

BEYOND *Racism*

EMBRACING AN
INTERDEPENDENT
FUTURE

T A B L E O F C O N T E N T S

INTRODUCTION	2
GLORIA LADSON-BILLINGS " [E] RACE [I] N E Q U I T Y ; R A C E , C L A S S A N D G E N D E R I N T H E C L A S S R O O M "	5
EMMETT D. CARSON " T H E S E V E N D E A D L Y M Y T H S O F T H E U . S . N O N P R O F I T S E C T O R : I M P L I C A T I O N S F O R P R O M O T I N G S O C I A L J U S T I C E W O R L D W I D E "	14
C. ERIC LINCOLN " R A C I S M A N D P R O T E S T I N T H E U N I T E D S T A T E S "	24
ROSA DÁVILA AND NESTOR RODRIGUEZ " S U C C E S S E S A N D C H A L L E N G E S O F R E L A T I O N S B E T W E E N A F R I C A N A M E R I C A N S A N D L A T I N O S "	36
ANTONIA HERNANDEZ " A F R A M E W O R K F O R G O O D I N T E R G R O U P R E L A T I O N S I N T H E U N I T E D S T A T E S : T H E A F R I C A N A M E R I C A N A N D L A T I N O C A S E "	49
JAMES JENNINGS " G L O B A L I Z A T I O N A N D I T S I M P A C T O N R A C E R E L A T I O N S A N D D I V I S I O N S I N T H E U N I T E D S T A T E S "	58
LENNOX HINDS " I N T E R N A T I O N A L R E M E D I E S F O R R A C I A L D I S C R I M I N A T I O N A N D R A C E - B A S E D I N E Q U A L I T I E S "	69
MANDY TAYLOR " P U B L I C S E C T O R I N T E R V E N T I O N S I N C O M B A T I N G R A C I S M I N S O U T H A F R I C A "	82
GEORGE REID ANDREWS " F O R M S O F B L A C K P O L I T I C A L R E S P O N S E I N B R A Z I L "	96
ABDIAS DO NASCIMENTO AND ELISA LARKIN NASCIMENTO " R E F L E C T I O N S O N T H E A F R O - B R A Z I L I A N M O V E M E N T "	104
ACKNOWLEDGEMENTS	117
INITIATIVE PUBLICATIONS	118
BIOGRAPHICAL NOTES	119

Introduction

This volume is part of a larger body of work—reports and books—developed by the Comparative Human Relations Initiative to examine the role that race, racism and discrimination play in creating gross disparities in well-being and status between persons of European or African descent or appearance in Brazil, South Africa and the United States. It presents a “collage” of perspectives, some complementary, others conflicting, but always interesting, about the construction and operation of the color line in a few key sectors in these nations. While written from a country-specific vantage point, the papers speak to important issues that each nation is called to confront in order to reduce color-coded inequality and discrimination.

The volume begins with a piece called, “[E]Race[ing] Inequity: Race, Class and Gender in the Classroom” by Dr. Gloria Ladson-Billings. Billings reviews the current debate in the United States and explores some of the innovative work that is underway to broaden and enhance educational opportunity. Education is a critically important venue of activism in all three nations. The gap between rich and poor, male and female, Black and White, privileged and disadvantaged, will never be reduced unless and until equal educational opportunity becomes a reality.

In the past, it may have been functional for groups in power in these three nations to have a ready supply of poor, undereducated people on which to draw as sources of cheap labor. In this sense, “racism” and other forms of discrimination may have been useful to elite groups. This is no longer the case as technology and globalization usher in the “Information Age.” The opposite is true. Today, those nations that have well-nourished, trained and educated workers and an expanding consumer base have a decided competitive advantage over their counterparts. Having large numbers of poor, unskilled people retards attainment of national development goals. Thus, as other Initiative publications document, investing in the education of Blacks and other vulnerable groups is no longer solely a matter of fairness or historical redress. It is also an economic imperative as these nations enter the new millennium.

A lot is written in Brazil, South Africa, the United States and elsewhere about the role of civil society. Civil society institutions, of which philanthropic institutions are an important part, are often pointed to as sources of innovation, leadership, and social engagement vital to healthy communities and nations. They are venues for citizen engagement with critical issues. In “The Seven Deadly Myths of The United States Non-Profit Sector: Implications for Promoting Social Justice Worldwide,” Dr. Emmett Carson makes an important contribution to critical thinking about this area on matters related to race. He reminds the reader of some of the often unstated assumptions about the commitment of non-profit institutions to diversity and inclusion of historically excluded groups. He challenges us to think more deeply about ways of motivating “do-good” institutions to embrace all forms of human diversity in their programs, governance, and staffing. In order for others to follow them, such institutions must exemplify a concrete commitment to inclusion and provide leadership.

Among civil society institutions in the United States, none has been more influential than the religious community on matters related to social transformation and relations involving African Americans and their European descent counterparts. Dr. C. Eric Lincoln writes in "Some Reflections on Racism and Protest in the United States" about the role of religion and religious leadership. It is not an accident that many of the leaders and participants in the civil rights movement of the 1960s and 70s in the United States were affiliated with religious bodies. Nevertheless, socially, most churches in the United States remain racially identifiable. In recent years the religious community has been less visible in the struggle to advance the human rights of African Americans. Lincoln reflects on the betrayal of religious values that sanctioned the extermination of Native American peoples and the enslavement of Africans and provides great insight into the forces that liberate and constrain religious leadership, focusing primarily on African American clergy and the historically prophetic mission of the Black church.

There is a demographic sea change under way in the United States. By the middle of the next century, it is projected that the United States will be a "majority-minority nation" in which no single "racial" group will constitute the majority. The implications of this transformation are profound and complex, presenting new challenges and reasons for people of all stripes in the country to come together and rethink ways to manage diversity.

Since Latinos are projected to be the nation's largest minority group in the future, finding ways to develop and/or strengthen bonds of mutual interest between Latinos and persons of African descent is a matter of special import. These groups, together with Asian Americans, have the potential to constitute a new governing majority for the nation. There are signs of stress and lack of understanding between Blacks and these other groups. A conversation between them is just beginning. Many of the countries from which Latino or Asian immigrants hail have their own varieties of racism based on color or phenotype. In the two pieces, "Successes and Challenges of Relations Between African Americans and Latinos," by Drs. Rosa Dávila and Nestor Rodríguez, and "A Framework for Good Intergroup Relations Between African Americans and Latinos," by Antonia Hernandez, Esq., some of the points of agreement, conflict and potential union are mined with clarity.

The Hernandez and Dávila and Rodríguez papers have value for South Africans and Brazilians. South Africa has become the "preferred destination" for diverse peoples from the continent of Africa. Brazil has many communities borne of past immigration and will, as it continues to develop, surely receive more immigrants. But whether among newcomers and established residents or other communities of diverse people, forging alliances and coalitions is a critically important aspect of nation-building, consolidation of democratic governance, and surmounting racism and discrimination. Everyone has someone who may dislike him/her due to "difference." Finding ways to reduce inequality, promote unity and tolerance, and facilitate inter-group cooperation is the only road to peaceful coexistence among peoples and nations.

The array of technological advances that have made the world a smaller place is reshaping rules of commerce and international relations within and among nations. In his paper, "Globalization and Its Impact on Race Relations and Divisions in the United States," Dr. James Jennings conducts a useful review of pertinent literature and describes some of the ways in which this phenomenon is interacting with domestic efforts to reduce inequality and combat racism. Clearly the era into which the world is moving— with powerful multinational corporations influencing domestic trends and decision making, instant communications, the rapid flow of capital across national boundaries, and increased competition— will impact on the economy of nations and efforts to reduce inequality. Recent disruptive demonstrations by protestors against the World Trade Organization in Europe and the United States may be a harbinger of problems to come. While many scholars may argue that globalization's effects have been overstated, and it has not yet had a dramatic effect in the United States, Brazil or South Africa, few would assert that the effects of globalization and continuing technological innovation will not become more palpable with the passage of time. In this short piece, there is a glimmer of what lies ahead.

Global and international forces are affecting the search for remedies for racial discrimination. In "International Remedies for Racial Discrimination and Race-Based Inequality," Lennox Hinds, Esq. recounts some of the history of this quest from the vantage point of African Americans and considers the value and promise of international responses to racism, itself an international phenomenon. The idea that all human beings have internationally recognized human rights simply by virtue of their consciousness and membership in the human species is one of the transformative ideas of our time. It is emboldening people around the world and in Brazil, South Africa and the United States to seek recourse in international and domestic fora in order to meet basic needs. In his piece, Hinds identifies the origins of some of these efforts and maps the terrain that

activists have crossed. As the next century dawns, the search for international responses to racial discrimination will likely be an increasingly powerful dynamic in the allocation of opportunities between and among groups and nations.

Dr. Mandy Taylor, author of "Public Sector Interventions in Combating Racism in South Africa," describes some of the domestic efforts underway in her nation to dismantle the legacy of apartheid. It has become popular in some quarters to believe that South Africa is now free of racial discrimination and can put race and racism behind it. But a closer look at Taylor's paper demonstrates that this is far from the case. *De jure* racial discrimination may have ended, but *de facto* discrimination and racism, embodied in practices, policies and systems that disadvantage Black Africans and privilege Whites, have continuing life.

The era of legalized racial segregation in the United States grows more distant with the passage of time. South Africa and the United States are now becoming more like Brazil, which has long had *de facto* racism and discrimination as a feature of national life. The paper by Taylor then is instructive for all three countries since they now face the contemporary challenge to undo the structural legacy of racism and the need to combat racial discrimination in its *de facto* form using the power and resources of the public sector.

South Africa is the only one of the three nations with an African descent majority in power in the political arena. The commitment of its leadership to combat racism is unquestioned. South Africa's efforts to unearth the structural and institutional manifestations of racial discrimination are instructive for such efforts in the United States and Brazil.

The volume closes with two pieces about Brazil. The first, "Forms of Black Political Response in Brazil" by an American scholar, Dr. Reid Andrews, offers a view of Brazil's Black movement, its strengths, weaknesses and the battles that lie ahead. The second is called, "Reflections on the Afro-Brazilian Movement" and was written by Dr. Abdias do Nascimento, a Brazilian scholar, public servant, actor, artist and activist— a "man for all seasons," and Dr. Elisa Larkin Nascimento, an activist-scholar. The Nascimento's use Abdias do Nascimento's life as a prism to review key events in the history of Black efforts in Brazil to overcome racism.

Brazil has the largest population of people of African descent outside of the countries of Africa, and yet this population has to the outside world been largely invisible. Certainly, the "myth of the great racial democracy" has

masked the reality of the subtle and not so subtle forms of racism and discrimination that plague Brazil and retard its economic development. Although Afro Brazilians have had a profound influence on Brazil's culture, they—Blacks and Browns—have been socially, economically and politically marginalized.

As the pieces suggest, one of the major reasons for including Brazil in the Initiative's comparative framework is to underscore the fact that racial identity is a "social construction," generated both from within and outside by individuals, groups, and cultures. Race is an idea that is understood and used in different ways. It is not stagnant. Ideas about race will continue to change in the future due to migration, interbreeding, and other phenomena that are eroding the traditional conception of race grounded in ideas of "geographic" origin. In Brazil, where lines of "race" are somewhat blurred, one can glimpse the contours of future battles to be waged in the United States and South Africa over lingering structural and interpersonal manifestations of racial discrimination, "color-blindness" or "non-racialism" and White supremacy. As the century ends, the family resemblance among these nations is becoming more pronounced.

These are the pieces that form this volume's collage. Incomplete? Yes. Untidy? Yes. Of value? Yes, for in the real world events, issues, people and institutions are in fact a changing patchwork. We hope that the reader will obtain the other Initiative publications described in the Appendix to help round out the partial picture that this volume presents. The Initiative has published books that focus on Brazil and South Africa in depth and will in 2000 release a comparative anthology on all three nations. Several other reports, companions to this volume, are also available. In them, comparative issues are more fully examined, country-specific issues reviewed systematically, and information about trends that will shape future dynamics of inter-group relations in these nations provided.

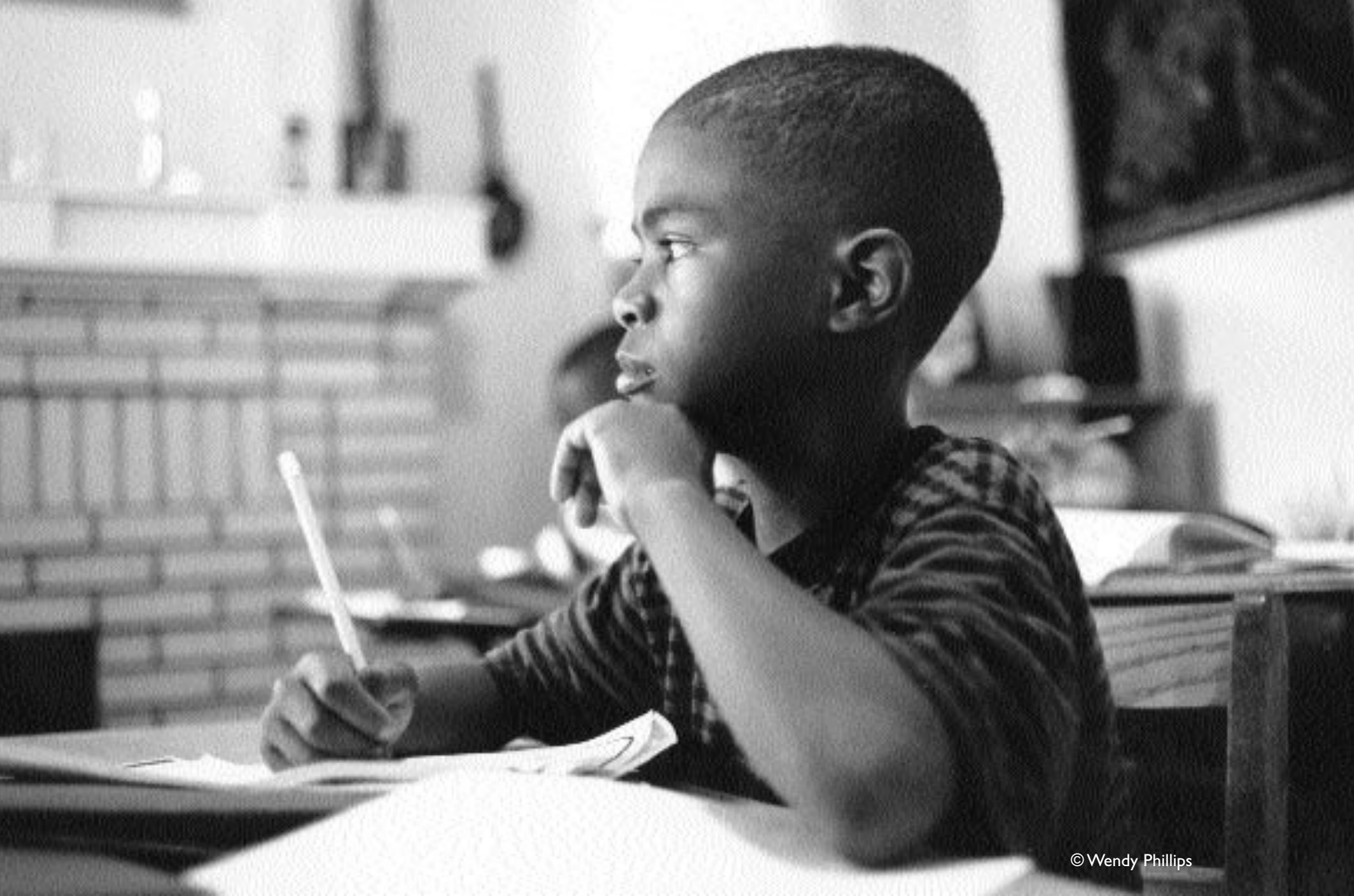
The Initiative is indebted to the authors for the distilled judgment and wisdom in these papers. They remind us that we all have the duty and responsibility, borne of enlightened self-interest, to use our talents and influence to help ourselves, our communities, institutions and nations, indeed the world, move beyond racism.

Lynn Huntley

Director

The Comparative Human Relations Initiative

January, 2000



© Wendy Phillips

[E]Race[ing] Inequity: Race, Class and Gender in the Classroom

By Gloria Ladson-Billings

The reality, the depth, and the persistence of the delusion of White supremacy ... causes any real concept of education to be as remote, and as much to be feared, as change or freedom itself.

~James Baldwin, The Price of the Ticket (1985)

Although this paper calls for an examination of issues of race, class, and gender in classrooms and schooling, its primary focus will be that of race. In making this choice, the author acknowledges that issues of gender and class remain central to our understanding of academic and social inequity. However, the curious phenomenon of race requires a specific and deliberate scrutiny. Unlike gender and class, race continues to have contested and multiple meanings. Its significance varies with time, history, geography and economics. This is not to say that gender and class are fixed inevitably, but that our social understanding of those categories of difference is more uniform or standard. Although we understand that gender has social meaning that often is coupled with biological sex, the research and discourse surrounding notions of masculinity and femininity are becoming increasingly clearer, and we recognize that individuals who are female are, as a group, less likely to receive societal benefits.

Similarly, with the category of class, we understand that those who are economically and socially designated as poor and working class predictably receive less than those who are middle and upper class in a society. In both cases, gender and class tend to be "unproblematically" defined and determined. As a consequence, theories and research about gender and

class have progressed beyond those that examine race (see for example, Chodorow, 1978; DeBeauvoir, 1961; Gornick, 1971; Hartsock, 1971; Bowles & Gintis, 1976; Carnoy, 1974; Apple, 1988; Wexler, 1987). This paper attempts to address the problematic nature of race and provide some examples of how race can be creatively and successfully deployed to insure educational equity for all students.

Defining race

Despite our best efforts to confine, control, and manage race, it remains a slippery concept that takes its meaning solely from a society's system of hierarchy, difference, and inequality. Omi and Winant (1993) argue that popular notions of race as either an objective condition or an ideological construct have epistemological limitations. Haney Lopez (1994) asserts that "most scholars accept the common wisdom concerning race, without pausing to examine the fallacies and fictions on which ideas of race depend.... Race may be America's single most confounding problem but the confounding problem of race is that few people seem to know what race is" (p. 193). Nobel Laureate, Toni Morrison (1991) tells us that:

Race has become metaphorical—a way of referring to and disguising forces, events, classes, and expressions of social decay and economic division far more threatening to the body politic than biological "race" ever was. Expensively kept, economically unsound, a spurious and useless political asset in election campaigns, racism is as healthy today as it was during the Enlightenment. It seems that it has a utility far beyond economy, beyond the sequestering of classes from one another, and has assumed a metaphorical life so completely embedded in daily discourse that it is perhaps more necessary and more on display than ever before (p. 63).

Why is race such a problematic concept? Probably because it makes no sense and has no real purpose other than to rank human beings. Consider some of the ways that race operates in the United States. One "drop" of Black or African "blood" automatically makes someone Black regardless of his or her skin color, hair texture, or facial features. Perhaps the real issue is not that race is used to determine who is Black, American Indian, Latino, or Asian American, but rather that race is used primarily to determine who is not White.

Lee's (1993) examination of two hundred years of the U.S. Census revealed that "questions on race have been included in all U.S. population censuses since the first census in 1790" (p. 86). The racial classifications used in the U.S. census have varied widely over time. The 1890 census had

eight "racial categories"—White, Black, Mulatto, Quadroon, Octoroon, Chinese, Japanese, and Indian. The most recent 1990 census had 16 categories, including one labeled, "other."

It is not merely the categorization that creates a problem. The real issue is what these categories come to mean and how they become a way to predict school and social success. It is interesting to note that at this writing a school district in southern California is embroiled in a controversy over what to name a new high school. Members of the local school board suggested that the school be named in honor of Dr. Martin Luther King, Jr., but a vocal group of White parents objected. They argued that the name would disadvantage their students. They reasoned that college admissions officers would believe their students had attended a "Black" school and their school performance might be deemed suspect. Despite the fact that college and universities make decisions about the quality of a high school based on a variety of criteria (i.e., the number of Advanced Placement Courses offered and passed, the average SAT or ACT scores, the standardized test scores that rank the school within the state), the parents steadfastly held to a notion that anything vaguely associated with Blackness would have a negative impact on their children's life chances.

Race and education

Most of the scholarly work concerning race and education was developed using a deficit paradigm, i.e., examinations of the school performance of children of color presumed some level of inadequacy on the part of the students. Thus, literatures of cognitive deficiency (Jensen, 1973; Herenstein & Murray, 1994) or social (familial, community, cultural) dysfunction (see for example, Bettelheim, 1965; Bloom, Davis & Hess, 1965; Omstein, 1971; Omstein & Vairo, 1968) became the standard way of explaining the persistent gap between the performance of children of color (particularly Black, Latino, and American Indian) and their White counterparts.

The cognitive or intellectual deficiency theorists relied on intelligence testing as a way to determine the capabilities of students. Since Black children continued to score at least 15 points below that of Whites, it was concluded that Blacks (particularly, poor Blacks) did not have the genetic "stuff" to produce intelligent, high performing children (Herenstein & Murray, 1994). The "remedy" for these deficient children ranged from conceding their alleged inability to learn and reducing the amount of additional funding to the more drastic social and political response of urging

aggressive birth control and sterilization for low income, Black mothers.

The social theorists offered more benign solutions. They believed if schools and social agencies could compensate for what the children, their parents, families, communities, and culture “lacked,” then they could begin to catch up with their more affluent, White peers. Thus, by the 1960s, a host of programs began to appear designed to ameliorate the “problems” these children presented. Headstart, Follow Through, and all day kindergarten classes were school level responses to student deficits. Generally, these programs required that parents (typically, mothers) participate actively in the children's education. This participation might be in the form of serving as an instructional aid in the school, attending parenting classes, or complying with a set of directives supplied by teachers.

The Public Broadcasting System (PBS) aired programs such as *Sesame Street* and *The Electric Company*. The programs used a fast paced, lively format to help children learn letters of the alphabet, sounds, colors, numbers, counting, and simple concepts of sequencing, distinguishing differences and similarities, and other skills believed to be prerequisite for success in reading and basic mathematics. So successful were these television programs that they began to be offered in several languages and exported to other countries.

At many schools across the United States, Title I (later named, “Chapter I”) legislation passed by the federal government called for compensatory education programs to provide academic services for youngsters who scored below the 50th percentile in reading and mathematics. This notion of “compensating” became a classic, liberal response to poor school performance of those students deemed “different.” Thus, children of color, linguistically different students, and poor children were all seen as learners who needed additional support to meet the norms set by White, middle class students.

Anthropological understandings of school failure

In the late 1970s, anthropologists joined educational sociologists in a quest to build more powerful explanations for school failure among particular groups of students. Their work fell into two camps—cultural ecology and cultural difference. Briefly, the cultural ecology theorists argued that different cultural groups performed differently because of the kinds of norms, standards, and values that were reinforced within their cultural groups. Those norms, standards, and values were influenced by macrostructural

forces such as the economy, social rules and discourses, and politics. For example, if African American students were consistently in environments where the only roles for African Americans were low level and servile, then they would presume that there was no need to try to achieve since there were no possibilities for success. Or, conversely, if African American males regularly saw highly paid professional basketball athletes, the cultural ecologists suggest that the message is conveyed that basketball is the only worthy professional pursuit. The cultural ecologists discuss how families and communities support particular sets of norms that either support or discourage school achievement. Their work details the performance of some Asian American groups, some Central American students' academic performance versus that of Mexican American students, and some Punjabi Indian students. In general, their work suggests that African Americans have developed an oppositional culture that rejects school performance (see for example, Ogbu, 1978, 1987; Matute-Bianchi, 1986; Gibson, 1988; Gibson & Ogbu, 1991).

Cultural difference theorists, on the other hand, believe that poor school performance on the part of some groups is not a result of family, community, or cultural norms that discourage academic excellence, but rather the differences or cultural mismatches that exist between home and school. For example, if a particular group of American Indian students come from a cultural community that encourages and supports cooperative activity, students may perform poorly in a highly competitive classroom. Or if Native Hawaiian students are comfortable using a communication style known as talk-story and that communication style is allowed and encouraged in the classroom, researchers have documented remarkable reading test score improvements (Au & Jordan, 1981). The cultural difference theorists have argued the necessity for schools and teachers to make accommodations that would smooth the transition between home and school so that students can experience school success (see for example, Erickson & Mohatt, 1982; Cazden & Leggett, 1981; Mohatt & Erickson, 1981; Vogt, Jordan, & Tharp, 1987).

Concerns about both approaches—cultural ecology and cultural difference—have emerged. Cultural ecological models when applied to African Americans fail to recognize the long and well documented history of educational striving and achievement (Anderson, 1988) and the extraordinary length to which African Americans went to ensure themselves an education (Siddle Walker, 1996). Cultural difference models rarely deal with systemic problems and suggest that deliberate linguistic accommodations can remedy school failure. Such models rarely deal with built-in inequities in schooling—tracking, assessment, curriculum, pedagogy and funding.

A culture centered approach

Irvine (1990) dealt with the lack of what she termed “cultural synchronization” between teachers and African American students. Her analysis included the micro-level classroom interactions, the mid-level institutional context (i.e., school practices and policies such as tracking and disciplinary policies) and the macro-level societal context. Her work begins to look holistically at the major issues confronting students of color in United States classrooms. Hers is a culture centered approach that serves as a useful rubric for understanding what must be done to improve educational opportunities for all students.

Is the problem one of getting students of color to perform at the same level as White middle class students or is it one of transforming the educational system so that all students, regardless of race, class, and gender, can achieve excellence? I would argue that it is the latter. Thus, the real task is to look carefully at the nature of the system in which the schooling occurs. When you look at the condition of marginalized groups in the United States—African American, Mexican American, Puerto Rican American, and American Indian students, in particular—it is clear that the very nature of their education is not comparable to that of their White, middle class peers.

Perhaps the closest analogy to understanding what these youngsters are experiencing is colonialism. Consider the extant elements. African Americans (and other marginalized groups) attend schools that have been established by forces beyond their control. The curriculum, the funding formulas, budgeting, the staffing, hiring and firing policies all reside outside the purview of the community. It is true that most schools give some lip-service to the idea of parent-community involvement. However, that involvement typically refers to asking parents and community members to be complicit in whatever has been decided already. It rarely involves having parents make real decisions that affect the operation of the school. To have that kind of power, parents must be property owners.

The United States is a nation based primarily on property rights (Ladson-Billings & Tate, 1995). These property rights are powerful determinants for who receives greater consideration in the society. Examples of property include real property, possessions, and intellectual property. Since education is not a centralized function in the United States, each state has jurisdiction over its administration. In most states, education funding is tied to property taxes. Thus, those communities with more valuable property are deemed worthy of better schools. This is a paradox since those children who most need outstanding schools—excel-

lent facilities, first rate teachers and enriched curriculum—are the least likely to receive them. Instead, because of shrinking tax bases, urban and rural school districts are seriously underfunded. Their classrooms are overcrowded and poorly equipped. Their teachers are less experienced and more likely to be under qualified or teaching out of their area of certification. Their curriculum is more likely to be a basic and routinized one where students have a prescribed set of things to learn and are taught to become knowledge consumers rather than knowledge producers. Yet, without the ability to produce knowledge, the poor, the underclass and the disenfranchised can never break out of the lowest realms of the society. This is exactly what colonial education is designed to do—maintain the status quo and keep everything in its place.

But all is not lost. Teachers are not powerless to change the educational experiences of students in their classrooms. Recent research by African American (and Afro-Caribbean) scholars has documented outstanding pedagogical practices by teachers committed to the success of Black children, and this work is garnering attention from a variety of scholars, researchers, practitioners, and school administrators (see for example, Delpit, 1996; Foster, 1997; King, 1991; Ladson-Billings, 1994; Ladson-Billings & Henry, 1990; Lee, 1991).

The theoretical linchpin of this work is what I have termed, “culturally relevant pedagogy” (Ladson-Billings, 1995). This theory was generated from a three-year study of eight expert teachers of African American children. In this study the classroom practices, professional beliefs, and values of the teachers were observed, recorded, analyzed and interpreted to provide a vision of what successful teaching might look like in classrooms where students typically were unsuccessful. The major components of their work are academic achievement, cultural competence, and critical consciousness. Each component is briefly described below.

Academic achievement

No matter what other functions schools perform for students and their families, their major responsibility is to ensure that students acquire the academic skills, knowledge, and competencies that afford them the maximum amount of choices and opportunities for lives of productivity and integrity. Those skills, knowledge, and competencies may vary from time to time across communities, but there are no instances where parents desire school failure for their children.

With regard to the teachers in this study, academic achievement covered a wide range of classroom and com-

munity activities. One teacher used a more “traditional” approach to teaching and the curriculum. Her classroom looked like ones with which most of us are familiar. Reading, writing, and mathematics dominated the day. Students received intensive skill building and were pushed to excel. The teacher accepted no excuses for poor performance. When students failed to meet expected standards, the teacher developed alternate ways to reach them. Failure was not an option. Generally, the students referred to their teacher as “strict” but expressed a sincere affection for her because they believed her strictness was tied to her commitment to them.

On the other end of the continuum was a teacher whose classroom seemed to be a beehive of perpetual activity. Every day students were engaged in projects, problems, and puzzles designed to challenge and stretch their thinking. One of the classroom's major projects was an old-fashioned quilting bee that had arisen out of students' curiosity about what people did before television was invented. After several weeks of research on how people of colonial America spent their free time, the students developed a list of activities that included, square dancing, attending church, candle making, barn-raising, and quilting bees. The students understood what a quilt was but were unsure about what a quilting bee entailed. The teacher decided to help the students research and organize a quilting bee.

While the end product of a quilting bee seemed exciting and elaborate, some observers might doubt the academic worthiness of such a project. However, as the students prepared for this quilting bee, they were required to do lots of bibliographic and ethnographic research to find the kind of information they needed to host an authentic quilting bee. For several weeks the students compiled their information and made plans for the quilting bee. They needed to calculate how much food and supplies they would need for a quilting bee that their family members—parents and siblings—would attend. An analysis of the type of work the students were engaged in revealed studies in literacy, mathematics, history, geography, science, art, music, and library skills.

I highlight these two examples because they represent very different teaching styles or techniques. Thus, the question of academic achievement does not reside merely within a methodology. Rather, it is tied to teachers' commitment to supporting the academic achievement of all students. What this kind of commitment requires is a fundamental belief in the intellectual capability of all students. It is a bottom line perspective or world-view that sees students, regardless of race, class, or gender, as educable.

Cultural competence

Culturally relevant teaching requires that students maintain some cultural integrity as well as academic excellence. White, middle class students are not expected to renounce their culture and background as a route to educational advancement. However, children of color often are expected to reject aspects of their culture and background to be deemed acceptable and intelligent. Some students are asked to suppress their home language, change their style of dress, reject music, art, and other forms of cultural expression in order to advance in school. These kinds of “either-or” choices rarely sit well with students. Fordham & Ogbu (1986) have documented a phenomenon called, “acting White,” where African American students fear being ostracized by their peers for demonstrating an interest in school related tasks. However, their work fails to investigate the kind of alienation and displacement many students feel when school achievement causes estrangement between them and their peers. Culturally relevant teaching is designed to minimize the gap between students' academic achievement and their sense of personhood.

One way cultural competence is achieved in the classroom is by utilizing students' culture as a vehicle for learning. A second grade teacher in my study of culturally relevant teaching shared her love of poetry with her students through their own love of rap music. Instead of railing against the supposed evils of rap music, the teacher allowed her students to bring in samples of lyrics from what both she and the students determined to be non-offensive rap songs. Students were encouraged to perform the songs and the teacher reproduced them on an overhead so that they could discuss literal and figurative meanings, as well as technical aspects of poetry such as rhyme scheme, meter, alliteration, and onomatopoeia.

While the students were comfortable using their music, the teacher was able to use it as a bridge to school learning. Ultimately, their understanding of poetry far exceeded what either the state department of education or the local school district required. The teacher's work is an example of how academic achievement and cultural competence can be merged.

Another teacher supported the students' cultural competence by working hard to involve their working class and low-income parents in the classroom. By creating an “artist or craftsman-in-residence” program, students could both learn from each other's parents and affirm cultural knowledge. The teacher developed a rapport with parents and invited them to come into the classroom for 1 or 2 hours at a time for a period of 2-4 days. The parents,

in conversation with the teacher, demonstrated skills upon which the teacher was able to build.

For example, a parent who was known in the community for her delicious sweet potato pies did a 2-day residency in the fifth-grade classroom. On the first day, the parent taught a group of students how to make the pie crust. The teacher provided the supplies for the pie baking, and the students tried their hands at making the crusts. They placed them in the refrigerator overnight and made the filling on the following day. The finished pies were served to the entire class.

The students who participated in this pie making experience were required to conduct additional research on various aspects of what they learned. They did reports on George Washington Carver and his sweet potato research, conducted taste tests, devised a marketing plan for selling pies, and researched the culinary arts to find out what kind of preparation they needed to become cooks and chefs. Everyone in the class was required to write a personal thank you note to the guest.

A carpenter, a former professional basketball player, a licensed practical nurse, and a church musician did other residencies. All of the classroom guests were parents or relatives of students in the class. The teacher did not “import” role models with whom the students did not have firsthand experience. She was deliberate in reinforcing that parents were a knowledgeable and capable resource.

A third example of how a teacher supported her students cultural competence is demonstrated in one teacher's encouragement of her students' use of their home language while they acquired a secondary discourse (Gee, 1989) of “standard” English. Thus, her students were permitted to express themselves in language (spoken and written) with which they were knowledgeable and comfortable. They were then required to “translate” to the standard form. By the end of the year, the students were not only facile at this “code-switching” (Smitherman, 1981) but could better use both languages. Cultural competence coupled with academic achievement are powerful aspects of good schooling for children of color. However, these two may be meaningless at helping students cope with macro-social issues without critical consciousness.

Critical consciousness

Culturally relevant teaching does not imply that it is enough for students to choose academic excellence and remain culturally competent if those skills and abilities represent only an individual achievement. Beyond those individual characteristics of academic achievement and cultur-

al competence, students must develop a broader sociopolitical consciousness that allows them to critique the cultural norms, values, mores, and institutions that produce and maintain social inequities. If school is about preparing students for active citizenship, what better citizenship tool than the ability to critically analyze society?

Freire brought forth the notion of “conscientization” which is a “process that invites learners to engage the world and others critically” (McLaren, 1989, p. 195). However, Freire's work in Brazil was not radically different from work that was being done in the southern United States (Chilcoat & Ligon, 1994) to educate and empower disenfranchised African Americans.

In the classrooms of culturally relevant teachers, students are expected to engage the world and others critically. Rather than merely bemoan the fact that their textbooks were out of date, several of the teachers in the study, in conjunction with their students, critiqued the knowledge represented in the textbooks and the system of inequitable funding that allowed middle-class students to have newer texts. The teachers helped their students to write letters to the editor of the local newspaper to inform the community of the situation. The teachers also brought in articles and papers that represented counter knowledge to help the students develop multiple perspectives on a variety of social and historical phenomena.

Taken together, these three elements—academic achievement, cultural competence, and critical consciousness—form a vision of the guiding principles of culturally relevant teaching. Underneath those overarching elements are the teachers' conceptions of themselves and others, their organization of social relations, and their conceptions of knowledge. Each conception is described below with examples of how they influence classroom practices.

Conceptions of self and other

Culturally relevant teachers see themselves as connected to the students they teach. They see their futures as integrally linked to that of their students. They challenge assimilationist practices that are designed to select out a few “special” students whose success will serve as an indictment of the failure and inadequacy of the others. The sociology of education research tells us that teachers' status in the United States is relatively low among the professions. Additionally, teachers' status is tied to that of their students. Thus, those teaching in schools serving White, upper middle class students enjoy higher prestige and status. Conversely, many of the teachers who teach in the inner city, barrios, and on reservations in the United States feel

that their own personal prestige and sense of themselves is diminished because they have the “misfortune” to teach those students society would rather forget.

This transfer of low status can and does create a situation where teachers either feel sorry for their students or begin to resent them. Rather than challenge their students to high academic standards, these teachers give students mundane and mindless tasks because they do not believe their students are capable of rigorous, demanding work. When presented with intellectually stimulating tasks, these teachers' first comment is, “My kids can't do that.” But then there are teachers who think highly of their students, value them as students and people, and expect them to do well.

Organization of social relations

Students are not merely placed in a classroom with teachers and expected to succeed. Culturally relevant teachers create relationships with their students that are equitable and extend beyond the classroom walls. The teachers work to establish a sense of connectedness between themselves and the students rather than idiosyncratic relationships between themselves and those students who distinguish themselves. These teachers work to create a family atmosphere in the classroom where students learn from each other and depend on each other for success.

Conceptions of knowledge

Culturally relevant teachers understand that one of the most important skills their students can develop is the ability to deconstruct, reconstruct, and construct knowledge. Rather than turn out students whose only evidence of schooling is the ability to parrot back facts and figures, students of culturally relevant teachers are able to produce and construct knowledge by building on their own background skills and experiences and linking them to new information. Culturally relevant teachers teach students to be critical of information—to challenge sources, perspectives, and claims of validity and objectivity. This ability is particularly important for students who are disenfranchised because so much of the information they encounter characterizes them, their families, their communities, and their cultures as dysfunctional and deprived. They need to be able to develop counter knowledge that allows them to understand the social and political realities they confront. In the classrooms of culturally relevant teachers, students will learn to view the curriculum and subject content critically. They will learn that there are multiple ways to achieve excellence and that excellence is possible for all students.

Confronting the obstacles

Having the “right” kinds of teachers is but one aspect of ensuring educational success for all students. It is important not to naively assume teaching is the only thing that has gone wrong for students of color. These students continue to deal with inequitable funding and resources, uninspired curriculum and limited parental input and access to the educational process. The very structure of education ensures that schools continue to reproduce social, economic, and political inequality.

Even if some students are fortunate enough to have exemplary teachers occasionally, the fact that their schools may fail to offer an enriched curriculum or extra curricular programs disadvantages them. The fact that the buildings in which they are taught are unsafe and substandard or the technologies available to them are obsolete will continue to render them unequal.

Shujaa (1994) has argued that education and schooling are not necessarily congruent. Further Shujaa asserts, schooling is “a process intended to perpetuate and maintain the society's existing power relations and the institutional structures that support those arrangements,” but education “is the process of transmitting from one generation to the next knowledge of the values, aesthetics, spiritual beliefs, and all things that give a particular cultural orientation its uniqueness” (p. 15). Given these definitions, we can see that children of color are much less likely to receive an education despite years of schooling.

Even in an era of school reform, children of color continue to be educationally disadvantaged. Beyer (1985) points out that the widely cited *A Nation at Risk* report was:

a pretext that justifies current social practices and institutions, a way of covertly supporting the status quo, a way of diverting attention away from basic social, political, and economic disparities and forms of oppression, and resultant forms of inequality.... By recasting the frustration, impatience, and anxiety that typify American social life in terms that safeguard those social institutions that support current inequalities, this report provides a “sleight of hand” that is at once ideologically ingenious and socially injurious (p. 48).

Ultimately, the failure to educate whole segments of a citizenry will have devastating effects on the entire society. In the United States we already are seeing the results of under education among African American males. Currently, there are over one million people incarcerated in the United States and African American male inmates outnumber White male inmates. But it is not only the removal of people

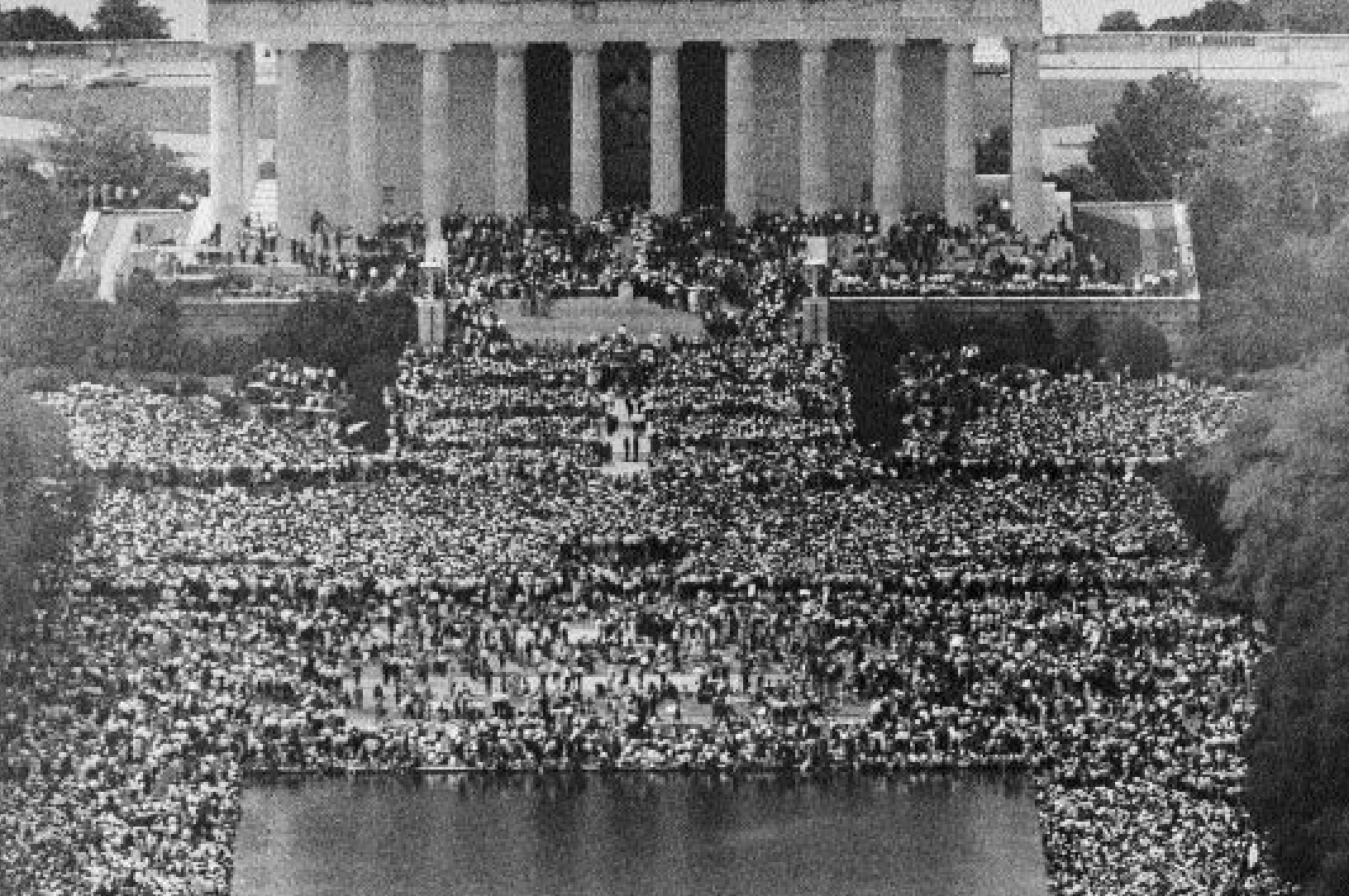
from the society via incarceration that troubles us. Many will remain within the society but on its periphery. We call them by a variety of names—homeless, indigent, beggars, welfare recipients, the working poor. They are limited in their ability to contribute to the society. They are outside of the economic, social, and political process, but they are still among us. Their diminished quality of life is a testament to our failure to deal justly and equitably with all citizens. We may appease ourselves by declaring that they are lazy or mentally incapable but we are still confronted by what we might have done to ensure that they could have led more satisfying lives.

The challenge of race in a society deeply structured around issues of race and racism will not be met solely by what we do in schools. However, this challenge will be met through education—an education that transcends classrooms and curriculum. It will be met by a revolutionary commitment toward radical restructuring of the society and what it means to be an educated citizen in a democratic, multicultural society.

REFERENCES

- Anderson, J. 1988. *The Education of Blacks in the South, 1860-1935*. Chapel Hill: University of North Carolina Press.
- Apple, M. 1988. "Redefining Inequality: Authoritarian Populism and the Conservative Restoration." *Teachers College Record*, 90, 167-184.
- Au, K. and C. Jordan. 1980. "Participation Structures in a Reading Lesson with Hawaiian Children." *Anthropology and Educational Quarterly*, 11 (2), 91-115.
- Bettleheim, B. 1965. "Teaching the Disadvantaged." *National Educational Association Journal*, 54, 8-12.
- Beyer, L.E. 1985. "Educational Reform: The Political Roots of National Risk." *Curriculum Inquiry*, 15, 37-56.
- Bloom, B., A. Davis, and R. Hess. 1965. *Compensatory Education for Cultural Deprivation*. New York: Holt, Rinehart & Winston.
- Bowles, S. and H. Gintis. 1976. *Schooling in Capitalist America*. New York: Basic Books.
- Carnoy, M. 1974. *Education and Cultural Imperialism*. New York: McKay.
- Cazden, C. and E. Leggett. 1981. "Culturally Responsive Education: Recommendations for Achieving Lau Remedies II." In H. Trueba, G. Guthrie and K. Au, eds. *Culture and the Bilingual Classroom: Studies in Classroom Ethnography*, 69-86. Rowley, Mass.: Newbury House.
- Chilcoat, G.W. and J.A. Ligon. 1994. "Developing Democratic Citizens: The Mississippi Freedom Schools as Models for Social Studies Instruction." *Theory and Research in Social Education*, 22, 128-175.
- Chodorow, N. 1978. *The Reproduction of Mothering*. Berkeley: University of California Press.
- DeBeauvoir, S. 1961. *The Second Sex*. New York: Bantam Books.
- Delpit, L. 1995. *Other People's Children*. New York: New Press.
- Erickson, F. and G. Mohatt. 1982. "Cultural Organization and Participation Structures in Two Classrooms of Indian Students." In G. Spindler, ed. *Doing the Ethnography of Schooling*, 131-74. New York: Holt, Rinehart & Winston.
- Fordham, S. and J. Ogbu. 1986. "Black Students' Success: Coping with the Burden of Acting White." *Urban Review*, 18, 1-31.
- Foster, M. 1997. *Black Teachers on Teaching*. New York: New Press.
- Gee, J. 1989. "Literacy, Discourse, and Linguistics: Introduction." *Journal of Education*, 171, 5-17.
- Gibson, M.A. 1988. *Accommodation Without Assimilation: Sikh Immigrants in the American High School*. Ithaca, N.Y.: Cornell University Press.
- Gibson, M.A. and J. Ogbu, eds. 1991. *Minority Status and Schooling: A Comparative Study of Immigrants and Involuntary Minorities*. New York: Garland.
- Gomick, V. 1971. "Women as Outsiders." In V. Gornick and B. Moran, eds. *Women in Sexist Society*, 70-84. New York: Basic Books.

- Haney Lopez, I. 1996. *White by Law: The Legal Construction of Race*. New York: New York University Press.
- Hartsock, N. 1979. "Feminist Theory and the Development of Revolutionary Strategy." In Z. Eisenstein, ed. *Capitalist Patriarchy and the Case for Social Feminism*. London and New York: Monthly Review Press.
- Hernstein, R. and C. Murray. 1994. *The Bell Curve: Intelligence and Class Structure in American Life*. New York: Free Press.
- Irvine, J.J. 1990. *Black Students and School Failure*. Westport, Conn.: Greenwood Press.
- Jensen, A. 1973. *Educability and Group Differences*. New York: Harper & Row.
- King, J.E. 1991. "Black Student Alienation and Black Teachers' Emancipatory Pedagogy." In M. Foster, ed. *Readings on Equal Education*, vol. 11, 245-71. New York: AMS Press.
- Ladson-Billings, G. 1994. *The Dreamkeepers: Successful Teachers of African-American Children*. San Francisco: Jossey Bass.
- Ladson-Billings, G. 1995. "Toward a Theory of Culturally Relevant Pedagogy." *American Educational Research Journal*, 32, 465-91.
- Ladson-Billings, G. and A. Henry. 1990. "Blurring the Borders: Voices of African Liberatory Pedagogy in the United States and Canada." *Journal of Education*, 172 (2), 72-88.
- Ladson-Billings, G. and W.F. Tate. 1995. "Toward a Critical Race Theory of Education." *Teachers College Press*, 97, 47-68.
- Lee, C.D. 1991. "Big Picture Talkers/Words Walking Without Masters: The Instructional Implications of Ethnic Voices for an Expanded Literacy." *Journal of Negro Education*, 60 (3), 291-304.
- Lee, S. 1993. "Racial Classifications in the U.S. Census: 1890-1990." *Ethnic and Racial Studies*, 16, 75-94.
- Matute-Biachi, M.E. 1986. "Ethnic Identities and Patterns of School Success and Failure Among Mexican-Descent and Japanese-American Students in a California High School: An Ethnographic Analysis." *American Journal of Education* 95 (1), 233-55.
- McLaren, P. 1989. *Life in Schools*. White Plains, N.Y.: Longman.
- Mohatt, G. and F. Erickson. 1981. "Cultural Differences in Teaching Styles in an Odawa School: A Sociolinguistic Approach." In H. Trueba, G. Guthrie, and K. Au, eds. *Culture and the Bilingual Classroom: Studies in Classroom Ethnography*, 105-19. Rowley, Mass: Newbury House.
- Morrison, T. 1991. *Playing in the Dark: Whiteness and the Literary Imagination*. Cambridge, Mass.: Harvard University Press.
- Ogbu, J. 1978. *Minority Education and Caste: The American System in Cross-Cultural Perspective*. New York: Academic Press.
- Ogbu, J. 1987. "Variability in Minority School Performance: A Problem in Search of an Explanation." *Anthropology and Education Quarterly* 18 (4), 312-334.
- Omi, M. and Winant, H. 1993. "On the Theoretical Concept of Race." In C. McCarthy and W. Crichlow, eds. *Race, Identity and Representation in Education*, 3-10. New York: Routledge.
- Ornstein, A. 1971. "The Need for Research on Teaching the Disadvantaged." *The Journal of Negro Education*, 40, 133-139.
- Ornstein, A. and P. Vairo, eds. 1968. *How to Teach Disadvantaged Youth*. New York: David McKay, Co.
- Shujaa, M. 1994. "Education and Schooling: You Can Have One Without the Other." In M. Shujaa, ed. *Too Much Schooling Too Little Education: A Paradox of Black Life in White Societies*, 12-36. Trenton, N.J.: Africa World Press.
- Siddle Walker, V. 1996. *Their Highest Potential*. Chapel Hill, N.C.: University of North Carolina Press.
- Smitherman, G. 1981. *Black English and the Education of Black Children and Youth*. Detroit: Center for Black Studies, Wayne State University.
- Vogt, L., C. Jordan, and R. Tharp. 1987. "Explaining School Failure, Producing School Success: Two Cases." *Anthropology and Education Quarterly* 18, 276-286.
- Wexler, P. 1987. *Social Analysis and the Education: After the New Sociology*. New York: Routledge & Kegan Paul.



© Flip Schulke Archives

The Seven Deadly Myths of the U.S. Nonprofit Sector: Implications for Promoting Social Justice Worldwide

By Emmett D. Carron

INTRODUCTION

There is an old saying that when the truth contradicts the myth, print the myth. Over 150 years ago, while visiting a young America, Alexis de Tocqueville noted that one of the things that distinguished America was its reliance on voluntary associations.

Americans of all ages, all conditions, and all dispositions constantly, form associations. They have not only commercial and manufacturing companies, in which all take part, but associations of a thousand other kinds—religions, moral, serious, futile, general or restricted, enormous or diminutive. The Americans make associations to give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries, the antipodes; in this manner they found hospitals, prisons, and schools. If it is proposed to inculcate some truth or foster some feeling by the encouragement of a great example, they form a society.¹

On the basis of this observation, an entire set of myths was formed about the American nonprofit sector that continues to form the basis of what many think about this sector today. The central beliefs are: 1) that the nonprofit sector is more efficient and innovative than government, and 2) that it is more concerned with the social welfare of people than the private sector because its actions are not motivated by profit or personal gain. While the nonprofit sector remains distinctive from the government and business sectors in its capacity to provide citizens with opportunities to engage in voluntary action to promote public benefit, other widely held beliefs about the American nonprofit sector are increasingly open to debate.

In the last decade, several international organizations and programs have been established with the goal of advancing and promoting the nonprofit sector worldwide.² While these organizations have made enormous efforts to recruit and involve people from around the world, the initial leadership and early funding has come largely from the United States. As these organizations have begun to develop bylaws, position statements and marketing literature, the myths that are imbedded in beliefs about the U.S. nonprofit sector are being advanced inadvertently in countries throughout the world. As a result, countries that rely on the guidance of these organizations in developing their nonprofit sector may produce very different outcomes than expected.

This problem is compounded when one considers three worldwide developments—the demise of communism, national budget constraints and concern over socio-economic justice—that have created an unprecedented interest in understanding the role of the nonprofit sector within a democratic society.

With the demise of communism as a viable alternative to the free market system, new democracies in South America, Africa and Eastern Europe must define the appropriate roles and mix of responsibilities for the government, business and nonprofit sectors. There is no ideal mix, but rather choices that must be made based on each country's historical, cultural and legal traditions. To the extent that these countries rely on a model of the nonprofit sector that incorporates significant aspects of the U.S. nonprofit sector, they are unlikely to get the anticipated outcomes due to a lack of understanding about the myths surrounding the U.S. nonprofit sector. Established democracies worldwide are facing severe budget constraints in providing services to assist the poor. This has created renewed interest in exploring the extent to which the nonprofit sector can replace or substantially augment programs and services to the poor that have been traditionally provided by government. Lastly, the nonprofit sector's role in promoting social and economic justice is of considerable interest in countries that, like the U.S., enacted laws and engaged in social practices which legalized and socialized discrimination against people of African descent in nearly every facet of their existence.

While some of the myths about the U.S. nonprofit sector have been acknowledged and are openly discussed, there are significant limitations in the structure and operation of the U.S. nonprofit sector as it relates to issues of racial and

gender equality. The primary purpose of this essay is to examine the myths related to the U.S. nonprofit sector and their implications for lessening racism and advancing social justice. In the U.S. and abroad, it is hoped that such an exploration will help to bring much needed attention to the inherent and subtle biases that exist within the U.S. nonprofit sector as it relates to race and wealth. The next section provides a basic description of the nonprofit sector and how it operates. The subsequent sections examine seven myths about the U.S. nonprofit sector that have hidden implications for those concerned about using the nonprofit sector to promote social justice issues. The myths are: the myth of the U.S. origin of volunteerism and philanthropy; the myth of pure virtue; the myth of independent

thought through financial independence; the myth of altruistic giving; the myth of volunteer-operated organizations; the myth of racial and gender equality; and the future myth of a societal safety valve.

The nonprofit sector can be a powerful tool for citizen self-expression and empowerment.

There are at least two issues that should be noted before moving forward. This paper focuses largely on the U.S. nonprofit sector; however, where possible, examples are drawn from Brazil and South Africa. These countries were selected because they are the focus of the Southern Education Foundation's Comparative Human Relations Initiative for which this essay was commissioned. While Brazil, South Africa and the United States each have vibrant nonprofit sectors, there has been only scant research on the nonprofit sectors of Brazil and South Africa compared to significant, ongoing research on the U.S. nonprofit sector. Efforts to compare the number and activities of nonprofit sector organizations in different countries are hampered by the different definitions and classifications of nonprofit organizations that exist within each country. [In South Africa, the post-apartheid government is currently in the process of rewriting many of its laws, including those governing the nonprofit sector. The former apartheid government had imposed major legal restrictions on the ability of anti-apartheid groups to organize and to raise funds through charitable contributions. Among the many issues under consideration in South Africa is whether contributions to nonprofit organizations should result in a tax deduction for the donor.]

This essay does not suggest that it is inappropriate for American nonprofit leaders to encourage the development of the nonprofit sector in other countries or share their experiences. It does suggest that some of these individuals and institutions should be less rigid in their conceptualization

of the appropriate relationship between the government, business and nonprofit sectors and that public leaders should be more critical in assessing the strengths and shortcomings of the U.S. nonprofit model.

What is the nonprofit/non-governmental sector?

It is commonly accepted that every national economy can be divided into three sectors: government, business and nonprofit. The government sector taxes citizens to provide goods and services. The business sector sells goods and services to consumers to make a profit. The nonprofit sector receives donations of time from volunteers and contributions of money from donors to provide services and engage in advocacy. The first indication of the inherent complexity of the nonprofit sector is that it is described in terms of what it is not rather than what it is.³ In the U.S., where reliance on the free market system is paramount, the word “nonprofit” is used, whereas in countries where the government has typically provided most services, the word “non-governmental” is more likely to be used. Other terms that are also used to describe this sector are: voluntary sector, associations, civil society, independent sector, social sector and third sector.

At least part of the difficulty in establishing an appropriate name is that the nonprofit sector encompasses a wide array of organizations that serve causes, communities and individuals. This essay will use the words nonprofit and non-governmental interchangeably to include both grantmaking and grantseeking institutions. In the United States, there are over 38,000 grantmaking foundations and over one million formal grantseeking organizations of which over 489,000 are categorized as 501(c)(3) organizations according to the U.S. tax code.⁴ In Brazil, it is estimated that there are over 169,260 nonprofit civil associations and 11,076 foundations.⁵ Unfortunately, there are no reliable statistics about the South African nonprofit sector at this time.

The role of the nonprofit sector is to provide the space or latitude within the law that allows for citizen participation (other than voting) in activities and causes that citizens believe receive insufficient attention or financial support by either the government or business sectors. It is the place within a democratic society that allows people to organize out of common interest for a cause or to provide services by contributing money and volunteering time. By serving as a vehicle for public discourse on competing ideas, the nonprofit sector provides a pressure release valve that sustains the core democratic system. Tocqueville observed:

In America the citizens who form the minority associate in order, first, to show their numerical strength and so to diminish the moral power of the majority; and, secondly, to stimulate competition and thus to discover those arguments that are most fitted to act upon the majority; for they always entertain hopes of drawing over the majority to their own side, and then controlling the supreme power in its name.⁶

In the U.S. context, large-scale, fundamental societal change that occurs through the nonprofit sector is often slow and difficult because a broad consensus must be developed among a multitude of competing voices. The accomplishments that are often attributed to the U.S. nonprofit system, for example, the civil rights movement and the women's suffrage movement, cannot be viewed independently of the freedoms guaranteed in the U.S. Bill of Rights. In particular, freedom of speech, freedom of religion and right of assembly provided a national environment where nonprofit organizations could flourish. Stated differently, these freedoms allow citizens to believe whatever they want and to voice their opinions virtually anywhere they want to.

In addition to these individual freedoms, a free press has an important relationship in assisting nonprofit organizations to recruit financial contributors, volunteers and members. As Tocqueville observed, uncensored communication increases the awareness of various ideas and enables citizens to more readily identify causes that they are willing to join by volunteering their time or making financial contributions.⁷ A similar observation was reached in a scholarly paper on philanthropy in Brazil about “the importance of the media for the mobilization of public opinion and the development of philanthropy...”⁸ Without the range of individual freedoms guaranteed in the U.S. Constitution, the U.S. nonprofit system would likely operate very differently. Moreover, in another democracy with different cultural traditions, the same laws would likely generate different results. With this framework as background, the subsequent sections examine the major myths imbedded in discussions about the U.S. nonprofit sector and their implications for promoting socioeconomic justice within both the nonprofit sector and the country as a whole.

The myth of the U.S. origin of volunteerism and philanthropy

There is a widespread misperception that the United States is singularly responsible for the spread of voluntarism. Peter Drucker, a noted international management special-

ist, made the following statement during a major address:

... the tremendous growth of the volunteer in the West began in the U.S., where we have the oldest tradition, this movement is now rapidly coming up in Western Europe.⁹

Clearly, the idea of volunteering to help one's fellow neighbors did not begin in America. All of the world's great religions encourage its adherents to engage in charity and to help the less fortunate. Moreover, a growing body of research has begun to document that nearly every culture, over time, has had a unique history and tradition of giving.¹⁰ As a nation of immigrants, many of these giving and volunteer traditions are evident in the activities of each cultural group in the United States.

What is different about the U.S. nonprofit sector is the extent to which the nation relies on it, instead of government and business, to promote ideas and provide services. The country's belief in this system is so strong that even groups that were initially denied legal status under U.S. law at the founding of the country (all who were not White male property owners) were able to use the nonprofit system to voice grievances and seek redress. With regard to African Americans, the matter of slavery ultimately was not resolved through use of the nonprofit sector (notwithstanding the efforts of the abolitionist movement and the "Underground Railroad"). But the nonprofit sector did provide the intellectual and ideological space for the women's suffrage movement, and the civil rights movement, as well as the ongoing discussions about gay and lesbian rights and a woman's right to an abortion. It should be noted that the women's suffrage movement gained the support of White men, in part, by suggesting that the votes of White women, influenced by their husbands and "racial" solidarity, would help to negate the impact of the African American voter.

In addition to providing space for competing ideas, the nonprofit sector allowed African Americans, following the end of slavery, to provide essential services for themselves when these services were legally denied to them by nonprofit organizations and public agencies that assisted White Americans. As a result, African American philanthropy and volunteering, which was allowed within limits, accounted for the creation of the first African American churches, schools, banks, insurance companies and a wide array of multi-purpose mutual aid associations. These institutions represented an essential survival mechanism for communities which could not rely on either the existing morality or legal structure for direct assistance.

As social protest activities for equal rights have been successful in changing the laws from "separate but equal" to mandating increasing degrees of equality, the character of the nonprofit sector also has changed. A key observation is that a nation's laws are an important determinant in shaping nonprofit activity as it blends with specific cultural and historic traditions. While the United States did not invent volunteerism and philanthropy, it has relied on this mechanism, more so than other countries, to allow for competing voices and to provide services. As a result, African Americans and other groups have been able to use the nonprofit sector to bring their grievances and aspirations to the attention of the entire community.

The myth of pure virtue

There is an inherent view in much that is written about the nonprofit sector that all actions that are undertaken within this sector are universally good. Lester Salamon has referred to this as the myth of pure virtue. He states:

The nonprofit sector has grown and gained prominence in recent years fundamentally as a trustworthy and flexible vehicle for elemental human yearnings for self-expression, self-help, participation, responsiveness, and mutual aid. With roots often in religious and moral teachings, the sector has acquired a saintly self-perception and persona. The upshot has been a certain romanticism about its inherent purity, about its distinctive virtues, and about its ability to produce significant change in people's lives.¹¹

A more accurate understanding of the nonprofit sector is that it is a vehicle that does not distinguish between the ethical merit or right or wrong qualities of ideas. What is considered to be a positive societal outcome by one group may significantly curtail the rights of another. The nonprofit sector equally supports racist and non-racist positions. Foundations and the grantseeking organizations that they support can be found on every side of any societal issue. While the nonprofit sector is a powerful tool for social change within every democratic society, it is a tool that can be used to advance or curtail social justice. There are foundations and grantseeking nonprofit organizations that support and oppose equal rights for women, equal rights for various racial groups, gays and lesbians, abortion, the environment, as well as other topics.¹² It is only in hindsight that a society declares which position was morally correct for its time.

An example of how U.S. philanthropy has mirrored the larger societal beliefs can be seen in foundation support of

African American education.¹³ Following slavery, few believed that African Americans could learn anything more than menial tasks. As a result, foundations focused on providing African Americans with vocational skills. By 1930, the “separate but equal” doctrine of the country, coupled with an emerging view within the African American community of a “talented tenth,” led foundations to support liberal arts education over vocational training at historically Black colleges and universities. By the 1960s, the understanding that separate is unequal led foundations to support efforts to diversify predominantly white colleges and universities. Foundations and grantseeking institutions, more often than not, reflect and act in accordance with the prevailing societal views.

The myth of independent thought through financial independence

The belief that the nonprofit sector promotes independent thought stems from the belief that its operations are financially independent from government and business and thus provide an unbiased voice on social issues. This has been a powerful argument in support of the nonprofit sector in the U.S. and abroad. The idea of citizens believing in a cause so strongly as to voluntarily make contributions of time and money to support those efforts is often cited as a key feature of the American nonprofit sector:

We have something enormously special in America's third or independent sector that is often perceived more clearly by people from other countries than by Americans themselves.... Many foreign visitors come to Independent Sector each year to learn more about American voluntary practices. These are not necessarily people who are unhappy with their political structures, but they are keenly aware that very real aspects of freedom and influence are missing when there isn't a third or buffer sector. At best, they find it restrictive and at worst oppressive when there is only the one governmental system for education, culture, or religion and when there is not a tradition of independent service and criticism.¹⁴

The reality is that the nonprofit sector is far from being financially independent of government or business. In examining the sources of revenue for U.S. nonprofit organizations, one study found that nonprofit organizations are highly dependent on government contracts and fees for services to carry out significant portions of their work. It was estimated that nonprofits receive 31 percent of their income from government, 51 percent from fees for service and only 18 percent from private contributions (donations).¹⁵ In addition, the U.S. government provides a financial incen-

tive in the form of tax deductions to people who contribute to nonprofit organizations. While the relative importance of this provision is the subject of considerable debate, few deny that the tax deductibility of charitable contributions is a powerful incentive for individuals to contribute to charitable organizations. This subject is more fully discussed in the next section on the myth of altruistic giving. The U.S. government also has supported charitable organizations by providing them with service contracts to provide specific programs and services.

The same is true in Brazil, where nonprofit organizations that are designated as “public interest and associations” receive a variety of special advantages. These advantages include exemption from employer contributions to social security; eligibility to receive donations from federal and state agencies; charitable deduction status; eligibility to receive revenue from state lotteries, as well as other benefits. After complaints that some organizations were unfairly excluded from obtaining the special designation, the 1935 law was revised in 1990 to clarify that “eligibility is dependent on the organizations’ ability to provide services without regard to race, creed, color or political conviction of actual or potential clients, and with a profit motive.”¹⁶ The view of an independent-thinking nonprofit sector is certainly not the perception of the nonprofit sector in some other countries where there are close ties between government and nonprofit organizations. In South Africa, for example, Mr. Mandela’s African National Congress drew heavily from anti-apartheid, nongovernmental organizations for leadership positions throughout the new government.

There is growing overlap in the activities of the business, government and nonprofit sectors. For example, governments are contracting with nonprofit organizations to provide assistance to the poor. To the extent the government is biased in awarding contracts to nonprofit organizations, those that are most critical of government policy or those who advocate on behalf of a discriminated against constituency may find themselves less able to obtain government contracts and, as a result, secure their financial future. In Brazil, the Public Enterprise of the State of Rio de Janeiro works closely with nongovernmental organizations to provide sewage facilities, water ducts and garbage collection. Over 150,000 people were reached in one project involving the Water and Sewer Company of Rio.¹⁷ As federal and local governments continue their efforts to reduce costs by eliminating support for social programs, nonprofit organizations are creating profit-making enterprises to subsidize the charitable activity of the nonprofit organization.¹⁸

While such efforts may make nonprofit organizations less dependent on government, they may also make them less

responsive to the needs and interests of their primary constituents. As nonprofits manage profit-making enterprises, the business imperative to make a profit may undermine the social conviction of the nonprofit organization. For example, in an effort to satisfy the profit motive, will a nonprofit choose to sell an inferior product, restrain its social message or pay its workers less than an adequate living wage in order to maintain its profit margin?

These are important questions, the implications of which are only now beginning to be fully appreciated. What is clear is that U.S. nonprofit organizations are heavily dependent on the favorable U.S. tax policies as well as revenues from government service contracts and revenues from profit-making ventures. This reliance may account for why considerable attention is given to generating financial resources, including tax incentives and self-generated income in various manifestos that have been issued by several of the international organizations committed to promoting philanthropy worldwide. These issues are discussed in greater detail in the next section on the myth of altruistic giving.

The myth of altruistic giving

One of the most important and inspiring aspects of the nonprofit sector is the belief that citizens spontaneously and without added inducement make charitable contributions to support the causes that they believe in. The reality is that government tax incentives and the existence of enabling legal environments are often critical components for encouraging people to give. As discussed earlier, what has not been adequately appreciated is how the American legal system with its freedom of religion (believe anything), freedom of speech (say anything), and right of assembly (gather together anywhere) provided an enabling environment for the proliferation of nonprofit groups in the United States. Unfortunately, when promoting the virtues of the nonprofit sector abroad, well-meaning advocates often forget that the enabling environment for the sector within a particular country is a key consideration that develops from each culture's charitable traditions and the country's unique history and politics. While the more astute proponents of encouraging the development of the nonprofit sector recognize the importance of an enabling environment, they often seek to promote an environment that in many respects appears very similar to that of the United States.

For example, in a widely circulated position statement, "Toward a Vital Voluntary Sector II: The Challenge of Permanence—An Action Statement," published by the International Fellows in Philanthropy Program of Johns Hopkins University, the signatories affirm their belief that

deliberate action is needed to "ensure the survival of a vibrant nonprofit sector in countries around the world over the long run. . ."¹⁹ While the signatories go on to acknowledge the existence and legitimacy of the multiplicity of differing relationships between the government, business and nonprofit sectors in countries throughout the world, they nonetheless identify five areas that they deem to be most important: improving public awareness and support; generating financial resources; training and organizational capacity-building; sector service and support organizations; and research. The American influence is imbedded throughout the document and is perhaps most prevalent in the section on generating financial resources. The signatories believe:

*Government must provide: 1. a legal basis for legitimizing nonprofits, including legal recognition of nonprofit organizations in all their various forms; 2. tax incentives for nonprofits, including favorable treatment of the income of nonprofits and tax deductibility of gifts made to nonprofits by individual and corporate donors; and 3. subsidies for the work of nonprofits that is in the public interest. These subsidies may take various forms, including direct grants; purchase of service contract; in-kind assistance; set asides of tax revenue; lottery proceeds; and privatization income.*²⁰

A similar, although less detailed recommendation has been adopted by CIVICUS. Specifically, CIVICUS calls for a "more supportive political, legal and fiscal environment that enables the freedom and autonomy of association," and "increased and stronger partnerships among corporate, government and civil society institutions."²¹

There is little difference in these recommendations and the current treatment of nonprofit organizations within U.S. tax code. There are many countries in which nonprofits are not formally recognized, and contributors do not receive tax deductions. There is no inherent reason that the nonprofit sector must be supported through tax incentives to be effective. In fact, there are some studies that suggest people would continue to give at nearly the same level without the need for a tax deduction.²²

The issue of whether individual contributors receive a tax deduction is important because the wealthier the person, the more valuable is the ability to avoid a tax. Put another way, poor people have less money to give and thus do not receive the same level of economic benefit from a tax deduction as a wealthier person. Tax systems that provide incentives (deductions) for people to contribute to the nonprofit sector may find that the issues and concerns of wealthier people are more likely to be supported and financed (for example, arts and culture organizations).

These same issues are evident in how charitable giving can be used to substantially reduce estate taxes. Wealthier people can leave some or all of their estate to the charitable organizations of their choice to provide support for the organizations' activities and reduce their overall tax liability. Obviously, poor people are less likely to utilize these tax provisions to support the charitable causes of most interest to them.

If (and there is no evidence that this is true), the wealthy are less likely to support social justice issues or income redistribution issues (perhaps due to how some may have accumulated their wealth), nonprofit organizations focusing on social justice issues may find it more difficult to raise the necessary financial support from wealthy contributors. This is likely to be true even when donors can receive a tax deduction. However, it is important to note that being well financed does not guarantee the broad-based public support necessary to implement a particular reform. Closely related to the myth of altruistic giving is the myth of volunteer operated organizations which is discussed below.

The myth of volunteer-operated organizations

The image that is often presented of the U.S. nonprofit sector abroad is that most if not all nonprofit organizations rely heavily on volunteers to carry out their activities. While it is true that nonprofit organizations are more likely to rely on volunteers for some part of their operations (especially board governance) than either government or business, it is not accurate to suggest that most of the work of nonprofit organizations is accomplished with volunteers. In 1994, U.S. nonprofit organizations employed 9.7 million full and part-time employees and 5.5 million full-time equivalent volunteers, which accounts for 62 percent of all volunteer employment in the U.S. economy.²³

The image of the nonprofit sector as primarily dependent on volunteers is important to examine for several reasons. While volunteers play an important role in allowing nonprofit organizations to carry out their activities, large-scale, volunteer operated nonprofit organizations are rare. Many nonprofit organizations are multimillion dollar institutions that provide services to individuals throughout the country and require employees at all levels who have the necessary skills to ensure that quality services are provided and that financial contributions are prudently invested and accurately accounted for. This level of professionalism on a full-time basis cannot be reasonably expected of a volunteer or from a poorly paid workforce. The view of a volunteer-driven nonprofit sector has contributed, in part, to why executive compensation of nonprofit leaders in the

U.S. continues to be the subject of intense media interest. The belief in volunteers is so pervasive that there are those who believe that nonprofit professionals who request reasonable compensation, life insurance, medical benefits and retirement plans are somehow less committed and motivated about their work.

When promoting the virtues of the nonprofit sector abroad, the image of nonprofit organizations that is often promulgated is that these institutions can be effectively managed and operated by volunteers. Lester Salamon makes the following observation:

...the belief that true nonprofit organizations rely chiefly, or even exclusively, on private voluntary action and private philanthropic support. This myth is particularly pervasive in American thinking about the nonprofit sector, but since the American nonprofit sector is widely perceived as one of the largest and most highly developed, it has affected thinking more broadly as well.²⁴

As stated, volunteers play a critical role in the governance of nonprofit institutions. Unfortunately, there is widespread anecdotal evidence that racial and ethnic groups are significantly underrepresented on the governing boards of foundations and grantseeking nonprofits. While there are no reliable statistical data about the racial composition of the governing boards of grantseeking nonprofit organizations, there are reliable data on the governance of foundations. The Council on Foundations has found that White males represent 64 percent of all foundation governing boards compared to 27 percent for White women and 3 percent for both African American men and women (the remaining 3 percent is divided among other ethnic groups).²⁵ These data are significant because to the extent that the governing boards of nonprofit organizations are not racially diverse, those institutions are less likely to identify and be responsive to the needs of different groups notwithstanding statements of nondiscrimination. The Ford Foundation was unique in pushing this issue to the forefront by requiring every nonprofit organization requesting a grant to identify the racial and gender composition of the organization's board and staff in evaluating whether to award a grant.²⁶ It is interesting to note that several organizations have been created in the United States with the purpose of recruiting and placing underrepresented groups on nonprofit governing boards.

To the extent that hiring discrimination on the basis of race and gender occurs in the nonprofit sector, specific racial groups and women may find themselves less likely to be hired. Those who are hired may receive less total compensation compared to their colleagues in similar positions. This issue is examined more fully in the next section on the myth of racial and gender equality.

The myth of racial and gender equality

One of the most persistent beliefs about the nonprofit sector is that it is inclusive of all races and cultures and that issues of racism and sexism, where they exist, are isolated incidents that are not representative of the nonprofit sector as a whole. The reality, as noted earlier, is that the nonprofit sector reflects the spectrum of the most enlightened and most limited view of an issue at a given moment in history. Many of the oldest and most prestigious nonprofit organizations can look at their past histories and find that their organizations have not always equally provided services or advocated on behalf of minority communities or women. For example, in the U.S., it is ironic that while the nonprofit sector can rightfully claim to have provided women opportunities for participation and leadership that were at one time denied to them in government and the private sector, it is seldom acknowledged that, reflective of the times, both then and now, women are paid less for their skills and talents than men.

The fact that the nonprofit sector can rightfully claim to have provided the necessary space for some of its members to challenge the status quo has obscured discussion of the nonprofit sector's collective behavior with regard to issues of diversity and inclusion in its hiring and employment practices. The most recent research on diversity within the nonprofit sector has raised troubling questions that refute commonly held beliefs about the nonprofit sector's commitment to a diverse and inclusive volunteer and paid workforce. Notwithstanding the reliance of smaller nonprofit organizations on individual contributions and the growing percentage of racial minorities in the overall population, the U.S.-based Independent Sector has repeatedly found that people of color are simply not asked as frequently as White Americans to volunteer.²⁷ Moreover, when asked, these same groups are far more likely to agree to volunteer. In short, these findings suggest that the strategy for increasing both giving and volunteering is for nonprofit organizations to simply ask specific racial and ethnic groups for their financial and volunteer support. What accounts for the apparent unwillingness of nonprofit organizations to ask people of color to volunteer? What does it say about the willingness of nonprofit organizations to be inclusive of different racial/ethnic groups?

The most recent research on diversity within the non-profit sector has raised troubling questions . . .

Data from the U.S. Census compiled by the Nonprofit Academic Centers Council (NACC) raises even more disturbing questions. The study, "Nonprofit Management and Leadership: The Status of People of Color," documents that in percentage terms, various racial and ethnic groups are underrepresented in the nonprofit sector across occupations as compared to the government and private sectors. Specifically, people of color account for 24 percent of the government sector, 21 percent of the private sector and 17 percent of the nonprofit sector.²⁸ Other research has found that African Americans and other non-White ethnic groups working in foundations are underrepresented and academically more accomplished but underpaid, compared to their European American colleagues.²⁹

At least part of the explanation may be that unlike government, which mandated and implemented affirmative action plans and the private sector that has begun to respond to equal employment legislation and consumer demand, small indi-

vidual contributions coupled with a sizable volunteer workforce may not encourage diversity in the nonprofit sector as rapidly as in other sectors. While the population growth of African, Hispanic and Asian Americans are beginning to create new market pressures on nonprofit organizations to be more responsive to specific ethnic groups, the concern here is that the nonprofit sector's uncritical acceptance of its presumed achievements in this area (the myth of pure virtue) may be preventing a candid assessment of what the nonprofit sector has accomplished and what tasks remain.

Altogether, the available research data raise considerable questions about the predominant image of the nonprofit sector as inclusive and providing equal opportunities for people of color. What are the implications of the fact that people of color are disproportionately not asked to volunteer in nonprofit organizations that may, in some instances, purport to represent their interests? Given the belief that volunteering leads to increased giving, why aren't these groups being asked? Why are people of color underrepresented as paid employees in the nonprofit sector? It is likely that discriminatory hiring practices account for some part of these findings. These issues suggest that those who would work through nonprofit organizations must be alert to internal organizational issues of racial and gender discrimination as they seek to address these and other social justice issues in the larger society.

The future myth of a societal safety valve

The nonprofit sector is not only an essential component in the U.S. safety net to provide services to the disadvantaged, but its advocacy role is essential for providing space for the expression of unpopular issues that would otherwise be ignored by the “majority wins” rules of our political system. This “majority wins” system can often lead to resentment and withdrawal by those who are not part of the winning majority. This feature strengthens rather than weakens the underlying political system. Tocqueville observed:

They [governments] bear a natural goodwill to civil associations, on the contrary, because they readily discover that instead of directing the minds of the community to public affairs these institutions serve to divert them from such reflections, and that, by engaging them more and more in the pursuit of objects which cannot be attained without public tranquillity, they deter them from revolutions.³⁰

With one significant exception, the United States is widely recognized as having maintained an exceptionally stable democracy. This stability is due, in part, to the nonprofit sector that provides a constructive vehicle to promote change for citizens who disagree with the status quo. Again, the enabling environment in the United States is an essential underlying reason for this success. The one exception to the otherwise stable democracy in the United States was the Civil War. The issue of race and slavery was so divisive that the pressure release valve of the nonprofit sector was unable to contain it.

There are disturbing signs that the issue of race is once again building pressure on the U.S. democratic system that cannot be constructively diffused by the nonprofit sector. The current pressure is coming from a small segment of White Americans who have formed armed militia groups for the explicit purpose of overthrowing the U.S. government. While this may, at first, seem preposterous, these groups have: military training; amassed large stockpiles of guns, ammunition and explosives; and carried out several attacks against government targets. It is somewhat surprising that some Whites have chosen violence over peaceful change through the nonprofit sector. Considering that historical injustices that have been endured by African Americans and Native Americans in some areas continue, one might have predicted that some of their members would have been more likely to take up arms. Rather than organizing to work within the system to promote change, neo-Nazi and militia groups have withdrawn from the democratic system. Unless efforts are made to successfully draw these individuals back into using the voting process

and the nonprofit system to peacefully promote their views, the current violence is likely to continue to escalate. Such actions would make the future myth of the nonprofit sector as a societal safety valve an unfortunate reality.

Conclusion

Around the world, advocates for social justice are searching for new tools to combat the historic and ongoing problems of racism and discrimination. This search has become more important with the global dominance of democracy and the free-market system as well as the need to address national budget constraints. The U.S. nonprofit system is often viewed as a successful model that has empowered dispossessed people to successfully harness and direct their own financial and volunteer resources (as well as those of supporters) to promote socioeconomic equality within the legal system. The nonprofit sector is also viewed as a way to stimulate citizen participation and provide services in lieu of, or in conjunction with, government. This essay has examined the seven deadly myths of the nonprofit sector and their hidden implications for social justice advocates. The myths are deadly because, in addition to being misleading, they have hidden implications for social justice that may exacerbate rather than ameliorate the socioeconomic divisions. This is especially relevant to advocates for social justice working abroad who may be less familiar with the opportunities and limitations presented by the U.S. nonprofit system.

The nonprofit sector can be a powerful tool for citizen self-expression and empowerment. However, it is clear that the U.S. nonprofit sector has hidden race and class considerations which should be explicitly recognized by those who would promote or use the nonprofit sector as a mechanism to address racism and socioeconomic inequality in the U.S. or abroad. There are enormous individual and institutional resources (financial and volunteer) that are directed through the nonprofit sector of different countries. Further analysis would appear warranted in order to examine how best to utilize the nonprofit sector to effectively address social justice issues in light of the myths discussed in this essay and the cultural and legal environment in each country. Without such forethought, advocates of using the nonprofit sector to address social justice issues may unknowingly import some of the inequities and internal contradictions of the American nonprofit sector.

- ¹ Alexis de Tocqueville, *Democracy in America* (New York: Alfred A. Knopf, Inc. 1996), second part, 106.
- ² These organizations include: CIVICUS, a world alliance for citizen participation; the International Society for Third Sector Research; The Johns Hopkins University International Fellows in Philanthropy Program and Comparative Nonprofit Sector Project; and Indiana University Center on Philanthropy's Eastern European Initiative, among others.
- ³ Roger A. Lohmann, "And Lettuce is Nonanimal: Toward a Positive Economics of Voluntary Action," *Nonprofit and Voluntary Sector Quarterly*, vol. 18, no. 4, Winter 1989, 367-83.
- ⁴ Foundation Center, *Foundation Giving*, 1996 ed., 1.
- ⁵ Renato de Paiva Guimarães, *Philanthropy as Social Investment: Trends and Perspectives on Philanthropy in Brazil*, Center for the Study of Philanthropy, City University of New York, Working Paper Number 1, Spring 1997.
- ⁶ Tocqueville, second part, 196.
- ⁷ Tocqueville, second part, 112.
- ⁸ Guimarães¹⁹.
- ⁹ *Crossover Between the Nonprofit and Business Sectors*, symposium report (Tokyo, Japan: The Sasakawa Peace Foundation, 1994), 11.
- ¹⁰ James A. Joseph, *The Charitable Impulse* (New York: The Foundation Center, 1989).
- ¹¹ Lester M. Salamon, *Partners in Public Service: Government—Nonprofit Relations in the Modern Welfare State* (Baltimore: Johns Hopkins University Press, 1995), 262.
- ¹² *People for the American Way, Buying a Movement: Right-Wing Foundations and American Politics*, Washington, D.C., 1996.
- ¹³ Emmett D. Carson, "Philanthropy and Foundations," *Encyclopedia of African-American Culture and History*, ed. Jack Salzman, et al., vol. 1 (New York: Simon & Schuster MacMillan, 1996), 2137-41.
- ¹⁴ Brian O'Connell and Ann Brown O'Connell, *Volunteers in Action* (New York: The Foundation Center, 1988), 6.
- ¹⁵ Lester Salamon, *America's Nonprofit Sector: A Primer* (New York: Foundation Center, 1992), 26.
- ¹⁶ Leilah Londim, "Defining the Nonprofit Sector: Brazil," Working Paper of the Johns Hopkins Comparative Nonprofit Sector Project, no. 9, eds. Lester M. Salamon and Helmut K. Anheir (Baltimore: The Johns Hopkins Institute for Policy Studies, 1993), 16.
- ¹⁷ Julie Fisher, "Local Governments and the Independent Sector in the Third World," *The Nonprofit Sector in the Global Community*, ed., Kathleen D. McCarthy, et al. (San Francisco: Jossey-Bass, Inc., 1992), 82.
- ¹⁸ Jeniece View, *A Means to an End—The Role of Nonprofit/Government Contracting in Sustaining the Social Contract*, report, (Washington, D.C.: The Union Institute, 1995) and Steven Smith and Michael Lipsky, *Nonprofits for Hire: The Welfare State in the Age of Contracting* (Cambridge, Mass.: Harvard University Press, 1993).
- ¹⁹ *Toward a Vital Voluntary Sector II: The Challenge of Permanence—An Action Statement*, International Fellows in Philanthropy Program, Institute for Policy Studies, Baltimore: Johns Hopkins University, June 1995, 1.
- ²⁰ *Toward a Vital Voluntary Sector II*, 3.
- ²¹ CIVICUS: World Alliance for Citizen Participation, 1995 Annual Report, 2.
- ²² Charles T. Clotfelter, *Federal Tax Policy and Charitable Giving* (Chicago, Ill.: University of Chicago Press, 1985).
- ²³ Virginia Ann Hodgkinson and Murray S. Weitzman, *Nonprofit Almanac 1996-1997* (San Francisco: Jossey-Bass Publishers, 1996), 28.
- ²⁴ Salamon, *Partners in Public Service*, 263.
- ²⁵ Council on Foundations, *Foundation Management Report*, 8th ed. (Washington, D.C.: Council on Foundations, 1996), 73.
- ²⁶ Ford Foundation, 1985 Annual Report, President's Review, New York, ix-xvii.
- ²⁷ Virginia A. Hodgkinson and Murray S. Weitzman, *Giving and Volunteering in the United States* (Washington, D.C.: Independent Sector), 1992, 210.
- ²⁸ Pier Rogers and John Palmer Smith, "Nonprofit Management and Leadership: The Status of People of Color" (unpublished paper).
- ²⁹ Lynn Burbridge, *Status of African Americans in Grantmaking Institutions*, Indiana University Center on Philanthropy (Indianapolis: Indiana University, 1995) and Emmett D. Carson, "Diversity and Equity Among Foundation Grantmakers," *Nonprofit Management & Leadership*, vol. 4, no. 3, Spring 1994, 331-44.
- ³⁰ Tocqueville, second part, 118.



© Flip Schulke Archives

Some Reflections on Racism and Protest in the United States

By C. Eric Lincoln

The Origins of African American Rejection

Humanity as superlative value

All of the world's great religions presume the uniqueness of human life and place it at the apex of the schedule of values worthy of protection and preservation. There is probably no other single value in which there is such a unanimous convergence of opinion and belief. Nevertheless, in spite of the universality of commitment to the supreme value of human life in the abstract, and the virtual universality of religion, the world's most prominent religions have seemed unable to find in the value of human life as a principle a consistent derivative value in human life represented by individual selves. Hence, religion notwithstanding, (or not infrequently because of religion), human life as a supreme value is often tarnished by the presumption of other values religion is called upon to validate. In other words, some human lives are inherently worth more than others because they are presumed to be enhanced by such values or accidents as color, race, class or social status.

This troublesome contradiction is the nemesis of human interaction and peaceful collaboration throughout the world. Religious values and understanding project themselves into the most intimate of human relationships and institutionalize themselves in patterns of culture which determine the quality of life for millions of people for whom life as "supreme value" is dismally understated. Racism is a prominent example of the institutionalization of concepts which often reflect religious conventions. While not all racism is so derived, of course, when it appeals to and receives from religion the primary justification for its practice, then religion as the primary insight to ultimate reality assumes primary control of the way we

see ourselves and the way we see others. This is the pervasive problem our world has to face as we step tentatively into the churning, uncharted waters of the 21st century. We do not know where the shoals and the reefs are hidden, nor beyond which horizon the storm clouds are gathered. But we do know that they are there. There is a critical continuity in human experience. The bounds, which mark the beginning of the new millennium, are projections of our own imaginings. In reality, "Y2k" has no objective reality of its own. We will go on being what we were unless we decide to change. Our habits and conventions do not automatically change with the changing of the calendar. And so we will likely be taking with us into the future the odious baggage dragged out of the past as the standards for the millennium ahead.

Race in the United States

Racism comes to different cultures at different times and for reasons that may be widely disparate. In the United States where the felt need to identify, distinguish, separate and evaluate human beings in terms of "race" has been continuous since the beginning of American history, the seeds of our racial mania are often attributed to the Christian religion itself. Such disparaging nonsense is only with great difficulty exposed for what it is. The Christian faith as the prevailing religious world view of the American people has been, indeed, vigorously and persistently mined and exploited in search of legitimization for racist ideology. But it is not the faith that is flawed, but rather the "faithful" who, for whatever reason, have not kept the faith.

Two sources of Christian racism

Racism in America is rooted in three closely related aspects of the American experience: territorial expansion; economic aggrandizement; and political hegemony. Together, these three interests represent a tightly integrated packet of values which to the conventional American mind transcend the superlative value of human life and such derivatives as justice, equality, and the sanctity of the individual. Conflicting teachings of the Bible—the Christian code for human action—have been systematically ignored or "reinterpreted" to serve the cause of racial exploitation.

Territorial expansion: the first thrust of racism

The Pilgrims who came to America from Europe in the first quarter of the 17th century were devout Christians fleeing religious persecution and in search of religious freedom. There is little, if anything, in the literature of the period which would seem to indicate that they were any more or

less racist than their counterparts left behind in Western Europe. They came to America, they said, to build "a new Jerusalem," a city under God set on a hill, as it were, to serve as a beacon to all humanity who chose to live in the shadow and by the dictates of God Almighty.

Certainly this was a noble, laudable enterprise and one which all Christians might have been proud to acknowledge and affirm. But there was apparently an aspect of the plan that this intrepid little band of Christian pioneers—and their successors—had not thought through. To build a city, however noble its purpose, required land, and the land the Pilgrims had their hearts set upon was already occupied by some people mistakenly labeled "Indians." What to do? God's City must be built, and God had delivered them from the toils of religious persecution in Europe, the perils of the sea, and the rigors of survival in a strange and distant land that they might make the New Jerusalem the embodiment of God's favor and God's grace. But what about the Indians? Were they not also a part of God's crowning superlative creation called humankind? Were they not included among the children of God?

Such vexations would have to be thought about and resolved. Certainly the Indians looked human, or almost human. But just how human were they? They were different, if one thought about it. They were "Red" men! The Europeans were "White." And the Indians were "savage" and "uncivilized," exhibiting none of the social graces or cultural refinements which distinguished the expatriates from Western Europe. Moreover, they were "heathen," knowing nothing of the one true God who created the heavens and the earth. They made no distinction between themselves and the animals they considered their "brothers," who shared the land with them, and whose flesh they ate and whose skins they wore to shield them from the elements. Could it be that these Indians were in fact more animal than human and therefore beyond the pale of divine grace and human consideration? When the Indians' land was at stake, it was an easy transition from the speculative appraisal of the Indian to the summary conclusion that "the only good Indian is a dead Indian." And this became the determining ideology, which almost denuded the country of its aboriginal peoples. The process would be repeated with adaptations with the Mexican nationals. The desire for more and more territory grew more and more insatiable as we flexed between two oceans we had come to covet as the "natural" boundaries of our new democracy. The Christian community that had originally been conceived as a New Jerusalem, a city set on a hill for the glory of God and the demonstration of the superlative value of all human life, had deteriorated into a chauvinistic rationale for territorial aggrandizement, the repercussions of which still aggravate the racist melanoma of our social consciousness.

Economics as a source of American racism

The building of an empire requires labor. Intensive labor. Whether such an undertaking is perceived as a demonstration of the community of faith, as in the case of a New Jerusalem, or whether it is merely a challenge to the human spirit to pursue the extraordinary in creative expression, someone has to provide the labor by means of which creative ideologies take on materiality. The more magnificent the dreams, the less likely it is that the dreamers are prepared to do the labor required to make their dreams substantial. The great pyramids of Egypt, the magnificent cities of the Aztecs, the plantations, and the railroads required billions of man-hours and buckets of sweat. The hot and the heavy and the dirty labor that went into the making of America are cases in point. It was not the dreamers who did the work, but those who had their own dreams deferred to give reality to the dreams forced upon them. As the New Jerusalem concept extrapolated itself into visions of empire, a reliable source of cheap and ready labor had to be found at the expense of other visions of other people who dared to have visions of their own.

The Indians were already here, and they had already been declared beyond the pale of divine interest and proper human consideration. So it seemed "logical" to enslave the Indians. And that was tried. But Indian slavery proved impractical. The Indians who were set to work at the White man's tasks either died of melancholia or escaped into the surrounding forests at the first opportunity. They were at home where all of the support systems of tribe, family and terrain worked to their advantage, and the efforts to build on the back of Indian labor were soon aborted.

African labor, the primary source of racism

With the failure of Indian slavery and the steady expansion of the western frontier, the escalating influx of European colonists in America found it feasible to look to the continent from which they had come to fill the persistent labor vacuum. While there was no major traditional devaluation of selective human beings on the basis of "color" or "race" as we perceive it today, there were rigid class distinctions. Perhaps the enslavement of the poor and the indigent might be justified if it were temporary, and if it provided an opportunity for their rehabilitation through Christian oversight and self-help? This rationale when codified in a labor arrangement called "indenture" seemed consistent with the colonists' theology and understanding of the day, which made a virtue of work and a responsibility of oversight. Under indenture the distressed poor of Ireland, the homeless and the unprotected roaming the streets of London, and the defaulted in debtors' prisons provided a steady

supply of candidates willing or unwilling to be sold into indenture in America for "a term of years." But all of these laborers were Europeans, and all of them were White.

The traditional patterns of indenture were broken after 1619 when the first Africans were bartered away at Jamestown, Virginia. For the first time Black people were incorporated into the prevailing system of "indentured servants." But as the slave trade escalated, the system was modified in ways that made the pervasive racial prejudice inevitable. Indenture was dismantled in favor of abject human chattel, and the African people became the designated source to bear the onus of the new tradition.

The usual "term of years" an indentured servant was required to serve was seven, at the satisfactory conclusion of which the servant was released and given a few acres of land or other gratuity to help launch his or her independence and responsibility. Since indenture implied a "class" rather than a "racial" distinction, intermarriage between European and African servants was common and not in violation of law or public policy. However, as labor needs intensified, the practice of keeping the Africans in indenture for indefinite periods beyond the legal term of seven years became a pernicious, commonplace corruption of the system. Europeans whose terms were violated could appeal to the British Crown or to influential advocates back home for relief. Africans had no such recourse, and in due course Africans were required to serve, not for "a term of years," but *dura vita*, which is to say, for life. The institutionalization of African slavery was complete. An interesting fallout was that interracial marriages, which were previously optional to the parties involved, were now frequently forced. Since all children sired by an African male would inherit the civil status of the father, they would be slaves. And (following English common law) they would be the property of whomever owned the slave who fathered them. By the middle of the 18th century "slave" and "African" were practically synonymous in meaning.

Politics as a source of racism in America

The founding fathers who came to America to build a New Jerusalem under God eventually established a civilization they triumphantly hailed as a "democracy." It was, they said, "a government of the people, by the people, for the people." It was not the New Jerusalem originally envisaged, but it was a refreshing stride in the right direction and a significant improvement over what most of the world had to offer to buffer the human predicament at that time. Nevertheless, the new government was flawed, perhaps not intentionally so, but seriously enough to require continuing vigilance in the interest of making the democracy they

intended more true to its own ideals than its practices. In the first place, the prevailing model for the governments of Western Europe had been patriarchal for as long as anyone could remember – the occasional ascent of a woman to the titular head of government notwithstanding. A patriarchy concentrates the critical distribution of political power in the hands of an exclusive oligarchy of males in which age (or tenure) is likely to be a critical factor. In short, in the classical patriarchy, older men have more power, younger men have less power, and non-males have little or no power at all. When this model (which is undoubtedly a survival of the primeval structure of the human family) is extrapolated as the system of government for a whole nation or society, it is obviously incompatible with the notion of a government of, by and for the whole people. Hence the best intentions of the American founding fathers to establish a true democracy were inhibited to the degree that they also sought to preserve the privileges of patriarchalism which were deeply embedded in English law and tradition.

The pitfalls were not immediately apparent because there were no women present at the Constitutional Convention to raise the issue of their exclusion from the full benefits and responsibilities of the democratic ideal. In Europe, classical patriarchalism had successfully avoided the problems of gender since medieval times by an elaborate system of parallelism called, “chivalry.” Chivalry effectively disfranchised women and precluded their political involvement in exchange for the security of male intervention or championship on their behalf. An exaggerated system of honor, manners and other social emoluments were reserved for the “ladies” of the men who shaped and directed the common destiny, encouraging the notion that power could (or should) be a male responsibility. This system of gender glorification in return for non-participation was an integral part of the traditional culture brought from Europe. In the South, which was to become the primary situs of the African American experience in racism, the crinoline and lace of the White southern belles not only marked the exaggerated continuation of a tradition of civil and political non-involvement, it also co-opted the latent psychology of the system as a formidable weapon of African control and denigration.

The exclusion of women reserved the privilege of patriarchalism – which is to say political power – to men. But the vast majority of Africans imported for slavery in America were men, and thereon hung a worrisome contradiction. The ever-increasing numbers of African males caused some

uneasiness among those who dared to look beyond the apparent control of things as they appeared to be to a time when things might change. For example, while gender was an effective bar to White women who might challenge the patriarchal hold on political participation, what was to restrain Black men except slavery? For a thousand years, the English common law had presumed the priority of males in the inheritance of titles, property and social and political privilege in general. Though it is unlikely that color or race were anticipated as factors of consequence in the original determination of such conventions, history was capable of developments that were scarcely discernable in the cavalcade of events which were even then restructuring English life in America. For example, whenever there has

Resistance and protest against injustice and exploitation is an integral aspect of the human endowment.

been human bondage, there has been sexual contact between those who anointed themselves “masters” and those who were designated “slaves.” This ancient inevitable relationship can be as formal as the ownership of wives and concubines

(and sometimes children), or as informal as the presumption of privilege, which made Black Sally Hemmings the mother of Thomas Jefferson's children without the benefit of clergy. Such miscegenation was common in America from the beginning. Indeed, the sexuality of African women figured prominently in the market value of slaves sold at the auction block, as it did in role and work assignments once they were incorporated into plantation life.

However, as is usually the case, there were unanticipated consequences to the sexual liaisons outside the bounds of marriage. In the first place, they were a constant source of friction, suspicion, frustration and self-doubt experienced by the White “mistress” whose “ladyship” was often translated into a lonely shadow-life that was both sterile and meaningless. In counterpart, the role of the Black male in his own “family” was unauthenticated and undefined. He was made an expendable appendage to the woman who bore his children (and perhaps those of the “master”). But he had no significant powers of decision or control over anything, including his own body.

The consequences of the “master's” personal laissez faire sexual unrestraint, which were most feared, were more threatening than real. But they were of a potential magnitude, which if realized, could in time bring down the world the slaveholders had built like a house of cards. They were 1) miscegenation (or “mongrelization”) and 2) legal recognition of Black sons of White fathers to “take” or inherit according to the established conventions of the British Common Law. It was these two concerns which

became the overwhelming focus of White racism in its unrelenting effort to demonize and denigrate the African American male in the eyes of the White woman and the society at large. Hence, any opportunity to portray Black males as ignorant, lazy, savage, brutal, bestial, dirty, thieving, lying or otherwise unattractive and unreliable were seized upon for the arsenal of African degradation. To preclude the benefits of law should the day ever come when some Black son of a White father should sue for legal recognition, most states passed laws to the effect that "the father of a slave is unknown," (i.e., a slave is nullius in law, the son of nobody; or a slave is nullius in populo, the son of the people), and therefore unable to establish a claim in the traditional line of descent from father to son.

Such were the principal origins of anti-African racist ideology in America. We turn now to an examination of resistance.

Resistance and protest

Before the fall

The interpretation of biblical history makes much of the exalted status of humankind before the "fall" of man into the oblivion of his sinfulness. From that oblivion there could be no rescue except through the unmerited intervention of divine grace. For millions of Africans entrapped in the merciless mandibles of the slave trade, the "fall" into oblivion and depersonalization was subject to no agency of recall or recuperation the African had heard about. Slavery meant the fall of an impenetrable curtain that separated those enslaved from their families, their cultures, their gods, their systems of truth and perspectives on reality. Forever. It was an assignment to death that was worse than death, and resistance before the curtain of institutional slavery could fall was often a compelling index of what the captured Africans knew intuitively awaited them beyond the "middle passage" across the ocean to America.

It was common for Africans whose villages had been decimated to refuse to march in the "coffles" that chained them neck to neck, hand to hand, and ankle to ankle for the overland march to the slave barracoons or "factories" in the harbor to be warehoused until the next slave ships arrived. Some refused to eat and died of starvation in the coffles. Some slashed their own throats with their fingernails and bled to death. Some deliberately provoked their coffer drivers and were killed for delaying the delicate passage through hostile territory. Aboard the stinking ships of the middle passage, the full extent of the murder and mutiny and self destruction that took place is an untold chapter in the malevolent murkiness which clouds the horrors of human procurement for human aggrandizement.

Romanticized stories like that of Cinque and the Amistad mutineers can only suggest the tip of an iceberg whose depth has yet to be fully plumbed.

Survival

Once the slave ships arrived in America the curtain came down with a clanking finality. From that point on, Africa did not exist—except as a production unit for the perpetual replenishment of virile, Black uncompensated labor. There was no hope or expectation that the African Motherland would, or could, offer any hope for the relief or the rescue of the African diaspora whose members had disappeared behind the curtain of abject servitude in America. In America, slavery had become an institution, nurtured, protected and extolled by all of the sub-structures significant cultures employ to preserve what they perceive as their vital interests: education, law, economics, religion, myth, public policy, and so on, ad infinitum. Protest in such a climate must be both secretive and discrete if it is not to be dysfunctional or self-defeating. To the great credit of the Africans, their first protests were summed up in one word: survival. The lesson is clear. The "Indians" fought valiantly, and often to the last man, to preserve their possessions and their identity. But power concedes nothing. Would-be conquerors concede even less, and, when the last battle cry was heard in America, the Native Americans were all but extinguished. Those who survived were on reservations. It is a sad commentary on our national history, but it is a lesson African Americans took to heart. Survival is the value in the absence of which all other values are moot.

Survival protests took a variety of forms, which when fit together, made possible a continuity of personal and cultural existence which, considering the multifarious stresses of slavery, has been nothing less than astonishing. From "cutting the fool," or amusing the White man to stave off punishment, to eating the most nutritious foods that could be secreted from the Big House kitchen or smoke house, to resting instead of working, to disinformation and clever deception, in a thousand ways did the African slave manage to stay alive. One of the cottontail stories of the slave era told of two rabbits trapped inside a hollow log surrounded by a pack of hounds. "Our strategy," the male rabbit said to his companion, "will be to just sit tight in here until we outnumber them. Then we'll see!"

Active protest on the plantation

Mere survival is sterile unless it anticipates change. If survival is the first law of nature, then self-expression must be the second. "Survival for what?" is the question every human being must confront at one time or another. And if

there are no clear answers, it is doubtful that the game is worth the candle by which we struggle to maintain it. Man is a creative being, and the spark of creativity that distinguishes humankind from all other forms of life is the innate initiative and desire to expand his universe of reality by something more than mere biological procreation. The metaphor about leaving "footprints on the sands of time" is a fair expression of the human need to create, to be relevant, to make a difference in the otherwise senseless flux of history. When the creative initiative is stifled or truncated or abjectly denied, then the human potential to become, itself, is short-circuited and human life is fraudulent, wasted and counter-productive. Slavery is the supreme suppression of the human initiative; racism is its selective, calculated counterpoint in denial.

African Americans have never been free of one or the other, or both since they first came to America to labor in the White man's initiative some four centuries ago. The creative energy that should have gone into making this society and the world a more beautiful and inviting place for human occupancy and development has been largely usurped by the resistance and protest necessary to stay alive and retain one last clutch on human dignity which separates humans from the yawning abyss of nothingness.

Resistance and protest against injustice and exploitation is an integral aspect of the human endowment. It is never a question of whether men and women who perceive themselves within the God ordained human confraternity will resist dehumanization, but only of what form that resistance will take at a given time in history. On the plantations of the South, resistance took a variety of forms in the context of the opportunities the culture afforded. At one extreme was revolt, insurrection and selective assassination. While the instances of armed insurrection have been grossly under-reported, they are finally finding their way into the more authoritative works on the slave-holding South. Assassinations are considerably more difficult to document. But they did occur, and their sometimes cryptic mention in oral histories and family anecdotal traditions suggest that they were not as infrequent as the ruling hegemony was prepared to admit. Many "masters" lived in perpetual fear of being poisoned, and indeed poisoning was a favorite means of dispatching a cruel "master" or "mistress" to a more innocuous existence. Many of the slaves knew how to brew various combinations of "yarbs" or poisonous weeds which produced death suddenly, or over a period of

If someone calls himself your "master" and strips you summarily of all the rights, attributes and emoluments of the human endowment, then what "truth" can you possibly owe him?

time. Poisonous snakes or scorpions were hidden in places likely to be frequented by an offensive overseer; pulverized glass was a favorite and deadly potion when mixed in small doses with the food of the intended victim until it accumulated in the stomach or intestine, where it produced irreversible bleeding and death.

Less consummate forms of resistance included the maiming of livestock, the burning of crops, barns, storehouses, and occasionally the Big House itself. Fences were broken so that livestock could get at the corn and other crops.

Growing crops were neglected, over-fertilized, under-fertilized, or improperly harvested. Hogs, cows, chickens and other food animals were permitted to wander off and disappear into the mysterious realm of

fates unknown. Such protests, of course, required a measured sense of self preservation. There was a certain symbiosis in the plantation economy, which could not be ignored. "We had to all eat off the same hog," as my great-grandmother used to put it. "The White man, he ate high on the hog, and the rest of us ate what was left." This meant in translation that if there was no hog, nobody ate. It is in this context that protest and survival had to ally themselves with each other, and the decimation of the plantation

produce had to be tempered by the common need to survive.

Lying, stealing and taking

There are few descriptions of African Americans offered by plantation era Whites, which do not include "lying" and "stealing" as cardinal aspects of African American character. Those perceptions persist today in the racist catalogue of pejoratives with all the vehemence of convention. But the problem is not that the African American has a greater proneness to lie or to steal than the White man, but that the White man has worn convenient blinders to his own perfidy for so long he has forgotten where and why the prevarication began. If someone calls himself your "master" and strips you summarily of all the rights, attributes and emoluments of the human endowment, then what "truth" can you possibly owe him? Indeed, what is "truth" in so degraded a condition? And why should you be expected to be "moral" when all of your other human attributes are denied? It would seem that the first lie which denies your humanity precludes all other possibilities. This is the way it seemed to the slave. "Lying," or dis-information was merely one more weapon in the arsenal of resistance.

So it was with “stealing.” There is an old slave saying that “you can’t steal from the stealer.” The most you can do is take back some of what he stole from you. But you’ll never get it all. To the African, the White man had stolen his body, his identity, his labor, his future none of which he could “steal” back. Hence, the conviction that “you can’t steal from the White man because whatever he has or will have, he stole from you.” This conviction remains deeply embedded in the subconscious of many African Americans and has been subliminally responsible for behavior that might otherwise seem baffling to those outside the circle of its understanding. On the plantation it was not only acceptable, it was often a deliberate form of protest to “take” from the “master” whatever could be managed without detection and punishment. Slaves could “steal” from each other, but stealing from the master was a contradiction in terms.

Residual resentments crop up in strange places from time to time. In Atlanta a few years ago, an African American was arrested for shoplifting some cheap trinkets in a downtown department store. When he was taken to jail it was discovered that the shoplifter was not only well educated and professional, but that he had almost \$2000 in his wallet at the time of his arrest. A search of his home turned up dozens of cheap trinkets similar to those for which he was arrested. None had been used. His explanation revealed the deep-seated resentment he continued to harbor for the racism that robbed his future 150 years before he was born. Said he, “I look at all that stuff in these stores, and I see my grand-daddy’s sweat all over it. I just had to take some of it back. It was the only thing I could do.” It was a symbolic protest affirming his own estimate of his humanity.

African Americans on welfare have often expressed a similar line of reasoning which made them beneficiaries of a kind of reparation they considered theirs “by right” and long overdue. “They stole everything from me for 350 years to support the White man and his family in high style and comfort,” they reasoned. “What’s so wrong with taking a little of it back to help me and our children survive, now that he doesn’t need us anymore in the world he created for himself on our labor?” The vast majority of African Americans who were on welfare were in fact in desperate need of such assistance as a practical matter of survival, but for many of them there was something more than abject survival at stake. Welfare was a form of “taking.” It provided a limited opportunity for retrieval that was substantial rather than merely symbiotic. And it was the “legalization” of a continuing protest against a demeaning and dehumanizing system of racism, which now forced a race-oriented culture to penalize itself for its ancient indiscretions.

Running away, passing and suicide

Running away, passing and suicide were extreme forms of protest or resistance in which the persons who were the objects of racism reassumed or took control of their own lives and bodies. During slavery, although there were many Africans who were physically capable of “passing” as White, the risks involved did not favor the odds for success. The plantation system was too insular, and unauthorized movement was severely restricted. And even when the ordinary physical indexes relied upon for racial identification were diluted or not apparent, the intimacy of the plantation community presented few secrets of such significant magnitude. In consequence, “passing,” as protest, usually involved escape to more congenial territory. Outside the rural South “passing” has been widely practiced as protest and as opportunity to regain unrestricted human recognition ever since the Civil War. Thousands of “Blacks” have become “Whites” by the simple expedient of a change of address and the change of public social or cultural affectations. Jobs and accommodations, which were previously unavailable, meant new access to the American Dream, as well as new satisfaction in the reaffirmation of personal worth.

Running away was such a persistent form of protest against slavery that it was thought to be a disease and was called “monomania.” Tens of thousands of Africans were “infected,” and the apprehensions and recapture of runaway slaves spawned a dubious profession dominated by the propertyless class of “poor Whites” who were otherwise destined to scratch out a desperate living on the hardscrabble fringes of the slave holding plantations. To the planters, running away was considered the most serious and unforgivable act of resistance a slave could perform. In a single act, it severely diminished the “master’s” most critical property holdings, and it exposed to other slaves the vulnerability of the elaborate security system by which the slaves were controlled. Only suicide, which was defined as “the willful self-destruction of the master’s property,” was considered more heinous and unacceptable. Punishment for running away was summary and harsh. Repeaters were whipped to the point of death, branded on the cheek or forehead, and “sold down the river” into the “Lower South” of Alabama, Mississippi, Georgia and Louisiana as “incorrigible.” There they would live out their remaining days under conditions designed for the maximum extraction of labor at the minimum cost per unit. Nevertheless, resistance and protest by the absenteeism of self-removal had become a major tactic in the strategy of freedom by the onset of the Civil War.

Black religion in resistance and protest

The Black church is credited as the first viable organization to offer sustained resistance to the dehumanizations of racist ideology. This conviction is both well placed and understated, but the advent of the Black church as an "independent" local entity was delayed until the middle of the 18th century, and the Black church as a unified cultural institution would not appear until the first quarter of the 19th century. Africans were routinely denied access to the gospel and to the saving grace of the Christian religion until 1701, when a contingent of missionaries sent to the "pacified" Indians by the Anglican Church sought permission to Christianize the slaves after they were rebuffed by the Native Americans. After some extended skirmishes with the planters, who did not want the delicately contrived slave arrangement tampered with, the missionaries were permitted to "exhort" the Big House slaves gathered from time to time under the magnolias of the plantation compound. In due course, favorite personal slaves—valets, nannies, wet nurses, and other Big House retainers—were permitted to attend churches with "masters" and "mistresses." The Africans were confined to segregated seating along the walls of the sanctuary or in the rear of the church behind the White congregation. As their numbers increased, galleries called "nigger heavens" were built for the Blacks high up under the rafters in the rear of many churches. The sermons they heard were addressed to White hearers and White interests. White church wardens stood watch among the Black worshippers to make certain that the service was not disturbed by the shouting, wailing or other emotional outbursts from the Black Christians, who heard the faith turned upside down to accommodate the monstrousness of a doctrine of human servitude under God. The first protest was the spiritual rejection of so callous a rendering of divine turpitude. No God of mercy and justice and fair play could at the same time will for His children made in His image so degraded a subservience to His other children made in His image.

The Africans extracted from the White man's preachments those truths that were consistent and universal and privately rejected the rest. In time they would confront their abusers with the same truths surreptitiously gleaned from a doctrine which had been originally and malevolently contrived to reinforce the bands of their spiritual and physical captivity.

Selected Black worshipers in selected White churches became a normative feature of Black-White relations, but Black participation was at first limited to the Black Big House retainers. As late as 1750, the Blacks who worked in the fields were almost entirely without access to

Christian comfort or community. In an occasional instance where by happenstance a few African Muslims were thrown together, Islam was practiced in such rudimentary forms as circumstances would permit. Voodoo and other syncretistic expediences remembered from previous cultures were also relied upon to keep the transplanted African in touch with a past that was rapidly eroding under the horrendous stresses of isolation and depersonalization in America. Almost everywhere, any religious practice outside the White man's church was forbidden. Drums, which were an integral part of the African's religious paraphernalia, were absolutely forbidden, and any unauthorized "assemblage under cover of religion" was punishable by whipping or banishment. Nevertheless, there was a counterpart Black Christian community to that in the White churches developing in the remote swamps and bayous and other inaccessible locations far away from the prying eyes of the "master" or his overseer. This was to become the "Underground Church" which became the backbone of slave resistance, shepherding many thousands of Black men and women from slavery to freedom. The Underground Church was the primary organizing unit and staging depot for the Underground Railroad, a labyrinthian secret network of Black resistance, which stretched from the Deep South into Canada. Helped along by Quakers and other abolition-minded Americans, the Underground became the principal symbol of hope through resistance that fueled the Black captives to strike on their own behalf. Success was visible, tangible and sweet. With daring and determination, evil could be overcome.

By the last part of the 18th century, a scattering of local Black churches had broken through the stringent prohibitions, which had truncated and suppressed the African's spiritual libido since his coming to America. Most of the early Black churches were Baptist—35 in Virginia alone before the turn of the century and others in South Carolina and Georgia. All of these early Black churches were monitored by White men to see that no teachings or practices inimical to slave holding interests were introduced in ritual or worship, and more especially to make certain that resistance or revolt was not "hatched under cover of religion." This monitoring failed on all counts, for the slaves wove cryptic communication signals into their prayers, songs and sermons, and most of the uprisings that did take place had religious overtones whether or not the churches were directly involved. Nat Turner's rebellion and Denmark Vesey's insurrection were prominent cases in point.

There were numerous individuals such as David Walker, Sojourner Truth, and Morris Brown, who symbolized Black discontent by personal protest and resistance, but the first organized resistance was probably the Free Africa Society

organized by Richard Allen and his friends in Philadelphia in 1787. The original Free Africa Society, though composed of dedicated Black Christians whose primary interests centered on religious fellowship, was also distinguished by an activist social consciousness from its inception. Counterpart Free Africa Societies spread quickly across the northern tier of states whenever there were sufficient numbers of unshackled Blacks to maintain them. Their secular concerns grew in intensity as the onerousness of racism became more pronounced, and, like the National Association for the Advancement of Colored People (NAACP), which they presaged by a century, they were never far from the spirit and influence of the Black church.

But it was the Black church itself that provided the critical opportunity for the Africans in America to assume true and final responsibility for their own destiny. Slavery is the summary usurpation of personal will and personal responsibility. Religion is the ultimate effort to influence human destiny with the help and approbation of a power or powers not subject to the limitations that define mortality. In consequence, throughout human history, religion has been pressed into the breach of desperation (or the postern of opportunity) in the relentless effort of some who would enhance their personal perception of destiny at the expense of others. It is not religion which is at fault, but rather religion which has been co-opted in the pursuit of more dubious values. The captivity of the church in America is a painful illustration of what can happen when faith yields to casuistry, and spiritual integrity is abandoned in favor of the tawdriness of an alleged racial supremacy.

In spite of the human proclivity for moral stealth and secret lack of compassion, there seems to be inherent in the human predicament an element of moral restitution which chastens, then ultimately retrieves us from our own weaknesses and from the consummate viciousness of those who plot our discomfort or destruction. The Black church-in-the-White church, for example, was from its outset a contradiction which could not survive under the constraints and contradictions which gave it birth. Obviously, Black Christians and White Christians can worship the same God, belong to the same church, practice the same rituals, and sing the same songs in union and fellowship. If they share a unity of belief about themselves, each other, and the God they worship in common. A religion or church that does not represent a common worldview for a com-

mon community will inevitably become exploitative. It is not a question of whether, but, at most, it is a question of how long the hypocrisy can be masqueraded before the abused and the abusers under "acceptable" spiritual cover. When Richard Allen and Absalom Jones, devout and patient Christians though they were, could no longer suffer the indignities of abject racism in the White church they attended in Philadelphia, they walked out of Saint George's Methodist Church, and a new era in African American resistance and protest was born. It was this departure that spawned the first Free Africa Society in 1787 and had its epiphany in the establishment of the Black church as a self-responsible, independent, spiritual entity as the African Methodist Episcopal Church (AME) in 1816.

The Africans extracted from the White man's preachments those truths that were consistent and universal and privately rejected the rest.

It was not the sectarian distinctiveness of the AME Church that was important. From a doctrinal point of view, it could just as well have been Baptist, or Episcopalian, or even Quaker. What was of critical significance was that for the first time in America, a

consortium of Black churches had formalized themselves into a viable union and assumed responsibility for their own common worldview and their own spiritual destiny. An earlier attempt to achieve this unprecedented milestone had been attempted by the African Union Church Incorporated in Wilmington, Delaware in 1807. But the African Union Church did not thrive, even though it merged with the First Colonial Methodist Protestant Church in 1866 to become the African Union First Colonial Methodist Protestant Church of America. It was Richard Allen and his motley detachment of faith-filled Christian expatriates who launched the African sub-culture on its mission of promoting the dignity of Blacks. During the Civil War the battle cry addressed to the tens of thousands of Blacks holding segregated status in White churches was the same heard from the independent churches, AME and AMEZ (African Methodist Episcopal Zion) alike: "Come out from among them! Be men! Be African!" And they did come out in droves. The focus on freedom recognized no dividing line between the spiritual and the human. To be a person was to accept no allegations of limitations except those clearly ordained by God and common to all humankind.

The arena of conflict had been defined, and the stage for conflict had been set. Over the succeeding years, every possible strategy from education to politics to legal action to non-violent protest would be employed to resist racial

chauvinism and abuse. The NAACP became the symbol of legal resistance. Martin Luther King, Jr. became the guru of non-violent Christian protest. It cost him his life. There were others less committed to Christian restraint, like the Black Panthers and the Black Muslims, whose brooding presence served as a constant reminder of what resistance could become. But there were still believers like the men and women in the Congress of Racial Equality who crossed the lines of religion and race to mix their bodies and their lives in an attempt at reconciliation. The promise of our protest and resistance to God and ourselves is that "we shall overcome!" It is a promise to take back the dignity without which the human endowment is a farce and a fraud. No human assignment could possibly be more compelling.

The Black church comes of age

Institutions, like the cultures which produce them, build on experience or they die. But experience is difficult to sort out and to evaluate in the absence of a clear understanding and acceptance of identity. In its zeal, and in its will to believe itself an undifferentiated part of American Christendom, for the greater part of its existence, the resistance of the Black church to racial tyranny was conditioned by these considerations. But the denigration of the Black church and its leadership was no less consummate than the contempt for Black individuals. Hence, the prolonged efforts of Black Christians to find meaningful and dignified inclusion inside the White Christian establishment, its tightly knit organizations and its spiritual brotherhood met with summary rejection. But more than that, resistance against the racist systems controlled by the Whites the Blacks perceived as Christians brothers and sisters was perplexing, confused and patently divisive. There was a scattered handful of Blacks in some of the White denominations whose presence there made Black resistance even more delicate.

After World War II and a more intensive exposure to the diversity of the human predicament, the self-perception of the Black church began a reassessment and clarification. It began slowly and tentatively at first and then burst with full illumination like a light that had been there unseen all the time. The prevailing stigma alleging the "illegitimacy" of Black religion vanished in the rising tide of cultural and spiritual nationalism. Black people were God's children— independent of White approval or conditions. The aspersions of illegitimacy had been both painful and cruel, for with Black Christians effectively barred from the "established" White churches by an alleged racial insufficiency, they were left without viable options within the only faith

they knew. It was now clear that their first liberation would have to be a liberation from spiritual dependency that would go far beyond the relatively modest initiative of Richard Allen in the 18th century. Since that time the established church had shown little evidence that it intended to distinguish itself and its people of faith from the common run of racial oppression and denigration.

In the face of this new illumination, the Black overtures for inclusion in the White church were gradually reduced to the level of courtesies. It was replaced by a dramatic infusion of self confidence and self awareness which fueled the civil rights movement and demonstrated to the whole world the legitimacy and the viability of the Black church. It is the same church that produced and nurtured Martin Luther King, Jr., James Farmer, Ralph Abernathy, Andrew Young, Leon Sullivan, Joseph Lowery, Rosa Parks and a legion of other Christians fired by their faith. They took on the perils of active protest against a deeply entrenched system of racial and economic abuse and exploitation. In the fury of retaliation, their houses were bombed, their churches were burned and their jobs were sacrificed. Many were murdered. But things changed. Often the changes were only cosmetic, but any change seems better than none at all when oppression is routine. And any degree of change suggests that more change is possible if the determination for change is unswerving.

By the end of the Sixties, after more than two decades of intensive involvement in resistance and sacrifice, the Black church had come fully of age. Proud of its independence, both spiritual and structural, and confident of its mission of Black liberation, it was no longer confused about its identity. It could rely on its own inner resources; and it had become an important symbol of effective denial and resistance to the grisly racial behemoth that continues to stalk the defenseless and the vulnerable. Moreover, the Black church resistance was quite literally "by the book." Non-violent resistance to consummate evil, love for those who hated, abused, and oppressed. Reconciliation and forgiveness, dignity and mutual respect. That is always the corollary of human recognition. The established church was a major beneficiary of the saga of the Black church's confrontation with evil, for it provided a chance to re-learn what Christianity is all about. It also gave contemporary Christianity in America its first true Christian martyrs.

New visions of responsibility

Unfortunately, the easing of 300 years of segregation and other forms of racial abuse produced by the Black church and its allied institutions was not comprehensive. It fractured the scaffolding of American apartheid, but it barely

touched the mean existence of many African Americans who remained anonymous entries in the statistics of social change. Some of the most prominent of the Black civil rights leaders continued their resistance on the local or national political scenes. Some went into professions or found placement at levels of corporate America normally closed to all people of African descent. A Black middle class suddenly found a grudging recognition. This new phenomenon is frequently used to "prove" that justice had been done, and that all those who truly want to improve their lives can do so through the "American system" of hard work and self denial.

The murder of Martin Luther King, Jr. and the death of Roy Wilkins, the NAACP's venerable leader, were highly disconcerting to many who were exhausted by more than two decades of constant stress in the trenches of civil rights. From the beginning, the Black church and the NAACP had maintained a singularly productive rapprochement which laid successful siege to both the laws and the practices which reduced Black Americans to non-entities. With Wilkins gone, the NAACP lapsed into a holding pattern with no apparent vision beyond reflection on yesterday. This scenario persisted until this world-respected civil rights organization was rescued by fresh new leadership addressed to a wide range of economic and other humanitarian interests that had escaped emphasis while the structural laws of segregation were being dismantled. In the meantime, there was no respite for the Black church. Coming of age meant among other things, the recognition of extended responsibility. If Black people were going to be truly free, they would have to accept the onus of freedom. If they wanted equal opportunity, they would have to prepare for it. Black youth needed counseling and direction. Black children needed better schools instead of academic holding pens. The Black poor and elderly needed housing. Most Blacks needed jobs and incentives (like promotional opportunities) to stay with them.

A key element in the strategy of Black containment was the system of public assistance called "welfare." Welfare provided unemployed Blacks with subsistence incomes, which often functioned to keep them out of the job market. It also discouraged many from any real effort to improve their education or to learn the skills that would theoretically make them employable, but with few prospects for employment. The vast majority of the Black unemployed were truly in need of assistance. However, because of the racial insularity of the American economic system, many considered welfare a kind of overdue "reparations." But the welfare system created jobs for a vast bureaucracy of mostly White administrators and managers, who begrudgingly doled out the tax dollars of all Americans, including those

of the Black underclass they served in such contempt. The warehousing of the Black poor in designated areas of the inner city created a lucrative, captive clientele for White merchants and landlords. They could be readily identified statistically by political interests, and they could be conveniently monitored by "the law," all at a fraction of what it would cost to properly educate them and prepare them to compete in the normative pursuit of the American Dream like other Americans. The constant burden of such denigration and related stress spawned a fatalistic Black subculture with values at extreme polarity with conventional Black religion. Moreover, it took its toll on health and fitness. The suicide rate for young Blacks has increased by 300% in the last two decades. And the Black prison population claims about 25% of all African American males before they are 30 years old.

The new responsibilities of the Black church would seem to be obvious, and there are encouraging signs that significant and imaginative efforts are being made to meet the evolving needs of a people who have yet to experience their full quantum of the blessings of liberty. This is not a new role for the Black church. Rather it is a more comprehensive resumption of responsibilities the church identified itself with from its inception-looking after its own when every Black American had no place else to look for sympathies or succor. The Congress of National Black Churches, an ecumenical umbrella representing the major Black denominations, is a prominent case in point. The advent of desegregation was inevitably accompanied by the withdrawal or the further downgrading of public support for "special" programs for Blacks involving schools, health services, welfare, etc.

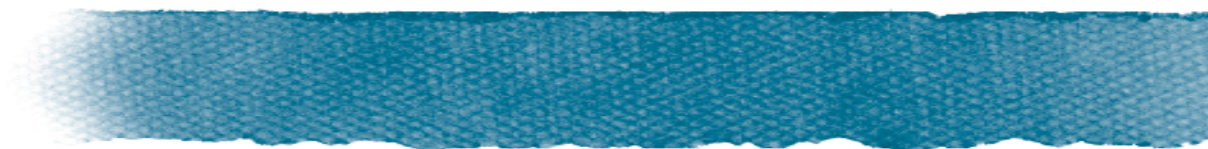
A key focus of continuing resistance by the Black church is the economic development of Black resources centered in the Church itself. Despite the fact that every Black person is no longer considered a *de facto* member of the Church, the Black church remains the one institution to which most African Americans feel some emotional ties and allegiance. Black religion is also the biggest "industry" by far owned and controlled by Black people. More than 90% of all African American philanthropy is funneled through the church, and its holdings in real property and furnishings suggest ideal investment potential. Many of the mega-churches have invested in housing, parochial schools, recreation centers and similar projects to service their constituencies. A few have invested in business enterprises such as fast food franchises as a means of providing jobs as well as earning dollars for other non-profit services like drug counseling or health clinics. Still others have ventured into credit cards, insurance and other economic enterprises, which usually require large amounts of capital or credit,

supplied by standard corporations as partners in economic development.

In the last 20 years, many Black churches were destroyed by arson— usually by “persons unknown.” Most of the destruction was interpreted as the continuing manifestation of racial hatred still focused upon the most prominent symbol of African American protest. Millions of dollars went into the re-building of these institutions, not only as a necessary convenience to the community of faith, but also as a reminder to the world that the Black church would continue to be in the forefront of the fight for freedom and justice as a part of its Christian responsibility as long as the need

is there. Ironically, the pride, determination, and self confident rejection of second class status by Black Christians has made them suddenly acceptable to the White church in ever-increasing numbers. Mainline White denominations have “apologized” for past oppressions and exclusions, compelling the conclusion that the surest way to open the door to inclusion is to successfully defy rejection on principle, but without losing sight of your own worth and integrity.

There seems to be a lesson implicit in the Black church experience we might well ponder in the continuing struggle for true freedom for the free.





© Martin Luther King, Jr. Center and Archives

Successes and Challenge Relations Between African Americans and Latinos

By Rosa Dávila and Nestor Rodriguez

Introduction

The United States' social landscape has experienced a dramatic transformation in the 20th century. This change involves more than the urbanization of the country's population or the rise of technologically-advanced metropolises. The fundamental transformation has been the changing composition of human settlements and the new matrices of social relations that result from this demographic shift (Pedraza and Rumbaut, 1996; Bach, 1993). Global political-economic restructuring has been one major source of this societal change. When civil wars and economic crises devastated various Latin American regions in the 1980s, for example, thousands of Latinos emigrated to seek settlement in the United States.

As has occurred in other Western societies, in the United States the settlement of new immigrants especially affected major United States urban areas, which received the largest numbers (e.g., see Mahler, 1995; Repak, 1995; Hagan, 1994; Sutton and Chaney, 1987). In major cities like Los Angeles, Chicago and Houston, Latin American newcomers and their United States-born children now form over half of the Latino population. Combined with the African American population, the enlarged numbers of Latinos help transform racial and ethnic minorities into population majorities, especially in settings experiencing White-flight to the suburbs. The impact of this development has been dramatic: the 1990 Census found that, in four of the five largest cities, African Americans and Latinos collectively outnumber non-Hispanic Whites (Philadelphia being the exception). This demographic shift of course is only the backdrop. It is the background to a multitude of emerging interactional planes that constitute the social dynamics of urban America at the end of the 20th century and greatly

complicate the dimensions of intergroup relations. The axes of intergroup relations, which now go far beyond the Black-White plane, include immigrant status, varying by legal condition, nationality, in addition to race and ethnicity, among other social identities.

Intergroup relations between African Americans and Latinos, United States and foreign born, stand out as a critical case because of the two groups' growing demographic dominance in major urban settings and because of the subsequent institutional encounters the two groups are expected to experience. The United States Censuses between the years 2000 and 2050 are expected to show a transposition of the African American and Latino populations: by the year 2000 African Americans will barely outnumber Latinos; by the year 2010 Latinos will barely outnumber African Americans; and by the year 2050 Latinos will outnumber African Americans by over 20 million (United States Bureau of the Census, 1995, table 12). In some urban areas with large concentrations of both populations, the projection for the year 2010 has already occurred. In Houston, for example, the number of Latinos surpassed the number of African Americans in the mid-1990s. Houston is a particularly instructive case, since it has the largest African American population of all southern cities.

The growth of the African American and Latino populations, especially in large urban areas, raises pressing questions about the nature of their intergroup relations in various arenas of social life and about strategies to lessen intergroup tension and promote accommodation. These issues are the focus of our paper. First, we describe existing conditions of convergence where the two groups jointly undertake common pursuits or at least maintain stable settings of coexistence. Secondly, we describe conditions of divergence (competition and conflict) between the two groups in various arenas and settings across the country. Thirdly, we describe promising community efforts to improve intergroup relations. Fourthly, we discuss the prospects for conditions of divergence and convergence under specific settings and issues and the effects of the White dominant group on relations between African Americans and Latinos. Finally, we offer several suggestions for building stronger community relations between African Americans and Latinos in the United States.

Where African Americans and Latinos come together

Although high levels of segregation persist for poor African American communities and for particular groups of Latinos (i.e., Puerto Rican communities), the transformation of the

sociopolitical landscape over the last few decades has increasingly juxtaposed the day-to-day lives of African Americans and Latinos in the United States. The changing patterns of social intersection have been precipitated by the recent demographic shift in population composition noted above and by the increased "incorporation" of minorities into various social spheres brought about by civil rights legislation and affirmative action. This transformation has necessitated negotiation or renegotiation of "shared" social space and the development of innovative strategies for securing social benefits and political empowerment for African Americans and Latinos.

"Shared" social space

In many of the large urban centers such as Chicago, Los Angeles, and Houston, historically Latinos and African Americans have resided within clearly defined settlement boundaries. Sociologists term this condition of segregation the "American apartheid" (Massey and Denton 1993) and the American legacy of "residential apartheid" (Bullard et al. 1994). In the last two decades, however, these boundaries have become increasingly blurred. Large-scale immigration significantly altered the urban social landscapes in the 1980s. In large urban centers, Mexican and Central American immigrants settled outside the traditional established Latino barrios. They settled in and culturally restructured neighborhoods established by long-term African American residents and predominantly Anglo sectors. South Central Los Angeles and Houston's Fourth and Fifth Wards and Gulfton area are prime examples of this social restructuring. In places like Miami and New York, Black Latinos from the Caribbean Islands, who in the United States find themselves exposed to both racial and ethnic discrimination, have in many instances chosen to settle in low-income African American communities. In other urban areas, the movement of African Americans and Mexican Americans across previously established residential boundaries has created new, diverse communities.

The transformation of these inner-city neighborhoods into multi-racial environs has often resulted in intergroup tensions and conflicts. The riots that took place in Los Angeles in April of 1992 after the not-guilty verdict in the case of the police officers who beat Rodney King are a dramatic example (MultiCultural Collaborative 1996; Ransford 1994). In his interpretation of the largest civil disturbance in recent United States history, Ransford states:

Many may have assumed that blacks were most involved given the fact that the Rodney King incident involved the beating of a black male. Recent statistics of 6,000 arrestees indicate that both blacks and Latinos

were highly involved, reflecting the demographic changes ... These are important data. They indicate that the disorder was more a minority protest than a black-white confrontation. (Ransford 1994:106-7)

According to the MultiCultural Collaborative's (MCC) report on responses to human relations conflict in the Los Angeles area, this incident and other recent events "demonstrate a reluctance to view America's racial dilemma through anything other than a Black/White paradigm. Despite the existence of large populations of Asian Pacific Americans and Latinos, opinions and views coming from these communities are all too often simply ignored" (MCC 1996:3).

Yet, some diverse multicultural communities have managed to negotiate a relatively non-conflictual co-existence. A recent study commissioned by the United States Department of Housing and Urban Development (Nyden et al. 1996) examined the emergence of stable, racially and ethnically diverse urban communities. Conducted in nine cities—Chicago, Denver, Houston, Memphis, Milwaukee, New York, Oakland, Philadelphia, and Seattle—the study analyzed the ways in which social, political, and economic factors facilitated or hindered the development of such communities. In the communities studied, two models of urban diversity were identified—"diversity by direction" and "diversity by circumstances" (Nyden et al. 1996:7-8). In communities which followed a process of diversity by direction, diversity-focused community organizations, social networks, and institutional accommodations were developed that "were intended to welcome the new minorities into the community, while attempting to ensure that existing White households did not panic and to minimize forces that might undermine community stability" (Nyden et al. 1996:7). In the second type of community, diversification has not been actively sought out, but has come about due to varied economic and social restructuring processes, including:

gentrification, a stalled or poor real estate market, transition resulting from the aging of a community, revitalization of areas adjacent to a community resulting in increased investment, establishment of a community as an immigrant port-of-entry, development of affordable housing projects, and a stand-off between affordable housing advocates and developers promoting middle-income housing projects. (Nyden et al. 1996:8)

Although in these instances diversity did not result from any consciously driven effort of residents or community organizations, the study found a potential within these communities for development of an appreciation for diversity. The study also found that the communities that had

"sustained diversity the longest were those that had become 'integrated' as an outgrowth of the civil rights movement of the 1950s and 1960s" (Nyden et al. 1996:7).

The legacy of the Black and Chicano movements for civil rights and political empowerment in the 1960s and 1970s brought African Americans and Latinos together in educational, occupational, political, and other public institutional settings. Although the convergence of these two groups in these settings has not always been smooth and harmonious, the results have created potential opportunities for interaction, shifts in intergroup perceptions, and collaboration between African Americans and Latinos.

The influx of immigrant students into public school systems has added a new dimension to the nature of intergroup relations in these settings. The student populations of inner-city schools in many urban areas are composed primarily of minority students—African Americans and Latinos, both immigrant—and United States-born residents. A recent study, which examines promising school-based practices in intergroup relations, contends that the arrival of newcomer students into our schools "highlights the persistence of old tensions in American society that persist in the context of unrealized dreams of many of our citizens," rather than bringing new tensions into focus (Pompa 1994: 136).

African Americans and Mexican Americans have a long history of discrimination, oppression, and marginalization within the United States. Historical revisionism and the creation of university ethnic studies programs are part of the legacy of earlier movements that have afforded new frameworks for African Americans and Latinos to learn about themselves and each other. For example, in a recent course taught by one of the present authors, following a film presentation on the Chicano movement, several African American students commented on their newfound revelation of past Mexican American struggles. One student remarked, "I'm sitting here and my mind is blowing. I had no idea you guys went through the same thing we did." Another student stated that "I have lived with this group all my life, yet their struggle is a rather silent one." And a third student made the following comments: "The ethnocentrism of the American culture emphasizes the struggle between Blacks and Whites...[This] allows me to see Hispanics in a different light. Minorities have a common bond of past hurt, [so] that we will forever be linked together."

Common problems and priorities

The acknowledgment of shared interests, common problems and priorities (jobs and economy, education, crime,

political empowerment, discriminatory housing practices, neighborhood revitalization, etc.) can motivate the construction of coalitions between African Americans and Latinos to address these issues. In a Houston study, Romo et al. (1994) found that the top three concerns for both African Americans and Latinos were 1) jobs and the economy, 2) education, and 3) crime. Additionally the issues of "leadership and community development" and the "well-being of family and children" were critical concerns of Latinos and African Americans, respectively. The study also found that in 1990 over half of African Americans (54.4%) and United States-born Latinos (54.9%) and close to three-fourths (72.6%) of Latino immigrants rented rather than owned their own housing. In comparison, only about one-third (36.6%) of Anglo residents were renters. Low income and discriminatory housing practices also place African Americans and Latinos at higher risk of poor housing conditions, e.g., physical dilapidation, lack of sanitation, infestations of roaches and rodents, etc. (de la Garza et al., 1993).

Two current major socio-political issues which are of concern to African Americans and Latinos are immigration reform and legislative challenges to affirmative action. Substantial division exists between and within these two communities in terms of how these issues are viewed, and significant differences also exist depending on whether community people or community leaders are polled (Klineberg 1996; Mindiola et al. 1996; Romo et al. 1994; The Washington Post et al. 1995). Still, in many urban settings, coalitions of African American and Latino organizations, leaders and activists have conducted press conferences, demonstrations, marches, and other advocacy activities in support of immigrant rights and affirmative action policies.

In response to recent anti-immigrant legislation, such as California's Proposition 187, many African Americans, including NAACP leaders, unionists, and the Reverend Jesse Jackson have participated in Latino led marches and demonstrations to protest the restriction of immigrant rights. Almost three decades prior, Rodolfo "Corky" Gonzales and Reís Lopez Tijerina, leaders in the Chicano Movement, were invited by Dr. Martin Luther King, Jr. to participate in the Poor People's March on Washington, D.C. Word of Dr. King's assassination reached the Latino contingencies en route to Washington. The March, which continued after Dr. King's murder, brought together African

Americans, Latinos, and Native Americans in collective social action. One cannot help but wonder, had Dr. King not been assassinated, how the socio-political destinies of African Americans and Latinos in this nation might have become intertwined, and what the present-day socio-political landscape might look like racially and ethnically.

In some instances African Americans and Latinos also have joined together to address issues of discrimination and social justice involving gender and media issues. Whereas each of these issues contains its own unique historical dynamics of oppression and disenfranchisement, there runs through them the common thread of "silencing." Ana Castillo, a Chicana writer, discusses the conditions of powerlessness and voicelessness:

The experience of dual oppression of being a woman and a person of color in this country has brought African American and Latina feminists into greater affinity.

Being placed at the bottom of society's social strata, we are dependent upon representatives who may or may not make authentic statements about our lives. But the statements are made only if our reality is perceived at all and considered noteworthy. (Castillo 1994:212)

Many African American and Latina feminists, view the United States' women's movement as inexorably linked with White

women of upper and middle-class status. Feminists of color, such as African American feminists of the Rio Combahee Collective, strongly rejected early White feminism's comparison of "sexism" with "racism" (Castillo 1994:33). However, whereas the early feminists of color had to educate White feminists on their political, cultural, and philosophical differences, the United States women's movement is "now incorporating a more expansive vision that includes the unique perceptions and experiences of all peoples heretofore excluded from the democratic promise of the United States" (Castillo 1994: 41).

The experience of dual oppression of being a woman and a person of color in this country has brought African American and Latina feminists into greater affinity. This is expressed in literary discourse and in supportive social actions. For example, in the fall of 1995, African American women in Houston and Los Angeles joined Latinas in public protest following the sexual assault by armed men of a Latina serving as the official United States representative to the Zapatista movement in Mexico. Incidentally, these events received very little coverage in local and national media.

In a national study of intergroup relations between new immigrants and established residents, Bach found that

throughout several sites, the local media played a “surprisingly ambivalent, if not counterproductive, role in relations among newcomers and established residents” (1993:69).

A study by Romo et al. (1994) found that many African Americans and Latinos feel that the English-language media portray minorities negatively and do a poor job of covering minority issues. Various coalitions of African Americans and Latinos have concerned themselves with critical examination of the degree of incorporation and quality of portrayal of minorities in the media, as well as the media industry’s “responsibility for its power to improve or incite racial conflict” (MultiCultural Collaborative 1996:13). For example, in July of 1994 Native American, Asian, African American, and Latino national journalists associations held a joint conference in Atlanta to address the need for greater racial and ethnic diversity in the news media industry.

What divides African Americans and Latinos

The history of United States intergroup relations contains many examples of the use of conflict as means through which institutional resources (e.g., jobs, political positions, housing, and school funding) were inequitably allocated among different groups in multi-racial/ethnic settings (Bayer, 1988). Social protest and legal challenges have removed the most prevalent *de jure* means of social exclusion at formal, institutional levels (such as in government, schools, and businesses); social conflict, however, continues to characterize some cases of intergroup relations at interpersonal and inter-community levels, at times creating significant social division (e.g., see Horton, 1995; Feagin and Sikes, 1994). To an extent, conflict characterizes some levels of relations between African Americans and Latinos: social conflict between African Americans and Latinos persists in settings where intergroup prejudices prevail, where ethnic politics are still perceived as a zero-sum game, where a group perceives its expected rise to power threatened, and where immigration dramatically increases a group’s population growth.

In a 1935 pamphlet, “The Tragedy of the Puerto Ricans and the Colored Americans,” author Frank Martinez blamed “prejudice, jealousy, pessimism, sectarianism and individualism” as a cause of political division among African American and Puerto Rican leaders in New York City (quoted in Bonilla, 1993). While African Americans and Latinos have enjoyed closer political alliance since Martinez’s commentary (e.g., see Torres, 1995; Green and Wilson, 1992) significant degrees of intergroup prejudices still per-

sist between the two groups. A statewide California poll in 1988, for example, showed that, like Whites, a majority of African American (67 percent) respondents worried about the changing makeup (more Latino and Asian) of the state’s population (Johnson et al., 1996).

Surveys conducted in Los Angeles and Houston in the 1990s indicate that mutual intergroup stereotypes and preferences for social distance exists among segments of the African American and Latino populations. A survey conducted in Los Angeles in 1992 (Bobo, Zubrinsky, Johnson, and Oliver, 1995) found that when Latinos were asked to rate African Americans and Latinos across several scales, almost a third of Latinos rated African Americans to be less intelligent and over half rated African Americans to be more welfare-dependent and harder to get along with. On the other hand, almost a third of African Americans viewed Latinos to be less intelligent than African Americans and about a fourth of African Americans viewed Latinos to be more welfare dependent and harder to get along with.

A survey conducted in Houston in 1996 (Mindiola et al., 1996) found that when Latinos were asked to describe African Americans, 38 percent of the words given by the United States-born Latino respondents were negative (stereotypical) and 47 percent of the words given by foreign-born Latinos were negative. On the other hand, 25 percent of the words used by African Americans to describe Latinos were negative. While a large majority of African Americans and Latinos stated they did not mind working or residing next to a member of the other group, the level of expressed social distance grew sharply when it concerned their children. Only about six out of every 10 African American and Latino respondents were willing to send their children to a school that was predominantly composed of children of the other group. Social distance increased further among both groups when respondents were asked if they approved of their children marrying a member of the other group, with Latinos expressing the largest social distance. According to some social analysts, the country’s increasing racial and ethnic heterogeneity will only produce more intergroup intolerance (Tilove, 1996:2).

Institutional power and intergroup tension

Across several United States urban areas, many African American and Latino leaders perceive that their communities are contending against each other for space and influence in institutional arenas. Some African American leaders believe that Latinos undeservingly derive benefits from accomplishments produced by years of Black struggles,

while some Latino leaders feel that African Americans receive preferential treatment from government programs. According to these views, the social mobility of one group is made at the expense of the other group. Yet, the point of reference is not the same. For African Americans, gaining city council and school board seats and municipal jobs and contracts is obtaining something that was long deserved but unjustly denied; for Latinos, obtaining similar institutional mobility is what should be equitably expected given the prominent growth of their Latino population.

Strife between African Americans and Latinos in Oakland, California exemplifies the perceived intergroup contention. A lawsuit filed in 1996 on behalf of Asians and Latinos contends that the city was planning employment and contracting goals to favor Blacks at the expense of Asians and Latinos. According to the leader of the Latino city employee's organization, "Oakland is a multicultural city. It just got stuck thinking it was a black city" (Tilove, 1996:6). For some African American leaders, the lawsuit was an act of intergroup war. According to the head of the Oakland NAACP, the lawsuit "was a line drawn in the sand." "If that is the way it's going to be, let's get it on," was the NAACP leader's response (Tilove, 1996:9).

In Houston and Dallas heated conflict over school system control characterized relations between African Americans and Latinos during part of the 1990s as Latinos became the largest student population of both school districts. In Houston, Chicano educational activists responded heatedly after a White superintendent was replaced with an African American school board member without a formal search for a new candidate, a process that Latinos hoped would consider Latino candidates. When the Latino activists demonstrated vigorously and attempted to block the appointment of the African American superintendent through a court challenge, a major African American leader in the city publicly characterized the Latino activists' actions as a "political lynching."

In Dallas the roles were reversed. When a school board selected a Mexican American woman to head the area's largest school system, African leaders and New Black Panther members stormed out of the board meeting and complained bitterly of injustice at the hands of Latinos. The head of the Dallas NAACP described Latinos as "vultures" who "feast on the results of our efforts" (Tilove, 1996:7). One Dallas Latino leader offered a Latino per-

spective of the conflict: "The thief judges by his own standards. They [Blacks] have excluded us, and they think we will exclude them" (Tilove, 1996:7).

Educational conflict between African Americans and Latinos concerns more than just who is selected to lead a school system. The conflict also involves the distribution of educational resources. Some African American leaders see new bilingual educational programs and new school buildings in fast-growing Latino areas as spending made at the expense of hard-won programs for Black students (Guevara, 1996:30). Needless to say, conflict between African American and Latino leaders can affect relations between the student populations of both communities.

According to some social analysts, the country's increasing racial and ethnic heterogeneity will only produce more intergroup intolerance.

Ethnic politics and intergroup division

In their initial incorporation into the United States political system, all ethnic groups have pursued the model of ethnic politics (Feagin and Feagin, 1993). According to

this model, political goals are defined and pursued first, and sometimes only, from the perspective of what benefits one's group. This served as an especially useful model for the political incorporation of racial and ethnic minority groups in the days when Whites acted to maintain social privileges through the political exclusion of other groups. Racial and ethnic minorities slowly made political advances through internal unity and hard-nosed intergroup negotiations characteristic of ethnic politics. While the Rainbow Coalition brought a new intergroup political model in the mid-1980s, its stage was the national political arena, not the sometimes rough-and-tumble local settings of city, county, and school politics.

The comments of a Mexican American political strategist in Houston's 1991 mayoral race illustrated the working of the ethnic model of political contention. A White candidate faced a Black opponent in a runoff election in which both enjoyed strong voter support from Whites and Blacks, respectively. It was an opportunity for the smaller group of Latino voters (mainly Mexican Americans) to demonstrate the importance of their electoral power. The Latino strategist, who helped deliver over 70 percent of the Latino vote to the victorious White candidate, commented as follows on a political power strategy for the growing Latino population in the Houston area:

Right after the mayoral election, someone called me and said we [Latinos] should coalesce with Blacks. I said that the Arabs are sitting down with Israel now

because Israel kicks their ass. We need to kick some ass. It's important we start demonstrating power, and let people come to us, not us to them. (Gurwitt, 1993:36)

While a Mexican American state representative openly endorsed the Black candidate, other established Latino leaders celebrated his defeat. Far from exemplifying the solidarity value of the Rainbow Coalition, the Latino leaders viewed the mayoral race as a struggle between Blacks and Latinos to determine who would gain the spoils of appointments made by the mayor for the city government's vast bureaucracy and commissioned bodies. Undoubtedly, many African American leaders also shared this perception of Black-versus-Brown ethnic politics.

Voting for a member of one's racial or ethnic group alone is not the defining characteristic of the model of divisive ethnic politics. What truly marks this political ideology is the definition of the political situation. The key belief is that the political mobility of one's group can only be achieved through the defeat of other groups or through intergroup negotiations where the interests of one's group are the highest priority—not some universal value of political equity. It is also important to understand that the leaders of the ethnic model of divisive politics engage in a variety of racial or ethnic communication to portray their group as threatened by opponents with insidious intentions. Political warfare is given as the only means of survival.

Latino immigration's impact on intergroup relations

Since the early 1980s the United States has experienced an unprecedented immigration of people from Latin America. The majority of these immigrants come from Mexican urban and rural communities and from the various Central American countries. While United States employers have recruited Mexican migrant labor since the early 1900s, the volume, diversity and extra-legal self-organization for the new Latino immigration represents a new chapter in the country's immigration history.

Needless to say, the settlement and labor market participation of Latino newcomers is seen by many as a direct threat to the stability of African American working-class communities, a threat particularly for lower-income Black families (e.g., see Johnson et al., 1996; Briggs, 1992). Latino immigrant workers are seen as economic competitors, not only for the low skill, low-paying jobs they take, but also for the housing and social welfare services they use. Moreover, Latino immigrant culture, e.g., the use of Spanish, also is seen as a threat to African American traditions. Local and

national surveys show that large proportions of African Americans see immigration as a disadvantage rather than an asset for their communities (Johnson et al., 1996; Mindiola et al., 1996).

According to the description by Johnson et al. (1996), Compton, California, a suburb of Los Angeles, illustrates the immigration-induced tension between African American and Latinos in the mid-1990s. In the 1970s Compton became the largest urban setting west of the Mississippi where African Americans, "refugees from the Jim Crow South," gained political dominance. Latino immigration since the 1980s transformed Compton into what is now considered to be a Latino-majority city. The attraction of landlords to multi-income earning Latino families and the immigrants' use of public services has created suspicion and resentment toward Latino residents among some of the city's Black population. Some African Americans consider immigrants using public social services as "free-riders," unduly drawing benefits from social programs gained by Black struggles. When Latinos complain of being left out of municipal jobs, Black leaders respond with characterizations of Latino activists as "outside agitators." In Compton schools, Latino students complain of a "misguided" Africa-centered education that does little to enhance Latino cultural awareness, while many Black administrators and teachers oppose bilingual education, fearing it as a threat to their jobs (Johnson et al., 1996).

A Compton resident's video taping of a Black police officer beating a 17 year old Latino youth on July 29, 1995, increased tensions between African Americans and Latinos, though many in the African American community joined the Latino protests. Latinos compared what happened to the Latino youth to the beating of Rodney King by White officers of the Los Angeles Police Department and depicted the incident as the product of discriminatory system in which Blacks keep Latinos out of public service jobs. "This is racism perpetuated by one minority group against another," a Latino activist charged. Reflecting on Compton's setting of Black political empowerment and recent Black-Brown tensions, an African American leader in the Los Angeles chapter of the NAACP commented, "The Latino community wants to have their cake and eat it, too, and Black people are not having it" (Johnson et al. 1996:71).

Promising community-based efforts in intergroup relations

The complexity of intergroup relations between African Americans and Latinos presents a serious challenge for United States communities. However, recent innovative,

intergroup organizational and grass-roots efforts in some United States communities have created opportunities and mechanisms for African Americans and Latinos to come together in common pursuit to develop effective coalitions that serve the interests of both groups.

Three major national projects focusing on the relationships between new immigrants and established residents, i.e., the Ford Foundation's "Changing Relations Project," The National Immigration Forum's "Community Innovations Project," and "Looking for America," a project of the National Coalition of Advocates for Students, have provided case studies of such efforts taking place in various urban centers across the nation. Also, in at least two cities, Los Angeles and Houston, diverse groups of community leaders have established collaborative human relations coalitions. The following are a sample of some of the more promising community-based intergroup efforts among African Americans and Latinos.

In Chicago, African American and Latino parents and community leaders formed the first neighborhood-based Latino/African American coalition, the Lawndale Coalition, to address violent incidents between African American and Latino youth, develop better intergroup understanding, and foster positive interrelationships by addressing common community concerns. In the Pilsen neighborhood, the Multicultural Family Literacy Program brings African American and Latina women together to discuss women's issues and community concerns. And in the Uptown/Edgewater district, one of the most diverse neighborhoods in the country, the Organization of the Northeast (ONE), has united a variety of organizations, including ethnic and community organizations, and public institutions such as banks and schools, to collectively promote ethnic and economic diversity, bring new resources into the area, shape public policy positions, and develop grass-roots community interactions.

Los Angeles also has developed many successful African American and Latino collaboratives. Among these is the New Economics for Women Program, an innovative housing development for a diverse group of African American, Latino, and Asian female-headed families. This coalition of Latinos and African Americans obtained the City Council's approval of legalized street vending districts. Another coalition composed of members of a Latino organization, the Watts/Century Latino Organization, and two African American organizations, Cross Colors Foundation, and the NAACP, joined forces to address issues of crime, youth gangs, and intergroup relations in the Watts neighborhood. A coalition of African Americans and Latinos in South Central formed the Campaign to Rebuild South Central Without Problem Liquor Stores.

In Washington D.C., the Washington Inner-city Self-Help Coalition (WISH) and the Tenants and Workers Support Committee (TWSC) bring African American, Central American, and African tenants groups together to advocate for decent, affordable housing. In New York, the Central Brooklyn Federal Credit Union, established by African American, Caribbean and African newcomers, has provided new resources for economic and housing development in the Crown Heights. And in several United States cities, the Looking for America project has identified promising school-based practices in intergroup relations.

The MCC and the Inter-Ethnic Forum of Houston (IEF) are two rather unique, proactive approaches to improving intergroup relations and facilitating intergroup organizing. Following the 1992 Los Angeles riots, leaders from diverse communities founded the MCC, a coalition of organizations that set out to develop more effective approaches to human relations conflict, organizational collaboration, and grassroots support for such efforts. Toward this end, the MCC began by assessing the existing "human relations infrastructure" in the Los Angeles area and making recommendations about what was needed to secure social and economic justice. In a report of their findings and recommendations, the MCC leaders note that:

the time has come to move beyond individual commitment to principles of inter-ethnic cooperation. Without bridging the gap between institutions, established leadership, civic organizations and grassroots communities, the prospect of improving relations in the city is unlikely. (MCC 1996:4)

In Houston, the IEF evolved from the Houston Evaluation of Community Priorities project which assessed common needs and priorities among Houston's diverse racial/ethnic communities. IEF was formed to address identified needs and priorities through intergroup collaboration. Since its inception in the fall of 1995, IEF's activities include the convening of several forums on social issues which have brought together diverse sectors of the community, facilitation of a forum of African American and Latino researchers to discuss the potential benefits of forging a common research agenda, and development of a Youth Summit on racism.

Discussion

As described in the sections above, conditions of both intergroup cooperation and division characterize relations between African American and Latinos in areas where the two groups reside jointly. In large urban centers like New York, Los Angeles, and Houston, the potential for inter-

group harmony between the two groups thus exists alongside the potential for intergroup conflict. Which potential reaches a higher level of actualization depends on the specific locality, issue, and on the influences of dominant group members.

Variation in intergroup relations by locality

While settings with African American and Latino residents contain instances of both intergroup collaboration and conflict, no two settings are identical. Each is colored by its unique social history of economic change, institutional development, and community growth. And each of these dimensions, in turn, varies by the degree to which they are affected more by impersonal structural forces (e.g., global market trends) or by the human agency of ordinary people and their leaders.

In the decade of the 1980s, massive Latino immigration during the decline of California's cold war-driven industries may have stressed intergroup relations between Latinos and other groups in that state in ways that did not materialize in other settings. For example, when immigration began to dramatically increase the Latino population and pressure African Americans in the Los Angeles suburb of Compton in the late 1980s, in New York City Latinos in large numbers supported the Black mayoral candidate, helping him become the city's first African American mayor. While New York State faced greater economic stress, i.e., unemployment and poverty, than California in the late 1980s (United States Bureau of the Census, 1993), a different set of historical circumstances propelled intergroup relations in New York City than in California's metropolitan areas.

In his study of African American and Puerto Ricans in New York City, Andres Torres (1995) refers to "mosaic" relations as the outcome of an evolving mutual understanding of interdependence. Torres comments about relations between African Americans and Latinos in New York City as follows:

[S]ince the 1950s, Blacks and Hispanics— particularly Puerto Ricans— have been drawn together into an alliance of survival. From the early years of postwar migration through the War on Poverty of the 1960s and succeeding years of backlash and insurgency, the two groups saw their fortunes as mutually linked.

Yet, in a different setting, Miami, where Cuban Americans are the dominant Latino population, African American-Latino relations only became further strained when Cuban American leaders slighted Nelson Mandela's visit because of his support for the Cuban government. All specific cases demonstrate the varying nature of relations between Blacks

and Latinos and how the particular exigencies of each setting may act differently from circumstances in other settings to affect the intergroup courses of the two groups.

Variation in intergroup relations by issue

Variation of relations between African Americans and Latinos by locality sometimes reflects individual issues that are prominent in different areas. Some issues bring the two groups together, while other issues drive them apart. For example, the Miami area case indicates that in that setting, international relations affect Black-Latino relations more than in other settings. In addition to the social-class divide between many Cuban Americans and Blacks in the Miami area, Cuban anti-communists will remain distant from African Americans who embrace leaders of third world liberation movements. African Americans on the other hand may be distrustful of Cuban Americans for these Latinos' support of the Republican Party.

While international relations lose saliency for Black-Latino relations outside the Miami area, the issue of school control is one issue that is fairly constant across major settings where both groups reside. In many areas, African Americans feel threatened by a growing Latino presence in school systems, and, in turn, the latter feel blocked by what they perceive to be intransigent Blacks. What is it about school issues that produces tension and hostilities across major urban settings in ways that health care, housing or other social issues do not?

Schools differ in two important ways from other core institutions. They have the principal responsibility for the socialization of children, and they have a permanent physical presence in a neighborhood. The social and cultural representation of neighborhood schools is central to a community's identity. For African Americans educational battles for school desegregation and control were some of the hardest fought in the struggle for racial equality (Feagin and Feagin, 1993). The battles involved more than allowing Black children to attend schools with White children. In many major cities, the struggles also involved a desegregation of faculty and administration (sometimes, as in Atlanta, without seeking a racial balance school plan). Having Black trustees, administrators, and teachers made community control of schools more complete for African Americans.

Community control is also central to the educational struggles of Latinos but from a different perspective. While many Latino areas experienced a de facto version of school segregation, in numerous major cities large numbers of Latino students have immigrant parents who did not experience educational exclusion in the United States. For new

immigrant parents and their children, educational issues do not evolve predominantly from an historical experience of institutional exclusion, but rather from the goal of having one's culture (language and ethnic subculture) equally valued in schools.

Hence, while African Americans and Latinos share the goal of educational equality, they come at it from different perspectives. African Americans see issues of school control from the perspective of civil rights struggles, while many Latinos see educational issues more from the perspective of cultural pluralism. The fact that school issues directly affect a community's youth and that schools are also major employers makes these issues all the more sensitive and volatile.

Influences of the dominant group

It is important to put cases of conflict between African Americans and Latinos into perspective. As earlier examples illustrate, conflict between the two groups is generated mainly by competition for space in the mainstream institutional sector. That is, conflict and tension evolve mainly from heated competition, rather than from a long history of intergroup racial conflict. Undoubtedly many African Americans and Latinos have long-held mutual prejudices, but neither group evolved and developed in the United States through systematic exploitation of the other. African Americans never subordinated Latinos, and Latinos never subjugated Blacks. While the two groups may occasionally lapse into intense rivalry, they have no history between them of the type of social oppression that both groups experienced at the hands of Whites.

The quality of relations between African Americans and Latinos is not completely of their own making. Historically, actions of the White dominant group have affected relations between African Americans and Latinos. Through their control of core social institutions, Whites have affected attitudes and behaviors between Blacks and Latinos. Institutional examples are bountiful. When Whites controlled school systems and failed to implement educational programs to increase mutual intergroup understanding, they contributed to the maintenance of social distance between African Americans and Latinos, de jure and de facto segregative practices being extreme policies that kept both groups physically apart. This applies even to colleges and universities, settings where predominant White trustees, administrators, and faculty often only half-heartedly support ethnic studies programs.

While African Americans and Latinos share the goal of educational equity, they come at it from different perspectives.

In the economy, the actions of White employers have often pitted African American and Latino workers against each other. The importation of Mexican and Caribbean contract labor during lengthy time spans in the twentieth century contributed greatly to the development of segmented labor markets that keep African American and Latino workers apart (Rodriguez, 1995). In some areas of the United States, the use of low-wage undocumented Latino labor is a present-day continuation of this experience. In the economy's housing sector, practices of institutional discrimination kept African Americans and Latinos apart when the former faced more rigorous requirements for mortgage loans or for rental housing. Some of these discriminatory actions work at subtle levels. For example, when one of the present authors was looking for a house to buy in Houston in the mid-1980s, he asked a White realtor if he ever sold homes to Blacks in a fashionable middle-income neighborhood near the city's downtown. The realtor responded that "Blacks don't hold down a job long enough to be able to pay a mortgage."

When one of the present authors later interviewed White managers in apartment complexes for a Houston housing study, he found that some managers disqualified potential Black tenants through rigorous credit record checks, which apparently were not conducted with Whites or higher-income Latinos. According to the apartment managers, allowing Black tenants into their apartment complexes would "scare away" White middle class tenants. In some cases, Black tenants were rented units mostly in the back sections of apartment complexes to reduce their visibility to prospective White tenants.

The nature of United States race relations has shifted away from the widespread blatant racist practices of earlier times. In many settings, Whites, and other non-African American or Latino groups have become equal partners in efforts to promote intergroup equality and harmony. This has occurred in some cases because persons sincerely have internalized the values of social justice and equity; in other cases it has occurred because the alternative of a strife-ridden society would make the setting for continuing economic development untenable. Today, the latter motivation undoubtedly influences the decisions of many major corporations to actively support community collaboratives seeking greater intergroup understanding, such as between African Americans and Latinos. As African Americans and Latinos increasingly dominate the urban settings of major businesses, the quality of social relations between the two

groups will have greater significance for maintaining a stable and productive business environment.

Recommendations for strategies to construct sturdier intergroup bridges

Relations between African Americans and Latinos are multi-dimensional, vary by locality and over time, and are influenced by a host of factors. Attempts to build intergroup bridges between the two groups, whether at a neighborhood, city, or national level, must carefully examine these factors and be guided by a clear understanding of the particular social worlds of the groups involved.

In developing recommended strategies for the construction of sturdier bridges between the African American and Latino communities, we relied heavily on the knowledge and experience obtained from the previously mentioned community-based efforts in intergroup relations.

The following list of recommendations is not meant to be exhaustive. As Goode and Schneider (1994:260) noted, “developing a multicultural community is an ongoing, evolving process that will continually change as the many factors influencing the social structure continue to evolve.”

Both structural inequality and intergroup perceptions must be addressed in order to relieve the intergroup tensions that exist among African Americans and Latinos. Human relations action strategies need to move beyond what Goode and Schneider (1994) term “culture at a distance” approaches such as diversity workshops and events celebrating cultural pluralism. These strategies tend to ignore the structural bases for conflict, the social and economic causes of intergroup and racial conflicts. According to Noel (1968), racial stratification occurs as a result of three primary conditions: ethnocentrism, competition for resources, and differential power. Furthermore, identity components of race, ethnicity, gender and class are as much a result of socialization processes and political-historical constructions as they are of subgroup membership.

Both structural inequality and intergroup perceptions must be addressed in order to relieve the intergroup tensions...

Strategies should be inclusive, representative of the racial, ethnic, and linguistic diversity within the particular community of context and should ensure cooperative, equal-status participation for all groups.

As the work of the MCC and others has shown, “forming a viable multiracial alliance means steadfast commitment to the principles of equity, mutual respect, cultural integrity, and democratic values” (MCC 1996:4). This entails moving beyond the Black/White paradigm of race relations, giving voice to Latinos and other groups historically excluded from the democratic promise of this nation, accommodation of linguistic, cultural, and class differences, incorporation of immigrant newcomers, and respect for and appreciation of diversity.

Despite differences in ideologies, based on diverse histories, African Americans and Latinos share many common goals and issues. Strategies should focus on bringing these two groups together on an ongoing basis to address specific social conditions (e.g., jobs and economy, education, crime).

Historically, neither government nor the private sector have acted sufficiently to alleviate adverse social conditions experienced by many groups in the nation. Their lack of action necessitates a need for local intergroup initiatives that address community issues. Projects involving common community priorities are more likely to actively engage participants from diverse groups than some global construct such as “peaceful co-existence.” The development of collaborative approaches require long-term, sustained efforts on the part of all those involved.

Political coalitions between African Americans and Latinos require innovative leadership and supportive organizations which can envision and enact a new type of politics stressing racial/ethnic collaboration rather than competition.

As a result of demographic transformation, our urban centers are experiencing and will continue to experience a shift in racial/ethnic make-up, so that the definitions of “minority” and “majority” are no longer viable. With the prospect of increasingly diminishing public resources, ethnic politics that perpetuate the notion of a “zero-sum game,” the guarantee of privilege for one group must give way to greater intergroup collaboration to ensure social benefits and empowerment for all groups. Shared agendas and persistent negotiative frameworks must guide and sustain these alliances when particular conflicts of interests arise.

Strategies to improve relations between African Americans and Latinos must also target youth and schools where much of the intergroup tension and conflict in this country is being played out.

African American and Latino youth constitute the majority of student populations in many of the urban public school systems. The conditions of prejudice and violence present in communities are also reflected in our public schools and greatly affect the lives of our youth. School-based efforts to promote intergroup communication, cooperation, and appreciation are essential to our nation's future. Rather than engaging in competitive struggles for control and allocation of resources in school systems, African American and Latino leaders must collaborate to ensure benefits for all students.

There is a need to increase the development of community conflict resolution strategies involving coordinated efforts between municipal institutions, the African American and Latino communities, and their grass-roots organizations.

In many instances, arbitration of racial and intergroup conflict is mediated through law enforcement interventions and the legal system. The study conducted by the MCC found that comparatively little funding issued from either the private or public sectors for the development of community-based mechanisms to "peacefully resolve inter-ethnic conflicts or cooperatively address the conditions at the root of such conflicts" (MCC 1996:8). Effective intergroup dispute resolution and conflict mediation strategies require collaborative efforts of community leadership, institutions, and civic and grassroots organizations. These efforts should not solely be crisis-driven, but should proactively address social and economic conditions which underlie many intergroup conflicts.

Efforts should focus on monitoring and improving the quality of media coverage of intergroup relations and minority communities and their interests. The media play a key role in shaping public understanding and reactions regarding diverse groups in the community, in improving or inciting inter-ethnic tensions. In many instances, the media have framed the debate on "cutting edge issues" which affect African Americans and Latinos, i.e., affirmative action, welfare reform, immigration, and crime (MCC 1996:89). Many African Americans and Latinos feel that the mainstream media portray minorities negatively and pay little or not attention to their needs or concerns. Increased incorporation of African American and Latinos in the news media industry is a major step toward improved media coverage of these two communities and their issues.

REFERENCES

- Bach, Robert. 1993. *Changing Relations: Newcomers and Established Residents in U.S. Communities*. New York: The Ford Foundation.
- Bayor, Ronald H. 1988. *Neighbors in Conflict: The Irish, Germans, Jews, and Italians of New York City, 1929-1941*. 2nd ed. Chicago: University of Illinois Press.
- Bobo, L.D., C.L. Zubrinsky, J.H. Johnson, Jr., and M.L. Oliver. 1995. "Public Opinion Before and After the Spring of Discontent." In M. Baldassare, ed. *The Los Angeles Riots: Lesson for the Urban Future*, 103-13. Boulder, Colo.: Westview.
- Bonilla, Frank. 1993. "Why Can't We All Just Get Along?: How Immigrants are Redefining the Racial and Ethnic Mosaic." Address to the Municipal Art Society, New York City, April 7.
- Briggs, Vernon M., Jr. 1992. *Mass Immigration and the National Interest*. Armonk, N.Y.: M.E. Sharpe.
- Bullard, Robert D., J. Eugene Grigsby, and Charles Lee, eds. 1994. *Residential Apartheid: The American Legacy*. Los Angeles: CAAS Publications/Center for African American Studies, University of California, Los Angeles.
- Castillo, Ana. 1994. *Massacre of the Dreamers: Essays on Zicanisma*. Albuquerque: University of New Mexico Press.
- de la Garza, Rodolfo O., Luis F.B. Plascencia, and Barbara Cox, eds. 1993. *Houston Evaluation of Community Priorities Summary Report*. Claremont, Texas: The Tomás Rivera Center.
- Dowell, Carol, ed. 1996. *Race, Power and Promise in Los Angeles: An Assessment of Responses to Human Relations Conflict*. Los Angeles: MultiCultural Collaborative.
- Feagin, Joe R. and Clairece Booher Feagin. 1993. *Racial and Ethnic Relations*. 4th ed. Englewood Cliffs, N.J.: Prentice-Hall.
- Feagin, Joe R. and Melvin P. Sikes. 1994. *Living With Racism: The Black Middle-Class Experience*. Boston: Beacon Press.
- Goode, Judith and Jo Anne Schneider. 1994. *Reshaping Ethnic and Racial Relations in Philadelphia: Immigrants in a Divided City*. Philadelphia: Temple University Press.
- Green, Charles and Basil Wilson. 1992. *The Struggle for Black Empowerment in New York City: Beyond the Politics of Pigmentation*. New York: McGraw-Hill.
- Guevara, Luis Vela. 1996. "Dallas in Transition: The Politics of Latinos and African Americans in the 1990s." Austin, Texas: The Tomás Rivera Policy Institute, The University of Texas at Austin.
- Gurwitt, Rob. 1993. "Collision in Brown and Black." *Governing*, January: 32-36.
- Hagan, Jacqueline. 1994. *Deciding To Be Legal: Maya Community in Houston*. Philadelphia: Temple University Press.
- Horton, John. 1995. *The Politics of Diversity: Immigration, Resistance, and Change in Monterey Park, California*. Philadelphia: Temple University Press.
- Johnson, James H., Walter C. Farrell, and Chandra Guinn. 1996. "Immigration Reform and the Browning of America: Tensions,

- Conflict, and Community Instability." Paper presented at the Social Science Research Council's Conference on "America Becoming/Becoming American: International Migration to the United States," Sanibel Island, Fla., January 18-21, 1996.
- Klineberg, Steven. 1996. "The Houston Area Survey, 1982-1996: Perspectives on a City in Transition." Houston: Department of Sociology, Rice University.
- Mahler, Sarah J. 1995. *America Dreaming: Immigrant Life on the Margin*. Princeton: Princeton University Press.
- Massey, Douglas and Nancy Denton. 1993. *American Apartheid: Segregation and the Making of the Underclass*. Cambridge: Harvard University Press.
- Mindiola, Tatcho, Jr., Nestor Rodríguez, and Yolanda Flores Niemann. 1996. "Intergroup Relations Between Hispanics and African Americans in Harris County." Houston: Center for Mexican American Studies, University of Houston.
- Noel, Donald. 1968. "A Theory of the Origins of Ethnic Stratification." *Social Problems* 17 (Fall 1968), 157-72.
- Nyden, Philip, John Lukehart, Michael Maly, and William Peterman, eds. 1996. "Creating and Sustaining Viable, Inclusive, Diverse, Stable Urban Neighborhoods in the United States." Unpublished Report to the U.S. Department of Housing and Urban Development.
- Pedraza, Silvia and Ruben Rumbaut. 1996. *Origins and Destinies: Immigration, Race, Ethnicity in America*. New York: Wadsworth.
- Pompa, Delia, ed. 1994. *Looking for America, Volume I: Promising School-Based Practices in Intergroup Relations*. Boston: The Eusey Press/National Coalition of Advocates for Students.
- Quiroz, Julia Teresa. 1995. *Together in Our Differences: How Newcomers and Established Residents Are Rebuilding American Communities. Findings from the Community Innovations Project*. Washington, D.C.: The National Immigration Forum.
- Ransford, H. Edward. 1994. *Race and Class in American Society: Black and Latino*. Rochester: Schenkman Books, Inc.
- Rapak, Terry A. 1995. *Waiting on Washington: Central American Workers in the Nation's Capital*. Philadelphia: Temple University Press.
- Rodriguez, Nestor P. 1995. "The Real 'New World Order': The Globalization of Racial and Ethnic Relations in the Late Twentieth Century." In Michael Peter Smith and Joe R. Reagin, eds. *The Bubbling Cauldron*, 211-25. Minneapolis: University of Minnesota Press.
- Romo, Ricardo, Nestor Rodriguez, Luis F.B. Plascencia, and Ximena Urrutia-Rojas. 1994. "Houston Evaluation of Community Priorities." Houston: Tomás Rivera Center/Department of Sociology, University of Houston.
- Sutton, Constance R. and Elsa M. Chaney. 1987. *Caribbean Life in New York City: Sociocultural Dimensions*. New York: Center for Migration Studies.
- The Washington Post/Kaiser Family Foundation/Harvard University Survey Project. 1995. *The Four Americas: Government and Social Policy Through the Eyes of America's Multi-Racial and Multi-Ethnic Society*. Menlo Park: Kaiser Family Foundation.
- Tilove, Jonathan. 1996. *Beyond Black and White: American's Changing Racial Dynamics*. Washington D.C.: Newhouse News Service.
- Torres, Andres. 1995. *Between Melting Pot and Mosaic: African Americans and Puerto Ricans in the New York Political Economy*. Philadelphia: Temple University Press.
- U.S. Bureau of the Census. 1995. *Statistical Abstract of the United States*: 1995. 115th ed. Washington D.C.: United States Government Printing Office.
- U.S. Bureau of the Census. 1993. *1990 Census of Population: Social and Economic Characteristics, United States*. 1990 CP-2-1. Washington D.C.: United States Government Printing Office.



© Ricardo Funari / RF2

A Framework for Good Intergroup Relations in the United States: The African American and Latino Case

By Antonia Hernandez

Southern California today mirrors the America of tomorrow. Its ethnic diversity is truly amazing. Every corner of the world is represented. Its burgeoning multicultural and polyglot population positions this metropolis as a leader in anticipating the global technological, economic changes of the 21st century. Caught in the transition from the old to the new, California struggles with an age-old American problem, race relations, grappling to recast and redefine itself and American society.

In recent times, California has been at the center of some of the most contentious race questions in America. Initiatives dealing with language, immigration, and affirmative action are but a few of the issues that have arisen as Americans haphazardly continue the dialogue of who is an American. Efforts to expand the dialogue, from a Black-White paradigm to a more inclusive and current multicultural discussion have been welcomed by some, but, more often than not, rejected for fear that expanding the debate will divert the discussion away from addressing the plight of Black Americans. As a Latina who has spent the last 25 years in the national civil rights struggle, my experiences, observations and perspectives offer a more inclusive discussion on race relations in America.

In thinking about race relations in America, one must first address certain historical misperceptions. America has always been a multicultural nation. There are the American Indians who called America their home long before the Northern Europeans arrived; then there were the Spaniards, the Mexicans and the French who occupied and exerted their influence on the emerging American experience. Yet to the European immigrant, these communities were not incorporated or accepted because none were White and of Northern European origin. Since Europeans came to America, discrimination has taken different forms and was inflicted on minority groups in different ways. The African Americans were brought as slaves;

the Native Indian community was conquered and abandoned; the Chinese were brought over to build the railroads; and the Mexican American community was incorporated through conquest. The common thread that all these communities share is that none were White nor considered truly American. Thus it was acceptable to discriminate and to distinguish. This resulted in the creation of different classes of Americans. Since then, it has taken a Civil War and 100 years for this country to begin in earnest to attempt to deal with race relations in America. Real progress is a recent development, most occurring in the last 40 years.

The notion that the United States is a country of immigrants and that it is inclusive is premised on the belief that there were no existing settlers in the land worthy or equal to the European immigrants, who shared a common set of values and to some degree a common language. Within this definition of America, White Americans see themselves as inclusive. Even when we look at American history text books, we see that history begins with the pilgrims landing on Plymouth Rock. All history prior to the arrival of the English settlers is ignored. The immigrants who were accepted were those who came from certain parts of the world and were Caucasian, and, if, you accepted the established American ideal, you were allowed into the melting pot. Thus, the current debate of race, immigration, and language is laced with fears that we are losing the established American way of life and that things are changing for the worst. The increase in Asians, Latinos, and other immigrants that do not resemble past waves of immigrants, who were more European and Caucasian, is at the heart of the debate today.

As we seek to share our history and experience with other countries with similar race issues, we need to share the totality of the American experience, for I believe that we have a great deal to share, and, notwithstanding our painful history, we have made progress. There is no other place on earth where every corner of the world is represented, all seeking the American ideal, and finding commonalities that transcend race and ethnicity.

As we move into the 21st century, the discussion of race is still premised on old misconceptions and paradigms. Yes, we must acknowledge the history of slavery, the Civil War and the treatment of Blacks throughout American history, but the discussion must not stop there. The discussion must incorporate the current and past diversity of this

country. For to understand America, we must acknowledge and understand all of the parts that have made this country unique and strive to reach the ideal of a society in which all are bound by the American experience. Race, ethnicity, and language have played important roles in forming the American experience. One cannot have a discussion about

race and discrimination without understanding where we have been.

In this paper I will attempt to expand the race debate by providing a perspective that sees race, gender and ethnicity differently. To move the discussion beyond race, I will expand on the Latino experience. This experience is rich and varied. To succeed in America, Latinos have had to negotiate co-existence with the dominant soci-

ety, as well as with the African American community, and other ethnic groups. I will then explore ways in which we can move the debate forward and offer possible solutions to improving race relations in America.

As we move into the 21st century, the discussion of race is still premised on old misconceptions and paradigms.

Multiculturalism and mestizaje

While America is moving toward and attempting to understand the concept of multiculturalism and *mestizaje*,¹ Latinos have been living as mestizos for centuries. There are about 27 million Latinos in the United States today. Of that total, Mexican Americans make up about 60 percent of the population or about 13 million people. The great majority of Mexican Americans live in the Southwest: in my home state of California, in Arizona, Colorado, New Mexico and Texas. A percentage of Mexican Americans trace their origins to ancestors who occupied the Southwest before the pilgrims landed in New England or they most certainly arrived before the 1846 US-Mexican war. Like most Latinos, these individuals are intensely proud of their lineage and refer to themselves generally as Latino/a, Chicano/a, or simply Mexican American.

The history of Mexican Americans consists of interesting contrasts, beginning with the early migrations of Asiatic man to the Western Hemisphere; the development of Indian civilizations in MesoAmerica; their defeat by Spanish conquistadors and the blending of the Indian and Spanish cultures to form the Mexican; early expansion to what we know today as the Southwest; and Mexico's independence from Spain in the early 19th century. And although Mexicans did not experience as much mixing with the African slaves as did Cubans and Puerto Ricans in

the Caribbean, there are still some traces of Black influence in Mexico. This mix of racial backgrounds outlines why Latinos cannot categorize themselves as Black, White, or Asian. In reality we are an ethnic group created of all three.

Following its independence from Spain in 1810, Mexico enjoyed its freedom for a short time but was soon embroiled in a war with the United States. The war ended with the Treaty of Guadalupe Hidalgo in 1848, when Mexico lost half her territory to her neighbor to the north. This ceding of territories, which included California, Texas, Arizona, New Mexico and parts of Utah, set the basic framework for contemporary race relations and racial antagonisms in the Southwest. Just as African Americans are viewed as less American because their history is based on slavery, Latinos are seen as less American because we are viewed as a conquered people.

Like Latinos, many African Americans are of a "mixed" racial makeup. They also come from a diverse historical background evident in the light skinned, green-eyed individuals in contrast to the Black skin and coal-Black eyes of others found within the Black race. Society has not permitted African Americans to acknowledge their mixed heritage. America's long history includes the race-mixing that took place when slaveholders impregnated slaves. Anyone with any African ancestry has been labeled Black and treated in a discriminatory manner. Unfortunately, within the African American community, there is still some resentment around the issue of skin color and better treatment of lighter skinned African Americans traceable back to slavery when the lighter skinned slaves worked indoors in the master's house, while the darker skinned slaves worked outdoors under the worst conditions.

The mixing of races is even more relevant when we begin to look at the number of interracial marriages in the country. As a result of the nation's diverse population, it is natural for there to be more contact between races leading to more opportunities for interracial relationships. As a result of interracial marriages we are seeing a growing population of children of mixed backgrounds. We are not only seeing ethnic minorities getting married to Whites, but also we are increasingly seeing people of different ethnic minorities marrying another person of an ethnic minority. In a recent article in U.S. News Magazine, Jerelyn Eddings described this growing phenomena, "The number of mixed marriages has grown from 15,000 in the 1960s to more than 1 million in 1990—and the number of racially mixed children is now roughly 2 million."

A question of color

Within the Latino and African American communities, we have grown accustomed to hearing and seeing what is considered the acceptable color scheme in our society. We have not necessarily accepted that scheme, but we have, at times, tried to emulate it. Those with lighter skin and perhaps the lighter hair are generally accepted as being prettier or more attractive, not only by general society but also by individuals within our own groups. Latinos have words in Spanish which categorize these individuals based on skin, hair and eye color: "hueros" for those on the light side, "moreno" for those who are darker skinned, and "prieto" for those who are darker still. It is not uncommon for children to grow up with the nickname that corresponds with their coloring and, in a society which bases so many judgments on color, this raises questions about how such attitudes affect the opportunities made available to individuals who do not fit the acceptable color scheme. In a society where blonde hair and blue eyes are the accepted standards and definition of an American, Latinos and African Americans are excluded.

Not only does skin color play an important role in what is socially accepted, but even more importantly, it dictates upward social mobility. We know that in most societies, and within the various ethnic subgroups, the color of one's skin has a great deal to do with the acceptance levels of an individual. The Cuban American community has been evidence of the role skin color plays in social and economic stratification. In 1959, when Fidel Castro took control of Cuba, the population most affected was the Cuban elite which fled Cuba by the masses. That influx of political refugees were mostly upper middle class and Caucasian. This demonstrated that in Cuba the wealthier class was White, while the poorer masses were mulatto and Black.

The Americans' acceptance of the whiter Cubans also illustrated how race determines social acceptability and upward mobility. Making Miami, Florida their number one destination, the wealthy Caucasian Cubans were welcomed by the American government. Social programs were created to help them with their transition into this new country. Twice-daily flights from Miami to Cuba brought hundreds of thousands of Cuban immigrants to Miami's shores. In 1992, Lisando Perez wrote in the book, *Miami Now*:

The United States government facilitated their entry by granting them refugee status, allowing them to enter without the restrictions imposed on most other nationality groups. This favored treatment continued until shortly after the termination the 1980 boatlift.

By the 1970s, the number of Cubans immigrating reduced dramatically, but by 1980 the pressures for emigration forced the Cuban government to open a port for unrestricted emigration. The name of the port was Mariel. The Mariel boatlift changed the perception Americans had of Cubans. Lisando Perez also described the media's coverage of the incident as a contributing factor to the negative perception:

Media coverage of the sudden arrival in Miami in the spring of 1980 of tens of thousands of Cubans (some of them with criminal backgrounds or mental health problems) as a result of the Mariel boatlift undoubtedly tarnished the public image of what might otherwise have been considered the "model minority."

The majority of the Cubans known as Marielitos, that arrived with the Mariel boatlift, were no longer Caucasian. Instead, they were Black and mulatto. It is my belief that race was a key factor to explain why Americans rejected this new population of Cubans, the same way they had refused to give Haitians political asylum in 1964 when they were welcoming the Caucasian Cubans. This discriminatory situation helped build bridges between the Latino and African American communities. The African American community saw the discriminatory impacts of immigration laws through the Haitians and the treatment of Black Cubans, and they began to understand the discrimination that Latinos had suffered as a result of being perceived as immigrants.

Tensions between ethnic minorities

Ethnicity and racial characteristics are deeply intertwined with socioeconomic status and social inequities within the system, creating a more complex structure which is sometimes completely ignored in terms of what that means for individuals living in these ethnic communities. This is true for the African American and Latino communities whose members often live in low socioeconomic areas where any demographic change dramatically alters the delicate balance of that community. Increased tensions among African Americans and Latinos are due, in part, to the fact that Latinos and African Americans sometimes perceive each other as economic and political "competitors" in the battle over dwindling resources, rather than as neighbors with common interests, issues or bonds.

Los Angeles is a good example of why African Americans and Latinos perceive each other as direct competition. Latinos have always outnumbered African Americans there, but until recently we were the silent minority. Throughout history, African Americans have been the ethnic minority most researched. Until the 1970s, many texts on minorities either overlooked or barely mentioned Mexican Americans. Regardless of the large Latino population, Latino political evolution lags about ten years behind African Americans. For example, there has never been a Latino mayor or Latino chief of police in Los Angeles, yet there have been both an African American mayor and African American chief of police. Also, it was African Americans who first founded the Congressional Black Caucus in the early 1970s. Seven years later the Congressional Hispanic Caucus was formed, again illustrating that we are about a decade behind African Americans in obtaining political representation.

This has been changing. Latinos have been voting in record numbers in recent elections. This can be attributed to several factors: the increase in grass-roots organizing; non-US born Latinos applying for citizenship; recent initiatives that have a direct negative impact on the Latino community; and an increase in the anti-immigrant sentiment that does not distinguish between documented, undocumented and United States-born Latinos, resulting in the increased political awareness of the Latino community. It is justifiable then to assume that African Americans feel threatened by this new Latino political consciousness because they are outnumbered and may fear losing some of their political muscle. For example, in South Central Los Angeles, which historically has been predominantly African American, Latinos now make up 51% of the population. Now that Latinos are more politically active, African Americans may feel their political representation threatened.

The media also plays a critical role in determining how ethnic groups perceive each other. The media in the United States perpetuate negative stereotypes of the different ethnic groups and encourage separatist behavior. Media misinformation and generalization can inflame conflicts and efforts for community development or improvement. (The role of the media and how it relates to race relations will be discussed in more detail later in this paper).

For example, as a result of the constant message from the media that Latinos are an immigrant population, one of the key complaints African Americans have of the growing Latino population is that immigrants are taking over their economic opportunities. They sometimes attribute their high unemployment rate to this misperception. Contrary to

popular belief, foreign-born Latinos only make up one third of the total Latino population in the United States. Yes, there has been a surge of immigration in the last 20 years, but that does not define the entire Latino community. The growing population of Latinos in the United States is attributed to native births, and not just immigration. In addition, foreign-born Latinos have a disproportionate representation in low-wage jobs with the lowest median household income at \$18,596 in comparison to \$29,182 for United States-born Latinos and \$27,940 for African Americans. Immigrant status, the inability to speak the English language, and other cultural barriers keep Latino immigrants from competing in the same job market as United States-born Latinos and African Americans.

Common bonds

As a result of discrimination, Latinos face many of the same problems their African American counterparts do within general society: in employment, we have higher unemployment rates than the White population; in education, we struggle to increase the educational attainment levels of our children; in political access, we are striving to flex our political muscle and ensure that our voice is heard in the political arena; in health, our families often receive less than adequate health care; in access to justice, our communities are disproportionately represented in the criminal justice system, in our jails and prisons; and we have higher poverty rates than the rest of the population. The positive side to this “common ground” is that Latinos and African Americans have an opportunity to get to know each other better and to understand our common dilemmas. If we can work collectively and proactively to solve our problems, the acceptance and collaborative levels between the two groups will increase.

History has proven that Latinos and African Americans alike will learn from each other when they see a positive outcome. During the Civil Rights Movement, the Latino community turned to the African American community for a model to follow. Latino author and political analyst, Rudolfo de la Garza, wrote in 1977, that it was:

...clear to Mexican Americans that a conventional approach to social and political change produced little benefit to them. On the other hand, it seemed that the civil rights movement and black militancy were achieving a great deal. To many aware and concerned Mexican Americans, therefore, it made sense to emulate the black example. Thus was born the Chicano Movement.

*Unknown to the
general community
is the good news.*

Therefore, as a result of our socioeconomic commonalities and our ability to emulate each other's strategies in the political arena, it is not surprising that we can be twice as effective and strong if we work together and develop common goals.

The media perpetuate false images and hostilities between groups

The role of media is very important when dealing with issues of race, discrimination, and a dialogue on race. And in order to play a proactive role in establishing positive change, the media need to do away with hyping the tension and creating fear between racial/ethnic groups. The role of the media also needs to change to fit the new paradigm of a multicultural society. Most people recognize and appreciate the potential of the media to set the public agenda, but we sometimes forget how much influence media can have on our daily lives and on how the media can skew our perceptions. The media can inform, motivate, organize, empower, and set new trends. It can help bring about positive change in a community or it can encourage negative reactions and responses to events occurring within it.

Latinos, African Americans, and Asians have the same misperceptions of each other because the media feed into the stereotypes, and we buy into those misperceptions. To add to this layer, the media have taken a special interest in focusing on the conflict within the various racial or ethnic groups, particularly the tensions within the Latino and African American communities. If you ask media representatives why their coverage of the diverse communities within a particular city seems to convey an unbalanced portrayal of friction and strife among different groups, they will tell you that conflict is interesting, it is human, it is emotional, it is powerful, it is news. I would admonish them that this coverage is insensitive, it is inflammatory, it is inaccurate and it is destructive to the communities the media purports to serve.

Unknown to the general community is the good news. The media do not inform the public of the strong and successful collaboration between various ethnic communities. The MultiCultural Collaborative (MCC), a multiethnic cross-section of community-based service and advocacy organizations seeking solutions to interethnic conflict in Los Angeles, states in its January 1996 publication, *Race, Power and Promise in Los Angeles*, that “for every media-

touted story of ethnic/racial strife, there is a behind-the-scenes story of multiethnic or biracial coexistence—and often cooperation.” The MCC report goes on to list several examples of different groups working together: individuals organizing across ethnic lines in Monterey Park to address a sensitive issue between White residents and Chinese newcomers relating to a preponderance of Chinese-language business signs; new community coalitions that emerged in Houston to help undocumented workers apply for legal status under the Immigration Reform and Control Act of 1986; and White, African American and Latino neighbors coming together in a poor part of Boston to successfully rebuild their “forgotten” community.

While positive activity is occurring among different groups, the media still do not accurately cover multiracial communities. Consequently, it is up to Latinos and African Americans to be united in their efforts to hold the media accountable when they insist on covering only the negative incidents that occur within our communities. We must work together to turn media away when they call looking for a provocative statement or response which will only make a bad situation worse. And we must hold the media accountable for their coverage, correct them when they are wrong and continually provide them with alternative story ideas.

The role of the church

The Civil Rights Movement was born out of the African American church. Some of the key civil rights leaders in the African American community had and continue to have strong religious affiliations (i.e. Reverend Jesse Jackson, Reverend Martin Luther King, Jr.). Katherine Tate, an African American political analyst, writes:

Black political organizations and institutions, including the Black church, have been identified as crucial to the success of the modern-day black civil rights movement. While these organizations gave structure to the protest movement, many, operating well before the passage of the 1965 Voting Rights Act, also helped register and mobilize black voters.

Even in days of segregation, the Black church was seen as the substitute for a town hall. This is where people gathered and talked about the issues affecting the Black community. If anyone wanted to get a message out to the African American community, they would do it through the church. In the 1960s, and to a lesser degree in the 1990s, the church has been the key component in community organizing.

For Latinos, the role of the church has been different. Historically, the Catholic Church provided some social

upward mobility to Latinos by providing a Catholic education. Prior to the Civil Rights Movement, Catholic schools were one of the few vehicles out of poverty for Latinos. High schools in Los Angeles like Loyola High, Don Bosco High, Cathedral High, Cantwell High, and Sacred Heart of Mary provided Latino students with the quality education that was only available to White students.

In the last thirty years, the Catholic Church has increased its role in community mobilization and political activity. For example, the Church was very supportive of Cesar Chavez and the United Farm Workers grape boycott in the late 1960s and early 1970s. In addition, there has been a growing number of priests and nuns becoming involved in community organizing. For example, Father Greg Boyle is locally known for his work with at-risk Eastside youth in Los Angeles. In addition, the Catholic Church is also a key investor of inner-city neighborhoods throughout the country. One of the ways the Catholic Church invests its dollars in the inner-city is that it loans money to revolving community development loan funds (below market rate), and, in turn, the loan funds lend these dollars to low-income business owners in the inner-city.

The organized religious community also struggles to redefine itself as it attempts to deal with the issue of race and ethnicity. As the largest religious institution in the United States, the Catholic Church must navigate a balance between its current established order dominated by the Italian and Irish and its fastest growing members—Latinos and Filipinos. The debate over Proposition 187² was a clear example of the struggle within the Catholic Church. The Church’s membership was divided with Italians and Irish in favor of Proposition 187, and Latinos and Filipinos opposing the passage of Proposition 187.

It is important that all churches preach self-empowerment and the importance of community revitalization, but, above all, churches need to begin to address the issues of tolerance and acceptance of different cultures and religions. The church can play a critical role in breaking down the stereotypes and building bridges between ethnic groups. While there is a growing number of Latinos joining the Catholic Church, many other Latinos have been leaving the Church in search of a more inclusive, altruistic alternative. For example, there have been a growing number of Latinos converting from Catholic to Protestant. The Protestant Church (i.e. Baptist, Lutheran, Pentecostal) has been considered, for the most part, an African American and White religion. The emergence of Latino followers in these churches can be perceived as an opportunity for interaction and common interests between African Americans and Latinos.

The role of gender in race relations

Until fairly recently, the issue of gender has been ignored in the discussion of race and ethnic relations. Asians, African Americans, and Latinos have not always treated women of color³ as equal partners. The contributions of women of color have not been recognized throughout history. Women have played a key, but silent, role in the mobilization of ethnic communities. For example, Harriet Tubman's involvement with the "Underground Railroad" that helped hundreds of Blacks escape slavery was not recognized until recent years. Regardless of race, women have had to deal with living in a patriarchal society, but for women of color, oppression has a double edge because we are discriminated against by the dominant society and often marginalized and isolated by our ethnic communities.

The Women's Movement that emerged in the 1960s was not inclusive and did not incorporate nor reflect the experience of women of color. As a Latina whose first major case involved the mass sterilization of Latinas by doctors practicing in a county hospital, I was struck by how foreign the rhetoric of the Women's Movement was to me. I clearly did not see myself nor the experience of Latina women in that movement. As I began to meet African American women leaders, I discovered that many felt the same way I did.

Things are slowly changing. In the last couple of decades women of color are beginning to have their contributions recognized and valued: Dolores Huerta, Vice President of the United Farm Workers; Gloria Molina, Supervisor for Los Angeles County, Elaine Jones of NAACP Legal Defense and Educational Fund, Inc.; Linda Wong and Linda Griego of Rebuild Los Angeles; and Julie Su, an attorney working to defend the rights of Thai garment workers in El Monte, California, have been pioneers in the advancement of ethnic minorities. It is also women of color who are increasing the awareness that there is strength in multicultural collaboration. Although the progress is slow, I am heartened by the emergence of strong women of color who are taking their place in the struggle for civil and human rights. I see women of color as the natural bridge between our communities.

Signs of change

I often am told that I am an idealist, and I will admit that I am. I hear more and more ways that communities are

coming together to work toward common goals, and I am hopeful that these efforts will increase in the future.

Latinos and African Americans must engage in honest and proactive dialogue on difficult and sometimes uncomfortable issues that must be addressed such as sharing the power and the wealth. It is not just sharing the power and the wealth between the two groups, but also with other groups such as the growing Asian community. I am heartened to know that dialogue is occurring within various communities across the country. Elected officials are beginning to assert their leadership in their cities in order to bridge the gap that exists between communities, but more must occur.

Our challenge then lies in how to replicate the progress we have made in smaller groups in the larger communities.

We must give up our old concepts of power, our old ideas that only one group can be in charge because if we believe that, then we are saying that another group must be excluded.

We have learned to discuss this subject rationally with colleagues and friends over coffee, in staff meetings, and in seminars and conferences, but we have not yet mastered how to take that dialogue, that understanding and duplicate it a million times beyond our professional friends and colleagues to the individuals in the grassroots communities. We must learn how to do that.

We must capitalize on the commonalities between the Latino and African American communities and society as a whole, instead of focusing on the differences. I believe that the state of race relations is much improved. The more we talk about it, the better it will become. There must be continual dialogue at all levels. White America needs to engage in an honest open dialogue on race and discrimination. The dialogue cannot occur only after each racial confrontation or incident. The nerves are too frayed and the sensitivities too raw to allow for calm and deliberate action during those emotional times. The dialogue must occur when people can speak honestly and without fear of repercussion because a relationship exists, the understanding is there and the desire to move forward is present.

Moving forward/opportunities for collaboration

Perhaps we need a new dictionary of terms that more clearly state what we are all about and what we are trying to accomplish. We have too many negative associations with many of the terms or phrases we use today.

“Mainstream” has become known as the “dominant culture” which suggests the power of one over the other and causes us to respond in a defensive manner. For many, “assimilation” has come to mean giving up one’s native language or culture and elicits an equally negative reaction. We need to find a way to create a society that is united by a set of common values and recognizes individual and cultural diversity.

We also must give up our old concepts of power, our old ideas that only one group can be in charge because if we believe that, then we are saying that another group must be excluded. Unfortunately, once those who did not have power, get it, they often will emulate those who excluded them. We must recognize that it is in the long-term self-interest of our society that the sources of power be shared. We must learn that sharing power yields greater returns for both the individual and the community.

While the issue of race relations is a complex matter, I think some of the solutions to the problem are very basic. Basic does not translate into simplicity or ease of achievement, but I believe we could better address the race relations issue if we seriously and aggressively put our collective and creative minds to it. We certainly have the ability to resolve the issue but we also must have the commitment on the part of government elected and community leaders, the business community and educational reformers to make this issue the number one priority for the future of this country.

We must elect representatives who have the interests of our communities at heart. We cannot support individuals who attempt to pit one ethnic or racial group against another playing on the uncertainties of our time. We must reject racial politics at every turn, be it from the Latino community, from African Americans, Asians or Whites. We must move away from polarized racial voting. We need to have elected officials that will truly voice and address the needs of the communities they represent, regardless of their race or ethnicity.

Concurrently, both Latinos and African Americans must join together in encouraging their communities to become actively involved in the political process, to register to vote, and to vote on election day to demonstrate that we are true players in the political arena. The number of Latinos voting in the last general election was at an all time high and we are hopeful that this increased participation will continue. African Americans, Asians, and Latinos joined forces to vote against Proposition 209,⁴ and while the proposition passed, the final tally was very close due to the collaborative efforts of Latinos, Asians, African Americans and other groups to defeat the measure.

I would propose that we have much more in common than we realize. Commonalities are not based on color but on the American mind-set and what we hold true and dear to our hearts: our individual freedoms of religion and speech, principles of equity and mutual respect, our democratic values. To be an American is to have these rights protected by the United States Constitution. These are the ideals we cherish. They are what makes this country unique. They are what makes us strong. They are what will allow us to become stronger than we are today.

The first step is to understand the differences among us and not let them hold us back from finding the commonalities. We are different, but different does not have to mean inferior. We have to boldly identify the problems and create solutions to the problems that divide our ethnic communities.

- We also must provide increased opportunities for ethnic groups to interact with each other more frequently because studies have shown that frequent interaction provides an important basis for mutual understanding and cooperation. Naturally, there is a greater likelihood of mistrust between groups of people who do not know one another or who do not interact with one another on a regular basis. This is why we must concentrate some of our efforts in desegregating our schools and more fully integrating the work place. The classroom is where our children may first begin to learn about people different from themselves, and they must be taught to respond to these differences.
- Public education is the greatest equalizer and the most effective vehicle for Americanization. It is public education that creates, builds, and molds the American mind-set and that has been the vehicle for upward mobility and, to some degree, acceptance of African Americans and Latinos by the greater society. Schools need to teach children the philosophy of the “e pluribus unum,” that from many we are one, and that together we define an American. Educators must recognize that diversity in the schools is a permanent factor within the schools and they must be a part of the process that develops programs which help administrators, faculty, students and parents work together on a continuous basis to bring the various groups together through a common thread, a common ground.
- We need to recognize the social and cultural distance between foreign-born Latinos and African Americans that may also contribute to the misperceptions that foreign-born Latinos have of African Americans and vice versa. Despite the cultural distance, 53% of African Americans voted against the passage of Proposition 187.⁵ This illustrated that despite the

media's constant effort to isolate the two communities, African Americans were sympathetic and understanding of the discriminatory attack against Latinos.

- During the past decade, the growth of both African American and Latino businesses has increased dramatically. African American businesses generated \$3.6 billion in revenues and Latino-owned businesses generated \$7.8 billion. We should increase the dollars that are invested in the inner-cities that are populated mostly by African Americans and Latinos. We should utilize and develop more efficient and extensive networking and support groups to encourage business growth by supporting each other's businesses.
- African Americans and Latinos and all racial and ethnic groups must accept the challenge of reconciling ethnic organizational interests with the broader goals of an interethnic agenda. We must develop public policies that take into consideration the diverse needs of all our communities and toss out old loyalties. This means that each community, each constituency must come to the table with an open mind and outstretched hands to accept new ideas and new approaches. We must come to grips with the dilemmas of inner-city residents and provide genuine solutions to urban problems. We must understand the communities we are trying to serve and be sensitive to the dynamics of change within a socioeconomic context. Latinos and African Americans are an urban population, and it is in our best interest to revitalize our cities.
- We must continue to fight together to ensure that affirmative action programs are not eliminated. Latinos and African Americans must work together to hold onto the gains we have made in recent years. As stated earlier, Latinos, African Americans, Asians, and other ethnic groups worked together to try and stop the passage of Proposition 209. We need to ensure that programs like procurement set-asides are not eliminated because this would not allow small fragile minority owned businesses to compete with the larger contracting corporations for government contracts.
- We must invest time and resources in developing the leadership skills of mid-career professionals as well as

grassroots community leaders and parents. We need to cross train these leaders to understand our respective differences and commonalties. We must develop a cadre of community leaders who are capable of working cooperatively for the good of their communities and across ethnic lines.

- We must hold the media accountable for their coverage of our communities and more aggressively monitor their actions. We must make the media more aware of their responsibility of providing accurate coverage of race relations and counter their reporting of distortions and disproportionate coverage of conflict and violence. We need to educate the media and have them change the negative stereotypes they portray of our respective communities.

The Black-White paradigm, although an important beginning, does not present an inclusive picture of race relations in America today. In Los Angeles, everyone is a minority, including Whites. We need to start looking at race relations through a different lens. A lens that includes a color spectrum. A lens that includes men and women alike. And we, Latinos and African Americans, who have experienced discrimination and racial animosity, have a unique lens by which to view racism. Our challenge is not to emulate history, but to lead with a new more inclusive solution.

¹ Mestizaje is the mixing of different racial groups.

² Proposition 187 is an anti-immigration initiative in California that denies health care, education, and social services to anyone suspected of being an undocumented immigrant and would mandate reports of such suspicions to the INS by public servants and health care providers.

³ Women of color refers to women who are of an ethnic minority in the United States.

⁴ Proposition 209 is an initiative that adds a provision to the California Constitution prohibiting "preferential treatment" on the basis of race, sex, color, ethnicity, or national origin in state public education, employment, and contracting.

⁵ Refer to endnote 2.



© Flip Schulke Archives

Excerpts From: Globalization and Its Impact on Race Relations and Divisions in the United States

By James Jennings

Introduction

There are at least two general observations that can be asserted regarding economic and racial developments in the international arena today. One is that national economies are becoming more internationalized than in earlier periods, thus the term, "globalization." The other observation is that in many societies, racial and ethnic divisions and tensions continue to be a significant facet of social and human relations. An examination of how globalization may be contributing to the improvement or deterioration of racial and ethnic relations is, therefore, timely and significant.

The nature of the relationship between race and globalization was posed as a major concern at a conference sponsored by the Comparative Human Relations Initiative of the Southern Education Foundation in Atlanta, Georgia in 1997. The Conference, *Beyond Racism: Brazil, South Africa, and the United States*, was guided by the following query: "What do structural changes in the world economy and the economies of nations portend for relations between the White and Black laborers, and...the poor and 'elites' in the U.S.?"

The issue of racial divisions in the international arena today invites reconsideration of W.E.B. Du Bois' observation in 1900:

In the metropolis of the modern world, in this the closing year of the nineteenth century, there has been assembled a congress of men and women of African blood, to deliberate solemnly upon the present situation and outlook of the

darker races of mankind. The problem of the twentieth century is the problem of the color line, the question as to how far differences of race— which show themselves chiefly in the color of the skin and the texture of the hair— will hereafter be made the basis of denying to over half the world the right of sharing to their utmost ability the opportunities and privileges of modern civilization.¹

Du Bois was touching on the issue of racial divisions, not simply as a problem of ignorance and misunderstanding, but more fundamentally of power utilized to maintain colonialism and a racially defined world order. Du Bois' statement is important for two reasons. First, it identifies the fact that, as suggested by the meeting of Southern Education Foundation, the "color line" continues to be a significant issue in the international arena.² Second, it suggests that the nature of this division is not simply one of attitudes, or individual prejudices between groups of people, but, instead a reflection of power and skewed distribution of social, economic, and cultural resources.

There are essentially three scenarios that summarize possible relationships between globalization and race relations. In one scenario, globalization limits national economic growth, generates domestic fiscal crises, and thereby contributes to racial and ethnic tensions.

Another scenario suggests that globalization does not necessarily contribute to or reduce divisive race relations in a particular society. Rather, the economic and racial arenas are seen as separate from each other.... Racial divisions are presumed to be determined by political, social, or cultural factors endemic to domestic societies rather than by the impact of international developments.

In the third scenario, globalization is believed to contribute to the capacity of domestic societies to respond to racial and ethnic problems and divisions by expanding the economic pie. And, concomitantly, if there is some dislocation of workers and loss of jobs, then domestic economies can re-train workers and equip them to compete more effectively in the global market. This is part of the rationale that was used to generate political support for the adoption of the North American Free Trade Agreement (NAFTA), and especially to neutralize the opposition of organized labor in the U.S.³

The increasing competition among nations has led in many instances to corporate behaviour that results in less investment in social and human capital.

Globalization, race and ethnic relations

The relationship between globalization, race and ethnic relations is not particular to the three societies mentioned above. As observed by scholars Rita Jalali and Seymour Martin Lipset, race and ethnicity continue to be significant factors in determining status in many nations, as well as the quality of international relations. Despite earlier assumptions by both Marxist and non-Marxist scholars that "industrialization, urbanization, and the spread of education would reduce ethnic consciousness, and that universalism would replace particularism..." Jalali and Lipset write, "It is now clearly established that the assimilation

assumptions are not valid. Most parts of the globe have been touched by ethnic conflict."⁴ Economist Michael L. Wyzan reiterates, "Few problems are as ubiquitous, as persistent, or as daunting as those concerning the relations among ethnic groups within nations. Virtually no society has been immune to ethnic tension. At any given moment, ethnic civil wars, possibly leading to the destruction of the nation itself, rage in... diverse settings."⁵

The status and causes of racial and ethnic tensions and their relationship to communities of color is particularly important for the United States, Brazil, and South Africa. In each, there is increasing racial and ethnic diversity and continuing, if not widening, social and economic divisions. Globalization has a direct impact on the opportunities and well-being, not only for communities of color, but also working-class people of all races. The contours that such impact will take in the long run, however, are not yet clear.

There is a strong basis for comparing these three nations. Dr. George Reid Andrews writes, for instance, that:

The Brazil/United States comparison has compelling logic. The two countries are the largest multiracial societies in the Americas. They share a history of plantation slavery, which extends into the second half of the 1800s. And over the course of the 1900s, both societies have confronted the legacy of slavery in the form of deeply entrenched racial inequality.⁶

Additionally, these three societies have varying degrees of democratic government; each has significant human and material resources, as well as a large racially, ethnically,

and culturally-diverse population; in each, persons of African descent have been segregated for long periods even after emancipation, or continue to be segregated informally, if not officially. And, Blacks comprise a disproportionately large percentage of the poverty-stricken population.

The term "globalization" has been utilized in various ways. Basically, it suggests a growing internationalization of national economies and concomitant growth in the influence of global economic interests. Professors Paul Hirst and Grahame Thompson argue that this term has been overutilized and "mythologized":

*[T]he level of integration, interdependence, openness, or however one wishes to describe it, of national economies in the present era is not unprecedented. Indeed, the level of autonomy under the Gold Standard up to the First World War was much less for the advanced economies than it is today. This is not to minimize the level of that integration now, or to ignore the problems of regulation and management it throws up, but merely to register a certain skepticism over whether we have entered a radically new phase in the internationalization of economic activity.*⁷

These two authors add that the influence of multinational corporations is also over-rated. Sociologist William Robinson, however, disagrees, believing that: "a new social structure of accumulation is emerging which, for the first time in history, is global."⁸

While the claim that this development is completely new could be debated, the fundamental point is well-taken: economic boundaries, unlike political boundaries, are becoming less distinctive between nations. Doug Henwood, author of the book, *Wall Street*, argues, for example, that while globalization is not a new development in the sense that nations have always been linked economically,⁹ what is new is the fact that relatively few multinational corporations are wielding enormous influence on international economic developments.¹⁰ The increasing mobility of capital across international boundaries is also a characteristic of globalization according to William Greider, author of *One World, Ready or Not*.¹¹ Another observer, Hector Figueroa of the Service Employees International Union in Washington D.C., believes that a sustained period of slow economic growth and declining living standards is a major characteristic of globalization:

Globalization matters not only because international trade and investment and multinationals have become more important to the economy since World War II, but also because these changes have coincided with a peri-

*od of slow economic growth and declining living standards. While globalization is not necessarily the cause of either, the temptation to extract profits by cheapening the cost of labor and penetrating new markets is greater in a period of slow growth. Wages are driven down further by the higher level of unemployment that results from the replacement of workers by technology or imports.*¹²

In *The Global Political Economy From Bretton Woods to the 1980s*, political scientists Michael Stohl and Harry R. Targ note that the United States' economic interests remain powerful, although clearly, there are now other powerful players as well.¹³ Without underestimating the influence of the United States, author Kevin Phillips points out in *The Politics of Rich and Poor*,¹⁴ that the United States must now share the economic stage with other nations which have also effectively acquired assets and markets. An examination of the proportionate weight and growth of United States trade with other nations, including imports and exports, illustrates this point clearly: according to the Organization for Economic and Community Development, for example, in 1960 U.S. trade (import and export) was about 6% of the nation's total Gross Domestic Product (GDP); by 1988, trade grew to close to 18% of the GDP.¹⁵

The increasing competition among nations has led in many instances to corporate behavior that results in less investment in social and human capital. According to one study,

*...corporate strategies to meet international competition have resulted in disinvestment, downscaling, relocation abroad, and retreat into financial rather than productive activities. These changes, undertaken in part to deal with the pressures of globalization, are only temporary responses to longer-term, more ominous global economic trends. The changes are private, uncoordinated, conflictive, and unsuccessful. The strategies themselves have generated new difficulties, like fiscal crises for particular places and massive unemployment for certain social groups within the United States.*¹⁶

The changes, although *ad hoc* and unplanned, are massive in their impact and determine how people in many societies will live and die.

At the same time that the United States' corporate sector seeks to enhance its economic position in response to greater international competition, the distribution of wealth in America is also becoming more unequal. According to a study of the Michael Harrington Center for Democratic Values and Social Change in New York City, "The share of wealth owned by the top 1% has gone from 22% in 1979 to 42% in 1992."¹⁷ And a report published by the Center on Budget and Policy Priorities in Washington D.C., points

out that “the growth in the incomes of the richest one percent of Americans has been so large that just the increase between 1980 and 1990 in the after-tax income of this group equals the total income of the poorest 20 percent of the population...”¹⁸

If globalization means that inequitable distributions will increase as a result of technology or other economic dynamics in the international arena, then the scenario for domestic economies described briefly by Robert Fisher is valid. He notes: “As capital flow increasingly supersedes state control in the global economy, the welfare state faces increasing fiscal crises in a world characterized, according to a recent report of Human Rights Watch, by increasing racial and ethnic divisions.”¹⁹

Globalization of national economies may widen these divisions, thus producing more, rather than less social and violent tensions in the next millennium.

Unchecked or ignored, this kind of development will tend to exacerbate racial divisions in the United States. The concentration of wealth means less resources for Blacks, Latinos, poor people and working class people and less resources for the places where these groups live, contributing to the potential for increased scapegoating based on race and ethnicity. In turn, such racial scapegoating would prove useful to efforts to maintain policies that result in greater concentration of wealth in a relatively few hands.

Greater racial and ethnic tensions do not necessarily reflect political manipulation on the part of interests benefiting from the internationalization of domestic economies, although this has occurred in many, past instances. But multinational economic interests that ignore the history of racial and ethnic tensions and violence in domestic arenas, as well as the causes for continuing divisions, are a major problem associated with globalization.

The focus of recent international agreements facilitating economic globalization is on increasing profits and enhancing the mobility of capital across national boundaries. Generally, there is lack of attention to human rights, poverty, and certainly racial and ethnic divisions and how such might be exacerbated by globalization's effects.

This failure is encouraged by a belief that the impact of globalization is not subject to responsive or preventative national political actions. Or, as noted in a recent report of the Council on Foreign Relations: “Because globalization is not an issue that lends itself to organized political action,

none of the known models of successful minority interventions in foreign policy seem to apply.”²⁰

Hirst and Thompson take issue with this fatalistic approach regarding the political possibilities for mitigating the effects of globalization. These authors write that globalization has been presented as an image “so powerful that it has mesmerized analysts and captured political imaginations. But is it the case?” They express a “mixture of skepticism about global economic processes and optimism about the possibilities of control of the international economy and viability of national political strategies.”²¹

Carol Bellamy, Executive Director of UNICEF, recently noted that, “In some ways, with the globalization of the economy, the focus has been on economic development... There's more wealth in the world today but with that great wealth comes greater diversity... What's getting worse is the disparity between those that have, and those that do not have.”²² William Robinson goes further, claiming that the process of globalization “is a war of a global rich and powerful minority against the global poor, dispossessed and

There is a lack of attention to human rights, poverty, and certainly racial and ethnic divisions and how such might be exacerbated by globalization's effects.

outcast majority.”²³ Adding urgency to the concern raised by Bellamy, Robinson states that “in today's global economy, capitalism is less benign, less responsive to the interests of broad majorities around the world, and less accountable to society than ever before.”²⁴ And as reported by David Vidal of the Council on Foreign Relations,

*[O]n the one hand, globalization holds the promise of long-term growth and prosperity for all working people, not just those in the United States. This would especially benefit the regions of the world, including Asia, Africa and Latin America, to which minorities are linked by ancestral or family ties, and would also increase demand for minority talent at home to deal with these emerging markets. For minority communities, these are welcome developments. On the other hand, economic globalization is creating within these very same communities a class of economic “losers.”*²⁵

The impact of globalization on domestic economies and local capacity to respond effectively to poverty and related problems is observed by Professor Lou Kushnick of the University of Manchester. He states: “The major economic restructuring which is following globalization is having disproportionate consequences for people living in the inner-cities of both countries. There have been significant job

losses, particularly for unskilled and semi-skilled workers and those without higher education qualifications. These patterns of unequal outcomes are built upon previous patterns of inequality in terms of allocation of public resources ...”²⁶ Another observer notes that international economic pressures are limiting the political capacity of South Africa to respond to racial and ethnic divisions and poverty built earlier on the system of apartheid. As Nancy Murray, a civil rights activist in the United States writes:

*[T]he ANC, pressured by advisors from the old regime, economists from the World Bank and IMF, experts from the business community, and by the volatility of the South African currency, stepped back from ... emphasis on social spending as a way of beginning to overcome the huge economic disparities which were apartheid's legacy and providing millions of poor people with houses, water, electricity and sewage.*²⁷

As nations seek to respond to economic pressures to increase their competitiveness, earlier racial and ethnic divisions may neutralize politically those sectors interested in managing or controlling the effects of globalization arising from the concentration of international wealth. To underscore this point, let us turn briefly to a review of how racial divisions in the U.S. historically have served to mute political and social opposition to the concentration of wealth and constriction of social welfare policies.

Racial hierarchy in the United States

The concept of “racial hierarchy,” as distinct from the more narrowly conceived terms, “bigotry” and “racism,” is important for studying and understanding the relationship among the rapid increase in wealth inequality in the United States, globalization and the particular state of race relations in this nation. Racial hierarchy involves a pervasive system of caste based on race and racial features. While bigotry and discrimination typically feature “horizontal” racial relations, racial hierarchy reflects a “vertical” order of power, wealth and social domination.²⁸ Racial hierarchy is a fundamental feature of multiracial societies, for as sociologist H. Edward Ransford writes, “In most multiracial societies, racial groups are found in a hierarchy of power, wealth, and prestige.”²⁹ Consideration of the continuing existence of racial hierarchy is key for analyzing the nature of relationships between race relations and growing inequality in the United States, as well as in understanding how international developments influence these factors.

Racial hierarchy is the social situation where Blacks continually and consistently occupy positions lower in status than

Whites, regardless of social, political, or economic advances that have been realized by Blacks, individually or collectively. This idea is similar to that used by political scientist Herman George, “racial subordination,” as a set of political-economic relationships... “characterized by four features: economic exploitation, racism, cultural hegemony and political exclusion.”³⁰ Thus, racial hierarchy, or racial subordination, is fundamentally a power relationship, reflected in different social arenas, and involves a system of control of people facilitated by institutionally-determined benefits correlated with racial categories.

Entrenched racial divisions continue in the United States, despite major advances in the democratization of the nation.³¹ This means, simply, that White life continues to enjoy a higher social and cultural prestige and economic status, than Black life. There is little social or economic evidence indicating the abatement of this kind of racial order for Blacks as a community.

Racial hierarchy is manifested economically, educationally, culturally, and politically. Even when certain social and class factors are controlled, such as schooling level or income, there is strong evidence of racial hierarchy in social arenas. This means that even poor Whites—because they are White—are much better off than comparable poor Blacks; working-class Whites as well as middle-class Whites are much better off and enjoy a higher status than their respective Black counterparts on the basis of social and economic indicators.

Historically, as well as in the contemporary period, ethnic groups other than Blacks have also enjoyed benefits based on where they stand in the nation's racial hierarchy³² and the degree to which they look “White” or “Black.” This is evident among some Latino groups in the United States. In the case of Puerto Ricans, a racially-mixed ethnic group, for example, sociologists Douglas Massey and Nancy Denton point out that:

*Among all groups in the United States, only Puerto Ricans share blacks' relative inability to assimilate spatially but this disadvantage stems from the fact that many are of African origin. Although white Puerto Ricans achieve rates of spatial assimilation that are comparable with those found among other ethnic groups, those of African or racially mixed origins experience markedly lower abilities to convert socioeconomic attainments into contact with whites. Once race is controlled, the “paradox of Puerto Rican segregation” disappears.*³³

They state additionally that this situation is not unique, but observable in metropolitan areas across the United States:

*The New York metropolitan area houses the largest single concentration of Caribbeans in the United States. Here white Hispanics are moderately segregated from whites, whereas those who are black or racially mixed are highly segregated... Similar patterns are replicated in all of the other metropolitan areas, a contrast that persists even when adjustments are made for socioeconomic differences between racial categories.*³⁴

These instances describe facets of racial hierarchy, a dynamic that is fundamentally different and more institutionalized and culturally-ingrained than bigotry or racial discrimination.

The concept of racial hierarchy is applicable to other societies. Political scientist Ronald Walters argues that vertical structures of power, paralleling race, have been characteristic of the international arena for a significant period of time.³⁵ Professor William C. Thiesenhusen has examined Brazil and other nations in Latin America and concluded that

Is there a basis for believing that globalization could result in the more hopeful scenario?

*[T]he closer to European stock, the more apt a population cohort is to have a high income level, and education; the closer the relationship to indigenous [Indian] or African stock, the more apt the group is to lack land, to have a low income level and little schooling, and to suffer discrimination in the workplace, in schools, and at sites where public services are dispensed.*³⁶

Colonial powers utilized racial and ethnic rivalry to maintain political and cultural power. Such racial and ethnic rivalries were fueled by economic and social disparities, as well as territorial aggression, triggered and maintained by colonial powers.

The existence of racial hierarchy gives rise to certain ways of thinking about people of color generally, and Blacks in particular, which make it difficult for society to eliminate the practice and effects of racial discrimination simply on the basis of legal endorsements and instruments. Many White Americans, even if they never practice individual acts of bigotry or racial discrimination, nevertheless express beliefs in the genetic, cultural, or intellectual inferiority of Black people. In a widely cited survey sponsored by the National Opinion Research Center at the University of Chicago in 1990, for example, respondents were asked to compare Blacks with other ethnic groups. A majority (62 percent) of the White respondents believed that Blacks are lazier than other groups; a slightly smaller proportion, but still majority of White respondents (56 percent) felt that

Blacks were more prone to violence; a majority (53 percent) also saw Blacks as less intelligent, and 78 percent of all the White respondents believe that Blacks are less self-supporting and more likely to live off welfare, to a larger extent than other groups.³⁷

Racial hierarchy is evident in Brazil and South Africa, as well. In terms of the latter nation, Valerie Moller of the Center for Social and Development Studies at the University of Natal in South Africa, reported that "Black South African households, on average, earn approximately 2.3 times less than colored, 4.5 times less than Indian and 6.2 times less than white households. Africans have nearly twice the unemployment rate of colored, more than three times the unemployment rate of Indians, and nearly 10 times the unemployment rate of whites."³⁸ And Rebecca Reichmann describes a similar situation for Brazilian Blacks who systematically occupy lower status in many arenas of social, economic, and political life in their country.³⁹ This is also the opinion of Jalali and Lipset,

who point out that "Latin American scholars have argued that their societies are not racist and that class rather than ethnic cleavages predominate. Yet in spite of racial and ethnic pluralism, stratification correlates with racial ancestry in almost all of the nations of the region. The privileged classes are largely of European background and/or are lighter skin-colored than the less affluent strata."⁴⁰

The distribution of economic, social, and cultural benefits reflects a social and cultural order of race and skin pigmentation or, as noted by writer Ellis Cose, "the economic hierarchy is racially skewed."⁴¹ Historian Iris Berger makes a similar argument in her article, *Solidarity Fragmented: Garment Workers of the Transvaal, 1930-1960*, reviewing how racial and ethnic divisions exploited by wealthy and managerial classes divide the working class in South Africa over several decades.⁴²

While the United States may have a head start in terms of legal policies aimed at ensuring that institutional policies reflect racial equality, it has yet to develop effective practices aimed at racial integration within a context of groups sharing social, cultural, and economy power. This presents a paradox for the United States according to political scientist Howard Winant. He observes that "[O]n the one hand, race continues to structure everyday life, social practices of all types, and the personal—indeed even the unconscious—dimensions of everyone's identity. On the other hand, the susceptibility of race to further state

intervention or political action beyond that deriving from the moderate egalitarianism of the civil rights movement is denied, not only on the racial right, but also among many on the left.”⁴³

Using race to make economic inequalities in the United States invisible: historical examples

In the United States racial hierarchy serves to help concentrate wealth among the richest groups by neutralizing political and social challenges based on class tensions. As long as poor people and working-class people who are not Black blame their circumstances on Black scapegoats, they may not choose to challenge policies that increase or skew the distribution of wealth and goods at the expense of their own economic interests. In other words, racial divisions and tensions are functional for diffusing class tensions.

The exploitation of racial divisions to protect economic policies and institutional practices aimed at managing and concentrating wealth from populist challenges has been utilized extensively in the United States. W.E.B. Du Bois, for instance, in *Black Reconstruction*, described how relatively wealthy Southern landowners utilized various government mechanisms to divide the incipient alliances between former slaves and White peasants in the South after the Civil War. In another classic work, *Southern Politics*, political scientist V.O. Key repeated some of DuBois’ observations in his study of Southern life and politics in the decades preceding the Second World War.⁴⁴ A description and analysis of how issues, including racial issues, are presented to the public in ways that predetermine political reactions was provided by E.E. Schattschneider in his work, *The Semi-Sovereign People*.⁴⁵ Other historical examples showing how movements for social change and democracy were sidetracked by the exploitation of race, and the failure of white liberal allies to understand this dynamic, are reviewed in the work of Robert Allen, *Reluctant Reformers*.⁴⁶

Generally, for example, White Americans’ view the expansion of certain kinds of social welfare as beneficial to Blacks, and thus ignore such policy and legislative actions or support political leaders that call for greater cuts in social welfare, even if they, too, suffer from these kinds of actions. This view is supported by recent studies and sur-

veys indicating that if Whites perceive Blacks as benefiting from government activity, Whites will tend not to support it. This is precisely why the prominent sociologist William J. Wilson called for a “hidden agenda,” in responding to the needs of United States cities.⁴⁷ While acknowledging that national economic transformation and restructuring has been especially harmful to Blacks and Latinos living in urban places, this scholar also admits that policies and programs to rectify this situation would not be politically feasible because of association with the idea that such would benefit Blacks. Thus, Wilson calls for a “hidden agenda” that would include universal policies of benefit to all groups, but presumably also help Blacks.

The argument that race and racial divisions obscure class interests and responses is supported by a recent finding of political scientist Martin Gilens, who begins his study with the query:

*Political issues such as crime and welfare are now widely viewed as “coded” issues that play upon race (or more specifically, upon white Americans’ negative view of blacks) without explicitly raising the “race card”...But does whites’ desire to get tough on crime or their opposition to welfare really stem from their dislike of blacks? Are crime and welfare not pressing problems about which Americans rightly should be concerned, quite apart from any associations these issues may have with race?*⁴⁸

His conclusion: “I show that whites’ welfare attitudes are indeed strongly influenced by their views of Blacks ... I find that the perception that blacks are lazy has a larger effect on white Americans’ welfare policy preferences than does economic self-interest, beliefs about individualism, or views about the poor in general.”⁴⁹ Further, he writes: “Racial attitudes are a powerful influence on white Americans’ welfare views... racial considerations are the single most important factor shaping whites’ views of welfare.”⁵⁰

The relationship between globalization and race hierarchy in the United States

As pointed out by Dr. Nestor P. Rodriguez, globalization is molding race relations in the United States in various ways:

*The late twentieth century has witnessed an increasing globalization of racial and ethnic relations in the United States. Since the mid-1960s, world developments, transnational migration, and the emergence of binational immigrant communities have significantly affected the character of intergroup relations in U.S. society. Perhaps not since the initial European colonization of the Americas has the global context been such a prominent macrostructural background for evolving racial and ethnic relations in the United States.*⁵¹

In other words, the increasing interdependence and integration of national economies in the international arena is having an impact on immigration and how receiving societies react politically and socially to immigration. While Rodriguez focuses on the United States, the impact of immigration associated with the globalization of national economics is occurring in many places, including Brazil and South Africa, of course. Immigration is a potentially problematic issue for societies that are undergoing economic contraction or increasing wealth inequality.

Certainly racial hierarchy is not presented as the response by globally oriented economic interests! Rather, globalization is presented as an inevitable strategy that will expand the economic pie for all nations. If this means greater concentration of wealth, and policies that benefit global corporations, even at the expense of responding to poverty, then so be it, since in the long run all groups will benefit.

It is important to digress here in order to explain that rationales for increasing wealth for the richest are based on theories of 'supply side' economic growth. This includes assumptions that the more income and wealth available to the rich and the corporate sector, the greater will be the rate of savings and investment to increase economic growth. The belief is that generally, therefore, taxation should be reduced because it limits and discourages the rich and wealthy from investing.

The economic history of the United States illustrates, however, that strategies and policies to enhance national economic growth alone cannot overcome the problem of domestic poverty nor develop fully effective mechanisms for integrating racially and ethnically diverse groups into the nation's social and economic mainstreams. As one indication, note that between 1980 and 1988, the GDP of the United States increased by 29.2 percent; but the White poverty rate actually increased during this period by 5.1 percent, while the Black poverty rate increased by 13.7 percent, and the Latino poverty rate also increased by 50.2 percent.⁵² In the midst of economic growth, and prosperity for some, therefore, poverty increased for many others.

Consistent with supply side economic theory, the corporate sector's response to globalization has included the reduction and redeployment of the labor force, shutdowns, and layoffs. Corporate leaders have supported tax policies aimed at increasing financial profits through speculation, rather than productive investments, and urged the de-regulation of industrial and corporate development, as well as reorganization of labor-management relations and arrangements. The federal government has supported with this response by reducing assistance to cities and poor people at the same time that it facilitates the attainment of greater degree of de-regulation and resources for the corporate sector. Thus, again an observation of the Michael Harrington Center is apt: "At the same time that corporations are shedding workers, Congress is attempting to...reduce the benefits available to those affected by economic fluctuations and layoffs."⁵³ Government sacrifices public funding for education and social welfare in response to the needs of the corporate sector and as a way to discourage capital mobility. Since this posture causes social tensions, especially along racial lines, relatively large amounts of fiscal resources are devoted to crime prevention and imprisonment rather than investment in economically-productive ventures.

Responding to globalization and improving race relations

Is there a basis for believing that globalization could result in the more hopeful scenario? The possibility of a more hopeful scenario requires the elevation of human rights in domestic societies and effective anti-poverty measures. These issues should not be step-children to pursuit of profits for their own sakes. Broadly speaking, the hopeful scenario requires that nations and international bodies challenge the continuing existence of racial hierarchy and poverty as fundamentally contradictory to human rights and to the possibility of economic growth and productivity.⁵⁴

While in earlier periods international bodies exhibited a weak, if not mixed record of protecting the human rights of workers and poor people throughout the world, as well as responding ineffectively to racial and ethnic conflict, globalization may lead to a situation where such bodies are strengthened and give voice more effectively to workers and poor people across national boundaries. In order for this to happen, a number of approaches must be considered.

Eliminating racial hierarchy in the United States and its accompanying racial beliefs of Black inferiority requires the

elevation of Black life and community in the psyche of Whites and others in this society. This is not simply a call for the holding of Black and White hands. The call here is similar to William Robinson's call for addressing "the deep racial/ethnic dimensions of global inequality, starting from the premise that, although racism and ethnic and religious conflicts rest on material fears among groups whose survival is under threat, they take on cultural, ideological and political dynamics of their own which must be challenged."⁵⁵

Effective challenges to racial and ethnic divisions in the United States and other societies require responses that range from educational strategies that celebrate the nation's multi-racialism to the adoption of political practices that seek to ensure the full participation of Blacks and other people of color in the electoral, social and economic arenas. In part, this implies that Black communities in the United States must be transformed into places that do not overwhelmingly carry the burden of dilapidated housing, unemployed workers, or poverty-stricken individuals and families. And the problem of poverty must be acknowledged as significant and requiring international cooperation. The problem of poverty in each of these societies cannot be resolved in isolation. As Blakeley and Goldsmith conclude:

Three features dominate the current situation: America is less influential in worldwide economic affairs; the international economy itself is less stable; and the landscape of domestic industry has been transformed. In these circumstances, and given the more complete inte-

*gration of U.S. and world markets, it would be almost impossible to eradicate poverty by relying on the usual domestic economic policies, employment and training programs, or efforts that focus on jobs alone.*⁵⁶

This is a sobering message – and warning – for the United States, as well as Brazil and South Africa.

In summary, as proposed by C.B. MacPherson, the call for and pursuit of economic justice and democracy, which emerged as a result of changing global conditions in the 19th century, must be strengthened and revived.⁵⁷ As globalization intensifies, such calls will increase. Policies that should be considered by national governments include greater investment in the education of workers in order to enhance collective quality of the workforce. Improving living conditions for workers, whether in the form of higher real wages or provisions like free and accessible basic health care or decent housing will reduce racial and ethnic tensions and violence. Such policies, adopted across international boundaries, may also mean greater economic productivity shared by more people. Rather than encouraging or protecting greater concentrations of wealth, governments should focus on technological innovations, the improvement of living conditions that can help elevate the productivity of people, and new and socially-balanced business investments.

These measures may be costly for profits in the short-run, but will prove to be beneficial for racial and ethnic harmony, economic growth, and social stability in the long run – which is only around the corner.

¹ Cited in Philip S. Foner, W.E.B. DuBois Speaks: *Speeches and Addresses 1890-1919* (New York: Pathfinder Press, 1977), p. 125

² I make this argument in "The International Convention on the Elimination of All Forms of Racial Discrimination: Implications for Challenging Racial Hierarchy," *Howard Law Journal*, vol. 30, no.3 (Spring 1997).

³ A recent assessment of this aspect of NAFTA was negative; see, Allen R. Myerson, "Efforts at Retraining Have a Blurry Impact," *The New York Times*, May 8, 1997; also see, Allan Metz, A NAFTA Bibliography (Westport, Conn.: Greenwood Press, 1996).

⁴ Rita Jalali and Seymore Martin Lipset, "Racial and Ethnic Conflicts: A Global Perspective," *American Leadership, Ethnic Conflict, and the New World Order*, eds. Demetrious James Caraley and Bonnie B. Hartman (New York: Academy of Political Science, 1997), 77.

⁵ Michael L. Wyzan, *The Political Economy of Ethnic Discrimination and Affirmative Action: A Comparative Perspective*, (Westport, Conn.: Praeger Publishers, 1990), p. xix.

⁶ George Reid Andrews, "Racial Inequality in Brazil and the United States: A Statistical Comparison," *Journal of Social History* (Winter 1992), 229.

⁷ Paul Hirst and Grahame Thompson, *Globalization in Question* (Cambridge, U.K.: Policy Press, 1996), 49.

⁸ William I. Robinson, "Globalization: Nine Theses on Our Epoch," *Race and Class*, vol. 38, no. 2 (1996), 16.

⁹ "Does Globalization Matter? A Dialogue Between Doug Henwood and Hector Figueroa," *In These Times* (March 31, 1997), 14.

¹⁰ Ibid, p. 15.

¹¹ William Greider, *One World, Ready or Not* (New York: Simon and Schuster, 1997); also, see by same author, "Global Warning: Curbing the Free-Trade Freefall," *The Nation* (January 13-20, 1997).

¹² "Does Globalization Matter? A Dialogue Between Doug Henwood and Hector Figueroa," op.cit., 18.

¹³ Michael Stohl and Harry R. Targ, "The Global Political Economy From Bretton Woods to the 1980s," *The Global Political Economy in the 1980s*, eds. Michael Stohl and Harry R. Targ (Cambridge, Mass.: Schenkman Publishing Co., 1982).

¹⁴ Kevin Philips, *The Politics of Rich and Poor* (New York: Random House, 1990).

¹⁵ This observation is made by William W. Goldsmith and Edward J. Blakely in their work, *Separate Societies: Poverty and Inequality in the U.S. Cities* (Philadelphia: Temple University Press, 1992), 81 and 82; it is based on the following report, *OECD Economic Outlook: Historical Statistics, 1960-1988* (Paris: Organization for Economic Cooperation and Development, 1989), Tables 6-12 and 6-13.

¹⁶ Goldsmith and Blakeley, 59.

¹⁷ Action Brief #2: "Economic Crisis or Readjustment?", Michael

Harrington Center for Democratic Values and Social Change (New York, 1996).

¹⁸ Robert Greenstein and Scott Barancik, *Drifting Apart: New Findings on Growing Income Disparities Between the Rich, the Poor, and the Middle Class* (Washington D.C.: Center on Budget and Policy Priorities, 1990), 9.

¹⁹ Robert Fisher, "Grass-Roots Organizing Worldwide: Common Ground, Historical Roots, and the Tension Between Democracy and the Slate," *Mobilizing the Community: Local Politics in the Era of the Global City*, eds. Robert Fisher and Joseph Kling (Thousand Oaks, Calif.: Sage Publications, 1993), 5, and see "Introduction," *Human Rights Watch World Report 1997* (New York: Human Rights Watch, 1996).

²⁰ David J. Vidal, "Defining the National Interests: Minorities and U.S. Foreign Policy in the 21st Century: A Conference Report" (New York: Council of Foreign Relations, 1996), 13.

²¹ Hirst and Thompson, 1.

²² Reuters News Service (April 30, 1997).

²³ Robinson, 14.

²⁴ Ibid., p. 720.

²⁵ Vidal, 13.

²⁶ Correspondence with author, November 4, 1996.

²⁷ Nancy Murray, "Somewhere Over the Rainbow: A Journey to the New South Africa," *Race and Class*, vol. 38, no. 3 (1997), 5.

²⁸ See, James Jennings, "The Foundation of American Racism: Defining Bigotry, Racism, and Racial Hierarchy," *Trotter Review*, vol. 4, no. 3 (Fall 1990).

²⁹ Edward Ransford, *Race and Class in American Society: Blacks, Chicano, Anglo* (Cambridge, Mass.: Schenkman Publishers, 1977), 7.

³⁰ Herman George, "Black America, the Underclass, and the Subordination Process," *The Black Scholar*, vol. 19, no. 3 (May/June 1988), 48.

³¹ See, Gerald D. Jaynes and Robin M. Williams, *A Common Destiny: Blacks in America* (Washington D.C.: National Academy Press, 1988); and also the essays in Wornie Reed, ed., *African-Americans: Essential Perspectives* (Westport, Conn.: Auburn House, 1993).

³² See, James Jennings, "New Racial and Ethnic Conflicts in U.S. Politics," *Sage Race Relations Abstracts*, vol. 17, no. 3 (August 1992).

³³ Douglas S. Massey and Nancy A. Denton, *American Apartheid* (Cambridge, Mass.: Harvard University Press, 1993), 131.

³⁴ Ibid, p. 114.

³⁵ Ronald Walters, *Pan Africanism in the African Diaspora* (Detroit: Wayne State University Press, 1996), 46.

³⁶ William C. Thiesenhausen, "Human Rights, Affirmative Action, and Land Reforms in Latin America" in Wyzan, 26.

³⁷ Tom W. Smith, *Ethnic Images GSS Technical Report No. 19* (Chicago: National Opinion Research Center, 1991).

- ³⁸ This information is cited in Ellis Cose, *Color-Blind: Seeing Beyond Race in a Race-Obsessed World* (New York: HarperCollins, 1997), 221.
- ³⁹ Rebecca Reichmann, "Brazil's Denial of Race," *Report on Brazil*, vol. Xxvii, no. 6 (May/June 1995), 35 and 36.
- ⁴⁰ Jalali and Lipset, 80.
- ⁴¹ Cose, 219.
- ⁴² Iris Berger, "Solidarity Fragmented: Garment Workers of the Transvaal 1930-1960," *The Politics of Race, Class, and Nationalism in Twentieth Century South Africa*, eds., Shula Marks and Stanley Trapido (London: Longman Publishers, 1987).
- ⁴³ Howard Winant, *Racial Conditions* (Minneapolis: University of Minnesota, 1996), 163.
- ⁴⁴ V. O. Key, *Southern Politics in State and Nation* (New York: A.A. Knopf, 1949).
- ⁴⁵ E.E. Schattschneider, *The Semi-Sovereign People* (New York: Holt, Rinehart, and Winston, 1960).
- ⁴⁶ Robert Allen, *Reluctant Reformers: The Impact of Racism on American Social Reform* (Washington D.C.: Howard University press, 1983)
- ⁴⁷ William J. Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987)
- ⁴⁸ Marin Gilens, *Race Coding and White Opposition to Welfare* *American Political Science Review* vol.90, no.3 (September 1996).
- ⁴⁹ *Ibid.*, p. 593
- ⁵⁰ *Ibid.*, p. 601
- ⁵¹ Nestor P. Rodriguez, "The Real 'New World Order': The Globalization of Racial and Ethnic Relations in the Late Twentieth Century," *The Bubbling Cauldron: Race, Ethnicity, and Urban Crisis*, eds., Michael P. Smith and Joe R. Feagin (Minneapolis: University of Minnesota press, 1995), 211.
- ⁵² James Jennings, *Understanding the Nature of Poverty in Urban America* (Westport, Conn.: Praeger, 1994), 93 and Table 11; this formulation is based on an earlier application of this relationship reported for the 1970s by Theodore Cross, *The Black Power Imperative: Racial Inequality and the Politics of Nonviolence* (New York: Faulkner, 1987).
- ⁵³ Michael Harrington Center, Action Brief #2, op.cit., 2.
- ⁵⁴ See Jennings, "the International Convention on the Elimination of All Forms of Racial Discrimination..."
- ⁵⁵ Robinson, 28.
- ⁵⁶ Goldsmith and Blakeley, 59.
- ⁵⁷ C.B. MacPherson, *The Rise and Fall of Economic Justice and Other Essays* (London: Oxford University, 1985), see Chap. 1, The Rise and Fall of Economic Justice.



Excerpts From: International Remedies for Racial Discrimination and Race-Based Inequalities

By Lennox Hinds

The abstract and transient fact of slavery is fatally united to the physical and permanent fact of color.

~Alexis de Tocqueville,
Democracy in America, New York, (1945) at 372.

On their face, United Nations conventions and initiatives to combat racism and violations of human rights should provide recourse for people of African descent in the United States, Brazil and South Africa. There are several:

1945 - *The Charter of the United Nations*, adopted in San Francisco on June 25, 1945 and in force on October 24, 1945. All State members of the United Nations pledged adherence to its principles. It reaffirms, in the Preamble, faith in fundamental human rights and in the dignity and worth of human beings.¹

1948 - *The Universal Declaration of Human Rights*, adopted by the General Assembly on December 10, 1948 as "a common standard of achievement for all peoples and all nations," states in the preamble that "recognition of the inherent dignity and of the equal and inalienable right of all members of the human family is the foundation of freedom, justice and peace in the world."²

1958 - *The Convention Concerning Discrimination in Respect of Employment and Occupation* (No. 111), adopted by the International Labour Conference of the International Labour Organisation.³

1960 - *The Convention against Discrimination in Education*, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO).⁴

1963 - *The United Nations Declaration on the Elimination of All Forms of Racial Discrimination*, adopted by the General Assembly on November 20, 1963.⁵

1965 - *The International Convention on the Elimination of All Forms of Racial Discrimination*, adopted by the General Assembly on December 21, 1965, came into force on January 4, 1969. Finally, in 1994 the United States became a party to the International Convention on the Elimination of All Forms of Racial Discrimination adopted in 1965, in force since 1969. It has 142 signatories including Brazil and, most recently, South Africa.

1966 - *The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights*, adopted by the General Assembly on December 16, 1966, came into force on January 3 and March 23, 1976, respectively. The Covenants put into binding legal form the rights set forth in the Universal Declaration of Human Rights.⁶

1973 - *The International Convention on the Suppression and Punishment of the Crime of Apartheid*, was adopted by the General Assembly on November 30, 1973 and came into force on July 18, 1976.⁷

The Decade for Action to Combat Racism and Racial Discrimination was established in 1973 and in a resolution adopted on November 15, 1979, the Assembly approved a program for the remaining four years of the Decade designed to accelerate progress towards the elimination of racial discrimination.

The Second World Conference to Combat Racism and Racial Discrimination, was held at Geneva from August 1 to 12, 1983 to evaluate the activities undertaken during the previous Decade.⁸

The Second Decade to Combat Racism and Racial Discrimination, 1983-1993, was proclaimed by the General Assembly on November 22 to begin on December 10, 1983.⁹

The Third Decade to Combat Racism and Racial Discrimination, 1993-2003 was proclaimed by the General Assembly on 22 December 1993.¹⁰

The apparent intent of United Nations' efforts to combat racism, racial discrimination and their institutionalized legacies attracted the attention of African American activists immediately upon the establishment of the United Nations. W.E.B. DuBois, then serving as Director of

Special Research for the NAACP, and other NAACP personnel prepared a lengthy *Appeal to the Commission on Human Rights of the United Nations*, which was presented in the fall of 1947. The NAACP sought not only to expose the extent of racist oppression confronting African Americans in the United States, but also to generate "corrective action" by the international body.¹¹

In 1952, William L. Patterson, on behalf of the Civil Rights Congress, presented an even lengthier and more detailed *Report to the UN in Geneva seeking intervention: We Charge Genocide*.¹² As but one consequence of Mr. Patterson's uncompromising political positions, his passport was confiscated upon his return to the United States from Geneva.¹³

In 1964, Malcolm X advocated a UN sponsored investigation of American racism.¹⁴ In the late 1960s the Black Panther Party proposed a UN referendum among people of African descent living as a "colonized minority" within the United States.¹⁵ In 1978, this author filed an extensive Petition before the Human Rights Commission under ECOSOC resolution 1503¹⁶ on behalf of the Commission for Racial Justice, United Church of Christ; the National Alliance; and the National Conference of Black Lawyers, asserting gross violations in the United States of international covenants on human rights and against racism.¹⁷

None of these well-documented and un rebutted initiatives filed with the UN were able to pierce the zone of safety surrounding US sovereignty. To this day, US decision-makers are cushioned from adverse international public opinion concerning the nation's racial practices, and their insulation prevents the imposition of international legal remedies in domestic or international fora.

The efficacy of United Nations' remedies

There are inherent limitations to the efficacy of UN remedies since all international procedures designed to protect human rights are extremely convoluted and ultimately rely upon the good faith and cooperation of the accused governments.

The Human Rights Committee, the oldest and most established of the expert human rights treaty bodies, officially oversees the implementation of the International Covenant on Civil and Political Rights. The Committee plays a number of different roles in the course of its work, some more subtle than others. It sets standards for interpretation of the Covenant. It draws the attention of the world community to human rights issues. It engages in a dialogue with states

parties, pointing out domestic human rights issues that they may not have been aware of or that they would have rather ignored. Under the Optional Protocol, the Committee considers individual cases.¹⁸

One of its most important roles, however, is to urge and steer Covenant implementation by states-parties using the report system. Under this system, states-parties present a report to the Human Rights Committee every five years, informing the Committee of the domestic status of and developments with regard to issues addressed by the Covenant.

States are required by Article 2(2) of the Covenant to “adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.” However, the process of adoption can be slow and arduous or non-existent. In the initial report, states give a description of their domestic human rights protections, sometimes noting changes in domestic laws that they made upon ratification of the Covenant. The initial report shows the commitment of the state to human rights, both prior to ratifying the Covenant and immediately afterwards.

In their subsequent periodic reports, states usually focus only on further developments in the legislative and judicial spheres. Since the periodic reports focus on progress made while the state has been a party to the Covenant, the ability to measure the effectiveness of the Committee and the Covenant through analysis of the changes announced in these reports is very limited. When a state itself announces that it has used the work of the Committee to improve human rights within its boundaries, then the world community may see the results of the application of the international instrument.¹⁹

The procedure established by UN ECOSOC resolution 1503 is intended for consideration of systematic, massive violations of human rights and involves the entire hierarchy of the UN’s human rights organs: the General Assembly, ECOSOC, the Commission on Human Rights, and the Subcommission on the Prevention of Discrimination and Protection of Minorities. It is intended to identify and correct, if possible, “situations which appear to reveal a consistent pattern of gross violations of human rights.” Although communications which allege individual violations may be taken as evidence of such patterns or practices if they are received in sufficient quantity, they will not be treated as cases for remedial action in and of themselves.

The confidential²⁰ 1503 procedure is often selected by individuals when it is believed that the accused government may be embarrassed by, and therefore, responsive to an

international complaint. The substantive requirements for the communication are extensive, very detailed and difficult for lay complainants.²¹ The scope of 1503 subject matter is not precisely defined in the resolution, which refers to “gross and reliably attested violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid.”²²

Formal requirements

Communications may be addressed to any organ or body of the United Nations, though it is recommended that they be addressed to the Secretary-General of the United Nations, in care of the Human Rights Centre (formerly the Division of Human Rights), Geneva, Switzerland.²³

Resolution 1503 cases are considered by previously established organs of the United Nations. Preliminary review of each communication is by a five-member working group of the Sub-Commission, which meets immediately prior to each August session and receives summaries of communications, arranged by rights, throughout the year.

The cases initially deemed acceptable are then reviewed by the full Sub-Commission, a body of independent experts who serve in their individual capacities. The Sub-Commission decides whether to refer each situation to the Human Rights Commission, a 43 member organ composed of governmental representatives.

The Sub-Commission’s working group makes a determination, based upon the content of the communication and the reply (if any) of the state complained against as to whether there are “reasonable grounds to believe that the communication reveals a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.” This decision is reached by majority vote of the working group, which meets in closed sessions.

While no rule prohibits the working group from requesting additional information from either the government involved or from the author of the communication, complainants have no right to a hearing or even to information as to the course of the proceedings. This near total confidentiality is

There are inherent limitations to the efficacy of UN remedies . . .

one of the often criticized characteristics of the 1503 procedure, and, once the author of a communication receives an acknowledgment that the communication has been received, all correspondence concerning the procedure ceases.

If the working group recommends further consideration, the communication and state's reply is forwarded to the Sub-Commission in confidential reports. The Sub-Commission decides, based on the communications and other "relevant information" transmitted by the working group, which situations "appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the commission." Thus, several communications regarding the same country may be considered together as constituting a single "situation."

There is no definition of what constitutes "relevant information." The author of a communication or an NGO intending to present such information cannot assert any right to do so. The Sub-Commission is not obligated to forward complaints to the Commission; it may hold over a case for consideration at the following session, or it may request that the working group reexamine a communication. If the Sub-Commission does decide to forward a complaint to the Commission, the state involved— but not the author of the communication— is notified and invited to present written comments to the Commission. Neither the Sub-Commission's findings nor its recommendations are published.

Prior to consideration by the full Commission, a communication essentially passes through several different decisions on admissibility, although there must be at least a *prima facie* showing of the merits of the complaint. Although there are not findings on the merits prior to action by the Commission, nevertheless, the referral of a situation to the Commission by the Sub-Commission is often interpreted as at least demonstrating that the allegations in a communication have some merit.²⁴

Enforcing international human rights law in United States courts

The principles, rules and problems governing the enforcement of international human rights law, both conventional and customary (*jus cogens*), in US domestic courts generally establish the standard for plaintiffs seeking redress in domestic courts elsewhere in the world since, until the South African elections, the United States was considered to be in the forefront of developments in this area.²⁵

Article VI, section 2 of the U.S. Constitution provides that "All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of

the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding." Under this constitutional provision, uniquely referring to the relation of international law to domestic law in U.S. courts, a self-executing treaty (or a non-self-executing treaty when implemented by Congress) supersedes all inconsistent state and local laws.²⁶

The other major source of international law, customary international law, is not mentioned in the Constitution, but the Supreme Court has ruled that it is "part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination."²⁷ Like treaty law, it supersedes all inconsistent state and local laws and, at least in principle, all earlier inconsistent federal laws.²⁸

Under this theory of international law, subsequent federal laws will prevail in a domestic forum over both conventional and customary international law when a conflict arises.²⁹ Thus, the United States may breach an international obligation and be held responsible internationally, as it was when Congress enacted the Byrd Amendment which, pursuant to the "last-in-time" rule (a self-executing treaty supersedes earlier inconsistent federal laws) required the President to violate United Nations sanctions against Rhodesia, and yet not be answerable for such a breach in US courts.³⁰

By other criteria, the UN Charter, having been ratified by the United States, is the supreme law of the land since under article 44(c) the United Nations has the duty to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Under article 56, all members of the United Nations "pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

Under the early principles enunciated in *Foster v. Nielson*,³¹ the status of the human rights clauses of the UN Charter in US law turns upon whether or not they are self-executing, since "[i]t is only when a treaty is self-executing, when it prescribes rules by which private rights may be determined, that it may be relied upon for the enforcement of such rights."³² *The Restatement of the Foreign Relations Law of the United States* (Revised), states that "[i]n the absence of special agreement, how the United States carries out its international obligations is ordinarily for it to decide. Accordingly, the intentions of the United States determine whether an agreement is to be self-executing in the United States or should await implementing legislation."³³

Since US courts have held that the human rights clauses of the UN Charter are non-self-executing even if the “intentions” of the United States are not stated, they have been held to vest no enforceable rights in individuals. The leading case is *Sei Fujii v. California*³⁴ in which an intermediary appellate court in California struck down a provision of the state’s alien land law, under which land transferred to an alien not eligible for citizenship escheated to California. The challenge was premised on the grounds that the racially motivated statute was contrary to nondiscrimination provisions found in article 55(c) of the UN Charter.

The California Supreme Court, while affirming the judgment, did so exclusively on the ground that the statute violated the equal protection clause of the fourteenth Amendment. It specifically rejected the lower court’s reasoning, observing that there was nothing in articles 55 and 56 of the UN Charter to indicate that these provisions were intended to become rules of law for the courts of this country upon the ratification of the Charter.

[Articles 55 and 56] lack the mandatory quality and definiteness which would indicate an intent to create justifiable rights in private persons immediately upon ratification....

*The charter represents a moral commitment of foremost importance, and we must not permit the spirit of our pledge to be compromised or disparaged in either our domestic or foreign affairs. We are satisfied, however, that the charter provisions relied on by plaintiff were not intended to supersede existing domestic legislation, and we cannot hold that they operate to invalidate the alien land law....*³⁵

The finding that the norm of nondiscrimination found in article 55(c) does not provide a rule of law for U.S. Courts has been followed uniformly in subsequent cases. In *Diggs v. Dent*, a federal district court ruled that, while the Charter imposed “definite” international obligations on the United States,

*...treaties do not generally confer upon citizens rights, which they may enforce in the courts. It is only when a treaty is self-executing that individuals derive enforceable rights from the treaty, without further legislative or executive action....The provisions of the Charter of the United Nations are not self-executing and do not vest any of the plaintiffs with any legal rights which they may assert in this court.*³⁶

The Court of Appeals affirmed, stating that even if the Charter imposed a binding international obligation on the United States, “that obligation does not confer rights on the citizens of the United States that are enforceable in court in the absence of implementing legislation.”³⁷

A more expansive reading of the Charter’s human rights clauses, analogous to the Court’s application of the “self-executing” character of the due process or equal protection clauses of the Fourteenth Amendment, finds support in the Supreme Court holding in *Asakura v. Seattle* that “[t]reaties are to be construed in a broad and liberal spirit, and when two constructions are possible, one restrictive of rights which may be claimed under it, and the other favorable to them, the latter is preferred.”³⁸

The *Fujii* principle established in 1959, holding the Charter’s human rights clauses too vague and indefinite to establish binding legal obligations enforceable in U.S. courts, should be untenable in the contemporary world. Any vagueness which may have characterized articles 55 and 56 in the 1940’s or 1950’s “has been eliminated in large measure through subsequent adoption by the United Nations of various international human rights instruments that give juridical content to [these articles].”³⁹ Specifically, the Universal Declaration of Human Rights, now widely regarded as containing a universally recognized catalog of the human rights the members of the United Nations deem fundamental, should provide an authoritative interpretation of the Charter. This is so particularly since the human rights guaranteed in the Charter are in any event “no vaguer than a number of well-known constitutional and statutory expressions which have been left to the Courts to apply.”⁴⁰

Even if one were to believe that the language in articles 55 and 56 is too general to be self-executing as to all the rights guaranteed by the Universal Declaration and the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the universal acceptance of the non-discrimination norm contained in article 55(c) should be evidence of an international consensus supporting a rule of law prohibiting discrimination. This is so even if other human rights with less universal support cannot be protected solely on the basis of the Charter.⁴¹

In a case particularly pertinent to this discussion, the International Court of Justice, in its Advisory Opinion in the *Namibia Case*, noted that signatories of the Charter had pledged themselves “to observe and respect in....[territories] having an international status, human rights and fundamental freedoms for all without distinction as to race,” and that to deny human rights on the basis of race was “a flagrant violation of the purpose and principles of the Charter.”⁴² Some jurists still believe, reasoning from the Advisory Opinion, that the basic non-discrimination norm contained in the Charter is general in nature and should be binding on all states.

Whatever human rights norms are generated by the Charter can be given effect domestically only by member states,

including the United States, if they are to fulfill their legal obligations under the treaty.⁴³

Almost 150 years ago, Secretary of State Livingston stated in a letter that “[t]he Government of the United States presumes that whenever a treaty has been duly concluded and ratified by the acknowledged authorities competent for this purpose, an obligation is thereby imposed upon each and every department of the government, to carry it into complete effect, according to its terms, and that on the performance of this obligation consists the observance of good faith among nations.”⁴⁴ Thus, U.S. courts, should be one of the “departments” of government obliged to construe articles 55 and 56 so as to render them effective, i.e., to regard them as self-executing.

One relatively recent federal court decision concerning the enforceability of international law in U.S. courts could pave the way for an eventual rejection of the *Fujii* rationale by the Supreme Court, if the political will to do so were present. In 1974, in *People of Saipan ex rel Guerrero v. United States Department of Interior*, the U.S. Court of Appeals for the Ninth Circuit adopted a more sophisticated test for determining whether a treaty is self-executing. In holding that the UN Trusteeship Agreement over Micronesia provided the plaintiffs with “direct, affirmative, and judicially enforceable rights” to challenge the execution of a lease purported in violation of that agreement, the Court of Appeals noted that:

At the time of adoption of the Universal Declaration of Human Rights, the United States made it clear that it did not deem the Declaration a treaty and that it gave rise to no binding legal obligation.

*[t]he extent to which an international agreement establishes affirmative and judicially enforceable obligations without implementing legislation must be determined in each case by reference to many contextual factors: the purposes of the treaty and the objectives of its creators, the existence of domestic procedures and institutions appropriate for direct implementation, the availability and feasibility of alternative enforcement methods, and the immediate and long-range social consequences of self-or non-self-execution.*⁴⁵

This holding provides strong support for the assumption that articles 55 and 56 are self-executing. Even if it were impossible to prove the “intent of the parties” to the UN Charter, under article 1(3), one of the major “purposes” of the Charter is to “[promote] and [encourage] respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”

Notwithstanding, the prevalent legal construction in U.S. courts continues to be that the UN Charter’s human rights clauses are non-self-executing and impose no duty on domestic courts. This construction seriously weakens enforcement of internationally recognized human rights in the United States.

Under *Saipan*, someday a court could reject *Fujii* and conclude that the Charter grants individuals a solid base of judicially enforceable human rights. Since most lower court judges display indifference if not disdain toward international law in general, under the current political climate, it is doubtful that in the near future a contemporary U.S. court will hold that the human rights clauses of the

UN Charter are self-executing, even with respect to the basic nondiscrimination norm contained in article 55(c). Therefore, realistically, at this time race-based discrimination cannot be effectively challenged in U.S. courts under principles of international law.⁴⁶

The United States’ reluctance to permit the application of international standards to proscribe race based discrim-

ination as well as other human rights violations has been of long duration. For example, the United States has an exceptionally poor record of ratifying other international human rights treaties. The Genocide Convention languished in the Senate for more than three decades, as did the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, and the American Convention on Human Rights submitted to the Senate by President Carter in 1978 and ratified only in 1996.

Aside from the Refugee Protocol and the Protocol of Buenos Aires,⁴⁷ the other international human rights treaties ratified by the United States have not been applied or become the subject of judicial interpretation as to their self-executing nature.

Customary international human rights law under U.S. law

Treaties, rather than custom, have been the principal source of international human rights law in the United States. Currently, since the international law of human rights is becoming increasingly important, binding all states

rather than only those parties to a particular treaty, its role in the United States as a remedy for race-based wrongs must be examined. As noted above, international law forms part of U.S. law and can be applied by the courts in making decisions.

At the time of the adoption of the Universal Declaration of Human Rights, the United States made it clear that it did not deem the Declaration a treaty and that it gave rise to no binding legal obligations.⁴⁸ In the years since its adoption, however, "[t]he Declaration has been invoked so many times both within and without the United Nations that lawyers are not saying that....[W]hatever the intention of its authors may have been, the Declaration is now part of the customary law of nations and therefore is binding on all states."⁴⁹ This view, first advanced solely by politically progressive legal scholars, but subsequently supported by resolutions of international conferences, states, and even court decisions, should have achieved widespread acceptance. Indeed, it has been suggested that the Declaration has the attributes of *jus cogens*, i.e., establishes peremptory norms of international law. The United States explicitly stated that at least parts of the Declaration reflect customary international law in the U.S. Memorial to the International Court of Justice concerning U.S. diplomats, and consular staff held hostage in Tehran. The Memorial concluded:⁵⁰

*It has been argued that no such standard (an international obligation to observe minimum standards in the treatment of aliens) can or should exist, but such force as that position may have had has gradually diminished as recognition of the existence of certain fundamental human rights has spread throughout the international community. The existence of such fundamental human rights for all human beings, nationals and aliens alike, and the existence of a corresponding duty on every state to respect and observe them, are now reflected, inter alia, in the Charter of the United Nations, the Universal Declaration of Human Rights, and corresponding portions of the International Covenant on Civil and Political Rights....*⁵¹

Since the United States agreed that it, as well as Iran, has an international obligation to comply with these provisions, this obligation should be enforceable in domestic courts, as well as international fora. This approach negates the need to determine the self-executing or non self-executing nature of the Declaration which is not a treaty, but turns upon whether the Declaration or parts thereof, are evidence of customary international law, and therefore can be used in U.S. courts either to supplement or to invalidate state or federal statutes.

The major breakthrough in the use of customary international human rights law occurred in 1980 when the U.S. Court of Appeals for the Second Circuit handed down its historic decision in *Filartiga v. Pena-Irala*.⁵² In *Filartiga*, two Paraguayan plaintiffs brought an action in the U.S. District Court for the Eastern District of New York against another citizen of Paraguay for the torture and death of their son and brother, basing their claim on the Alien Tort Claims Act, a federal statute dating back to the original Judiciary Act of 1789.⁵³ That Act provides that "the district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." The plaintiffs did not argue that their cause of action arose directly under a treaty to which the United States is a party. Rather, jurisdiction under the statute turned upon whether or not torture now violates "the law of nations," i.e., customary international law. The district court held that it did not.

On appeal, the Court of Appeals held that "an act of torture committed by a state official against one held in detention violates established norms of the international law of human rights, and hence the law of nations."⁵⁴ The right to be free from torture, said the court, "has become part of customary law, as evidenced and defined by the Universal Declaration . . . which states, in the plainest of terms, 'no one shall be subject to torture.'"⁵⁵ The court also cited the UN Declaration on Torture (1975), stating that "U.N. declarations are significant because they specify with great precision the obligations of member nations under the Charter." On the basis of an extensive examination of the sources from which customary international law is derived, the court concluded that "official torture is now prohibited by the law of nations. The prohibition is clear and unambiguous, and admits of no distinction between treatment by aliens and citizens."⁵⁶ But as the author of the *Filartiga* opinion cautioned in a subsequent magazine article, the case's holding that torture is a violation of customary international law for federal questions purposes is a relatively narrow one. It should not be misread or exaggerated to support sweeping assertions that all (or even most) international human rights norms found in the Universal Declaration or elsewhere have ripened into customary international law enforceable in U.S. courts.⁵⁷

Subsequent cases indicate the possibilities and pitfalls of invoking customary international human rights law post-*Filartiga*. *Fernandez v. Wilkinson*,⁵⁸ involved a Cuban refugee from the "freedom flotilla," whom the INS had determined was ineligible for admission into the United States because he had been convicted of a crime involving moral turpitude. When he sought a writ of habeas corpus, arguing that his confinement pending possible return to

Cuba violated his constitutional rights, the U.S. District Court for the District of Kansas, after surveying the cases interpreting constitutional and statutory provisions, observed that, although Fernandez's confinement constituted "arbitrary detention....[D]ue to the unique legal status of excluded aliens in this country, it is an evil from which our Constitution and statutory laws afforded no protection." The Court then proceeded to break new ground by holding that "[customary] international law secures to petitioner the right to be free of arbitrary detention and that this right is being violated."⁵⁹

The *Fernandez* holding that, under customary international law, arbitrary detention may be prohibited, has not been specifically applied to race-based discrimination, which although violative of the United States Constitution, has never been held to be remediable under international law. The *Fernandez* court held that even though the indeterminate detention of an excluded alien cannot be said to violate the United States Constitution or statutory laws, it was found to be judicially remediable as a violation of international law. Accordingly, the United States was ordered to terminate petitioner's arbitrary detention within ninety days.

On appeal, the Court of Appeals for the Tenth Circuit did not directly address the district court's holding, instead determining that U.S. statutory law afforded a remedy on due process grounds for Fernandez's continued detention. Noting that "[d]ue process is not a static concept," the court thought it proper "to consider international law principles for notions of fairness as to the propriety of holding aliens in detention. No principle of international law is more fundamental than the concept that human beings should be free from arbitrary imprisonment."⁶⁰ The court, citing the Universal Declaration of Human Rights and the American Convention on Human Rights in support of this observation, noted that its construction of the statute in question "is consistent with accepted international law principles that individuals are entitled to be free from arbitrary imprisonment."⁶¹ Thus, while it did not apply customary international law directly, it applied it indirectly in determining the protection afforded by U.S. statutory law.

In *re Alien Children Education Litigation*,⁶² in addition to arguing that article 47(a) of the Protocol of Buenos Aires

was self-executing, plaintiffs asserted that this and similar provisions in other international human rights instruments reflected an emerging rule of customary international law guaranteeing children free elementary school education. Although acknowledging that "[t]hese human rights instruments recognize the right of all persons to literacy or to a free primary education"⁶³ the District Court concluded "that the right to education, while it represents an important international goal, has not acquired the status of [customary] international law."

The failure of the *Alien Children* court to build upon the *Filartiga* decision and to confirm these plaintiffs rights under article 26(1) of the Universal Declaration has put a damper upon the development of international human rights.⁶⁴

From a contemporary perspective, it is doubtful that in the foreseeable future, a U.S. court will hold that the human rights clauses of the UN Charter are self-executing or that a particular article of the Universal Declaration reflects customary international law. But creative attorneys should consider the possibility that a court will regard them as infusing

Ultimately, the obvious technical problems that impede the use of existing UN instruments for addressing contemporary race-based injuries . . . are less about the intrinsic limitation of international law than about domestic political considerations . . .

U.S. constitutional and statutory standards with their normative content. This "indirect incorporation" of the Charter and Declaration and other international human rights instruments, as well, warrants greater attention than it has received to date. Professor Schachter astutely observed over forty five years ago that "it would be unrealistic to ignore the influence. . . of the Charter as a factor in resolving constitutional issues which have hitherto been in doubt."⁶⁵

In another neglected precedent, in 1948, *Oyama v. California*,⁶⁶ two justices of the U.S. Supreme Court, in a concurring opinion in a case striking down a portion of the California Alien Land Law as contrary to the Fourteenth Amendment, remarked that the statute's "inconsistency with [article 55(3) of] the Charter, which has been duly ratified and adopted by the United States, is but one more reason why the statute must be condemned."⁶⁷ Two other justices observed that the United States could not "be faithful to [its] international pledge".... "if state laws which bar land ownership and occupancy by aliens on account of race are permitted to be enforced."⁶⁸ Indeed, a district court judge later concluded, that "the fact that an article of

the United Nations Charter is incongruent with a state law is an argument against the validity of such law.”⁶⁹ In a similar case decided in 1949, the Supreme Court of Oregon, in *Namibia v. McCourt*, held the Oregon alien land law violative of the equal protection clause relying upon the Fourteenth Amendment. In its holding, the court declared that “significant changes. . . in our relationship with other nations and other people as a factor” affected its decision.⁷⁰ Article 55 of the UN Charter, was one of the factors it had taken into account in reaching its decision.

Although the Universal Declaration was invoked in direct fashion to help establish rules of customary international human rights law in both *Filartiga, supra*, and *Fernandez v. Wilkinson*,⁷¹ the principle usefulness of these cases may be to provide U.S. courts a legal basis upon which to determine the content of constitutional and statutory standards so that domestic courts can enforce international human rights law. As a remedy for race-based injuries, whether directly or indirectly, these cases provide an area of human rights advocacy that should be explored. But they present many procedural difficulties including standing,⁷² sovereign immunity,⁷³ acts of state,⁷⁴ and the political question doctrine.⁷⁵ These technical problems would also face plaintiffs seeking to invoke international human rights law to redress race-based injuries in the domestic fora.

Conclusions

Ultimately, the obvious technical problems that impede the use of existing UN instruments for addressing contemporary race-based injuries in the US and, no doubt, in Brazil, are less about the intrinsic limitations of international law than about domestic political considerations, especially in the face of documented, persuasive proof of “consistent patterns of racism” throughout each nation’s history.

In international fora, if the accused is a powerful nation like the United States, those sitting in judgment are vulnerable to economic and political coercion. The struggle against apartheid presents an instructive lesson in the power of political action in contrast to law. International acceptance of colonialism as a viable political alternative prevented popular support for the struggles of the indigenous peoples of Africa until after the establishment of the United Nations in 1945. However, the Charter expressly condemned and repudiated colonialism and imperialism and established a long term timetable for the liberation of certain colonies. Although the impact of imperialism, particularly in Africa and Asia, had been historically ignored, the mass political resistance and global turmoil initiated by resistance movements like the Mau Mau, Frelimo, the African National Congress, SWAPO, and others seeking to

liberate themselves from the continuing economic exploitation and political control of the United Kingdom, Belgium, France, Portugal, and Germany. Such resistance forced international responses to these struggles.

But the legal racism, known most recently as apartheid in the Republic of South Africa, was declared a “domestic problem,” rather than race-based discrimination in violation of international law. In the United States de jure and de facto segregation were similarly characterized as domestic issues and, therefore, outside the scope of international intervention.

Finally, in the case of South Africa, the internal resistance struggle buttressed by an international support movement, which included material assistance from certain nation states, political and economic sanctions imposed by governments and finally, the transnational corporate sector, ultimately made apartheid unprofitable. The linkage of NGOs throughout the world, using UN Covenants and Accords as the springboards of legitimacy and moral direction, supported this political process.

Now the less dramatic but essential work begins in South Africa to meet the basic needs of the South African people. The description of the contemporary conditions of the indigenous peoples of South Africa post-apartheid sadly echoes the conditions of most African peoples in the United States and Brazil to this day.

Poverty is the single greatest burden of South Africa’s people and is the direct result of the apartheid system and the grossly skewed nature of business and industrial development which accompanied it. Poverty affects millions of people, the majority of whom live in the rural areas and are women. It is estimated that there are at least 17 million people surviving below the minimum living level in South Africa, and of these at least 11 million live in rural areas. For those intent on fomenting violence, these conditions provide fertile ground.

It is not merely the lack of income which determines poverty. An enormous proportion of very basic needs are presently unmet. In attacking poverty and deprivation, the South African government aims to set South Africa firmly on the road toward eliminating hunger, providing land and housing, access to safe water and sanitation, affordable and sustainable energy sources, literacy and education and training, and improving health services for all of South Africa’s people.

With a per capita gross national product (GNP) of more than R8 500, South Africa is classified as an upper middle income country. Given its resources, South Africa can afford to feed, house, educate and provide health care for all its citizens. Yet apartheid and economic exploitation

have created gross and unnecessary inequalities. Unlocking existing resources for reconstruction and development will be a critical challenge during the process of reconstruction.⁷⁶

For all the reasons discussed in this paper, it is this author's conclusion that international law in the absence of political will and power cannot provide remedies for the consequences of racism and racial oppression in South Africa or the United States and Brazil.

¹ Chapter 1 states that one of the purposes of the United Nations is to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

² Article 1 states that "all human beings are born free and equal in dignity and rights." Article 2 declares that everyone is entitled to all the rights and freedoms set forth in the Declaration "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

³ State parties "undertake to pursue a national policy to promote equality of opportunity and treatment in respect to employment and occupation, with a view to eliminating any such discrimination."

⁴ State parties "undertake to apply a national policy that tend to promote equality of opportunity and treatment in the matter of education."

⁵ Affirms that discrimination between human beings on the grounds of race, color or ethnic origin is "an offense to human dignity, a denial of Charter principles, a violation of the rights proclaimed in the Universal Declaration of Human Rights and an obstacle to friendly and peaceful relations among peoples."

It calls for an end to racial discrimination in all its forms. Racial discrimination is defined in the Convention as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." State parties to the Convention undertake to pursue a policy of eliminating racial discrimination and promoting understanding among races.

⁶ States parties to the Covenants undertake to guarantee that the rights set forth in them will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The two Covenants (including the Optional Protocol to the International Covenant on Civil and Political Rights), together with the Universal Declaration of Human Rights, constitute the "International Bill of Human Rights."

⁷ It provides that international responsibility for the crime of apartheid shall apply to individuals, members of organizations and institutions and representatives of a State, whether living in the State in where the acts are perpetrated or elsewhere. Persons charged can be tried by any State party to the Convention.

⁸ Among its findings was that "in spite of the efforts of the international community during the Decade, at the national, regional and international levels, racism, racial discrimination and apartheid continue unabated and have shown no signs of diminishing." The Conference adopted a Declaration and a Programme of Action.

⁹ On the recommendation of the Second World Conference, the Assembly also approved a Program of Action for the Second Decade, offering proposals for action to combat apartheid; action in the areas of education, teaching and training, as well as in the dissemination of news and information, to create an atmosphere for the eradication of racism and racial discrimination; action by nongovernmental organizations (NGOs) to combat racism; and suggestions for other forms of international co-operation in this field.

¹⁰ The Program of Action for the Third Decade focuses on recommendations to the States to adopt emergency measures to end acts of racism and racial discrimination against migrant workers and refugees. It also recommends looking closely at women belonging to ethnic or racial minorities who are victims of double discrimination based on gender and on ethnic or racial identity and encourage recommendations for action by NGOs.

¹¹ See *The Autobiography of W.E.B. Dubois: A Soliloquy on Viewing My Life from the Last Decade of its First Century* (New York, 1968) at 332 - 333.

¹² Patterson, William L., ed., *We Charge Genocide* (New York, Civil Rights Congress 1961).

¹³ The passports of W.E.B. Dubois along with internationalist Paul Robeson were also confiscated at this time.

¹⁴ Bratman, George, ed. *By Any Means Necessary, Speeches, Interviews and a Letter by Malcolm X* (New York, 1970), 57-67; 152-156.

¹⁵ Seale, Bobby, *Seize the Time: The Story of the Black Panther Party* (New York, 1979), 63-39.

¹⁶ UN Economic and Social Council Resolution 1503 (XLVIII) 1970 is designed for consideration of systematic massive violations of human rights.

¹⁷ Hinds, Lennox S., *Illusions of Justice* (1978).

¹⁸ For a comprehensive analysis of the committee's work under the Optional Protocol, see DeZayas, Moller, Opsahl, "Application of the International Covenant on Human Rights Under the Optional Protocol by the Human Rights Committee," 28 *Germ. Y.B. Int'l L.* 9-64 (1985) (Reprint No. 1 available from the United Nations Center for Human Rights).

¹⁹ See, Cohen, Cindy A., "The Early Harvest: Domestic Legal Changes Related to the Human Rights Committee and the Covenant on Civil and Political Rights," *Human Rights Quarterly* 13 (1991), 295-321.

²⁰ The total confidentiality of the 1503 procedure means that the Secretariat will not even inform the author of the petition if a communication is under consideration.

²¹ *Who may file.* Any individual or group may submit communications. It is not necessary for the author to have been a victim or even to have firsthand knowledge of violations. "Direct and reliable" knowledge is sufficient, provided it is accompanied by *clear evidence*. A communication will not be considered if it appears to be based exclusively on newspaper or other mass media reports, although such reports may contribute to the proof offered.

There is no requirement that the complainant be a national of the state complained against, but the communication must be attributed to someone: anonymous communications cannot be accepted. The author may request that his or her identity be concealed from the government and others during the proceedings. Any country, even if it is not a member of the United Nations, may be the subject of a complaint/communication under the 1503 procedure.

²² The phrase "gross violations" may have a qualitative as well as a quantitative aspect, particularly insofar as the resolution distinguishes "gross" and systematic violations. Thus, the commission or subcommission may refuse to consider a situation that they do not deem sufficiently serious in terms of the rights allegedly violated or which is not "systematic" because it relates to only a few individuals or was imposed only for a comparatively short period of time.

²³ It is the Centre, that part of the UN Secretariat specifically concerned with human rights, which initially processes the complaints. The Centre summarizes the communications in a confidential list, which is circulated to members of the Human Rights Commission, the sub-Commission, and the state against which the communication is directed. The communications themselves are placed in a confidential file.

A description of the rules to be followed in considering 1503 communications is set forth in Sub-commission Resolution 1 (SSIV) (1971). Complaints may be submitted in any language and must contain "a description of the facts and must indicate the purpose of the petition and the rights that have been violated."

Communications must be submitted within a "reasonable time after exhaustion of domestic remedies," provided such remedies are effective and not unreasonably prolonged. The exhaustion requirement is a common procedural barrier, based on the presumption that there are effective domestic remedies available to the individual claimant and the belief that a state should be given the opportunity to remedy violations before such questions are dealt with internationally. Clearly where a challenged government policy is expressed in legislation, domestic remedies will normally be inadequate unless the state's judiciary has the power to invalidate a law on constitutional grounds (as has been argued in respect to the United States). If the alleged practice is so widespread that government officials must be aware of it, its continued existence may imply that the authorities cannot or will not remedy the situation. Evidence of exhaustion of domestic remedies or the ineffectiveness of such remedies must be included in a communication, although the burden of proof to establish failure to exhaust domestic remedies is on the country concerned.

As thousands of communications are received each year, preliminary screening must be done by the Secretariat. It is unlikely that the Sub-commission's working group would recommend that more than 10 to 20 situations be referred to the commission in any given year. The Sub-Commission may not actually transmit more than a dozen of those situations to the Commission.

²⁴ At the Commission level, Resolution 1503 offers several alternative courses of action. First, the Commission may terminate consideration, either through finding that no gross violation has occurred or that other circumstances require discontinuance of the procedure. Second, the Commission may continue consideration of a case until a later session. Third, it may decide to initiate a "thorough study" of the situation, with or without the consent of the government involved. The procedures involved in undertaking "thorough studies" are within the discretion of the Commission, which not long ago decided to make public one such study in the case of Guinea, despite the confidentiality requirements of Resolution 1503. Finally, *with the consent* of the government concerned, the Commission may make an investigation through an ad hoc committee. Such a committee would have power to receive communications and hear witnesses, although its procedures would be confidential and its meeting private.

²⁵ Lillich, Richard B., "The Role of Domestic Courts in Enforcing International Human Rights Law" in Hannum, *Guide to International Human Rights Practice*, University of Pennsylvania Press (1986), 223.

²⁶ See, *Asakura v. Seattle*, 265 U.S. 332, 341 (1924); *Ware v. Hylton*, 3 U.S. (3 Dall.) 199, 236-37 (1796).

²⁷ *The Paquete Habana*, 175 U.S. 677, 700 (1900).

²⁸ Restatement of the Foreign Relations Law of the United States (Revised) § 135 (1), Reporters' Note 1 at 68 (Tent. Draft No. 1, 1980) [hereinafter cited as Restatement]. But see Murphy, "Customary International Law in U.S. Jurisprudence, A Comment on Draft Restatement II," *Int'l Practitioner's Notebook*, no. 20 (Oct. 1982), 17.

²⁹ See, *The Over the Top*, 5 F.2d 838, 842 (D. Conn. 1925), and Restatement § 135 (2).

³⁰ *Diggs v. Shultz*, 470 F.2d 461, 465-67, *passim* (D.C. Cir. 1972), cert. denied, 411 U.S. 931 (1973). See Restatement § 135(3).

³¹ 27 U.S. (2 Pet.) 253, 314 (U.S. 1829).

³² *Dreyfus v. Von Finck*, 534 F.2d 24, 30 (2d Cir.), cert. denied, 429 U.S. 835 (1976). While there is general agreement about the effect of a self-executing treaty, there is considerable confusion about the criteria to be used in determining whether a treaty is self-executing in the first place. Discussion of the problems involved may be found in Riesenfeld, *The Doctrine of Self-executing Treaties and U.S. v. Postal: Win at Any Price?*, 74 Am.J. Int'l L. 892 (1980).

³³ Restatement § 131(4) comment h at 46.

³⁴ 97 A.C.A. 154, 217 P.2d 481 (1959), *aff'd*, 38 Cal.2d 718, 242 P.2d 617 (1952).

- ³⁵ 38 *Cal.2d* at 722-25, 242 P.2d at 621-22. See also *Sipes v. McGhee*, 316 Mich. 614, 25 N.W.2d 638 (1947), rev'd 334 U.S. 1 (1948) in which the Supreme Court of Michigan noted that "pronouncements [of the Charter] are merely indicative of a desirable social trend and an objective devoutly to be desired by all well-thinking peoples." *Id.* at 628, 25 N.W.2d at 644.
- ³⁶ Civil No. 74-1292 (D.D.C. 14 May 1975), reprinted in 14 I.L.M. 797, 804 (1975), *aff'd sub nom. Diggs v. Richardson*, 555 F.2d 848 (D.C. Cir., 1976).
- ³⁷ 555 *F.2d* at 850. For commentary on the Diggs case, see Newman & Burke, "Diggs v. Richardson: International Human Rights in U.S. Courts," 34 *Nat'l Law. Guild Prac.* 52 (1977); Comment, Public Interest Litigation and United States Foreign Policy, 18 *Harv. Int'l L.J.* 375 (1977).
- ³⁸ 265 U.S. 332, 342 (1924). See also *Kolovrat v. Oregon*, 335 U.S. 187, 193 (1961): "This Court has many times set its face against treaty interpretations that unduly restrict rights a treaty is adopted to protect."
- ³⁹ Sarosdy, "Jurisdiction Following Illegal Extraterritorial Seizure: International Human Rights Obligations as an Alternative to Constitutional Stalemate," 54 *Tex. L. Rev.* 1464 (1976).
- ⁴⁰ Schachter, "The Charter and the Constitution: The Human Rights Provisions in American Law," 4 *Vand. L. Rev.* 643, 655 (1951).
- ⁴¹ See I. Brownlie, *Principles of Public International Law* 596-98 (3d ed. 1979); M. McDougal, H. Lasswell & L. Chen, *Human Rights and World Public Order* 581-611 *passim* (1980).
- ⁴² Advisory Opinion on the Continued Presence of South Africa in Namibia (South West Africa), [1971] I.C.J. 16, 57.
- ⁴³ During the Ford and Carter Administrations, the United States generally took the position that the human rights clauses of the UN Charter had legal effect and should be complied with by all countries, including the United States. Thus, Acting Legal Adviser of the Department of State, George Aldrich, observed in 1974 that "members of the United Nations have a legal duty to promote respect for and protection of human rights around the world. . . . The Charter of the United Nations and the Universal Declaration of Human Rights are the basic texts in their field. I would point, in particular, to Articles 55 and 56 of the United Nations Charter. . . . The United States recognizes these obligations and is determined to live up to them." [1974] *Digest of United States Practice in International Law* 125 (1975). But subsequent administrations have abandoned these "obligations."
- ⁴⁴ Letter from Secretary of State Livingston to Mr. Serurier, 3 June 1833, reprinted in 2F. Wharton, *Digest of the International Law of the United States* 67 (1866).
- ⁴⁵ 502 *F.2d* 90 (9th Cir. 1974), cert. denied, 420 U.S. 1003 (1975). Most significantly, the Court of Appeals noted that "the substantive rights guaranteed through the Trusteeship Agreement are not precisely defined. However, we do not believe that the agreement is too vague for judicial enforcement. Its language is no more general than such terms as due process of law, seaworthiness, equal protection of the law, good faith, or restraint of trade, which courts interpret every day." *Id.*, 113-14.
- ⁴⁶ Human rights clauses are non-self-executing, *Lareau v. Manson*, 507 F. Supp. 1177, 1187-88 n.9 (D. Conn. 1980), *aff'd*, 651 *F.2d* 96 (2d. Cir. 1981).
- ⁴⁷ See, in Kramer, "Due Process Rights for Excludable Aliens Under United States Immigration Law and the United Nations Protocol Relating to the Statutes of Refugees: Haitian Aliens, A Case in Point," 10 N.Y.U. J. *Int'l L. & Pol'y* 203 (1977), and Lieberman & Krinsky, Political Asylum and Due Process of Law: The Case of The Haitian Refugees, 33 *Nat'l Law. Guild Prac.* 102 (1976).
- ⁴⁸ See 3 U.N. GAOR 934, U.N. Doc. A/177 (1948).
- ⁴⁹ Humphrey, The International Bill of Rights: Scope and Implementation, 17 *Wm. & Mary L. Rev.* 527 (1976). Humphrey himself had observed that the Declaration "is part of the customary law of nations and there is binding on all states. The Declaration has become what some nations wished it to be in 1948: the universally-accepted interpretation and definition of the human rights left undefined by the Charter," *Id.*
- ⁵⁰ Memorial of the United States at 71, "Case Concerning United States Diplomatic and Consular Staff in Tehran (U.S. v. Iran)" (International Court of Justice, Jan. 1980).
- ⁵¹ 630 *F.2d* 876 (2d Cir. 1980). See also Schneebaum, The Enforceability of Customary Norms of Public International Law, 8 *BROOKLYN J. INT'L L.* 289 (1982).
- ⁵² 630 *F.2d* 876 (2d Cir. 1980).
- ⁵³ Judiciary Act, ch. 20, § 9, 1 Stat. 73 (1789) (current version at 28 U.S.C. § 1350 [1976]).
- ⁵⁴ 630 *F.2d* 881.
- ⁵⁵ 630 *F.2d* 883.
- ⁵⁶ *Id.*, 884.
- ⁵⁷ Kaufman, "A Legal Remedy for International Torture?," *New York Times Magazine*, Nov. 9, 1980, § 6, 44.
- ⁵⁸ 505 *F. Supp.* at 795.
- ⁵⁹ *Id.*, 798.
- ⁶⁰ 654 *F.2d* 1390.
- ⁶¹ 501 *F. Supp.* 544, (S.D. Tex 1980) (*aff'd* 5th Cir. 198), 102 S.Ct. 2382 (198).
- ⁶² *Idem.*
- ⁶³ *Idem.*, 590.
- ⁶⁴ See Bilder, Integrating International Human Rights Law into Domestic Law - U.S. Experience, 4 *HOUS. J. Int'l L.* 1 (1981); Christenson, "The Use of Human Rights Norms to Inform Constitutional Interpretation," *id.* at 39 (1981), "Using Human Rights Law to Inform Due Process and Equal Protection Analyses," 52 *U. Cin L. Rev.* 3 (1983); Loudon, "The Domestic Application of International Human Rights Law: Evolving the Species," 4 *Hastings Int'l & Comp. L. Rev.* 161 (1981); Martineau, Interpreting the Constitution: The Use of International Human Rights Norms, 4 *Human Rights Q.* 87 (1983); and Paust, "Human Rights: From Jurisprudential Inquiry to Effective Litigation" (Book Review), 56 *N.Y.U.L. Rev.* 227 (1981). Cf. Oliver, "Problems of Cognition and Interpretation in Applying Norms of Customary International Law of Human Rights in United States Courts," 4 *Hous. J. Int'l L.* 59 (1981).

⁶⁵ Schachter, *The Charter and the Constitution: The Human Rights Provision in American Law*, 4 *Vand. L. Rev.* 643, 658 (1951).

⁶⁶ 332 U.S. 633 (1948).

⁶⁷ 332 U.S. 673 (1948) (Murphy, J. & Rutledge, J., concurring).

⁶⁸ *Idem* at 650 (Black, J. & Douglass J. concurring).

⁶⁹ *United States v. Vargas*, 370 F. Supp. 908, 914-15 (D.P.R. 1974), vacated and remanded, 558 F.2d 631 (1st Cir. 1977).

⁷⁰ 185 Ore. 579, 604, 204, P.2d 569, 579 (1949).

⁷¹ 654 F.2d 1382 (10th Cir. 1981).

⁷² The leading standing case is *Diggs v. Shultz*, *supra*, where Congressman Diggs and other plaintiffs sued for injunctive relief and declaratory judgment that the Byrd Amendment, permitting the United States to resume the importation of chrome from Southern Rhodesia, in violation of U.N. Security Council Resolution 232, was null and void. The U.S. Court of Appeals for the District of Columbia reversed the district court's determination that plaintiffs lacked standing to bring the action, holding that they were "unquestionably within the reach of [the] purpose [of Security Council Resolution 232] and among its intended 'challenged [congressional action.]' 470 F.2d at 464. The U.S. subsequently argued, that on this point *Diggs v. Schultz* "was wrongly decided." *Diggs v. Richardson*, *supra*, at 850. The two cases are discussed in Lillich, "The Role of Domestic Courts in Promoting International Human Rights Norms," 24 *N.Y.L.S.L. Rev.* 153, 165-68, 172-76 (1978).

⁷³ The leading sovereign immunity case is *Letelier v. Republic of Chile*, 488 F. Supp. 665 (D.D.C. 1980), a suit in the U.S. District Court for the District of Columbia arising out of the assassination in Washington, D.C., of former Chilean Foreign Minister Orlando Letelier. The Chilean government, who the plaintiffs alleged had ordered the assassination because Letelier openly

opposed the ruling junta, claimed that the Foreign Sovereign Immunities Act, (FSIA) 28 U.S.C. § 1602-11 (1976), deprived the court of jurisdiction. The court, disagreed. 488 F. Supp. at 673. Also see Note, 21 *Va Int'l L.* 291 (1981). The FSIA was not designed to thwart adjudication of cases arising out of human rights violations and should not be so construed. *Cf.*, *Youngblood*, 1980 Survey of International Law in the Second Circuit, 8 *Syr. J. Int'l L. & Com.* 159, 203-4 (1980).

⁷⁴ In *Filartiga*, the defendant argued on appeal that "if the conduct complained of was the act of the Paraguayan government, the suit was barred by the Act of State doctrine." 630 F.2d at 889. The Court of Appeals found it unnecessary to decide the question, but expressed doubt "whether action by a state official in violation of the Constitution and laws of the Republic of Paraguay, and wholly unratified by that nation's government, could properly be characterized as an act of state." *Id.*

The Act of State doctrine was also analyzed in *Banco Nacional de Cuba v. Sabbatino*, which, contrary to the New York Court of Appeals in *New York Times Co., v. City of New York*, Commission on Human Rights, 41 N.Y. 2d 345, 352, 361 N.E. 2d 963, 972, 393 N.Y.U.S. 2d 312, 317 (1977), held that the Act of State doctrine does not preclude U.S. courts from adjudicating cases involving human rights violations by foreign government officials. See, Lillich, *supra*, at 159-62.

⁷⁵ The political question doctrine remains the most serious obstacle in many cases to persons seeking to litigate international human rights law issues in U.S. courts. *Cf. Diggs v. Richardson*, *supra*, at 851. See Gordon, "American Courts, International Law and Political Questions Which Touch Foreign Relations," 14 *Int'l Law.* 297, 312 (1980), who criticizes blind adherence to traditional and outmoded precedents.

⁷⁶ Reconstruction and Development Programme, *supra*, 14.



© Picturenet. Africa

Public Sector Interventions in Combating Racism in South Africa

By Mandy Taylor

*"We, the people of South Africa
Recognise the injustices of our past...and
Believe that South Africa belongs to all who live in it, united in our diversity."*

So begins the Preamble to South Africa's new Constitution.¹ Although the phrase "the injustices of our past" refers to a variety of wrongs, few would dispute the centrality of racism. South Africa pre-1994 was characterized by state-sponsored racism which expressed itself in institutional structures, in the allocation of resources, and attitudes.

The Preamble indicates that it is a recognition of this reality that underlies the entire Constitution and underpins the framework around which the new South Africa is being crafted— and being crafted it is. With a recognition of the racism of the past our leaders, with our consent, are starting anew. Nothing can be taken for granted. New structures based on new values are being developed. Old structures are being transformed, and the South African public is being encouraged, cajoled or bullied into the new reality. This process of crafting a new reality is based on recognition of South Africa's racist past. Combating racism is therefore a central task.

The public sector, broadly defined, is both the object and agent of this restructuring process. The Constitution established new public institutions; it demanded the transformation of old public institutions; it established a new set of values for the public sector; and it gave the public sector the key role in the transformation of society.

In reviewing public sector interventions in combating racism, this essay will examine:

- the relevant Constitutional provisions;
- the process of transforming public institutions;
- how public resources are being reallocated to reflect the non-racism of current South Africa; and
- steps being taken to regulate society to effect racial equality.

The public sector is used in this paper as an all encompassing phrase that includes the three spheres of government - local, provincial and national; the different branches of government - the legislature, the executive and the judiciary, as well as various Constitutional institutions.²

The Constitution

The primary step that expressed both the symbolism and practicality of the task of combating racism was South Africa's first non-racial elections in 1994. The second most significant step was the adoption of the new Constitution, which established a framework for South Africa as a non-racial and non-sexist society.³

The Constitution, which came into effect on February 4, 1997, established a new set of values for South Africa. It developed structures to give effect to those values, and sought to regulate society to give expression to those values. All of this was done, not only with an eye to the future, but also a keen eye to the past.

Combating racism in South Africa in perpetuity was therefore a primary task of the Constitution. Importantly, the Constitution sets out an understanding of equality that encompasses both formal and substantive equality. Section 9 of the Constitution proclaims formal equality in its statement that everyone is equal before the law and has the right to equal protection and benefit of the law. It proclaims substantive equality by acknowledging that steps need to be taken to counter the effects of past discrimination. It authorizes measures, including legislative measures, designed to promote the achievement of equality.

The Constitution, however, does not promote a picture where race has ceased to exist or have relevance. On the contrary, it specifically acknowledges the importance of diversity by giving equal rights to the 11 languages most commonly used in South Africa and ensuring that other languages used by smaller South African communities,

such as Tamil or German, are respected;⁴ protecting the rights of cultural, religious or linguistic communities and establishing a Commission to oversee the needs of these communities; promoting language and cultural rights;⁵ recognizing traditional leaders;⁶ and recognizing the notion of self-determination for any community that shares a common cultural and language heritage.⁷

The Constitution does much more than establish values and rights. It also defines how South Africa is to be governed.

Overview of public institutions and their role in combating racism

Former Homelands

Given the institutionalization of racism in the past, combating racism involved the transformation of public structures to reflect, amongst other things, South Africa's commitment to racial equality. Transformation had to happen at the

most fundamental level by restoring South Africa's boundaries, abolishing the apartheid homeland system, and then resolving internal provincial borders.

The homeland system was established by the former

government to give expression to its ideal of keeping the races separate. The policy of granting quasi-independence to homeland areas involved forcibly removing people from their homes and resettling them in homeland areas, taking away the citizenship of all Black South Africans, who were to exercise franchise and other rights in their designated homeland, and setting up and financially supporting bureaucracies in each homeland.

Unraveling this racist puzzle has been a complex and ongoing task that has involved redrawing provincial boundaries to express geographical rather than racial realities; repealing laws that were in operation in the former homeland areas; extending South African laws to also cover these former homeland areas; resolving the various citizenship questions that arose from abolishing the homelands - most important of which was confirming the South African citizenship of Black South Africans; and paying the debt incurred by these homeland areas. It has also meant that the new government inherited a system where a variety of different administrations governed, for example, service delivery, education, and the provision of health care. There was huge disparity in the ability of these different administrations to deliver and this has had ongoing consequences for direct and indirect racial discrimination.

Given the institutionalization of racism in the past, combating racism involved the transformation of public structures . . .

Local Government

Homelands were only part of the labyrinthine system developed to express the apartheid ideal of keeping different races apart. In urban areas outside of the former homelands, strict residential segregation was prescribed by the Group Areas Act with separate municipalities being established for White and Black areas (White Paper on Local Government 1998, 1).

Local government's primary source of revenue has historically been property taxes and payment for the delivery of services. This suited White municipalities that had small populations to serve and large concentrations of economic resources to tax, but it was disastrous for Black municipalities. According to the White Paper, financial shortfalls were built into local government for Black areas. Retail and industrial developments were largely prohibited in these areas, limiting the tax base and forcing residents and retailers to spend most of their money in White areas (White Paper on Local Government 1998, 2).

The lack of investment in Black municipalities and their inability to raise funds had the effect of depriving millions of people of access to basic services, including water, sanitation, refuse collection and roads. This was true of both urban and rural areas. As a result, "water and electricity were supplied to white residents in rural areas at enormous cost, while scant regard was given to the needs of the rural majority" (White Paper on Local Government 1998, 2).

A transformation process was established in the Local Government Transition Act, 1993 (LGTA) – a process that is to be finally realized during 1999 with the adoption of various pieces of new local government legislation. Until this legislation is passed and the LGTA is repealed, local government remains in an "interim phase" with many of the laws and regulations of the old system still in effect.⁸

A vital part of the transformation process has been the amalgamation of previously divided jurisdictions. This has meant that formerly well off municipalities that serviced largely White areas now also include Black township areas. They, therefore, service a substantially larger population without a corresponding increase in the tax base. It has proved difficult to extend effective property taxation to the former township areas (White Paper on Local Government 1998, 8).

On an administrative level, the systems and structures of the better established municipal administrations (usually former White municipalities) were often adopted and extended to absorb staff from the small and usually Black administrations. While this minimized the administrative disruption, it did not facilitate transformation (White Paper

on Local Government 1998, 91). The old system placed formal qualifications over job experience, and this meant that the staff of former Black Local Authorities were often disadvantaged. The result: many municipalities are still largely run by White males with women and Black people being represented only in the lower echelons of the new structures.

Not unexpectedly, local government finances are in crisis. Rent and service boycotts became an integral part of the anti-apartheid struggle, and this trend of not paying for services has been difficult to reverse. The White Paper on Local Government estimates that about a third of all municipalities are facing serious financial or administrative difficulties (at page 12). Similarly, a survey conducted by the Department of Constitutional Development concluded that debt in the amount of about R\$8 billion was owing to the 393 municipalities that responded to the survey.⁹ This represents 32 percent of total annual turnover of the local governments concerned, far in excess of the accepted norm of 11–15 percent. Small rural towns on average are able to collect only about 42% of amounts owed (Solomon 1998).

The scenario outlined above represents a huge challenge to South Africa. Local government has a key role in the delivery of services, and until this sphere of government is running efficiently, millions of Black South Africans will continue to be without basic services.

In meeting this challenge, municipalities will have to find ways of redistributing resources. A recent Constitutional Court case¹⁰ had to consider whether a property levy on wealthier substructures within a metropolitan area could legitimately be used to subsidize poorer substructures within the same metropolitan area. Although the 10 member court was split, with five judges finding in favor of the applicants and five against, the Court was unanimous in its finding that "it is a legitimate aim and function of local government to eliminate the disparities and disadvantages that were a consequence of the policies of the past and to ensure, as rapidly as possible, the upgrading of services in previously disadvantaged areas so that equal services will be provided to all residents" (p. 1488 of the judgment).

The Cape Town Council has recently proposed an alternative basis for differentiated rates, which it hopes will not be susceptible to this kind of court challenge. The proposal is aimed at "enhancing equity within the City of Cape Town" (*Cape Times*, April 1, 1999) and is based on a sophisticated system of property valuations which will mean rates hikes for some areas and rate decreases for others.

Finally, the White Paper also speaks of the need for spatial integration as both a developmental imperative and a

nation building imperative (p.24). Apartheid's ability to survive was partly based on spatial separation. Spatial integration will lead, amongst other things, to more integrated schools, businesses, and churches, and this is likely to have a significant effect on building racial understanding and tolerance.

The Legislature

Transformation was perhaps easiest to achieve in the legislature, as the nature of legislatures is that of changing faces with each new election. Thus the 1994 elections saw the coming into operation of a representative national legislature and nine representative provincial legislatures.

Although the task of making the legislature representative was easier than in other branches of government, the task given to the legislature was not. The National Legislature, particularly, faced the daunting prospect of rewriting the South African statute book not only to give effect to the new values expressed in the Constitution, but also to deracialize past legislation.

A structured affirmative action policy benefiting Blacks, women and the disabled is an explicit part of recent policy

Overview of legislation passed between May 1994 and December 1998

Most of the more notorious pieces of apartheid legislation were repealed prior to the 1994 elections,¹¹ making the task of the new government to painstakingly go through old legislation to ensure the deracializing of all the detail. A review of all legislation passed between May 1994, when the new parliament began, and December 1998, reveals that about a third of the approximately 492 Acts passed have in some ways contributed to combating racism in South Africa.

Fifty-eight Acts dealt with unraveling the homeland system (repealing homeland legislation and extending South African legislation to those areas formerly covered by the ex-homelands). Many of these Acts are described as "Rationalization Acts" and they effectively bring the legislation of a number of departments and homelands under one umbrella Act.¹²

Twenty-four Acts dealt with issues of representativeness of public boards or governing bodies, in particular university structures and various medical councils. Universities went through a process of consultative transformation that result-

ed in, among other things, changes to university governing structures to ensure that they were more representative of the university community.¹³

Similarly the various medical councils went through a process of first establishing interim councils— which were generally an amalgamation of the various existing councils established either for different race groups or for homeland areas— and then establishing new and more representative permanent councils, most of which include community representation.¹⁴ Other bodies that have been made more representative are: the Estate Agents Board,¹⁵ the Agricultural Research Council,¹⁶ and the Tourism Board.¹⁷

Eighteen Acts set up new institutions, many decreed by the Constitution, which have played a role in combating racism. Included in this category are the various Acts setting up new local government structures, as well as Acts

establishing bodies such as the Office of the Public Protector, the Human Rights Commission, the Council of Traditional Leaders, the Volkstaat Council, the National Economic, Development and Labour Council (NEDLAC), the Pan

South African Language Board, and the Public Service Commission.

Thirty-nine Acts dealt with socio-economic rights, the realization of which will have a significant impact on combating direct and indirect racism. Some of the most important of these Acts are detailed below.

The Restitution of Land Rights Act of 1994 established a process for dealing with land claims that arose from the policy of previous governments to reserve about 82 percent of the land for White ownership and to forcibly remove Black people from land reserved for Whites. Millions of people were dispossessed of their land, and this Act instituted a process for restitution. It established the Commission on Restitution of Land Rights and the Land Claims Court. Other land acts have sought to protect the rights of labor tenants who live and work on farms¹⁸ and to provide occupiers of rural land with greater security of tenure.¹⁹

The South African Citizenship Act, 1995, as amended, restored South African citizenship to Black South Africans who had effectively been stripped of their South African citizenship when they became, by compulsion, "citizens" of a former homeland.

The South African Schools Act, 1996, created a unified national school system. It prohibits schools from conducting

admission tests; it allows learners to receive education in the language of their choice as long as no racial discrimination is practiced; it provides that parents must make up the majority of voting members on school governing bodies; and it allows for the registration of independent schools as long as they don't have a racist admission policy.

The South African Qualifications Authority Act, 1995, enhances access to education and training across all sectors and all levels of education by emphasizing outcomes rather than formal qualifications.

The Labour Relations Act, 1995, among other things, extended the protection of labor legislation to categories of workers who had previously been excluded (in particular, domestic workers and farm laborers). It also extended workers' rights to strike and to engage in collective bargaining; provided for compulsory consultation with a workforce over a number of crucial areas, including retrenchments; and made dismissals based on any form of discrimination automatically unfair. Such dismissals carry a harsher penalty for the employer concerned than other dismissals.

The Telecommunications Act, 1996, sought to encourage ownership and control of telecommunication services by historically disadvantaged people.²⁰ Similarly, the Competition Act, 1998, sought to open the economy to a greater number of South Africans and to encourage competition from historically disadvantaged people.

The Welfare Laws Amendment Act established racial equity in certain welfare grants. Various housing and water acts have given effect to the government's commitment to provide houses and accessible water for all.

Twenty Acts dealt with racism in other ways, such as making professions more representative, or developing sport, art and culture in previously disadvantaged areas.²¹ Included in this category are acts dealing with issues such as the recognition of traditional leaders, the recognition of customary marriages,²² the establishment of a Volkstaat Council, issues around establishing common public holidays,²³ and geographical place names,²⁴ and providing protection and respect for the various languages in South Africa.

A number of Acts have sought to make the legal profession more accessible by abolishing Latin as a requirement, doing away with the 'split bar' which prevented attorneys from appearing in the High Court, introducing the concept of lay assessors, and making the requirements for access to the attorneys' or advocates' professions less stringent.²⁵ The review of the judiciary below indicates the importance of this step.

There are also a number of Acts which seek to extend funding and support for sport, art and culture to previously disadvantaged communities.²⁶

In President Mandela's farewell speech to Parliament, he, too, reviewed "the 100 laws on average that have been passed by the legislature each year." We can conclude with him that:

*These have been no trivial laws nor mere adjustments to an existing body of statutes. They have created a framework for the revolutionary transformation of society and of government itself, so that the legacy of our past can be undone and put right. It was here that the possibility was created of improving the lives and working conditions of millions.*²⁷

The Executive

Change in the executive arm of government, or the public administration, had to be more incremental than elsewhere as the interim constitution included a "sunset" clause that guaranteed that public servants of the old regime would not lose their jobs.²⁸

Nonetheless, the Constitution dictates that the public administration "must be broadly representative of the South African people" (section 195(i)). This presented the Public Service with an enormous challenge as indicated by the figures below which provide a 1994 profile of the Director to Director-General level of management of the former Public Service by population group and gender. This was prior to the amalgamation of various homeland administrations.

1994 - In Percentages						
	African	Colored	Asian	White	Male	Female
% of Management Echelon	2.0	1.0	3.0	94.0	95.0	5.0
National Population (CSS mid-1995 Estimate)	76.0	8.0	3.0	13.0	49.0	51.0

Source: Office of the Public Service Commission

Dr. ZST Skweyiya, Minister of Public Service and Administration, has said that "the transformation of the Public Service is the reason for the existence of my ministry and constitutes the mission of the Department of Public Service and Administration" (Press briefing, 1). It is

therefore useful to focus on policy initiatives from this department in reviewing executive efforts to combat racism.

A structured affirmative action policy benefiting Blacks, women and the disabled is an explicit part of recent policy documents from this department. The White Paper on the Transformation of the Public Service, published in November 1995, stressed the need “to create a genuinely representative public service which reflects the major characteristics of South African demography, without eroding efficiency and competence” (p.15). It sees achieving representativeness as “a necessary precondition for legitimizing the public service and driving it towards equitable service delivery” (p. 52), and it proposed that by 1999 all departmental establishments should be at least 50% Black at management level (p. 55).

In 1997, three significant policy documents published by the Department confirmed the government’s commitment to affirmative action as outlined in the White Paper on Transformation, but also criticized it for lacking precision. According to these documents, there was a need to switch from a numbers driven process to a more contextualized process. The previous policy provided an inadequate definition of representativeness. There were no programs established to manage the change required by affirmative action, and the process was not sufficiently related to the service delivery obligations of the public service.²⁹

Some of the proposals included in these papers were to:

- review the criteria for defining job posts and to move away from a reliance on formal qualifications;
- include the element of ‘potential’ in recruitment practices;
- review job advertising practices; and
- emphasize staff training.

A specific obligation was placed on national departments and provincial administrations to develop a recruitment strategy that sought “to maximize recruitment from historically disadvantaged groups” and to set targets for achieving a representative workforce.

The White Paper on Human Resource Management argues that diversity plays an important role in service delivery as it enables the public service to be more responsive and customer focused. Public servants who can communicate in the language of those being served and who can relate to the diversity of South Africa’s population will greatly improve the image of the service. In addition “an environment in which differing cultures are valued is likely to improve employee morale and contribute to increased job satisfaction and thus to increased productivity”(p. 26).

It is beyond the scope of this paper to review the progress in implementing the government’s affirmative action policy across all 26 national government departments, as well as the numerous provincial administrations. The Presidential Review Commission (PRC) also declined to detail the transformation process in each department, but it said the following:

With respect to the racial and gender composition of the management echelon (Director to Director-General), the Commission’s investigations revealed:

- *That a number of departments (particularly Education, Health and Welfare) and provinces had made quite encouraging progress towards the targets laid down in the WPTPS,³⁰ as well as towards the introduction of the kind of holistic and integrated strategies for affirmative action recommended in the White Paper;*
- *That a number of departments and provinces had made much less progress in this regard (particularly the Departments of Home Affairs and Justice, and the South African Revenue Services, and especially the Department of Housing which remains, disturbingly, an exclusively male and predominantly white preserve at the management levels) (PRC 1998, chapter 4).*

The PRC presented the following figures in selected departments and in all nine provinces (see page 88).

According to the PRC, progress towards representativeness in the professional and technical ranks of the public service has been even slower than in the case of the management echelon.

Some of the explanations given to the PRC for the slow progress with regard to affirmative action included: the lack of appropriately skilled and qualified Black and female applicants for posts, financial constraints (in terms of establishing new positions), and fears about “lowering standards.”

A successful constitutional challenge³¹ to the Department of Justice’s affirmative action policy by the Public Servants’ Association of South Africa is an indication of some of the complexities involved in this process. The Court found that the policy which determined that White males would not even be considered for certain earmarked positions, irrespective of their experience or the quality of other applicants, lacked rational basis in that it did not balance the need for affirmative action against the need for an efficient public service. The Court held that “representivity” was not an isolated principle which “implied that the efficiency of the public administration could not be compromised for the sake of promoting representivity.” Measures adopted

Profile of Management Echelon in the Public Service by Population Group and Gender 31.10.97 (Selected Departments and All Provinces) - In Percentages

Department / Province	African		Colored		Asian		White		Race		Gender	
	M	F	M	F	M	F	M	F	B	W	M	F
Departments												
Education	28.0	8.0	8.0	4.0	8.0	4.0	36.0	4.0	60.0	40.0	80.0	20.0
Foreign Affairs	21.3	6.6	1.6	0.0	6.6	1.6	57.4	4.9	37.7	62.3	86.9	13.1
Health	23.1	23.1	0.0	7.7	0.0	0.0	38.5	7.78	53.2	46.5	61.5	38.0
Home Affairs	46.7	0.0	0.0	0.0	0.0	0.0	53.3	0.0	46.7	53.3	100	0.0
Housing	21.4	0.0	0.0	0.0	0.0	0.0	78.6	0.0	21.4	78.6	100	0.0
Justice	19.6	1.5	0.8	0.0	1.2	1.9	71.5	3.5	25.0	75.0	93.1	6.9
Labour	17.4	0.0	4.3	0.0	4.3	4.3	56.5	13.0	30.5	69.5	82.7	17.3
DPSA	38.5	15.4	0.0	0.0	0.0	7.7	15.4	23.1	61.5	38.5	61.5	38.5
Public Works	16.7	25.0	8.3	0.0	8.3	0.0	41.7	0.0	58.3	41.7	75.0	25.0
Safety & Security	16.4	0.0	2.5	0.3	2.3	0.3	75.6	2.8	21.2	78.8	96.6	3.4
Revenue Services	1.4	0.0	1.4	0.0	1.4	0.0	88.9	6.9	4.2	95.8	93.1	6.9
Welfare	11.2	22.2	0.0	22.2	0.0	0.0	22.2	22.2	55.6	44.4	33.4	66.6
Provinces												
Eastern Cape	74.1	12.1	0.0	0.0	0.0	0.0	12.1	1.7	86.2	13.8	86.2	13.8
Free State	18.0	4.0	0.0	0.0	0.0	0.0	76.0	2.0	22.0	78.0	94.0	6.0
Gauteng	17.4	5.8	2.2	1.4	3.6	1.4	63.0	5.1	31.9	68.1	86.3	13.7
KwaZulu-Natal	37.3	1.3	1.3	0.0	4.0	1.3	52.0	2.7	45.3	54.7	94.7	5.3
Mpumalanga	58.6	20.7	6.9	0.0	6.9	0.0	6.9	0.0	93.1	6.9	79.3	20.7
Northern Cape	20.0	10.0	25.0	0.0	5.0	0.0	40.0	0.0	60.0	40.0	90.0	10.0
Northern Province	84.9	7.5	0.0	0.0	1.9	0.0	5.7	0.0	94.3	5.7	92.5	7.5
North West	53.3	16.7	0.0	0.0	1.9	0.0	26.7	0.0	73.3	26.7	83.3	16.7
Western Cape	0.0	0.0	23.4	2.1	8.5	0.0	57.4	8.5	34.1	65.8	89.4	10.6
All Departments & Provinces	23.4	3.8	2.8	0.7	2.8	0.7	61.8	4.0	34.2	65.8	90.8	9.2

M = Male F = Female B = Black W = White

Source: Statistical Analysis of Personnel in the Public Service in Africa, PRC 1998

by the Department were “haphazard, random and over-hasty,” and they failed to meet the requirement of being “designed” measures. Their effect, said the Court, was, therefore, to unfairly discriminate against the applicants.

The Judiciary

Similarly, the Judiciary required and continues to require extensive transformation. The apartheid legacy meant a judiciary made up primarily of White males at both the levels of High Court judges, as well as magistrates. In a submission to the TRC, the General Bar Council said the following:

As regards race and the judiciary, it is an undoubted fact that, until the permanent appointment of Judge Mahomed, the Bench in South Africa was entirely White and, with two exceptions, entirely male. (General Council of the Bar 1997).

Righting this situation has not been an easy task, firstly, because of the security of tenure given to judges³² and secondly, because the system also produced mainly White senior advocates and to a lesser extent White prosecutors from whose ranks judges and magistrates, respectively have traditionally been chosen.

A 1997 study by O'Regan, now a Constitutional Court judge, highlighted the extent of this problem. She found that 88 percent of partners in large law firms were White male, 6.5 percent were White female, 5.3 percent were Black male and 0.3 percent were Black female. The figures at the level of state advocates were: White male, 59 percent; White female, 24 percent; Black male 13 percent; Black female, 4 percent. Figures for senior advocates at the Johannesburg, Cape Town, Durban, Pretoria and Pietermaritzburg bars were: White male, 92.6 percent; White female, 1.5 percent; Black male, 5.4 percent; Black female, 0.5 percent. Junior advocate figures were: White male, 74.9 percent; White female, 12.3 percent; Black male, 10.2 percent; Black female 2.5 percent (O'Regan 1997).

The Constitution requires that when judicial officers are appointed, the need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered (section 174). This task falls largely to the Judicial Services Commission (JSC) which advises the President on the appointment of judges.³³ In order to fulfil its Constitutional mandate to make the bench more representative, the JSC has looked beyond the ranks of senior counsel with a number of recent appointments being

drawn from the attorney's profession or from the legal academic world.

Figures provided by the Ministry of Justice indicate that as at the end of May, 1999, of the 183 permanent judges, there were 138 White male judges (75.4 percent); 8 White female judges (4.33 percent); 33 Black male judges (18.03 percent); and 4 Black female judges (2.1 percent). This represents an improvement on the 1997 figure of only 12 percent of judges being Black (Jacobs 1998, 49).

Although the steps to make the judiciary more representative have been relatively modest, they have also been very controversial as evidenced by the opposition of judges themselves to the appointment of Judge Mohamed as Chief Justice³⁴ and to the recent appointment of two Black Judge Presidents.³⁵ All of these appointments were followed by protest resignations from White judges.

An unrepresentative bench has significant implications for the credibility of the judiciary.

In the Magistrates' Court, the issues are similar. According to a study by the Law, Race and Gender Unit of the University of Cape Town, in January 1997, 68 percent of all magistrates were White, with the percentage of

White magistrates being even higher at the levels of regional, senior and Chief Magistrates (Jacobs 1998, 48-49).

An unrepresentative bench has significant implications for the credibility of the judiciary. The recent six year jail sentence for fraud meted out to Rev. Allan Boesak, an anti-apartheid hero in the eyes of many, came on the same day that a White farmer was given a suspended sentence for shooting a Black child. White judges delivered both judgments. The juxtaposition of the two sentences elicited widespread comment on the racial ramifications of a largely White bench, indicating how closely related is the question of “representivity” to the question of judicial credibility.

The situation is further complicated because the majority of people standing trial for criminal offences in South Africa do not have legal representation. Unrepresented accused people (who are largely Black) are faced with an alien and intimidating justice system run largely by Whites. The result is not only questionable justice, but ongoing racial mistrust.

Various Commissions

Given the enormity of the task facing South Africa, the Constitution also established various “state institutions supporting constitutional democracy,”³⁶ a number of which play a role in combating racism. It is within the Public

Protector's brief, for example, to investigate complaints of improper racist conduct by government officials; the Gender Commission's work amongst rural women has the effect of empowering those women all of whom are Black; and the IBA has played a crucial role in facilitating greater Black ownership of the airwaves. The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities may, when it is eventually established, play a significant role in facilitating greater racial and cultural tolerance. Of all these bodies, however, the South African Human Rights Commission (SAHRC) is currently most directly involved in combating racism.

South African Human Rights Commission

The Human Rights Commission must promote, protect and monitor human rights in South Africa. It has investigative powers and can take steps to secure appropriate redress for human rights violations, including taking court action either on its own behalf or on behalf of others.

Combating racism is a key priority for the Commission. It operates largely by receiving and dealing with complaints and by far the majority of complaints received deal with racial discrimination.³⁷

The Commission not only deals with individual complaints but also uses complaints as a way of determining systemic problems. In the past year complaints from schools exceeded complaints from other sources and consisted in the main of allegations of racism and unjust procedures. The Commission responded by commissioning a study of "racial intolerance and discrimination in South Africa's public high schools" (SAHRC newsletter, 1).

Questionnaires were sent to learners and managers of 90 schools, 10 from each province. The results were startling. Almost two-thirds of the students interviewed acknowledged that racial incidents had occurred at their school. According to the investigation report: "while this study unsurprisingly shows that subtle racism is ubiquitous and has the ability to mutate and adapt in post-1994 South Africa; it has also revealed shockingly stark and crude practices of racism, all the more startling because of its prevalence" (Study of Racism in Schools 1999, 2).

In his preface to the report drawn up on the investigation, Commission chairperson, Barney Pitso Moseneke says:

Schools continue to be characterized by racial separation and discrimination. Efforts at racial integration

Too many prefer to deny the existence of racism or presume a superficial tolerance.

have not achieved the desired results, in part because learners approach school with the prejudices imbued in their home environments and the schools have no mechanisms to challenge and stimulate the unlearning of ingrained prejudices, as well as transform the minds of learners. Educators exhibit little or no commitment to constructing a learning environment free from discrimination and prejudice. Too many prefer to deny the existence of racism or presume a superficial tolerance. Some prefer to have their schools as laboratories for cultural assimilation where Black learners are by and large tolerated rather than affirmed as of right. Four years since the miracle of 1994, school playgrounds are battlefields between Black and White school-goers.

Formerly White schools have become theaters of struggle for transformation as Black parents demand access for their children. In a real sense the real task of education and learning has ceased to take priority.

In the longer run, our country will pay the price.

Some of the recommendations in the report are:

- Immediate action where blatant racism has been identified;
- Establishing an independent consultative body to develop a strategy for addressing racism in education;
- Obliging schools to develop anti-discrimination policies;
- Providing anti-racist training for school managers, teachers and learners.

Importantly, the 90 schools chosen for the above study were all formerly White, Indian or Colored schools. Desegregation has only happened in these schools, while African township schools and ex-homeland schools, which cater to the overwhelming majority of learners in South Africa, remain almost wholly racially exclusive and under-resourced. According to the investigation report, only about 5000 schools out of a total of 27,864 schools in South Africa have undergone any form of desegregation.

Racism in the media is another systemic investigation being carried out by the Commission.³⁸ The Commission's goals for this inquiry are broader than simply exposing racism in the media. The Commission also hopes the investigation will serve to generate debate and dialogue about racism among South Africans and that it will help journalists and editors understand the racial impact of their work (SAHRC Newsletter April 1999, 5).

The Commission receives many complaints of racism in the South African Police Services (SAPS), but has decided to

deal with the issue on a case-by-case basis rather than as a systemic problem, as the Minister of Safety and Security has convened his own investigative team to consider racism in the police (SAHRC Annual Report 1997/98, 27).

Reallocation of Resources

Racism in apartheid South Africa showed itself overtly in the enormous disparity in resource allocation between different racial groups. The legacy of this is that poverty in South Africa has strong racial dimensions with nearly 95 percent of South Africa's poor being African (Liebenberg and Tilley 1998, 8).

The racial disparity in government spending was evident in every area of life including education, in health facilities, in welfare grants, and in municipal services. One of the major tasks facing the new government was to find ways of allocating public resources equitably.

As expected, this has been a very complex process that has not involved simply redrawing the budget. The issue facing the government has been how to achieve equity with limited resources. Inevitably the process has meant downgrading facilities for some groups so that facilities for other groups can be upgraded.

Granting equal rights to health care facilities, for example, had to involve more than doing away with hospitals that catered for specific races. It also involved ensuring that there are equal facilities available to every community. With the largest and best resourced hospitals being located in urban areas and often in locations more easily accessed by Whites than Blacks, a whole shift in health care policy was required with the emphasis in funding priorities now being on primary health care. This has had very negative implications for some of the larger teaching hospitals (Pulse 1998, 75-76).

Although correcting racial disparity in resources is being carried out in every government department, this paper will focus on two areas which provide an indication of some of the steps being taken by government, and some of the complexities that have surrounded these steps. The first example will be welfare grants and the second the public funding of schools.

Welfare Grants

During apartheid, 14 different departments for different racial groups and homelands administered the welfare system (White Paper on Welfare). This resulted in fragmentation, inefficiency, and often in racially skewed take-up rates

of various social grants. Thus, although discrimination in grants has not been legally sanctioned since 1994, administrative barriers and lack of knowledge of the various grants have continued to obstruct the attainment of equal access to social welfare.

Referring to the previous state maintenance grant system (SMG), for example, the Lund Committee on Child and Family Support said: "In the former welfare administrations serving African people there was little consistency in what happened to the SMG. Some administrations did not award them at all; some had them in the regulations but in fact did not apply them; some awarded only the child part of the grant, and not the parent part."

Racial disparity in grants in South Africa has a long history, with either no allocation of a grant to certain race groups or a much lower grant than for Whites. African old age pensions, for example, amounted to only 16% of White pensions in 1972. By 1993 African old age pensions had increased to 85% of White pensions, with parity eventually being achieved in 1994 (Liebenberg and Tilley 1998, 6).

Sadly, parity in social spending levels has occurred by reducing the benefits to people who are already vulnerable and marginalised. Pension equalization, for example, involved increasing Black pension benefits and seriously eroding real White pensions. The maximum real value of the pension for a White recipient decreased from R\$430 in 1980 to R\$234 in 1996 while an African recipient received a real increase from R\$132 in 1980 to R\$234 in 1996 (van der Berg, 485-486).

Similarly, old age homes are largely occupied by Whites and, according to the White Paper on Social Welfare, this focus on institutional care is unaffordable (at page 49). Although the White Paper adds that "any planning concerning equity of services will be deeply sensitive to people's diverse values and traditions," a recent television documentary indicated the catastrophic effects closing certain old age homes will have on some residents.

The issue of childcare support presents a similar example. In 1987 African grants were 17 percent of White grants and the 1990 take-up figures were:

- 48 out of 1000 Colored people
- 40 out of 1000 Indian people
- 2 out of 1000 African people
- 15 out of 1000 White people

In order to establish equity, the old maintenance grant system was abolished and replaced with a new child support system that cut levels of the grant substantially and limited the grant to children younger than 7 years of age.

The former state maintenance grant system, however, played an important role in keeping many Colored households above the Household Subsistence Level (Liebenberg and Tilley 1998, 14). It was predicted that the effects of the reduction of the grant on Colored households in the Northern and Western Cape would be disastrous. According to one researcher, “a massive downwards trend on the poverty scale among children and even starvation are to be expected, if no measures are taken to support these communities in other ways than by maintenance grants” (Haarmann 1998, 208).

Public Funding of Schools

Education is another area where there was huge racial disparity in public funding. During apartheid, schools were fragmented into 19 different education departments and funding varied on the basis of race. In 1986 per capita subsidies for Whites were R\$2365 compared with R\$572 for Africans. In homeland areas, these subsidies were even lower with Kwazulu-Natal being the lowest at R\$262 per child (i.e., about 10 times less than the amount being spent on a White child). Between 1985 and 1992, there was an increase in real spending per pupil and a move towards closing racial gaps in funding. Nevertheless, in 1992, four times as much public money per capita was spent on White pupils than on Africans. In 1993, average spending on pupils was R\$4700 for Whites, compared with R\$1440 for Africans (SAHRC Study into Racism at Schools 1999, 10).

The Department of Education has recently adopted a policy that will have the effect of making more money available to disadvantaged schools and less money available for advantaged schools.³⁹ According to the policy, schools will be ranked from the most wealthy to the poorest and divided into five groups of roughly 20% of the school-going population. The richest 20% of schools will receive 5% of the resources available to the provincial education department, and the poorest schools will receive 35%. School fees will be a matter for the school parents to decide, except that parents whose combined income is less than 10 times the annual school fee will be exempted from paying fees, and those earning less than 30% of their children's annual fees will qualify for a partial exemption.

The Constitution is one of the most progressive in the world in its inclusion of socio-economic rights. It provides

justiciable rights including the right to housing, health care, food, water, social security, education, and a healthy environment. Children have the right to basic nutrition, shelter, basic health care services and social services.⁴⁰ Meeting these needs is not only a Constitutional requirement, it is crucial for long term stability in South Africa. Given the racial face of poverty, it is also an integral part of creating a non-racial society. Yet the government has to do this on limited resources and has to find ways of remedying years of disparate resource allocation. This is perhaps the greatest challenge facing the government.

Regulating Society

The Constitution applies to private as well as to public relationships and actions. Thus one's rights to equality, dignity, and fair labor practices, among others, are enforceable against individuals and the private sector, as well as against the public sector. The role of the public sector is to regulate society in such a way that these rights are realized.

Some of the most significant regulatory mechanisms deal-

ing with racism are contained in the Employment Equity Act, the National Empowerment Fund Act, the clause dealing with “hate speech” in the Film and Publications Act, and the proposed Prevention and Prohibition of Unfair Discrimination Bill.

The Employment Equity Act, 1998, which came into effect in 1999, seeks to address the inequitable distribution of jobs and incomes. It goes beyond the removal of formal barriers by not only prohibiting discrimination but also obliging certain employers to implement affirmative action programs.

The prohibition against unfair discrimination refers to recruitment, conditions of employment, facilities, training and disciplinary measures. The section of the Act prohibiting discrimination applies to all employers and prohibits discrimination on a wide range of grounds.

The section in the Act that deals with affirmative action programs applies only to “designated employers,” which means employers with over 50 employees or with a turnover greater than a specified amount for their sector.⁴¹ In effect the Act obliges such employers to implement an employment equity plan in respect of Black people, women and people with disabilities. Importantly, the state

Combating racism in South Africa required and continues to require drastic steps to remedy the past and to create a new non-racial society.

is also defined as a designated employer which means that municipalities and all organs of state will be obliged to develop, implement and report on their employment equity plans.

The National Empowerment Fund Act, 1998, will provide historically disadvantaged people with the opportunity of acquiring shares in commercial enterprises owned or controlled by the state. In a recent interview, Deputy Trade and Industry Minister, Phumzile Mlambo-Ngcuka, said that the fund, due to be launched before the June elections, could benefit millions of people (Business Day 29th March, 1999). The fund is expected to start with over R\$2,2 billion in assets. It will buy shares in privatized utilities from government at a discount of up to 20% and resell them to historically disadvantaged people.

The Films and Publications Act, 1996, restates the Constitutional proviso that freedom of expression does not extend to "advocacy of hatred based on race, ethnicity, gender or religion which constitutes incitement to cause harm." It makes it an offence to distribute or present publications, films or entertainment that amount to such advocacy of hatred. It is a defense if the publication is a bona fide discussion on a matter pertaining to religion, belief or conscience or a matter of public interest.

Equality legislation is required by section 9(4) of the Constitution, which says: "No person may unfairly discriminate directly or indirectly against anyone....National legislation must be enacted to prevent or prohibit unfair discrimination."⁴²

Drafting the legislation has been a joint project of the Human Rights Commission and the Ministry of Justice. At the time of this writing, only an initial and very unfinished draft of the legislation was available and what follows is based on that draft.

The Bill deals not only with racial discrimination but also with all the Constitutional 'equality' grounds listed in section 9 of the Constitution.⁴³ The Bill's purpose is to promote equality through positive measures to eliminate unfair discrimination, and to prohibit unfair discrimination.

The Bill sets out a number of areas for regulation and in each section it stipulates prohibited actions and then provides permissible defenses. For example, in the section on education, discrimination in admission policies is prohibited, although it is a defense to say that the school is a single sex school or that admission was restricted on the grounds of religion, language or culture.

In a lengthy section on health care, unfair discrimination is prohibited in relation to access to services, access to health resources, rights of privacy, and rights to information. A

section on land, housing and accommodation prohibits discrimination in purchasing or leasing of property, or in the occupation or use of property. This does not apply if the owner or a close relative of the owner lives on the property and less than three rooms are offered for accommodation to the public.

Unfair discrimination in supplying goods, services or facilities is prohibited, and the only defense listed is in the provision of insurance, if the discrimination is based on a reasonable reliance on actuarial data.

A member of a partnership may not discriminate in any way, including in determining who should be invited to become a partner. Similarly, professional bodies may not unfairly discriminate against people who wish to become members unless there is a law regulating membership.

At this stage, the only remedy proposed by the Bill is civil action.

Conclusion

Apartheid took racism to new and bizarre levels. It entrenched in law the notion that races were unequal and could not live together and implemented those laws with ruthless determination. The boundaries of the country were redrawn to present the apartheid ideal of different area allocations for different groups: urban areas were strictly segregated, and, perhaps worst of all, the Black majority, comprising about 80 percent of the population, was systematically deprived of its share in the country's resources.

Combating racism in South Africa required and continues to require drastic steps to remedy the past and to create a new non-racial society. It is hoped that this overview of steps taken by government to combat racism will instill in South Africans a sense of pride at how much has in fact been achieved against so many odds. President Mandela's farewell speech to Parliament sums up well where we have come from and how far we still have to go.

*The world admires us for our success as a nation in rising to the challenges of our era. Those challenges were: to avoid the nightmare of debilitating racial war and bloodshed and to reconcile our people on the basis that our overriding objective must be together to overcome the legacy of poverty, division and inequity. To the extent that we have still to reconcile and heal our nation, to the extent that the consequences of apartheid still permeate our society and define the lives of millions of South Africans as lives of deprivation, those challenges are unchanged.*⁴⁴

- ¹ The Constitution of the Republic of South Africa Act 108 of 1996.
- ² Chapter 9 of the Constitution establishes various state institutions supporting constitutional democracy. These are: the Public Protector, the South African Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Commission for Gender Equality, the Auditor-General, the Electoral Commission, and an Independent Authority to regulate broadcasting.
- ³ The Constitution was drafted and adopted by a Constituent Assembly made up of the two Houses of Parliament sitting jointly. It was a lengthy process that dominated and disrupted the first two years of the new parliament's life.
- ⁴ Section 6 of the Constitution.
- ⁵ Sections 31 and 185 of the Constitution.
- ⁶ Section 211 of the Constitution.
- ⁷ Section 235 of the Constitution.
- ⁸ Clause 26 of Schedule 6 (Transitional Arrangements) of the Constitution.
- ⁹ The current 'interim' system of local government comprises 843 municipalities.
- ¹⁰ *Fedsure Life Assurance Ltd and Others v Greater JHB Transitional Metropolitan Council* 1998(12) BCLR 1458 (CC).
- ¹¹ For example, the Group Areas Act, the Separate Amenities Act and the Population Registration Act.
- ¹² For example, Mineral and Energy Laws Rationalization Act, 1994; the Integration of Labor Laws Act, 1994; the Safety Matters Rationalization Act, 1996.
- ¹³ University of Durban-Westville (Private) Amendment Act, 1996; University of Port Elizabeth (Private) Amendment Act, 1996; University of Transkei (Private) Act, 1996; University of Venda (Private) Act, 1996; University of Zululand (Private) Amendment Act, 1996.
- ¹⁴ Pharmacy Amendment Acts, 1995 and 1997; Nursing Amendment Acts, 1995 and 1997; Chiropractors, Homeopaths and Allied Health Service Professions Amendment Acts, 1995 and 1997; Social Work Amendment Acts, 1995 and 1998.
- ¹⁵ Estate Agents Amendment Act, 1996.
- ¹⁶ Agricultural Research Amendment Act, 1996.
- ¹⁷ The Tourism Amendment Act, 1996 replaces the South African Tourism Board with "Tourism South Africa."
- ¹⁸ Land Reform (Labor Tenants) Act, 1996.
- ¹⁹ Extension of Security of Tenure Act, 1997.
- ²⁰ The phrase, "historically disadvantaged" people or groups is used in many pieces of legislation to denote, generally, Black South Africans.
- ²¹ This review was carried out using the "Statute Book" series (volume 1-3) and the PIMS Monitor, which together provide summaries of all legislation passed by the new Parliament. All are published by Idasa.
- ²² Customary marriages are recognized in: the Aliens Control Amendment Act, 1995, the Births and Deaths Registration Amendment Act, 1996; the Child Care Amendment Act, 1996; and the Recognition of Customary Marriages Act, 1998.
- ²³ Public Holidays Act, 1994.
- ²⁴ South African Geographical Names Council Act, 1998.
- ²⁵ See the Admission of Advocates Amendment Act, 1994; the Admission of Legal Practitioners Amendment Act, 1995; the Right of Appearance in Courts Act, 1995; and the Magistrates' Courts Amendment Act, 1998.
- ²⁶ See the National Arts Council Act, 1997; the National Film and Video Foundation Act, 1997; the Culture Promotion Amendment Act, 1998; the South African Sports Commission Act, 1998; and the National Sport and Recreation Act, 1998.
- ²⁷ Mandela's speech appeared in the *Saturday Argus* newspaper of March 27-28, 1999.
- ²⁸ Paragraphs 236/7/8 of the Constitution of the Republic of South Africa 1993. These sections continue in force in the 1996 Constitution (Schedule 6 para 24 sub-sections 1/2/3) unless they are amended, repealed or inconsistent with the new Constitution. Nor are any proclamations issued under these sections affected unless they are likewise amended, repealed or inconsistent.
- ²⁹ The Green Paper on a Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service; the Green Paper on a New Employment Policy for a New Public Service; and the White Paper on Human Resource Management in the Public Service.
- ³⁰ The White Paper on the Transformation of the Public Service, 1997.
- ³¹ The Court's ruling was in terms of the Interim Constitution.
- ³² See the Judges' Remuneration and Conditions of Employment Act No. 88 of 1989 (as amended) and section 176 and 177 of the final Constitution.
- ³³ Established by the interim Constitution as a 17 - 19 member Commission, the final Constitution confirmed its role and expanded its membership to 23-25 members, with the additional members being drawn from the National Assembly and the National Council of Provinces.
- ³⁴ Judge Mohamed was the first Black appointee to the then Supreme Court. His appointment was preceded by "one of the most divisive rows to hit the judiciary since the 1950s" with more than 100 judges, including, it seems, all but one Appellate Division judge, backing Judge van Heerden against Judge Mohamed. It is believed that five out of nine of the judge presidents called meetings of their members to lobby for Van Heerden (Mail and Guardian September 20, 1996).

- ³⁵ The JSC had to decide on three new provincial judge presidents and in all three provinces Black candidates stood against White candidates who had considerably more experience than their Black counterparts. The controversy was the most public and acrimonious in Kwazulu-Natal where judges took the unprecedented step of petitioning against the Black nominee.
- ³⁶ Chapter 9 of the Constitution is titled, "State Institutions Supporting Constitutional Democracy." They are: the Public Protector; the South African Human Rights Commission; the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities; the Commission for Gender Equality; the Auditor-General; the Electoral Commission; and the Independent Broadcasting Authority.
- ³⁷ A report in the commission's 1997/8 annual report indicates the success the commission often enjoys in following up on complaints of racism. Complaints of racism related to promotion, access to equipment and generally racist treatment by the more senior officers were received from Black ambulance workers stationed at the fire station in the small town of Brits. A meeting was held between the commission and the town council, which resulted in a transformation process being put in place and a Black officer being appointed to head a new unified protective services department. The SAHRC was asked to assist the head of Brits community services both with advice and in running workshops to sensitize staff members to human rights issues (SAHRC Annual Report 1997-1998, 28).
- ³⁸ This investigation arose from a complaint lodged against two particular newspapers by the Black Lawyers Association, and the Association of Black Accountants of South Africa.
- ³⁹ The 'National Norms and Standards for School Funding'.
- ⁴⁰ Chapter 2 of the Constitution.
- ⁴¹ Other employers may elect to become designated employers or may agree to become designated employers as a result of a collective bargaining process.
- ⁴² The schedule to the Constitution dealing with transitional arrangements determines that this legislation must be enacted within three years of the Constitution coming into effect (i.e. by 4th February 2000).
- ⁴³ Section 9 of the Constitution prohibits discrimination on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- ⁴⁴ *The Saturday Argus*, March 27-28, 1999.

REFERENCES

Business Day newspaper, 29 March, 1999.

Cape Times newspaper, 26 March, 1999.

General Council of the Bar of South Africa (1997) Submission to the Truth and Reconciliation Commission, 22 October, 1997.

Green Paper on a Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service (1997).

Green Paper on a New Employment Policy for a New Public Service (1997).

Haarmann, D., "From State Maintenance Grants to a New Child Support System" (1998) University of the Western Cape.

James, W. and Levy, M., "Pulse" (1998), Idasa.

Liebenberg, S. and Tilley, A., "Poverty and Social Security in South Africa" (1998).

Mail and Guardian newspaper, September 20, 1996.

National Norms and Standards for School Funding, 1998, Department of Education.

O'Regan, C., "The Challenge of Diversity, the Advancement of Women in the Legal Profession" (1997), Annual Meeting of the SA Association of University Women.

Oscar, J., "Jurisprudence and Social Justice in the New South Africa" (1998), Idasa.

PIMS Monitor Volume 1-2 (1997 and 1998), Idasa.

Presidential Review Commission Report, 1998.

SAHRC Newsletter, March-April, 1999 "Kopanong."

SAHRC Annual Report: 1997/98

SAHRC Report: "Racism, 'Racial Integration' and Desegregation in SA Public Secondary Schools" (1999).

SAHRC Equality Unit: The Prevention and Prohibition of Unfair Discrimination Bill.

SANGOCO Background Paper for the Poverty Hearings.

Saturday Argus, March 27-28, 1999.

Skweyiya, ZST Press Briefing (1998).

Solomon, D., "Local Government in South Africa: Challenges and Solutions" (1998) Idasa.

Statute Books Volumes 1 – 3 (1994 – 1996), Idasa.

Van der Berg, S., "South Africa Social Security under Apartheid and Beyond" (1997), Development Southern Africa, Vol. 14, December 4, 1997.

White Paper on Local Government (1998), Ministry for Provincial Affairs and Constitutional Development.

White Paper on the Transformation of the Public Service (1995), Ministry of Public Service and Administration



© Ricardo Funari / RF2

Forms of Black Political Response in Brazil

By George Reid Andrews

By now we all know: Brazil is not, and never has been, a “racial democracy.” To the contrary: on most social and economic indicators, Brazil is a country of marked racial inequality, and has been so for the last 500 years. Slavery lasted longer in Brazil, and enslaved more Africans than in any other country in the Americas; racist images and stereotypes pervade Brazilian culture at both the popular and elite levels; and gaps between Black and White achievement in education, earnings, life expectancy, and other areas remain large and widespread.¹

Afro-Brazilians have responded to those inequalities, and to their generally subordinate position in Brazilian life in a variety of ways. That variety is explained in part by historical changes over time, and by the differences in conditions of Black life in the 1700s, the 1800s, and the 1900s. But equally important in explaining different forms of Black response are variations and differences within the Black population itself. As a social group, Afro-Brazilians are far from monolithic; rather, over time they have been a highly variegated population divided along numerous dimensions: by class, by gender, by national (African or Brazilian) and regional (within Brazil) origin and residence, and even by color, between “Browns” and “Blacks.”

It is these divisions, in part, that have prevented the realization of a goal often articulated by Afro-Brazilian activists but never achieved: the creation of a unified Black political movement to combat racial inequality and racism.² While claiming to speak for the Black population as a whole, each such movement has in fact been drawn from specific subgroups within that population and has pursued goals that are of interest mainly to those groups. As a result, the social base of the various Black movements, both historical and contemporary, has remained quite limited, and the movements themselves politically powerless.

Black and Brown Brazilians have participated in more than just racially defined movements, however. They have also joined in mobilizations and protests organized not around race but around issues of class, region, political ideology, or other concerns. We can thus distinguish between two types of Afro-Brazilian political response, which we might tentatively label as “racial” mobilization and “non-racial” mobilization. Of those two, non-racial forms of mobilization have undoubtedly had greater impacts on Brazilian politics in general. Somewhat surprisingly (given that this is not their primary area of interest), they have also had greater impacts in the racial arena as well, particularly in terms of reducing racial inequality over time. Thus, this essay will argue, it is non-racial movements (usually class-based) that actually offer the greatest possibilities for successfully combating racial inequalities in present-day Brazil.

Both racial and non-racial political mobilization, however, tend to be undercut by a third form of Afro-Brazilian response, which is to try to escape the effects of poverty and marginalization by cultivating patron-client ties with powerful elite protectors. This survival tactic is a bedrock feature of Brazilian society and politics and is actively pursued by members of the White working and middle class, as well as by Afro-Brazilians. But it is particularly pervasive among the Black population, in part because of widespread poverty and powerlessness among Afro-Brazilians, and in part because patronage and clientelism are direct historical legacies of slavery.

Black responses to slavery

More than any other country in mainland North or South America, Brazil’s history was shaped and determined by the experience of African slavery. Between 1550 and 1850, Brazil received more slaves from Africa than any other New World society: between 4 and 5 million, nearly ten times as many Africans as came to the United States. By the end of the colonial period (1822) Brazil’s population was two-thirds Black and mulatto, and less than one-third White (Indians accounted for the remaining 3 percent).³

Despite constituting the majority of the national population, people of African ancestry occupied a position of acute social and economic inferiority in Brazil. Most people of color were enslaved, and even those who were not remained subject to Portuguese “caste” laws that severely restricted the rights and freedoms of non Whites. The economic structures of plantation agriculture further oppressed the Black population, both slave and free, by concentrating wealth and political power in the hands of a small landowning and mercantile elite, the members of which were almost entirely White.⁴

As we will see, many slaves sought to escape or overturn slavery through flight or violent rebellion. Most escapes ended in recapture and punishment, however; and all rebellions ended in defeat. As a result, most slaves—indeed, most Brazilians, regardless of race—concluded that the most effective way to improve their lot in life was not by mobilizing against their masters, but rather by cultivating good relations with them and appealing for their help and protection. Good relations with one’s master could make life under slavery somewhat more bearable; and it was an essential precondition for legally “escaping” from slavery by obtaining a grant of freedom, which could only come from one’s owner. Slaves who accumulated enough money (usually by working for cash during their “free” time) theoretically had the right to buy their freedom. But hostile masters could fight such a purchase in the courts, delaying it for years; so slaves pursuing this route to freedom were well advised to remain on good terms with their master.

Even after gaining freedom, most former slaves continued to cultivate such ties. Indeed, by law, freedmen and women were required to show “respect” for their former owners at all times; if they failed to do so, they were subject to re-enslavement. In practice, this clause of slave law was seldom, if ever, enforced; but there were other good reasons for former slaves to maintain patron-client ties with former masters. The world of the rural and urban poor was not an easy one, and help and assistance from a former master or the master’s family could make an enormous difference in the daily struggle for survival. And for advancement upward in the society, it was absolutely essential. As historian Emilia Viotti da Costa observes, in 19th century Brazil “politicians did not succeed in their careers, writers did not become famous, generals were not promoted, bishops were not appointed, entrepreneurs were not successful[,] without the help of a patron.”⁵ None of the successful Afro-Brazilian figures of the 19th century (of whom there were many, in the arts, the professions, and in national politics) could have risen as high as they did without the help of powerful friends and protectors.⁶

Every society has its own version of patron/client ties through which elites offer protection and “favors” to their clients in return for reciprocal “favors” and loyalty. But as a result of Brazil’s intense experience with slavery, hierarchical social relations of this sort became a fundamental organizing principle in Brazilian society, in which “the favor is our nearly universal mediation.”⁷ One effect of such vertical social networks (i.e., networks extending from the top of society down to the bottom) is to discourage the formation of horizontal social and political mobilizations. Clients pledge primary loyalty to their patrons rather than to mass-based social movements, and political and social competition is then fought out among competing

clienteles, rather than, for example, among movements based on social class. And while those struggles can advance the interests of individual patrons and their clients, they leave untouched the structures of privilege and inequality that consign most clients to poverty.

Certainly this was the case under slavery, which flourished in Brazil for more than 300 years, longer than in any other New World society. Slavery survived so long in part because of constant vigilance and repression carried out by slave-owners and the state; but slavery's longevity was also in part the consequence of divisions within the Black population itself, and the resulting inability of that population to unite effectively against the institution. One such division was that between slaves and free people of color, many of the latter of whom were themselves slaveowners and thus had a direct stake in the continued exploitation of the slaves.

This division between slaves and free Blacks in turn tended to parallel, and be reinforced by, the division between Africans (most of whom were "Blacks" and slaves) and native-born Afro-Brazilians (most of whom were racially mixed "Browns," or mulattos, and free). But the division between Africans and Afro-Brazilians was defined by more than just legal status (slave or free) and color. Afro-Brazilians, whether slave or free, were far more closely connected to Portuguese culture, religion, and language than were Africans, who even after arrival in Brazil continued to speak their own languages, worship their own gods, and sing and dance to their own distinctive music. Furthermore, while the native-born Black population had a normal gender balance (i.e., a slight majority of females), the African population was overwhelmingly male. The ships of the African slave trade brought approximately twice as many males to Brazil as females; most of those males were adolescents or young adults, all of them angry and unhappy about their deportation to Brazil, and many of them with previous military experience in slaving wars in Africa.⁸

Because of their familiarity with Brazilian culture and their knowledge of how to work within its confines, Afro-Brazilians were much more likely than Africans to follow the classically Brazilian "vertical" strategy of cultivating powerful patrons. Africans, by contrast, were more likely to organize "horizontally" against slavery and to engage in more violent and radical forms of resistance. One such form was the clandestine settlements (known in Brazil as *mucambos* or *quilombos*) created by runaway slaves as shelters and refuges. The largest and best-known such settlement was Palmares, a federation of West African-style

villages in the mountainous interior of Alagoas province. Created by slaves who had escaped from the sugar plantations of Pernambuco and Bahia, Palmares came into existence at the beginning of the 1600s and grew by mid-century to more than 10,000 people. During the second half of the century, the Portuguese sent repeated military expeditions against the villages; not until the 1690s were they finally taken and destroyed.

No other *quilombos* achieved the size or duration of Palmares; most were small (100-200 people or less) and lasted just a few months or years. But they proliferated by the hundreds in the plantation zones of the Northeast and Rio de Janeiro, in the gold mining areas of Minas Gerais, and even in the Amazon Valley.⁹

Present-day Black activists look back to them as heroic examples of Black struggle against oppression, which indeed they were, and as models for present-day Black mobilization.¹⁰ But though colonial and 19th century slave-owners and authorities took them quite seriously, and expended considerable effort in combating them,

the *quilombos* did not pose a major threat to the slave regime and played little role, if any, in bringing slavery to an end. Some historians have even suggested that the *quilombos* may have unintentionally reinforced the slave regime by providing an "escape valve" for those slaves most inclined to violent resistance. Such individuals could "infect" (from slaveowners' point of view), or inspire, other slaves with their rebellious spirit; thus the slave regime actually benefited by the removal of these potential rebels from the plantations. Escaped slaves did represent a financial loss to owners, as did the periodic thefts and raids of the runaways. But slavery as a system proved able to absorb those costs, as well as the costs of hunting down runaways and destroying the settlements, while still remaining profitable and continuing to grow.

Another early form of Black mobilization, that of slave rebellion, had somewhat greater impacts on slavery. During most of the colonial period, such revolts were small, generally confined to individual plantations, and quickly repressed. As the numbers of Africans imported into Brazil increased during the late 1700s, so, too, did the frequency of such rebellions. And as slave imports reached their highest levels ever, between 1800 and 1850 (1.7 million Africans arrived in Brazil during that half-century, the same number as during the entire 1700s), the plantation zones of the Northeast were swept by a wave of slave uprisings, many of them large in size and involving slaves from multiple plantations. Between 1807 and 1835, the Northeastern province of Bahia was shaken by no fewer

*By now we all know:
Brazil is not,
and never has been,
a "racial democracy."*

than 15 such uprisings, the last of which was a full-scale assault by Yoruba Muslims on the capital city of Salvador. In Maranhão, Pernambuco, and Pará, thousands of slaves rose up during the 1820s and 30s as part of a wave of republican uprisings that swept through the Northeast at that time. And though the inland province of Minas Gerais was for the most part spared such incidents, its slaveowners had some nervous moments in 1822, when 15,000 slaves marched on the provincial capital of Ouro Preto to demand their freedom, which they assumed would be granted them as part of Brazil's declaration of independence.¹¹

Like the earlier rebellions of the 1700s, these slave revolts (or, in the case of Minas Gerais, mass demonstrations) of the early 1800s were quickly put down. Their only immediate impact on slavery was to further tighten the vigilance of authorities and overseers. Recent research, however, has suggested that these early 19th century rebellions did in fact play a role in the 1850 abolition of the African slave trade to Brazil, the crucial first step in the eventual abolition of slavery. Slaveowners and policymakers couldn't help noticing that slave rebellion had intensified during and immediately after the decade in which the largest number of Africans ever had arrived in Brazil: the 1820s, during which 430,000 Africans entered the country. After a lull in the slave trade during the 1830s, imports of Africans increased again in the 1840s (to 378,000). Brazilian lawmakers now began to worry about another wave of possible African-based rebellion; and these fears, combined with diplomatic and military pressure from Great Britain, led the Brazilian Parliament in 1850 to finally end the importation of slaves from Africa.¹²

Abolition of the slave trade was an essential first step in the eventual elimination of slavery; in provoking that first step, African slave rebellions did have an impact on the institution that they were struggling against. But that impact was by no means immediate, and took over half a century to have its effect. In the meantime, all the rebellions of the 1820s and '30s were ruthlessly put down, in large part because they received support only from the African slave population. Native-born Brazilians, whether White or Black, found the explicitly African content of these rebellions alienating and frightening. Free Afro-Brazilians actively opposed them; and even slave Afro-Brazilians tended to hold back from them, sometimes informing on the Africans' conspiracies to the authorities.¹³

The African rebellions thus failed, in part, because they did not represent the Black population as a whole, or even the slave population as a whole. As a result, though the rebellions did play a role in bringing slavery to an end, that role was indirect and long-term rather than immediate. Slavery was finally eliminated in the 1880s, not through "racial"

mobilization, but rather through a multi-class, multiracial, mass-based mobilization: the abolitionist movement.

Based in major towns and cities, the abolitionists drew their support from the urban middle and working classes and from Whites (both native-born and immigrant), free Blacks and Browns. Under pressure from abolitionist agitation (as well as from Emperor Don Pedro II, who was openly abolitionist in his sympathies), Parliament passed a law of gradual emancipation in 1871, under which the children of slave mothers would obtain their freedom upon reaching the age of majority. But this was as far as the landowners who controlled Parliament were willing to go; so during the 1880s, the abolitionists followed an increasingly radical approach, moving outside the formal political system to agitate directly among the slave population. Abolitionist agents circulated through the plantation zones, urging slaves to flee their owners and make their way to towns and cities, where members of the movement would shelter them and protect them from the authorities. During 1887 and early 1888 tens of thousands of slaves fled their plantations in São Paulo, Rio de Janeiro, and Bahia. Faced with the de facto collapse of slavery, Parliament approved final abolition on May 13, 1888.¹⁴

This was an absolutely revolutionary achievement, as most of those involved recognized. Not only had Brazilians done away with the institution on which the country's society and economy had been based for the previous 300 years, but they had done so as the result of a mass-based social movement bringing together slaves, Whites, and free Blacks. "Quite rare in our land, the executive branch being the mere executor of a decree by the people," noted a São Paulo newspaper the day after abolition.¹⁵ So remarkable was this achievement that it moved landowners to band together the following year, in 1889, to overthrow the monarchy and replace it with a republican form of government in which landowners wielded even greater power than before. But that is another story. For our present purposes, what is important to note is that slave mobilization alone had been insufficient to overturn slavery. Rather, it had taken a multiracial, cross-class movement to achieve this goal, and in so doing to produce the greatest social, racial, and economic reform of Brazil's 19th century. Multiracial movements would prove to be similarly powerful in the 1900s as well.

Black responses to freedom

During the 1800s slavery had been the central challenge confronting Brazil's Black population, and, indeed, Brazilian society as a whole. That issue having been resolved in 1888, the challenge now shifted to defining the

terms on which Afro-Brazilians would take part in national life. As they organized to confront these new conditions, people of color again faced the choice between racial and non-racial forms of mobilization.

Probably the best-known examples of racial mobilization during the 1900s have been the Black civil rights movements of the 1920s and 30s (most notably the Frente Negra Brasileira), and the larger such movements of the 1970s, 80s, and 90s. The earlier movements had no impacts whatsoever on national politics, and only modest impacts even within the Black population. The more recent movements have had considerably greater repercussions, forcing a nation-wide debate on the concept of “racial democracy,” and then lobbying successfully for the adoption of anti-racist legislation at the federal, state, and local levels. Federal, state, and municipal governments also created a number of programs and agencies aimed at promoting the integration of the Black population into national life.¹⁶

Despite these achievements, even the Afro-Brazilian activists themselves have concluded that their movements fell far short of their original goals and that much of the official state effort against racism remains at the level of rhetoric rather than concrete action. Thus, for example, the federal

Palmares Foundation, created in 1988 with the goal of increasing “the Black presence in all the sectors of leadership in this country,” has been hamstrung by its miniscule budget and staff; the greatly strengthened penalties for racial discrimination incorporated into the Constitution of 1988 have been applied in only a handful of cases; and President Cardoso’s recent (1996) proposals for federal affirmative action programs have been ignored by Congress and are unlikely ever to be enacted into law.

These shortcomings reflect in part the tremendous resistance of the Brazilian political system, even under current conditions of electoral democracy, to meaningful social reform. But they also reflect the weakness of the Black civil rights movement itself, and its failure to attract popular support beyond a very small constituency based mainly in the Afro-Brazilian middle class. This class is not numerically insignificant: by the late 1980s, almost 3 million Afro-Brazilians had graduated from high school (a relatively high level of educational attainment in Brazil), and another half million from college. Almost three million people of color worked at professional or white-collar positions.¹⁷ Studies of vocational and earnings inequality in Brazil have shown that it is these middle-class Afro-Brazilians who face

the most systematic and overt forms of discrimination. As they try to make their way upward in the Brazilian class structure, they run repeatedly into racial barriers that simply do not apply to Whites of comparable education and experience. As a result, it is among members of the Black middle class that the civil rights movement finds its strongest support.¹⁸

But that middle class constitutes only about 10 percent of the total Black population; and even among middle-class Afro-Brazilians, attitudes toward the civil rights movement are very mixed. Many upwardly mobile Blacks, having achieved a certain measure of success in Brazilian society, have no desire to jeopardize that success or to call attention to themselves by loud and vocal protests. In the words of one such individual, a former São Paulo city councilman, “I’m not going to upset a situation that, for better or worse, is good.”¹⁹

Among poor and working-class Afro-Brazilians, attitudes are much less ambivalent: the overwhelming majority

know nothing about the civil rights movement and its work and, to those who have heard of the movement, its concerns and rhetoric seem largely irrelevant to their daily lives, in which problems of poverty, crime, and inadequate public

services loom much larger than the vaguer, more diffuse problem of racism. In confronting these challenges, lower class Afro-Brazilians are more likely to turn, not to a weak and powerless Black movement, but rather to movements and institutions that can provide concrete assistance in helping them meet those daily problems.

The most important of those movements, I would argue, and the one that has had the greatest impact in reducing levels of racial inequality in 20th century Brazil, is the labor movement and the political parties based on that movement. Unlike their counterparts in the United States and South Africa, Brazilian unions and labor activists recognized quite early the necessity of organizing Black and White workers together in a common, cross-racial cause. To do otherwise by excluding or privileging either group would provide employers with a divisive wedge that they would not hesitate to use; so from its very beginnings at the turn of the century, unions and organizers in Brazil actively sought the inclusion of Blacks and Whites in a mass-based, multiracial movement.²⁰

Unions wielded little effective power in Brazil until the 1930s, when President Getúlio Vargas openly recruited worker support for his populist regime with a wave of

... [E]ven among middle-class Afro Brazilians, attitudes toward civil rights are very mixed.

reforms— collective bargaining, a minimum wage, social security, state-provided medical care, paid vacations, and other social programs— unprecedented in Brazilian history.²¹ As Vargas' Brazilian Labor Party sought to further expand social services during the 1950s and '60s, Black and White workers benefited accordingly. Vargas himself was acclaimed by workers as "the Father of the Poor," and, since Afro-Brazilians were more likely than Euro-Brazilians to be working-class and/or poor or to have come from such a background, they developed a particularly strong identification with him and his regime. Polls taken in Rio de Janeiro in 1960 showed not only higher levels of support for the Labor Party among Black workers than among White workers, but also higher levels of support for the party among members of the Black middle class (61 percent of whom favored the Labor Party) than among members of the White middle class (only 29 percent of whom favored the party).²²

The success of the labor movement at obtaining state benefits for its constituents, and possibly even the beginnings of a modest redistribution of wealth in Brazilian society, were part of the motives for the military overthrow of electoral democracy in 1964 and the installation of the authoritarian dictatorship that lasted until 1985.²³ During that 21 year period the military government intervened directly in the labor movement and subjected it to strict state control. In response, workers in the industrial zones of the Southeastern states created an independent "new union" movement during the late 1970s. These independent unions in turn formed part of a larger nation-wide campaign for a return to democracy; and as Brazil made its gradual transition back to democratic rule in the early 1980s, the "new unions" came together to create a new labor-based party, the Workers Party. At the same time, the old Labor Party, banned in 1964, reappeared in the form of the Democratic Labor Party. In keeping with the longstanding multiracial character of the labor movement, both parties placed racial equality high on their list of policy priorities. It is no coincidence that the most prominent Afro-Brazilian politicians of recent years— e.g., Alceu Collares and Albuino Azeredo, former governors (1990-94) of Rio Grande do Sul and Espírito Santo; or Benedita da Silva and Abdias do Nascimento, former senators from Rio de Janeiro— are almost all members of those two parties.

Nor is it coincidental that, as a group, successful Afro-Brazilian politicians tend not to have close ties to the Black civil rights movement. Of those just mentioned, only

Senator Nascimento had a career of civil rights activism. Senator da Silva does maintain close ties to the civil rights movement, but Collares and Azeredo do not; nor does former governor of Alagoas (1990-94), João Alves, or recently elected (1996) São Paulo Mayor Celso Pitta, both members of right-wing parties. These politicians recognize that the Black movement can deliver few if any votes or any other form of political support. At the same time, identifying with the Black movement can cost Black politicians significant support among voters already disinclined to vote for Black candidates and further alienated by what they perceive as racial militance violating the spirit of Brazil's "racial democracy."

Past, present, future

Thus in the 1900s as in the 1800s, movements ostensibly representing the Black population, as a whole, in fact represented specific sub-groups of that population— though, interestingly, subgroups at opposite ends of the social spectrum. In the 1800s, quilombos and slave rebellions drew their support from the lowest stratum of the Black population: African slaves. In the 1900s, by contrast, racial movements have been drawn mainly from, and have appealed mainly to, the

most educated, upwardly mobile members of the Black population.

Both in the 1800s and in the 1900s, however, most Black and Brown Brazilians have refrained from joining racial movements and instead have been more likely to take part in multiracial movements, parties, or other forms of protest. This has made those movements far more powerful than racially defined organizations and in turn has enabled them to have far greater impacts on Brazilian society and politics.²⁴ And as the labor movement in particular has promoted programs and policies aimed at improving the lives of poor and working-class Brazilians, Afro-Brazilians have benefited disproportionately, for the simple reason that they are disproportionately represented among the poor and working class.

Thus the interests of the great majority of Brazil's Black population, I believe, will be more effectively served by a close association with the labor movement and other class-based movements than by joining racially defined organizations. This is not to say that there is no place or no need for continued racial mobilization. The grievances of the Black middle class are real, not imaginary; and members of that class need a champion to speak out on

... [M]ost Black and Brown Brazilians have refrained from joining racial movements ...

their behalf. Furthermore, just as the slave rebellions of the 1800s played an indirect, long-term role in the eventual abolition of slavery, so, I believe, has the Black movement of the late 1900s helped alter the future of Brazilian race relations by forcing a national critique and rejection of the myth of racial democracy. For decades that myth played a central role in obscuring the true nature of race relations and racial inequalities in Brazil. The national debate that has taken place in recent years over whether Brazil is in fact a racial democracy has led to the inescapable conclusion that it is not; this in turn has led to discussion of how Brazil might set about creating real racial democracy and equality, which in turn creates the possibility of genuine change and transformation in the years and decades to come. And just as the Black movement's agitation and demands were the necessary motive force behind that debate, so will its continuing presence be necessary to keep the question of race on the national political agenda.

But like the gradual abolition of slavery, the gradual transformation of Brazilian race relations will be a long (longer than abolition, most likely) and extremely difficult process, with few if any immediate, tangible rewards. In the meantime the classically Brazilian (and Afro-Brazilian) response to inequality, the cultivation of patron-client relations, will remain very much in effect, undercutting both forms of Black mobilization, racial and non-racial. Poor and working-class Afro-Brazilians must meet their needs for food, jobs, housing, health care, education, and other public goods now, today, not in some distant future. For these people, concludes a recent anthropological study of a majority-Black favela in Pernambuco, "poverty and chronic scarcity make individually negotiated relations of dependency on myriad political and personal bosses ... a necessary survival tactic." Under these "relations of dependency," clients deliver their votes to their patrons in return for jobs, food, medicine, or other "favors." Since, patrons who cannot deliver those goods are of no use to clients, the faveladols consistently side with those candidates who look most likely to win, regardless of their party affiliation and platform, and "avoid association with likely losers, even if the 'weaker' candidate has expressed solidarity with their class. As [one informant] qualified her support of local political leaders, 'If you're going up, I'll tag along with you. If you're going down, *adeus*, you can go without me.'"²⁵

Particularly in rural areas and the Northeast, poorer regions of the country where the population is disproportionately Afro-Brazilian, parties, politics, and voting continue to be organized, not around programmatic platforms or promises of reform, but rather around the distribution of "favors" and pork-barrel benefits to ones clients. And because of its immense effectiveness, this conservative, patronage-based style of politics dominates Brazilian politics, not just at the

regional level, but at the national level as well. All three presidents elected since 1985 (indeed, since 1965)—José Sarney, Fernando Collor, and Fernando Henrique Cardoso—owed their elections to votes provided by the patronage machines of the Northeast. Their resulting indebtedness to those conservative interests and the strength of those interests in Congress effectively undercut the social and economic reforms proposed by the "new social movements" of the 1980s—including the Black movement—and incorporated in the Constitution of 1988. Though nominally the law of the land, these reforms were systematically gutted by subsequent enabling—or disabling—legislation, by lack of appropriations, or by simple lack of enforcement.²⁶

As already suggested above, conservative, patronage-based politics work to reinforce the very inequalities of wealth and opportunity that Afro-Brazilians are struggling so hard to escape. The only hope for overturning those inequalities, including racial inequalities, lies in a rejection of clientelism and the creation of a new, class-based politics free of control by traditional elites. The obstacles standing in the way of such a political project are enormous. But the historical record of the abolitionist movement in the 19th century, and the labor movement in the 20th, proves that mass-based social movements of this sort are not impossible, and that, when realized, they have the potential to bring profound changes to Brazilian politics and society. The historical record also suggests that poor and working-class Brazilians have been much more willing than their United States or South African counterparts to join together across racial lines in the construction of such movements. In this sense Brazil has proven itself to have at least some of the elements of a genuine "racial democracy." If Brazilians can continue to come together to create new multiracial movements in the future, perhaps they will succeed in becoming the most truly "racially democratic" of the societies examined in this volume.

¹ See, for example, Pierre-Michel Fontaine, ed., *Race, Class and Power in Brazil* (Los Angeles, 1985); George Reid Andrews, *Blacks and Whites in São Paulo, Brazil, 1888-1988* (Madison, 1991); George Reid Andrews, "Racial Inequality in Brazil and the United States: A Statistical Comparison," *Journal of Social History* 26, 2 (1992), 229-63; Cleusa Turra and Gustavo Venturi, eds., *Racismo cordial: A mais completa análise sobre preconceito de cor no Brasil* (São Paulo, 1995); France Winddance Twine, *Racism in a Racial Democracy: The Maintenance of White Supremacy in Brazil* (New Brunswick, 1998).

² The name of the most important Black political organization of the 1980s, the Unified Black Movement (Movimento Negro Unificado-MNU), embodies this goal. But the MNU, like other Afro-Brazilian organizations created at that time, proved to be weak and marginal, exercising very little influence either on Brazilian politics or among the Black population.

- ³ On the African slave trade to Brazil, see Philip D. Curtin, *The African Slave Trade: A Census* (Madison, 1969); Robert Conrad, *World of Sorrow: The African Slave Trade to Brazil* (Baton Rouge, 1986); David Eltis, *Economic Growth in the Ending of the Transatlantic Slave Trade* (New York, 1987). Population figures from Dauril Alden, "Late Colonial Brazil," in Leslie Bethell, ed., *Colonial Brazil* (Cambridge, 1987), 290. By way of comparison, the population of the United States in 1820 was 82 percent White and 18 percent Black and mulatto. Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York, 1974), 136, 397, 399.
- ⁴ On Brazilian slavery, see Stuart B. Schwartz, *Sugar Plantations in the Formation of Brazilian Society: Bahia, 1550-1835* (Cambridge, 1985); A.J.R. Russell-Wood, *The Black Man in Slavery and Freedom in Colonial Brazil* (New York, 1982); Robert E. Conrad, *Children of God's Fire: A Documentary History of black Slavery in Brazil* (Princeton, 1982); Katia Queiros de Mattoso, *To Be a Slave in Brazil* (New Brunswick, 1986).
- ⁵ Emilia Viotti da Costa, *The Brazilian Empire: Myths and Histories* (Chicago, 1985), 190; see also Richard Graham, *Politics and Patronage in Nineteenth-Century Brazil* (Stanford, 1990).
- ⁶ Gilberto Freyre, *The Mansions and the Shanties: the Making of Modern Brazil* (rpt., Berkeley, 1986), 354-99; Herbert S. Klein, "Nineteenth-Century Brazil," in David W. Cohen and Jack P. Greene, eds., *Neither Slave nor Free: The Freedmen of African Descent in the Slave Societies of the New World* (Baltimore, 1972), 309-34.
- ⁷ Roberto Schwarz, *Ao vencedor as batatas* (São Paulo, 1977), 16.
- ⁸ On these African/Creole divisions within the slave population, see Schwartz, *Sugar Plantations*, 330-53; João José Reis, *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia* (Baltimore, 1993), 139-59.
- ⁹ João José Reis and Flávio de Santos Gomes, eds., *Liberdade por um fio: História dos quilombos no Brasil* (São Paulo, 1996).
- ¹⁰ See, for example, the films *Ganga Zumba* (1963) and *Quilombo* (1984); or Abdias do Nascimento, *O quilombismo* (Petrópolis, 1980). On the national commemoration of the 300th anniversary of the fall of Palmares, see *Questões de Raça* 4 (June 1996).
- ¹¹ Clóvis Moura, *Rebeliões de senzala* (3rd ed., São Paulo, 1981 [1957]), 85-162; Reis, *Slave Rebellion in Brazil* 40-69; Costa, *Brazilian Empire*, 140. In addition to the 15,000 slaves at Ouro Preto, another 6,000 marched on the mining town of São João del Rei.
- ¹² Dale Graden, "An Act 'Even of Public Security': Slave Resistance, Social Tensions, and the End of the International Slave Trade to Brazil, 1835-1856," *Hispanic American Historical Review* 76, 2 (1996), 249-82.
- ¹³ Reis, *Slave Rebellion in Brazil*, 141-46.
- ¹⁴ Robert Conrad, *The Destruction of Brazilian Slavery, 1850-1888* (Urbana, 1972); Robert-Brent Toplin, *The Abolition of Slavery in Brazil* (New York, 1971).
- ¹⁵ Andrews, *Blacks and Whites in São Paulo*, 41.
- ¹⁶ On the movements of the 1920s and 1930s, see Florestan Fernandes, *A integração do negro na sociedade de classes* (3rd ed., São Paulo, 1978 [1965]), vol. 2, 7-115; José Correia Leite and Cuti [Luiz Silva], ... *E disse o velho militante José Correia Leite* (São Paulo, 1992); Jeferson Bacelar, "A Frente Negra Brasileira na Bahia," *Revista Afro-Ásia* 17 (1996), 73-86. On the more recent movements, see Michael Hanchard, *Orpheus and Power: The Movimento Negro in Rio de Janeiro and São Paulo, Brazil, 1945-1988* (Princeton, 1994); George Reid Andrews, "Black Political Protest in Brazil, 1975-1990," in George Reid Andrews and Herrick Chapman, eds., *The Social Construction of Democracy, 1870-1990* (London and New York, 1995), 218-40.
- ¹⁷ Fundação Instituto Brasileiro de Geografia e Estatística, *Pesquisa Nacional por Amostra de Domicílios-1987. Cor da população* (Rio de Janeiro, 1990), vol. 1, pp. 8, 10, 13, 18.
- ¹⁸ On how racism and discrimination affect members of the Black middle class, see Peggy Lovell, "Racial Inequality and the Brazilian Labor Market" (Ph.D. dissertation, University of Florida, 1989); Neusa Santos Souza, *Tornar-se negro: As vicissitudes da identidade do negro brasileiro em ascensão social* (Rio de Janeiro, 1983); and the interviews in Haroldo Costa, *Fala, crioulo* (Rio de Janeiro, 1982).
- ¹⁹ Andrews, *Blacks and Whites in São Paulo*, 176. For survey data showing high rates of opposition to the Black movement among well educated and well-to-do Blacks, see Ana Lúcia Valente, *Política e relações raciais: Os negros e as eleições paulistas de 1982* (São Paulo, 1986), 135.
- ²⁰ June Hahner, *Poverty and Politics: The Urban Poor in Brazil, 1870-1920* (Albuquerque, 1986), 98-105, 223-24; Andrews, *Blacks and Whites in São Paulo*, 60-66.
- ²¹ On these reforms and Vargas's labor policies, see John D. French, *The Brazilian Workers ABC: Class Conflict and Alliances in Modern São Paulo* (Chapel Hill, 1992).
- ²² Amaury de Souza, "Raça e política no Brasil urbano," *Revista de Administração de Empresas* 11, 4 (1970), 61-70.
- ²³ On this period, see Thomas Skidmore, *The Politics of Military Rule in Brazil, 1964-1985* (New York, 1988).
- ²⁴ This is why, to quote Brazilian sociologist Florestan Fernandes, Brazilian elites regard racial movements as "the worst kind of protest, after worker protest ..." Florestan Fernandes, *Circuito fechado* (São Paulo, 1977), 78; emphasis added.
- ²⁵ Nancy Scheper-Hughes, *Death Without Weeping: The Violence of Everyday Life in Brazil* (Berkeley, 1992), 472-73. Another Afro-Brazilian worker in Bahia describes her reasons for not supporting the PT: It is "one of the parties that wants to help ... but it's too weak to compete with the others and always loses, doesn't it?" Another reports that he never votes by party identification, but rather "for individuals that he knows and with whom he maintains a personal relationship." Regina Helena Gonçalves Pires, "Curuzu: Caminhos e descaminhos na construção do si mesmo e do outro" (unpublished MA thesis, Universidade Federal da Bahia, 1992), 92, 99.
- ²⁶ Frances Hagopian, *Traditional Politics and Regime Change in Brazil* (Cambridge, 1996); Scott Mainwaring, *The Party System Democratization in Brazil* (Stanford, forthcoming); Peter R. Kingstone and Timothy J. Power, eds., *Democratic Brazil* (Pittsburgh, forthcoming).



© Elisa Larkin Nascimento

Reflections On The Afro-Brazilian Movement, 1938-97

By Abdias do Nascimento and Elisa Larkin Nascimento¹

Our mission in this essay is to consider major phases of the Black movement's history in Brazil, narrating its rebirth and growth after the banishment of the Brazilian Black Front, from the time of the Black Experimental Theater to the present, evaluating the movement's ups and downs from the point of view of a protagonist and participant of the times and the struggle.

Not an easy task. The subject is broad enough to merit several volumes. However, it would seem justified to offer one view, admittedly fragmented and partial—the only kind possible in such a limited text—since the historical record of the Black movement in Brazil is still very precarious, offering young activists, the society at large, and researchers, in general, an extremely limited version of the facts.

The precariousness of the historical record results from the very nature of the collective life of a community destitute of economic and political power; a movement composed of organizations constantly suffering from instability and from lack of resources, infrastructure and physical space, not to mention support from other segments of civil society. Due to this precariousness wed to the ideology that managed for decades to convince Brazilians and the world that there is no racism in Brazil, the idea still prevails that the Afro-Brazilian community has little tradition of struggle. This notion is transmitted, not only by spokesmen of the “racial democracy” theory, but also, in a different way, by segments of the Black movement, who are convinced that Afro-Brazilian activism began in the 1970s. The Black community's need to reconstruct its own collective past in order to build its present and future better, along with the interest of Brazilian and international researchers, inspires us to offer this modest sketch of Afro-Brazilian activism. The limitations inherent in such an overview imply the necessary risk of omissions and gaps, for which we can only apologize in advance.

Black press, Brazilian Black Front, Afro-Campinas Congress

To begin this text with the Black Experimental Theater would be inadmissible, since we can understand that movement only as the heir and continuum of a struggle already in motion from the first moments of Brazil's formation. Indeed, Brazil never existed without Africans,² nor did Africans exist in Brazil apart from their struggles against slavery and racism. Afro-Brazilian activism was founded in the *quilombo*³ tradition that crosses through the entire colonial and imperial⁴ periods of Brazilian history, battering the slave economy's foundations until they crumbled (Larkin-Nascimento, 1980; Nascimento, 1989; Moura, 1972; Freitas, 1982; Pinaud et.al., 1987; Lima, 1981; Cuti, 1992). It continued in the abolitionist activism of Africans like Luiz Gama (Larkin-Nascimento, 1985; Lima, 1981; Pinaud et. al., 1987), and was expressed in the early decades of this century in the form of religious brotherhoods and recreational associations. In the early years of this century, the "Revolt of the Whip," led by the sailor João Cândido, shook the Navy for its racist tradition. This revolt was carefully omitted or obscured in official versions of Brazilian history, a fact denounced by Edmar Morel (1979) in his groundbreaking work on the episode.

Already in the teens, there appeared a Black press that remained very active, especially in São Paulo, with newspapers like *O Menelike*, *O Kosmos*, *A Liberdade*, *Auriverde*, and *O Patrocínio*. In 1920, *O Getulino* was born, founded by Lino Guedes to deal with matters of interest to the African community of Campinas, a growing industrial center in the interior of São Paulo State. *O Clarim d'Alvorada*, founded by José Correia Leite and Jayme de Aguiar in 1924, already heralded the cry of protest that was to crystallize in 1931 with the foundation of the Brazilian Black Front. The Front was a mass movement that protested against the racial discrimination excluding Blacks from the newly industrialized economy, and it spread to several corners of the nation's territory. Segregation in cinema and dramatic theaters, barbershops, hotels, restaurants, indeed, a whole series of centers of Brazilian life barred to Blacks, was the priority target of the Brazilian Black Front.

The Front continued its activism until 1938, when the New State dictatorship made all political activity illegal. But shutting down the Black Front did not mean paralyzing

Afro-Brazilian protest. A year later, the São Paulo police chief banned the traditional "footing," a Sunday stroll of African Brazilians on the sidewalks and streets adjacent to Direita Street in downtown São Paulo. White merchants, shopowners on this important commercial artery were complaining about the "Negro crowds" that blocked the view of store windows, and Commissioner Alfredo Issa issued an order banning this weekly Black entertainment. A commission of African Brazilians went to Rio de Janeiro in protest: Fernando Goes, the poet Rossini Camargo Guarnieri, a carnival organizer called Galdino, and me—Abdias do Nascimento. Since the press was under rigid censorship, there was little repercussion. The only indictment to get past the State censors was made by Osório

Borba, in the *Diário de Notícias* of Rio de Janeiro.

Protesting against the New State regime, I was condemned by the National Security Tribunal in Rio de Janeiro, and, on leaving prison in April 1938, I went to the town of Campinas with a fellow prisoner, Geraldo Campos de

Oliveira, to help organize the Afro-Campineiro Congress, along with Aguinaldo de Oliveira Camargo, Agur Sampaio, Jerônimo the typographer, and José Alberto Ferreira, among others. The goal of this Congress⁵ was to fight the racism and traditional segregation in that city and to evaluate the general situation of Blacks in the country. During one full week, we analyzed various aspects of Black Brazilians' living standards: economic, social, political, cultural. In one session, the organizers made an oath to return to Africa, to contribute to the fight for freedom in the Black continent, our ancestral land.

To cite only a few examples of other Afro-Brazilian organizations of the time, in Rio de Janeiro, there was the Brazilian Movement against Racial Prejudice, and in Santos, the Association of Colored Brazilians. Nationally, there existed the National Union of Colored Men. In 1942, E. Franklin Frazier published a message of this last group to its colleagues in the United States, calling for "a more intimate cultural community with our North American brothers" and making a moving indictment of the state of abandonment of Black Brazilians.⁶ In 1941, the José do Patrocínio Association was founded; it constituted the base from which the small Afro-Brazilian Education and Culture Movement (MABEC) was founded. This organization remained active until the end of the fifties. São Paulo witnessed the creation of the Negro Cultural Association, which promoted cultural activities with a

... Brazil never existed without Africans, nor did Africans exist in Brazil apart from their struggles against slavery and racism.

message in favor of the fight against racial discrimination. These activities were complemented by the traditional religious brotherhoods, Afro-Brazilian religious communities, and recreational associations.

The Brazilian Black Front embodied, without doubt, the major expression of Afro-Brazilian political consciousness at that time. Moving against the most obvious aspect of racism, the systematic exclusion of Blacks on the basis of race, it was an integrationist consciousness, seeking for Black people a place in "Brazilian" society, without questioning the Eurocentric parameters of that society or claiming a specific cultural, social or ethnic identity.

Black Experimental Theatre

At that time racial discrimination reigned absolute, and Blacks did not set foot in Brazilian theaters to watch plays or to act on stage. They entered the empty theater only at one time: to clean up after the all-White cast and audience. The Black Experimental Theater (TEN) was created to contest this discrimination, train Black actors and playwrights, and rescue and reconstruct a cultural tradition whose value had always been denied or relegated to ridicule: African heritage in its Brazilian expression.

Thus, TEN continued the tradition of protest and sociopolitical organization, but brought to it a new dimension: the demand of difference. No longer did Blacks seek only integration into "White" ruling society, assuming as their own the European cultural baggage imposed as "universal." TEN emphasized the need to recognize the value of African heritage and of Afro-Brazilian personality, valuing specific identity and demanding that difference be respected without being transformed into inequality. This new dimension of struggle was expressed in the slogan of "negritude." This was a reference not only to the French-language, African poetic movement, but to the whole idea of identification with African origin in the Brazilian context.

I once (1968:37,51) explained this double cultural and political dimension of TEN in this way:

When I founded the Black Experimental Theater in 1944, I intended to organize a kind of action that would at the same time have cultural meaning, artistic value and a social function. ... To begin with, there was the need to rescue Black culture and its values, attacked, denied, oppressed and distorted. ... Black people did not want isolated and paternalist help, as a special favor. They wanted and claimed a higher status in society, in the form of collective opportunity, for everyone, for a people with irrevocable historic rights ... the opening of real

opportunities for economic, political, cultural, social improvement for Blacks, respecting their African origin.

This vision implied a gigantic task. Where to start?

We started from scratch: we organized literacy courses in which factory workers, domestic servants, favela dwellers without definite professions, low-level civil servants and unemployed office boys held meetings at night, after their work days, to learn to read and write. Using the stage as a tactic in this process of educating Black people...under the efficient guidance of Professor Ironides Rodrigues...the TEN made its first members literate and at the same time offered them a new attitude, a criterion of their own that could help them seek, discover the space they occupied, within the Afro-Brazilian group, in the national context. (Nascimento, 1978: 257).

A small group, resolute and determined to begin the work of the Black Experimental Theater, decided to open with a production of that same play, *The Emperor Jones*. Unanimously, critics and "friends" counseled a more modest piece, a play that would not demand so much effort, dramatic expression and sophistication from a cast of newcomers, and, worse, Negro ones at that!⁷ Nevertheless, we opened with Aguinaldo Camargo playing Brutus Jones, hero of *The Emperor Jones*. Critics, who had been skeptical about the production of such a difficult play, unanimously confessed their surprise at the artistic quality of the show; the newspapers from the time record the avalanche of praise heaped on the Black Experimental Theater.

TEN produced many other shows, always with the same standard of artistic quality. It also stimulated the appearance of Black playwrights and of plays with Afro-Brazilian themes, heroes and protagonists.⁸

The true heroes were TEN's members. With no means to sustain this activity, they donated their efforts, energy and talents, in a word, their *axé*, to make possible the birth of a Black theater. The dedication and sacrifice invested by domestic servants, drivers, office boys, and working people who composed TEN's ranks are worthy of historic record, although space limitations prohibit their specific mention here.

Complementing its theatrical work, the TEN also organized visual arts contests, one of them on the theme of the Black Christ (1955), as well as beauty contests exalting Afro-Brazilian aesthetic standards. It sponsored several sociopolitical events of the Black movement and published the newspaper, *Quilombo*, each issue of which opened with a statement of "Our Goals." Item no. 5 reads thus: "to demand that the crime of racial and color discrimination

be defined in our codes of law.” Other items of TEN’s program included free schooling for all Brazilian children; subsidized admission of Black students in secondary schools and universities, where Blacks were barred by discrimination and poverty resulting from their ethnicity; the fight against racism by means of cultural and educational action; and correction of distortions inherent in the Eurocentric image of Africans and their history.

Afro-Brazilian Democratic Committee

Around the end of the war, TEN was operating out of borrowed space in the Flamengo Beach headquarters of the National Student Union, UNE, in Rio de Janeiro. But we needed a tool of political participation, so Aguinaldo Camargo, Sebastião Rodrigues Alves and I founded the Afro-Brazilian Democratic Committee (1945). It was a broad organization, including Whites and Blacks (most of the Whites came from UNE), but with the explicit statement of an Afro-Brazilian perspective. Our first goal was to fight for amnesty of political prisoners of the new state dictatorship.

This position, emphasizing Afro-Brazilian values, caused irritation among certain groups and individuals. We had the vigorous support of the leftist UNE members in our activities for the cause of amnesty and the restoration of democracy. However, when amnesty was finally won and the political prisoners (almost all of them White) were freed, UNE leftists refused to be involved in work specifically in favor of the Afro-Brazilian community; they said this would constitute “reverse racism.” We, the founders, were accused of racism and expelled. The Committee soon disintegrated, with no more cause to exist.⁹

The Left, in sum, enthusiastically accepted an Afro-Brazilian Democratic Committee that could be used for its political ends but rejected it as “racist” when it attempted to work toward the ends for which it was created. They could not accept the idea that Blacks have their own specific problems, independent analyses, and their own struggles within Brazilian society. In their view, we would have to bend to the guidance and direction of people unfamiliar with our situation and needs.

Not much later, a group of African Brazilians would engage in the founding of a department for Black community matters within the Brazilian Labor Party (PTB) of Guanabara State (now Rio de Janeiro State). This attempt at autonomy within a political party, entirely unprecedented, did not succeed at the time.

The National Convention of Brazilian Blacks and the Afonso Arinos Law

In 1945, TEN promoted the National Convention of Brazilian Blacks, which held its first meeting in São Paulo, and a second in 1946 in Rio de Janeiro. It was a community event of a political nature, without academic pretensions: a forum for Black people to deal with their emergent, socio-economic needs. In São Paulo, some 500 people attended; in Rio de Janeiro, more than 200.

At the end of discussions, the Plenary Assembly approved and published a Manifesto to the Brazilian Nation, containing six concrete demands. Among them was subsidized admission of Blacks in secondary and university educational institutions and the formulation of an anti-discrimination law, accompanied by concrete measures to prevent its becoming simply an empty and meaningless juridical proclamation.

The Manifesto was sent to all the political parties, and the Convention received the formal support of National Democratic Union, the Democratic Social Party, and the leader of the Communist Party, Luís Carlos Prestes. Based on the Manifesto, Senator Hamilton Noqueira brought a bill before the National Constituent Assembly of 1946 that would have put the prohibition of racial discrimination in the nation’s Constitution. The position of the Communist Party was then made clear: Claudino José da Silva, the only Black representative in the Assembléia and a federal Congressman representing the Communist Party, made a speech opposing the measure.¹⁰

The Communist Party was now against the measure on the grounds that it would “restrict the broader sense of democracy.” What kind of restriction the antidiscrimination law would impose on the broader sense of democracy, they did not make clear. They also alleged a “lack of concrete examples” of discrimination to justify such a law. Daily incidents against Blacks were so normal and commonplace that they received no attention from the press, and Brazilian society remained charmingly convinced that racial discrimination did not exist in Brazil. One year later, the Black North American anthropologist, Irene Diggs, was barred from the Serrador Hotel in Rio de Janeiro. This “example” merited some attention. It was reiterated in 1949, four years after the publishing of the Manifesto, when a group of actors from TEN were barred from a celebration at the Glória Hotel, despite holding invitations from the Brazilian Artists’ Association (sponsor of the ball) and from the hotel’s owner. Our insistent protest moved newspapers to cover this incident. But only in 1950, when the

famous African-North-American choreographer, Katherine Dunham, and the prodigious soprano, Marian Anderson, were barred from the Esplanada Hotel in São Paulo, would Brazil's "national leadership" begin to perceive the existence of "concrete examples." The National Black Convention's proposal, published five years earlier, was unearthed, and the legislation passed in Congress, ironically baptized with the name of Afonso Arinos, a White Congressman from one of the traditional families of the Brazilian national élite.

Afonso Arinos law, racism and "racial democracy"

In the form it was written and approved, this law had no value whatever in the sense of preventing racial discrimination. On the contrary, it contributed to the legitimization of the officially proclaimed Brazilian "racial democracy" by making an official legal statement of anti-racism.¹¹ An important aspect of its domesticating role lies in the fact that it has been characterized as a benevolent concession of White legislators and not as the fruit of a long struggle of Black people organized politically. This fact is characterized by the discourse of the bill's author himself, who censures the very existence of Afro-Brazilian organizations struggling for their rights. In the same year the law was passed, then Congressman Afonso Arinos stated the following (Última Hora, 14.12.1951) on the question of race relations in Brazil:

I've already had occasion to state my opinion on this particular aspect of the racial problem... the appropriateness of officializing the existence of Negro organizations or associations of Negroes. During the parliamentary debates of my bill, I sought to show the pernicious side of such congregations, the spirit of which the bill opposed with its concern to establish more positive foundations for integration of the black element in Brazilian social life.... the insistence on creating groups of colored men is the reverse side of the coin, for this will be, in the last analysis, a manifestation of black racism.

Another spokesman of "racial democracy," then Congressman Gilberto Freyre, declared to the Tribuna da Imprensa (19.07.1950), just after Katherine Dunham was barred:

It is clear that two kinds of racism are arising in Brazil, as rivals: the "racism" of Aryanists who, in general, are under the pressure of the current supremacy of Anglo-Saxon paragons in half the world, and the "racism" of those who, for political or party-related ends, seek to

oppose the racism of the "Aryanists" with that of a Brazilian Negro caricatured as North American. This second "racism" is, in general, inspired by individuals who are under the pressure, in Brazil, of the Communist mystique, not always easy to separate from the power of a Russia like Stalin's, as imperial as that of the United States.

This accusation of "reverse racism" would never stop pursuing us, from the left and from the right. To this day, the allegation of an imaginary Black racism serves as a slogan of those who seek to demoralize or delegitimize our struggle. Indeed, this is not only a Brazilian problem: it exists in Africa and the Diaspora, on the international level as well (Padmore, 1972; Nascimento, 1980; Larkin-Nascimento, 1981).

Brazilian Negritude

During the period in question in Brazil, this accusation was directed more keenly against TEN's almost unique position valuing the specific identity and cultural values of African origin. As the highest expression of this position, the theme of Negritude symbolized this stance, and its defenders were denounced as racists. Certain segments of the Afro-Brazilian movement that aligned with the left, and for that very reason had (and still have) much more visibility in the media and in the historical record, labelled us fascists, resorting to the classic allegation that to work for Black peoples' rights was to divide the working class. Almost entirely isolated, we of TEN were left in a very uncomfortable position, for the building of alliances always turned on the expectation that we should give up the affirmation of our own identity and specific struggle.

The National Conference of Blacks

The Black Experimental Theater organized the National Conference of Blacks (Rio de Janeiro, May 1949), with representatives from the country's various regions, to deal with concrete matters concerning the Black community and to raise the general consciousness with respect to the racist nature of conventional anthropological and sociological theorizing about Blacks, represented particularly in the Afro-Brazilian Congresses of the preceding decade.¹² The Conference was also a preparatory event for the First Congress of Brazilian Blacks.

First Congress of Brazilian Blacks

The objectives of the First Congress of Brazilian Blacks, organized in 1950 by TEN, were clearly articulated "to give

a very special emphasis to the practical and current problems of our people. In studies that have been performed about Blacks, the obvious purpose or the poorly disguised intention has always been to consider them something distant, almost dead, stuffed and displayed like a museum piece.”¹³

The discussions focused on several different themes: the need to organize and codify the work of domestic servants; proposals to organize literacy campaigns in the Black community, and especially in the favelas; and papers of varied nature on the forms racism takes in different parts of Brazil. The stenographic record of the debates portrays vividly the active participation of people from all different strata and sectors of the country's Black population, from marginalized factory workers to liberal professionals with advanced degrees, totalling 200 to 300 participants.

There is no doubt that the First Congress of Brazilian Blacks constituted an event of extreme importance to the history of Afro-Brazilian struggle, involving countless Black organizations in a broad forum of discussion and analysis of problems confronting the Black community. In particular, it was a landmark response by Black activists to the academic posture of researchers who saw in Black people nothing more than an object of scientific curiosity. In answer to this, the Congress focused not on academic niceties, but the need to attend to the immediate problems of our life.¹⁴

Blacks in the Dictatorship

During the military dictatorship, activism of any sort was considered subversive and violently repressed; yet the Afro-Brazilian voice was not entirely silenced. In 1965, UNESCO and the Brazilian government sponsored an International Seminar on African Culture, held in Rio de Janeiro. Consistent with its tradition of racial exclusion, the Brazilian Foreign Ministry (Itamarati) denied African Brazilians the opportunity to speak for themselves. The traditional, all-White official “spokesmen” for Black culture were the chosen delegates to the Seminar. But the Afro-Brazilian position was made known to the plenary, at my request and that of Marietta Campos. The great poet Aimé Césaire of Martinique, co-founder of the French-language poetic movement of *Négritude* and one of the foreign delegates, addressed the meeting on this strange Brazilian “anti-racism,” which barred Black people from that very forum.

In a rarely explicit show of its normally better-disguised hypocrisy, Brazil hosted a Seminar Against Apartheid, Racism and Colonialism in 1966, and at the same time officially received a Minister of the South African apartheid

regime. The TEN held a public protest rally in the Santa Rosa Theater of Rio de Janeiro.

The São Paulo University Faculty of Law's student union invited me in 1968 to speak on the subject of *Négritude*. On the day of the conference, the Faculty Director barred us from the auditorium. We held the event in the internal patio, under the constant threat of repression. After this incident, a group of African law students was formed, among them Fidelis Cabral, later Justice Minister of Guinea Bissau.

In 1968, the hardline coup within the military regime and intense repression forced me to leave the country. The racial question was designated a matter of national security, and its discussion was banned. My name was included in several military police investigations, under the strange allegation that I was in charge of liaison between the Black movement and the Communist. A supreme irony: I, who had been denounced by the Communists as a fascist and reverse racist! I left for the United States, where I would stay for thirteen years. For me, exile would represent another phase of the struggle, on the international and Pan-Africanist front. In Brazil, during this period a new phase of the Black movement would begin.

The international scenario of Black struggle: 1968-81

In 1968, when I arrived in the United States, it was the peak of a new Afro-American consciousness, the era of Black Power. I was received by the Panthers at their Oakland headquarters. Their President, Bobby Seale, was very receptive and offered to do what he could to support the Afro-Brazilian struggle. I also went to Newark, where I visited poet and dramatist Leroi Jones (Amiri Baraka) in his Spirit House and also came to know South African poet Keorapetse Kgotsisile. This was an encounter charged with *axé*: Brazilian, South African and African-North-American activists together. Over thirteen years, I visited countless other Black institutions.

The United States experience in no way affected my position on racism and the Black struggle in Brazil. It was an extremely rich encounter with an activist community whose freedom of expression permitted a radical use of language. Only on this point was there a true difference from Brazil: Africans in the United States could speak their piece, directly stating their independent positions, while in Brazil there was always the need to moderate, make use of metaphors, engage in the so-called “jogo de cintura,” take great care with verbal and written expression. Even so, we were still accused of being racist radicals by our own

people. I did not learn anything new from Blacks in the United States, but I certainly felt more at ease to develop my own thinking, free of the gag of “racial democracy,” from the right or the left, that always binds us in Brazil.

I was able to take the Afro-Brazilian message to international forums like the Sixth Pan-African Congress (Dar-es-Salaam, 1974). I attended its preparatory conference in Jamaica (1973), noting the lively interest in Brazil of a man far ahead of his time: C.L.R. James, an African revolutionary from Trinidad, who insisted Brazil should send a full delegation, being the largest Black country outside Africa. At the Congress itself, however, I and others from multiracial countries in the African diaspora felt the pressure of the Marxist-Leninist ideological line that prevailed due to governmental sponsorship of the Congress (Nascimento, 1980).

This ideological position also pressured the Black movement in the United States, South Africa, and the African world as a whole. But there was a difference in our experiences. As much as this correct-line ideology insisted

on the primacy of class struggle, there was no way to deny the specific need of Africans in explicitly segregated societies or in African countries to fight for their rights. In Brazil, and in the so-called “Latin” countries of America in general, theories of harmonious congeniality among the races, exalting ethnic and cultural miscegenation, led to denial of the very need for anti-racist struggle. When the “social question” was resolved, discrimination would magically disappear, and anyone who didn’t believe this was a reverse racist.

In Nigeria, in 1977, the Brazilian military dictatorship tried to silence me. I was invited to present a paper to the Colloquium, intellectual forum of the 2nd World Festival of Black and African Arts and Cultures, held in Lagos. The Brazilian government, through the Foreign Ministry, tried to veto my participation by all means, including tired and tattered tactics borrowed from the CIA (Nascimento, 1981). They managed to exclude me from the Colloquium as an invited guest, but I registered as an observer. With the support of diaspora delegations and African intellectuals and press, as well as Nigeria’s Minister of Education and Coordinator of the Colloquium, Colonel Ali, I made my contribution denouncing racism in Brazil (Nascimento, 1977).

While still in Nigeria, I received an invitation to participate in the First Congress of Black Culture in the Americas, organized by the valiant African-Colombian anthropologist

and physician Manuel Zapata Olivella and held in Cali, Colombia, in August 1977.¹⁵ In Panama (1980), the 2nd Congress of Black Culture in the Americas was held, and Brazil was the elected venue for the 3rd Congress.

Returning to Brazil in 1980, we founded the Afro-Brazilian Studies and Research Institute (IPEAFRO) at the Catholic University (PUC) of São Paulo. This Institute organized the 3rd Congress of Black Culture in the Americas, held in São Paulo, at PUC, in August of 1982.¹⁶ These Congresses constitute a landmark in the history of international African diaspora consciousness, for in all countries of Central and South America with important African populations there exist ideologies like “racial democracy,” masking Black peoples’ identity and tradition of struggle.

In the three Congresses of Black Culture in the Americas, representatives of these populations came together for the first time to discuss their collective situation. They concluded that specific responses were needed for our problems, identities, and aspirations.

Contact with leftist fellow

exiles showed that, although they considered themselves extremely progressive on the racial question, most remained contaminated by the ideological excesses that prevented them from understanding that conclusion.

The building of true democracy depends, necessarily, on the effective experience of multiculturalism and compensatory policies or affirmative action . . .

Re-democratization and Black movement in Brazil

In July 1978, still in the midst of the military regime, I had come back to Brazil for a brief visit and participated in founding the Unified Black Movement Against Racism and Racial Discrimination (MNU).¹⁷ It was at once a beginning and a culmination, for the MNU gave expression to a new wave of Black activism developing since the 1970s.

In the context of resistance to the military regime, Black activists still confronted the opposition of leftist groups that denied the legitimacy of our struggle. Afro-Brazilian movements were harnessed, in a sense, to expectations from the left. As a result, they were not guided by the history of earlier periods, basing their action on or giving continuity to preceding generations’ experience. In these circumstances, under the tutelage of the left, the Black movement was being reorganized as a sub-utopia, since the victory of the broader revolution would automatically solve problems of racial exclusion.

Nevertheless, a clear sign of the Black movement's growth and strengthening at this time was the institution of the National Black Consciousness Day on 20 November, the anniversary of the death of Zumbi dos Palmares. First raised by Oliveira Silveira, of the Palmares Group in Rio Grande do Sul, the proposal became a major project of the Afro-Brazilian movement as a whole. Over time, it gained the attention and recognition of the media and society in general. Today, the date is commemorated in all of Brazil.

Among the richest experiences of this time was the founding of the Zumbi Memorial, a national organization of Black movements, the academy and certain government agencies¹⁸ with the goal of creating at the site of Palmares, Serra da Barriga, a pole of Afro-Brazilian liberation culture (Nascimento, 1982: 36-45).

Political liberalization and the formation of political parties (1979-1982)¹⁹ witnessed growing participation of organized Blacks. In the Democratic Labor Party (PDT), we created the Secretariat of the Black Movement with the explicit goal of dealing with the specific needs of our community. In other parties, there were also attempts at organized mobilization of Blacks.

A certain immaturity of the movement led to unnecessary divisions reflecting political party commitments. Linked to this problem was the accusation of racism, still thrown against us from the left and the right. The left, increasingly more open to the racial question, still did not assimilate the basic need for independence of the Black movement to seek and define solutions for its specific problems.

Quilombismo: an Afro-Brazilian political proposal

At this time, precisely in order to call attention to the need for independence of Black movement's thought and action in relation to its specific problems, I launched the book, *Quilombismo* (1980). The thesis of *Quilombismo*²⁰ seeks in the roots of the historical experience of African struggle in the Americas, and particularly in Brazil, the model for articulation of an ideology to guide our political action. *Quilombismo* is a political proposal not only for Blacks, but for the Brazilian nation. The idea is that of a state concerned with creating egalitarian living conditions for all components of our population, preserving and respecting different identities and the plurality of cultural matrixes. The building of a true democracy depends, necessarily, on the effective experience of multiculturalism and compensatory policies or affirmative action to make possible the full citizenship of groups that are subject to discrimination. The independence of these groups in articulating their own

forms of community action is a fundamental requisite for a true democracy. Over time, these postulates of *Quilombismo* have clearly demonstrated harmony with the practical evolution of the Afro-Brazilian movement and those of other groups that are discriminated against, especially Indians and women.

First Afro-Brazilian mandate in the Congress, mobilization and the new republic

On assuming office in the federal Congress in 1983, as the dictatorship declined, I was the first and only Afro-Brazilian to systematically defend, in the National Congress, the human and civil rights of Blacks in Brazil. In the legislature that preceded the Constituent Assembly of 1988, I believe I developed a political and didactic agenda that prepared the way for the Afro-Brazilian victories inscribed in the 1988 Constitution. My activity in the Plenary of the House of Deputies aimed to show the true dimensions of racism and racial discrimination as a national question, one of citizenship, rather than a so-called "Black problem." Exposing abolition of slavery as nothing more than a "civic lie," one of the Afro-Brazilian movement's main ideas, I proposed the creation of a Black People's Commission in the House of Deputies.²¹ Pointing out the importance of Zumbi of Palmares as a national hero, I also proposed making National Black Consciousness Day a national holiday²² and defining racism as a crime against humanity.

One of the most important measures of my term was to create the precedent in Brazil's National Congress of debate on affirmative action, or compensatory action in the language of proposed law. This bill establishes mechanisms to compensate Afro-Brazilians after centuries of discrimination, among them the reservation of 20% of places for Black women and 20% for Black men in civil service job screening; subsidized educational opportunities; 40% of jobs in the private sector and incentives to corporations that contribute to eliminating the practice of racial discrimination; incorporation in the educational system of textbooks and children's literature with a positive image of the Afro-Brazilian family, as well as the history of African civilizations and of Africans in Brazil.

I also dedicated my Congress activities to the questions of Brazil's relations with South Africa's apartheid regime, self-determination of Namibia and of the Portuguese-speaking African countries, and solidarity with African peoples' freedom struggles.

The growing and ever more effective mobilization of the Black movement made itself felt in the process of

consolidating democracy in the so-called New Republic. Black organizations proliferated and gained visibility through their clear and forceful action. The maximum expression of this development was embodied, perhaps, in the National Encounter of Black Activists, held in 1984 in Uberaba, during the administration of Mayor Wagner do Nascimento. As federal Congressman, I had the opportunity to present the document elaborated at this event to future President Tancredo Neves,²³ and later to re-address the demands it contained, in encounters with President José Sarney and his ministers.

As a result of these and other developments, initial acceptance of the idea of administrative policy geared toward attending specific needs of the Afro-Brazilian population began to evolve in certain government agencies. This tendency was made concrete through the creation of consultative bodies within government agencies, the first being the Council on Participation and Development of the Black Community, instituted by Governor Franco Montoro of São Paulo State. In the cultural area, it was expressed in specific proposals elaborated by Afro-Brazilian delegates to the National Forum on Cultural Policy (*1º Encontro Nacional de Política Cultural*, 1985:193). They were translated into public policy by some state and municipal governments through the creation of consultory bodies, divisions, programs and departments of Afro-Brazilian culture, beginning with the Culture and Education Secretariats of Rio de Janeiro and São Paulo (Larkin-Nascimento, 1993, 1994; GTAA/SEC/SP, 1988). In the federal government, the Ministry of Culture created an Advisory group on Afro-Brazilian Affairs and a Commission for the Centennial of the Abolition of Slavery.

Constituent Assembly, the abolition centennial, and the Palmares Foundation

In the 1986 elections, Afro-Brazilian representation in the Congress increased, although it was still far behind significant, much less proportional, representation. I believe that my own parliamentary action helped clear the way for approval of Constitutional measures proposed by Black members of the 1988 Constitutional Congress, House members Benedita da Silva, Carlos Alberto de Oliveira Caó, and Paulo Paim. These provisions announced the pluri-cultural and multi-ethnic nature of the country (Art. 215, para. 1), established racism as a crime without bail or statute of limitations (Art. 5º, sec. XLII), and determined the lands of contemporary Quilombo communities (Art. 68, Disposições Transitórias). These victories demonstrate, in the first place, the mobilization of the Afro-Brazilian community, which participated in parliamentary committees

and other activities in the effort to guarantee these victories. One example is the State and Regional Encounters of Black Organizations, held in several states and in the regions of the North-Northeast and South-Southeast at the end of the eighties, culminating in the First National Encounter of Black Organizations (ENEN), held in São Paulo in 1991.

After the Constituent Congress concluded the country's federal charter, the constitutional process continued in the states and municipalities, where it also witnessed an effective mobilization of the Black movement, through which many victories were assured in state and local constitutions.

Another dimension of this mobilization is seen in the activities of the Zumbi Memorial, which consolidated the proposal of the Black movement to celebrate November 20th as National Black Consciousness Day, sponsoring annual pilgrimages to the site of Palmares. Out of efforts for the Zumbi Memorial and the Commission for the Celebration of the Centennial of the Abolition of Slavery, in the Ministry of Culture (a process made possible by the competence of the President of that Commission, Dr. Carlos Moura) was born the Palmares Cultural Foundation. This represented an eminent victory of Afro-Brazilian activism.

Secretariat of Defense and Promotion of Afro-Brazilian Populations and the Senate

In a gesture unprecedented in Brazilian politics, Governor Leonel Brizola of Rio de Janeiro State created in 1991 the State Secretariat for the Defense and Promotion of Afro-Brazilian Populations (SEAFRO),²⁴ the only first-level state agency created as yet to deal specifically with the creation and implementation of public policy for the Afro-Brazilian community (SEDEPRON, 1991).²⁵

Predictably, the tired and tattered accusation of reverse racism was launched against the Secretariat, demonstrating vitality despite the democratic advances won by the movement which, evidently, were not yet assimilated by Brazilian society. The administration succeeding Brizola in 1995 summarily extinguished the Secretariat.

Independent activism of ngos

The independent activism of Afro-Brazilian non-governmental organizations (ngos) over the entire country evolved in a significant way in the '80s and '90s. In part, these ngos fill the gap left by the State, which administers virtually no public policies directed to this population. Ngos work in different areas, notably human rights and health. Education is also a good example. Unable to find support

in the academy for introducing into school practice curricular content and methods adequate to the transformation of racist education, the Afro-Brazilian community and activists have developed their own intervention through the creation of community schools (Luz, 1989), extracurricular teacher training courses like IPEAFRO's Sankofa (Larkin-Nascimento, 1994), debates and seminars (Triumpho, 1991; Silva, 1997), and cultural events and activities in schools.

In universities, creation of research centers at the graduate and undergraduate levels, a demand of the Black movement, has resulted in a proliferation of Masters and Ph.D. theses which have created a superior data base of interest to the Black community. Studies of public policy and affirmative action are also in vogue. Among the most important developments in the area of education is the creation of the university admissions preparation courses for Blacks and poor people, a movement that is spreading in many different states and municipalities with the goal of increasing access of young Afro-Brazilians and poor people to higher education. This movement is explicitly committed to the principle of maintaining its financial autonomy by not accepting external funds. This attitude not only underlines the communitarian origins of the movement, a grass-roots initiative, but also reflects the desire to ensure the continuity of its work independent of the considerations that concern funding sources.

Trade Unionism and the Black Movement

Afro-Brazilian organization within political parties matured and strengthened with the Afro-Brazilian movement itself. The number of Black candidates increased significantly, pointing to the end of an era in which Black political participation had been limited to getting out the vote for White candidates. With parties giving greater attention to the racial question and with Black activism on the increase in party contexts, there arose a particularly significant phenomenon in the beginning of the '90s: growing articulation of the Black movement with workers' unions related to certain political parties, making alliances and overcoming the old discourse that decreed the fight against racism divides the proletariat. This development made itself felt in the March on Brasília in 1995. Consciousness-raising among workers' unions and their increasing sensitivity to the racial question may lead to developing future concrete action toward equal remuneration and other specific demands of Black workers.

The Movement for Reparations

Another landmark of this decade is the international movement for reparations, indemnification of African descen-

dants for the damage suffered during generations of slavery and the greatest holocaust in the history of mankind. This demand was taken up in Brazil at the end of the 1980s. Today, reparations are seen not as a financial reward to individuals, but the creation of different kinds of collective compensatory action. Congressman Paulo Paim presented one idea to create funds for development programs benefiting poor Afro-Brazilians.²⁶

Rural communities/quilombos

One of the most important dimensions of Afro-Brazilian struggle in the '80s and '90s is the mobilization of rural Black communities, labelled in legal jargon the "remainders" of quilombos, which are found all over the country. They are organizing to defend their integrity against the aggression of those who covet their land, to struggle for their human and civil rights in general, specifically for the implementation of Article 68 of the Transitory Provisions of the Constitution which guarantees their right to occupation of the lands. The First National Meeting of Rural Black Communities, held in Brasília in 1995, developed from movements on the regional level. Support work carried out by researchers shows a radical change in the relation between subject and object of study in the direction of solidarity and cooperation.

International organization in the Americas: "Latin"?

If the Congresses of Black Culture in the Americas were the starting point of an organized movement of African-Americans in the region of Central and South America and the Spanish-speaking Caribbean, the continuation of this movement is to be found not only in the activity of countless organizations in the region, but in the foundation of international organizations. One example was the Human Rights Seminar held in Lima in 1990, organized by the Manuel Congo Movement, which brought delegates from several countries of the region to discuss questions of common interest.

This continued legacy of the Congresses of Black Culture in the Americas calls for more profound thought on the question: is this region really "Latin"? The phrase "Latin America" reflects the domination of a White, European minority elite over majority Indian and African populations and constitutes a grotesque distortion of the region's demographic, social and cultural reality.

Black women

Since the '70s, Black women's involvement in the feminist movement has been growing. Today, the women's movement recognizes, generally, that to deal with women's matters is to consider the racial question. African-Brazilian women are organized in specific groups²⁷ and they attended the 1995 world women's conference in Peking. On the international level, organizations like the Network of Black Women in Latin America and the Caribbean have appeared.

Third centennial of Zumbi of Palmares and creation of the GTI

The Afro-Brazilian community demonstrated its maturity and advanced level of organization in 1995, the year of the third centennial of the immortality of Zumbi of Palmares, when all over the country there were rallies, cultural festivals, public demonstrations, seminars, congresses and other national and international events. This effervescence culminated in the Zumbi of Palmares March on Brasília against Racism, in Favor of Citizenship and Life. The Program to Combat Racism and Racial Inequality presented to the President by the March's Executive Committee stands as a basic synthesis of the Black community's demands. The goal of implementing public policies specific to the Afro-Brazilian population gained force and concrete expression through the formation of the Interministerial Working Group for Valuing the Black Population (GTI). This federal government consultative agency was created by Presidential Decree on the day of the March on Brasília, 20 November 1995. The President of the Republic, in an unprecedented statement in July 1995, had officially recognized the existence of racism in Brazil and the need to create policies to fight it. The GTI was given the task of formulating the ways and means of creating such policies.

During the Third Centennial, the Palmares Cultural Foundation printed notebooks and published a textbook for distribution in public schools on the history of Zumbi of Palmares; it also produced several educational television programs.

Federal Senate

On the Democratic Labor Party's (PDT) slate, I was elected in 1990 along with Darcy Ribeiro and Doutel de Andrade

to the Senate and took office during a brief period in 1991.²⁸ In March 1997, on the death of our well-loved comrade Darcy Ribeiro, I took office and had the pleasure of joining a Senate that boasts the fine political action of two Afro-Brazilian women, Senators Benedita da Silva (Rio de Janeiro) and Marina da Silva (Acre). To date, I have presented four bills of law. One²⁹ defines the crime of racism.³⁰ Other proposals³¹ are to establish affirmative or compensatory action measures to work toward equality of opportunities for Blacks; create punitive measures against individuals and corporations that practice or support racist practices; create a civil action against persons or corporations that attack the honor and dignity of racial, ethnic or religious groups; and, in the most audacious and groundbreaking provision, provide that organizations of civil society are competent to bring lawsuits for that purpose. My parliamentary initiatives in the Senate are recorded in the

journal, *Thoth: African Peoples' Thought*, a forum of debate on themes of interest to the population of African origin in Brazil and the world.

On taking office in the Senate, the situation was very different than in 1983, when I arrived at the National Congress. This difference was symbolically portrayed as I witnessed

the official inscription of Zumbi of Palmares' name in the memorial book of the Pantheon of National Heroes, a monument in Brasília where, until May 1997, the only name inscribed was that of Tiradentes, the 18th century independence hero. This victory arose from the proposal of Senator Benedita da Silva, who also sponsored a bill of law setting forth the regulations implementing Article 68 of the 1988 Constitution's Transitory Provisions, which guarantees the quilombo communities the demarcation and occupation of their lands. Indeed, I was taking office in a context in which Afro-Brazilian activism had arrived at the federal legislature, although the number of Congress members is still minute in relation to African Brazilians' weight in the national population. It is clearly a context in which we are ever broadening the spectrum of action to benefit our community.

*... Afro-Brazilians
have always struggled
for their survival
and for human rights ...*

Today, a new phase

Consolidating its victories and reaching new levels of discussion of the racial question in its national dimension, the Black movement today articulates its own initiatives, builds alliances and develops independent action. The movement's evolution is expressed, among other ways, in its

growing maturity with respect to the question of political parties. Activists' work within political parties no longer implies rivalry and disunity, a fact that strengthens the movement as a whole. Members of Congress exemplify this trend, to the extent that we are organizing to work together. African-Brazilian members of Congress, from the House of Deputies and the Senate, have been working on supra-party positions in favor of the Afro-Brazilian population. Discussion, formulation and implementation of public policy at the municipal, state and federal levels have also gained ground and merited attention. Without the slightest doubt, the movement has advanced enormously in the last two decades.

Conclusion

Racism in Brazil, characterized by high degrees of intolerance and perversity, used all possible resources to annihilate Afro-Brazilian men and women in their existential dimension, seeking to liquidate their memory, identity, body and spirit. But Afro-Brazilians have always struggled for their survival and for human rights in the most simple and universal expression— that of life in its totality.

After all these years of insistence on this struggle, I have the firm conviction that Brazil, as an inevitable fact of this political process, will one day be governed by an administration constituted in its majority of African Brazilians. If all ethnic segments that compose the Brazilian population truly believe in the path the nation chose to organize its institutional life— the path of democracy— then being a majority, African Brazilians will assume power in this Republic. This is not some kind of messianic idea or poetic utopia. It is a reality on the horizon, just as in South Africa. However, the fundamental pivot of this transformation lies more in the type of political institutions to be created than the simple substitution of White rulers with African descendants. For a democracy can only be legitimate if it effectively promotes the elevation of all Brazilians' standards of living, promoting equal access to an education that respects cultural identities, a more just income distribution and an economy whose priority is human beings rather than profit or financial speculation. This is the proposal of Quilombismo, inspired in the phenomenon of enslaved Africans building their sovereign life in freedom, a proposal of political organization for the Brazilian Nation.

As long as this vision does not materialize, organization of the Afro-Brazilian movement contributes fundamentally to the building of a true practice of democracy in the country, for its action points to the need for inclusion of all social and cultural groups and classes, maintaining and respect-

ing specific identities. In its democratic practice, the Black movement lives and materializes Quilombismo, in the authentic continuance of the tradition of Afro-Brazilian struggle inaugurated with the very foundation of Brazil.

- ¹ While the text is jointly written, certain events are narrated in the first person because they deal with the personal experience of Abdias do Nascimento.
- ² Before the advent of the Portuguese, the land was not Brazil, but a conglomeration of diverse Indian nations. From the beginnings of colonization, the building of Brazil was based on African labor.
- ³ Quilombos are maroon societies, organized communities built by Africans in Brazil who rejected slavery and often fought long sagas of resistance wars against Portuguese rulers.
- ⁴ In 1822, upon independence from Portugal, the Portuguese royal family itself set up the Brazilian Empire, which lasted until the proclamation of the republic in 1889.
- ⁵ Organized with the help of normal school students of Professor Nelson Omegna, Campinas Institute of Science and Letters.
- ⁶ *Phylon*, III (1942), 284-286 apud. Degler, 1971: 180-181.
- ⁷ See, for example, R. Magalhães Júnior, "Um grande artista," *Diário de Notícias*, 25.03.1952, in which the author recalls his own reaction: "What? *The Emperor Jones*? But this is an extremely difficult play... You need a great actor to recreate, in Brazil, the part that was played by Paul Robeson... [The small, delicate figure of Aguinaldo before me] was not convincing. In my heart, I still found the attempt absurd."
- ⁸ Of O'Neill's work, we produced *All God's Chillun Got Wings*, *The Dream Kid*, and *Where the Cross is Marked*. Other productions included several poetry festivals, a Shakespeare festival and plays written and produced by Black playwrights or on Afro-Brazilian themes, published in the anthology *Drama para Negros e Prólogo para Brancos* (Nascimento, 1966).
- ⁹ Black novelist Raimundo Souza Dantas, later named Ambassador to Ghana, declared publicly that he had been sent to join the Committee in order to recruit Black people into the Communist Party. Some time afterward, Souza Dantas would abandon the Communist Party ranks, refusing to be manipulated.
- ¹⁰ Later, he would confess, in a National Black Convention assembly in Rio de Janeiro, that he acted under explicit Party orders, against his personal convictions.
- ¹¹ When African Brazilians took complaints to court based on the Afonso Arinos Law, they were countersued and indicted for slander and libel, which constitute criminal infractions under Brazilian law.
- ¹² "Conferência Nacional do Negro," *Quilombo*, I:2 (May 1949), 1.

- ¹³ "1º Congresso do Negro Brasileiro", *Quilombo* I:6; Editorial, *Quilombo* II:5.
- ¹⁴ The controversy around the study carried out by sociologist L. A. da Costa Pinto, who misappropriated the Annals of the Congress for his UNESCO-sponsored study, is a good example of this clash. Responding to the criticisms of Afro-Brazilian sociologist Guerreiro Ramos, Pinto declared (*in* Nascimento, 1982: 62): "I doubt that there has ever been a biologist who, after studying, let's say, a microbe, has seen this microbe become incensed and come out in public writing nonsense about the study in which it participated as laboratory material."
- ¹⁵ Sebastião Rodrigues Alves, Mirna Grzych, and Eduardo de Oliveira e Oliveira were the only Brazilians able to get through the dictatorship's blockade of mandatory money deposit for permission to travel.
- ¹⁶ For a detailed account of the Congress, see *Afrodiaspora* I:2,3,4 (1983-1985). IPEAFRO's first research project was on the question of contemporary Quilombos, a subject that since then has gained attention in academic and activist circles. In 1984, IPEAFRO began its extracurricular teacher-training course, Sankofa, which continued at Rio de Janeiro State University through 1995, and organized the International Seminar 100 Years of Struggle for the Independence of Namibia (Rio de Janeiro, 1984). IPEAFRO also published the journal *Afrodiaspora* (1983-1987), and other works (Larkin-Nascimento, 1981, 1985; Nascimento, 1985).
- ¹⁷ The public rally on the steps of São Paulo's Municipal Theater was unforgettable, as were meetings in Salvador, Bahia, in Rio de Janeiro, Belo Horizonte, and São Paulo to consolidate the movement.
- ¹⁸ Linked to the Service for Protection National Historical and Artistic Heritage (SPHAN).
- ¹⁹ The year of the first federal and state elections.
- ²⁰ Presented initially at the 2nd Congress of Black Culture in the Americas (Panama, 1980).
- ²¹ House Resolution Bill No. 58-A, 1983.
- ²² Bill of Law No. 1550 (1983) and Bill of Law 1661 (1983), respectively.
- ²³ The text of the Uberaba document and of the speech in which it was presented to President Tancredo Neves are transcribed in the book *Povo Negro: a Sucessão e a Nova República* (Nascimento, 1985).
- ²⁴ The title of the Secretariat originally used the word Black (Negras) in place of Afro-Brazilian, and the acronym was then SEDEPRON. This is the same agency as SEAFRO.
- ²⁵ In the space of this essay, it is not possible to detail the Secretariat's work. Among its activities are the constitution of a Specialized Police Agency for Crimes of Racism, a public service for attending complaints of victims of racism, workshops and technical training for the Military Police in diversity sensitivity, the Strength of Youth project of professional training for adolescents, and teacher training programs in different regions of the State for affirmative educational policy with respect to African and Afro-Brazilian history and culture. The Secretariat published the second edition of *Africa in the Brazilian Schools* (Larkin-Nascimento, 1993) and *Sankofa: Afro-Brazilian Culture* (Larkin-Nascimento, 1994), for distribution in state and municipal schools, libraries, and teacher training programs.
- ²⁶ Bill of Law No. 1239, 1995.
- ²⁷ Examples are Geledés and Fala Preta, in São Paulo, and Criola in Rio de Janeiro.
- ²⁸ During that period, Nascimento's Senate office published the books *Africa in the Brazilian Schools* (Larkin-Nascimento, 1991) and *The Afro-Brazilian Struggle in the Senate* (Nascimento, 1991).
- ²⁹ Senate Bill No. 52, 1997.
- ³⁰ The need for this legislation arose because the current law, while establishing racism as a crime, does not define what constitutes racism, thereby leaving enforcement to the whim of police commissioners with no notion of what constitutes discrimination, who generally classify the infraction as libel or slander.
- ³¹ Senate Bills No. 75, 73 and 114, 1997, respectively.

REFERENCES

- 1º Encontro Nacional de Política Cultural, *Sessões de Debates*. 1985. Belo Horizonte: Secretaria da Cultura/ Imprensa Oficial.
- Cuti and J.C. Leite. 1992. *...E disse o velho militante*. São Paulo: Secretaria Municipal de Cultura.
- Degler, C. 1971. *Neither Black nor White*. New York: MacMillan.
- Freitas, D. 1982. *Palmares: A Guerra dos Escravos*, 4th ed. Rio de Janeiro: Graal.
- GRAA/SEC/SP (Grupo de Trabalho para Assuntos Afro-Brasileiros, Secretaria de Educação do Estado de São Paulo) 1988. *Escola: Espaço de Luta contra a Discriminação*. São Paulo: Secretaria de Educação do Estado.
- Larkin-Nascimento, E. 1981. *Pan-Africanismo na América do Sul*. Petrópolis: Editora Vozes/IPEAFRO.
- 1980. *Pan-Africanism and South America*. Buffalo: Afrodiaspora.
- Larkin-Nascimento, E., ed. 1997. *Sankofa: Matrizes Africanas da Cultura Brasileira*, vol. 1. Rio de Janeiro: EdUERJ.
- 1993. *A África na Escola Brasileira*. Brasília: Office of Senator Abdias do Nascimento, 1991. Second edition, Rio de Janeiro: SEAFRO .
- 1994. *Sankofa: Resgate da Cultura Afro-Brasileira*, 2 vols. Rio de Janeiro: SEAFRO.
- 1994A. *Dunia Ossaim: os Afro-Americanos e o Meio-Ambiente*. Rio de Janeiro: SEAFRO.
- 1985. *Dois Negros Libertários*. Rio de Janeiro: IPEAFRO.

- Lima, L.L.G. 1981. *Rebeldia Negra e Abolicionismo*. Rio de Janeiro: Achiamé.
- Luz, M. A., ed. 1989. *Identidade Negra e Educação*. Salvador: Ianamá.
- Morel, E. 1979. *A Revolta da Chibata*. Rio de Janeiro: Editora Graal.
- Moura, C. 1972. *Rebeliões da Senzala: Quilombos, Insurreições, Guerrilhas*. São Paulo: Ed. Conquista.
- Nascimento, A. 1995. *Orixás: os Deuses Vivos da África/ Orishas: The Living Gods of Africa in Brazil*. Rio de Janeiro: IPEAFRO / Afrodiaspora.
- 1991. *A Luta Afro-Brasileira no Senado*. Brasília: Senado Federal.
- 1990. “Quilombismo: the Afro-Brazilian Road to Socialism.” In Molefi Kete Asante and Kariamu Welsh Asante, ed. *African Culture: The Rhythms of Unity*. Trenton: Africa World Press. (1st ed. by Greenwood Press, 1985.)
- 1989. *Brazil: Mixture or Massacre*, 2nd. ed. Dover: The Majority Press.
- 1985. *Povo Negro: a Sucessão e a “Nova República.”* Rio de Janeiro: IPEAFRO.
- 1982. *O Negro Revoltado*, 2nd ed. Rio de Janeiro: Nova Fronteira.
- 1981. *Sitiado em Lagos*. Rio de Janeiro: Nova Fronteira.
- 1980. *O Quilombismo*. Petrópolis: Editora Vozes.
- 1978. “Teatro Negro del Brasil.” In Gerardo Luzuriaga, org., *Popular Theater for Social Change in Latin America: Essays in Spanish and English*. Los Angeles: UCLA Latin American Studies Publications.
- 1977. “Racial Democracy” in *Brazil: Myth or Reality?* Ibadan: Sketch Publishers.
- Padmore, G. 1972. *Pan-Africanism or Communism?* New York: Doubleday.
- Pinaud, J.L., et al. 1987. *Insurreição Negra e Justiça*. Rio de Janeiro: OAB.
- Ramos, G. 1957. *Introdução Crítica à Sociologia Brasileira*. Rio de Janeiro: Andes.
- SEDEPRON (Rio de Janeiro State Secretariat of Defense and Promotion of Black Populations). 1991. *Nova Etapa de uma Luta Antiga*. Rio de Janeiro: SEDEPRON.
- Silva, P.B.G. and L.M.A. Barbosa, eds. 1997. *O Pensamento Negro na Educação*. São Carlos: Universidade Federal de São Carlos.
- Triumpho, V.R., ed. 1991. *Rio Grande do Sul: Aspectos da Negritude*. Porto Alegre: Martins Livreiro, Editor.

ACKNOWLEDGEMENTS

No effort of the scale, breadth and complexity of the Comparative Human Relations Initiative could be mounted without the guidance, support and wisdom of many people and institutions. Listing their names without singing their praises is inadequate recompense to thank them for the many contributions they have made to bring the Initiative into being, sustain it and make its contributions possible.

We thank our supporters of this unprecedented international and comparative effort: Susan V. Berresford, Barry G. Gaberman, Mary E. McClymont, Anthony Romero, Alan Jenkins, Edward Telles, and Melvin Oliver (The Ford Foundation); Lori Villa Rosa (The Charles Stewart Mott Foundation); Robert Haas, Judy Belk, Gina Warren and Henry Ramos (Levi Strauss Foundation); Ingrid Saunders Jones and Michael Bivens (The Coca Cola Foundation); and Colin Campbell (Rockefeller Brothers Fund).

Credit and recognition is due to the many consultants, advisors, scholars, writers and friends, who have helped along the way: Caetana Damasceno, Rebecca Reichmann, Michael Turner, Anthony Marx, Walter R. Huntley, Jr., Lisle Carter, Lawrence N. Jones, Joseph Harris, Joanne Harris, Pam Auchmuty, Howard Hunter, John Witte Jr., Abdullahi An Na'im, Anani Dzidzenyio, George Fredrickson, Ruth Simms Hamilton, Milfred Fierce, Candace Lessa, Prescilla Kritz, Chris Peterson, Elisa Larkin Nascimento, John Egerton, Cynthia Lewis, David Cohen, Karen Press, Ellis Cose, Jonas Zoninsein, Bernard Anderson, Barbara Arnwine, and John A. Powell.

Steve Suitts, who has helped with all aspects of the Initiative's work and whose research, writing and ideas are largely reflected in Initiative publications, deserves special recognition and appreciation. Thanks also to staff members of the Southern Education Foundation (SEF), Deborah Barrett, Janet Keene, and Brenda McClendon.

The Initiative is indebted to Elridge McMillan, the president of the Southern Education Foundation (SEF), Norman Francis, Board Chair, and SEF Board members for sponsoring the Initiative and providing such a wonderful home for this effort.

Creating partnerships with other institutions can be a difficult task, especially when distance and language pose complexities. SEF was fortunate to avoid these difficulties by forging a relationship at the Initiative's inception with the Institute for Democracy in South Africa, whose able leader, Wilmot James, and his colleagues, Gitanjali Maharaj and Linda van de Vijver, have been instrumental

in fashioning the Initiative's work. Thanks to Paul Graham, Janet Levy and other colleagues at Idasa, as well. Thanks, too, to Neville Alexander for his insights and ideas, Shaun Johnson and Independent Newspapers Holdings, Ltd. for the courtesies extended to participants in Initiative events in South Africa, and to the University of Cape Town and Mamphela Ramphele for their participation. Although the Initiative did not partner with a single institution in Brazil, many people have helped counsel and assist the effort's work in that nation, especially Antonio Sérgio Guimarães, Maria Aparecida Silva Bento, Sueli Carneiro, Benedita da Silva, Ivanir dos Santos, Helio Santos, Diva Moreira, Dulce Pereira, Abdias do Nascimento, Ivair dos Santos, Joao Jorge Rodrigues, and Joel Rufino.

Initiative consultations were graced with the presence and fine minds of many people who came to learn, share and strategize. Space does not permit an expression of appreciation to each, but they and we know who they are. Thanks to all who helped to shape the thinking reflected in these publications.

This publication reflects a collage of views expressed over time by the devoted, faithful and generous members of the Initiative's International Working and Advisory Group. Their willingness to give of themselves has enriched the work of the Initiative immeasurably. Their insights and wisdom are among the Initiative's greatest treasures.

Also, we are truly indebted to countless men and women, leaders and followers, who have struggled in words and deeds to move their societies beyond racism in past decades. We include in this vast number Whitney M. Young, whose book, *Beyond Racism: Building an Open Society*, published thirty years ago, gave prophetic voice to our own vision for the future.

Lastly, we thank Cynthia R. Jones of Jones Worley Design, her lead designer, Susan White, and their team of designers for their aesthetic gifts and skills in fashioning all of the Initiative's publications.

Lynn Huntley

Director
The Comparative Human Relations Initiative

INITIATIVE PUBLICATIONS

The Comparative Human Relations Initiative has developed a number of linked publications that amplify on the themes and ideas set forth in this volume, drawing on original sources, and in the voices of the people in these three countries. Reports include:

- ***Beyond Racism***, an Overview of findings by the Initiative's International Working and Advisory Group, featuring first person profiles of outstanding Americans, Brazilians and South Africans involved in the struggle against racism and reflections of International Working and Advisory Group members.
- ***Three Nations at the Crossroads***, in-depth and data-rich portraits and accessible historical reviews of Brazil, South Africa and the United States by Charles V. Hamilton, professor emeritus, Columbia University; Ira Glasser, executive director, the American Civil Liberties Union; Wilmot James, dean, and Jeffrey Lever, professor, University of Cape Town; Colin Bundy, University of Witwatersrand; Abdias do Nascimento, Rio de Janeiro State Secretary of Human Rights and Citizenship; Elisa Larkin Nascimento, director, IPEAFRO; Brazilian scholar Nelson do Valle Silva; and a comprehensive historical timeline of key events related to race in the three countries.
- ***In Their Own Voices***, a topically organized reader featuring articles, quotable quotes, and excerpted speeches by participants in Initiative meetings such as Ellis Cose, journalist; Frene Ginwala, speaker of the South African Parliament; Alex Boraine, vice chair, South Africa Truth and Reconciliation Commission; Emmett Carson, president, the Minneapolis Foundation; Gloria Steinem, contributing editor, Ms. Magazine; Mahmood Mamdani, professor, University of Cape Town; Njabulo S. Ndebele, vice chancellor, University of the North; Susan V. Berresford, president, the Ford Foundation; and many others.
- ***Color Collage***, occasional papers on issues such as the origins of racism, globalization, economic inequality, the religious community, among others, by authors such as George Reid Andrews, professor, University of Pittsburgh; C. Eric Lincoln, professor emeritus, Duke University; Abdias do Nascimento, professor emeritus, State University of New York at Buffalo, and former Federal Senator and Secretary for Human Rights and Citizenship, Rio de Janeiro State; Elisa Larkin Nascimento, co-founder, Afro-Brazilian Studies and Research Institute (IPEAFRO); Gloria Ladson Billings, Professor, University of Wisconsin; Lennox Hinds, Esq., Stevens & Hinds; and many others.

BOOKS INCLUDE:

- ***Beyond Racism, Embracing an Interdependent Future***, (working title), the Full Report of the International Working and Advisory Group to the Comparative Human Relations Initiative, including detailed citations, sources and annotated bibliography. [forthcoming]
- ***The Same Beneath the Skin***, (working title), a comparative anthology edited by Lynn Huntley; Charles V. Hamilton; Wilmot James; Neville Alexander, professor, University of Cape Town; and Antonio Sérgio Guimarães, professor, University of São Paulo, which considers educational issues in the three nations, the costs of racism, international remedies, affirmative action, and future prospects for movement beyond racism in the three nations by recognized scholars and activists. [forthcoming]
- ***Tiranda a Máscara: Ensaios Sobre o Racismo no Brasil***, (working title), a Portuguese language volume featuring papers by many leading scholars and Afro Brazilian activists. [forthcoming]
- ***Grappling With Change***, Yazeed Fakier, author (Cape Town: David Philip Publishers and Idasa, 1998), a look at how South Africans are coping post-apartheid.
- ***Between Unity and Diversity***, Gitanjali Maharaj, editor (Cape Town: David Philip Publishers and Idasa, 1999), a reader on post-apartheid nation-building efforts.

All Initiative reports as well as additional, commissioned papers are available on the Internet. To download Initiative reports, papers, and other documents in Adobe Acrobat format (a pdf file), to find up-to-date information about forthcoming books, or for ordering printed publications, visit the Initiative's website: www.beyondracism.org or contact the Comparative Human Relations Initiative, the Southern Education Foundation, 135 Auburn Avenue, N.E., Second Floor, Atlanta, Georgia 30303 (404) 523-0410 (phone) or (404) 523-6904 (fax). For information about receiving printed copies of Initiative publications in South Africa, inquire with the Institute for Democracy in South Africa at its website, www.idasa.org.za. Information about the Southern Education Foundation is available through its website, www.sefatl.org.

BIOGRAPHICAL NOTES

George Reid Andrews is a professor at the University of Pittsburgh in Pennsylvania, USA.

Gloria Ladson Billings is a professor in the Department of Curriculum and Instruction at the University of Wisconsin at Madison, USA.

Emmett D. Carson is the president of the Minneapolis Community Foundation in Minneapolis, Minnesota, USA.

Rosa Dávila is the research coordinator of the Inter-Ethnic Forum in Houston, Texas, USA.

James Jennings is a professor at the University of Massachusetts in Boston, USA.

Antonia Hernandez is the president and general counsel to the Mexican American Legal Defense and Education Fund in Los Angeles, California, USA.

Lennox Hinds is a lawyer with the firm of Stevens and Hinds in New York City, New York, USA.

Lynn Huntley is the director of the Comparative Human Relations Initiative of the Southern Education Foundation in Atlanta, Georgia, USA.

C. Eric Lincoln is the William Rand Kenan Jr. professor emeritus at Duke University, Durham, North Carolina, USA.

Abdias do Nascimento is professor emeritus, State University of New York at Buffalo, and former Federal Senator, and Secretary for Human Rights and Citizenship in Rio de Janeiro State, Brazil.

Elisa Larkin Nascimento is co-founder of the Afro-Brazilian Studies and Research Institute (IPEAFRO) in Rio de Janeiro, Brazil.

Nestor Rodríguez is a professor at the University of Houston in Houston, Texas, USA.

Mandy Taylor is an attorney with the firm of Cheadle Thompson & Haysom in Cape Town, South Africa.

