2003

African-Americans Within the Context of International Oppression

Kevin D. Brown
Indiana University Maurer School of Law, brownkd@indiana.edu

Follow this and additional works at: http://www.repository.law.indiana.edu/facpub

Part of the African American Studies Commons, Civil Rights and Discrimination Commons, and the Race and Ethnicity Commons

Recommended Citation
AFRICAN-AMERICANS WITHIN THE CONTEXT OF INTERNATIONAL OPPRESSION

Kevin D. Brown*

There is a philosophy woven into this comment. Life is lived through conflicting and competing systems of meaning, which provide alternative explanations of the world around us. Phenomena that force themselves into our consciousness must be comprehended in order for them to make sense. To understand and experience something, it must be conceptualized against a background or horizon of knowledge. These larger unseen, and often unperceived, streams of consciousness provide the conceptual contexts to place given events into “proper” context. Understanding of individual phenomena, therefore, is more in the nature of comprehending a part of a pattern of understanding that is present in its whole. Focusing on a given phenomena is being consciously aware of only a part of the conceptual scheme at that given time. The rest of the cognitive framework is providing the structure and limitations for comprehension of what is consciously understood.

I. INTRODUCTION

One of the significant advantages of being a professor at Indiana University School of Law has been the number of opportunities afforded to me for extensive travel through the developing world. Over the past few years, I have taken full advantage of these opportunities. In the winter and summer of 2002, I spent approximately six weeks traveling through the Republic of Ghana. Ghana is generally recognized as the country in Africa where the ancestors of African-Americans departed from the African continent. In the winter of 2002, I spent over six weeks in the Republic of Nicaragua, splitting my time equally between the Pacific coast, which was colonized by Spain, and the Atlantic coast, which was colonized by Great Britain. In the spring of 2001, I spent a month at what many consider to be the best private law school in the former Soviet Republic of Kazakhstan, Adilet Law School. This provided me with an excellent opportunity to see how those in the former Soviet Union are adjusting to the sweeping changes

* Professor of Law, Indiana University School of Law. B.S., 1978, Indiana University; J.D., 1982, Yale University. The author would like to express his appreciation for the exceptional research assistance he received from Vivek Boray. I would also like to thank Henry Richardson for encouraging me to write this comment. Finally, the author would like to dedicate this comment to Nichole, Crystal, Shayla, Devin, and Dianne Brown. Contained in this comment is the wisdom I have sought to convey in a hundred different conversations about the wonders of African-Americans.
in their lives that have been brought about by the end of the Cold War and the former Soviet Union's embrace of capitalism. In the fall of 2000, I spent ten days in Kenya visiting an HIV/AIDS awareness program, which was conducted in an area of Kenya where, according to Kenyan government statistics, it was estimated that over 25% of the adult population was HIV-positive. I have also spent time in both Mozambique and Namibia. My visits to all of these developing countries, however, were preceded by longer stays in both the Republic of India and the Republic of South Africa. Six years ago, I spent five months in India as a Fulbright lecturer, where I was based at the National Law School of India University in the southern Indian city of Bangalore and the Indian Law Institute in New Delhi. This visit was followed by three different trips to the Republic of South Africa, including stays with the law faculty of the University of Witwatersrand in Johannesburg and the law faculty of the University of Capetown in Capetown.

The courses I teach, as well as my research agenda, are driven by a desire to comprehend the invisible thought forms that structure and limit the conceptualization of racial phenomena, how racial issues are debated, and how racial conflicts are resolved in the United States. My focus is primarily upon the historic racial divide between those who are now referred to as "African-Americans" in contrast to those who are now referred to as "non-Hispanic whites." These designations clearly point to the huge change in the racial/ethnic demographic landscape of the United States that took place in the latter half of the twentieth century and is continuing to shape this country in the twenty-first century. These new cognomen reflect the reality that U.S. society has moved beyond the dichotomy of the black/white paradigm that predominated U.S. racial understanding for such a long time.

When I was asked to write this comment, I reflected long and deep on what I should discuss. Few people will have the desire, ability, and opportunity to travel as extensively through the developing world as I have over these past few years. Family commitments, personal predilections, health limitations, occupational requirements, and financial constraints will restrict where even the most adventurous sojourner is able or capable of going. If this universe of potential travelers is limited to those who have made the study of black/white racial conflicts in the United States the primary purpose of their lives, then the universe of potential individuals shrinks immeasurably. It is with the realization that my experiences represent a small universe of people that I seek to convey in this comment, the most essential lessons that I have learned through my exposure to the developing world, and consequently the most important knowledge that I could convey to anyone else.

There are three critical lessons that I have learned from my travels. I do not want to sound like an apologist for the United States or excuse either the history or the vestiges of racial discrimination that African-Americans suffer in the United States. The reality of my experiences overseas, however, has shown me that in other areas of the world, there exist forms of oppression
that are far worse than what African-Americans experience in the United States. Second, groups around the world who suffer from more virulent forms of oppression within their society have used the struggle by African-Americans as a source of hope, inspiration, and insight for their own struggles against oppression. Finally, more than just the condition of African-Americans is at stake in the struggle against subordination based upon hereditary characteristics in the United States. If African-Americans succeed in obtaining equality, other oppressed groups will draw inspiration of moral and legal legitimacy within their own country from that success.

I was cognitively aware of these lessons in some vague sense before traveling overseas. Spending time in these countries and examining the effects of other forms of oppression and concomitant struggles against these forms, however, allowed my consciousness to cross an intellectual chasm. In crossing that divide, these lessons passed from a state of general cognitive awareness to a deep fundamental change in everyday consciousness. As an African-American, the most important realization that I have been left with as a result of those lessons, is a positive set of beliefs regarding the accomplishments and the historical struggles of African-Americans, which I was unable to obtain prior to understanding our global impact. Simply put, I now live with a permanent awareness of a far more positive conceptual scheme in which to view African-Americans.

In order to illuminate my positive international perspective on the accomplishments and struggles of African-Americans, it is necessary for me to point out the most important understanding I have derived from my study of the black/white racial conflicts in the United States. Sixteen years of teaching and writing about racial issues in the United States has disclosed that our comprehension of the black/white racial phenomena, our discussions about black/white racial issues, and our suggested resolutions to black/white racial conflicts in the United States are not reflections of a given or true reality. That is, we do not talk about a single truthful perception of a given racial phenomenon. Rather, our understandings of these matters are products of diverse ways of thinking that structure and limit how racial phenomena are perceived and, thereby, how discussions about racial issues and proposals for solutions are carried out and debated. These ways of thinking can be referred to as "systems of meaning," "horizons of knowledge," "patterns of understanding," "streams of consciousness," "conceptual schemes," or "cognitive frameworks." These systems of meaning generate distinctive interpretations and incommensurate understandings for the comprehension of the same racial phenomena and, thus, produce diverse discussions about the same racial issue and potential resolutions for any given racial conflict.

To further explain what I mean, I want to look at the socio-economic condition of African-Americans as twenty-first century unfolds. It is clear, to even the most obstinate observer of race relations, that significant improvement in the social, political, educational, and economic conditions of African-Americans can be seen in virtually every phase of U.S. life. Many of
the changes that have occurred over the past fifty years can accurately be
described as "stunning." Race is currently less of a factor in limiting the
opportunities of blacks than at any other time in this country's collective
past. Nevertheless, African-Americans still lag far behind non-Hispanic
whites in terms of social, economic, educational, and political power. For
example, when adjusted for inflation, the per capita income of African-
Americans increased by 250% from 1967 to 2000. Yet, it was only 65% of
that of non-Hispanic whites' per capita income in 2000.\(^1\) According to the
U.S. Census in 1959, 55.1% of the black population, 65.6% of children under
the age of eighteen, and 62.5% of those over the age of sixty-five lived below
the poverty line.\(^2\) In the year 2000, these percentages were down to 30.9%,
30.7%, and 22.3%, respectively.\(^3\) Yet, for white non-Hispanics in the United
States, the corresponding figures were 9.4%, 8.8%, and 8.3%.\(^4\) The
percentage of blacks ages eighteen to twenty-four enrolled in higher
education increased from 20.4% in 1975 to 29.8% in 1997. The college
completion rate for African-Americans over the age of twenty-five has
increased from 4.5% in 1970 to 14.7% in 1998. As impressive as this increase
has been, it does not equal the percentage increase of whites over the same
period. The percentage of non-Hispanic whites enrolled in college increased
from 27.4% to 40.6% and the percentage over the age of twenty-five that
had completed college increased from 11.6% to 25%.\(^5\) The infant mortality
rate for African-Americans has fallen by 50% from 22.2 per 1,000 live births
to 14.0 between 1980 and 2000. But, it is still far higher than the non-
Hispanic white infant mortality rate that fell from 10.9 to 5.6 over the same
period.\(^6\) The life expectancy of black males increased by more than eight
years from 1970 to 2000, and the life expectancy of black females increased
by nearly seven years during the same period.\(^7\) Yet, the figures from 2000
still show black males living six and one-half years less than non-Hispanic
white males (68.3 and 74.8) and black females living five years less than non-
Hispanic white females (75.0 and 80.0). In 1998, some 4.3% of lawyers and
judges, 4.9% of physicians, 4.1% of engineers, 19.4% of police and

---

1. U.S. CENSUS BUREAU, HISTORICAL INCOMES TABLE P-1B (historical income
p01b.html (last modified Sept. 30, 2002). U.S. CENSUS BUREAU, HISTORICAL INCOMES
TABLE P-1A (historical income table for African-Americans), available at http://www.census.gov
/hhes/income/histinc/p01a.html (last modified Sept. 30, 2002).

2001) (showing poverty status by family relationship and race and showing poverty status

3. Id.

4. Id. at 24.


6. Id. at 54.

detectives, and 5.8% of college and university teachers were black. These percentages were almost negligible fifty years ago. The 2000 census shows that 10.6% of those employed in executive, administrative, or managerial positions are African-Americans. In 1999, however, blacks constituted 46% of the 1,711,400 persons in either state or federal prison or local jails. For every 100,000 people in the United States, 2,489 blacks were locked up, compared with only 378 non-Hispanic whites.

There are four basic horizons of knowledge against which racial phenomena, such as the current socio-economic condition of African-Americans, are generally perceived. For purposes of this comment, I will call these four different systems of meaning – Traditional Americanism, African-American Centricity, Secular Individualism, and American Collectivism.

Historically, the dominant beliefs in U.S. society have not been the progressive individualist attitudes that began to emerge in the 1950s and 1960s. The United States’ traditional culture (“Traditional Americanism”) – traditional in the sense that its roots are driven deep in the history of U.S. society – took for granted the conquest and extermination of the indigenous peoples found here, the exclusion and subordination of women, the repression of the immigrant European working class, and the closeting of homosexuals. When it came to judging people of African descent and their place in society, they were looked upon as the paradigmatic inferior group contained within the shining shores. Thus, the United States’ traditional – and during most of its history its dominant – cultural view of African-Americans was based upon a belief that in some relevant way, blacks were less than the applicable norm. When comprehending the current socio-economic position of African-Americans, this conceptual scheme would explain the continued deficit in the socio-economic condition of African-Americans in terms of some deficit or deficiency within African-Americans. The failure of so many African-Americans to earn a decent living, their poor performance in educational institutions, the lack of cognizance of health concerns, and the propensity of black males to be involved in the criminal justice system are understood as evidence of the continued existence of some defect in either the biology or culture of African-Americans.

During the long struggle against their racial oppression, African-Americans created a counter discourse to that of Traditional Americanism. “African-American Centricity” provides an alternative explanation of the

8. HORNOR, supra note 5, at 202.
11. I recognize that even more systems of meaning could be developed, but to do so would simply divert attention from the point I am trying to make.
role and experience of blacks in U.S. society. The struggle against racial oppression is the dominant theme of African-American Centricity’s alternative view. Rather than viewing African-Americans as inferior, this counter discourse sees African-Americans as oppressed. Thus, the source of the deplorable material, social, spiritual, and economic condition of the black community is, has been, and will continue to be individual, systematic, and/or institutional racism. Within the landscape of this horizon of knowledge, the deficient condition revealed by the above socio-economic statistics is understood as evidence of the continued virility of racism. The disproportionate numbers of blacks consigned to poverty, the lack of educational opportunities, the poor health conditions, and the disproportionate numbers of black males incarcerated are all understood as the physical manifestation of racial subordination.

With the Civil Rights struggle beginning in the 1950s and continuing to the 1990s, another significant perspective about the role and condition of African-Americans emerged. "Secular Individualism" is adequately summarized by Reverend Martin Luther King Jr.’s dream that people be “judged not by the color of their skin, but the content of their character.” This cognitive framework seeks to undermine both Traditional Americanism and African American Centricity about the role and condition of African-Americans. In Secular Individualism’s stream of consciousness, dealing with the issue of race is largely deemed to be irrelevant. This pattern of understanding seeks to minimize the focus on racial aspects of a given phenomenon. People should be judged and understood as individuals and not as members of involuntary racial or ethnic groups. It seeks to reduce the differences in the socio-economic condition of blacks and whites in the United States by trying to identify which are traceable to non-racial factors such as the differences in age, family structure, region of the country, education, and other considerations of the two groups that are unrelated to race. This stream of consciousness would also argue that such statistics are of minimal importance because the real issues are generally related not to racial and ethnic groups, but individuals. Group-based statistics tell us nothing about the particular individual in a specific situation being dealt with at any given time.

The fourth and final cognitive framework conceptualizes the social world as populated by one group – U.S. citizens. U.S. citizens, regardless of race, color, creed, national origin, gender, sexual orientation, condition of mental or physical disability, wealth, social status, education, or region of the country are united into one great people. The motto is accurately captured in the phrase “E Pluribus Unum”– out of many one. The focus of this cognitive framework is and has always been on furthering the goal and destiny of the U.S. nation. The maintenance of the nation is the paramount concern. The only other goal, objective, and concern is the best interests of the U.S. collective. Within this cognitive framework, the suffering of a portion of the U.S. community can be justified if it is outweighed by the benefit to the whole community. To focus on the parochial interest of a
given group, like African-Americans, would miss the importance of the collective. Within the boundaries of this cognitive framework, the social statistics above must be interpreted within the larger context of the nation as a whole.

I mention these four systems of meaning for two different reasons. First, these perspectives are all national views of the status and conditions of African-Americans. They look at blacks solely within the context of U.S. society. Second, individual African-Americans such as Richard Parsons, Chairman of the Board of AOL-Time Warner, Colin Powell, or Condoleezza Rice can be praised for their accomplishments within Secular Individualism. Similarly, African-Americans who helped to advance the interest of the nation such as Crispus Attucks, the first man to die for the United States, the Fifty-Fourth Massachusetts Regiment that fought valiantly during the Civil War, or the Tuskegee Airmen can be praised within American Collectivism. None of these conceptual schemes, however, provides a positive interpretation of the collective role and history of African-Americans. The most positive understanding of African-Americans is probably that generated by African-American Centricity, which portrays blacks as engaged in a historical struggle to overcome their oppression. Even within this system of meaning, in order to find positive images of African-Americans, however, it is necessary to situate them within a context in which they are oppressed. Thus, blacks are confined to viewing their social-economic situation against an already existing cognitive framework, which portrays their condition as a deficient one.

It was with the understanding that positive views of African-Americans could not be easily obtained within the boundaries generated by the conceptual schemes of thinking about race in the United States that I began my travels to the developing world. When I applied for the Fulbright, I literally had to answer the question, "Where in the world should I go?" I wanted to use my sojourn to improve my comprehension of race in the United States. More can be learned about the limits and structures of the patterns of understandings used in the United States to think about black/white racial conflicts when examined against the background of a completely different society. India was the best country to visit; South Africa was the second best choice.

As is common, a single fundamental objective produces a number of relevant criteria. First, there had to be a group in the country analogous to African-Americans in the United States. The country had to have at least one hereditary group of people who had suffered a long history of subordination. India has a hereditary group that has been subjugated for centuries, if not, millennia. That group would be those who comprise the "outcastes," also formerly known as "untouchables," but who now refer to themselves as Dalits, which translates to "broken people." Apartheid history in South Africa produced a society where the white minority subjugated the black majority. Second, the country needed to be as culturally different from the United States as possible. These two nations
contrast with the United States in some very deep and enduring ways. The United States is a developed nation. India is a developing nation. South Africa has a developed first world society contained within a larger developing nation. The United States is a rich nation. India is a poor nation. South Africa has a rich nation within a poor nation. The United States is populated primarily by whites. India has an overwhelming abundance of brown-skinned people. South Africa has a white minority within a predominately black nation. Finally, because of my own limited linguistic skills, the country had to be one where English was the primary or, at least, a secondary language. English is the language of power in both India and South Africa. Thank the U.S. academic gods for the British Empire! During the time when Britannia ruled the waves and the sun never set on the British Empire, both India and the area that now constitutes the Republic of South Africa fell to its colonial influence.

I want to add a quick caveat before proceeding. I do not pretend to be, nor make any claim of being, an expert in either Indian or South African society. My exposure is far too brief for any such claim. All I seek is to point to the impressions I have as an African-American who journeyed through these countries for a brief period of time.

II. DALITS IN THE REPUBLIC OF INDIA

For a U.S. citizen who has never been to a “developing country,” the initial impressions of India are overpowering. As one traveler put it, “India assaults all of your senses.” Arriving in India is an in-your-face, up-close, and personal introduction to the meaning that resonates behind such phrases as “third world nation,” “poor country,” and “abject poverty.” By U.S. standards, this is a country infested with massive destitution and material deprivation. One is surrounded by thin, frail-looking people, which is an extraordinary contrast to the robust appearance of U.S. citizens. There are so many people who live on the streets in the major urban areas that the concept of homelessness, which causes so much consternation in the “land of plenty,” has little meaning.

It is in the context of such a poor society that the Hindu caste system takes on its real import. The caste system is the predominant characteristic of the Hindu social organization. The essence of the Hindu caste system is the arrangement of hereditary groups into a hierarchal social order. Another significant aspect of the caste system is that it actually conceives of

12. Life expectancy in India is 63.6 years for men and 64.9 years for women. POVERTY, ENVIRONMENT, AND DEVELOPMENTAL STUDIES FOR COUNTRIES IN ASIA PACIFIC REGION 27 (A. Hayes & M.V. Nadkarni, eds., 2001). Thirty-four point six percent of men and 54.6% of women are illiterate. Id. In 2000, per capita income was $476, and over 44% of the population had purchasing power of less than $1 a day. Id.


social superiority in terms of religious superiority. For hundreds, if not thousands, of years, the caste system assigned occupations to entire groups of people based on birth. Under pressures of urbanization, nationalism, modernization, and globalization, the rigidity of the caste system is showing some signs of weakening. However, it continues to influence and regulate much of Hindu life, especially in rural areas.

For the purpose of simplicity, the caste system can be viewed as broken down into four major distinct castes or varnas. This simplification is sanctioned by one of the most important Hindu creation myths contained in the Brhadaranyaka Upanisad. Because of their dominance in the caste system, the first three of these groups are also collectively referred to as "high caste Hindus." The caste system teaches high caste Hindus that their position of advantage is a divine privilege attributable to good karma that has accumulated over many prior lives. High caste Hindus came to enjoy a virtual monopoly on education, industry, trade, and commerce.

The Shudras, the lowest caste, are the largest caste consisting of over 50% of India’s 900 million people. The duty imposed upon the Shudras is to serve the other three castes. The Shudras were stigmatized, compelled to perform menial labor, and prevented from earning and accumulating wealth.

In discussing issues of hereditary subordination, I could discuss the situation of the Shudras; however, I will focus on a group that is actually below them. There is a fifth group of Hindus that constitutes approximately

15. The Indian caste system is more accurately discussed as two different lineage systems. The effective unit is the jati or birth-unit. This is an endogamous group into which a person is born and within which the person should marry. By contrast, the varna is the typical four-part division of society. A given jati is presumed to have its own dharma or set of imposed religious duties and obligations or paths of life. The inequality of the caste system is justified by the theory of karma and the transmigration of souls. According to the theory, every individual's birth in this life and in future lives is determined by a moral account based on actions of past and this present life. Karma is similar to a self-executing form of justice where good and bad actions of an individual are tallied and rewards or punishments are subsequently meted out in accordance with cosmic law. See MARC GALANTER, COMPETING EQUALITIES 7-17 (1984).

16. The Upanisads contain the metaphysical speculations of the Vedas. Hindus consider the Vedas to contain the major body of sacred knowledge. The Vedas are thought to be of non-human origin and are considered authoritative and eternal. They provide insight into the true nature of reality and are the basis of true belief and religious practice. The Brhadaranyaka Upanisad is the longest and considered to be the oldest of the Upanisads composed between the 8th and 6th centuries BCE. According to it, all that is in existence is derived from the division of an original primal man known as Purusha. Three-quarters of Purusha transcended the world we see and one-quarter came to Earth. What became of the part that came to Earth? The head became the Brahmins, the priestly caste. The arms became the Kshatriyas, the princely and warrior caste. The stomach became the Vaishyas - the business and merchant caste. Only members of the upper three castes undergo special initiation ceremonies that make them "twice born." Purusha's feet became the Shudras, the peasants and farmers. These four groups constitute the Hindu caste system and make up the people who are referred to as "caste Hindus."

16% of the Indian population (about the same percentage of the Indian population as the three higher castes) who are considered outside of the caste system. These are Dalits. Dalit means broken, oppressed, or downtrodden. The Brhadaranyaka Upanisad does not refer to the Dalits. Dalits have traditionally been considered polluted by virtue of their hereditary occupations. Dalits were—and for the most part, still are—confined to doing the worst work in India. Dalits take care of trash and body disposal, maintain the sewage system, clean toilets, work with dead animals, collect cow manure and turn it into cooking fuel, labor in the fields, work on leather, and dig the wells for water. For centuries, if not millennia, the Dalits were denied what are now considered to be the most basic human rights. They were denied access to Hindu temples, prohibited from drawing water from public wells (often the very wells that they themselves dug), told not to walk on the road in broad daylight, compelled to wear dirty clothes—if they were allowed to wear clothes at all. Their housing was separated from caste Hindus and placed on the outskirts of town. In a society of deprivation and destitution, Dalits are the most deprived and destitute. A strong case could be made that the Dalits are the most oppressed group of people in the world, if not in all of human history.

The writers of the Constitution for the Republic of India in 1949 recognized the tragic situation of the Dalits and sought to alleviate the worst aspects of their condition. The Indian Constitution outlaws untouchability and also incorporates the principle of preferential treatment for Dalits. Jobs in both central and state government employment and civil service are reserved for them, as well as places in admission in educational institutions.

According to Government of India statistics in 1986-87 only 21.38% of Dalits were literate, 16% lived in urban areas, 48% were agricultural laborers, 4% were employed in industrial occupations, and 50% lived below

---


19. Indra Sawhney v. Union of India, A.I.R. 1993 S.C. 477, 536 (noting that while there have been equally old civilizations on earth like India, none has evolved the “pernicious practices” of caste and untouchability and “stamp them with scriptural sanction[s]”). This was noted in a significant opinion by the Indian Supreme Court addressing India’s system of reservations.

20. INDIA CONST. Pmbl.

21. See INDIA CONST. art. 17. Other parts of the India Constitution guaranteed equality of rights and status to all citizens and protected them from discrimination on the grounds of caste and religion. Article 25 provided the state with the constitutional authority to open Hindu temples and other religious institutions to all members of the faith. INDIA CONST. art. 25. Article 35 gave Parliament the power to declare the practice of untouchability a criminal offense (which was done so by the Untouchability [Offenses] Act passed in 1955). INDIA CONST. art. 35. See SIDNEY VERBA, BASHIRUDDIN AHMED, AND ANIL BHATT, CASTE, RACE, AND POLITICS: A COMPARATIVE STUDY OF INDIA AND THE UNITED STATES 62 (1971).
the poverty line (compared to 30% for the entire population).\textsuperscript{22} A survey of forty-one educational institutions showed that Dalits constituted only 0.61\% of the professors, 1.04\% of the associate professors, and 3.16\% of the lecturers.\textsuperscript{23} In addition, regardless of the uplift efforts aimed at the Dalits and the prohibition against untouchability, a "number of recent sociological studies indicate that, despite all the changes that have occurred in the past sixty years, the idea of their inherent pollution continues to be what sets Dalits apart."\textsuperscript{24}

My initial Fulbright placement in India was at the National Law School of India University in the southern Indian city of Bangalore. My office at the Law School was located next to that of Professor Japhet; Japhet had been teaching at the Law School for five years. What made him stand out on this faculty of about thirty law professors, however, is that he was the only Dalit professor.

Japhet had followed the advice of B.R. Ambedkar and rejected Hinduism.\textsuperscript{25} A Dalit, Ambedkar received his legal training at the University of Bombay, Columbia University in New York City, and the University of London. Ambedkar had been a sharp critic of Mahatma Gandhi and became the chief spokesperson for the Dalit cause during India's drive for independence in the 1940s. Gandhi always argued for a united India that would ignore religious and caste differences. What this meant to Ambedkar was that caste Hindus would be in control of this united India. He felt that caste Hindus could not be counted upon to adequately protect the interest of the Dalits, the very people they had oppressed for so many years. Shortly after independence from Britain, the first Prime Minister of India, Jawaharlal Nehru, offered Ambedkar the cabinet position of Minister of Law. In this capacity, Ambedkar was the chair of the drafting committee for India's new constitution. Ambedkar, however, continued to despise Hinduism and converted to Buddhism, preaching the message that Dalits could never get a fair deal as Hindus.

Japhet talked often about the reality of the continued discrimination faced by Dalits in their every day lives. He discussed the difficulty that Dalits have in starting businesses. Caste Hindus typically do not patronize Dalit business establishments. Given the rampant poverty among the Dalits, there is not enough money circulating within Dalit communities that can be used to build profitable businesses. Japhet discussed rampant housing discrimination against Dalits. While it is illegal, it is still very common practice. If Dalits do not own their own home, the only places they can live

\textsuperscript{22} B. L. Mungekar, \textit{State, Market, and the Dalits, in Untouchable: Dalits in Modern India}, supra note 18, at 131, 134.
\textsuperscript{23} Id. at 137.
\textsuperscript{24} Webster, supra note 18, at 11, 13.
are in areas that through social practices have been reserved for only them. Most Dalits are still barred from entry into the homes of many caste Hindus, especially upper caste Hindus. This law professor at one of India’s leading law schools confessed that many of his upper caste Hindu colleagues and law students would not let him into their house if they knew he was a Dalit! The information that Japhet told me would be tantamount to a black professor, at say Boalt Hall, Texas, or Columbia Law School being told that he or she was not welcome in the home of a white law student in his or her class!

Hearing Japhet describe the living conditions of Dalits was inadequate to convey what it meant to be a Dalit. In order to acquire a better understanding of the conditions that Dalits were fighting, Japhet arranged for me to visit several different types of Dalit communities in and around Bangalore. On these expeditions, two Dalits who were also Ph.D. candidates at Bangalore University accompanied me. Among the communities we visited were a small agricultural village located outside of Bangalore and an urban community located only about five miles from the Law School.

On our way to the agricultural village we passed by people working in shallow open sewers. These workers were among the thousands I observed doing this while in India. Most of the sewers in India are not underground, thus not out of sight or smell. Instead, they are shallow, open ditches dug two to three feet beneath ground level. There are people who constantly work at keeping the sewage refuse flowing properly with hand-held instruments. This work requires the laborers to stand in raw sewage up to their knees. My two guides confirmed what I already knew. The people who do this appalling and disgusting work are Dalits.

Our company arrived at the first village in the early afternoon. Unlike the United States, India is still primarily a rural and agrarian society. This village could have been any one of 150,000 similar villages in India. There were about 400 inhabitants. The people who lived there did farm work for one of the upper caste Hindus. The structure of the village was reminiscent of the antebellum plantations of the U.S. South. Somewhat separated from the worker's quarters was the house of the family who owned this agricultural estate. It was by far the largest and nicest structure on the manor. This house was hidden from view by a tall brick wall and shaded by a number of large trees.

The part of the village where the Dalits lived was criss-crossed with the familiar open sewers. As we approached the first row of Dalit houses, I could see that they were small duplexes located on either side of what

26. According to India's 1991 census, the nation's estimated population is near 844,000,000, with most Indians living in one of the over 600,000 villages. GERALD JAMES LARSON, INDIA'S AGONY OVER RELIGION 9, 11-12 (1995). In 1995, only the following seven cities had a population of more than three million: Bombay (Mumbai), Calcutta, Madras (Chennai), Hyderabad, Bangalore, and Ahmedabad. HUGH FINLEY & BYN THOMAS, LONELY PLANET INDIA & BANGLADESH 61 (1995).
appeared to me at first to be a dirt pathway. As I found out later, this initial impression was wrong. One of my guides pointed out that the dirt path between the houses was not dirt, but dried cow dung. Cow dung is not only used as a major source of cooking fuel in India, but it also acts as a natural mosquito repellent. Cow dung is smeared around the bottom of the houses to act as a barrier to mosquitoes. People also spread it on the floors of their houses and then sleep on mats on the floors. This way their sleep is undisturbed by the feasting of little bloodsuckers.

As our group approached the first house, I saw a man in a stooped position furiously beating a stalk of grain against the ground. The stalk that he was beating landed precariously close to a woman holding a small baby. She was also in a stooped position on the ground culling through the remnants of the beaten stalks. We went up to talk to the man to find out what he was doing and why. As it turned out, the woman was his wife. He told us that he was manually separating the seeds that were inside the grain from the stalks. The seeds would be used to feed the cows and the horses. I found it hard to get my mind around the reality that this couple's job—their lot in life, the function they performed in this society—was to manually separate seeds from grain stalks for animal feed.

From outside, I could see that the lay-out of this home was similar to most of the others in this small community. Most of the homes contained less than 200 square feet of living space. They were constructed out of dried, lightweight clay bricks that had none of the weight and strength normally associated with that building material in the United States. I could easily break these bricks with my bare hands. The bricks were covered with a coating of white paint. The roofs of these small houses were dried clay tiles. There was a small window about eighteen inches square approximately two feet from the front door.

The wife showed us the inside of their modest two-room home. To call the home modest actually conveys a much nicer image than the perception. It is true that this family had a roof over their heads, but they seemed to have little else. There was a small living room of maybe ten feet by ten feet. The usable space in this room, however, was significantly reduced. About half of the room was covered with the grain stalks that the man was beating so furiously on the ground outside. With the grain taking up such a large amount of space, the appearance and feel of the living room was more like a horse stall in a farmer's barn than a house. Even though we arrived during midday, it was very dark inside of the house; there was no electricity. The only light came from the one small window beside the door and two very small windows situated in the ceiling. In the United States, skylights are considered a luxury. There was no hint of luxury, however, in these two small rectangular windows cut into the tiled roof. The back room was considerably smaller than the front one. It contained a small cooking area with an open fire. This family used dried cow dung as fuel to cook their meals. Ventilation for the smoke was provided by a small hole in the ceiling. This house had no bathroom to use for taking care of nature's necessities, no
faucet that one could turn on to get water, no phone to allow you to reach out and touch someone, no bed to sleep upon, no table to eat upon, and no couch to rest upon. In fact, there was no furniture of any kind, nor were there any pictures or other decorations to adorn the walls and provide a homey, comforting feel of familiarity.

As we walked through the village, I noticed that not all of the houses measured up to the "luxurious" condition of the first one our company visited. Some of the houses were smaller, barely containing enough space for a grown person to stretch out inside. In some homes instead of clay tiles, the roof was constructed out of dried grass covering pieces of dark plastic. In some homes, the front door was simply several planks of wood that had been haphazardly nailed together.

The other Dalit community we visited was located near the law school. The most striking feature about this neighborhood was how neatly laid out it was. This neighborhood consisted of neat rows of dried grass huts giving it the appearance of a model community that had been meticulously constructed pursuant to a precise space utilization plan.

This planned community was situated in a valley and bounded on two sides by one of the main open sewage creeks for the city of Bangalore. As one could imagine, the air enveloping these homes was always noxious and foul. My guides confirmed that this neighborhood had been constructed for Dalits by the government. The thought that these people lived in a "planned community" kept running through my mind because it was a difficult idea to process. The location of this community was not the result of happenstance or uncontrollable fate, but of conscious human deliberations. Someone in the governmental bureaucracy had decided that this should be the place to locate a community of fellow human beings. A government official had decided to spend the money to construct a community in a valley on the banks of a large sewage ditch for the benefit of the inhabitants.

As we approached this community, it was near dusk and we could see a mist rising from the ground beneath the huts of this community, enveloping it in a thin fog. I did not know what the mist was and felt like I did not want to inquire. Sometimes, it is best not to know too much. Sometimes, it is best to let some questions remain unasked. This was one of those times. I already knew enough to know that living there was an experience in human misery.

As a law professor at one of India's best law schools, Japhet was highly regarded within the Dalit community. After my visits to the Dalit communities, Japhet invited me to accompany him to a rally of Dalits to be held in the coast city of Mangalore. Japhet was one of three main speakers at the rally that was attended by over 80,000 people in a huge soccer stadium. The rally was of Dalits who had converted to Christianity. They sought to change the Indian Constitution so that they would qualify for the reservations for Dalits provided for by the Indian Constitution. The current constitutional provisions only allowed Dalits who professed to be Hindus,
Buddhist, or Sikhs to qualify for reservations. It excluded those Dalits who converted to Christianity.

The first pleasant, and unexpected, shock that I experienced as an African-American in that soccer stadium occurred when I noticed the only sign on the speaker's podium. This sign was in English and stated the familiar phrase from the black civil rights movement of the 1960's, "We shall overcome!" When I later discussed this sign with Japhet, he talked about the inspiration that Dalits have taken from the African-American struggle in the United States. I now better understood his extensive discussions of how Dalits had come to revere African-American leaders like Reverend Martin Luther King, Jr. Japhet constantly and emphatically stated that Dalits and black Americans are brothers in the collective struggle against oppression.

The second shock occurred when I listened to the message of one of the other two speakers who took the podium that day. He spoke in English and described himself as one of the leaders of the Dalit Panthers. He went on to note that the Dalit Panthers were created for the self-defense of Dalits in June of 1972 and were named in honor of the Black Panther Party and for the ethic of the Panther, who fights without retreat.27 Not only was the name of the Dalit group taken from the Black Panthers, but the positions of the office-bearers were picked up from them as well.28

The Dalit Panthers recognize the revolutionary nature and aspiration of the masses in India and have called for the redistribution of land and the elimination of the caste system.29 They are dedicated to obtaining justice and social rights for the Dalits. The organization was born out of the frustration with the inefficacy of parliamentary politics and acknowledges that violence is an inevitable part of social change. The Dalit Panther Manifesto, released in 1973, states:

Due to the hideous plot of American imperialism, the Third World, that is, oppressed nations, and Dalit people are suffering. Even in the United States, a handful of reactionary whites are exploiting blacks. To meet the force of reaction and remove this exploitation, the Black Panther movement grew. From the Black Panthers, Black Power emerged. The fire of the struggles has thrown out sparks into the country. We claim a close relationship with this struggle.30

27. See Vijay Prashad, Afro-Dalits of the Earth, Unite, 43 AFR. STUD. REV. 189, 197 (2000).
30. Prashad, supra note 27, at 197.
It was in this soccer stadium with 80,000 Dalits that I took a new view of the role and position of African-Americans. The Dalits were not drawing lessons of inspiration from George Washington, Thomas Jefferson, John Kennedy, or Lyndon Johnson, but from the African-American civil rights struggle. For the first time, I came to see that the dedication, strivings, pain, and suffering of African-Americans were purchasing hope for other people oppressed in their societies. African-Americans were helping to give hope to the most hopeless people on the planet.

III. BLACK AFRICANS IN THE REPUBLIC OF SOUTH AFRICA

South Africa presents a different view on the issue of hereditary subordination and oppression. The Republic of South Africa—with its white minority rule—was synonymous with "racism and racial discrimination on a massive scale." Tensions between black Africans and whites had long existed in southern Africa, but the institution of apartheid policies could be traced to the national elections held in 1948. The ultra-conservative National Party—dominated by Afrikaners—won electoral control of the South African government on an explicit platform of apartheid, which literally translates to "a state apart." Instituting apartheid plunged South Africa full tilt into explicit racial politics at a time when the rest of the post-World War II world was adamantly rejecting beliefs based on racial superiority. The National Party maintained political power until 1994, when the first democratically elected government took over.

The concepts that underlie apartheid were the division of the population into four racial groups—Asians (predominately from India), blacks, coloreds, and whites. Subject to the needs of whites to exploit the labor of blacks and coloreds, the four groups were to be physically separated and pursue their own development. Pursuant to these polices a number of major pieces of legislation were passed by the South African Parliament. In 1949, Parliament passed the Prohibition of Mixed Marriages Act, followed a year later by the Immorality Act. These two acts made mixed marriages and sexual relations across racial lines illegal. In 1950, the Population Registration Act was passed. Pursuant to this Act, the country’s population

31. The majority of the 5.6 million whites in South Africa are from one of two distinct groups—either English descendants or Afrikaners. Approximately sixty percent of the whites are Afrikaners. Afrikaners speak a language called Afrikaans that is spoken nowhere else in the world. It is the only Germanic language to have evolved outside of Europe. They feel a stronger attachment to South Africa as their native home than the English. They are also separated from the English descendants by religion. Generally, they are members of the Dutch Reform Church, which is based on 17th century Calvinism, whereas the English descendants still tend to be primarily Anglican. During the history of South Africa, the two groups have found themselves on opposite sides of various significant issues, especially during both World War I and World War II, when the Afrikaners tended to sympathize with the Germans and the English descendants supported Great Britain.
was officially classified into various racial and ethnic groups. A classification board was set up to rule on close classification cases. The Group Areas Act was also passed the same year. That Act created racially exclusive zoning for residential areas. In 1953, after a court ruled that segregation of public facilities was not lawful, Parliament adopted the Reservation of Separate Amenities Act to legalize such separation. Access to areas, particularly those reserved for whites, was carefully controlled and the exclusion of other groups from those areas was subject to police enforcement. Since blacks provided the labor for most of the country, they had to be permitted access to the areas reserved for whites. An elaborate system of pass laws was created to provide official permission for those blacks who needed, during working hours, to be in areas reserved for whites. By the late 1960s, over 600,000 people were being arrested annually for violating the pass laws.\(^32\)

The ultimate goal of apartheid was to produce a permanent white political majority in South Africa. This was to be done by creating homelands for the blacks (and perhaps colored people) where alternative political provisions could be made for them, leading to some form of independence. In 1955, a commission chaired by F. R. Tomlinson produced a report, the Socio-Economic Development of Bantu Areas, which became the basis for the homeland policy. South Africa began a policy of creating homelands that were to become exclusive enclaves for various black ethnic groups. The official propaganda on the homelands was that they would become self-sufficient and self-governing states on traditional lands of the black tribal groups. Eventually, the country’s 75% black population was to be housed on the 13% of the country’s land allocated to the homelands. Blacks were divided into ten different ethnic groups. Regardless of where they lived or where they were born, each black was made a citizen of one of the homelands. The blacks were not supposed to be outside of the homelands without permission. Millions of people were forcefully resettled as a result of the creation of the homelands.

The National Party pursued these political policies in part because of their religious convictions.\(^33\) The Christian worldview of the Afrikaner is enshrined in the Nederduitse Gereformeerde Kerk (NGK), referred to in English as the Dutch Reform Church. The Dutch Reformed Christian movement was derived from John Calvin’s Swiss Reformation in the first

\(^{32}\) SOUTH AFRICAN COMMUNICATION SERVICE, S. AFR. Y.B. 30 (1997).

\(^{33}\) See CHARLES BLOMBERG, CHRISTIAN NATIONALISM AND THE RISE OF THE AFRIKANER BROEDERBOND IN SOUTH AFRICA, 1918-1948 xxii-xxiv (Saul Dubow ed., 1989). Article 1 of the Constitution of the National Party, established in 1934, states: “The Party acknowledges the sovereignty and guidance of God in the destiny of countries and seeks the development of our nation's life along Christian-National lines.” All Nationalist Party officers and officials were to make the following pledge: “I hereby solemnly and sincerely declare that I acknowledge the sovereignty and guidance of God in the destiny of countries and peoples, and that I will in a spirit of brotherhood together with my fellow party members seek the development of South Africa's life along Christian-National lines.”
half of the sixteenth century. The Calvinist religious tradition manifested itself in a particularly racist way in South Africa. In the Afrikaner reading of the Bible, God instituted divisions among humans. Particular solicitude is given to the story of the destruction by God of the Tower of Babel. After the destruction of the Tower, the Lord went down and confused the language of the people and scattered them throughout the earth. “If as one people speaking the same language they have begun to do this, then nothing they plan to do will be impossible for them. Come, let us go down and confuse their language so they will not understand each other. So the Lord scattered them from there over all the earth.” For the NGK, by such a division and confusing of the language, God revealed his will that people should live in separate cultural or ethnic units. Thus, an amalgamation of the races is contrary to the expressed will of God. Being divinely ordained by God, these differences among people and languages shall persist until the end of time. Support for this position is derived from the New Testament Matthew 24:7. Here, Jesus describes the end of time by noting that one of the signs will be nation arising against nation. In Matthew 24:14, Jesus also indicates that this gospel will be preached in the whole world as a testimony to all nations and then the end will come.

The NGK also believes there are fundamental and ineradicable differences in personality traits and characteristics that exist between discrete peoples; some ethnic groups are more talented, virtuous, intelligent, stronger, and more creative than others. These differences are held to be God’s will; thus, neither races nor humans can alter these differences. According to the NGK, humankind must accept them as part of God’s global scheme. Finally, the NGK believes that God assigns to each nation its own particular mission. Some missions are more glorious than others, but all are decreed by God. Through carrying out that earthly mission, each nation serves God.

34. Calvin preached a stern theology, holding that God’s laws must be rigorously obeyed, that social and moral righteousness strictly pursued, and political life carefully regulated by religious concerns. Calvin explained salvation in terms of God’s predestination. God through his grace determined in advance who would earn salvation and who would be condemned to hell. Calvin asserted that people can never know with certainty their fate. While this doctrine could and did lead some to despair, it also manifested an ironic twist. Those who despite Calvin’s assertion believed that they were truly pre-determined for salvation, acted with what they perceived to be a divine sense of self-assurance and righteousness.

35. There are a number of passages in the Bible cited by Afrikaners to support the notion of the division and permanence of those divisions among humanity. One of these is Chapter 10 of Genesis where the sons of Noah are viewed as the progenitors of different nations with different language groups. “These are the clans of Noah’s sons, according to their lines of descent, within their nations. From these the nations spread over the earth after the flood.” Genesis 10:32.


37. Id. See also Deuteronomy 32:8; Acts 27:26.
The NGK teaches that God created the Afrikaner nation for a special mission. Thus, the colonization of South Africa by the Dutch that began in the area that later became Capetown in 1652 was not fortuitous, but part of God's master plan that is unfolding in history. They believed that God was on the side of the Afrikaners in their wars against the native African peoples and that their victories were divinely ordained. Afrikaners are people chosen by God to help the blacks become self-supporting bearers of Christian civilization.\textsuperscript{38} Thus, Afrikaners were required to remain in Africa as the principal bearers of the Christian religion and Christian civilization, on a mission not just for Afrikaners, but also for the sake of the indigenous African population. Believing that the black Africans could become civilized and converted to Christianity, however, did not eliminate the fact that the black African was different from and inferior to the white. The divine task of the Afrikaners included supervising the development of the indigenous African peoples.

The conversion to majority rule left South Africa with a legacy of abuse, oppression, and stark economic, social, and educational disparities based on race. Blacks constituted 76\% of the estimated 40,436,000 people in South Africa in 1994, in contrast to whites at only 12.8\% of the population.\textsuperscript{39} Depending on the definition of unemployment used, the unemployment rate for blacks in South Africa in October of 1995 was between 20.8\% and 36.9\%, compared to a rate of 3.7\% to 5.5\% for whites.\textsuperscript{40} For 1996, the average family monthly income for blacks was $288 compared to $1,635 for whites.\textsuperscript{41} In other words, the average family income for blacks was only 17.6\% of that of whites. The estimated infant mortality rate for 1996-2001 was 53 per 1,000

\textsuperscript{38} The Federal Council of the Dutch Reform Church specified the special mission of the Afrikaner in 1935:

The Church is deeply convinced of the fact that God, in His wise counsel, so ordained it that the first European inhabitants of this southern corner of darkest Africa should be men and women of firm religious convictions, so that they and their posterity could become the bearers of the light of the Gospel to the heathen races of this continent, and therefore considers it the special privilege and responsibility of the DRC in particular to proclaim the gospel to the heathen of this country.

\textbf{BLOOMBERG, supra note 33, at 27.}

\textsuperscript{39} \textit{SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, S. AFR. SURV.} 96 (1998).

\textsuperscript{40} \textit{Id.} at 225. Unemployment was defined two different ways. The lower figure "refers to people 15 years and older who are not employed but are available for work, and who have taken specific steps to seek employment in the four weeks prior to a given point in time. The expanded definition refers to people who are 15 years of age or older, who are not employed, but are available and have the desire to work, irrespective of whether or not they have taken active steps to find work." \textit{Id.} at 254.

\textsuperscript{41} The average income for Africans was 1,252 rand/month compared to 7,108 for whites. \textit{Id.} at 280. The average exchange rate for the rand for 1996 was 0.23 in dollars. \textit{See id.} at 416. Thus, the average monthly income of blacks in dollars was ($1,252 \times 0.23$) $288 and for whites ($7,108 \times .23$) $1,635.$
births for black Africans compared to 17.1 for whites.\textsuperscript{32} Life expectancies for black males during the years 1991-96 were 59.8 years and 66.8 for females. This contrasts with 69.5 years for white males and 76.6 for white females.\textsuperscript{33} Of the nearly 77,000 degrees, diplomas, and certificates awarded by higher education institutions in 1995, 53% were awarded to whites and only 35% were awarded to blacks.

The signs of this disparity in material conditions of the different racial groups are ubiquitous. While in South Africa, I spent time in each of its three major population centers – Durban, Capetown, and Johannesburg. I toured a number of the informal settlements also known as "shanty towns" and "squatter camps" and also spent a considerable amount of time in the rural areas. Everywhere I looked, the disparities between blacks and coloreds on the one hand and whites on the other, were readily apparent. They were apparent in the quality of the clothing and shoes that people wore, in the forms of transportation used by the different groups, in the homes in which the people lived, in the business areas to which each group had easy access from their residential areas, in the condition of the schools that their children attended, in their leisure activities, in short – in their different ways of life.

Many commentators are fond of noting that South Africa is a country of contrast; parts of the country are in the first world while other parts are in the third world. Because of majority rule, some blacks have moved to first world status, but the first world in South Africa still refers primarily to the world of the whites. The third world is an accurate description of most of the world of the black South Africans, along with most of the colored South Africans.

A good example of what it means to say that the first world is next to the third world in South Africa struck me when I spent time in Sandton, one of the luxurious suburban areas surrounding Johannesburg, then crossed into Alexandra, one of the sprawling black townships. Sandton is an immaculate suburban city with fresh air and wide paved streets. There are sidewalks and tree-lined avenues. Imposing skyscrapers punctuate the modern landscape. Picturesque homes and apartment complexes with immaculately manicured lawns seem to be everywhere. Sandton has many modern shopping areas and shopping malls that are crowded with primarily well-to-do white patrons. First class hotels and modern office complexes abound in this suburb. The restaurants in Sandton are every bit as good and clean as those one would expect to find in New York, Chicago, or San Francisco. Everywhere one looks, cars are busily moving about. It is difficult to remember that this is in Africa, and not a suburban area of any

\textsuperscript{32} SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, supra note 39, at 185. The Institute of Futures Research at the University of Stellenbosh did the estimated infant mortality rate. \textit{Id.}

\textsuperscript{33} \textit{Id.} at 95.
major metropolitan city in the United States."

When I followed the “right” (or perhaps “wrong”) road out of Sandton, however, I was transported directly into the third world black township of Alexandra. Alexandra is home to an estimated one million blacks. As accurately noted by a popular travel book on South Africa, Lonely Planet: South Africa, “the first impression as one approaches a township is of an enormous, grim, undifferentiated sprawl.” The wide paved streets are replaced by narrow and winding dirt roads. The well-manicured yards are replaced by yards composed of dust and dirt. It is as if the same soil that supported luscious green lawns in the first world of Sandton mysteriously lost the ability to sustain any kind of foliage. Even weeds stubbornly refuse to grace the tiny cramped spaces that pass for the concept of “lawns” in this, the third world. In Alexandra, there are no modern shopping areas or malls, no first class hotels, no modern office complexes, no imposing skyscrapers, and no white people. There are many homes constructed out of bricks and more permanent building materials. In other areas of Alexandra, however, the picturesque homes and modern apartment complexes of the first world are replaced by surreal structures that appeared to be constructed out of whatever substances their inhabitants could lay their hands upon. It was as if the occupants scoured garbage dumps in search of conceivable building materials and made due with whatever their scavenging yielded for the basis of their four walls and a roof. I observed dwellings that were constructed out of combinations of materials including corrugated tin, slabs of lumber, mud bricks, cardboard boxes, and pieces of aluminum or steel that presumably came from abandoned cars. The electricity wires that ran into these hovels testified to the fact that, despite their ephemeral appearance, they were deemed to be permanent structures. I was visiting South Africa during its winntertime. As nightfall approached, the residents of Alexandra burned coal or wood to heat their homes. As a result, a foreboding and suffocating smog enveloped the entire community.

I experienced the contrast of the (white) first world abutting the (black or colored) third world several times as I traveled through South Africa. It existed when I went from Capetown – which is one of the most spectacular cities in the world – to a “colored” township less than ten miles away. I also experienced this shift from the first world to the developing world when I left Durban and found myself wondering through the rural ancestral lands of the Zulus.

I assume the reader is familiar with the anti-apartheid protests that gained powerful momentum in the United States in the 1980s. These protests were sparked in significant part by coalitions of black civil rights leaders, clergy, and students brought together by people like African-Americans Randall Robinson, the executive director of TransAfrica, and

44. Id. at 133.

Reverend Leon Sullivan. Protests in the United States against the apartheid regime led many state and city governments and universities to sell their investments in companies that did business in South Africa and forced some U.S. companies to withdraw from South Africa. Political pressure eventually led Congress in October of 1986 to pass the "Comprehensive Anti-Apartheid Act," over President Reagan's veto, which banned new investments and bank loans in South Africa, ended South African air links with the United States and threatened to cut off military aid to allies suspected of breaching the international arms embargo against South Africa. These and other measures helped to hasten the end of apartheid in South Africa.

In addition to the international pressure placed upon the apartheid regime in South Africa was the enormous role that African-American political activists played in providing theoretical arguments for the internal struggle against apartheid conducted by the black South Africans. Contacts between African-Americans and black South Africans date back almost 100 years before majority rule. As early as 1898, Bishop Henry Turner came to South Africa to cement relationships between the African Methodist Episcopal Church and black South African churches. According to later published reports about Turner's visit, he told the black South Africans:

The white man does not appreciate our value because he believes himself by divine right to be the dominant race. . . . The black is the race of the future, and one day the black man will wake up and shake off the white man's yoke. He is already rubbing his eyes and feeling his muscles. . . . The time has now come to replace them with their antiquated methods.

In addition, the organizers and original leaders of the 1911 South African Native National Congress, which eventually became the African National Conference (ANC), often acknowledged that they were thoroughly versed with and influenced by the writings of both Booker T. Washington and W.E.B. DuBois. The principal contribution of African-Americans to the black South African anti-apartheid struggle, however, was the assistance provided to the Black Consciousness Movement in South Africa in the late 1960s and 1970s.

The black majority did not accept apartheid openly. In 1940, the ANC for the first time began to call for resistance to minority rule in the form of


strikes, acts of public disobedience, and protest marches. In March of 1960, the Pan African Congress (PAC) called for nationwide demonstrations against the hated South African pass laws. This call eventually led to a major confrontation when demonstrators surrounded a police station in Sharpeville. The police opened fire on protestors, killing sixty-nine and wounding 189 people. In an effort to eliminate political resistance, the government banned the ANC and the PAC, enacted tougher legislation, engaged in mass arrests of political activists, deprived political prisoners of their rights, and authorized the police officers to use extreme measures in order to extract information from detainees. As a result of these measures, both the ANC and the PAC were forced to go underground.

The Black Consciousness Movement struck South Africa around 1968. It helped to fill the vacuum that was created by the banning of the ANC and the PAC. The rise of black consciousness in South Africa can be traced back to the founding of the South African Students' Organization (SASO) in 1968. Black students led by Steve Biko, Barney Pityana, and H. Nengwekhulu broke away from the National Union of South African Students (NUSAS). NUSAS was a multi-racial student organization that was dominated by whites. It opposed racial segregation and sought to recruit black students who attended the predominantly white universities to its activities. The black students, however, felt that the NUSAS was not providing the forum for black political activism that South Africa's black population needed. They came to the conclusion that blacks needed to operate their own student organization. SASO began encouraging blacks throughout South Africa to organize themselves independent of the white-dominated liberal organizations.

One of the issues that black activists in South Africa had to respond to was the muted reaction by South African blacks to the Sharpeville massacres. These activists came to see that blacks in South Africa were held in subjugation not merely by the coercive force of the apartheid regime, but also by their own sense of impotence and inferiority. Steve Biko argued that there were two different forces that oppress the black man in South Africa. The first force operates externally. It is the force that limits his life experiences; the force that causes him to live in material deprivation, to not do certain things, and to confine him to difficult work conditions. The second force is an internal one that causes the black man to reject himself. This force leads the black man to attach to what is white, the idea that it is better, and to attach to what is his, the notion that it is inferior.

Black Consciousness focused on problems of identity and self-worth. It sought to instill the idea of self-determination, to restore feelings of pride and dignity to blacks. It preached that the most potent weapon in the fight against oppression was the mind of the oppressed. The Black Consciousness message appealed to the emotions of many young Africans. Slogans directly from the African-American liberation movement like “Be black and proud”

48. FREDRICKSON, supra note 46, at 302.
were incorporated into the political language of South Africa. This message allowed them to combat the racial stereotypes that were a part of their upbringing. Africans could now reject the notion that they were powerless in shaping their own destinies.

The Black Consciousness Movement filtered down to black high school students in South Africa. The movement helped to spark Soweto students to organize a protest against the use of Afrikaans (the language of the Afrikaners is also regarded as the language of the oppressor) in black schools. This protest resulted in large-scale violence. On June 12, 1976, police opened fire on student demonstrators. This set off a round of protests, strikes, and mass arrests that eventually cost over 1,000 lives in a twelve-month period. Soon after the uprisings in Soweto, Steven Biko, the principal architect of South Africa's Black Consciousness Movement, was murdered by the South African secret police. World attention then became focused on South Africa and the apartheid regime was never the same. A generation of young blacks committed themselves to revolutionary struggle and within eighteen years, apartheid had been vanquished.

What I was to discover while in South Africa was the tremendous debt that South Africa’s Black Consciousness Movement owed to African-American political thought in the United States. As one commentator, Themba Sono – who was also active in SASO at the time – stated: “Black Consciousness as it is known and articulated in South Africa (the doctrine, style, language and rhetoric) is lock, stock, and barrel Black American invention, exported to the South African black radical almost verbatim.”

One of the SASO’s Policy Manifestos of 1970 borrowed freely from African-American ideas and slogans. It repeated almost verbatim a famous phrase from Stokely Carmichael and Charles Hamilton’s book, Black Power. One commentator noted that the writings and activities of Stokely Carmichael, Shirley Chisolm, Eldridge Cleaver, H. Rap Brown, George Jackson, Malcolm X, James Cone, and Albert Cleage attracted lively interest in South Africa. The connection between the writings of Steve Biko and Barney Pityana and that of African-American black power writers even caught the attention of the apartheid government’s Schelebusch Commission. In its Fourth Interim Report, it pointed out that the similarities in the doctrine of Black Consciousness as articulated by people like Steve Biko and Barney Pityana are closely related to the Black Power writings of Stokely Carmichael. The Commission went on to state that large portions of the

49. CONTENDING IDEOLOGIES IN SOUTH AFRICA 105 (James Leatt et al. eds., 1986).
50. THEMBA SONO, REFLECTIONS ON THE ORIGINS OF BLACK CONSCIOUSNESS IN SOUTH AFRICA 34 (1993).
51. FREDRICKSON, supra note 46, at 307.
52. See CONTENDING IDEOLOGIES IN SOUTH AFRICA, supra note 47; see also PHILIP BONNER & LAUREN SEGAL, SOWETO: A HISTORY 72 (1998) (SASO thus began to fill the political vacuum which had been left in black communities after the banning of the PAC and the ANC. Influenced by American Black Power movement, the organization spoke a new language of political radicalism).
SASO writers are so close to those of Carmichael that they could be considered plagiarized versions of Carmichael's approach.

**IV. CONCLUSION**

We as humans create the knowledge that becomes our reality. The greatest gift a thinker could provide for those who are affected by his thoughts is the firm articulation of a truly wonderful idea. I write this brief comment in the hope that it will and can be used as a sort of introduction to the existence of an international conceptual scheme that provides another understanding of the role and condition of African-Americans in the United States.

My international experiences have left me with certain indelible impressions about African-Americans and their struggle against racial oppression. The experience of being in both the Republic of India and the Republic of South Africa left me with three indelible impressions that form the basis of a view of African-Americans, their condition, and their struggles against racial oppression in the United States within the boundaries of a global cognitive framework. First, my experiences overseas showed me that forms of oppression exist that are far worse than what African-Americans experience in the United States. Second, that groups who suffer from more virulent forms of oppression generated by forces within their society have used the struggle by African-Americans as a source of hope, inspiration, and insight for their own struggles against oppression. Finally, that more than just the condition of African-Americans is at stake in the struggle against subordination based upon hereditary characteristics in the United States. If African-Americans succeed in obtaining equality, other oppressed groups will draw inspiration and moral and legal legitimacy within their own country from that success.

Simply put, when the role, condition, and struggles of African-Americans are viewed within the context of a system of meaning that focuses upon an international view of oppression of other groups within their own country, a positive view of African-Americans emerges. Regardless of the perception of African-Americans within the United States, within a global perspective, African-Americans are an accomplished people, whose struggles against oppression have helped to spiritually and psychologically uplift other oppressed people of the world.