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What’s most important: Equity or Equality?

Tuesday Reflections, Nov. 23, 2015
Steve Bahls, President of the College

Text: Micah 6:8, "And what does the Lord require of you but to act justly and to love mercy and to walk humbly with your God?"

I first recall hearing today’s scripture from my tenth-grade Sunday school teacher, Mr. Bill Bump. Mr. Bump was lawyer and he said that he always tried to let the biblical injunction in Micah guide him in his work. When I became a lawyer 36 years ago, I was determined to do the same.

This scripture addresses both justice and mercy, which are very different things. Justice is about what people deserve. Mercy is often about forbearance — protecting people from the harsh consequences of what they deserve. Justice is about equality — treating everyone equally. Mercy is about giving a helping hand to all, in order that all have similar quality outcomes.

As a young attorney, I was asked by a judge in Milwaukee to serve as a volunteer probation officer. So I did that, and my eyes were opened. I learned that while the criminal justice system was all about justice, it was not about mercy, and it was often not fair. Even though those convicted of criminal offenses have paid their debt to society, there is little fairness. I learned it’s often almost impossible for those with convictions to get a job, which is a necessary component of getting back on their feet.

For more insight into the relationship between justice and mercy, take a look at this engraving, "Justice," by Brueghel the Elder:
This work of art, from 1559, depicts Lady Justice, or Themis, in its lower center. It is the same depiction of Lady Justice that we see in many America courtrooms. But this is among the earliest depictions of Lady Justice in which she is blindfolded. Prior to this, most art depicting Themis had her seated, holding a cup of libation. We take great pride in thinking about Lady Justice as blindfolded. The blindfold signifies that justice is blind to bias. Lady Justice stands for equality under the law. Everyone is treated the same notwithstanding race, gender, religion or national origin.

But Brueghel, in his engraving, intended to send a different message. He blindfolded Lady Justice, not to demonstrate impartiality, but instead to demonstrate that the justice system can be blind to mercy. Note what surrounds Themis: pain, torture and despair, all done in the name of justice, without mercy.

So, today, we could look at a blindfolded Themis in one of two ways. We could look at her as advancing justice by being impartial and advancing equality — treating everyone the same. Or we could look at her as blind to mercy, fairness and equity. Does she focus on the biblical injunction to "do justice" at the expense of mercy, fairness and equity?

Assuming Lady Justice is blindfolded today, what might she be blind to? While we are proud of our justice system as the greatest in the world, what injustices do we tolerate?
Consider these systemic injustices:

- Racism remains solidly ensconced in today's culture. Just this morning I read a CNN/Kaiser Family Foundation poll that found that 49% of Americans think racism is a big problem in this country, up from 28% in 2011. Sixty-six percent of African Americans, 64% of Hispanic Americans, and 43% of Whites believe that racism is a systemic problem. I fear too often we chose to live with it and not confront it.

- The middle class, which I grew up in, is disappearing. The top quartile of income earners continue to get richer while the bottom quartile continues to get poorer. The middle class gets squeezed, a fact we seem to accept as inevitable rather than confront. Likewise, there is significant income disparity between men and women, between whites and people of color, yet we fight about whether to maintain anti-poverty programs. The unemployment rate for African-American college graduates is twice as high as for white graduates, something that is of deep concern for us in higher education.

- There is an unacceptable disparity in educational achievement. If you are born into a household in the bottom quintile of income, your chances of obtaining a 4-year college degree are remote. But if you are born into an upper-income household, your chances of obtaining a four-year college degree are very high. But we accept that difference. We do so by accepting the State of Illinois not funding promised grants to college students as its leaders engage in a childlike stand-off. We do so by accepting the United States Congress terminating the Perkins Loan program, which serves the poorest of the poor.

- It is no secret that racial minorities are disproportionately incarcerated, dismantling families, destroying hope and ruining human potential. But we fail to address the underlying causes of this unacceptable situation.

- The criminal justice system seems, at times, to tolerate and cover up excessive police force, particularly when directed against minorities. The recent shooting of unarmed Chicago teen, Laquan McDonald and the apparent efforts to cover up the details of the case are deeply troubling and should outrage us all.

These are only a few of the injustices we collectively tolerate. I fear we are focused more on equality than equity within our society. The same is true at times at Augustana. The Association of American Colleges and Universities publication, "Step up & Lead for Equity: What Higher Education Can Do to Reverse Our Deepening Divide," describes the difference as follows:

"Equality is about sameness; it focuses on making sure everyone gets the same thing. Equity is about fairness; it ensures that each person gets what [the person] needs. This distinction is especially important in education, where there are visible gaps in opportunities and outcomes for large numbers of students... To effectively educate today's students, higher education must focus on both equity and equality - to make the most empowering forms of college learning available to all students."

At Augustana, we are proud that we treat students equally, with strong anti-discrimination policies in admissions and in our educational programs. But do we treat students equally or fairly? Augustana has certainly made progress. The graduation rate of historically under-represented groups, while improving, still lags the graduation rate of white students. And according to our research, historically under-represented students have less of a sense of belonging at Augustana than white students. These disparities are unacceptable and I have challenged our faculty and staff to address these issues.
Equity, which we should be striving to achieve at Augustana, requires us to give a helping hand to those who need one. In my family’s case, the GI Bill enabled by father to go to college after his service in World War II. He was given a helping hand when he needed it. As for me, I grew up in a middle-income family, the son of a college-educated father, and benefitted from a stable family and a strong church connection. I have been given a helping hand at virtually every juncture. Too many in our society don't get one.

Who needs a helping hand at Augustana? Many students. First generation students do not always have the benefit of a parent or someone else at home who knows the ropes of college. International students, especially those with English as a second language, may need assistance to fully engage with an Augustana College education. Students with religious beliefs other than those of our Christian founders need to see concrete support of their spiritual journeys. Members of historically under-represented racial groups need role models, mentors and champions like I had during my college years.

That’s why I’ve urged everyone involved in hiring to increase our diversity within the ranks of our faculty, administration and staff. Poorer students also need a helping hand, as the cost of education escalates. That why I have agreed with our board to devote the next four or five years to working to double our endowment, with the goal of making Augustana affordable to all. There are many more examples of historically underrepresented groups that deserve our welcome and support. And we need to listen to our students to better understand the disparities they experience and how we can become part of the solution.

So what is more important at Augustana — justice or mercy? Equality or equity? Each is important. Equality is a missed opportunity without equity. May Augustana be a place where we do justice, love mercy and walk humbly with God. And may Augustana, in the process, be a place of equity and fairness.