Environmental Racism and Black Theology: James H. Cone Instructs Us on Whiteness

Marguerite L. Spencer

Bluebook Citation
# Essay

## Environmental Racism and Black Theology: James H. Cone Instructs Us on Whiteness

**Marguerite L. Spencer**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Introduction</td>
<td>288</td>
</tr>
<tr>
<td>II.</td>
<td>Context</td>
<td>290</td>
</tr>
<tr>
<td></td>
<td>A. Environmental Racism</td>
<td>290</td>
</tr>
<tr>
<td></td>
<td>B. The Environmental Justice Movement</td>
<td>293</td>
</tr>
<tr>
<td></td>
<td>C. Governmental Responses</td>
<td>295</td>
</tr>
<tr>
<td>III.</td>
<td>James H. Cone and Whiteness</td>
<td>297</td>
</tr>
<tr>
<td></td>
<td>A. Black Theology</td>
<td>297</td>
</tr>
<tr>
<td></td>
<td>B. White Theology</td>
<td>299</td>
</tr>
<tr>
<td></td>
<td>C. The White Problem</td>
<td>301</td>
</tr>
<tr>
<td></td>
<td>D. White American Structures</td>
<td>302</td>
</tr>
<tr>
<td>IV.</td>
<td>Toward an Ecological Ethic of True Reconciliation</td>
<td>303</td>
</tr>
<tr>
<td></td>
<td>A. True Reconciliation</td>
<td>304</td>
</tr>
<tr>
<td></td>
<td>B. An Ecological Ethic of Reconciliation</td>
<td>305</td>
</tr>
<tr>
<td>V.</td>
<td>Environmental Justice and the Legal Profession</td>
<td>306</td>
</tr>
<tr>
<td>VI.</td>
<td>Conclusion</td>
<td>311</td>
</tr>
</tbody>
</table>

## I. Introduction

"What should we do with trash? It depends on who the "we" are. If the polity is racial, and political power significantly racialized, then there will be a white "we" whose collective rationality and moral group psychology differ from the black minority and who have differential power over them."\(^1\)

Charles W. Mills

---

People of color have environmental experiences that differ from those of whites because the environment, like race, is both a social and a cultural construct. Throughout history, those who society has identified as white have appropriated land and resources, controlling the movement and hindering the economic development for people of color. Whites are free to express themselves, to live where they want, and to develop the kinds of relations with the land as they see fit. People of color, however, do not enjoy all of these choices. Consequently, "one of the enduring struggles of people of color is that of self-determination—the struggle to define who they are and how they interact with the land."3

Throughout his works, Protestant black theologian James H. Cone strengthens black identity and develops a theology of liberation from white oppression. "Theology is not universal language," he argues: "it is interested language and thus is always a reflection of the goals and aspirations of a particular people in a definite social setting."4 Black theology speaks to and for blacks as they strive to remove the structures of white power which compromise their being and their blackness.5 In a short essay entitled "Whose Earth Is It, Anyway?," Cone argues that the logic behind the slavery and segregation that strips blacks of their humanity is the same logic that strips nature of its dignity. "It is a mechanistic and instrumental logic," Cone writes, "that defines everything and everybody in terms of contribution to the development and defense of white world supremacy."6

Although Cone admits he does not fully develop a black eco-theology, he insists on the need to establish such a connection. Those who fight white racism but fail to link it to ecological degradation are anti-ecological, he claims, and those who fight ecological degradation and fail to fight white supremacy are racist.7 I agree with Cone, but argue that his well-developed position on whiteness contributes more to this ecological battle than he realizes. After an overview of environmental racism, the environmental justice movement, and governmental responses, I carefully examine black theology and Cone’s teachings on white theology, whiteness, and racialized societal structures. Next, I follow this with a description of what it takes to reconcile whiteness and blackness, particularly within the context of the legal profession. My goal is to demonstrate the need for white environmentalists, theo-

---

7. Id.
logians, and professionals, including attorneys, to die to their whiteness, as Cone demands, in order to alleviate environmental racism and redeem the earth.\textsuperscript{8}

II. CONTEXT

"If we must die, let it not be like hogs,
Hunted and penned in an inglorious spot,
While all around us bark the mad and hungry dogs,
Making their mock at our accursed lot."\textsuperscript{9}

Claude McKay

A. Environmental Racism

Environmental racism harms communities of color. It is just as real as the racism that exists in housing, employment, and education. Many credit Rev. Benjamin F. Chavis Jr., former head of NAACP, with coining the term "environmental racism" during his tenure (1985–1993) as executive director of the United Church of Christ's Commission for Racial Justice (CRJ). Others like Robert D. Bullard have been exploring the issue since the 1970s.\textsuperscript{10} Chavis provides the most recent definition of environmental racism, what some call "toxic colonialism" or "environmental genocide."

Environmental racism is racial discrimination in environmental policymaking. It is racial discrimination in the enforcement of regulations and laws. It is racial discrimination in the deliberate targeting of communities of color for toxic waste disposal and the siting of polluting industries. It is racial discrimination in the official sanctioning of the life-threatening presence of poisons and pollutants in communities of color. And, it is racial discrimination in the history of excluding people of color from the mainstream environmental groups, decision-making boards, commissions, and regulatory bodies.\textsuperscript{11}

According to Bullard, all communities are not created equal.\textsuperscript{12} Governmental policies, marketing practices of the housing industry, and discrimination by lending institutions have led to the development of spatially differentiated metropolitan areas where communities of color are segregated

\textsuperscript{8} Cone, God of the Oppressed, supra note 4, at 223–25.
\textsuperscript{9} Id. at 28. McKay was a poet of the Harlem Renaissance in the 1920s and 1930s.
\textsuperscript{10} Melosi, supra note 2, at 56.
\textsuperscript{11} Id. at 58; Benjamin F. Chavis, Jr., Foreword to Confronting Environmental Racism: Voices from the Grassroots 3 (Robert D. Bullard ed., 1993) [hereinafter Bullard, Confronting Environmental Racism].
from white Americans. Millions of blacks remain geographically isolated in economically depressed and polluted urban neighborhoods away from the affluent suburban job centers. Apartheid-type housing limits mobility, reduces job opportunities and hinders environmental choices. Moreover, white NIMBYism ("not in my backyard") becomes PIBBYism ("place in blacks back yard"), and, along with poor enforcement of environmental regulations, leads to the construction of garbage dumps, landfills, incinerators, sewer treatment plants, recycling centers, prisons, drug treatment units and public housing projects in minority communities rather than in white ones. White communities are simply more effective at blocking hazardous placements. They have the necessary resources, and politicians are more sensitive to their needs because they are able to relate well with them. As some black residents of affected areas report themselves, they "don't have the complexion for protection."

The majority of investigators agree that race, independent of class, plays a significant role in the distribution of environmental toxins. In its landmark 1987 study, Toxic Wastes and Race in the United States, the CRJ found "race to be the single most important factor (i.e., more important than income, home ownership rate, and property values) in the location of abandoned toxic waste sites." The study also found that three out of five African Americans lived in communities with abandoned toxic-waste sites and three of the five largest commercial hazardous waste landfills are located in predominantly black or Latino communities. Native Americans are also targeted; their reservations have been victim to the siting of waste disposal facilities in what Robert D. Bullard calls a form of "garbage imperialism." These and similar studies show that environmental and health laws do not provide equal protection to communities of color. Industries contribute to

14. Id.
15. Id.
16. Id.
18. Mills, supra note 1, at 88.
20. Bullard, Environmental Justice for All, supra note 19, at 17.
21. Id. at 17–18.
22. Id. at 17.
23. Id. at 11.
this disparity out of a desire for a favorable business climate and increased profits, subordinating their responsibility to society.\textsuperscript{24}

Unfortunately, polluting technologies and industries often are placed or remain in communities of color with their approval. Local officials and industry leaders argue that acceptance of many reform proposals would result in plant closures, layoffs, and economic dislocation. They lead the public to believe that there is no alternative to "business as usual" operation. If workers want to keep jobs they must work under conditions that are hazardous to them, their families and their community. Bullard calls this form of racism "economic blackmail."\textsuperscript{25} The government exacerbates the situation by favoring polluting industries over "victims," institutionalizing unequal enforcement of laws and regulations, and delaying cleanups.\textsuperscript{26}

Only recently have we begun to acknowledge the important connection between the environment and public health. Under the Superfund Amendments and Reauthorization Act of 1986 (SARA),\textsuperscript{27} citizens have the right to know how landfills, hazardous waste sites, incinerators, manufacturing plants, and other polluting facilities in their communities compromise their health.\textsuperscript{28} Even in those instances, people of color do not have the same opportunities as whites to escape unhealthy physical environments. Housing discrimination and residential segregation prevent blacks from fleeing their health-threatening physical environments.\textsuperscript{29}

Harvey L. White argues that hazardous waste represents "one of the greatest health threats humans have ever faced," a more imminent danger than even AIDS.\textsuperscript{30} We cannot control or limit exposure of toxins. Toxins enter the body through skin, inhalation, and ingestion, and tens of thousands are exposed annually. The Environmental Protection Agency (EPA) calculates that extant-air toxins cause more than two thousand cases of cancer each year. It also reports that living near a chemical plant poses a lifetime cancer risk to greater than one in one thousand. Perceived health threats can also result in stress-related illnesses which, in turn, can weaken the body's ability to fight off potential invaders.\textsuperscript{31} Carl Anthony, president of Earth Island Institute, writes of a different sort of health factor when he claims

\begin{itemize}
\item \textsuperscript{24} Ken Geiser & Gerry Waneck, \textit{PCBs and Warren County}, in Unequal Protection: Environmental Justice and Communities of Color, \textit{supra} note 19, at 46.
\item \textsuperscript{25} Bullard, \textit{Residential Segregation}, \textit{supra} note 13, at 81.
\item \textsuperscript{26} Melosi, \textit{supra} note 2, at 59.
\item \textsuperscript{27} See Pub. L. No. 99-499, 100 Stat. 1613 (1986).
\item \textsuperscript{28} Robert D. Bullard, \textit{Introduction} to Unequal Protection: Environmental Justice and Communities of Color, \textit{supra} note 19, at ix.
\item \textsuperscript{29} Bullard, \textit{Anatomy}, \textit{supra} note 12, at 27.
\item \textsuperscript{30} Harvey L. White, \textit{Hazardous Waste Incineration and Minority Communities, in Race and the Incidence of Environmental Hazards: A Time for Discourse}, \textit{supra} note 19, at 126.
\item \textsuperscript{31} \textit{Id.} at 127–29.
\end{itemize}
that black males in particular face "utter alienation" from the natural environment and loss of contact with living and growing things.\textsuperscript{32} 

\textbf{B. The Environmental Justice Movement}

Environmental racism is the central concern of the environmental justice movement which emerged in the late 1970s.\textsuperscript{33} The movement drew inspiration from Martin Luther King, Jr.'s environmental, social, and economic justice mission on behalf of striking black garbage workers in Memphis. A decade later, black homeowners in Houston fought to prevent the creation of a sanitary landfill in their suburban middle-income neighborhood. They formed an action group and filed a class action lawsuit to block its construction. It was the first suit of its kind to challenge the siting of waste facilities under civil rights law.\textsuperscript{34} Three years later, the environmental justice movement gained national attention when residents of rural, mostly black Warren County, North Carolina protested a PCB (polychlorinated biphenyls) landfill producing five arrests. At the same time, literature dealing with environmental discrimination and environmental racism began to appear. During the 1980s, toxic waste became widely recognized as a serious environmental problem and more people of color began fighting environmental issues in their communities.\textsuperscript{35}

The broader environmental movement began to concern itself with social justice issues as well. Deeohn Ferris notes that "the environmental justice movement is the confluence of three of America's greatest challenges: the struggle against racism and poverty, the effort to preserve and improve the environment, and the compelling need to shift social institutions from class division and environmental depletion to social unity and global sustainability."\textsuperscript{36}

In 1987, as cited earlier, the CRJ published the first comprehensive national study of demographic patterns associated with location of hazardous waste sites showing that race was the single variable best able to predict siting of hazardous waste facilities.\textsuperscript{37} Three years later, a multiracial group of more than six hundred met in Washington, D.C. for the first National People of Color Environmental Leadership Summit, entitled \textit{A Call to Action}. Its goal was to build a national and international movement of all peoples of color to fight the taking, destruction, and poisoning of their lands and communities and to secure the political, economic and cultural libera-

\begin{itemize}
\item \textsuperscript{32} Melosi, \textit{supra} note 2, at 53.
\item \textsuperscript{33} Id. at 48.
\item \textsuperscript{34} See Bean v. Sw. Waste Mgmt. Corp., 482 F. Supp. 673 (S.D. Tex. 1979).
\item \textsuperscript{35} Laurie A. Kutner & Rafael Mares, \textit{Environmental Discrimination} 3 (Deborah Thompson-Wise ed., Council of Planning Librarians 1994).
\item \textsuperscript{36} Deeohn Ferris, \textit{A Call for Justice and Equal Environmental Protection}, in \textit{Unequal Protection: Environmental Justice and Communities of Color}, \textit{supra} note 19, at 298.
\item \textsuperscript{37} Melosi, \textit{supra} note 2, at 56–57.
\end{itemize}
tion from over five hundred years of colonization and oppression. The Summit laid out principles of environmental justice acknowledging the sacredness of our Mother Earth, the ecological unity and interdependence of all species, and the right to be free from ecological destruction. Among other demands, it called for public policy based on mutual respect and justice for all people, the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care, and the education of present and future generations emphasizing social and environmental issues. The Black Church followed suit, calling the 1993 National Black Church Environmental and Economic Summit.

In 1994, the Center for Policy Alternatives (CPA) released a follow-up study to the CRJ report entitled Toxic Wastes and Race Revisited. The CPA found that from 1980 to 1993, the concentration of minorities in zip code areas with commercial toxic-waste facilities grew from twenty-five to thirty-one percent, despite grassroots activism and growing national attention to the issue. People of color were nearly fifty percent more likely than whites to live near a commercial toxic-waste facility, and three times more likely than whites to live in communities with multiple toxic-waste facilities. In the same year the Environmental Justice Resource Center (EJRC) was founded at Clark Atlanta University.

The environmental justice movement derives most of its strength, however, from hundreds of grassroots organizations around the country at the state and local levels. Mainstream environmental organizations have begun to change and deconstruct the myth that people of color do not care about the environment and are increasingly providing support to grassroots organizations. According to University of Indiana-Bloomington Professor Edwardo Lao Rhodes, the movement contributes more than just an additional set of voices to the dialogue on environmental policy and a cry for fair treatment from previously disenfranchised communities. The greatest

39. Id. at 274–75.
41. Id. at 2.
42. Id. at 5.
43. The Environmental Justice Resource Center (EJRC) is a nationally known comprehensive university-based center dedicated to education, research, information dissemination, communications, and community service related to human rights, environmental and economic justice, healthy and livable communities, sustainable development, fair housing, land use planning, transportation, smart growth, and regional equity. Over the past decade (1994–2004), the EJRC has provided leadership in education, training, research, policy, publication, information dissemination, technical assistance, and community outreach. See http://www.ejrc.cau.edu/ejrcmilestones.html (last visited Oct. 31, 2007).
44. Bullard, Confronting Environmental Racism, supra note 11, at 24.
45. See id. at 26.
significance of the environmental justice movement, Rhodes argues, is “the recognition that matters of social and economic impact can no longer be ignored when formulating and implementing environmental policy.”

Some members of the environmental justice movement, however, charge current environmentalists and conservationists with racism or “green bigotry.” They believe that it is necessary to make human needs and interests subservient to animals, trees, and waterways and claim a full range of rights, including fair public treatment, legal protection, and compensation. This criticism of mainstream environmentalism, however, does not mean that minorities have little or no concern for the full range of environmental issues.

C. Governmental Responses

Although the nation’s environmental laws, regulations, and policies have not been applied fairly across segments of the population (e.g., a National Law Journal 1992 study documented racial disparities in the administration of the Superfund program), the environmental justice movement has made inroads into the policy framework of governmental agencies charged with environmental protection. The EPA, and to a lesser extent other federal agencies, has begun to recognize that environmental policies and regulations affect different populations in different ways.

In 1992, the EPA established an Environmental Equity Workgroup to study environmental inequities. In Environmental Equity: Reducing Risk for All Communities, it reported that people of color and low-income people were disproportionately exposed to lead, selected air pollutants, hazardous waste facilities, contaminated fish and agricultural pesticides in the workplace. Subsequently, the EPA created the Office of Environmental Justice (OEJ), charged with coordinating the Agency’s efforts to address environmental justice issues. It also established a twenty-six member National Environmental Justice Advisory Council (NEJAC) representing grassroots

47. Melosi, supra note 2, at 51–53.
48. Marianne Lavelle & Marcia Coyle, Unequal Protection, Nat’l L. J., Sept. 21, 1992, at S1–S2. For example, penalties applied under hazardous waste laws at sites having the greatest white population were 500 percent higher than penalties at sites with the greatest minority population. For all the federal environmental laws aimed at protecting citizens from air, water, and waste pollution, penalties for non-compliance were 46 percent higher in white communities than in minority ones.
49. Bullard, Environmental Justice for All, supra note 19, at xvii.
50. Clarice E. Gaylord & Elizabeth Bell, Environmental Justice: A National Priority, in Faces of Environmental Racism, supra note 1, at 29, 32.
51. For more information on the OEJ, see http://www.epa.gov/compliance/environmentaljustice/ (last visited Oct. 31, 2007).
community groups; environmental groups; state, local and tribal governments; academia; and industry.52

A year later, three bills were proposed in the 103rd Congress. The Environmental Justice Act would have provided the federal government with the statistical documentation of the top 100 "environmental high impact areas"53 that warrant attention. The Environmental Equal Rights Act would have amended the Solid Waste Act54 and prevented waste facilities from being sited in "environmentally disadvantaged communities."55 Finally, the Environmental Health Equity Information Act56 would have amended the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA)57 to require the Agency for Toxic Substances and Disease Registry to collect and maintain information on race, age, gender, ethnic origin, income level, and educational level of persons living in communities adjacent to toxic substance contamination.58 All three bills met with defeat.59

Perhaps to compensate, seven federal agencies including the EPA and CDC sponsored the health symposium Health Research Needs to Ensure Environmental Justice in 1994. It recommended that the appropriate agencies: (1) "Conduct meaningful health research in support of people of color and low-income communities;"60 (2) "Promote disease prevention and pollution prevention strategies;"61 (3) "Promote interagency coordination to ensure environmental justice;"62 (4) "Provide effective outreach, education, and communications;"63 and (5) "Design legislative and legal remedies."64 The same year, President Clinton issued an executive order requiring federal agencies to achieve environmental justice "by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects" on minority and low-income populations.65

52. For more information on NEJAC, see http://www.epa.gov/compliance/environmentaljustice/nejac/index.html (last visited Oct. 31, 2007).
58. Robert D. Bullard, Decision Making, in Faces of Environmental Racism, supra note 1, at 3, 10.
59. This could be due to “risk-assessment requirements, unfunded mandates, cost benefit analysis, and industry's use of the Constitution's 'takings' provisions.” Gaylord & Bell, supra note 50, at 29, 35.
60. Bullard, Residential Segregation, supra note 13, app. 2 at 228.
61. Id. at 229.
62. Id. at 230.
63. Id. at 231.
64. Id. at 232.
In 1997, the "EPA adopted a significant guidance document requiring broader use of cumulative risk assessments" and broader participation of minority and low-income affected populations.\(^{66}\) Finally, the EPA issued a guidance document on Title VI in 1998 to identify discrimination in the permitting process by defining it as a "disparate impact" on a racial or ethnic population without an "acceptable mitigation plan."\(^{67}\) Some states have also begun to address environmental justice concerns.\(^{68}\) While these efforts are noteworthy, remedying environmental racism requires an entire battery of reforms that implicate those in privileged positions. I turn now to the black theology of James Cone and his understanding of whiteness to provide a lens through which to examine and foster environmental justice.

III. JAMES H. CONE AND WHITENESS

"When I say that injustice is violence, I mean that the slum environment, the structure of the slum itself, works violence against those who live within it, even if they never experience the physical harm so often attendant on slum dwelling."\(^{69}\)

James H. Cone

A. Black Theology

Black theology was born in response to the rise of Black Power, which emerged during the civil rights movement as a call for the complete emancipation of blacks from white oppression by whatever means black people deemed necessary.\(^{70}\) The phrase "black theology" took form as the black clergy re-examined their beliefs in the context of the black revolution. They searched for a theological basis upon which to stand.\(^{71}\) Cone argues that

---

\(^{66}\) Mary O'Brien, Making Better Environmental Decisions: An Alternative to Risk Assessment, in ENVIRONMENTAL JUSTICE: LAW, POLICY & REGULATION, 104 (Clifford Rechtschaffen & Eileen Gauna eds., 2002). The policy notes that "[f]or most of our history, EPA has assessed risks and made environmental protection decisions based on individual contaminants—such as lead, chlordane, and DDT—with risk assessments for these chemicals often focused on one source, pathway or adverse effect. Today, better methods and data often allow us to describe and quantify the risks that Americans face from many sources of pollution, rather than by one pollutant at a time." Id. (quoting U.S. EPA, Final Guidance, (Apr. 1998)).

\(^{67}\) EPA, Interim Guidance for Investigating Title VI Administration Complaints Challenging Permits (Feb. 1998).

\(^{68}\) For example, "Arkansas and Louisiana were the first to enact environmental justice laws. . . . Texas created the Environmental Equity and Justice Taskforce." Gaylord & Bell, supra note 50, at 29, 35.


\(^{70}\) Cone, Black Power, supra note 5, at 5–6. For a less angry and more reconciliatory approach to black theology than Cone's, see J. DEOTIS ROBERTS, LIBERATION AND RECONCILIATION: A BLACK THEOLOGY (2005).

\(^{71}\) JAMES H. CONE, FOR MY PEOPLE: BLACK THEOLOGY AND THE BLACK CHURCH, WHERE HAVE WE BEEN AND WHERE ARE WE GOING? 20 (1984) [hereinafter Cone, For My People].
black theologians and preachers rejected the white teaching about the meek long-suffering Jesus, focusing instead on the revolutionary Black Christ who "'preached good news to the poor,' 'proclaimed release to the captives,' and 'let the oppressed go free.'"72 Initially viewed with suspicion by the white theological establishment,73 black theology grew in respectability in the 70s and embraced a critical stance toward not only racism, but to the individualism and materialism of the American economic system as well.74 Womanist theology, which focused on a black feminist critique of whiteness and white theology, emerged over time,75 as did a broader focus on the "liberation of all people from a 'world-wide system of oppression.'"76

In 1969, James H. Cone contributed to this development with his work *Black Theology and Black Power,*,77 drawing heavily upon Malcolm X and signaling mounting black rage against white religion.78 Cone grew up during Jim Crow in the Macedonian African Methodist Episcopal (AME) Church, in a Christ-centered community. Once a student of the white theological world, Cone describes his awakening from his "theological slumber," as he came to view white theology as irrelevant to black suffering. He writes:

... the blackness in my theological consciousness exploded like a volcano after many dormant years ... I discovered a way of articulating what I wanted to say about theology and race that not only rejected the need for my professors' approval, but challenged them to exorcise the racism in their theologies ... I was transformed from a negro theologian to a black theologian, from an understanding of theology as an analysis of God-ideas in books to an understanding of it as a disciplined reflection about God arising out of a commitment to the practice of justice for the poor.79

---

74. Id. at 6.
76. A Documentary History, supra note 73, at 10.
77. For another critical contribution to the origin of black theology, see Albert B. Cleage, Jr., The Black Messiah (1968).
78. Cone, Speaking the Truth, supra note 69, at 69.
Cone described himself as "the angriest black theologian in America," vocalizing his anger stretching back to the slave ships, the lynching, and the current deaths of blacks. When anger is the appropriate response, he argues, avoiding it "as if it were 'an inevitable contamination' is to set boundaries upon truth itself."81

Black theology, however, emerged out of the teachings of Rev. Dr. Martin Luther King, Jr., calling for the creation of his revolutionary "beloved community." As Cone describes it, the emergence of black theology was "due to the attempt of black theologians to integrate a cleavage in black life: Martin and Malcolm, Christianity and blackness, Christian love and a militant defense of black dignity."82 Cone learns from Malcolm how to make theology black and never again to despise his African origin. Cone learns from Martin, "how to keep theology Christian and never allow it to be used to support injustice."83 As M. Shawn Copeland describes it, black theology continues to strive "for justice in neighbor-directed praxis and for humble, righteous anger as it nurtures compassion and solidarity in efforts to reverse structural injustices."84 Environmental racism is one such form of injustice, and Cone questions the ability of white theology to address it.

**B. White Theology**

According to Cone, white theology, the predominant paradigm out of which both unconverted white and acquiescing blacks work, is a theology of the Antichrist. It identifies with the white community, seemingly placing God's approval on white oppression of blacks.85 White theology is also an ideology, he claims, "an axiological perspective that contradicts the divine will to liberate the poor and the downtrodden."86 The question is not whether theology is determined by social interest, Cone asks, but rather whose social interest, the oppressed or the oppressors.87

Some whites seek justification for the existence of white suburban churches that contradict the essence of Jesus' gospel of liberation, Cone notes. Some whites put physical oppression derived from unjust social structures in the same category with suburban loneliness, implying that ei-
ther one may be the point of departure for understanding the gospel of liberation. Oppressors cannot seem to understand either oppression or liberation, Cone argues.88

Cone points to the appalling silence on racism amongst white theologians. With few exceptions, they are so bound to the social a priori of white culture—argues Cone—that the liberation of people of color is at best a peripheral theme.89 They write and teach as if they do not need to address the radical contradiction that racism creates for Christian theology, often denying any relationship between the scriptures and our struggle for freedom. Cone contends that white images and ideas dominate Christian religious life and the intellectual life of theologians, reinforcing the "moral" right of whites to dominate people of color economically, politically, and, I argue, ecologically. White supremacy is so widespread, it becomes the "natural" way of viewing the world.90 It is for this reason that Cone argues white theologians have a negative reaction to the Christ who takes on blackness to redeem it. Their whiteness blinds them to the truth of the biblical story and leads them to maintain the status quo.91 Cone notes that even when white theologians reflect on God and suffering (the problem of theology), racism is rarely a central issue in their analysis. "It is amazing," he writes, "that racism could be so prevalent and violent in American life and yet so absent in white theological discourse."92 Cone concludes that white theologians are slaves to an unconscious racism. Ignoring racism, he claims, cannot get rid of this "cancer" that is deeply embedded in history and in current structural arrangements, including our environment.93

Cone boldly asserts that what white theologians need themselves is liberation! This will only happen when they face the reality of black theology and what it means for the oppressed of the land.94 "[W]hen blacks assert their freedom in self-determination, whites too are liberated."95 It is time for white theologians to leave their ivory towers and deal with real life-and-death issues of blacks, Cone implores. White churches must change sides and relinquish their claims to lofty neutrality. They must identify utterly with the oppressed, taking on the sting of oppression themselves.96 Only then can they build up God's Kingdom by remedying the racialized wrongs in the academy and in the ghetto.

88. See id. at 137.
89. See id. at 89.
90. Cone, Risks of Faith, supra note 80, at 130–31; Cone, For My People, supra note 71, at 64.
91. Cone, God of the Oppressed, supra note 4, at 123.
92. Cone, Risks of Faith, supra note 80, at 133.
93. See id. at 132.
95. Cone, Black Power, supra note 5, at 41 (emphasis added).
96. See id. at 83.
Cone writes that in order for theologians to speak of God, they must become interested in politics and economics, and, I argue, ecology. They must also announce a theology of revolution—a theology which radically encounters the problems of the disinheritd black people in toxic American slums and the oppressed people of color throughout the world. A necessary first step is to acknowledge that white privilege is problematic.

C. The White Problem

Like Malcolm X, Cone passionately speaks out against unrepentant whiteness. There is no black problem, he argues. "[T]he problem of race in America is a white problem." Whiteness expresses what is wrong and symbolizes man's depravity, he writes. Environmental racism and NIMBYism are fruits of this depravity. They allow most whites to remain in areas that are least affected by toxins.

Most significantly, white power strips blacks of their dignity. The structures of white society, Cone argues, try to make "black being" into "nothingness." Whites dehumanize others because of their feelings of superiority or for their economic and ecological advantage. As Cone describes it:

For over three hundred years black people have been enslaved by the tentacles of American white power, tentacles that worm their way into the guts of their being and "invade the gray cells of their cortex." For three hundred years they have cried, waited, voted, marched, picketed, and boycotted, but whites still refuse to recognize their humanity.

As such, blacks see history differently than whites, argues Cone. For them, white Americans decreed that blacks were outside the realm of humanity and that blacks were animals that needed enslavement. Today, whites try to "integrate" blacks into white society, which blacks experience as assimilation. Whites may use less offensive language today but they have not changed the power imbalances between themselves and blacks, Cone notes. When combined with token presence of middle-class blacks in white institutions, it becomes more difficult to define the racist behavior of whites. Yet we have seen that race, independent of class, is the primary indicator of the location of environmental hazards.

97. Cone, God of the Oppressed, supra note 4, at 57.
98. Cone, Black Power, supra note 5, at 88.
99. See id. at 22 (emphasis omitted).
100. See id. at 150.
101. See id. at 7.
102. See id. at 16.
103. See id. at 13.
104. Cone, Black Theology of Liberation, supra note 85, at 13.
105. Cone, Black Power, supra note 5, at 18.
Cone insists that "[m]ost whites do not like to talk about white supremacy because it makes them feel guilty."\textsuperscript{106} Oppressors try to expunge the history of their crimes committed against blacks and "portray themselves as the innocent ones."\textsuperscript{107} "Through their control of the media and religious, political, and academic discourse 'they're able,' as Malcolm put it, 'to make the victim to look like the criminal and the criminal to look like the victim.'"\textsuperscript{108} Whites misunderstand violence, Cone argues. They are not really concerned about violence in all cases but only when they are the victims. White theologians use Jesus' so-called "nonviolent" attitude in the Gospels as primary evidence that the oppressed ought to be nonviolent today. But we do not hear from "nonviolent" Christians when blacks are violently enslaved, lynched, ghettoized and poisoned.\textsuperscript{109} In reality, the problem of violence is not just a question for the oppressed but primarily a question for the oppressors.\textsuperscript{110}

It is also too easy for whites to say that racial and spatial disparities are not their fault, notes Cone. Insofar as whites tolerate and sponsor racism in their educational institutions, their political, economic, and social structures; they tolerate their environment and, in every other aspect of American life, they are directly responsible for white oppression. Racism is possible because whites are indifferent to black suffering and cruelty.\textsuperscript{111} Cone only asks whites to consider how the victims of white supremacy must feel, as they try to cope with the attitudes of whites who act as if white supremacy ceased with the passage of the 1964 Civil Rights Bill.\textsuperscript{112} Cone argues further that "[t]here is no place in this war of liberation for nice white people who avoid taking sides and remain friends with both the racists" and blacks.\textsuperscript{113} All whites must account for white oppression, particularly in the way society is structured.

D. White American Structures

According to Eddie J. Girdner and Jack Smith, the degradation of the environment should not be viewed as a mere failure to regulate effectively. Rather, "the destruction of the environment is systemic: a necessary and integral part of the liberal-capitalist political economy of production, con-

\begin{thebibliography}{99}
\bibitem{106} Cone, \textit{Risks of Faith}, supra note 80, at 136.
\bibitem{107} Id. at 132.
\bibitem{108} Id.
\bibitem{110} See id. at 219. Rudolf Bultmann and other Form Critics demonstrate that there are historical difficulties in moving beyond the kerygmatic preaching of the early Church to the real Jesus. See id. at 223.
\bibitem{111} Cone, \textit{Black Power}, supra note 5, at 24.
\bibitem{112} Cone, \textit{Risks of Faith}, supra note 80, at 223.
\bibitem{113} Cone, \textit{Black Power}, supra note 5, at 67.
\end{thebibliography}
sumption . . . waste . . . and profits." Cone would agree with this assessment but would add a theological and racial critique to it as well. The white structure of this American society, he insists, must be at least a part of what Scripture meant by the demonic forces. White racism is integral to the "spirit of the age, the ethos of the culture" and so embedded in the social, economic, and political structure that white society is incapable of knowing its destructive nature. The problem of violence, then, is not the problem of a few black revolutionaries, as was feared during the Civil Rights Movement, but the problem of a whole social structure which outwardly appears to be ordered and respectable but inwardly is "'ridden by psychopathic obsessions and delusions'—racism and hatred." 117

The language of black theology, Cone argues, challenges these destructive "societal structures because it is inseparable from the suffering community." 118 It is as King declared to the Southern Christian Leadership Conference staff in 1967:

Now we are called upon to raise some questions about the house itself . . . . In short, we have moved into an era where we are called upon to raise certain basic questions about the whole society. We are still called upon to give aid to the beggar who finds himself in misery and agony on life's highway. But one day, we must ask the question of whether an edifice which produces beggars must not be restructured. 119

In Black Theology and Black Power, Cone identifies liberation as the heart of Christianity and blackness as the primary mode of God's presence. 120 Black theology applies the freeing power of the gospel—once emancipated from its "whiteness"—to black people under white oppression. 121 For this reason, black theology is an earthly theology. It is concerned with the "white thing" not the "last things" and it offers hope for this life. 122

IV. TOWARD AN ECOLOGICAL ETHIC OF TRUE RECONCILIATION

God's kingdom is not simply a heavenly reality; it is an earthly reality as well. Human beings were not created to work in somebody else's fields, to pick somebody else's cotton and to live in

115. Cone, Black Power, supra note 5, at 41.
116. Id.
117. Cone, God of the Oppressed, supra note 4, at 200 (quoting THOMAS MERTON, FAITH AND VIOLENCE 3 (1968)).
118. Cone, Black Theology of Liberation, supra note 85, at 4.
119. Cone, Speaking the Truth, supra note 69, at 76.
120. Cone, Black Power, supra note 5, at 4–5.
121. Id. at 31–32.
122. See id. at 123.
ghettos among rats and filth. They were created for liberation—for fellowship with God and the projecting of self into the future, grounded in historical possibilities.123

James H. Cone

A. True Reconciliation

Cone looks upon the Kingdom of God as the irruption of a new age in which God acts in history to liberate the oppressed. Through Christ, the poor and helpless are offered freedom to rebel against injustices that make them less than human.124 The new age of the Kingdom of God also disrupts injustices, bringing on a revolutionary usurpation of the present value system and the overthrow of whiteness.125

In this Kingdom, rebellion and revolution meet with reconciliation. Since black liberation is central to Cone’s analysis of the gospel, however, he cannot accept a view of reconciliation based on white values. The Christian view of reconciliation has nothing to do with blacks being nice to whites as if the gospel demands that blacks ignore their insults and humiliation, he writes. Nor does it mean “discussing with whites what it means to be black or going to white gatherings and displaying what whites call an understanding attitude—remaining cool and calm amid racists and bigots.”126 Rather, Cone insists, we must see reconciliation in the social context of black liberation.127

We will only achieve reconciliation when whites address blacks as black.128 Liberation must be expressed in uncompromising language and actions.129 “As long as whites live like white people (through marriage, schools, neighborhood, power, etc.) black people must use blackness as the sole criterion for dialogue.”130 The crucial issue for white Christians is to decide whose side they are on in the struggle for freedom. The gospel demands that they take sides with the victims of injustice and not with the oppressors. There is no third way, no neutral position for the Christian.131

“Reconciliation to God,” argues Cone, “means that white people are prepared to deny themselves (whiteness), take up the cross (blackness) and follow Christ (black ghetto).”132 This conversion produces a “reorientation of one’s whole life and personality, which includes the adoption of a new ethical line of conduct, a forsaking of sin [which for whites is the definition

123. Cone, God of the Oppressed, supra note 4, at 144.
124. Cone, Black Power, supra note 5, at 36.
125. Cone, God of the Oppressed, supra note 4, at 205–06.
126. Cone, Risks of Faith, supra note 80, at 38.
127. See id. at 226.
128. Cone, Black Power, supra note 5, at 147.
129. Cone, God of the Oppressed, supra note 4, at 150.
130. Cone, Black Power, supra note 5, at 148.
131. Cone, Speaking the Truth, supra note 69, at 36.
132. Cone, Black Power, supra note 5, at 150.
of their existence in terms of whiteness] and a turning to righteousness.'”\textsuperscript{133} When whites undergo a true conversion they die to whiteness and are “re-born anew in order to struggle \textit{against} white oppression and \textit{for} the liberation of the oppressed.”\textsuperscript{134} Only then is there a place for them in the black struggle of freedom.\textsuperscript{135}

B. An Ecological Ethic of Reconciliation

Cone believes that Christian theology cannot speak of hope unless hope begins and ends with the liberation of the oppressed in the social context in which theology takes shape.\textsuperscript{136} M. Shawn Copeland agrees that theological witness requires a grasp of our nation’s social and cultural context.\textsuperscript{137} The social context of which I speak here is environmental racism. If we are to build up God’s Kingdom on earth, what are we to do about the racial discrimination in environmental policymaking and enforcement? How do we combat the deliberate targeting of communities of color for toxic waste disposal and polluting industries? What can we do to remedy the exclusion of people of color from the mainstream environmental groups and regulatory bodies?\textsuperscript{138}

The answers turn on who comprises this ambiguous “we.” Cone calls on blacks to assert their blackness and rebel against oppressive structures.\textsuperscript{139} He calls on whites to take on blackness and join the oppressed in the battle for liberation.\textsuperscript{140} I focus here on the latter call. What whites can do about environmental racism depends upon how willing they are to recognize their position of supremacy and die to it. There is no room for absolution of fault and no room for “nice white[s]” who do not want to take sides.\textsuperscript{141} Those who are not fighting racism at all, have very little hope. Those that fight racism but who fail to see the ecological degradation that accompanies blackness have some hope—provided they take on this degradation themselves.

As we have seen, mainstream white-dominated environmentalist groups are often accused of “green bigotry,” when they fail to acknowledge the reality of black suffering and the racism which impinges so heavily on their daily existence. If these environmentalists are not tackling their complicity in making environmental racism a reality, they are, according to

\begin{itemize}
  \item \textsuperscript{133} Cone, \textit{God of the Oppressed}, supra note 4, at 221 (quoting Alan Richardson, \textit{Repent}, in \textit{A Theological Word Book of the Bible} 194 (1960)).
  \item \textsuperscript{134} \textit{Id.} at 242.
  \item \textsuperscript{135} \textit{Id.}
  \item \textsuperscript{136} \textit{See id.} at 117.
  \item \textsuperscript{137} Copeland, \textit{supra} note 84, at 22.
  \item \textsuperscript{138} Melosi, \textit{supra} note 2, at 58; Chavis, \textit{supra} note 11, at 3.
  \item \textsuperscript{139} Cone, \textit{God of the Oppressed}, \textit{supra} note 4, at 16, 35.
  \item \textsuperscript{140} \textit{Id.} at 190.
  \item \textsuperscript{141} Cone, \textit{Black Power}, \textit{supra} note 5, at 67.
\end{itemize}
Cone, racist.142 Until they acknowledge that their communal identity may be bound up in white privilege, distancing them from the struggles of communities of color, they will neither be able to reconcile themselves with these communities nor to ameliorate their conditions. NIMBYism benefits whites almost universally. As we have seen, even poor whites are less likely than blacks to live near hazardous waste sites. Whites must "incorporate race criticism in their ecological consciousness."143

Cone also speaks to white theologians and their academy. Along with Gayraud Wilmore, he calls "black theologians to become ecologians because the issues of race and ecology are tied together," as well as calling white theologians to become the same.144 They must break away from their identity with the white community, end their silence on racism, address the radical contradiction that racism creates for Christian theology, embrace the Black Christ, and seek liberation.

V. ENVIRONMENTAL JUSTICE AND THE LEGAL PROFESSION

"[W]e have to go beyond saving the environment. We have to save ourselves from one another."145

Bunyan Bryant

James Cone's call to convert and to fight against the oppression of environmental racism must reach attorneys as well. Answering the call at the outset involves a self-examination of the legal academy and profession, a turning inward to name the privileges that they possess and maintain.146 Stephanie M. Wildman, et al., argue that the law school classroom might create an environment for exploring white privilege, if it is diverse and if it can overcome the patriarchal, hierarchical model after which it is fashioned.147 The law firm has its own privileging problems to address and might consider strategies to diversify and retain women and hires of color.148 Substantively, the legal academy and profession might question

142. Cone, Risks of Faith, supra note 80, at 138.
144. See id.
148. For a unique strategy to increase diversity and retain diverse attorneys in the law firm, see A Proposal for Law Schools to Combat Structural Discrimination at Law Firms Through Management-Based Regulation, 120 Harv. L. Rev. 2156 (2007).
the role of justice in the legal system. Wildman argues that "[w]hen we apply legal standards of equal treatment to a social and economic culture that systematically privileges some and disadvantages others, the result is the maintenance of an uneven and unequal status quo." She calls instead for a "recovery program for the rule of law" to align it toward true justice.

The legal profession must turn outward to affect change as well. Bunyan Bryant, professor in the School of Natural Resources and Environment, University of Michigan, Ann Arbor, argues that professionals should work collaboratively with community activists and marginalized low-income communities of color experiencing environmental racism. On their own, these communities possess few decision-making alternatives to effect changes in policies and guidelines. We might view this as a relationship in which professionals "ally" themselves with the victims of oppression, recognizing the agency of all parties and their own complicity in maintaining structural oppression.

The technical training of professionals, including attorneys, can also serve to equalize power between agencies and industries and those communities that possess the first hand knowledge and experience of local ecosystems and hazardous threats. R. Gregory Roberts suggests adopting "empowerment strategies [that] focus on building a movement . . . capable of exerting pressure on decision-makers," a "gradual process" he likens to the Civil Rights Movement. Attorneys, skilled in consultation and advocacy, and knowledgeable about policy-making processes, are particularly well situated for this form of collaboration and capacity building. The legal academy can also provide research support, making a special effort to distribute its findings to other disciplines, professionals, regulatory agencies, industries and citizens concerned with environmental justice.

The goal of these efforts, Bryant argues, is "environmental justice," which he defines as:

> those institutional policies, decisions, and cultural behaviors that support sustainable development, that support living conditions in which people can have confidence that their environment is safe, nurturing, and productive, and that support communities where

---

149. Wildman et al., supra note 146, at 140.
150. See id. at 146.
151. See id. at 11, 19.
154. Roberts, supra note 17, at 264.
155. Bauley et al., supra note 153, at 42.
distributive justice prevails . . . [given] the unequal distribution of wealth and patterns of toxic exposure and disease.”

To achieve this form of justice, those in power, and I am contending that they are most often a white elite, must overcome the ideology of individualism and non-responsibility that drives the market system and the profit ethic of large polluting corporations and waste-management complexes. While this ideological hegemony, bound up in cultural imperialism, is clearly global, I have been focusing here on largely national responses to it.

Bryant proposes a holistic approach to foster environmental justice that requires concerted efforts on the part of the white public to reexamine their positions of privilege. Attorneys and other professionals can make significant contributions to many of these efforts. A “national environmental education policy” would lead Americans to become more aware of environmental racism and the harms it creates for the marginalized. The marginalized population would benefit from demographic and environmental information in a useful form that takes into account, not only current conditions, but the intergenerational inequalities across environmental media that require remediation. A national health care policy would ensure that those exposed to environmental toxins would receive preventative and follow-up care without asking them to bear the costs of subsidizing economic growth. A national energy policy would reduce the amount of energy we waste and foster the creation of sustainable energy sources, reducing both consumption and pollution. Abatement efforts would create jobs and empower community members to create cleaner neighborhoods.

Housing development policies would address the discrimination and segregation that has kept impoverished people of color in toxic inner cities and whites in the cleaner suburbs, through brownfield/greenfield conversions, revitalization, mixed income housing, and regional decision-making that spreads the environmental burdens and economic benefits of the market across metropolitan areas. Establishing land trusts (non-profit) and land banks (governmental) would provide one avenue of controlling development. National and global industrial development policies would strive to remedy unemployment and its social ills, as well as to provide just policies

156. Bryant, supra note 145, at 23.
157. See id. at 17.
158. For a brief introduction to the global environmental crisis, see GIRDNER & SMITH, supra note 114, at 115–130.
159. Bryant, supra note 145, at 25.
160. LAO RHODES, supra note 46, at 194.
162. See id. at 25, 28.
163. Id. at 32.
164. Id. at 27.
165. Id. at 30.
for workers. Finally, and particularly relevant to those in the legal profession and academy, creating "regional environmental justice centers" would expand our expertise in participatory research and action with multi-racial local citizenship groups, as well as link these groups with the "government agencies mandated to deliver environmentally protective services to [them]."

In concert with these citizen groups, attorneys might consider litigating for rights to a cleaner environment. Litigation, however, has proven more successful in remediating past instances of racial discrimination than it has been in the environmental justice context. "[T]raditional means of remedying discrimination, such as the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act, are not readily applicable in the environmental justice context . . . [because of t]he high burden of proving discriminatory intent." Government and industry are unlikely to produce evidence of intentional discrimination against low-income or minority communities. A second drawback to litigation is that it moves the struggle to the courtroom where powerful polluters can bring in expensive experts, rather than leaving it in the streets where the community has the most advocacy strength. Moreover, litigation leaves racialized power structures intact. Roberts notes that:

[a]s environmental laws are a product of a process that has traditionally excluded poor and minority peoples, working within the system will tend to strengthen, rather than challenge, institutions that work against these disadvantaged classes. The siting of facilities is a political problem, not a legal one. Thus, strategies that focus on remedying the political powerlessness of these communities are the preferred choice.

Similarly, attorneys might work to shift jurisprudential focus from discrimination to privilege, from victim-like litigants to privileged actors. Wildman, et al., call for a "unified theory of the dynamics of subordination" that goes beyond a doctrine of "intent." Such a theory, they claim, would recognize the elements of systemic unfairness that recreate and perpetuate themselves.

166. Bryant, supra note 145, at 27.
167. Id. at 32.
169. Roberts, supra note 17, at 245.
171. See id. at 246.
172. WILDMAN ET AL., supra note 146, at 5.
173. See id. at 8.
174. See id.
The legal profession is also well situated to effect change in governmental agencies—the very bodies that create and maintain racialized social, economic, and political structures in our society. The 103rd Congress failed to pass any of the three bills that would have addressed environmental racism. This failure constituted a concession to the status quo. The 1994 health symposium sponsored by the EPA and CDC was also silent on any changes needed to deconstruct white privilege. Moreover, according to a report issued in October 2004 by the nonpartisan Environmental Integrity Project, during the first three years under the administration of President George W. Bush, there was a “[d]ecrease in air [and water] pollution enforcement, . . . [a d]ecrease in hazardous waste cases, . . . [and a d]ecrease in lawsuits against [the] largest energy companies . . .” (by ninety percent “in the three years leading up to January 19, 2001 [his presidency].”)175 To remedy these lapses, the government, in conjunction with the EPA, “must develop a mechanism to redress community grievances,” “prioritize service to ‘hot spots,’”176 “issue a formal opinion establishing the applicability of civil rights laws and regulations to environmental programs,”177 and pass regulations that prevent further “burdening of [communities] with environmental pollutants.”178

Bryant argues that responding as academicians, attorneys, and professionals to the overlapping social and environmental demands of justice gives us a chance for a new identity, a redeemed self that Cone would endorse:

This new identity is not based upon war or environmental destructiveness, but upon a society where everyone is environmentally literate, where schools are exciting places to learn, where our cities are safe . . . and where diversity is celebrated; where no one is in poverty, and where everyone . . . has a decent place to live. Our new identity comes from building new and sustainable communities where participatory research, democratic decision-making, and other ways of knowing are just as important as conventional research. Isn’t this a risky thing to attempt? You bet it’s risky! But life will be far riskier if we fail to create our new identity of caring, of being certain about the safety of our environment, and of hope.179

176. Wright, supra note 168, at 65.
177. Ferris, supra note 36, at 301.
178. Wright, supra note 168, at 65.
179. Bryant, supra note 145, at 33.
VI. Conclusion

Cone and Wilmore argue that no issue is more important for humanity than ecology. Humans must “raise their ecological consciousness” and acknowledge “the need to save the earth.” They urge us to make environmental racism a major theological issue, and center our practice and theology “on holistic justice”—a “quality existence not just for Whites or for Blacks but for all, not just for human beings but for nonhuman creatures too.” Cone takes whites a long way down this path. He points out how they are proprietary with their whiteness and indifferent to others’ blackness. He calls them to be liberators of Christ, which demands taking on blackness and giving up white power, a task that white theologians can encourage and participate in. I argue that Cone also issues a call to attorneys to employ their skills in collaboration with communities of color to effect the policy changes necessary to achieve environmental justice. There is much work to be done. Will we answer the call?

180. DOCUMENTARY HISTORY, VOLUME TWO, supra note 143, at 3.
181. See id.
182. CONE, GOD OF THE OPPRESSED, supra note 4, at 190–91.