a criminal, always a criminal”—the dictum that a wrongdoer's debt to society is never paid but rather goes on accumulating interest which can be met only by periodic drafts upon his dignity, privacy, and freedom of action.

The loss of civil rights by the former prisoner within our states is thoroughly shocking in its depth and extent. Here are only a few of the rights of which he may be deprived, in many or all of our states: the right to vote; the right to hold public office; the right to make a contract; the right to serve as a juror or testify as a witness; the right to employment in the Federal or State Civil Service; the right to marry at will; the right to enter numerous businesses, professions, or occupations—such as those pursued by doctors, lawyers, cab-drivers, and pawnbrokers—in which "good moral character" is a formal requirement. In these circumstances, what is remarkable is not that many former criminals return to the scene (and environment) of their crime—but that any of them do not. "The world's thy jailer," wrote the poet John Donne; four centuries later, his words convey an awful truth for the man released from an American prison.
The peculiar "marginality" of the ex-felon stems, in short, from the fact that he is poised precariously between two worlds: that of conventional society and that of organized crime. To the extent that the world rejects him, the underworld is waiting to embrace him. The community, looking out from its glass houses of prejudice, righteously demands of the former convict that he change his ways. But the demand is hypocritical unless the community is also prepared to change its own ways—by extending to this rejected minority, as well as to others, the genuine prospects of security, equality, and opportunity.

Let me now try to draw the minority parallel among these groups a little tighter. It has long been recognized by social scientists that the field of employment is at once the area of the worst discrimination against minorities and the one in which practical reforms have the best chance of success. It is surely the economics of prejudice which work the greatest hardship upon the blind, the Negro, and the ex-convict. Moreover, it is also in this field that the minority parallel is closest, especially between the first two groups; for the blind are subjected to much the same kinds of treatment as Negroes in the job market. Both minorities find themselves denied access to certain "higher" vocations and industries, on grounds of their supposed inability to handle the work; both find themselves segregated within special establishments (called "Jim Crow" houses in the one case, and sheltered workshops in the other). Both are typically confined to the most menial and rudimentary of occupations, as well as to those which are in any way unattractive to "normal" or "white" employees.

Most similar of all in their effects are the widespread suppositions of the inferiority and incompetence of Negroes and the blind. I have never seen this attitude better expressed, with reference to the blind, than in a brief communication I received a few years ago from a public administrator, in reply to my question whether blindness by itself was a factor in deciding on an applicant's fitness for employment. "Your letter," he wrote, "raises the old question of whether we, as civil service administrators, are to adhere to the principle for which we were brought into existence of securing the most highly competent employees obtainable for the public service, or whether we should take into account other considerations than competency. Helping the blind has its strong appeal to the sensibilities of everyone. On the other hand, we should avoid making the public service an eleemosynary institution."

I can't resist one more anecdote on similar lines—this one told by an eminent figure in the rehabilitation field, Dr. Henry Kessler. It illustrates as well as any I know the stereotype of incompetence by which the employment of blind persons in opposition to all the facts, continues to be regarded as an essentially charitable if not rather foolhardy proposition:

"While I was out on the west coast during the war period, when it was difficult to secure labor and manpower, there was an employer who required some help in his office. He had filled his quota of employees from the War Manpower Commission. It was suggested to him by the WMC that he secure the services of a blind Dictaphone operator, and he replied, 'Do you think she can do the work?' 'Why, of course,' was the answer. 'I will underwrite her.' Reluctantly, he accepted the proposal and he hired this blind Dictaphone operator, and she almost revolutionized the work of his office. She did the work of five girls. He prospered, and he needed more help. Again he applied to the WMC. They suggested to him, 'Why don't you get another blind Dictaphone operator?' Whereupon he arose in all his dignity and said, 'I have done my bit.'"

Until fairly recently, to be sure, there was some point to the reaction of this patriotic employer. For while the attitude of all who came into contact with the blind—teachers, social workers, psychologists, employers, and the community in general—was one of pity and protection, it was hard indeed for the blind person not to share the common view of his low estate. Set off from the moment of affliction in a special caste, his vocational preparation was limited almost exclusively to the so-called "blind trades"—i.e. mop-making, chair-caning, basket-weaving, and perhaps (for the superlatively gifted) piano-tuning. When this was all that blind people were allowed to learn, it was easy to believe that it was all they were capable of doing.

The monotonous routine of the blind trades is still commonly the fate of those who become blind. But in recent years there has appeared a discernible crack in the stereotype, and a widening rift in the gloom. Today there are blind lawyers by the scores across the country—at least as many blind schoolteachers, and growing numbers of college professors like myself. I number among my own acquaintances a blind nuclear physicist, a blind chemist, a blind judge, a blind ex-congressman, and (perhaps most unexpected of all) a blind electrician. In fact, whenever I think that at last I have discovered a job or profession which the blind cannot perform, I soon discover some sightless man or woman making a flourishing career of it.

The wartime record of the blind in competitive industry, like that of the physically handicapped in general, was—or should have been—a revelation to employers. Not only were blind workers in the defense industries equally as efficient and productive as their sighted colleagues, they were considerably more stable and reliable in their employment. When, during a manpower shortage, the blind were given a fair chance at normal competitive jobs, together with adequate training and selective placement, they quickly surpassed the expectations of everyone—including, no doubt, themselves. Unhappily, in this particular marketplace, truth was not quite strong enough to vanquish error in open combat. When the war ended, the exiled stereotype of the helpless blind man was speedily restored to its former prominence; those who were the last to be hired were the first to be fired. Society, as it seemed, had only been economically willing to take them on as extra hands; it was not yet psychologically prepared to take them in as equals.

Full membership in society is today withheld from America's blind population—much as it is from her major minority groups—through unreasoning and largely unacknowledged public attitudes, which interpret physical disability as total inability and tend to smother efforts at improvement beneath a blanket of shelter and protection. The integration of the blind and minority groups into society hangs largely upon their assimilation into the economy; for lacking economic security men cannot develop their capacities or contribute to the community, and lacking economic opportunity their citizenship is in a real sense "second-class."

Fortunately, it is in the field of employment that prejudice and discrimination are most susceptible of reform—and where the significant steps are presently being taken. Indeed, it is not too much to say that the nation's blind stand today on the threshold of a new era of full and equal participation in their society. But for this prospect to become a reality, a sweeping new approach is needed in all areas of welfare and employment. This new approach is admirably exemplified by the work of your own Iowa Commission for the Blind in its new orientation and training center, in its vending stand program, in its vocational rehabilitation program, and in the philosophy and atmosphere which pervades all of its activities. The "charity" approach, the "custodial" approach, the "sheltered" approach, even the "humanitarian" approach—all must give way to a new spirit of equalitarianism which centers uncompromisingly around the root concept of the normality of those who are blind. It must be recognized that the overriding problem of blindness is one not of physical disability but of social handicap. Eliminate the handicap and the disability will take care of itself—or, more precisely, the disabled will take care of themselves.

In the New Testament the words appear: "We walk by faith, not by sight." The lesson is plain. For the blind to walk the thoroughfares of society, to enter its mainstream in fraternity and freedom, requires a double faith: a faith in themselves and their own abilities, and a faith in society and its ability to remove the stumbling-blocks of prejudice from their path.

It is much the same with the former convict. The way of the transgressor is no less beset by stumbling-blocks which society alone has the power to remove. Here too the age-old approaches to crime and punishment need to be thoroughly swept away. The primitive approach of vengeance and retaliation; the punitive approach of deliberate cruelty and deprivation; the fearful approach of the criminal stereotype—all must be given up in favor of the rehabilitative and democratic approach centering around the concept of equality and the presumption of normality. The motto of a just society was coined long ago: "Forgive us our trespasses, as we forgive those who trespass against us."

Finally, the massive stumbling-blocks in the path of the Negro must be clearly recognized, and the bulldozers set to work to root them out. The greatest block of all is the racial legacy of slavery itself, which first created the out-caste of color and carried with it a separate cultural pattern and style of life to match the transiency and degradation of existence as a human chattel. The stereotypes of Negro character which are still brutally purveyed in film and folklore—those of shiftiness and shiftlessness, of promiscuity and vice, of irresponsibility and ignorance—all are related to the background of bondage and the subsequent reluctance of white society to create opportunities for adjustment and integration on democratic terms. No social scientist worth his salt speaks any longer of racial differences in IQ or aptitude, ability or ambition; when the stubborn specter of Jim Crow has at last been given decent burial, we may be confident that the myth of Negro inferiority and incompetence will perish with it. All the traditional approaches which lend aid and comfort to these legends—the approach of "white supremacy," the approach of "separate but equal," the approach of Uncle Tom and Aunt Jemima (those models of servility imposed upon a race)—all must be discarded in favor, once again, of the simple democratic precept of equality.

"There is neither Greek nor Jew, Barbarian nor Scythian, bond nor free. ..." Thus spoke St. Paul two millennia ago. And so it must be with us today in this broad land. There is neither Jew, nor Greek, nor African, nor blind man, nor former convict—but only the free man and citizen in the society of equals to which we aspire.