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Violence without Verdicts: A Comparative Analysis of Social Movements and Race Relations in the United States and South Africa

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Violence without Verdicts:

A comparative analysis of social movements and race relations in the United States and South Africa

By Madison Swoy

An Independent Study Thesis
submitted to the Department of Political Science
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ABSTRACT

This paper explores the role that social movements play in weakening the racial hierarchies that continue to persist in contemporary United States and South Africa. A theoretical analysis of the function of social movements is followed by an historical survey of the racial hierarchies within these two countries, with particular attention paid to the countries' respective eras of institutionalized racism characterized by the Jim Crow and Apartheid periods. After which, police brutality and service delivery are used to exemplify the structural racism that endures in each of these societies. These two issues also serve as the most galvanizing issues for provoking social movements in the United States and South Africa.

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I. Introduction

The contemporary racial hierarchies that persist in South Africa and the United States are the enduring legacies of these two states' racially imbued pasts, which developed out of colonializer relations, economic trends, and state mapping. The development of this social construct was politicized and mandated through the institutionalization of racially discriminatory practices during the United States' Jim Crow era, and South Africa's Apartheid era. Today many of the racially biased tendencies that were once widely accepted and legally mandated during the two aforementioned eras are still evident in the both countries' societal cleavages, which are articulated in the social, political, and economic relations of each country.

My project aims to determine if social movements can be a force in weakening racial hierarchies, and if so, what needs to transpire in order for the movement to have a positive effect on the level of hierarchy that persists in contemporary U.S. and South African societies. I have defined a social movement as the collective effort put forth by the public that aims to change a function of society that affects the way in which it operates, or is operated (by elites). The social movement will seek this change by garnering policy elite's attention and support for their frustration. Generally, the movement seeks a policy response, either the enactment of new policies or the improved implementation and widespread publication of previously existing (but insufficiently executed) policies. A movement's ability to successfully incite a change in the level of hierarchy within a society will be twofold; it must be able to alter the public's perception of the problem as well as lead to a positive policy response. Racism currently exists amongst both social interactions and policy processes (although less explicitly now than

in previous eras) and the two spheres are deeply connected. Social movements function at the intermediary point of these two spheres and thus may be a force in weakening the hierarchy.

In order to address this relationship and thus my research question completely, I must examine the functions of both social movements and racial hierarchies. I will first provide a comprehensive understanding of social movement conventions by demonstrating the arena in which social movements exist; what leads to social movements; whom social movements impact; what potential effects they may have, and the function they serve in society. This discussion will be provided in a review of the theories put forth by a sample of the most influential social movement theorists (some of whom also focused on the role of race in particular). Then, in my discussion of the practices, the functions, and the nuances surrounding the racial hierarchies within the two countries that I aim to compare, I will first put forth an in-depth historical analysis of how the racial systems have evolved, how the function of each hierarchy has evolved throughout history, as well as the various influences that have historically gained leverage to weaken the respective hierarchies. Provided this understanding, I will then delve into contemporary race relations, post-*institutionalized* racism, in order to apply my theory to modern day situations. In order to accurately depict the role of race in contemporary U.S. and South Africa, I chose to interrogate an aspect of each society that remains disproportionately racialized.

For the United States, I examined police-minority relations, and in particular, the police brutality that occurred in the Rodney King case of 1992. For South Africa, I examined service delivery, and in particular, poor service delivery to the townships in the

Western Cape, with an emphasis on the unenclosed toilets that led to protest in 2011. These two cases depict especially galvanizing events and maintain the criterion that is necessary to test my theory: issues that are generating protest and are also racially charged.

This project is a reflection of the past four years of academic training I have received at the College of Wooster. It is the convergence of the passion and intellect that I have developed throughout my academic career, thus far. As such, social science techniques have been employed to provide an in-depth analysis of my primary research question. Each section has been intentionally crafted to provide a truly comprehensive take on the issues related to racism as it has evolved to exist in the U.S. and South Africa, and to inform my inquiry regarding the role that social movements may play in working against said racism.

II. LITERATURE REVIEW

INTRODUCTION

Contemporary social movement theorists have recently begun to apply their ideologies to historical social movements' effectiveness in procuring social change. Previously, most theorists had focused primarily on understanding the conditions that simply prompt social movements. In the late 1970s, starting with William A. Gamson in *The Strategy of Social Protest*, and followed soon after by Frances Fox Piven in *Poor People's Movements*, a group of social movement theorists began to probe a little deeper to develop an appreciation for the conditions and circumstances that would lead to a *successful* social movement. This approach was initially coined by Social Movement Impact Theory (or outcome theory), which addresses the actual impact of a social movement as well as what led to this impact and social movement action in the first place. Today, academic sources widely use the term "success" when referring to a positive outcome for various social movements. However, the meaning of success and the variables used to define success within the social movement literature are still widely contested. Today, questions regarding how to maintain commitment to collective action while avoiding fracturing, and how to "exploit the vulnerabilities and schisms of antagonists" have taken the forefront of academia for analyzing how social movements may be successful (Gamson and Schmeidler 1984, 568).

I will review the social movement literature that focuses on the conditions that prompt social movement action, but my interest for this project primarily lies with the literature that addresses the necessary conditions for procuring an *effective* social movement. In this review, I will introduce each theorist by mentioning the field of

academia in which they base their theory and how that field may inform their theory.¹

Each theorist will be analyzed by regarding their dependent variable as *effective* or *ineffective social movements*, and their independent variable[s] as the circumstances and occurrences that influence this dependent variable (i.e. social movement actions, or timing, or organization). Note that the literature review is organized by the individual theorists. Within each theorist's subsection the analysis provided is in direct reference to the work produced by said theorist, unless otherwise noted. For example, if a separate author agrees or makes a similar point to the primary theorist at hand, I will explicitly reference that other author. Otherwise, it should be understood that the review provided in each subsection is based on the work of the author noted in the heading of that section.

TOP-DOWN VS. BOTTOM-UP

I have categorized each of my primary theorists into either a *top-down*, or a *bottom-up* field of thought. Ultimately, the difference between the top-down authors, and the bottom-up authors rests in two questions: (1) whose movement will mend the system, and (2) who initiates the change; the political elites, or the marginalized peoples. Top-down theorists would argue that the elite movements will fix the system and elites must initiate the change, while bottom-up theorists would argue that the marginalized peoples' movements can fix the system and these people must initiate the change. The basis for change however (i.e. policy change or change in social consciousness) may be agreed upon or find overlap between the two groups of theorists, but *whom the movement must*

¹ For most theorists, conclusions and core concepts can be drawn from understanding their respective academic fields.

mobilize to be successful, the masses or the elite is where these people diverge.² They may agree that the root cause of the social hierarchy is state mapping, or White nationalism, or White supremacy, or slavery. By highlighting and apprehending these two conflicting approaches, my work aims to be self-critical.

First, I will introduce Frances Fox Piven, William A. Gamson and Emilie Shmeidler, and Michael Omi and Howard Winant (and their influencers) as the key theorists who promote a bottom-up approach to social activism. Then, I will survey Anthony Marx, Desmond S. King and Rogers M. Smith, and John D. Skrentny (and their influencers) to provide an understanding of the key top-down explanations for social movement success. I will conclude with an analysis of the commonalities and differences between each of the theorists. My research is ultimately focused on social movements to overturn the *post*-racial hierarchy. Although not all of the aforementioned theorists focus on racially charged and/or social inclusion-focused movements in particular, their theories may still inform my thesis regarding the conditions necessary to create effective movements. Those surveyed are considered the leading social movement theorists and have put forth the most significant social movement theories of our time. Based on their work I hypothesize, (1) Bottom-up social movements are more likely to lead to a weakening of the racial hierarchy than are top-down movements. (2) Social movements are more likely to lead to a weakening of the racial hierarchy when there are preexisting divisions within the ruling elites. (3) Social movements will be more likely to have an impact when the hierarchy is formal and grievances are made visible.

² The theorists may also agree upon what led to the contemporary system (specifically the racial hierarchy, in my study) and the historical processes and events that have caused modern-day inequalities.

BOTTOM-UP:

FRANCES FOX PIVEN: THE SOCIAL STRUCTURING OF POLITICAL PROTEST

Piven is a professor of political science and sociology; she is a political activist and intellectual and has played an important role in promoting policy change that focuses on poverty alleviation (namely welfare), voter registration, and the point at which these two issues converge. Her work primarily analyzes social movements and electoral processes as well as the necessary conditions for a successful social movement. Power dynamics therein serve as her primary concentration; both the power held by the poor and the power held by the elites, and the ways in which to capitalize in order to create more effective movements. Piven (1976) argues that elites have created socially exclusionary systems and that the power structure within these systems is problematic. She claims that mass protest can shift this structure and ultimately alter the poor's (or marginalized's) situation.³

Piven pioneered one of the primary questions that I wish to interrogate in my research: why some movements are able to be more successful than others. As previously stated, academics before her endeavored to understand which conditions will lead to social movements in general. While this is still an important point of interrogation, understanding the ability to create change through social mobilization and action serves as the next step for providing more power to those who have traditionally been left out of social, political, and economic spheres. She finds *disruption* through *defiance* to be the

³ She uses four case studies to bolster her claims: the movement led by the unemployed during the Great Depression, the Workers' Alliance of America; the industrial strike that led to the Congress of Industrial Organizations; the Southern civil rights movements in the 1950s and 1960s; and the 1960s National Welfare Rights Organization's protests for welfare recipients (1976).

most potent tool that serves the poor in their effort to transform their own political positioning. However, she concedes that poor people's (or in my study, marginalized people's) uprisings will only occur during certain moments of socioeconomic interruption.

Creating a Defiant Poor

Piven (1976) delineated three key conditions under which social protest will be effective: (1) a loss of legitimacy of the system, (2) a resurgence of individual power, and (3) a newfound defiance that is the basis for collective action; the third being the determining action in a social movement's success (300). The poor (marginalized) who are being negatively affected by the system must demonstrate defiance and collective defiance will lead to the greatest success. In order to act defiantly, the poor must see their condition as not *divinely ordained* nor based on *personal qualities* and/or talent (310). They must understand that their social standing has been prescribed by the social system, and that they as individuals, are not the reason for their disadvantaged positioning. These surges of defiance, and realizations about the system, however, will only take place given certain conditions, when the poor become informed about their rights and feel compounding discontent in their everyday situations.

Timing and Electoral Instability

Piven (1976) argues that the success of a protest is not based on rallying a defiant poor alone, but is also influenced by the timing of a protest related to the level of electoral stability when the elites must respond to the protests' pleas. She claims that timing is crucial for determining how political leaders will respond, because their response often depends on whether or not they are working to maintain a particular sect

of constituent support. If a leader is unsure of his or her constituents' support, or is making decisions at a time when such support is especially necessary to his or her personal success, disturbances will not be ignored (319). She also claims "under conditions of electoral instability, the alliance of public and private power is sometimes weakened, if only briefly, and at these moments a defiant poor may make gains" (320). The extent to which these conditions will affect the outcome of a protest, in particular, is still unknown, but acts of defiance (on any level) that occur during these periods are shown to have an impact on political decisions that regard the poor.

Sustaining Impact

Piven (1976) also claims that after a protest has subsided, in order for the movement to sustain an impact, the ideals and objectives that the poor put forth as the basis for their uprising must align with the ideals and goals held by the sitting political elites. Otherwise, "when protest subsides, concessions may be withdrawn," (325) so even though the timing may have been right, and/or officials may have been seeking public support, and thus were initially willing to make concessions, once the protest calms down these officials may no longer be willing to help. Piven claims however, that if the innovations (that result from social movements) are compatible with the interests of the power holders, the changes made will persist. For example, "labor unions constituted a useful mechanism to regulate the labor force" (325) and have thus survived post-uprising because the goals of the movement also satisfied the elites goals. In sum, Piven's overarching argument for that factors that will lead to a successful social movement are, when a mass of ordinary citizens (or more specifically the poor) are able to rise up with feelings of defiance to use disruption tactics, which again is their most potent mechanism,

they will be able affect political elites. However, this is only possible when the uprising is pursued at a time of electoral instability. Also, the movement will lead to *durable* policy changes, only if its innovations are compatible with the power holders' goals.

WILLIAM A. GAMSON AND EMILIE SHMEIDLER: COMMENTARY ON POOR PEOPLE'S MOVEMENT

Gamson and Shmeidler (1984) were the first to theorize what factors may lead to a successful social movement. They have thus responded to Piven's (1977) work and underscored how her theory is both analogous to and also dissimilar from the notions they put forth a few years prior. Gamson and Shmeidler especially draw into question the assertions Piven makes against overly "organized" social movements. By organized, Piven (as well as Gamson and Shmeidler) is referring a reliance on elites who will maintain an underlying hierarchical role to coordinate activities and help accumulate resources.

Piven fears co-option of the movement by elites will consequently strip the voice from the poor. Instead she advocates for a more "chaotic" form of social movement, where all voices are more equally represented. Gamson and Shmeidler maintain that proper leadership can be a tool for mobilization, whereas Piven prefers chaos because it is more democratic. In *The Strategy of Social Protest*, Gamson (1975) claims that a bureaucratically organized movement might ultimately be more successful, but that this type of organization also leaves room for political elites to take over the movement itself;⁴ that movements geared toward replacing specific political elites are not likely to be successful; and that the timing of a movement will impact its success such that, a movement that emerges in a time without political chaos will be more successful.

⁴ In which case it would no longer fully represent the needs of the marginalized.

Resource mobilization theory and organization

Gamson and Shmeidler (1984) compare Piven's claims to those of the prevailing *resource mobilization* theorists that predominated the social movement theories of the late 1960s and 1970s. They highlight Tilly who, in his work *From Mobilization to Revolution* (1978), claims that there are four main tenets to achieving collective action: organization (which may appear in a myriad of ways), common interests, mobilization, and opportunity. Tilly argues that collective action is "a function, in part, of the intensity of the organization" (Gamson and Shmeidler 1984 569). The intensity of organization Tilly regards to is regarding the strength of the common identity and the unifying structure within a movement (Gamson and Shmeidler 1984, 569). Gamson and Shmeidler also present Oberschall's interpretation of organization. Oberschall says that in order for protest to be sustainable, an organizational base as well as a strong sense of leadership is necessary (569). In this instance, too, the type of leadership may vary, but Oberschall states that the leader must nonetheless be agreed upon by all of the activists. McCarthy and Zald emphasize resource aggregation as the main component to collective action and protest, but in order to aggregate adequate resources, there must be sufficient underlying organizational means. Comparatively, Piven finds that organization is not important to the success of the movement, and in fact could hinder the movement itself. Piven argues that the most vital aspect of a social movement is its ability to garner support from the masses. Therefore when a movement relies too heavily on its leaders to maintain organization it strips some of the power from ordinary people and reduces the organization's efforts to a bureaucratic level, where changes is harder to achieve.

Resource mobilization theorists and Piven both “write from the same vantage point of movement participants” seeing the movement from the bottom up. Both also claim that activists cannot control the political climate, but that they will benefit from timing their revolutions to take advantage of the vulnerabilities that arise in the political sphere. Both fields of thought agree that when an opportunity arises to rebel in the political sphere, it is important for the movement to act (Gamson and Schmeidler 1984, 572).

There is an agreement amongst the aforementioned theorists that a bottom-up approach that capitalizes on disruption must be taken in order to understand the realities of the powerless’ situation, and that this view will lead to more representative political contestation and change. Piven and Cloward claim “the most useful way to think about the effectiveness of protest is to examine the disruptive effects on institutions of different forms of mass defiance, and then to examine the political reverberations of those disruptions,” and thus Piven and Cloward’s argument for mass defiance and disruption clearly unites with the main tenets of resource mobilization theory (Piven and Cloward 24, via Gamson and Shmeidler 1984, 572).

However, Piven maintains her position against how resource mobilization theory promotes organization. Whereas other resource-mobilization theorists would argue that some form of organization is necessary to gain and maintain collective action. Gamson and Shmeidler state that Piven does not offer any alternative to the organization that resource-mobilization theory alleges is necessary. They insist that Piven never looks beyond the claims she makes in terms of timing, whereby she argues there must be a breakdown in the political system, which is not entirely within of the protestors’ control,

in order to achieve momentum.⁵ However, by carefully analyzing the preceding actions that lead to Piven and Cloward's various examples of spontaneous mass-movements, such as The Industrial Workers Movement, Gamson and Shmeidler debunk the claim that organization was completely unnecessary or ineffective in promoting the movement's goals. Gamson and Schmeidler (1984) state that Piven and Cloward (1977) simply forego many of the details that actually led to their examples of poor people's movements, and that the utilization of elites actually contributed to the success of many of the examples they provided to show the opposite. Ultimately the disagreement rests in the fact that

Piven and Cloward acknowledge the extensive planning involved in some mass movements, [such as the Birmingham campaign,] but they do little to illuminate the contribution of movement organization and infrastructure to mobilizing and sustaining mass defiance and the role of careful planning in making protest more effective,

which are key components to the success and effectiveness of social movements (Gamson and Schmeidler 1984, 580). Gamson and Schmeidler (1984) generally argue that organization helps promote the sustainability and legitimacy of social movements, which is at odds with Piven and Cloward's understanding that organization may actually undermine mass movement of peoples.

In 2003, Piven responded to many of the claims made against *Poor People's Movement* and said that "the organizer model did not lead to power; in fact, it often led organizers to act in ways that diminished the disruptive mobilizations that sometimes did yield power" (Piven 2003, 708). Piven is focused on determining whether the disruptive

⁵ Piven and Cloward uphold this argument by demonstrating that "unorganized disruptions of industrial workers in the 1930s produced some political gains, but the organized electoral activities of the unions could not sustain them" (Piven and Cloward via Gamson and Schmeidler 1984, 575).

forces, which the poor people were capable of instigating, were able to promote sustainable change. She argues that organizers are more focused on organizing the movement and mobilizing resources than dealing with the most productive force at the hands of poor people, their disruptive power. This disruption is a more potent tool than organization, and so Piven still continued to refuse claims that organizing forces will lead to a more proactive movement

OMI AND WINANT: RACIAL FORMATIONS IN THE UNITED STATES

Omi and Winant (1994) also promote a bottom-up approach to social movements; their work deals directly with racially charged social movements. They claim that there are three key themes that have shaped their theory: The first being their assessment of the significance of *new* social movements, whereby the Black movement in particular has created new political subjects, expanded the terrain of political struggle beyond ‘normal politics,’ and has inspired and galvanized a range of other ‘new social movements.’ This was accomplished by “the Black movement’s ability to rearticulate traditional political and cultural themes and in doing so mobilize a mass base of adherents” (4). The second theme is their location of race at the center of American political history (without displacing other important minority movements), whereby the social nature of race, the absence of essential racial characteristics, the historical flexibility of racial meanings and categories, and the political aspect of race have all been accounted for in America’s political history. And the third is their suggestion for an expanded model of the state and state activity, which would place socially based movements, rather than traditionally defined, economically based interest groups at the center of contemporary political

processes; specifically how the state shapes and is shaped by the racial contours of society and how movements have played a role in their reshaping.

Paradigm shift and new social movements

Omi and Winant claim that social movements are affected by, and can have an effect on paradigm shifts. In the 1950s and 1960s, to have an effect on the racial system was to create a paradigm shift (95). For example, the civil rights movement, in order to become a national movement against racism, had to create a paradigm shift. They also argue that *new* social movements, post the civil rights movement, have been inspired by and led by the Black movement for its influence in shifting the paradigm. The Black movement has “irreversibly expanded the terrain of political contest, and set the stage for the general reorganization of U.S. politics” (96). The ethnicity framework, which aimed to save ethnic integrity while assimilating into modern American culture, first helped to provide a framework for Blacks to shape their political agenda. Then, *new* social movements in the 1950s were able to facilitate conversation around differing views on the social meaning of race in a decade coined *the great transformation*. “Racial awareness, racial meaning, and racial subjectivity” were all reinterpreted, revealing that race affects all levels of social, economic, and political life (97). Racial minority movements were the first new social movements to shift beyond the macro-political sphere, and into the everyday lives of individuals. These movements have influenced subsequent movements for other racial minorities who have experienced similar problems. Omi and Winant claim that in the 1960s, society transformed how it understood and defined race, which has continued to influence racial movements today.

Enduring collective racial identities of the 1950s and 1960s have affected contemporary movements by instilling a deep self-awareness that has been maintained, even during decades of depressed and repressed movements. However, this shift has still not been able to fully transform the racial order. The *rearticulation of Black subjectivity*, which has facilitated an understanding of race as a subject, has also played a role in the politicizing of Black identity and has intervened on a cultural and ideological level. This was pertinent during the civil rights movement in addition to achieving “collective behavior” and “resource mobilization”, which were two other important facets used by the movement to politicize Black identity as well (98). Previous to the “modern Black movement’s appearance on the political stage” most race-related changes made in the political system were economically based, rather than socially or politically charged. Omi and Winant (2005) claim that it was crucial for the movement to expand from its economically based efforts (but not to abandon these endeavors) to political and social ploys. They seek to include racial issues in what they refer to as “common sense” and “normal” politics in order to push these issues higher up the political agenda.

Black Power

Omi and Winant argue that creating a “culture of resistance” that moves beyond merely surviving and toward prospering is another variable that will impact the effectiveness of a social movement by restructuring the political system. It is out of this culture of resistance that *Black power* was born (100). Black power is the radicalization of the Black Movement, which was borne from an epiphany regarding the political changes that resulted from the civil rights movement; the positive alterations were only able to help a small sect of middle class Black people. Black power therefore led to an

overall rejection of the *integrationist* and *assimilationist* goals introduced by the civil rights movement (102). The Black power movement also promoted a sense of nationalism for the Black community. By encouraging a separation from the White-dominated American nation and creating a national pride and unity amongst the Black community, this movement allowed minority populations to develop a “genuine culture separate from assimilationist practices” (103). The agendas of Booker T. Washington, Garvey, and Du Bois encouraged Black and minority communities to write their own history, make their own choices and act on their own agenda as a strategy to achieve social change.

Targeting the State

Omi and Winant (2005) posit the state itself as a key target for racially focused social movements. The state is seen as the “factor of cohesion in society” and has organized racial practices throughout history” (105). The state is comprised of people whose mindsets have come from these past organizations, and thus, movements must seek “to make use of the state’s internal racial contradictions.” There have been small but significant success in addressing these contradictions (including the expansion of voting rights, desegregating buses, broadened social services, etc.). Omi and Winant (1994) claim that these contradictions provide openings for social movements’ actions to make gains (105). In order to promote a Black voice in the mainstream political sphere, they state that, on the one hand, electoral and institutional entrism may serve as a means. This effort in particular was able to “buil[d] political organizations that could win elections, penetrate and influence state bureaucracies, and either exercise power in the Democratic Party or openly compete with it” (110), but ultimately, it failed to promote entrance into

the “normal” political sphere for the Black community, which is a key component of the *racial transformation* theory they have put forth.

Some racial and social movement theorists hone in on class-related claims as a mobilizing tool for dismantling the racial hierarchy and contributing to “normal” or “common sense” politics. Socialist tradition provides an avenue to examine class as an element in anti-racist struggles. The Marxist-Leninist view posits racism as an essential facet to the capitalist structure. This view includes internal colonialist claims that race is used to economically and culturally exploit minority populations in the U.S. These fields of thought have helped educate individuals about the role that their repression plays in the broader social and class issues, such that Piven (1976) claims is a necessary juncture in empowering the powerlessness to fight against their socially prescribed standings.

Theories related to internal colonialism, (which are often put forth alongside classist theories) according to Omi and Winant (1994) however, fail to account for the nuances of revolutions and colonialism that are taking place internationally, and even more so fail to account for the nuances and particularities of the U.S. racial system.

Omi and Winant (1994) contend that considered critically, none of political projects related to Black power, class, or internal colonization have succeeded, even remotely, “in forging an oppositional racial ideology or movement [that is] capable of radically transforming the racial order” because all have failed to address race in a social sphere, and “all *reduced* race: to interest group, class fraction, nationality or cultural identity” (111). However, the racial movements between 1950 and 1970, Omi and Winant concede, laid the foundation for future successes in changing America’s racial order.

The key, then to allowing minority populations access to political processes today, is in transforming American politics, rearticulating traditional and cultural themes, and transforming the meaning of race in the political sphere. Political mobilization with regard to race has led to a restructuring of the racial order, reorganization of state institutions, and in some regard entirely new realms of state activity (138). Still notably, however, Omi and Winant (1994) claim that the racial movement will remain unable to reach the next level of paradigm shift within the political culture writ large due to the movement's internal and external fragmentation. The aforementioned efforts (Black power, economic foci, and class-based strategies) have often been "outmaneuvered by the new racial state which had responded to moderate demands and marginalized radical ones," little action has been taken to quiet louder cries, and political concessions tend to focus on equality of opportunity instead of equality of result, which has ultimately hurt the extension of race into a national "common sense" (141).

TOP-DOWN:

SKRENTNY: POLICY-ELITE PERCEPTIONS AND SOCIAL MOVEMENT SUCCESS: UNDERSTANDING VARIATIONS IN GROUP INCLUSION IN AFFIRMATIVE ACTION

Like Omi and Winant, John D. Skrentny is a political sociologist who examines policy problems related to inequality. Skrentny (2006), however, takes a top-down approach and claims that in order for a social movement to be effective, policy elites must personally agree with the movement's goals, and also perceive that their constituents will also agree with the movement's goals. Ultimately, elites may accept social movements as a means of promoting their own power and legitimacy. Skrentny (2006) examines "how much a social movement must struggle for success" (1764) and

says that a movement's success depends on how elites perceive the marginalized group's *definition, morality, and threat*.

Skrentny (2006) claims that a social movement will be successful if the perception of the movement's goals fit within the government's motivations (also see McAdam et al. 1996 and Tarrow 1998 for political process theory which makes a similar argument). The movement therefore must fit within the structure of the institution that it wants to change. Decision-making and peer mobilization to promote the movement must be catalyzed on the elite level. Bottom-up theorists who posit the *resource mobilization theory* (McCarthy and Zald 1997) and *disruptive impact theory* (Piven and Cloward 1997) would argue, conversely, that elites' perceptions can be altered by the *masses*, even though the policy decisions must still be made at the elite level. Skrentny (2006), however, challenges the bottom-up authors' emphasis on the masses by demonstrating that some groups (African Americans for example) had to struggle more than others ("American Indians, Asian Americans and Latinos") in order to achieve the same political impact and policy outcomes as their counterparts (1765). This is because the elites, who are at the center of the movement's effectiveness, perceive the inclusion of other minority groups to be in line with the government's mission. Thus, policy outcomes are decided by the perception elites hold for various groups. Unlike the aforementioned theorists, Skrentny defines the *success* of a social movement to be whether or not the movement specifically leads to changes in policy and also notes, in a timely manner, Skrentny therefore clearly illustrates a top-down approach; policy changes are ultimately determined and catalyzed by elites.

The first term Skrentny introduces, *definition*, refers to how a group is defined with regard to elites' perception of their characteristics including, "physical, historical, and behavioral underpinnings" (1766). This definition may also be informed by what the elites perceive the public's view of the group to be. Access to statistics may help depict the group's unfavorable social realities in order to craft a definition that policy elites can sympathize with. The second term, *morality* refers to the perceived deservingness of the group and the contribution they may potentially make to greater society; this is where elites may clump minority groups together to make sweeping changes (1766-1767). For example, various minority groups were able to attach their movement to the African American struggle for inclusive policies. The third term, *threat*, Skrentny claims may be the most important variable—it may effect both the *definition* and *morality* of a group. When the claims of social movements lead elites to perceive their power-positions or the society that they represent is at risk, they are more likely to accelerate policy changes (1767-1768). Changes in the way a group's framed may also result from these threats; this frame will determine the effectiveness of that group's movement. Policy elites' perceptions of or framing of a particular group determine whether or not policy changes will be made in their favor. Wilson (1980) is cited by Skrentny to reinforce the idea that policy changes will be pursued if the costs of the policy are dispersed by its benefits (1807); reinforcing the notion that policy changes and consequently social changes are outcomes of policy-elites' perception of whether or not said change will benefit the elites' position.

KING AND SMITH: RACIAL ORDERS IN AMERICAN POLITICAL DEVELOPMENT

King and Smith (2005) also focus on racial inequalities in their top-down approach to social movement success. They claim that social movements are effective when the racial institutional order is able to shift from a White supremacist order to an egalitarian order (even for individual policy outcomes). King and Smith (2005) argue that there are two racial orders evolving in American political science: the White supremacist order and the transformative egalitarian order. They claim that race is used to gain political power for power's sake and notably, not necessarily for economic gains alone. Racial institutions are thus used to serve the interests of "their architects" and to bind certain groups together. King and Smith take a top-down approach by explaining that the change must come from the architect.

The authors claim that the primary actors in a social movement's success are the political entrepreneurs and the institutions in which they operate (76). Two other variables that determine the success of a social movement are politicians' ideological goals and their efforts to vie for profit and power that extend beyond purely economic profit. The U.S. is comprised of many different institutional orders including conflicting ideological racial orders. Change occurs when these conflicting orders and actors come together at various levels and when power dynamics shift between the two orders. The orders do not change, but an individual may shift allegiances. There is also an understanding that one order may be favored over another, until "exceptional circumstances have opened up new coalition options and policy directions" as those that Skrentny (2006) describes as *threats*.

King and Smith (2011) claim that sociologists, such as Omi and Winant, inaccurately see racial change as "the product of the interaction of racially based social

movements and the state,” and they also undermine the bottom-up approach by claiming that the institutions themselves interact to create change. Thus, they think that political leadership must initiate change in order for it to transpire. They also explain that the White supremacist order has resulted from various reasonings and impulses related to racism, ranging from institutional protections to genocidal impulses. Elites may be against White supremacy for reasons such as “economic equity, equal political status, and cultural recognition” and may have various modes for achieving this equal status from pluralism to integration (76). There have been forces throughout history that demonstrate it is politically more viable to ally with the anti-segregationists than it is to ally with Southern White supremacists, as was the case with President Truman, which have also impacted elite response to social movement pleas.

King and Smith claim that neither political nor economic orders could have been the sole driving force for the racial order, seeing as racial hierarchy has not been inherently economically viable for White people nor were there always political motivations to rule over Black people. Instead, there has occasionally been a fear of Black people and a will to “get shut of the Negro” (77). Actors who favor a transformative egalitarian order however made the greatest strides when they “gained executive, judicial and finally legislative support,” but their positions have always remained somewhat contested (77).

King and Smith (2005) claim that in order to pursue a more egalitarian order, the racial hierarchy needs to be understood as ubiquitous in all forms of political and social life, beyond Black versus White and through all interactions. They claim that this is where American political science has failed thus far: “racial orders have been

constitutively interwoven with many other highly significant institutional orders, including gender and class hierarchies.” However, they also recognize that minority populations’ concerns often rest at the intersection of many social vulnerabilities, and may be best addressed by “their membership in other such orders, not their racial positioning” (Reed 2004 via King and Smith 2005, 78).

King and Smith argue that the *institutional orders*, which are a coalition of governing institutions and political actors bound together by common goals, must be addressed. More specifically and pertinently, *racial institutional orders*, which affect people’s statuses and access to resources by placing individuals in racial categories, also need to be analyzed. These racial categories have shifted over time, and continue to shift. White supremacy has been maintained through these racial institutional orders, which is reflected in policy passage and representatives’ personal opinions. Having a saturation of political representatives who stand for White supremacy may cause this mindset to appear socially normal, and thus more difficult to combat. It is therefore necessary for social movements to dismantle the notion of White supremacy on the political leadership level and to lead to more egalitarian social realities. Historically, in the U.S. White supremacist ideologies were repudiated by Presidents Kennedy and Johnson, who claimed that “national and partisan interests could be served” without racial segregation (82).

However, King and Smith (2005) also illustrate that *de facto* racial discrimination has remained a pertinent aspect of contemporary American life. Some norms have helped the U.S. move toward a transformative order. “Egalitarian norms now bar the deployment of overtly White supremacist language, but when it comes to concrete policies, the

modern racially egalitarian order often lacks the power to overcome antitransformative opposition” and has not positively impacted the struggle to bar de facto segregation. King and Smith (2011) suggest that to address the modern racial order, we must place it in terms of other progressive equal rights efforts (84). They claim that the gap in American political science rests with foregoing a conversation of racial orders when discussing other orders that exist within the U.S. In fact, they claim that race should be considered in all other aspects of American life in order to move toward a more egalitarian order. Framing the issue as it relates to healthcare, the environment, public schooling, incarceration, etc. will help achieve this.

MARX: RACE-MAKING AND THE NATION-STATE

Marx (1996) also takes a top-down approach to analyzing social movement success, and looks specifically at race-related social movements as well. He claims that social movements can be effective when economic costs, international pressures, and protest are all at play and hinder the nation’s ability to maintain a socially exclusionary society— when exclusion is no longer understood to benefit the state. Marx is a political scientist who is involved in the anti-Apartheid movement of South Africa and U.S. racially charged movements; he largely focuses on race and nation building. He argues that elites have formed the racial hierarchy and will be the primary actors in the attempt to change it; if elites want to see change, then change will occur. Marx (1996) says that formal exclusion is more likely to lead to collective action than *de facto* exclusion, and thus the fight against formal exclusion is more likely to lead to policy change, whereas modern *colorblind* policies are more difficult to mobilize against.

Marx (1996) says that when the national economy is being undermined by exclusionary policies, change is likely to transpire. The basis for exclusion is often linked to economic success and superiority for the White race, but if success is no longer predicted exclusion will not need to be upheld. In fact, dismantling exclusion may lead to even greater economic prosperity. The capitalist society initially benefitted from discrimination by mandating cheap Black labor, which led to the further institutionalization of segregation. An understanding that White racial unity could be more pervasive for nation building than class unity, Marx (1996) argues, led to Jim Crow laws, which served as a direct effort to achieve this White racial unity. This was borne out of a claim made by political elites that inter-White competition would hurt the nation's stability and growth (191). Seeing as the state's main goals are to support efficiency and to decrease conflict, it is necessary for social movements to demonstrate that racially discriminatory policies will not positively promote these two goals.

Marx (1996) also claims that historically, an increase in centralized power has led to a decrease in discriminatory policies.⁶ Localized pockets of elites were no longer allowed to promote discrimination in a system where the centralized power was making efforts to promote the good of the nation as a whole including all people. Marx also says that policies have been successfully changed as a result of the economic disruption put forth by Black protest such that Piven (1976) also points out, but he claims that pervasive social issues have prevailed despite these bottom-up approaches. However, because Whites had become economically dependent on Blacks, Black protests were able to promote divisions within the elite, and also led to opportunities for economic growth.

⁶ This claim is highly contested by other race theorists (See Miller 2010 on federalism).

Change transpired when the elite decided that these costs were unbearable, and moved to concessions in favor of the Black population.

Marx also demonstrates however that these protests resulted in the increasing unification of ordinary Whites. But large amounts of Black protest also led their disruptions to become as salient of an issue for nation-building (if not more so) than inter-White conflict was for nation-building. The unity of non-White groups has led to increased and collective resistance.

Despite these positive shift, Marx (1996) maintains that policy elites will continue to promote policies that reflect personal motivations. They will try to form institutional accommodations to quiet the Black protests, but socially and even politically the actual accommodations will usually not satisfy the protesting community's pleas. Marx claims that White unity as well as Black unity will lead to protests by the Black community against the White community, but White and Black unity could lead to policy changes in favor of the Black community.

COMMON THEMES

Amongst the *bottom-up* theorists, there is a general understanding (which is explicitly stated by Piven and Gamson and Shmeidler, and implicitly stated by Omi and Winant) that bottom-up social movements are necessary in order to make changes that address the masses' grievances, whether or not the actual change comes from the elites response and their ability to make and change policy. If the inspiration for change comes directly from those who are unhappy with the current situation, then that movement should be considered effective by the bottom-up theorists' definition.

Piven as well as most of the resource mobilization theorists that Gamson and Shmeidler introduce argue that *disruption* is the primary means for inciting political and social change by the underrepresented (Piven extends this notion include defiance as well). This argument maintains that the poor, without access to the traditional political outlets that are traditionally promised to constituents in a democracy, are able to act outside their prescribed roles to disrupt and defy the system. However, in order to promote these individuals' voices, the movement must also be *timed* correctly. Piven argues that movements ought to be pursued during periods of electoral instability. The timing of the poor people's movement will add weight to the disturbances that they are making in the social and economic spheres, and make it so elected officials cannot ignore their cries (Piven 1976). Gamson and Shmeidler also dote on timing as a necessary precondition for a successful movement, by arguing that timing is key to taking advantage of vulnerabilities in the political sphere. Piven and Gamson and Shmeidler diverge on their conceptions of organization and its ability to help or inhibit social movement's success. Piven argues that organization will undermine the poor people's power and hurt their ability to take advantage of their "defiant" strategies. Gamson and Shmeidler, on the other hand, argue that organization is necessary for resource mobilization, and will help create a common identity amongst the movement's participants, and pursue collective action.

Framing is a key concern amongst both the *bottom-up* and the *top-down* theorists I have discussed; most argue that the way a movement is framed will determine its capacity for social change. Omi and Winant, who are proponents of bottom-up movements claim that change will transpire if we are able to transform how the public

sees race. This shift in perception of race may lead to a new political system that includes racial issues and minority groups, themselves, in “normal” politics. Racial issues must be promoted within “common sense” politics, without forcing Black issues to assimilate into the political institutions that do not represent them wholly, and have also historically repressed them. There must be a paradigm shift that puts social movements and racial issues at the center of the political process (Omi and Winant 1994). This shift will also potentially lead to what Skrentny (2005) argues as a necessary condition for promoting social change: reframing how a group is perceived in the minds of the political elite. Skrentny argues that in the process of reframing a group’s perception, there are three key tenets that must be addressed: how the group is defined, how their morality is perceived, and the level of threat that they pose on the elites’ maintenance of power. The policy elites’ perception or frame of a group in these three categories will determine how successful their movement will be. Marx claims that if the issue is framed in a way that aligns to the goals of the nation, especially its economic goals, it will become clearer that the nation does not benefit from the exclusion of certain groups. Omi and Winant argue that we need to move beyond this economic frame when addressing exclusion, and focus more on the social and political consequences of discrimination. Marx argues that it is necessary to appeal to elites to create social change by demonstrating that racial exclusion does not actually benefit the nation’s agenda, but that co-existence across racial boundaries will; inter-racial unity may stem from this, which would lead to more opportunities for positive policy shifts in favor of minority communities.

The final theme that transcends all other themes throughout the theories that I have put forth is a *change in order*. This is similar to the paradigm shift that Omi and

Winant (1996) claim is necessary for instilling social change from social movements.

King and Smith (2011) assert that a change in order will transpire when the architects of the system are ready for it; those who created the exclusionary system must ultimately be the ones to change it, no matter mass protestors' efforts, and that this change will happen with the onset of policy changes. Skrentny also uses policy-change to measure success and argues that policies will only change when the institutions themselves are able to shift away from a racially hierarchy. Elites and institutions, he argues, are thus main actors, and so we must attempt to change the institutions by appealing to their architects. King and Smith (2011) claim there are two types of orders in American politics that have been created by architects across time: the egalitarian order and the White supremacist order. The orders themselves will not change, but which one the elites prescribe to (and thus society prescribes to) will.

It is now clear that the key themes in addressing social change through movements are: mass appeals from the bottom-up, appeals from the top-down, timing, organization, disruption, framing, and the order (and paradigm) with which society functions. Mobilization is the most fundamental concern for social movements and their ability to gain momentum. Most of the aforementioned theorists will agree that formal exclusion (institutionalized discrimination) is far easier to mobilize against than the contemporary *de facto* (persisting) exclusion that plagues U.S. and South African societies today.

II. THEORY

INTRODUCTION

Based on the understanding I developed in my literature review, I have created a theory, which I argue, will elucidate how a social movement may be a force in weakening the racial hierarchy. Each variable within my theory is deeply interconnected and although the process is fairly linear, the steps throughout the process may overlap and continue to influence one another in a less linear progression.

PROPOSED OUTCOME

My theory proposes that social movements may be a force in weakening the racial hierarchy when particular intervening variables play a role in garnering and affecting political elites' response. As such, my theory states that when there is an increased understanding (heightened *perception of grievance*) that the success of certain marginalized communities, particularly the Black community, is inhibited by structural impediments, *social movement actions* are more likely to transpire, which can be further explicated by Marx (1996) who states, "subordinated racial identity [may be] a potential basis for resistance" and may result in collective action, but notably, "even when race becomes a salient identity, it does not necessarily lead to mobilization" and other conditions must also be present. These other conditions will vary depending on the uprising (200).⁷ Political elites will then *respond* to the social movement's actions (which

⁷They may materialize as extended media coverage, appreciable ally communities who prescribe to the movement's cause, or charismatic leaders who build the movement's membership and boost the individual's willingness to rise up. These extraneous circumstances are not directly referenced in my theory because they vary so widely and are not *necessarily* crucial to the outcome of the movement, but in some cases will impact the process.

are typically tactics for disruption). The *level of elite instability* within the electoral system at the time of the movement will condition the elite's response. My theory also accounts for the fact that oftentimes, when the elites respond with positively racial actions, some semblance of *White backlash* against said actions will generally occur. However, if the positive racial revisions (usually in the form of policy changes) can sustain beyond this backlash, a *level of change in the hierarchy* will follow.

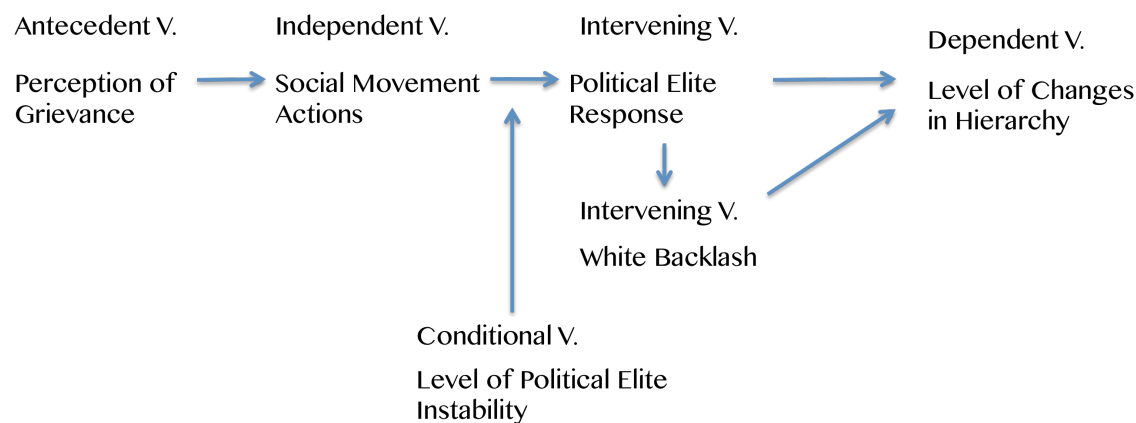


Figure 1: My argument

ANTECEDENT VARIABLE: PERCEPTION OF LEVEL OF GRIEVANCE
Change in Consciousness

I argue that marginalized people must perceive the system to be unjust (as a necessary precondition) for social movements by these groups to form (based on Piven 1976). These marginalized groups must feel and consequently act on their discontent with the understanding that their social rank is not a result of being personally inadequate, but rather is because of larger systemic issues that have created inequity. Protest behavior will then emerge with this change in consciousness. Piven (1976) expresses this shift in consciousness as individuals perceiving a loss of legitimacy within the system (or more

specifically individual's perceiving the state as illegitimate), which will then lead to demands for change and a resurgence of individual power. Uprisings may take place when marginalized people no longer feel shame and begin to question the sensibility of their societal standing; "redefin[ing] their travails as the fault of the rules and not of themselves" (310) will fuel their will to rise up.

Rebellious Attitudes

Protest behavior is expressed after there has been a newfound "sense of defiance," which serves as the basis for the collective action. Thus, this "sense of defiance" is the precondition for the protest; the newfound *sense* can be interpreted as a heightened perception of grievance. Piven illustrates how jobs and societal positions in which people are organized in groups are more prone to protests and also collective action; labor unions are an example of this (see Piven 1976 325). Discontent is molded when individuals have undergone oppression through tangible experiences, not necessarily "as the end product of large abstract processes," and the rebellion will take place against direct overseers, not the system, but this rebellion will lead to systemic changes.

Unfortunately, however, oppression is more frequent than rebellion; "most of the time people conform to the intuitional arrangements that enmesh them, which regulate the rewards and penalties of daily life and which appear to be the only possible reality" (Piven 1976 302). Lack of rebellion can be attributed to the belief that one's position in the class structure is deserved. However when the oppressed replace this sense of shame with a newfound perception of grievance, they do "become defiant" and this defiance, which leads to "uprising, reflects profound changes in the larger society" (Piven 1976 303).

Racial Consciousness

Race is inextricably linked to class issues, and thus many theorists use similar justifications for racial and class-based uprisings. When race is seen as a social prescription with inequality as its outcome, social actors can mobilize against it: “Racial inequality is an outcome not a cause; its roots lie elsewhere: in market imperfections, political power structures, or the search for secure means of labor control” (Omi and Winant 1994 48, also see Marx 1996). Marx (1996) argues that the “social construction of explicit racial domination and social movements by the victims of such domination should logically be connected” and asks, “whether mobilization and conflict ‘from below’ can be explained according to policies of domination imposed ‘from above’”(200). The movements that I will examine have been borne out of frustration with certain outcomes of this explicit racial domination (such as Omi and Winant (1994 48) show)—outcomes or consequences such as police brutality that have unequally affected individuals and communities because on their race. Also, in order to resolve these problems, the issues must be addressed by social powers on multiple levels, especially the political elite, whose decisions could alter aspects of the system. The outcomes of explicit racial domination must be understood to have a direct impact on individuals and also further perpetuate inequality.

In order to recognize racial oppression as a social problem, racially based actions must no longer be accepted as a standard for society, individuals must be able to call out the injustices within our social structure as they are; wrong (King and Smith 2005). However, this is becoming increasingly difficult because the outcomes of racial domination that continue to emerge today have largely been maintained informally

through the hierarchical orders, laws, and representatives of modern day society (especially in the United States and South Africa). Unequivocal discriminatory policies have largely been dismantled, but a saturation of political representatives who advocate for racial biases (even inadvertently) cause this belief system to appear normal, which makes it even more difficult to combat. It is therefore necessary for liberating social movements to dismantle the notion that White supremacy is normal, and to expose other legitimate social realities (such as unequal political representation).

In the past, the Civil Rights movement was able to take hold because both *collective behavior* and *resource mobilization* were played on, and explicit legislation could be brought to attention. However, Omi and Winant (1994) also posit a third, often neglected factor that led to many of the successes in the Civil Rights era. They claim that this facet may have been the most pertinent then and is also key for today's movements: the *rearticulation of Black collective subjectivity*, which is a means of politicizing Black identity and intervening on a cultural and ideological level (Omi and Winant 1994 98). They claim that through this *rearticulation*, racially oppressed peoples were able to produce new subjectivity by "making use of information and knowledge already present in the subject's mind. The individuals would take elements and from their culture and traditions and infuse them with new meaning" (Omi and Winant 1994 99). This helped the masses believe that their standing is not *divinely ordained* (Piven 1976) and in turn allowed them to create a "culture of resistance" (Omi and Winant 1994).

INDEPENDENT VARIABLE: SOCIAL MOVEMENT ACTIONS

Social movement actions must be instigated by the masses in order to adequately respond to marginalized peoples' grievances (Gamson and Shmeidler 1984; Piven, 1976).

I concede that top-down actions may also be able to impact the racial hierarchy, but I maintain that oppressed peoples' main concerns and grievances will only be addressed adequately through bottom-up strategies—those who are negatively affected by the system will strategize based on how they understand of their own circumstances, and what must change to improve their circumstances. Furthermore, these actions are more likely to lead to an effective movement when they are able to *disrupt* the hierarchical system (Piven 1976 and Gamson and Shmeidler 1984). This disruption can take the form of strikes, protests, violence, or even massive shifts in voting trends (or other electoral strategies). According to Marx (1996), in the past, social movements have been the most effective when their disruption is able to “replace intrawhite conflict as the most pressing threat to the nation-state” (183). Marx also claims that ameliorative racial policies were brought about when the state realized that oppressing a racial community might lead to fragmentation and instability within the nation-state. The state's main goal is to support efficiency and to decrease conflict, thus if uprisings can either compromise efficiency or create conflict, then officials will be more likely to respond.

Organization and Types of Actions

Piven is in favor of unorganized collective action, she thinks that instilling an organizational structure in a movement will actually inhibit the disruption process and will also replace effective bottom-up strategies with bureaucratic plans that are less likely to achieve social change. I however, align with Gamson and Shmeidler who claim that some level of organization can be helpful in maintaining unity within a movement, increase the movement's longevity, and will help mobilize more resources. However, I recognize that the organizer must also be representative of the activists or else Piven's

predictions regarding bureaucracy will come to fruition. Regardless of the level of organization, it is also crucial for the social movement actions to indicate the marginalized community's newfound perception of grievance.

Both electoral and non-electoral actions may ultimately lead to my dependent variable, a level of change in racial hierarchy. Electoral movements may seek an independent party or rally a massive group of people to join an existing political party to alter the voting trends. According to Piven (1976) "ordinary defiance is first expressed in the voting booth simply because, whether defiant or not, people have been socialized within a political culture that defines voting as the mechanism through which political change can and should properly occur" (306). This will result in sharp shifts in voting patterns, which serve as a good indicator of discontent in the social system. Non-electoral movements, on the other hand, may result in protests or strikes or various actions that could be categorized as both violent and nonviolent.

My theoretical approach will emphasize non-electoral strategies because I have come to the conclusion that electoral movements are the less effective strategy, of the two, for marginalized groups in a post-racial era. However, it is still necessary to recognize the former as a tactic in order to appreciate why my model is only considering the latter, and to offer a more informed critique as to whether or not my choice to exclude this tactic was well suited. In the United States there are two main sources of power: economic power and political power. Political power, Piven (1976) argues, is "based on votes," but that "wealth and its concomitants [have] engulfed electoral-representative procedures," and have led to unequal representation (298; 299). Even electoral power, and the freedom to vote for political choices, has been tainted by the class structure;

Piven insists that the lower your class, the less influence you will have in the electoral process and thus non-electoral strategies are the superior mechanism. Either way, through electoral or non-electoral strategies, the marginalized peoples' power lies in their ability to disrupt the system that controls their social rank (Piven uses the term disruption to refer to non-electoral strategies, specifically).

Obstacles for social movement actions to achieve success

Social movements, especially those that are racially charged can be negatively affected by numerous factors. I assert (based on Skrentny 2006) that the hierarchical structure will shift more readily if power holders are willing to accept the movement's innovations as they are presented through social movement actions—when the innovations align with the power holders' goals. It is therefore also important for the marginalized people to find ways to demonstrate how their goals may align with the elites' goals, or for the elites to somehow perceive the parallel. Furthermore, a movement may suffer from both internal and external issues. Internal fragmentation will hamper a movement. And externally, movements have historically been “out maneuvered by the new racial state which responded to moderate demands and marginalized radical ones” by dismissing them and taking little action to alleviate more pressing pleas (Omi and Winant 1994 141). In order to avoid internal and external problems, I think (based on Gamson and Schmeidler's (1984) argument) that a strong semblance of organization must be present to maintain cohesion and devise a scheme for navigating the new racial state.

Strategies to Convince Policy Elites

In order to promote a successful social movement that will elicit a positive response from elite policy makers, there are a number of key factors, which serve as

necessary preconditions for promoting successful social movement actions and which are all inextricably linked: common interests, an organizational base, timing, and framing.

Firstly, there must be collective action whereby the oppressed are able to join forces in pursuit of a common goal.⁸ This group must rally around a common interest (oftentimes groups that can find a common enemy feel the closest bond (Marx 1996)).

Oberschall states that in order for a protest to be sustainable, an organizational base with a strong sense of leadership is necessary (Gamson and Schmeidler 1984 569). A strong sense of leadership can be useful for providing the movement participants with a feeling of security and for promoting a common mission. This leader is necessary to help activists develop a sense of trust in the movement and in their actions, especially when they are asked to disrupt the system via strikes or other tactics that may run a high risk for the individual and their social and economic security.

McCarthy and Zald, as well as a slew of other *resource mobilization* theorists have commented that resource aggregation is a key component to collective action and protest, and that in order to aggregate these resources, there must be an underlying sense of organization to help amass these resources (Gamson and Schmeidler 1984).⁹ Timing and framing are the final two components crucial for eliciting a positive response from elites. Uprisings must be timed to take advantage of the vulnerabilities that may arise in the political sphere, and the issue (in my case, race) must be framed as it relates to issues

⁸ I find that this is where an organizing force may be a useful technique, to not only unite a collective group, but to also ensure the sustainability of that group by maintaining a common focus.

⁹Comparatively, Piven claims that the movement's organization may hinder it by removing efforts from the streets where there is potential to create change, and pushing them towards the "offices" (Piven 1976).

of healthcare, the environment, public schooling, incarceration, etc., depending on the political agenda of that time, in order to increase the likelihood that elites will respond positively to the movement's pleas.

CONDITIONAL VARIABLE: LEVEL OF ELITE INSTABILITY

When elite power is compromised, usually because of electoral instability, or in the face of dramatic economic shifts, uprisings are more likely to be successful (Piven 1976 reference 304 and 305). Elite instability can be categorized in three primary subgroups: electoral instability, federalism, and coalition change. Electoral instability can be seen when an elite group's confidence in their supporting coalitions is challenged or when the dominant coalition is no longer sure of their power. For example, when Blacks moved North during the Jim Crow era, and could suddenly vote the Democrats, having added numerous constituents to their party, experienced forceful shifts in the political sphere. On the other hand, there is electoral stability when there is a clear, long-term, partisan winner. I will primarily focus on electoral instability as a means for affecting social movements' ability to make gains. The two other factors of elite instability, federalism and coalition change, directly inform electoral instability and are necessary facets for understanding Piven's theory as it demonstrates how elite responses are determined.

Historically, federalism has affected a separation in elites between the North and South in the United States. The federal system separates power between the central elites and the state elites. There may be gaps in perception of the social movement amongst these two groups, or within the elites that reside in different regions or at different levels. This separation of power also leads to inconsistencies in law and its implementation

depending on geographic location and the elites therein. Coalition changes and/or variation will also affect social movement outcomes. Coalition changes refer to what King and Smith (2005) describe as membership in different orders, such as the White supremacist order to the transformative egalitarian orders. They argue that these orders do not change, but elite's membership to one over another may shift. For example, a specific elite may participate in a racial order promoting racially-biased policies in education, while that specific elite may later shift to another racial order promoting egalitarian policies in education. This variation in membership can lead to destabilization and disintegration in the elite sphere, which social movements may be able to take advantage of.

Omi and Winant (1994) claim that movements often seek “to make use of the state's internal racial contradictions” and have found small, but significant success (including voting rights, desegregated buses, social service agencies, etc.) by utilizing these *openings* (these openings are usually a result of the federal system, but may also refer to coalition changes).¹⁰ Timing is the final key for garnering support from elites. Timing refers to the temporal closeness of the social movement to an election; “when political leadership becomes unsure of its support even disturbances that are isolated within peripheral institutions cannot be safely ignored” since officials could run the risk of losing constituent support, which in a democracy is the basis for their political power (Piven 1976 319).

¹⁰ “The idea was to force the federal government to defend civil rights from infringement by racist local and state agencies” (Omi and Winant 1994 105).

INTERVENING VARIABLE: ELITE RESPONSE

Elites will respond to the demands of a social movement to maintain their own power, and level of threat, which may be influenced by timing of a movement in reference to the election cycle, will largely determine the type and level of their response. Elites tend to respond once a movement has effectively disrupted the system. At this point, they can may repress the movement, ignore it, or offer concessions. “When protest subsides, concessions may be withdrawn” however, so even though the uprising may have been thoughtfully executed, and/or the elite were in need of public support to remain in office, once the protests calms down, the officials are often no longer eager to conciliate and may retract their concessions or begin to once again ignore the movement’s requests (Piven 1976 325).

However, sometimes social movements do lead to durable policy changes. Piven (1976) argues that the innovations (that result from social movements) that are compatible with the power holders’ interests will be more likely to sustain. For example, “labor unions constituted a useful mechanism to regulate the labor force” (325), and thus this non-electoral social movement was able to garner enduring political and social shifts. Omi and Winant argue that throughout history, elites have responded more positively to activists that express their grievances beyond just the economic sphere and also demonstrate how they experience discrimination in the social and political spheres. Skrentny (2006) claims that movement success is dependent on whether or not policy-elites appreciate and/or want the movement to succeed (regardless of which sphere they are appealing to). Skrentny also claims, that depending on the way a group is perceived, the amount they must struggle for success will also vary.

Skrentny downplays threat level that Marx (1996) emphasizes (to the nation-state) by arguing, “it is state officials who decide whether and when to accede to social movement demands, what to give, and whether the movement should be ignored or even repressed” (2006 1763). Along these lines, the political process theory (see McAdam et al. 1996 and Tarrow 2011) posits that the movement will be successful if it is perceived by the political elites to fit within the government’s mission (Skrentny 2006). If the movement fits within the structure of the institution, state actors will be more likely to respond to its requests because the requests will be situated within their purview to act. He also notes that the morality of the group, which encompasses a perception of deservingness and includes the group’s “contributions to the nation or the world,” will also play a role.¹¹

According to Skrentny (2006), responses are also based on the elites’ perception of the level of threat (using the term threat in a different way than Marx 1996) that a marginalized groups’ movement imposes to the elite’s agenda. The threat expressed here, “may at least in the short term trump negative definitional or moral perceptions and force policy makers into action” (Skrentny 2006). These resulting policies may also help to redefine a group’s morality, which could help spur future “morally worthy” policy changes as well.

I find Skrentny’s claims, that elite perceptions’ will play a role in their responses to oppressed people, to be convincing. However, I would like to emphasize that social movements can be a strong force in a group’s “defining process” and can likely affect

¹¹ It is impossible to objectively observe an oppressed group’s contribution to the nation or to the world because they have been institutionally held back from fulfilling their contribution to their fullest extent.

elites' perceptions. I contend that social movements are valuable means for garnering public support around a group's grievances (for the marginalized group's allies and for political elites). Skrentny illustrates how policy makers' perceptions are influenced by public perceptions and with this, social movements are a strong force for promoting a group's moral worth.

The way a group is perceived (as morally worthy or not) will also play a role in determining whether or not elites are willing to change policy outcomes in their favor. After the Civil Rights movement, groups that were perceived to suffer the same hardships as African Americans were soon added to new civil rights policies (Skrentny 2006). Marx (1996) claims that elite's policy decisions solely reflect their personal opinions. However, I maintain that, despite the notion that elites will act in reference to their personally held beliefs, they are also influenced by public opinion in their effort to maintain their power, and social movements may impact public opinion.

INTERVENING VARIABLE: BACKLASH

Throughout history there have been numerous cases of White backlash in reaction to racially positive responses that have been put forth by elites. When White power is drawn into question the White community or the dissenting political elites will often stage a counterattack. These counterattacks may lead to shifts back to the previous racially biased policies, or may materialize as attempts to pass policy that would essentially make the egalitarian progress null. Backlash has also led to claims of unfairness, reverse discrimination, invalid group rights, and the promotion of other minor or symbolic concessions to detract from future greater concessions. Backlash may also

affect future elite responses. It can be presented by political elites within the same party, or more likely, within the opposition party and also by citizens or groups.

DEPENDENT VARIABLE: LEVEL OF CHANGES IN HIERARCHY

Changes in the racial hierarchy will be seen through both racially positive policy changes as well as overall greater racial inclusiveness in society; policy shifts will be more durable when there is an overarching paradigm shift. According to Omi and Winant (1994) the predominant paradigm must accept race as a key aspect of society and of American politics. This acceptance of race as a feature of society will help individuals understand that their hierarchical standing may be arbitrarily dependent on their race and not necessarily based solely on personal aptitude. It is also necessary to recognize race as a key factor in society in order to move beyond the stagnation that we are experiencing in racial categorization, which is related to the social exclusion that was introduced in decades past. In this new paradigm, race must be seen as a social construct, an arbitrary delineation produced through political processes (Omi and Winant 1994).¹²

Omi and Winant (1994) posit the liberal racial project as a means for achieving this paradigm shift, which focuses on accepting race as it exists, including the social function it serves, in order to move past it. They find that a primary obstacle for changing the hierarchy is the “New Right’s” claims that policies are *colorblind*, while still “covertly manipulate[ing] racial fears in order to achieve political gains” (58). Omi &

¹² Notably, a key differentiation between my theory and Skrentny’s is our respective definitions of success. He claims that a social movement is successful only when it is able to achieve rapid and substantive *policy* changes, whereas I define success as a change in the hierarchy, which can be expressed in both policy changes and in the social inclusiveness of society (and does not delineate a particular timeline).

Winant also claim that it is utopian to think that we can go beyond race, “we should think of race as an element of the social structure rather than as an irregularity within it; we should see race as a dimension of human representation rather than an illusion” (55). King and Smith (2005) claim that sociologists see racial change as “the product of the interaction of racially based social movements and the state” (76). And although they place more emphasis on elites rather than bottom up social movements, I argue that in order to shift the paradigm we must use social movements as a mechanism to garner elite response; the elite response may then affect the inclusiveness put forth by the state.

Past racial inclusion movements have been hindered by focusing too heavily on equality of opportunity instead of equality of result “as the national *common sense*” (Omi and Winant 141). This is especially problematic given the contemporary colorblind systems that we are fighting against. *De facto* racial discrimination has remained a pertinent aspect of contemporary American life, and contemporary norms have had an affect on the “transformative order”, “egalitarian norms now bar the deployment of overtly White supremacist language, but when it comes to concrete policies, the modern racially egalitarian order often lacks the power to overcome anti-transformative opposition” (King and Smith 2005 84). It is thus important to find other tangible issues that are racially-biased (such as police brutality) to rally around in order to mobilize the masses for a fight against the *de facto* segregation that is still pertinent today in order achieve a shift in the level of hierarchy.

III. METHODOLOGY

RESTATEMENT OF MY RESEARCH QUESTION

My project ultimately aims to determine if social movements can be a force for weakening racial hierarchies, and if so, what needs to happen in order for them to have a positive effect on a society's hierarchy. I will be testing this broad-based question by specifically examining the racial bias of police brutality in the U.S. and of basic service delivery in South Africa and the social movements cultivated in response to these structural issues. In each country I have chosen a galvanizing case to explore these issues and my theory therein.

WHY CASE STUDIES

Case studies are an excellent means for exploring my topic in great detail, for recognizing emerging patterns and for linking variables. However by nature, case studies often fail to provide proof of causation. This may pose an issue for my study because in order to determine which circumstances must be present in order for social movements to lead to a weakening of the racial hierarchy, I must demonstrate which happenings will lead to a particular outcome. However, I have addressed this by linking many different variables, that I argue must *all* be in place in order to produce my expected outcome. The complexity of my theory lends to more direct evidence that my independent variable will lead to my dependent variable.

I am conducting a comparative case study analysis of two particular social movements and the role they each played in weakening the racial hierarchy within their respective countries. I am using this non-experimental research design (case studies) in

particular because it provides the most effective framework to examine the complex social and political phenomena I intend to analyze” (Kaarbo and Beasley 1999). “The *comparative case study* is the systematic comparison of two or more data points (‘cases’) obtained through use of the case study method” which looks at “real-world phenomenon within its naturally occurring context, without directly manipulating either the phenomenon or the context” (Kaarbo and Beasley 1999 372). This is crucial for my research because I am attempting to study informal and systemic discrimination in the United States and South Africa. I aim to thematize and ascertain the patterns that exist between the numerous contexts that unfold in my research and analysis. In this study, I am attempting to do that which aligns exactly with the mechanisms to produce a high quality case study. By choosing to use case studies, I am also allowing my interpretation of the phenomena to evolve as the project unfolds. This is crucial for my two cases in particular because I will inevitably confront the research with certain biases that should be tested throughout the process in order to produce more impartial work.

I will be looking at two social movements that both took bottom-up approaches (while maintaining an awareness of the benefits of top-down social movements in order to preserve a semblance of critique of my own theory).¹³ My focus thus still converges on the inquiry: how can hierarchies be weakened, and not how can I prove that bottom-up movements are stronger than top-down movements. I am attempting to understand which circumstances are necessary for a movement to be effective. Hancock and Algozzine (2006) state, “when information that is collected defines new questions, the case study

¹³ My work is not necessarily attempting to argue that one process, top-down or bottom-up is superior—I am simply trying to determine *how* social movements, overall, can be effective.

researcher adjusts ongoing and subsequent methods and procedures” (57). With my design, I will be free to continually refine my research question as I develop a more nuanced understanding of the situation. The case study design allows the deepest probing into why and how social movements transpired, and their aftereffects.

PROCESS EXPLICATION

The United States and South Africa have both experienced periods of government-mandated racism in their past, but have since outlawed those formal systems. Each country also still currently faces systemic discrimination in their respective *post-formal* hierarchy eras. In order to understand how these two states experienced institutionalized racism and how that has in turn led to contemporary racial dynamics, I will start my research with an historical analysis of the racial systems in each of the two states. “Historical case study research produces more than a chronological listing of events; it results in a researcher’s descriptive interpretation of factors that result from events” (Hancock and Algozzine 2006 32). My historical narratives and analyses will focus on the evolution of race in the political, economic, and social spheres of my two countries of inquiry. An understanding of the implications that race has had in these two countries throughout history is imperative to appreciate the hierarchies’ current nuances. Furthermore, this conversation is necessary to develop an understanding of what must happen in order for social movements to actually be a force in weakening contemporary racial hierarchies. In this discussion, I will also highlight past efforts that have led to changes in the hierarchy in order to inform my theory and its application in contemporary society.

My study aligns with the parameters for conducting a *collective* case study. I have drawn from *several* of the leading social movement theorists and synthesized many of their claims in order to craft my own theory. I will be applying my theory to two cases that have yet to be addressed in this manner. The understanding that I developed in my historical narrative will also play an important role in my analysis by causing me to more sensibly research and theorize on contemporary issues. This deep historical understanding will provide me with a starting point for looking at social movements' effects on racial hierarchies and allow me to determine if the methods from previous eras that were used to achieve racial progress can be similarly pursued today. In addition to providing an evolution of the racial systems in the U.S. and South Africa, the historical background chapter will also look at array of social movements geared toward undermining institutionalized racism. This will help determine the role that social movements played in weakening formal racial hierarchies so I can then determine if contemporary racial movements in a *colorblind* era are also capable of changing society's racial order.

CASE SELECTION

Then, after establishing the relevant histories of these two societies, I will move to an explication of social movements in the United States and South Africa by providing a narrative account of the Rodney King case and police brutality (for the U.S.) and the Toilet Wars case and basic service delivery (for South Africa), both of which were social movements that erupted out of galvanizing events related to structural inequalities.

These two cases draw important parallels for informing my primary question of how social movements may be a force in weakening racial hierarchies and together

elucidate impactful explanations for what must happen in order for my dependent variable to transpire. Both cases also fit within my model whereby a galvanizing event led to a heightened perception of grievance (which both happened to be acutely influenced by the media).¹⁴ This in turn generated social movements that endeavored to attain elite response at a time of severe electoral instability.

Protests tend to erupt when citizens feel like they have no other option, and in both cases the people felt that social movement actions were necessary to finally capture political (and specifically elite) attention around their compounding grievances. In other words, in the Rodney King case and in the Toilet Wars case, both issues addressed concerns that were not otherwise being tended to by the political system, and thus necessitated social movement actions.

Police brutality and service delivery are also excellent cases for comparison because both are localized issues that reflect systemic racialized problems that must be addressed and resolved on the national level. For example, police brutality incidents are made up of individual cases all across the country, which are primarily addressed by local officials on a case-by-case basis. Poor service delivery is also an issue that takes place on the individual as well as community level, across the entire country and thus must also be tackled by the central government. Police brutality and service delivery are the two most

¹⁴ The media in both cases galvanized a significant uproar that attracted new followers to each of the movements and also helped to solidify new marginalized subjectivity. It also played a role in demonstrating to those who are typically marginalized by the system, that they were the rule and not the exception to these state-related issues. It helped develop in these people an understanding that are a part of a community of people who may suffer from the same inequalities and thus it is not personal inaptitude that has led to their social positioning, rather it is a societal matter that can be mobilized against and ultimately changed.

galvanizing issues to initiate social movement actions in my two case countries. Both issues at hand are deeply entrenched in past and present political processes related to the racial hierarchy and are also both affected by policies, mindsets, and structural frameworks.

Surprisingly, police brutality is actually a statistically more prevalent issue in South Africa than it is in the United States: “Reports of police brutality in South Africa have soared by 313% in a decade, experts warn, yet only one in 100 cases against officers results in a conviction” (Smith 2013). Unfortunately, however, (even though South Africa has been coined a protest state) this issue is not being scrutinized to the same extent in this country; it has not yet mobilized any sort of movement.¹⁵

However, because my theory aims to determine the role that social movements can play in weakening racial hierarchies, and not the role they may play in mitigating police brutality, this variation in the two society’s response to police brutality will not jeopardize my study. However, it does make conducting a comparative analysis on social movements against police brutality impossible.

OPERATIONALIZATION

I have determined how to operationalize my variables by primarily using the themes and examples provided by Piven (1976 and 1979), Omi and Winant (1994), and King and Smith (2005).

¹⁵ This would be an interesting topic to research as well, why police brutality is not leading to social movements, even though the circumstances seem to suggest it would.

PERCEPTION OF GRIEVANCE

I will use the following to indicate a shift in the perception of grievance:

The masses will make their grievances clear when they articulate that their social ranking is not as a result of personal wherewithal, but rather a result of other arbitrary social indicators such as race. This demonstration of discontent will create a culture of objection, and a solidified collective identity within the marginalized group.

The *rearticulation of Black collective subjectivity* in the 1950s led to increased levels of grievance during the ideological and cultural shifts that were occurring in the United States during this time. This in turn created a more salient racial identity, which was used to exemplify communal grievances. Omi and Winant (1994) claim that having the necessary resources to mobilize against and resist a repressive system has historically been useful for inciting direct action, but note that the politicization of a collective Black identity has been the *most* crucial component for creating a social movement. “It was this change [in identity] which would eventually place radical objectives on the agenda of racial minority movements, facilitate the diffusion of racially based movement activity to other groups, and become anathema to the moderate advocates of civil rights operating within the ethnicity paradigm of race” (Omi and Winant 1994 98).

Rearticulation of ones identity has led to social movements by providing marginalized groups with a renewed sense of self; an understanding of themselves that goes beyond the prescription provided by the pervasive social order and also links them to other similar communities that may be existing in comparable circumstances (Omi and Winant 1994 and Piven 1976). For example, “the civil rights movement linked traditional Black cultural and religious themes with the ideas and strategies of social movements around the world. On this basis it could rearticulate Black collective subjectivity—it

could forge a new Black politics” (Omi and Winant 1994 99). New subjectivity results when individuals can understand their place and their culture under new terms.

According to Piven (1976), this new subjectivity is usually solidified through in witnessing or living through extraordinary conditions; these *extraordinary conditions* oftentimes serve as the initial turning point “to transform the poor from apathy to hope, from quiescence to indignation, from docility to defiance... this point, if none other, theorists of the most diverse persuasions agree” (305). These “extraordinary conditions” are likely to be portrayed through a single galvanizing event such as a particular media-focused moment like the Selma to Montgomery marches.

SOCIAL MOVEMENT ACTIONS

I will use the following to indicate social movement actions:

Tactics of disruption, as Piven (1976) alleges, are usually actions that demonstrate discontent and utilize whatever means are available to the revolting group. For example, employees may go on strike while the unemployed may riot. Nonetheless all tactics are deliberate; riots are not chaotic, but deliberate and of a social pattern. Certain institutions are also more likely to lead to revolts; when people work closely together and are provided an arena to share common grievances, they are more likely to revolt. In these instances, especially, people are more likely to revolt against everyday common occurrences that they perceive to be unjust or that become unbearable for them. People will seek recognition for and changes in their circumstances by acting with the tools that are within their reach. *Direct actions* may be exemplified by boycotts; strikes; riots; protests; sit-ins; blockades, and the like.

ELITE INSTABILITY

I will use the following to indicate elite instability:

Electoral instability is largely based on the amount of time in the interim period between the social movement and an election. Instability in the electorate should be taken advantage of to achieve policy changes. Electoral instability is seen when the elites who belong to the dominant party or group within the political sphere are momentarily unsure of their political power. This is often the case during dramatic socioeconomic shifts and according to Piven (1976) when social institutions regulatory capacity shifts.

Separation within the elite also relates to elite instability. This separation may be exemplified by some ruling elites prescribing to a racially-biased order, in which case they promote racially unequal policies, while others who are in office are promoting an egalitarian order, which seeks positive racial policy shifts. This separation may exist both within and between political parties. Social movements benefit from capitalizing on times of separation and instability. External destabilizers may also create separation within the elites (such as WWII); social movements may also be more effective during these moments as well.

ELITE RESPONSE

I will use the following to indicate elite response, which I see as a gradation:

1.) *Repression of the movement* is a denial of the movement's requests and includes action taken to stop protestors (IE police intervention).¹⁶

¹⁶ Sometimes a movement is initially repressed to subdue violence, but its pleas are still addressed. I would not categorize these instances as pure "repression."

2.) *Ignoring the movement* is a lack any significant response. Skrentny (2006) claims that movements are more likely to be ignored if the political elite categorize the group who is putting the movement forth within negative *definitional* criteria. “This is because definitional perceptions will inform elite perceptions of a higher order regarding identifiably of target populations, costs of implementation, institutional capability, constitutionality/ legality of particular policies, potential for fraud, and potential for the policy to work as intended” (1766).

3.) *Symbolic response* is when a response is provided that bares little weight in policy reform or social reform, but gives a minor retort to the movement itself, but not to its requests. Symbolic responses sometimes materialize as monuments, diplomatic discussions, political statements, etc.

4.) *Cooptation*, which notably only helps the leader, “reflect[s] the recognition that movement demands were often greater threats as rallying cries for minority opposition than they were after they had been adopted in suitably moderate form” (Omi and Winant 1994 106), which essentially quiets the cries of the activists without actually providing any sort of concession. This is done to create a facade for the public to perceive that the elite are “listening” but in reality, they are unwilling to provide any conciliation. The difference between this type of response and a symbolic response is that cooptation is an attempt to bolster the elite’s political position and symbolic responses are primarily to subdue the movement alone.

5.) *Minor concessions*, which will help more than just the leader are given when a social movement’s requests are not entirely met, but a portion or variation of its requests are met. Minor concession can be exemplified by reforms such as “neighborhood

schools,” where the response to social movement is insulation. Insulation is when the state confines demands to areas of the state that are not crucial to its operation as a ‘factor of cohesion’ in society. Insulation-type responses will not affect the White hierarchy. For example, in South Africa there have been more attempts to improve economic opportunities in Black townships, but Black people remain largely restricted seeking employment within their impoverished settlements.

6.) *Major changes* occur when the elite are willing to make dramatic positive policy shifts in favor of the movement’s requests such as the new voter registration legislation that was enacted under President Johnson in response to the Selma to Montgomery marches, which aimed to dismantle some of the unnecessary and racially biased conditions for voting in America. However, it should also be noted that the progress made for proper implementation of these changes remained slow.

BACKLASH (FROM WHITES)

When positive racial policies are introduced, backlash often results amongst the portions of the White population that feel most threatened.¹⁷ *Cultural politics, antistatism,* and the “*New Class*” are responses by the White population to dismantle the welfare state and “stem the tide of political and cultural dislocation that the 1960s and 1970s represented.” “The New Right exploits social protest and encourages class hostility by trying to fuel the hostilities of lower-middle-class Americans against those above and below them on the economic ladder” (Omi and Winant 1994 125). Omi and Winant refer to the ‘new right’ as a political group who uses negative code words that are meant to

¹⁷ *Busing* also serves as an example of backlash as it pertains to Whites refusal to participate in integrated schools.

respond to the backlash without using clearly racist language, “the key device used by the new right in its effort to limit the political gains of racial minority movements was ‘code words’. These code words include, but are certainly not limited to ‘multicultural’, ‘group rights’, and ‘reverse discrimination.’”¹⁸

Group rights is a term used by neoconservatives in America. These people claim that in the United States only individual rights exist, which trivializes the problems born out of racial inequalities. They assert that one should not receive rights as a result of their membership to a group; this was clearly stated in opposition to antidiscrimination measures. These claims are absurdly contradictory seeing as White members of society maintain specialized rights as a result of their membership to the White community.

Reverse discrimination claims were also generally made in response to affirmative action. White people claimed that affirmative action (and other similar policies) were unfair and allowed for special interests in favor of minorities at their expense.

Under the Reagan administration, White backlash was made apparent through claims that affirmative action-type policies were anti-White; Reagan insisted that spending to deal with poverty would only exasperate the problem. There have also been allegations made that minority peoples are simply playing the race card in an attempt to get ahead without deserving their achievements. The Reagan revolution introduced (or re-introduced) an *opposition to race-thinking*; there was an “ideological effort to reinterpret

¹⁸ These code words are also used during episodes of White backlash in an attempt to breakdown positive racial policy progress.

once again the meaning of race in the U.S.” and to undo the progress made in the previous decades with regard to positive racial policy introduction and implementation.

LEVEL OF CHANGES IN HIERARCHY

There may be minor or major changes in the hierarchy as a result of the process I have outlined in my theory. But any level of change in the racial hierarchy must be demonstrated in two ways (for it to be considered a “level of change” within my theory). First, there must be positive policy shifts (that appear to be durable, without an expiration date) in favor of racial equality such as the Civil Rights Act 1964. And second, there must be greater social inclusiveness in society. This will be seen through increases in inter-racial marriage rates; less societal separateness (i.e. in employment; geographically (homes)); employment and job integration; perception of justice, and expectation of protection by the system (i.e. not abused or expected to be stopped by the police). There must also be a society-wide understanding that race is a social construct and that societal rankings often result from racial constraints not personal prowess (public opinion polls will be the primary mechanism for determining this shift). A change in the racial hierarchy is deeply interconnected to each of my aforementioned variables; a change may be rendered visible through the exposition of the preceding variables in society (especially with regard to realizing changes in social inclusiveness).

IV. Historical Backgrounds

This section ultimately aims to provide the reader with an understanding of the profound racial histories that continue to articulate the sociopolitical cultures of both the United States and South Africa. Marx (1996) argues that, race-differences have bred over time, and have led to tremendous social and economic disparities for contemporary society (180).¹⁹ In order to properly address the complexity of modern-day racial orders, it will be necessary to grasp how these structures are ramifications of former racial systems. As such, through this discussion of the intricacies within racialized social and political cultures, the utility of social movements in inciting systemic change will become clear. Racism is imbued in society through both policy and social interactions (and the two are deeply connected); social movements function at the intermediary point of these two spheres.

UNITED STATES OF AMERICA
HISTORY OF DISCRIMINATION

Oppression of Black people is foundational to the U.S.

America's history is wrought with discrimination; the first African slaves were brought to Jamestown (then a British colony) in 1619 in exchange for food and supplies. They were the first of 500,000 African slaves (who labored as indentured servants) to be brought to North America between 1619 and 1808 ("Slavery in British America" 2009). Marx (1996) argues that slavery established race relations, "it fostered attitudes of primordial Black inferiority and established patterns of domination and inequality" (184). Slavery quickly became normalized as the country's economic system increasingly relied

¹⁹ Race inequalities are not necessarily based on minority populations; deprivation may rest with the majority in a society as well (Marx 1996 181).

on slave labor for prosperity, and eventually, the very documents that established the United States as a country reinforced this culture of discrimination and institutionalized racism.

By 1787, slavery had become a pervasive component to social, political, and economic relations in the U.S. by deeply affecting the United States' national identity and the political relations therein (I.E. the federal system of governance (see Miller 2010)).²⁰ At this time, the Constitution addressed slaves in reference to how they are to be seen as a population and how they are to be addressed within society—in neither instance were they afforded rights as American citizens. This misguided ideal was institutionalized by the infamous three-fifths compromise (1787);²¹ (“A Brief History of Race Relations in the U.S.”) Northern and Southern states agreed to proportional representation in the legislative branch under the condition that slaves were to be counted as three-fifths of a person in the proportional system.²² Further evidence of America's attempt to strip slave's personhood can be found in the Constitution's Fugitive Slave clause.

The Fugitive Slave Clause states that “No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered by on Claim of the Party to whom such Service or Labour may be due” (Art IV Sect 2

²⁰ In fact, by this time, North Carolina, South Carolina, and Georgia's slave populations exceeded their White counterparts (Davis 2009).

²¹ “Evidence of the three-fifths compromise can still be found in Article 1 Section 2 of the United States Constitution” (“A Brief History of Race Relations in the United States”).

²² Northern states had far more free citizens (voting citizens) than Southern states, but Southern states had a larger overall population including non-free citizens. Thus by only counting slaves as three-fifths of a person, Southern states would not be able to dominate the legislature by virtue of their slave population.

Clause 3). By reiterating the notion that slaves are owned by their masters, if a slave were to run away, U.S. law dictated that they are to be returned to their masters. Numerous other examples of clauses clearly written to privilege the White population and consequently abuse slaves can also be found in the U.S.'s founding documents (see the Slave Trade Clause in Article 1, Section 9; Prohibition on Amendment: Slave Trade in Article 5; the Fugitive Slave Act in Article 4, Section 2).

The Antebellum Period

Scholars tend to characterize the antebellum period as the interlude in history before the Civil War.²³ At this time, the North was modernizing socially and via infrastructure, while the South remained bonded to the traditions of the 18th century. “Historians have noted that the differences between the ‘folk culture’ of the South and the ‘modern culture’ of the North fueled the broad-based reform movements of mid-century and may have ignited the turmoil over state sovereignty and slavery in a form of ‘culture war’” (Volo and Volo 2004 4).

The slavery-related court proceedings during the antebellum period severely impacted the country's race relations. For example, *Prigg v. Pennsylvania* is characterized as Pennsylvania's attempt to slowly abolish slavery throughout the state. It led “the Pennsylvania legislature [to begin] passing laws that expressly forbid state

²³ The beginning of the Antebellum Period is debatable; some scholars claim that it started following the War of 1812, while others trace it back to the adoption of the Constitution in 1789.

officers from cooperating with the Fugitive Slave Act ”²⁴ (“A Brief History of Race Relations in the United States”).²⁵

Dred Scott v. Sanford (1856) was potentially the most influential race-related Supreme Court case of this era.²⁶ This case was indicative of the issues related to America’s evolving perceptions of the federal system, because the court found that despite one state’s laws against slavery, a man’s ownership of his “property” should not be compromised or brought into question based on his constitutionally afforded rights (*Dred Scott v. Sanford*, 60 US 393).

Finally, in 1863, President Lincoln drafted an amendment to the constitution to grant freedom to all slaves in secessionist states. However, the Thirteenth Amendment was not ratified for another two years (1865). This move instigated further positive reforms in favor of African American’s rights in America. Three years later, “in 1868, the Fourteenth Amendment recognized the full citizenship status of African Americans and commanded that every state afford its citizens, White and Black alike, equal protection under the laws of the federal government and the individual states” (“A Brief History of

²⁴ In 1850, after resistance to the Fugitive Slave Clause, the Fugitive Slave Act was enacted, which put even more stringent penalties on all parties interacting with runaway slaves.

²⁵ Edward Prigg violated laws against slavery by kidnapping a Black woman who “had been claimed as property by a slave owner in Maryland” (*Prigg v. Pennsylvania*, 41 US 539). This case was brought to the Supreme Court (in 1842) and ruled in an eight-to-one decision that Pennsylvania’s new laws violated the Fugitive Slave Act of 1793.

²⁶ “Dred Scott, who lived in a state wherein slavery had been abolished, attempted to sue his master for refusing to acknowledge his freedom” (*Dred Scott v. Sanford*, 60 US 393). In this Supreme Court case, a seven-to-two decision was ruled that no action could be taken on Scott’s case because Mr. Scott was not considered a citizen by virtue of his constitutional rights. Chief Justice Taney wrote that “Blacks are beings of inferior order, and altogether unfit to associate with the White race, either in social or political relations, and so far inferior that they have no rights which the White man is bound to respect” (*Dred Scott v. Sanford*, 60 US 393).

Race Relations in the United States”). Finally, in 1870 with the ratification of the Fifteenth Amendment, all male citizens (despite previous servitude) were given the *right* to vote.

Reconstruction

In 1866 (after the assassination of President Lincoln), President Johnson was in favor of some measures against the South’s segregationist propositions, but battled with Congress over control of Reconstruction. Johnson was in support of stronger state government, but Congress was able to rule in favor of passing the Reconstruction Acts of 1867, which forced confederate states to accept the Thirteenth and Fourteenth Amendments (Wormser 2002d). However, Black people still struggled to secure land, and remained economically underprivileged. “Most Whites rallied around the Democratic Party as the party of White supremacy. Between 1868 and 1871, terrorist organizations, especially the Ku Klux Klan, murdered Blacks and Whites who tried to exercise their right to vote or receive an education” (Wormser 2002d).²⁷ Like in South Africa, there was an especially concerted effort to restrict education and voting opportunities for the Black community for fear that it would further fuel their will and ability to rise up against the current racist system.

The Republican Party, however, was a main actor in resistance to state sanctioned discrimination, and in 1875, a final effort was put forth to pass a civil rights bill that read,

Be it enacted, That all persons within the jurisdiction of the United States shall be entitled to full and equal enjoyment of the accommodation, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement...applicable alike to citizens of every race and

²⁷ The Ku Klux Klan was established in 1865.

color regardless of any previous condition of servitude... That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby.

However, in 1883, the Supreme Court declared this act unconstitutional.

Education

In 1881, Booker T. Washington founded the Tuskegee Institute. “Born into slavery in 1856, Booker T. Washington overcame staggering obstacles to lead emancipated Blacks into a quiet revolution against illiteracy and economic dependence” (Denton 1993). He believed that in order to fight for justice, the Black population would need to be properly trained, especially for the job market. The Tuskegee Institute (located in Alabama) had programs related to agriculture, industry, education, health, housing, and politics (Denton 1993). With an emphasis on agriculture, Washington was able to not only garner support from the Black population, but also from the local White population (because he made a concerted effort to not overstep the White man’s role, and because the school promoted integrating more productive citizens into the community). He said, “we wanted them to return to the plantation districts and show people there how to put new energy and new ideas into farming as well as the intellectual and moral and religious life of the people” (Washington 1881 via Wormser 2002e).²⁸ Then, starting in the 1900s, African American began to migrate from the South to the North, where their rights were

²⁸ Tuskegee Institute is still in operation today and continues to successfully promote its mission.

more likely to be honored in “The Promised Land” (as described by Richard Wright). An estimated six million Blacks migrated away from the South, especially creative artists and intellectuals (Wormser 2002e).

The positive headway made for America’s Black community through various resistance strategies and political decisions spurred incredible backlash from the White community, which was met with the Supreme Court ruling in 1896 for separate but equal facilities, designated by race. Collective action against Jim Crow was also sought via riots, protest, strikes, and other tactics for disrupting the system’s efficiency. *Tulsa Fisk University*

For example, in 1925, W.E.B. Dubois visited Fisk University (his alma mater) when he heard that the new president was promoting the separation of sexes and races on campus. This was in an effort to receive a large endowment from a Northern foundation that claimed it “wanted Black schools to teach their students to accommodate to Jim Crow as Booker T. Washington had preached, and not to challenge it, as Du Bois was suggesting” (Wormser 2002b). With Du Bois’ guidance the students fought against the new policies. The student protestors were arrested, and the community in and around Nashville became even more polarized. However, the president eventually resigned, which spurred similar protests on other Black campuses across the nation.

WWII

Then, in 1941, hundreds of thousands of White people were hired into the defense industry; fifty percent of defense employers said they would not hire Black workers no matter how skilled they were” (Wormser 2002c). Black leaders met in Chicago to discuss the injustice. A. Philip Randolph, head of the Brotherhood of Sleeping Car Porters called

for a massive demonstration, he said, “it is time to wake up Washington as it has never been shocked before” (Randolph 1941 via Wormser 2002c). Most Black organizations were in agreement to participate and President Roosevelt became fearful that the March would lead to massive race riots. Eventually, Roosevelt compromised and agreed to integrate the defense industry, but not the army. He issued Executive Order Number 8802, which established the Fair Employment Practices Committee, which led Randolph to call off the march.

World War II took place from 1941 to 1945. Eventually, African Americans and White Americans were both allowed to serve, but in segregated units with African Americans usually in non-combat military jobs. Despite this, those who served in the military were able to discover countless new opportunities, beyond what they had previously been prescribed in their pre-war lives. Some relationships between soldiers preached this segregation, while others began to look past one another’s race; these soldiers were able to act as comrades, while others remained more discriminatory and consequently hostile (Wormser 2002g). No matter, “when [soldiers] returned home, the color line once again reappeared. When Blacks came home from war, Whites were prepared to “put them back in their place” (Wormser 2002g). The war still led many African Americans to believe that Jim Crow was not inevitable, and that positive race relations were possible.²⁹

Jim Crow legislation was often overlooked during the rapidly changing social and economic circumstances that were introduced with the onset of World War II (Lowndes

²⁹ This was especially reinforced by their treatment by non-Americans: Europeans and Australians (Wormser 2002g).

2008). However, Jim Crow was not officially dismantled until 1954 (and not socially dismantled until much later) and many White people still fervently and even violently opposed the integration of Black workers in traditionally “White roles,” especially throughout the Southern states. “Race was increasingly articulated in a language of economic conservatism both regionally and nationally, just as conservative appeals were continually made by reference to racial identity” (Lowndes 2008 5).

During this time, segregation was also interwoven throughout the public sphere. “Whites only” restaurants, water fountains, benches, schools, etc. quickly became commonplace. Policies and laws that favored White people provided unequal access to all facilities and services that aided in the individual’s success. For example, White citizens were given superior access to education, government facilities, and the legal system, which made such things as literacy tests and poll taxes for voting definite obstacles for the Black community. This improved White Americans’ opportunities for success and their ability to contribute to society, while hindering Black Americans.

Civil Rights cases

However, with racial discrimination no longer indoctrinated in the U.S. Constitution, African Americans began using the federal court and the Fourteenth Amendment to fight against modern forms of segregation. Various civil rights cases were heard by the Supreme Court starting in 1883. The court usually found state sanctioned discrimination to be unconstitutional, but until 1954, continued to rule that discriminatory practices on the individual level were not unlawful.³⁰

³⁰ This notion is still pervasive in some aspects of the U.S.’s contemporary society, and serves as the basis for some of the prevailing racist ideologies that we witness today.

In 1954, the Jim Crow era was officially disbanded with the Supreme Court's ruling in favor of positively altering race relations in the U.S. In *Brown v. Board of Education* (1954) the Supreme Court overturned *Plessy v. Ferguson*, and ruled in disfavor of "separate but equal." Reexamining Race Relations

Societal integration was further solidified in 1957, when President Eisenhower used the protection of the Arkansas National Guard to forcibly integrate a high school in Little Rock, Arkansas, and in 1963, when President Kennedy insisted that Alabama's state university system be integrated through a state-wide mandate that was put in place by George Wallace, the governor at this time. This move then spurred the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, which together "ended the ability of any state to discriminate disenfranchise, or otherwise restrict any individual on the basis of race" ("Jim Crow Laws").

Today

Today, the Black community represents a comparatively large and thriving sect of America's middle class,

Major American institutions are far more integrated than in any previous era. The civil rights movement is enshrined in American iconography and cited as a source of inspiration for actors across the political spectrum. Most Republican leaders now attempt to *claim* the mantle of racial inclusiveness, a fact which makes a racial archaeology of the modern GOP that much more necessary (Lowndes 2008 7)

For this reason, however, it has become much more difficult to mobilize against the racist exclusion that continues to persist in American society. It is increasingly complicated to frame an argument and garner collective action against *colorblind* policies in a less blatantly racist era. Today, we see disproportionate rates of poverty, unemployment,

infant mortality, poor health, unequal schooling and incarceration (Lowndes 2008), but fewer policies that explicitly deny the rights of entire groups of American citizens based on their race. As racism become less and less economically viable, policies will tend to reflect a more egalitarian society. However, the social status of minority races in the United States still clearly remains contentious in some spheres.

SOUTH AFRICA

Many scholars draw comparisons of the race relations of the United States and South Africa during the Jim Crow and the Apartheid eras (see Beinart and Dubow 1995; Thompson 2000), yet far fewer have compared the racial hierarchies that persist today within these two states. In order to guide an understanding of the racial hierarchies that remain in contemporary United States and South Africa, I will now provide an historical narrative account for the history of South Africa, including their institutional discriminatory prescriptions and the social movement actions that were able to upset these systems in order to push for a *more* egalitarian era.

HISTORY OF DISCRIMINATION

Segregation is often explored by academics in two primary ways: the materialist and the ideological. Some attempt to understand why segregation is primarily based on the color of one's skin, while others look more critically at segregation to help pursue capitalist growth in favor of Whites. "In the 1970s and 1980s, when a powerful left and materialist critique of existing historiography was developed, approaches polarized and debated became more intense" (Beinart and Dubow 1995 5). Many scholars believe that in the case of South Africa, segregation and discrimination are rooted in the state's Dutch colonial past. In the 19th century, the Afrikaner national identity was becoming more salient; they likely began developing their sense of superiority during the slave era (Beinart and Dubow 1995).

Apartheid rule actually went beyond the margins that were put in place during the previous segregation era and found new approaches to purport White supremacist ideals

throughout most legislation.³¹ “The context in which Apartheid was introduced was also markedly different from the earlier segregationist period. In the era of European colonialism, segregation in South Africa did not appear exceptional. By contrast, in the democratizing postwar world and at the time of decolonization, Apartheid began to stand out internationally as an immoral system in a way that its predecessor had not” (13). In the 1960s, African National Congress (ANC) and Pan-Africanist Congress (PAC) leaders were unjustly jailed, which resulted in an even greater uproar from the international community (Beinart and Dubow 1995). South Africa’s discriminatory system of Apartheid began to be deeply effected by the international political climate whereby states around the world were entering a new era of respect for and understanding of a common human dignity (including the value of human rights). “South Africa’s liberation struggle served to symbolize, along with the civil rights movement in the United States, the aspirations of all those who strove for common human dignity and freedom” (Beinart and Dubow 1995 13). In order to aptly analyze the contemporary racial systems of these two countries, the historical backgrounds I provide will not run parallel, but rather will represent the most influential historical processes.

Policies and issues

Apartheid can be described as a series of discriminatory policies and acts that reached across the entirety of South Africa’s social, political, and economic sector. The policies that were enacted by political elites affected individual’s access to the economic sectors and their relations in the social sphere. Non-White’s rights were restricted across

³¹ The previous segregation era refers to the already separate societal boundaries that were instilled place as a result of the colonial era, but before the Nationalist party took power and began institutionalizing discrimination in all types of policies

industries and spheres, “Among the most important of these measures were the 1911 Mines and Works Act (segregation in employment), the 1913 Native Land Act (segregation in the countryside and prohibition on the African land purchase), the 1923 Natives (Urban Area) Act (urban residential segregation), the 1936 Representation of Natives Act (abolition of the remnant elaboration of the 1913 Land Act)” (Beinart and Dubow 1995 4). Facilities and services across South Africa were progressively restricted to Africans (via social restrictions), and as time passed more and more legislation was also passed to increasingly restrict African’s rights and access to such services even “more tightly than under the ‘Jim Crow’ laws in the United States” (Beinart and Dubow 1995 4). Unlike in the United States, where interracial relations were *socially* restricted, in South Africa they were also illegal. “Segregation was, however, more than a panoply of restrictive legislation: it refers as well to a composite ideology and set of practices seeking to legitimize social differences and economic inequality in every aspect of life” (4). Many laws that were drafted during the Apartheid era were founded in previously prescribed social mores. For example, churches were already race segregated, Black people almost never had superiority over their White colleagues, and the work sector (IE the skilled laborers) was already predominantly White (Beinart and Dubow 1995).

National Party

The National party, which was responsible for institutionalizing Apartheid, was able to consolidate its power “step by step, [by] eliminat[ing] every vestige of Black

participation in the central political system” (Thompson 2000 187).³² At this time (1977), South Africa was still in close relations with Great Britain, and had intended to remain a member of the British Commonwealth (much like India’s relationship with Great Britain). This tied the country to the international community, and led to increasing international opposition to their Apartheid system. According to Thompson (2000) the Nationalist party decided to disengage with Great Britain and become a republic—in pursuit of more independence and less oversight (188), and according to The Commonwealth (2015) “South Africa became a pariah nation, *forced* out of the Commonwealth and increasingly isolated internationally. The UN declared Apartheid to be a danger to world peace in 1961 and a crime against humanity in 1966”. At this time, the government “Africanized every state institution, appointing Afrikaners to senior as well as junior positions in the civil service, army, police, and state corporations...The government also assisted Afrikaners to close the gap between themselves and the English-speaking White South Africans” (188). Afrikaners moved into mining, manufacturing, commerce and finance, all of which had previously been dominated by English-speaking White South Africans (Thompson 2000).

Efforts to maintain Black people as wage laborers and to push them out of their roles in renting, owning, and sharecropping land were pervasive. “The Nationalist government also gave fierce expression to its determination to maintain White supremacy in postwar South Africa. Much of its early legislation coordinated and extended the racial laws of the segregation era and tightened up administration of those laws” (Thompson

³² In 1977, the United Party dissolved, and that year the Nationalist Party won 143 seats in the House of Assembly, and the major opposition, the Progressive Federal Party only won 17 (Thompson 2000 188).

2000 189). At one point, White people had become decreasingly hired for labor with the onset of rising cheap Black semi-skilled workers, but White laborers fought against this shift and insisted on employment, which led them to fill even more supervisory positions (Worden 1994 51).

Social scheme

Under the influence of Hendrik Frensch Verwoerd, Apartheid turned from a political slogan to an entire scheme for social engineering. Verwoerd was a psychologist who adamantly supported White supremacy. In 1948, he was appointed senator and in 1950, Minister of Native Affairs. After which, he served as Prime Minister of South Africa from 1958-1966, when he was stabbed to death. “During Verwoerd’s premiership, Apartheid [became] the most notorious form of racial domination that the postwar world has known” (Thompson 2000 189). The system can be simplified into four key ideas: the first was to segregate between four racial groups, White, Coloured, Indian, and Africa. The second idea was that Whites make up the civilized race, and “were entitled to have absolute control over the state” (190). Third, the state was not inclined to create an equal society or to provide for marginalized people; White privilege was state sanctioned. And finally, “the White racial group formed a single nation, with Afrikaans- and English-speaking components, while Africans belonged to several (eventually ten) distinct nations or potential nations—a formula that made the White nation the largest in the country (190). These ideas were further instilled through the aforementioned government policies. Sexual relations and marriage were made illegal with this philosophy (The Immorality Act of 1950 and the Prohibition of Mixed Marriages Act of 1949). Coloured and African people also had their voting rights stripped (Thompson 2000).

Homelands

Because parliament struggled to gain a two-thirds majority for some of the racist policies that they were attempting to implement, they ended up granting amnesty to eight (later ten) territories that made up the remainder of the country, excluding Whites. They were able to pursue this new agenda by using anti-colonial jargon in an attempt to convince citizens that they were benefitting from their newfound independence. When in fact, their rights as South African citizens were actually being stripped (Thompson 2000). Despite the ebbs and flows of the South African economy (for example its growth and successes in the 1950s), the new territories continued to struggle; many people were forced to leave their homelands to pursue wage labor in the greater South Africa. Individuals leaving their homelands to pursue work in *South Africa* were only allowed to stay for as long as they were fit to work. As soon as they were no longer fit to work, they faced grave consequences for attempting to reside outside their homelands (Thompson 2000 also see Comaroff and Comaroff 2008).

Public segregation

There was also a disparity in schooling for White and non-White children. White children were required to attend school; White school's infrastructure was far superior to Black school's infrastructure, and the government imposed segregation at all levels of schooling, including higher education. Furthermore, the Black population was growing at a much faster rate than the White population, but "the government spent ten times as much per capita on White students as on African students" (Thompson 2000 196 also see *Elusive Equity: Education Reform in Post-Apartheid South Africa* Fiske and Ladd 2004).

This blatant segregation extended far beyond schools, however. “From 1948 on, ‘Whites Only’ notices appeared in every conceivable place. Laws and regulations confirmed or imposed segregation for taxis, ambulances, hearses, buses, trains, elevators, benches, lavatories, parks, church halls, town halls, cinemas, theaters, cafes, restaurants, and hotels, as well as schools and universities” inter-racial contact in sports was even made illegal (Thompson 2000 197).

The Bantu Laws Amendment Act (1964) also allowed the government to expel any African from anywhere that White people resided in. The Public Safety Act (1953) allowed the government to declare a state of emergency in any particular area of the country (including over the entire country), which hurt judges’ ability to rule against inhumane laws, seeing as during emergency rule almost any law or interpretation of the law is considered appropriate (under the given circumstances).³³

The bureaucracy also continued to grow under Apartheid, White people made up most of the workforce: Whites were in the public sector and Afrikaners in the majority of the supervisory positions. Even “the Black bureaucrats, numbering about 820,000, were reliable servants of the regime on which they depended for their livelihood” (Thompson 2000 199). Apartheid was fervently enforced throughout all aspects of South Africa’s social and political system. Black people were rarely issued licenses to carry firearms whereas White people were able to obtain these licenses with relative ease. The government also clearly provided White people with better services and also made attempts to shelter them from witnessing their Black compatriots livelihoods via various

³³ The court system, when given the opportunity, seemed to provide more fair judgments than the political elites.

media outlets, social norms, and state-mapping. “Whites were conditioned to regard Apartheid society as normal, its critics as communists or communist-sympathizers.” The Nationalist regime was able to deeply impact both Whites and Blacks mentality through encouraging divergent languages, churches, social groups, etc. (Thompson 2000 201).

Black experience

Non-Whites in South Africa had varied experiences under Apartheid, but all of which were characteristically inferior to their White counterparts. The Apartheid government even ensured that the Black people whose lives impacted or improved the lives of White people received special benefits to maintain these societal roles. This inequality led to policy shifts and societal shifts in the 1970s when “highly capitalized industry [began to] dominate the economy, [which led to] using complex technology and requiring semi-skilled permanent workers rather than unskilled migrant laborers. In these circumstances, segregation and Apartheid, so crucial to the earlier development and growth of industry were no longer appropriate to the needs of South African capitalism” (Worden 1994 122).

South Africa, under Apartheid had one of the most disparate economies in the world. White people were as privileged as the White people in the Western world and other ethnicities remained as under-privileged as those in the most underdeveloped countries. Health outcomes were also extremely unequal during this time, “mortality rates for both African and Coloured children aged one to four years old were thirteen times as high as for Whites” (Thompson 2000 203). This was due to inadequate nutrition and high rates of disease. The diseases that plagued Africans in South Africa were the same that pervaded third-world countries such as pneumonia, gastroenteritis, and tuberculosis.

Resistance to Apartheid

When Apartheid was first introduced, churches were among the main sources of collective resistance. Student organizations also banded together to resist the Nationalist's regime. Women's groups, too, came together to publically display their disapproval of racist policies. Intellectuals wrote about the injustices under Apartheid rule through poetry, novels, plays, etc. Historians spoke out, and scientists proved that racist legislation cannot be biologically justified. Black leaders confronted the Nationalist regime by mobilizing their communities and creating the ANC, Mandela was one of the dominant personalities of this faction. In 1952, the ANC launched a "passive resistance campaign" that defied Apartheid policies and resulted in the creation of further policies, but this attempt at resistance led to the creation of even more legislation against demonstrations of civil disobedience (this campaign was then called off) (Thompson 2000 208).

In 1955, the ANC altered its strategies. Supporters of the ANC attempted to demonstrate their grievances to the international community to gain support. This new campaign resulted in the creation of the Freedom Charter. "The charter started with the ringing assertion that 'South Africa belongs to all who live in it, Black and White, and that no government can justly claim authority unless it is based on the will of the people'" (208). The government's reaction was to repress the African community even further. "In December 1956 it arrested 156 people and charged them with high treason, in the form of a conspiracy to overthrow the state by violence and replace it with a state based on communism," but the courts found the *conspirators* not guilty.

In 1959, the Anti-Apartheid Movement (AAM) in particular was born. This movement emerged from the boycott movements that became pervasive that year. The AAM was both internally and externally strong. Internally, it was supported by a broad-based and diverse membership (African Activist Archive n.d.). Externally, the AAM was also deeply involved with the international community and dealt with issues regarding international investment in South Africa, its companies, and its banks. Many British political leaders were also involved in AAM organization and activities. The AAM was dissolved in 1994 after the first democratic elections in South Africa, and replaced with Action for Southern Africa (ACTSA) (African Activist Archive n.d.).

PAC

The PAC materialized out of diverging Black movements. The PAC was willing to face injustice and wanted to create havoc in the system by demonstrating at police stations where they were most likely be arrested. The government reacted by outlawing both the ANC and the PAC and declaring a state of emergency. “The year 1960 was a watershed in modern South African history. Previously, nearly every ANC leader had been deeply committed to nonviolence. But nonviolent methods had achieved nothing except a series of defeats at the hands of a violent state” (Thompson 2000 211). The ANC came to realize that South Africa was distinct from India, where nonviolent resistance was a valuable means to instigating change; the South African government frequently reacted to nonviolent movements with violence. At this point, three major developments were evolving that pushed resistance strategies further: (1) art³⁴; (2) rapid economic growth which “involved[ed] a vast increase in the number of Black semiskilled as well as

³⁴ Such as the Johannesburg magazine *Drum* as well as poetry and theater movements.

unskilled workers, which led to the development of class consciousness among Black workers and the creation of an effective Black trade union movement, despite its exclusion from the formal bargaining process” (Thompson 2000 212), and (3) involvement from young Black people.³⁵

Downturn of Apartheid

South Africa experienced great economic success in the 1960s, but suffered from stagnated growth in its agricultural and service sectors in 1970 (Byrnes 1996). The economy could no longer sustain without engaging its entire population in the workforce; there were too few skilled laborers. The White population was in rapid decline and the policies Verwoerd proposed in promotion of the separate development of all peoples along racial and ethnic lines also failed. He promoted this separate development through the Promotion of Black Self-Government Act (1958), whereby homelands were considered separate territories, no longer subject to South Africa’s central government. The international community did not recognize these territories as sovereign, they were decaying socially, economically, and politically, and residents therein were unallowed to leave their territories for employment, thus also unable to contribute to the workforce (Thompson 2000). Notably, internal changes in South Africa (outside of the townships) were also transpiring and Afrikaner solidarity was deteriorating. By the late 1970s, class divisions were becoming more potent markers than ethnic division for the Afrikaner community (Vail 1991). The National party was also revealed to be internally corrupt,

³⁵ Steve Biko insisted that Black people feel pride in themselves in order to transform (notably not just reform) the system that represses them.

which hurt their ability to maintain credence even amongst their previous supporters (Hyslop 2005).

Reforming Apartheid

P.W. Botha's administration, which led South Africa from 1978 to 1989, attempted to adapt to evolving international and South African political cultures, without giving up Afrikaner power. Botha introduced a new constitution that ensured a White majority in some political affairs, but more equal racial representation in others.³⁶ New laws was posited under Botha in his attempt to appear more racially equitable, but these were in fact as discriminatory as the previous mandates. He attempted to enhance the rights of the Coloured and Asian communities of South Africa in order to gain their support (Beinart and Dubow 1995). During his administration, South Africa remained officially grouped along racial lines, White people still dominated politics by being able to outvote Africans and Indians with a minority vote, and Black townships continued to function on the margins of society (Thompson 2000 225).

Botha recognized that the reformation of homelands was paramount to actually realize less discriminatory, antiapartheid motions and rules, and to stabilize South Africa's economy. "The countryside is pushing you into the cities to survive, the cities are pushing you into the countryside to die" (Thompson 2000 226). The "geographic framework" of homelands that was previously promoted by Verwoerd confined individuals' employment to their respective homelands, which the Botha administration found "did not correspond with [South Africa's] economic realities" (227). Instead, South Africa was to be cut into four regions, which would engulf the homelands (but he still

³⁶ He also gave himself veto power.

failed to support township development directly). In 1986, some discriminatory laws began to be repealed; society was becoming less institutionally segregated, facilities were becoming more open to use by all, and funding for Black education began to rise.

Botha claimed that South Africa had outgrown Apartheid but even his more mild reforms were difficult to implement given the deeply embedded under workings of the Apartheid system in South Africa (Thompson 2000 227). Segregation remained pervasive; Black people were still poorer and grossly underserved compared to White people; “the Land Act and the Group Areas Act still excluded Africans from land ownership outside the homelands and the African townships;” the government continued to relocate Africans by removing them from their homes (despite promises of the opposite), and the justice system was still not free and fair—the concessions made during Botha’s rule were predominately symbolic (Thompson 2000 228).³⁷

Making progress

According to intellectuals of the 1970s, the realization that the cost of Apartheid and its negative implications for domestic economic growth, even for particular companies and businesses arguably led to the demise of the system (Beinhart and Dubow 1995 19).³⁸ In the 1980s an argument for political legitimacy supplemented the previously potent economic argument. At this time, Black resistance involved people across generations, classes, ethnicities, etc. in their liberation movement. The mobilization of

³⁷ “President Botha and his colleagues were adamant about retaining the racial structure of government institutions and rejected any suggestion that Africans should participate equally with Whites” (Thompson 2000 228).

³⁸ “It soon became apparent that free-market approaches to labor, land, and ownership could have explosive implications in a racially constituted economy like South Africa” (Beinhart and Dubow 1995 19).

such a diverse group of people allowed for countless social movement actions to address the problem from various angles. In 1983, the United Democratic Front (UDF) was founded with the inclusion of all races and included representation from “trade unions, sporting bodies, community groups, and women’s and youth organizations” (Thompson 2000 288). The UDF wanted to re-engage with the Freedom Charter and disband the country’s prevailing racist policies. The creation of the UDF spurred uprisings all over South Africa calling for a new anti-Apartheid era.

Growing distrust and dissatisfaction with the Botha administration was prevalent across racial lines, and the State began to lose its sense of legitimacy throughout South Africa. “The state mostly failed in its quest to find Black urban allies who would take their place along homeland leaders.” Nelson Mandela’s release from prison, along with the unbanning of various liberation movements led to the eventual downfall of Apartheid South Africa. “Nevertheless, it took more than four years of tortured negotiations and heightened levels of violence before [a] non-racial election [was] held in 1994 and power formally transferred” (Beinhart and Dubow 1995 20).

By the time South Africa held its first democratic elections, in 1994, most of the African society in South Africa was in support of the African National Congress (ANC), which grossed more than 60 percent of the overall vote, despite most Whites maintaining support for the Nationalist party (who received about 20 per cent of the vote that year). However, the government clearly remained largely racialized despite an attempt to have democratic elections go beyond the racial order. As evidenced above, voting still clearly followed racial contours (but now in favor of the Black majority) (Beinhart and Dubow 1995).

Moving away from Apartheid

In order to understand the shifts that took place in South African society, which led to the demise of White minority rule and the first democratic election, we must interrogate political, social, and economic foci. It would seem that the convergence of Black leaders enlivening a racial consciousness, economic instability, and international pressure led to the ultimate demise of White minority rule and the election of a government more demonstrative of its people. Nonetheless, racial lines have been driven into South African society since the era of Dutch colonialism and this racial identity still serves as a potent influence over social relations in South Africa today, whether or not the government is more demographically representative—this representation is still based on race. Throughout history, South Africans (like many other African citizens throughout the continent) have fought and resisted against these injustices both forcefully and with fervor.

Social movement actions

South African activists' actions evolved throughout history, but all reflected an aura of strength and ardor. Examples of such movements include: the ANC's various endeavors, which began with legal protests, then shifted to nonviolent direct courses of action, and eventually presented a violent militant campaign. The PAC (founded in 1959), which also worked against Apartheid policies, but primarily through more violent forms of resistance. The Umkhonto We Sizwe ("Spear of the Nation") militant wing of the ANC, which emerged in 1961 and promoted "the largest grassroots eruption of diverse nonviolent strategies in a single struggle in human history." The nonviolent tactics proved unfruitful (for changing legislation), which led the organization to put forth

armed uprisings, but unfortunately neither strategy was successful for Umkhonto We Sizwe's attempt to dismantle Apartheid legislation ("Umkhonto We Sizwe" 2015; Walter Wink 1987 4).

The Black Consciousness Movement (BCM) (started in the mid-1960s) was "a proletariat anti-Apartheid liberal movement that emerged out of the political vacuum formed by the decimation—jailing and banning—of the African National Congress (ANC) and Pan Africanist Congress (PAC) leadership"; this vacuum fragmented Black resistance and birthed the need for a new kind of *movement* such that Steve Biko was able to render through the BCM (Harrell 2011).³⁹ Then in 1973, the Durban Strikes erupted as the "largest labor protest since the 1948 election win of the National Party" (Brown 2010 31). This movement heralded South African workers' contestation of Apartheid.⁴⁰ In 1985, the Troops out of Townships Movement grew out of the troubling fact that Blacks, in their own communities, were being killed South African security forces (Glickman 1990). Also in 1985, 27 year-old Mkhuseleli Jack organized boycotts of White-owned businesses in Port Elizabeth. This movement demanded integrated public facilities, the removal of military presence in Black townships, and an end to workplace discrimination

³⁹ The movement thus sought to change the mindset of all of those involved in South African society by discrediting the notion that Whiteness should be attributed to normalcy, and Blackness to perversity. Activists converged on the Black-ness of the movement; White skin tainted the effort to maintain a single, cohesive movement such that Biko strived for, "The White liberal with his 'Black soul wrapped in White skin', does not shed that skin which is a passport to privilege in a racist society" (Woods 1981) for it is the very color of the Black (wo)man's skin that serves as their reasoning for oppression.

⁴⁰ "The state did not consider these strikes as a form of public political protest. Instead, it described them as resulting from economic grievances and delegated the responsibility for resolving them to employers," which allowed the protests to sustain longer and eventually lead to more salient changes in the political system (Brown 2010 31).

(Glickman 1990). A final example was the Defiance of Unjust Laws Campaign (1989), which operated under the slogan “One South Africa, One Person One Vote” and involved protesting Apartheid laws and practices such as the tricameral legislative system and the banning of dissidents (Kurtz 2010).

The effort continues

In “The Dynamics of Conflict in South Africa: Routes to Peace?” Isaac (via Glickman 1990) states that Black resistance will persist under the condition that the national movement, sparked by the Black community (which he states “cuts across race, class and gender”), is able to maintain legitimacy and support—more so than the state: “The state has lost its credibility and legitimacy among the broad mass of the disenfranchised: it governs not by consent but by coercion” (Glickman 1990 49).

Throughout South African history countless forms of resistance and various strategies were capitalized on in order to overturn the Apartheid state. Among them: protests and persuasions such as: mass demonstrations, marches, public declarations, alternative press, vigils, memorials, UN Resolutions, etc. As well as non-cooperative measures such as: strikes, economic boycotts, school boycotts, international divestment, alternative institutions, forms of civil disobedience, etc. And nonviolent interventions for example, Desmond Tutu’s protest march of a White-only beach (1989), non-Whites showing up at White hospitals, marching without permits, an entering other White-only spaces (for a more comprehensive list see Kurtz 2010). South Africa’s brutal history of discrimination, and policy-driven segregation continues to inform race relations today. The relentless effort put forth by the non-White community may continue to inspire

contemporary movements for weakening and eventually dismantling the racial hierarchies that persist today.

V. US CASE ON POLICE BRUTALITY

BACKGROUND & HISTORY OF POLICE BRUTALITY

PROBLEM OF POLICE BRUTALITY

In this section I intend to provide a data set. This data set is comprised of historical narrative that makes reference to each of the themes in my theory as well as any important contextual information that will be necessary to understand the nuances within my case study. It will serve as the source for which I analyze and test my theory in the next portion of this paper. This immediate subsection will discuss police brutality as it has appeared throughout history in order to explain its broad-based relevance to my theory. I have chosen to specifically study police brutality as a reference for our current racially hierarchical society because, I argue the persistence of acts of police brutality against Blacks in America directly illustrates our inability (thus far) to reach a post-racial society. In the subsequent subsection I will discuss Rodney King's experience as a particularly galvanizing case of police brutality that led to civil unrest. This exposition of the Rodney King case will serve as the chief dataset for which I assess my theory. This immediate subsection will necessarily demonstrate why my theory and hypotheses are relevant to today by describing the hierarchy through the lens of police brutality.⁴¹

Numerous examples of racial inequalities can be named to demonstrate the injustice that Blacks continue to confront in post-Civil Rights America, but police brutality is one of the clearest examples of a structural problem that affects minority (especially Black) Americans today. Hooks (1995), who was the Executive Director and

⁴¹ This subsection is also necessary to describe how relevant the Rodney King case is to the evolution of police brutality as a problem and the public's evolving response to the issue. It is also necessary for situating the Rodney King case in an historical context.

CEO of the NAACP from 1977 to 1993, poignantly articulates the Black experience with regard to law enforcement officials in America. He describes how Black people would hope to be granted protection by police officers under the same mandates that the rest of society is protected by, but that there is a “corroding fear” in the Black community that any encounter with a police officer may potentially result in abuse or mistreatment. “Rare indeed is the Black male, and in some instances the Black female, who has grown to adulthood in America without having suffered some unpleasant experience at the hands of the police, especially White police” (Hooks 1995).

The disparity in cases of police brutality (as well as in other law enforcement-related issues i.e. criminal sentencing and incarceration) that continues in the U.S. today is evidence of our sustained racially hierarchical society. Rather than seeing officers as sources of protection, many minority people avoid law enforcement officials in anticipation of misconduct. Furthermore, despite statistical evidence of a clear gap in incidents of police brutality as well as incarceration rates based on race, we have yet to reach a consensus (or to implement adequate policy changes, or sufficient data capture) on issues of police brutality and disproportionate patrolling.⁴² USA Today analyzed seven years of FBI data and found that “White officers kill Black suspects twice a week in the United States, or an average of 96 times a year” (McKay 2014 also see Health 2014). King and Smith (2011) write, “nonwhites are...not just disproportionately arrested by also disproportionately innocent victims of crimes” (217). Brown and Wellman (2005) claim,

⁴² There is an especially striking insufficiency in nation-level policies on the issue of police brutality that my case study will seek to address

“Contemporary color lines are embedded in culturally and economically produced systems of advantage and exclusion that generate privilege for one racially defined group at the expense of another. It is time...to replace the attribution of America’s persistent color line to intentional discrimination and the dysfunctional behavior of Blacks with a historical structural account that emphasizes the legacies of discrimination and the subtle ways in which those legacies are perpetuated” (189).

In order to rewrite this historical legacy and resituate the Black experience in America, we must take note of the violence committed against Black people by police officers: those whose duty it is to protect, not harm. In this section, I will discuss the issue of police brutality in America writ-large by, first attempting to define police brutality (which will include the debate over defining and labeling what police brutality should denote), then by providing a brief historical perspective of the issue, which will include the complications faced by insufficient adequate data capture, and the inadequate laws and policies currently encoded, as well as any attempts made by U.S. officials to investigate and confront the problem. After which, I will review the Rodney King incident, which transpired as a result of this structural issue.

DEFINING POLICE BRUTALITY AND EXCESSIVE FORCE

Police brutality directly refers to police officers using excessive force against civilians. *Excessive force* has become a controversial, highly debated phrase, which has ultimately convoluted the more urgent discussion that should be had on some police officers’ conduct. “Indeed police officers are expressly authorized to use necessary, reasonable force to perform their duties. As Jerome Skolnick, an influential police scholar in the United States, underscores: ‘as long as members of society do not comply with the law and resist the police, force will remain an inevitable part of policing’” (Henry 2007

502). However, the legitimacy and legality (and limits therein) of the executed force must be considered. The issue of police brutality not only deals with whether or not force is used, but also the “degree, kind, reasonableness, and even an omission” of said force (Henry 2007 502). The police officer’s intention for using force (which is nearly impossible to define or situate) is also discussed when attempting to distinguish acts of police brutality—whether or not the use of force was deliberate, or a *good-faith* mistake.⁴³ Unfortunately, the police sometimes use the “law” itself and claims of aiming to “protect the law” as covers for their unlawful and unjust actions, and under the ambiguity of the “law”, they are able to avoid repercussions for their actions.⁴⁴

In 1998, the Human Rights Watch spoke out against police brutality naming the issue as one of the most enduring, divisive human rights violations in the United States. “The problem is nationwide, and its nature is institutionalized” (Collins 1998). The Human Rights Watch report defines “excessive force” as force that exceeds what is objectively reasonable and necessary in the circumstances confronting the officer to subdue a person. This definition resembles Article 3 of the U.N. Code of Conduct for Law Enforcement Officials, which provides that: “Law enforcement officials should use force only when strictly necessary and to the extent required for the performance of their duty.”⁴⁵ The Human Rights Watch report also cites *Graham v. Connor* 490 U.S. 386

⁴³ Whereby a police officer, stunned by how a situation unfolds and is permitted to act violently (Henry 2007).

⁴⁴ The ambiguity of the law itself and police relations with the judiciary often leave abusive acts by law enforcement officers unpunished.

⁴⁵ GA resolution 34/169 passed on December 17, 1979, and in the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which stipulates that, “Whenever the use of force and firearms is unavoidable, law enforcement officials shall

(1989), to exemplify when the United States Supreme Court held that that the United States Constitution's Fourth Amendment requirement of "reasonableness" on the part of the police applies to "all claims that law enforcement officials have used excessive force - deadly or not - in the course of an arrest, investigatory stop, or other seizure of a free person." Throughout the Human Rights Watch report, Collins (1998) uses the term "excessive force" to refer to abuse occurring both during apprehension and while in custody.⁴⁶

HISTORY OF POLICE BRUTALITY

Police brutality is a structural inequity faced by the Black community. Evidence of this issue can be traced back to corrupt policing practices of the 1800s and early 1900s. According to Henry (2007), two-thirds of victims of lynching between 1882 and 1959 were African Americans, and an estimated half of these incidents were executed by police officers; 90% of all incidents had police officers present (and likely assisting).

The Wickersham Commission

In response to this structural problem, President Herbert Hoover created The Wickersham Commission in 1928. This was the first institutional effort to track and regulate law enforcement officers' methods and practices. The Commission was able to attract broad-ranging attention to the issue of police brutality by highlighting particular incidents, but it nonetheless struggled to create a comprehensive report on past incidents,

exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved." UN Doc. A/CONF.144/28/Rev.1 (1990).

⁴⁶ Sexual assault and torture by police officers are also referred to as "excessive force" in the Human Rights Watch report, which Collins states may not be, strictly speaking, seen as *excessive force*, but are nonetheless unjustified and criminal assaults.

and also failed to assemble a framework to track future incidents. Still today, the United States does not track police brutality events despite concerted efforts made by both individuals⁴⁷ and organizations (IE the Human Rights Watch).⁴⁸

Issue with data capture

Unfortunately, because incidents of police brutality are so under documented it is extraordinarily difficult to mobilize policy makers to address the issue. Whether or not social movements transpire after the onset of an incident, and despite the public's reaction to police-related issues, policy elites tend to react more fervently when the problem can be substantiated by quantitative data sets.⁴⁹

The Wickersham Commission actually drafted a uniform statute in 1937 in an attempt to require states to collect criminal statistics for the Census Bureau to keep track of, but South Dakota was the only state to adopt the plan (Maltz 1977). Many years later, the FBI promoted a similar mission, they asked states to collect Uniform Criminal

⁴⁷ See Brian Burghart "What I've Learned from Two Years Collecting Data on Police Killings" (September 22, 2014) via Gawker.com

⁴⁸ Not only is this extremely problematic for data collection, but it is also a telling sign that the hierarchical racial system is still a pervasive component to modern-day policing. With the majority of police brutality being inflicted on African Americans, I would argue that the lack of data collection is linked to a racially-biased criminal justice system. Without proper tracking and analysis procedures, it is not only more difficult to mobilize against the system, but it also becomes increasingly difficult to make changes *to* the system. Such changes should include police training and policy building. Increased social awareness could also result from better statistical representations of police brutality (from today and throughout history).

⁴⁹ This is one reason why incarceration issues have historically been more widely addressed by policy elites. The data on incarceration rates reveal striking examples of racial disparities guiding jurisprudence in the United States, whereas even the most dramatic incidents of police brutality are not systematically tracked and analyzed. Instead we must manually seek out examples of police brutality in individual cases. Nonetheless, there is a great deal of anecdotal evidence and numerous historians are making arguments related to police brutality.

Reporting (UCR) data to aggregate with the FBI's data, but only two states, California and New Jersey followed through. So, in 1972 Law Enforcement Alliance of America (LEAA) created a program that would fund statewide comprehensive criminal data systems (Maltz 1977). Today, more and more data is being collected and we are moving into an era where states can demand data from local jurisdictions, but we still have yet to instill a system-wide program for data collection.

The Center for Disease Control (CDC) has also made strides in their data collection efforts and has found that Black people are 3 times more likely than White people to be killed by a police officer (Wihbey 2014).⁵⁰ "Blacks are more likely than others to be arrested in almost every city for almost every type of crime. Nationwide, Black people are arrested at higher rates for crimes as serious as murder and assault, and as minor as loitering and marijuana possession" (Health 2014). Also according to the CDC, Oklahoma has the highest rate of Black people killed by law enforcement per capita than anywhere else in the country (based on data gathered from 1999-2011). And in Missouri, where the late Michael Brown lived, the CDC found that Black people are killed twice as frequently by police officers than White people are (Wihbey 2014). However, despite all of the gains made by some in collecting this type of data since the late 1970s, there remains no national aggregate source of police brutality data, and King and Smith (2011) assert that "combating invidious racial profiling requires collecting racial data on law enforcement practices and questioning racially disproportionate official

⁵⁰ "Blacks are [also] more likely than others to be arrested in almost every city for almost every type of crime. Nationwide, Black people are arrested at higher rates for crimes as serious as murder and assault, and as minor as loitering and marijuana possession" (Health 2014).

conduct” (216).⁵¹ The arrest rates are clearly lopsided, but we are far from reaching a consensus for explaining why.

Phillip Goff, president of the University of California Los Angeles' Center for Policing Equity, said such comparisons are "seductively misleading" because they say more about how racial inequities play out than about what causes them. Those disparities are closely tied to other social and economic inequities, he said, and like most things that involve race, they defy simple explanations (Health 2014).

He goes on to concede to a “significant degree of law enforcement bias that is the engine for this. But there's also no controversy that educational quality and employment discrimination lead to this” (Goff 2014 via Health 2014). Without substantial data on actual incidents of police brutality all of the comparisons between crime, education, and employment rates and arrest rates for Black citizens remains hearsay. This is important, too, in order to clarify whether or not a White person who is being arrested is as likely or less likely as a Black person to be brutalized—with the current state of data capture it is difficult to say with 100 percent certainty. “Not only do we not know the racial breakdown of police homicides, we don’t know with any precision how many homicides occur, period” (Wines 2014). We must be able to substantiate our claims about police brutality with reliable aggregate national data sources in order to deal with the potential underlying problems related to crime and disproportionate arrest, as well as to verify once and for all the disparity in acts of police brutality against Black citizens (also see

⁵¹ While President Obama was a state senator in Illinois, he sponsored a law that required the “Illinois Department of Transportation to record the race, age, and gender of all drivers stopped for traffic violations so that bias could be detected” (King and Smith 2011 216).

commentary by Richard Rosenfeld, University of Missouri-St. Louis criminology professor via Wine 2014).

The massive the bipartisan support for stricter crime policies has been since the 1980s cannot be overstated. There has been a federal push to deal with crime throughout the U.S. “Electoral pressures generated a huge bipartisan elite consensus in favor of punitive criminal justice measures,” which actually made the role of racial alliances in the electoral system less relevant for a few decades, seeing as Democrats, in particular, had a rightward ideologically shift to support these measures. But, nonetheless data collection has remained off the agenda.

Laws and policies

Legally addressing police brutality would inevitably recognize the racial charge of such incidents. In discussing contemporary lawmakers’ reluctance to address the problem, Staples uses a colonial analogy stating that, “historically, a good case can be made for the argument that the function of law was to establish and regulate the colonial relationship of Blacks and Whites in the United States. Initially, the colonial system was established by laws which legitimated the subordination of the Black population” (Staples 1975 15). Throughout history, criminal justice in the U.S. has tended to benefit the White man and perpetuate the subordination of racial minorities. For instance, certain illegal acts that tend to be more characteristic of Blacks are over criminalized while illegal acts that are more characteristic of Whites are more likely to be absolved (Staples 1975). Staples (1975) also claims that “as a result of the colonial administration’s power to define the nature of criminality, the White collar crimes which involve millions of dollars go unpunished or lightly punished, while the crimes of the colonized involving

nickels and dimes result in long jail sentences” (16). This statement can be exemplified by the unequal sentencing for crack cocaine versus powdered cocaine in the U.S., which mandated (in 1986) a “five-year minimum federal prison sentence for possession of five grams of crack cocaine or five hundred grams of powder cocaine” (King and Smith 2011 219). However, it should also be noted that in 2010, under the Obama administration, the Fair Sentencing Act (which attempts to equalize criminal sentencing for cocaine) passed through the Senate with unanimous consent, and through the House with a simple voice vote; this can be interpreted as a positive bipartisan step toward equalizing the criminal justice system.

However, other lapses in the system remain (also, many of the Fair Sentencing Act’s goals have not yet been fully realized) that perpetuate feelings of distrust between the Black community and law enforcement officers. On this note, the NAACP (1995) claims, “it cannot be denied that a wall of mistrust exists between minority groups and the police, and that the relationship between the police and the community has eroded considerably” (7). Simply by virtue of an individual’s race, it appears that he or she is not granted equal protection under the U.S. rule of law, and in fact, is more likely to confront the brutal force of a police officer. This crisis is immanent and must be addressed immediately.

Kerner Report

One major reaction to police brutality has been civil unrest, especially when the incidents entertain the media’s attention. From 1965-1968, a mass scene of race riots broke out around the country, despite the recent achievements of two momentous Civil Rights Acts (ending segregation and achieving voting rights in the South). The “long hot

summer” of 1967 was particularly rampant with riots and disorder in America. In the year 1967, the U.S. experienced 157 race riots (McLaughlin 2014). It was revealed that 12 of the 24 riot-events that transpired during this time (the summer months) were in response to police actions (Hooks 1995). Historically, riots typically result with one group of people directly attacks another. These riots were different, however, because the destruction was confined to Black neighborhoods (such as Watts, Newark, and Detroit).

President Lyndon B. Johnson responded to the outburst by establishing the Kerner Commission. The Kerner Commission was set-up to investigate the exact causes of the unrest. The Kerner Report, which was produced by an 11-person National Advisory Commission on Civil Disorders in 1967, focused on the riots taking place in U.S. urban centers, and claimed that urban societies in the U.S. are evolving into two separate entities, segregated by race and intrinsically unequal.⁵² The report states, “The abrasive relationship between the police and the minority communities has been a major—and explosive source of grievance, tension, and disorder” (1967). The members of this commission asserted that the evolving discrimination must halt in order to avoid a “system of Apartheid” in the country’s major cities. It stated, "What White Americans have never fully understood -- but what the Negro can never forget -- is that...White institutions created [the ghetto], White institutions maintain it, and White society condones it" (The Kerner Report 1967, 1). The report ultimately claimed that societal

⁵² The Kerner Commission membership included Republican Mayor John Lindsay of New York City as vice chairman; the U.S. Senate’s only Black, Republican Edward Brooke of Massachusetts; United Steel Workers of America president I.W. Abel; Atlanta police chief Herbert Jenkins; Charles B. Thornton, chief executive officer of Litton Industries Inc.; NAACP executive director Roy Wilkins; Sen. Fred Harris, (D-Okla.); U.S. Reps. James C. Corman (D-Calif.) and William M. McCulloch (R-Ohio); and Katherine Graham Peden, Kentucky’s commissioner of commerce.

inequalities such as police brutality are a result of both White racism and condemned Black extremists (Schlickman 1992). Specifically (but in fairly abstract terms), the Commission recommended implementing programs to close the gap between “promise and performance,” and to change the system of frustration and failure that is hindering Black American society. These programs included, creating 2,000,000 jobs over the following 3 years; increasing job training and reimbursing private employers for such training; aiding public schools who are attempting to desegregate; improving welfare, and expanding public housing. Most of the recommendations are followed by specific mandates already in place to help bring the recommendations to fruition, or particular goals are supplemented by cost-breakdowns. The report clearly focused on addressing the underlying structural issues that are made visible through overt racist actions such as police brutality. The recommendations span from incremental to non-incremental and from symbolic to serious.

U.S. Civil Rights Commission

More than a decade later, the U.S. Civil Rights Commission began to research indications of racial biases in the U.S. by specifically examining New York City’s Police Department. It focused on and attempted to establish a system of standards for police conduct. The original report was produced by the U.S. Civil Rights Commission in 1981, and was called *Who Is Guarding the Guardians*, and in 2000 the problems were elucidated again in *Revisiting Who is Guarding the Guardians*. The 2000 report added more contemporary suggestions and examples, but maintained the same foundational understanding of police brutality and the complications therein as the 1981 report. It has proven incredibly difficult to track rates or incidents of police brutality in order to

determine why, a decade after the Kerner Commission, the U.S. Civil Rights Commission also undertook to understand police brutality, which was a primary responsibility of the Kerner Commission a decade prior. And then again another two decades after the first Civil Rights Commission, a second Commission was set up in 2000.

In The *Who Is Guarding the Guardians?* (1981) report, the Commission emphasized the lack of available redress for victims of police misconduct and the ways in which state and federal law inhibit the effectiveness of using civil lawsuits. It should be noted, however, that the Civil Rights Commission was also very complementary of the hard work that many police officers execute for the greater good of society. Police should be recognized for their often selfless service, and the significant role they play in reducing crime, which also is a critical problem for many poor and minority communities who deserve to be protected. However, it must also be stressed that police misconduct (by some officers) is a serious issue and, “[officers’] crime reduction achievements often have come at a significant cost to the vulnerable communities in the greatest need of police protection” (“Who Is Guarding the Guardians?” 2000). The commission makes a number of recommendations to improve the efficiency and honesty of police units across the nation. They suggest heightening *internal* regulation of law enforcement agencies as well as improving external controls. Specifically, however the recommendations appear to be largely incremental and somewhat symbolic. For example, the commission recommended that police officers continue to be trained in using deadly weapons, but there can be varying “interpretations as to what constitutes legitimate use”(“Who Is Guarding the Guardians?” 2000). It also suggests that national, state, and local governments should “conduct further analysis to determine whether a uniform policy can

be constructed for their respective internal departments,” but does not give more specific recommendations for this (“Who Is Guarding the Guardians?” 2000).

The Commission also recommends that officials on the local level make a commitment to developing a greater system of oversight, and should cooperate with federal monitors. “State prosecution of police misconduct cases is not effective primarily because district or county attorneys rely heavily upon the support and cooperation of police departments.” Thus, the Commission suggests that particular people are given the sole responsibility to monitor police misconduct issues within individual departments and that civilian review boards are granted more power to investigate incidents of abuse.⁵³

Human Rights Watch investigated and reported on the effectiveness of the *Who is Guarding the Guardians?* Commission and the laws that have been instated since its publishing. They noted, “that one major barrier to federal prosecution of police officers who commit human rights violations is the ‘specific intent’ standard: prosecutors must prove that an officer specifically intended to deprive an individual of a constitutional right in order to win brutality cases” (“Special Commissions and their Aftermath”). However, neither Congress nor the Executive Branch has pursued a revision to this statute, which is presently almost impossible to prosecute under.

Redress and prosecution for police brutality is clearly shuffled between local police departments, local governments, state governments, and the federal government. Arguably change must come at every level in order to actively affect the system. Despite the federal attempts to bring these issues to light, the police departments themselves must

⁵³ This may be problematic because of the ethos of loyalty between police officers in departments across the U.S. It is rare for police to be willing to “out” their fellow officers.

also be willing to alter their behavior and penalize abusive actions. Hubert Williams, the president of the Police Foundation, a Washington, D.C. based research group, stated, "Most police chiefs are honest and have integrity, but they fail due to an ignorance of what is occurring in their own departments." Williams noted a "disconnect between policies and practices" within police departments"(U.S. Department of Justice 1997). Within the issue of brutality lies corruption, ignorance, and loyalties to comrades in arms. Since the publication of *Who Is Guarding the Guardians* (and *Revisiting Who Is Guarding the Guardians*) the United States Civil Rights Commission has produced more than 20 reports on how to address police misconduct.

LAW 42 U.S.C. § 1983 & DIFFICULTY OF REMEDYING POLICE MISCONDUCT

Most issues with police conduct are filed under 42 U.S.C. § 1983, but often times claims made under this mandate are not met with answers or changes in policing behavior. Section 1983 (which 42 U.S.C. § 1983 is commonly referred to as) allows individuals to sue state actors (including police officers) who are “acting under color of law” and in violation of the individual’s constitutional rights. The Supreme Court has defined “color of law” as the “[m]isuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law” (Lugar v. Edmondson Oil Co., Inc., 457 U.S. 922 1982). Notably, the officer must be on duty to fall under this category. The most common claims made under this statute are against excessive force (brought under the Fourth Amendment’s prohibition of unreasonable seizures) as well as false arrests and unreasonable searches.

Civil and criminal prosecutions are problematic because police relations with the judiciary can sometimes hamper the service of justice. There are also be structural

barriers that hinder local authorities ability to remedy Civil Rights violations, and oftentimes the victims of police misconduct are “felons, criminal suspects, or other marginalized members of society [who] lack credibility before a jury,” and thus face additional obstacles. Furthermore, usually the only witness to the brutality is another officer, who will often take a “Code of Silence,” which disallows them to speak out about other officer’s misconduct.⁵⁴ Also, Kim (2002) claims “prosecutors are hesitant to bring charges against those they depend” on, such as police officers (770).

Addition to 42 U.S.C. § 1983: Section 14141

In 1994, Congress added § 14141 onto 42 U.S.C. § 1983, which was the first mechanism to allow the federal government to directly address problems within local law enforcement agencies. In particular, under this mandate the Attorney General is given the authority to conduct investigations and file civil litigation with regard to local police misbehavior. The Attorney General delegated this authority to the Special Litigation Section of the Civil Rights Division of the United States Department of Justice (“DOJ”).⁵⁵

Title 42 U.S.C. § 14141 authorizes the United States Department of Justice (“DOJ”) to seek injunctive relief against local law enforcement agencies to eliminate a pattern or practice of unconstitutional conduct by these agencies. Rather than initiate lawsuits to reform these agencies, DOJ’s current strategy is to negotiate reforms using a process that involves only DOJ

⁵⁴ It has been found that the code of silence is not a legally bound code, but a network of understanding that persists throughout many police departments. See Westmarland, Louise. 2005. “Police Ethics and Integrity: Breaking the Blue Code of Silence.” *Policing and Society* 15(2): 145–65.

⁵⁵ This section of the DOJ “investigates allegations of patterns or practices of constitutional violations in order to determine whether enforcement under § 14141 is justified” (Simmons 2008 493).

representatives, municipality officials, and police management officials (Simmons 2008 489).

Unfortunately, the primary stakeholders (the community members and rank-and-file police officers) are not involved in this process of investigation and litigation as it is currently outlined. Simmons (2008) argues, “ultimately exclusion of these stakeholders undermines the legitimacy of the reforms, thereby threatening the implementation and permanence of the reforms” (489-490). To address this drawback, he suggests that the DOJ formally adopt the paradigm of regulatory negotiation to incite more cooperation “among those implementing the reforms.” This could also lead to “the creation of innovative solutions to address police misconduct that are specifically tailored to the respective community” (490). This recommendation has yet to be adopted, but §14141 has certainly experienced some success in its implementation, but arguably not enough to affect the whole system of “pattern or practice of unconstitutional conduct” (Title 42 U.S.C. § 14141).

Racial policing & Rodney King as a precipitating event

Laws and policies can only be as effective as their subscribers’ actions (or implementations). Racist policing is a product of a racist society, but in order to shift society away from racism (and consequently affect policing) we need to start by addressing the racial biases that are inherent to American society. “While the police did not invent racial divisions or racism in America, they play an integral part in perpetuating the chasm between Black and White life” (NAACP 1995 13). The NAACP describes the cycle of racism and police brutality as a dehumanizing process, “the forces of racism and police militarism combine to dehumanize African American citizens; this, in turn, leads

to a pattern of using excessive force against Blacks and to beatings like that of Rodney King” (NAACP 1995 16).

I argue that incidents like Rodney King’s often lead to a heightened sense of grievance amongst the effected community. This is particularly relevant to events that attract the media’s attention—media attention often elicits grandiose responses from its audience, both in numbers (reach) and emotional reactions. As such the media can be used to dramatically increase the number of witnesses made privy to an event. Collective frustration with the system (which may result from observing injustice) will lead to more social movement actions, which should ultimately incite a response from political elites. This response may or may not lead to policy changes and further political actions. In Rodney King’s case, once the incident transpired and footage was released, collective frustration began to skyrocket throughout the Black community and amongst its allies. The offending officers were then put on trial, but subsequently acquitted. Massive riots broke out in Los Angeles in response to the acquittal. The US Justice Department followed up with an investigation, which led to the Justice Department Federal Grand Jury’s re-indictment of the four (previously acquitted) police officers on civil rights violations (NAACP 1995). In April 1993, two years after the original incident took place, and one year after the acquittal on state criminal charges, the federal jury convicted Sergeant Koon and officer Powell on civil rights violations and acquitted the remaining two officers. In the next section I will discuss the Rodney King case in greater detail, with particular attention paid to the incident itself; the officer’s acquittal; the LA riots, and their political and legal responses; the legislative changes that followed the incident, and the elite’s that were involved throughout the process.

THE RODNEY KING CASE

The video of Rodney King that went internationally viral depicted,

a large Black man down on hands and knees, struggling on the ground, twice impaled with wires from an electronic TASER gun, rising and falling while being repeatedly beaten, blow after blow after blow—dozens of blows, fifty-six in all, about the head, neck, back, kidneys, ankles, legs, feet—by two police officers wielding their 2-foot Black metal truncheons like baseball bats. Also visible was a third officer, who was stomping King, and about ten police officers watching the beating along with a number of Holliday's (the man with the camera) neighbors (Skolnick and Fyfe 1993 2).

The Christopher Commission found that “while Rodney King was lying on the ground, Sergeant Koon of the Los Angeles Police Department (LAPD) twice fired a TASER electric stun gun at him...three uniformed LAPD officers then clubbed King fifty-six times with their batons and kicked him six times in the head and body” (Davis 1994 275). The LAPD, at this time, made claims that it was severely understaffed, yet there were in total 23 police officers present at the scene.

Rodney King's brother, Paul King, and George Holliday both attempted to file complaints of police abuse to the LAPD. Holliday offered the video as proof of the mistreatment, but neither man received any sort of respect for their concern. So instead Holliday called KTLA Los Angeles and the TV station agreed to broadcast the video (Davis 1994). Soon after, CNN got a hold of it and looped it endlessly for the entire world to see. “Like films of the police dogs in Selma or the clubs and tear gas of the 1968 Chicago Democratic Convention, the dramatic videotape gave new credibility to allegations of a sort that many people—including police officers—formally dismissed as unbelievable” (Skolnick and Fyfe 1993 3). The video simply exposed the LAPD's misconduct that has been steadily increasing over the past many years. From 1987-1990

there were 4,400 misconduct complaints filed against the Los Angeles police department (which only takes into account the cases that were actually filed) (Skolnick and Fyfe 1993).⁵⁶ “In 1989 Los Angeles paid out \$9.1 million to settle lawsuits alleging police misconduct. In 1990 that figure had risen to \$11.3 million for suits alleging excessive force, wrongful deaths, false arrests, negligence, misconduct, and civil rights violation” (Skolnick and Fyfe 1993 3). Data capture remains an issue with incidents of police brutality, but “a Gannett News Service study of one hundred police brutality lawsuits nationwide found “that taxpayers are punished more than the officers responsible for the violence” (Davis 1994 274).⁵⁷

ACQUITTING OF OFFICERS AND THE LA RIOTS

The Rodney King case became an even greater sensation because most people believed that without question the officers would be tried and jailed—that the proof was so overwhelming no further questions needed to be asked; the videotape explained it all. Yet still, on April 29, 1992, the 12-person jury, including 10 Whites, 2 nonwhites, but no Blacks issued a verdict of not guilty on all accounts except for one assault charge against Powell, even then, all of the officers were eventually acquitted in the state court. Following this announcement (what is now known as) the Los Angeles riots erupted.

Riots in reaction to the first verdict

⁵⁶ At this time, Black people only made up 13% of Los Angeles’ population, yet filed 41% of the complaints (Skolnik and Fyfe 1993).

⁵⁷ “The 100 cases, involving police departments that lost lawsuits and had to pay victims at least \$100,000, cost the nation’s taxpayers nearly \$92 million. But of 105 officers involved, only five were fired—and 19 were promoted” (Davis 1994 274).

Researchers focused on rioting patterns tend to find that riots and repression share a positive correlation (Perez et al. 2003 154).⁵⁸ “Specifically, many have recognized that police contribute to many of the racial riots in the United States (National Advisory Commission, 1968; Useem, 1997), but this relationship is not well specified and further investigation is necessary to uncover what kinds of police behavior most often results in a riotous response and what social contexts are most likely to foster this reaction” (Perez et. al. 2003 154). In a discussion on the police-minority relations that led to the misconduct and subsequent uproar in Los Angeles, the NAACP (1995) stated “it is impossible to understand the police conduct of the Rodney King beating—or the daily incidents of police ‘use of force’—without understanding the history of police-minority relations. Those who claim that the verdict in the ‘first Rodney King case’ can be explained as one that was not racist, but ‘pro-police’ should next try to separate land from sea” (10).

Many riot-focused scholars argue that coercive and militant police behavior is more likely to lead to rioting, but that this style of policing will also be more efficient in constraining riots that have already broken out. Perez et. al. (2003), on the other hand, find that the more militant a police force is, the less likely it is to aptly handle riots that have erupted.⁵⁹ They argue that the “counterproductive inflammatory effect seems most likely to occur, namely (a) when repression is excessive and/or racially selective, (b) when police have poor training in crowd control, and (c) when police-community relations are strained or lacking in formal connections and channels for feedback” (155).

⁵⁸ Academics who focus on riots more frequently study the role of repression in terminating riots, but “it has [also] been generally recognized that different types of repression under certain conditions can incite protest” (Perez et al. 2003 154).

⁵⁹ They believe that more militant police forces will lead to more rioting as well.

The LA riots began in reaction to the officer's acquittal, after it was already made clear that the officers acted in an excessively repressive manner and had strained relations with the community.

The LAPD was uncharacteristically slow to respond to the uproar, and the riots tallied up over \$1 billion dollars in damages. That day, California Governor Pete Wilson had to call in the National Guard and a curfew was subsequently instituted. Murder, arson, looting, and injury filled the Los Angeles streets (NAACP 1995). "On May 1, President George Bush ordered military troops and riot trained federal officers to Los Angeles and by the end of the next day the city was under control" on this day, Rodney King also made an emotional plea for calm (History.com n.d.). He said, "People, I just want to say, can we all get along? Can we get along? Can we stop making it horrible (CNN Library n.d.). 55 people were left dead, 2,000 injured, 7,000 arrested, and 4,000 buildings burned; over 1,100 Marines, 600 Army soldiers, and 6,500 National Guard troops patrol the streets of Los Angeles into early May (Pamer 2012).

POLITICAL RESPONSE

Investigations

Previous to Rodney King's experience, numerous acts of police brutality had transpired, but it was not until the videotape of Rodney King was released that the public writ-large was made privy to the scale of such atrocities (or even believed that such instances really did transpire). Before the Rodney King case legal action was rarely taken against abusive officers. It was not until the public began speaking out about their discontent that legal repercussions began to emerge. Without the heavy media attention

around the Rodney King incident, a collective identity against police brutality would likely not have been as saliently produced, and thus this level of collective action against racially biased police conduct would likely would not have been reached. Academics widely accept the notion that if the incident had not been videotaped, there would not have been any uproar and consequently legal action would *not* have been taken (Davis 1993; NAACP 1995; Simmons 2008; Skolnick and Fyfe 1993).

In response to the severe civilian uproar, political elites called for numerous investigations. There were three major investigations of police misconduct in the city of Los Angeles, and the Department of Justice and the U.S. Congress of complaints also put forth a national investigation (NAACP 1995). Warren Christopher, a state department official said that without the videotape, the investigation would likely not have transpired seeing as the police department previously silenced Paul King's effort to file a report (Skolnick and Fyfe 1993). The stories recounted throughout the investigation were controversial and contradictory.

Amongst the present officers, at least two have spoken out against the beating claiming, "King did not kick or punch the officers...He was merely trying to get away," the paramedics on the scene, too, agreed that "King was coherent and not acting violently" (Skolnick and Fyfe 1993 7). Within the police department, it is common for officers to stand by their fellow officers, but when a chief is privy to wrongdoings committed by his or her officers, it is also common to make an example out of the wrongdoer—to demonstrate that his or her abusive behavior is not permissible (Skolnick and Fyfe 1993). The 23 officers who watched and did nothing to stop the abuse from occurring endured no legal backlash for their morally impermissible actions, but most of

their individual police departments personally reprimanded the officers individually (before and after the riots) (Skolnick and Fyfe 1993).

On March 20 and April 17, 1991, the United States House of Representatives Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, held hearings on the issue of police brutality. It found that the LAPD (along with other police departments) regularly used excessive force against African Americans (NAACP 1995 6). On August 4, 1992, a federal grand jury indicted Koon, Powell, Wind, and Briseno on the basis that they had violated Rodney King's civil rights, and the trial began in the following February. In early August, U.S. District Court Judge John Davies sentenced both Koon and Powell to 30 months in prison for violating King's civil rights and the other two officers were once again acquitted (NAACP 1995)

Davis (1994) suggests, "only the realistic threat of criminal prosecution will actually deter police violence. Unfortunately, the close working relationship between the police and prosecutors continues to make it extremely unlikely that many prosecutors will ever mount a credible challenge to systemic police brutality" (271-272). The Christopher report claims that police brutality has been decriminalized over the years.

Decriminalization has occurred for many reasons including the influential role of the police in an organized society, the desensitization of the public and the judicial system to the realities of police criminal behavior, the symbiotic relationship of prosecutors and the police, the growth of the legal doctrine of prosecutorial discretion and the corresponding decline of private prosecutions, and the waning independence of the grand jury (Davis 1994 275).

LEGISLATIVE RESPONSE

However, the public's clear objection to the outcome of the Rodney King case actually led to the passing of new legislation against police violence. A survey conducted by the Washington Post (1992) following the King Verdict found that 64 per cent of Whites and 92 percent of Blacks thought that "the police officers in the Rodney King case should have been found guilty of a crime," and only 5 percent of Whites and 1 percent of Blacks disagreed (the rest were unsure).

The Rodney King incident and ensuing national outcry, particularly by minorities compelled congressional action. Subsequent to the Rodney King incident, the Police Accountability Act was incorporated into the Omnibus Crime Bill as Title XII. Title XII authorized the Attorney General to sue for injunctive relief, but the Crime Bill never reached President Bush Senior due to a filibuster by Senate Republicans and the threat of veto. The 103rd Congress reconsidered the issue and drafted the Violent Crime Control and Law Enforcement Act of 1993, which included a provision giving the Attorney General authorization to pursue injunctive relief for patterns of police misconduct. The final enacted version included this provision, codified at 42 U.S.C. Section 14141" is often referenced as the "Police Accountability Act" (Kim 2002 772).

As previously addressed, this law, which was codified in 1994, deals with rectifying the issue of police brutality on the federal level. "In considering the need for legislation that confers standing to pursue injunctive relief on the Attorney General, the House Subcommittee on Civil and Constitutional Rights...specifically referred to the Rodney King incident and to alleged misconduct"(Kim 2002 772). In these hearings, Fyfe, advocated for the bill by claiming that there are currently no profound actions currently taken against police who are acting unjustly, and such action is etched in "a culture in which officers who choose to be brutal and abusive are left to do so without fear or interference" (Kim 2002 772).

Unfortunately, as Simmons (2008) describes, the negotiation process mandated in this law does not follow ideal democratic processes whereby effected actors have a say in new policy production. The negotiations have far-reaching implications for the effected community members and the police officers, yet neither are involved in the process by which these negotiations are reached, which “undermines the legitimacy of DOJ’s reform efforts, thereby threatening the successful implementation and performance of the reforms” (Simmons 2008 494).

Previous to this mandate, police abuse was dealt with on the individual level, punishing the officer and compensating the victim.⁶⁰ While I do not believe that all police officers should be punished for the exceptional actions of a few, I do believe that the system in which these police officers are willing to execute violence, the lack of reproach, as well as the lack of redress for the victims needs to be dealt with on a systemic level. “The culture of police violence is tightly woven into the institutional fabric of the police organization itself” (Simmons 2008 497).⁶¹ The way § 14141 is currently written addresses the issues of police brutality on a more systemic level than before, but it still fails to provide redress for the victims of said abuse. Unfortunately, the effectiveness of section 14141 has largely been untested given the relatively few reports made under this statute.^{62 63}

⁶⁰ Oftentimes the officer does not pay out for the compensation personally, thus feeling little to no repercussion for his or her actions.

⁶¹ “See Marshall Miller, Note, *Police Brutality*, 17 Yale L. & Pol’y Rev, 149, 153 (1998).

⁶² There has not been any study of § 14141's effectiveness across the aggregate jurisdictions subject to federal oversight under § 14141. However, “through field observations, interviews with key officials, focus groups, and surveys, the Vera Institute of Justice found that in the year following the termination of the consent decree, the Pittsburgh Police Bureau was able to sustain many of the reforms it accomplished under

ACTORS INVOLVED AND PROCESS OF PASSING THE LEGISLATION

Initially, a subcommittee of the House Judiciary Committee held hearings on police officers' excessive use of force and found that police misconduct was endemic. However, until Section 14141 the federal government and the Department of Justice "ha[d] no authority to sue the police department itself to correct the underlying problem" (Simmons 2008 507). "No matter how reprehensible their action, or their inaction, no person can be charged with a crime unless they have violated a statute" (Ira Reiner Los Angeles District Attorney via Skolnick and Fyfe 1993 9). In order to affect the system that fails to properly deal with (and that allows the execution of) abusive acts, we must encourage the police departments themselves to make changes. Previous statutes only permit action against individual police officers.⁶⁴ This mandate legislation, in particular, attempts to address just that. Section 14141 was drafted in response to the Rodney King incident following the Christopher Commission's finding that the LAPD was systematically problematic.⁶⁵ It (like many other police departments across America) had failed to sufficiently discipline police officers for their brutal conduct and to investigate

the decree." See Robert C. Davis, Christopher Ortiz & Nicole J. Henderson, Can Federal Intervention Bring Lasting Improvement in Local Policing: The Pittsburg Consent Decree 41 (2005).

⁶³ For more information see Simmons, Kami Chavis. 2008. The Politics of Policing: Ensuring Stakeholder Collaboration in the Federal Reform of Local Law-Enforcement Agencies. Rochester, NY: Social Science Research Network. SSRN Scholarly Paper. <http://papers.ssrn.com/abstract=1088140> (January 25, 2015).

⁶⁴ In *United States v. City of Philadelphia*, "the court held that the federal government does not have implied statutory or constitutional authority to sue a local government or its officials to enjoin violations of citizens' constitutional rights by police officers" (1980).

⁶⁵ Notably, Section 14141 has no separate legislative history, but a predecessor bill does exist called the Omnibus Crime Control Act of 1991, Title XII, Police Accountability Act also directly addressed the Rodney King case.

complaints of said conduct (as evidence in the King case; both Paul King and George Holliday's complaints were met with disrespect and disregard).

Previously, the federal government and the Department of Justice in particular played no role in local police accountability. Section 14141 increases the DOJ's authority and permits their intervention in local police conduct issues (much like how the DOJ is permitted to take action in other spheres like voting, housing, public accommodations, and access to public facilities) (Livingston 1999 818). The primary effort of this bill was to allow the Attorney General to investigate wrongdoings in order to "eliminate the pattern or practice" of such issues (42 U.S.C. § 14141). Unfortunately, "despite the high profile nature of the reform process generated by §14141 settlements, and its importance to legal, public administration, and criminal justice scholarship, there has been very little published research on the subject to date" (Chanin 2009 8).⁶⁶ My intention, however, is not to dissect the interworking of the policy itself, but rather to use this policy as an illustration of political elite's response to the riots following the Rodney King incident. I am also interested in determining if this policy alters the current system enough to change the hierarchy or even aspects therein. The public's reaction (either their acceptance of or backlash) to this legislation will help me to determine whether or not legislative responses such as this may ultimately lead to some level of change (positively or negatively) in the racial hierarchies that plague American society. This case is especially

⁶⁶ "What does exist includes an ongoing debate among academic lawyers regarding the merits of structural reform litigation generally...with much of the work focused on the ability of federal judges to manage successfully the reform of school districts, public prison systems, and mental facilities. There are several public administration studies that examine institutional reform litigation generally, but few, if any works that focus on §14141" (Chanin 2009 8).

relevant because I intend to determine if social movements, based on (1) their ability to effect legislation and (2) policy elite's response to the movement's outcries are capable at affecting race relations (which is related to my dependent variable, level of change in the racial hierarchy).

In 1999, the Special Litigation Section of the Justice Department's Civil Rights Division brought forth two civil suits pursuant to Section 14141. These suits resulted in consent decrees with the police departments of Pittsburgh, Pennsylvania and Steubenville, Ohio as well as nine other police agencies across the U.S. (Livingston 1999).⁶⁷ These two consent decrees serve as the groundwork for how other departments "seeking to avoid federal intervention would be well-advised to undertake changes in their operations" (Steve Rosenbaum, Chief of Special Litigation, Civil Rights Div., US Department of Justice 1998 via Livingston 1999 820). Neither of these departments actually litigated, but instead the DOJ investigations resulted in agreements with their municipalities and their police departments.^{68 69} The decrees have provisions for better

⁶⁷ "The Department, moreover, is reported to be investigating or monitoring at least nine other police agencies—in Los Angeles, California; Orange County, Florida; New Orleans, Louisiana; East Point, Michigan; Buffalo, New York; New York, New York; Washington, D.C.; Charleston, West Virginia; and Columbus, Ohio—in order to decide 'whether to seek judicial orders on respect for governing law'" (Livingston 1999 818).

⁶⁸ The Pittsburgh consent decree was approved by the District Court for the Western District of Pennsylvania in April 1997, one year after the Justice Department investigation began, while the Steubenville decree was approved by the Southern District of Ohio in September, 1997

⁶⁹ The Steubenville complaint was filed against the City of Steubenville, Steubenville Police Department, Steubenville City manager, in his capacity as Director of Public Safety, and Steubenville Civil Service Commission and signed by Sharon J. Zealey (United States Attorney Southern District of Ohio), Isabelle Katz Pinzler (acting assistance Attorney General, Civil Rights Division), Steven Rosenbaum (Chief), and Margo Schlanger (Trial Attorneys).

training, improved investigation of referrals and complaints, enhanced early warning systems, and tracking systems for repeated offenses by individual officers.

The backlash that this been received has, primarily been from those who have expressed concern in having the federal government interfere in local and state level policing. They argue that federal civil rights attorneys may not be able to understand the nuance of the situations in which they intervene. However, for the countless frustrated citizens who understand that changes in policing behavior must be brought about by the national government and maintained on the department level, (in promotion of systemic changes) the mandate has been accepted as effective means for creating administrative reforms and the mechanisms within departments that combat police brutality (Livingston 1999 822).

VI. SOUTH AFRICA CASE ON SERVICE DELIVERY PROTESTS

In this section I intend to provide another data set. This data set is comprised of historical narrative that makes reference to each of the themes in my theory as well as any important contextual information for understanding the nuances within my South African case study. It will be the source for which I analyze and test my theory in the next portion of this paper. In this immediate subsection, I will discuss the issue of poor service delivery in post-Apartheid South Africa in order to explain this issue's broad-based relevance to my theory and to society (note it is constitutionally mandated that the state provides basic services such as water, sanitation, electricity, and other basic needs. I have chosen to specifically study service delivery as a reference for how South African society remains racially divided; I argue that the persistence of poor service delivery to informal townships in South Africa directly illustrates the country's inability to reach a post-racial society.

In this chapter, I will first discuss service delivery writ-large, and then I will provide background on the "Toilet Wars" as a particularly galvanizing movement against this issue. This exposition of the "Toilet Wars" will serve as the primary case background from which I assess my theory. The immediate subsection on basic service delivery, however, necessarily demonstrates why my theory and hypotheses are relevant to today by describing service delivery through the lens of hierarchy, and by providing important historical and contemporary context for my case study.

Service delivery protests largely erupt out of grievances regarding class divisions and unequal distribution of economic power. However, class and race remain intimately intertwined in South Africa; each individual obstacle to opportunity (class and race) must

be thought of independently as well as conjointly in order to develop a more nuanced and informed understanding of South African society. Interestingly, in 2013 Kim Wale conducted a South African Reconciliation Barometer Survey and found that almost 30% of people surveyed pointed to the gap between the rich and poor as the most prevailing societal division since Apartheid. In this survey, she also found that most people perceive race relations to have greatly improved throughout the country, and class relations to continue to worsen.

Based on these results, Wale (2013) more closely examined the intersection between race and class. She found that within the “lowest four [of ten] [Living Standard Measure] (LSM) categories there is a much higher percentage of Black South Africans (relative to the total Black South African population) than any other race group in the most economically excluded categories—35.4% of Black South Africans are in the lowest four LSM categories, 48.2% are in the middle categories and 16.3% are in the highest four categories” (15). Furthermore, “we see the opposite trend for White and Indian/ Asian South Africans as they are entirely absent from the lower LSM categories and the majority of individuals within these race groups are found in the higher LSM groups,” this data is far more extreme than that which we see in the United States (Wales 2013 15) (See graph).⁷⁰

⁷⁰ “For White South Africans, 0% are in the lowest four LSM groups (in fact there are no White South Africans in our sample in the first five LSM categories), 5% are in the middle categories, and 95% are in the top four categories (with 73.3% of White South Africans in the highest 2 LSM categories 9 and 10). Within Indian/Asian South Africans, 0% are in the lowest LSM categories, 15.5% are in the middle LSM categories and 84.3% in the highest LSM categories. For coloured South Africans, the majority are found in the middle LSM groups with 3.6% in the lowest four LSM categories, 38.7% are in the middle categories and 57.8% are in the highest four LSM categories” (Wales 2013 15).

Figure 3: LSM by race, 2013 (%)

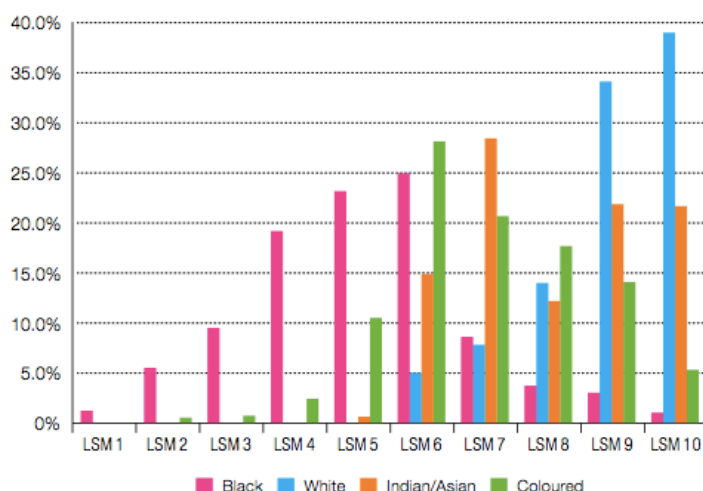


Figure 2: Living Standard Measure by race in South Africa (Wales 2013 15)

Based on this study, it is clear that class (living standard) and race are still deeply connected post-1994, but that the overarching perception amongst South Africans is that race relations have improved. The improved social and certainly the improved political relations, which have in fact progressed in South Africa, may explain this perception but unfortunately there is still clearly a racialized economic system. This economic inequity is further impelled by poor service delivery to informal townships (where lower class Black citizens tend to live). Since 2004 however, South Africans have been avidly protesting this discrepancy of services.

UNDERSTANDING SERVICE DELIVERY THROUGH AN HISTORICAL PERSPECTIVE

Service delivery refers to the distribution of the basic resources that citizens depend on such as water, electricity, sanitation infrastructure, land, and housing. Unequal distribution of such fundamental resources has furthered deepened cleavages throughout society. When basic needs are not met, a snowball effect often results: without access to

the most basic resources (that are necessary for survival), it becomes increasingly difficult to take advantage of the resources that are necessary to fulfill the next level of human needs such as, education and employment. Not only are issues with poor service delivery reflective of great sociopolitical instability, but they also perpetuate sociopolitical injustice. In order to provide better service delivery across the state, the government (in the most shrewd way) must move past its racial tendencies (i.e. the most significant gaps in service delivery are predominately low-class, Black townships) to an impartial democracy.

DEFINING SERVICE DELIVERY PROTESTS

Harber (2009 via Nleya 2011) claims that the phrase “service delivery protest” is problematic because the protests considered within the length and breadth of time that are referred to as “service delivery protests” actually encompass far more resentments than those solely pertaining to service delivery. The protestors are calling for better delivery of basic services, but after further investigation, it is clear that they also are calling for other systemic issues to be assuaged. As such, this section seeks to shed light on the system-wide matters that motivate what I will continue to refer to as “service delivery protests.” To make sense of these matters, I will first discuss various attitudes and perceptions of state legitimacy held by South African citizens. Then in order to elucidate constituents’ conceptions of their political system I will address the inequality that continues to persist throughout the country. After which, I will demonstrate how service delivery is both a local-level and national-level government dilemma, which will be informed by the subsequent section on local government evolution in South Africa. Then, I will discuss other political matters that have significantly impacted service delivery such as related

laws and policies and the political system. Each of these topics aim to illustrate the primary problems related to service delivery as well as how social movement actions are attempts to make clear community grievances regarding service delivery. Service delivery certainly provides a useful lens to guide one's understanding of South Africa's current state of inequity (which is useful for my project), but I am primarily focuses on bringing forth an understanding of how the protests against service delivery may serve as a mechanism by which social movements can impact a society's structural hierarchy. In order to decipher protest's role in South Africa, my discussion will continue on topics related to citizen's grievances and State response.

STATE LEGITIMACY

Perception of state legitimacy universally affects the level and types of protests that take place in societies. The perception of state legitimacy in South Africa has also greatly impacted the overall political transition from Apartheid to a representative democracy. Generally, the State is understood to embody the values of its citizens or at least it tries to appear to be an embodiment of its citizen's values by promoting a collective identity (Ndletyana 2015). The State's ability to achieve this collective identity will greatly affect its citizen's willingness to conform to the laws it sets forth. Many Black South African people do not see the state as properly representative of their interests (especially their economic interests).⁷¹ A survey conducted in 2013 by the South

⁷¹ However, the same organization found that perception of economic change is positively growing for Blacks, more so than for Whites in South Africa. In a 2013 survey, 36.8% of Black people and 26.0% of White people said that they are "in a better financial situation than they were one year ago, 33.0% of Black people and 18.8% of White people said they perceive to "have a better chance of finding a job than a year ago, and 45.2% of Black

African Reconciliation Barometer, shows “a drop in citizens’ confidence in governance institutions, especially national government (10.8% decrease since 2012), as well as a 13% increase in the percentage of citizens who feel that government does not care about people like them. While alternative forms of voice and political inclusion such as strikes, demonstrations and more violent unrest have been on the rise since 2011, in 2013 we witness a slight drop in the percentage of citizens participating in protest” (Wale 2013 24). This same survey found that Western Cape had the lowest percentage (in 2013) of trust in local government, especially for people in the lower LSM categories.

A new collective identity, that incorporates its newly enfranchised Black citizens, is required for South Africa to fulfill its transition to a democratic state. To achieve this, oftentimes, “citizens must actively mobilize the state to attract its attention to their plight,” and even then, mere changes in legislation are typically the response, which alone will not “yield the intended objectives” of representing this group’s needs in order to incorporate them into society (Ndletyana 2015 13). Furthermore, the demands made by a group of citizens can be interpreted to grasp how that group of people perceives their position within the nation-state and what they apprehend the state to owe them. Also, the manner in which demands are made will indicate how a group perceives both their standing within the State and their relationship with the State’s elites.

In 1994, Apartheid was officially disbanded. However, the police largely continued to enforce Apartheid laws, which led government institutions for the most part, to be seen as illegitimate (especially in the years immediately following independence).

people and 28.4% of White people thought that their “economic situation [was] likely to improve in the next two years” (Wale 2013 27).

“Legitimacy forms the basis of the State. It determines the relationship between the State and the citizenry. Where the citizenry considers the State legitimate, they defer to its laws, and look upon it to enforce them” (Ndletyana 2015 13). In South Africa, the issues surrounding State legitimacy have affected civic participation and the people’s willingness to abide by its laws; more importantly (with regard to my case study), this perception of illegitimacy has led South Africans to refrain from voting and to engage in protests as a more efficient avenue for expressing their grievances (Alexander 2010; Wale 2013; Powell 2012; Grobler 2009).⁷² The service delivery protests, in particular, reflect South African’s dissatisfaction with the State’s governing processes and its neglect in providing basic services to all. Despite the end of Apartheid leading to some (unquestionable) level of success for Blacks in the political sphere, the country’s social and economic spheres remain strikingly uneven.

INEQUITY

Ndletyana (2015) writes, “Life in new South Africa... continued to mimic life of old. South Africa’s Black communities, especially, faced immense social backlogs. Most lacked base necessities such as water, housing, and sanitation. Roads were simply dirt and turned irritatingly dusty on a windy day. This was the result of years of official neglect and lack of revenue” (12). The service delivery protests are highly reflective of a

⁷² In particular, there is a movement called *No House! No Land! No Vote!* that encourages citizens to refrain from voting in protest of the government’s failure to recognize poor people’s needs throughout South Africa. Abstaining from voting is also used as a tactic in other poor people’s movements throughout the country (Imbokodo 2008)

disintegrated population, but the pleas made are primarily with regard to South Africa's basic inequities:⁷³

It is evident that people living in more rural provinces still receive the worst delivery of services, the Fast Facts June 2009 report states. The worst-hit provinces were the Eastern Cape, Limpopo and Mpumalanga, where the proportion of households with access to water was 73%, 83% and 89%. Turning to electricity services, in the Eastern Cape only 66% of households used electricity for lighting, with a respective 81% and 82% in Limpopo and Mpumalanga. Nationally, housing delivery by the government had dropped by 8,2% between April 2007 and March 2008, compared with the same period the previous year (Grobler 2009).⁷⁴

Since 2008, more than 2 million people have taken to the streets in protest of these circumstances (Ndletyana 2015). The protests are largely born out of dissatisfaction with local government actions related to service delivery; either a failure to provide services or when they are provided the services are often inadequate or delayed due to inefficiencies within the local municipalities. Notably, this issue affects municipalities across the entire country, and thus, the central government must address the underlying, systemic complications that are leading to poor service delivery, or at least perception of and rallies against the current standard of service delivery.

Allan and Heese (n.d.) argue that poor communication between local officials and the central or state government may also lead to inadequate service delivery and evaded accountability. Moreover, many of the communities that face the direst conditions are largely informal and lack organized local leadership, much less correspondence with the

⁷³ Based on Piven's discussion of how protests are structured, later in this section I will discuss how protestors are typically revolting against the issues that directly effect them, as opposed to making claims that suggest reforming an entire institution or societal structure.

⁷⁴ In most of the quotes that reference decimals from South African sources the authors have used commas in place of decimal points.

national government. Boysen (2009 via Alexander 2010) claims that even though service delivery protests are based in grassroots actions, the “triggers [are] increasingly national-level responsibilities, including housing, land and jobs,” and there is typically a slow reaction from political elites regarding their constituents’ grievances (29). These issues are “undergirded by the legacy of Apartheid” according to Alexander and Pfaffe (2013) “in particular, townships are still places of Black residence separated off from most formal workplaces and from the suburbs (now racially mixed)” and are thus given unequal attention by both the local and central government, compared to the more formal, predominately White neighborhoods (5). This physical separateness of Black people and White people in South Africa also causes the two groups to not only lack social bonds, but also understanding of one another’s circumstances. There is a growing body of literature that references “contact hypothesis” as a proposition for improving race relations. This notion asserts, “increased contact reduces prejudice, but it might be just as reasonable to suppose that less prejudiced individuals are simply more likely to seek out contact with people of other races and ethnicities” (Gibson 2005). No matter, the social and physical divisions in South Africa are striking, 42 percent of people surveyed by the Reconciliation Barometer reported that they “rarely or never talk to people from other racial groups, and 55 percent said that they never socialized outside their own group” (Gibson 2005).

Service delivery as both a local and national government dilemma

Apartheid was undoubtedly a politically repressive system, but its force spanned far beyond politics; it controlled the very layout of the country.⁷⁵ Findley and Ogbu (2011) write during this time, the Nationalist party “passed miscegenation laws, institutionalized legal segregation, formalized racial categories and restrictions on movement, and embedded Apartheid physically in the landscape” (2011). Townships were reserved for nonWhite laborers and consequently served as a mechanism for controlling this population due to their geographic limits. Also, not surprisingly, few facilities were properly maintained in these areas, which further illustrates the institutionalized discrimination of the time. However, when the ANC replaced the Nationalist Party in 1994, such policies that were explicitly racially motivated were formally disbanded. But unfortunately the fabric of society still remained somewhat racialized; “racial group areas endure in fact, even if not in law” (Powell 2012 11). Just a few years ago, Findley and Ogbu (2011) found that 81% of township residents have continued to live in townships despite the fact that they are no longer legally bound to. They found that some stay out of choice, to remain with their communities, while others cannot afford to leave.⁷⁶

⁷⁵ In fact, South Africa was geographically segregated since the colonial era: “In the late 19th and early 20th centuries, the British colonial government resettled racial groups under the pretense of responding to disease epidemics in overcrowded neighborhoods” (Findley and Ogbu 2011).

⁷⁶ “In 2007, according to a report by Johannesburg-based consultancy FutureFact, 55 percent of Black adults lived in townships, and more than 40 percent of these were members of the working class. As White-only areas have opened to other races, the biggest post-Apartheid population shift has been the movement of Black middle-class residents from townships to formerly all-White suburbs, enabled by the Black middle-class. And yet, the FutureFact report found that 81 percent of township residents planned to continue living there” (Findley and Ogbu 2011).

Mandela's administration (1994-1999) introduced the first racially integrated municipalities each of which answered to a community-level governing body. Mandela's goal was to have individual "municipalities redistribute expenditure to service delivery in poor Black communities," but alas this goal was beyond the local governments' scope in 1994. And unfortunately, the goals and promises made by public officials even today "continually exceed local delivery capacity and the skill base of the economy." This leads to unfulfilled promises, slow progress, and distrust between the community and government officials (Powell 2012 12).⁷⁷

HISTORY OF LOCAL GOVERNMENT IN SOUTH AFRICA

In 1994, Mandela's plan to disseminate political and governmental power to local governing bodies was borne out of an attempt to better address the individual and community-level grievances throughout the state. The resolve for the first local-level governments was a broad-based developmental mandate. The Reconstruction and Development Programme (RDP) referenced here was also put forth as an attempt to address nation-wide socioeconomic instability and to instill at a newly defined, post-Apartheid sense of national unity. However, numerous contradictory policies were enacted at this time, which ultimately ended up hindering local government development.⁷⁸

⁷⁷ I will go into greater detail on this issue throughout my paper (including in the sections on the electoral system and elite response).

⁷⁸ From 1994-1999, local government development was affected by various constitutional negotiations; the Reconstruction and Development Programme (RDP), the Growth Employment and Redistribution program (GEAR), the Municipal Demarcation Act (Act No. 27 of 1998), and the Municipal Structures Act (Act No. 117 of 1998) for details see Powell, Derek. 2012. "Imperfect Transition – Local Government Reform in South Africa

Later, under the Mbeki administration (1999-2008), the Department of Provincial and Local Government replaced the Department of Constitutional Development. The legislative framework for this new phase “was completed with the passage of the Municipal Systems Act (Act No. 32 of 2000) [which dealt with] regulating planning, service delivery, performance monitoring and public participation,” the Municipal Finance Management Act (Act No. 56 of 2003), and the Municipal Property Rates Act (Act No. 6 of 2004). Unfortunately, the initial policies put forth under Mandela’s administration became even more profoundly contradictory with these new enactments. Again, the legislation’s goals far exceeded the framework and infrastructure available to fulfill their intentions (Powell 2012 17).

In his second term, Mbeki was able to promote: his program called Project Consolidate, the Intergovernmental Relations Framework Act (Act No. 13 of 2005), and a five-year strategic agenda to improve local governments’ capacity. However, none of the aforementioned policies or plans were able to promote an entirely successful and efficient agenda for South Africa’s local governments.⁷⁹

In 2009, Jacob Zuma took office (he continues to serve today). “The Zuma government’s approach to local government reflected the sense of crisis in the country” (Powell 2012 21). Zuma disembarked from many of the aforementioned policies put forth by Mbeki in order to address the “distress” in the system. “Indicators of this distress included ‘huge service delivery backlogs,’ a breakdown in council communication with

1994-2012.” In SUN Press. <http://repository.uwc.ac.za/xmlui/handle/10566/551> (February 8, 2015).

⁷⁹ Towards the end of this subsection I will attempt to address why these failures keep happening

and accountability to citizens, political interference in administration, corruption, fraud, bad management, increasing violent service delivery protests, factionalism in parties, and depleted municipal capacity” (Powell 2012 21). However, most of these issues are still prevalent today, as evidence in my discussion of the continually executed protests.

LAWS AND POLICIES RELATED TO SERVICE DELIVERY

Throughout these three administrations, various mandates regarding local governments’ responsibilities, with reference to service delivery in particular, were instilled both in accordance with and independent of the constitution. The Constitution grants the central government authority to intervene when the local government is unable to fulfill its citizen’s requests. Such intervention is in terms of Section 139 of the Constitution of the Republic of South Africa, Act 108 of 1996, which states:

When a municipality cannot or does not fulfill an executive obligation in terms of the Constitution or legislation, the relevant provincial executive may intervene by taking any appropriate steps to ensure fulfillment of that obligation. Including- (a) issuing a directive to the Municipal Council, describing the extent of the failure to fulfill its obligations and stating any steps required to meet its obligations; [and] (b) assuming responsibility for the relevant obligation in that municipality to the extent necessary [to] maintain essential national standards or meet established minimum standards for the rendering of a service; (ii) [to] prevent that Municipal Council from taking unreasonable action that is prejudicial to the interests of another municipality or to the province as a whole; or (iii) [to] maintain economic unities dissolving the Municipal Council and appointing an administrator until a newly elected Municipal Council has been declared elected. If exceptional circumstances warrant such a step.

Also, in 2000, the Municipal Systems Act was enacted “to define how municipalities should provide services to local citizens”. This Act in particular has a provision whereby if municipalities are unable to provide a certain service, they should enter into a service-

delivery agreement contract “with external agencies to provide the service on their behalf” (Mananga 2012 5). Clearly, these provisions along with others, are in place to help local governments attend to the needs of their citizens and to provide them with their constitutionally-granted services. But unfortunately, as previously mentioned by Ndletyana (2015), legislation alone does not always yield its intended results.

Protests against poor service delivery often erupt when there are insufficient channels available for community members to voice their concerns (a precursor for all types of protest). However, there are Acts in place to address this issue in particular, as well. The Local Government: Municipal Systems, Act 32 of 2000 “states that communities have the mandate to participate in any public consultation and decision-making processes in the local sphere; for example, ward committees, budget consultations, ward meetings, and Integrated Development Planning (IDP) forums” (Mananga 2012 4). And, according to Local Government: Structures, Act 117 of 1998, section 73(2), “public participation is an essential factor for effecting and enhancing accountable governance driven by ward committees” (Mananga 2012 5). With proper implementation of these two mandates, improved institutional channels for citizen participation could potentially lead to fewer protests and greater accountability to the public on behalf of the politicians.

ELECTORAL SYSTEM

The implementation of these laws and policies as well as how leaders respond to social movements will also be effected by timing and stability in the electoral system. The timing of the protests and whomever is currently in office will not only affect the events leading up to social movements, but also the outcome of the social movements.

The incumbent administration itself greatly impacts how basic services are delivered and how the public perceives various issues related to service delivery. For example, “many issues that underpinned the ascendancy of Jacob Zuma also fueled the present action, including a sense of injustice arising from the realities of persistent inequality” that has become especially pervasive since Zuma took office.

Service delivery protests skyrocketed in 2009, the year the President Jacob Zuma first assumed office. “Municipal IQ reported that 105 ‘major service delivery protests’ had taken place during the 2009 year, a figure that was roughly equivalent to the total for the previous five years combined (106 protests)” (Jain 2010). Also notable is jump in service delivery protests in 2009, particularly during the first 7 months of Zuma’s administration, which exceeded the number executed in the final three year’s of Mbeki’s administration. It is unclear whether this is due to increasing service delivery problems or rising expectations from Zuma’s promises, or a combination of the two.

On the other hand, 2006 was an unusually slow year for protests. Interestingly, in 2006, there were local government elections taking place. Alexander (2010) suggests that either the activists, who make up the service delivery protests were expending their energy in the local election, or else that “broader populations placed some hope in the possibility of electoral politics addressing their concerns” (28). Booysen (2007) claims that “South Africa’s March 2006 local government elections in many ways assumed the character of a de facto referendum on service delivery. Leading into this election were two years of grass-roots protests against both the quality of service delivery and public representation of the grass-roots’ service delivery needs” (21).

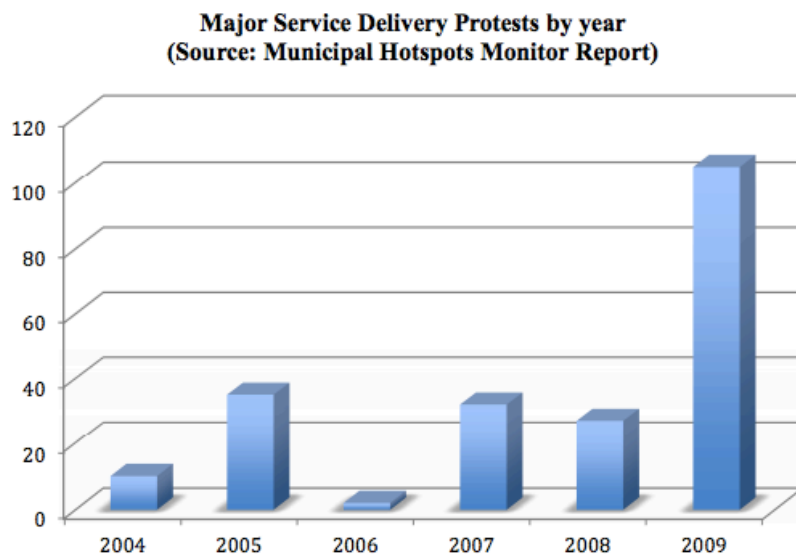


Figure 3: Municipal IQ- Number of Service Delivery Protests by Year 2004-2009 (Jain 2010)

The massive number of service delivery protests met with decreases in voter turnout once again calls into question the government's legitimacy. For example, "the voter turnout in the national general election in SA decreased from 19.5 million people in 1994 to just over 16 million in 1999, and fewer than 16 million in 2004" (wa Bofelo 2011). Furthermore, "public skepticism has been worsened by the bad state of internal democracy in political parties and by the general impression that politicians and parties only use popular support as leverage and device to attain power and wealth for themselves" (wa Bofelo 2011). This has also led to an overall decrease in civic participation with regard to public gatherings and hearings, and greater mistrust for public officials.

Pithouse (2007 via Alexander 2010) argues,

There is a pervasive sense that the state disrespects people by lying to people at election times and by failing to listen to them at other times...Where councilors are present they most often function as a

means of top-down social control aiming to subordinate popular politics to the party'. There are doubtless some councilors who live alongside their constituents and do their best to articulate popular concerns, but where they are absent, or operate in a top-down or corrupt manner, space is opened up for new leaders to fill the void (29).

These leaders are called on through protest action. Ducan (2009 via Alexander 2010)

claims it cannot be denied that protests have become a “significant feature of political life in South Africa” (27).

RESPONSES

For the most part, the central government has been superficially receptive to the requests made by the protestors; most of their reactions have been largely symbolic or are bound by promises made during the election cycle that are then followed by unfulfilled action. Nonetheless, the ANC has acknowledged the importance of providing better delivery of basic services. Union Association of South Africa (UASA) CEO Koos Bezuidenhout said, “Dissatisfaction with poor service delivery, or the complete lack thereof at the municipal level is now spreading like wildfire throughout South Africa,” the problem is reaching national heights and must be addressed (Grobler 2009). The protests have drawn more attention to impoverished communities and informal settlements in the metro for all levels of government (national, provincial, and local) to now look into.

Municipal IQ has had a significant presence in the tracking of service delivery protests and consequently in garnering responses from political elites by providing data and analysis on the issue. This organization has successfully disseminated their information to government officials at all levels and to the public. Allan and Heese of Municipal IQ (n.d.) suggest “The national departments of Cooperative Governance and

Traditional Affairs as well as Human Settlements in partnership with local government, should clarify a much needed interim policy on the formalisation of informal settlements and the integration of these areas into those urban municipalities where they occur.”

Johannesburg was the first South African city to try this and can serve as an example case for future cities’ endeavors⁸⁰.

Federation of Unions of South Africa also indicated their willingness to become a part of the solution, to “make a positive and constructive contribution towards assisting the government to improve service delivery as expressed by President Jacob Zuma in his budget vote speech” (Grobler 2009).⁸¹ Service delivery concerns seem to have moved to the “top of [the agendas for] all political parties with ambitions to be elected by Black African voters,” but unfortunately agendas do not always reflect reality and little remains to have been executed (Booyesen 2007 25). This may be because “whilst the government would like to improve service delivery, it is constrained by the conservatism of its economic polities and by the current recession. While there has been some reallocation of resources, the government’s main response has merely been that of pushing for greater monitoring and evaluation of elected officials and administrators” (Alexander 2010 38).

⁸⁰ See Cooperative Governance Traditional Affairs at <http://www.cogta.gov.za/>

⁸¹ The transcript for this speech can be found at:
<http://www.thepresidency.gov.za/pebble.asp?reid=17758>.

In his speech, President Zuma claimed that the administration would focus on: building relationships (internationally, and between the levels of government nationally), improving the President’s Coordinating Council’s output (a mechanism that brings together the presidency, crosscutting ministries, premiers and the South African Local Government Association, to discuss issues affecting the three spheres of government), improving quality of service, advancing communication, developing the National Economic Development and Labour Council, and providing better medical attention.

Typically in democratic systems with constituency dissatisfaction, voters are quick to move to opposition parties, however in South Africa ANC support has generally persisted, or at least has not been seriously threatened by significant support for an opposition party. Instead, individuals have taken to civil unrest to demonstrate their dissatisfaction. However, data shows that since the 2009 elections, there has been increased dissatisfaction with Zuma's administration, yet still an opposition party has not risen up, and instead the number of protests have continued to increase, along with a strategy to abstain from voting.

President Zuma, during his re-election campaign took to "door-to-door electioneering in some of the country's poorest communities." He "revealed that it had exposed him to a disturbing side of South Africa's living standards that government officials do not mention in their service-delivery reports" (Managa 2012 5). In 2010, Zuma created a telephone hotline and social networking page as a forum for communities to express their grievances, but those in the direst conditions were not able to take advantage of this mode of recourse due to lack of access to technology and other impeding factors such as poor explanations and expositions of this new outlet (people either have not heard of it, or were not sure how to take advantage of it) (Mananga 2012). Clearly, despite some attempts to deal with service delivery issues, the problem itself persists, as do issues around civic participation, voter turnout, and overall societal contentment.

PRIMARY PROBLEMS RELATED TO SERVICE DELIVERY

The primary concerns voiced by service delivery protests tend to regard a lack of basic services for proper sanitation, drainage, sewage, water, electricity, and street

lighting. However, Alexander and Pfaffe (2013) argue that they also often include demands regarding housing, roads, schooling, political corruption, demarcation, and job loss or inadequacy: “protests frequently mix claims about services with other issues”(4). In other words, pleas for basic services are combined with appeals for the next level of fundamental services that further reflect and deepen societal cleavages (especially regarding divides along racial and class-lines).

Some of the foundational political issues that lead to service delivery protests include: a lack of institutional capacity, poor infrastructure, and lack of public participation. Limited institutional capacity and a deeply entrenched culture of corruption hampers the public’s ability to make appeals to the local government (Mananga 2012). Arguments related to lack of institutional capacity affecting service delivery protests tend to take two primary paths: either the broad-based issue, which refers to a lack of adequate staff and leadership therein, or more specifically, under-spending of allocated funds “due to lack of leadership skills. This is mainly attributable to a lack of skills in project management and financial management, and has prevented certain projects from being started or completed,” both of which are magnified by nepotism and partiality amongst government officials (Managa 2012 4). Ineffective leadership in many informal settlements also exaggerates financial mismanagement issues, which hinders these communities’ ability to build infrastructure that would lead to better service delivery.

Wasteful spending on salaries and misallocation of government funds also make it difficult for informal settlements to develop the necessary infrastructure to bolster service delivery processes. The public is frustrated with service delivery procedures because not only are they largely inadequate for fulfilling citizen’s basic needs, but also, even with

legislation in spite of this, communication channels between municipalities and communities are faulty (Managa 2012). Furthermore, inadequate service delivery has led to other social problems such as increased xenophobia in informal settlements. Community members perceive their access to resources to be negatively affected by immigrants who are putting pressure on the system and further restricting their already limited access to basic services. High levels of poverty and unemployment also increase “the number of people dependent on basic and indigent services and makes further demands on the scare resources of municipalities with large impoverished communities” (Managa 2012 3).⁸²

SOCIAL MOVEMENTS: A RESPONSE TO COMMUNITY GRIEVANCE

The Centre for Development and Enterprise (CDE) states, “It is not the intensity of the disturbances that should concern us most...[but] that they have been widespread, repeated over a long period, and triggered by a variety of grievances, thus illustrating a persistent and general malaise in our system of governance” (Alexander 2010 29). In the 2000s, there was a brief moment where social movements began surfacing from poor communities, but it was in 2004 that the larger-scale township revolts really began to increase in prevalence.

The CDC (2007) also stated that the unrest has changed the state of local affairs: people have been taken out of office, the national government has begun putting forth efforts, and some administrative issues have been fixed. However, oftentimes these

⁸² “South Africa had an unemployment rate of 25 per cent, 1 per cent up from 24 per cent between the fourth quarter of 2010 and first quarter of 2011 (although reports reveal that it was down by 1,1 per cent to 23,9 per cent in the third quarter of 2011)” (Managa 2012 3).

changes are not reflective in township residents' daily experiences. Their living conditions largely remain the same, and on occasion, the officials who were taken out of office are rehired (to better posts) elsewhere.

The actions taken by protestors vary greatly. "They have included mass meetings, drafting of memoranda petitions, toy-toying, processions, stay-aways, election boycotts, blockading of roads, construction of barricades, burning of tires, looting, destruction of buildings, chasing unpopular individuals out of townships, confrontations with the police, and forced resignation of elected officials" (Alexander 2010 26). Notably, it can also be difficult to capture adequate, all-inclusive data on such events due to their widely varying nature.

Service delivery deals with the political realities of both top-down and bottom-up perspectives. The top (the government) is responsible for creating mandates, producing policy frameworks and mechanisms for implementation, whereas the bottom (the people) are charged with demonstrating their needs and expressing their content or discontent with the aforementioned implementation—apparently through protests (Booyesen 2007 21). In most liberal, multi-party democracies (IE South Africa post-1994), citizens would tend to express their political opinions through choosing between rival electoral programs of different political parties, and then would usually trust the chosen party. "If discontented, the argument goes, voters can turn to opposition party or boycott the polls. Yet South Africa's experience is rather more complex" (Booyesen 2007 21 also see Powell 2012). South Africans widely choose a grass-roots approach to making their political opinions heard, through protest.

Service delivery protests reflect personal grievances. They are not usually put forth with the intention of recreating the system, but rather to request a response from their elected officials to make good on their promises, and their constitutionally bound responsibilities. “Piven and Cloward point to the linkage between daily experiences, grievances, targets and forms of protests” (Alexander and Pfaffe 2010 14). This linkage is made clear through South Africa’s service delivery protests.

CASE ON SERVICE DELIVERY

BACKGROUND

Again, my theory aims to understand the role that social movements may play in weakening racial hierarchies. In order to provide the most accurate, honest and fitting comparative analysis of my theory, I have chosen the to study the two most contemporary and galvanizing cases of social movements within the United States and South Africa. These cases not only reflect the two most prominent issues that produce social movements in each country, but they also, coincidentally (but relevant to my theory), are reflective of the structural racism that continues to affect the United States and South Africa in their post-institutionally racist eras.⁸³ In order to accurately examine my theory in its most applicable (and appropriate) context, I have chosen to analyze the inequities (linked to racial issues) that are being responded to with social movements within my two country’s of analysis: police brutality in America and public service delivery in South

⁸³ See Alexander, Peter. 2010. “Rebellion of the Poor: South Africa’s Service Delivery Protests – a Preliminary Analysis.” *Review of African Political Economy* 37(123): 25–40.

Africa⁸⁴. Service delivery protests in South Africa and police brutality protests in the United States are also apt for comparison because both issues occur on the local-political level, but are systemic to their entire countries, and thus both issues must be addressed by the respective central governments in order to promulgate change. My theory ultimately argues that in order for a social movement to impact the racial hierarchy of a post-institutionally racist country, a certain response to the respective social movements, must to be given by policy elites.

In general, service delivery, and even more specifically toilets and sanitation, present concerns for public health and must be dealt with promptly. These issues often escalate to matters of concern for human rights:

The roots of a dysfunctional health system and the collision of the epidemics of communicable and non-communicable diseases in South Africa can be found in policies from periods of the country's history, from colonial subjugation, Apartheid dispossession, to the post-Apartheid period. Racial and gender discrimination, the migrant labour system, the destruction of family life, vast income inequalities, and extreme violence have all formed part of South Africa's troubled past, and all have inexorably affected health and health services (Coovadia, Hoosen et al. 2009).

Today, fairly comprehensive policies exist in South Africa to deal with these complex issues, but unfortunately, the proper implementation of said policies and the vagueness encapsulated in their content oftentimes leaves room for weak management and

⁸⁴ Protests erupt when people feel like they have no other option. These two issues represent the public's concerns that do not seem to be receiving adequate answers nor attention by political elites. Service delivery and police brutality are problems in both societies, but perhaps the US government deals better with complaints regarding service delivery, and South Africa with complaints regarding police brutality, through manners of more traditional political response that solve the respective issues before they lead to protest.

occasionally corrupt operations. The problems thus continue to persist, despite legislative attempts.

HISTORICAL BACKGROUND OF “TOILET WARS”

The Toilet Wars are an example of, and more pointed appeal for better service delivery for informal townships; The toilet war protests are contained within the broader-themed protests for service delivery, but represent a particularly galvanizing example of such protests—that were able to garner unusually vast support. The underlying issues encompassed within appeals for better sanitation and toilets reflect the legacy of the Apartheid state: structural poverty persists, due to racialized access to proper sanitation mechanisms, inadequate outlets for public appeals, elite-level disregard for predominantly Black townships, and the continual struggle for Black South Africans to have their basic needs met.

Steven Robins is the most predominant academic on the topic of ‘toilet wars.’ His work primarily focuses on South Africa’s ongoing (and notably unfinished) effort to reach transitional justice, post-Apartheid. He claims, “the politicization of sanitation—for instance, in the form of Toilet Wars...suggests that transitional justice is going to continue to be a protracted and messy process involving, amongst other things, the systemic reform of the mundane conditions of structural poverty” (Robins 2014 480).

TRC influence

Immediately following Apartheid, the Truth and Reconciliation Commission (TRC) served as the primary force pursuing transitional justice in South Africa, but their efforts focused on the more-traditionally thought of ailments related to human rights, whereas “issues such as sanitation, housing and public education [which can also involve

human rights violations to an extent] can only be addressed by long-term state interventions at a systemic level” (Robins 2014 480). Robins (2014) claims that the toilet war protests provide a necessary new form of social activism that can respond to the gaps in the TRC’s endeavors. As such, service delivery activists “critically engag[ed] with the state in order to lobby and pressure it to meet its constitutionally enshrined obligations to it citizens in terms of housing, education, sanitation and land restitution” (481).

The TRC’s efforts were productive in many respects, but they ultimately failed to address the daily grievances of poor, Black, previously disenfranchised citizen’s who continually struggle to have even their most basic needs met. After the TRC left South Africa, they claimed that a “new beginning” would ensue as a result of their legacy. However this notion has been widely contested and popular politics have tended to replace TRC efforts with a newfound focus on issues of service delivery, labor conditions, and employment equity.

Social movement tactics

The toilet wars were initially set in motion by two primary events that I will refer to as the “anti-dignity case” and the “media-focused case”). I will be predominately applying my theory to an analysis of these two events (this analysis will inevitably include other important aspects regarding the toilet wars such as other events that are affected by or that have affected what went on in these chief examples; what transpired that led to these events, and the various levels of response (from public officials, community members, activists, political organizations, etc.) that may have impacted future occurrences. The two instances I am referring to led to protests that each made very similar appeals, had the same broad-based goals, and materialized under like

circumstances—their outcomes’ diverge somewhat, but in ways that seem to compliment one another to have had an even more significant impact on South Africa’s racialized system of service delivery, and the country’s paradigm for respecting the dignity of all its citizen’s.

It should also be noted that 10.5 million people in South Africa continue to live without access to basic sanitation, and millions outside of this region have no access to a toilet, which puts them at risk for assault, robbery, rape, and even sometimes murder, all in what has become a plight just to relieve oneself (Department of Water Affairs and Forestry 2010). And furthermore, the issues related to this case span far beyond accessing to toilets, and also deal with disease and other ailments that result from poor sanitation. “According to the Department of Water Affairs and Forestry, 100 children may die daily from diarrhea—a number which could be reduced by 40% with the delivery of adequate sanitation” (Silber 2011).

PRECIPITATING EVENTS

Background and preceding event

The first event that I will detail transpired in 2010; this was the first large-scale protest in the Toilet War’s movement. It erupted in response (and revolt) to the suggestion that community members should cover themselves in blankets to protect their privacy whenever they use the unenclosed toilets provided by the national government. The City of Cape Town Municipality quickly responded to the protests by piecing together iron and timber in an effort to help create a sense of privacy for the residents. However, Khayelitsha residents, led primarily by the African National Congress Youth League (ANCYL) activists, demanded that the City build concrete privacy structures.

The residents revolted further by destroying the makeshift arrangements. In response to this movement, the City attempted to charge the protestors for their destruction.

ANTI-DIGNITY TOILET

Later that year, in September, an especially horrid case of open toilets violating human dignity transpired that served as the precipitating event for a mass movement. A seventy-six year-old woman, named Mrs. Beja, “had been attacked and stabbed while going to an unenclosed toilet in Makhaza informal settlement in Khayelitsha.” (Robins 2014 488). She filed the case against the City and on April 29, 2011 Judge Erasmus of the Western Cape High Court ruled that the City must build legitimate enclosures around the government-provided toilets in Makhaza (Dietvorst 2011). Protests of the unenclosed toilets had latched onto service delivery protests nearly two years prior, but Mrs. Beja’s case galvanized a more significant uproar than ever before and attracted new followers to the effort for toilet and sanitation rights in particular. Also, because the event occurred in late 2010, and the subsequent ruling took place in 2011 (and the next event I will discuss also took place in 2011) it gained even more attention and ended up impacting the local elections across the nation that took place in May 2011.

In response to the protests, a landmark judgment was made that claimed the City and the conditions presented to the citizens of this township are in violation of the residents’ constitutional rights. However, in an attempt to bypass taking full responsibility for the matter, the City stepped forth and claimed that they had previously made an agreement with Makhaza whereby Cape Town authorities would build 1,316 open toilets (in Makhaza and other informal settlements in the Khayelitsha township) given that the residents would build their own enclosures. As such, the City would only

obliged to build “communal” toilets, and with any extra funds would provide private toilets as well (Dietvorst 2011).⁸⁵ ⁸⁶ However, this accusation does not comply with the local government’s constitutional obligations related to service delivery and many residents could not afford to build enclosures for the toilets.⁸⁷ Furthermore, in an internal audit of the City, Judge Erasmus found that the government “fail[ed] to adequately engage and consult meaningfully with the community,” seeing as only 60 of the 6,000 residents were consulted about the toilets beforehand (Dietvort 2011; Silber 2011). After the ruling, Cape Town mayor, Dan Plato, made mention of other faulty ambiguity within the legal and political systems, he said, the court made no specific requirements for the timeframe nor the type of enclosure that the City must implement. Unfortunately, the language regarding what exactly the State is required to provide is left ambiguous.

Despite the controversy, the ruling given by Judge Erasmus nonetheless revealed the centrality of questions regarding dignity and privacy in constitutional law and in the democratic culture of the post-Apartheid state. The ruling was pervasive; it animated a lot of political and public discourse regarding the “jurisprudence on dignity and privacy” and clearly demonstrated the state’s previous failure to fully democratize (Robins 2014 289). In the Western Cape High Court Records on the Beja case, it is stated, “The Constitution asserts dignity to contradict our past in which human dignity for Black South Africans was routinely and cruelly denied” and thus this treatment is intolerable (Robins 2014 489). The Beja judgment reclaims the notion that the post-1994 state must care for and

⁸⁵ Robins 2014 claims that this was an attempt to stretch the City’s budget.

⁸⁶ The government standard is one toilet for every five homes (Underhill 2012).

⁸⁷ See section on Laws and Policies Related to Service Delivery for the constitutional mandate.

respect the dignity of its people; the transitional justice endeavors are not over. “For the ANCYL in particular, the High Court judgment seemed to confirm its assertions that the open toilets were clear evidence of the inherent racism of the DA-controlled Municipality and its refusal to recognize the dignity of Black people” (Robins 2014 490).

Electoral stability’s effect on the response to the 2010 protest

Many believed that the issues related to the “Toilet Wars” would impact the local elections, but few realized the intensity of the impact that it would also have on the national-level. Initially, the DA’s campaign was hindered by the protests because the Western Cape is the only province they have legitimate authority over and the area was under the microscope for issues related to toilets and sanitation. However, shortly after, attention shifted to the ANC-controlled Free State Province as well. The 2011 local elections fully politicized the issue and additionally gave rise to other associated matters such as dignity, privacy, and human rights. The implications of the toilet wars elucidate the fact that the very fabric of South African society still reflects Apartheid-type discrimination and disregard for human dignity (Powell 2012 11): Until its citizens are not forced to defecate in public, South Africa will not yet succeed in reaching its transitional justice goals.

Due to the increasing importance of politicians’ public image and impending local-level elections, party leader Helen Zille “said she accepted the ruling, including the judge’s order to enclose the toilets” (Underhill 2011). She also mentioned that despite the DA’s attempt to enclose the toilets, the ANCYL continues to tear down the new

structures. These actions are especially relevant given the opposing nature of these two groups and their relevance to the upcoming elections.⁸⁸

Nonetheless, the DA said that based on the court's findings' it would be willing to "move forward and continue upgrading informal settlements, within the limits of the national housing code" and will "try again" to enclose the toilets. Also following the ruling, the ANC in the Western Cape called on DA leader, Helen Zille, to step down, but she did not agree to (Phakathi 2012).⁸⁹ Interestingly the DA has typically promoted its ability to provide "service delivery for all." An independent analyst, Daniel Silke said that the ruling will not have a significant impact on the DA's political image, and that the entire politically laden process can be "seen as an attempt by the ANC to destabilise the DA's public relations campaign" (Phakathi 2012).

The political fight around this case clearly self-perpetuated, which led Judge Erasmus to criticize both the DA and the ANCYL's politicization of the issue at the expense of the community. "He said that mayor Dan Plato and ANCYL member Andile Lili "simply failed to rise above their political contest as opposed to their duty towards those that need to benefit – the poor and vulnerable" (Dietvorst 2011).

2011 TOILET WARS: MEDIA-FOCUSED CASE

The second pivotal movement that led to the full-fledged, national movement for proper toilets and sanitation was when the images of the unenclosed toilets in "Section

⁸⁸ The debate over whether or not these structures are enough to provide for human respect and dignity is too convoluted to clearly tell if the structures are in fact sufficient, however based on their descriptions they do not seem to be.

⁸⁹ Specifically, ANC provincial leader Marius Fransman called on DA leader Helen Zille to resign "as her credibility now lies in tatters" (Phakathi 2012).

Q,” an informal settlement in Khayelitsha on the outskirts of Cape Town (also known as Abahlali-Western Cape) were released.⁹⁰ The Toilet Wars movement was given massive attention by both ordinary citizens and public officials after the media disseminated the images of the unenclosed toilets. The images generated responses from both ordinary citizens and public officials immediately in-time for the 2011-local government elections.⁹¹ The images are said to have had an especially significant impact “partly because [they] seemed to condense and congeal long historical processes of racism and Apartheid” (Robins 2014 479). Robins discusses protests’ impact through two lenses, the “politics of the spectacle,” and the “politics of the ordinary.” The images both demonstrated exceptional state violence through an honest and dramatic lens (“politics of the spectacle”), and exemplified mundane realities (“politics of the ordinary”). The latter tactic typically deals with structural poverty and long-term impacts such that Robins claims is necessary in South Africa’s post-TRC era.⁹² The Social Justice Coalition (a primary actor in the plight to obtain better sanitation for informal townships), in particular, has used “politics of the ordinary” to strategize against the sanitation issues that hinder South African townships.

The SJC focuses especially on Cape Town in an effort “to develop improved policies and approaches...which can be replicated elsewhere” (Silber 2011). For years,

⁹⁰ The QQ Section residents were adjacent to the Q section, which is a formal housing scheme. On occasion the Q residents would be able to use the toilets in the QQ Section, but more often than not they would not be able to afford the exorbitant fees, and additionally, the walk was often too far for many of the residents (Robins 2014).

⁹¹ The impact that this moment had on the 2011 local government elections cannot be overstated: they were literally coined the “toilet elections.”

⁹² This is referring to “social movement tactics that seek to render as politically legible the normalized and taken-for-granted daily realities of structural violence and racialized poverty” (Robins 2014 481).

this group was using a strategy of slow and patient lobbying for better circumstances, a lens along the lines of “politics of the ordinary” however, the release of the images quickly escalated the movement to take on a lens more closely associated with “politics of the spectacle,” which pushed the issue to the national agenda. “There was something quite extraordinary and shocking about the mass media image of the unenclosed modern porcelain toilet that captured the attention of politicians, activists and citizens in 2011” (Robins 2014 483).

The SJC capitalized on this moment and “on 27 April 2011, 2500 SJC members marched peacefully from St. Georges Cathedral to the Mayor of Cape Town's office. There a petition was handed over endorsed by over 10,000 residents of Khayelitsha and 25 organisations, calling on the City of Cape Town to initiate a public consultation to discuss the long term delivery of basic sanitation to all those in need” (Silber 2011). This took place just two days before the Judges’ ruling against the City, which called for legitimate enclosures to all government provided toilets. The march led the City of Cape Town to make some improvements to the sanitation infrastructure, but not enough; the conditions remained largely unlivable.⁹³ On October 3, 2011, the SJC claimed that they were able to “persuade the Office of Cape Town Major Patricia de Lille to make available R 138 million for janitorial services for sanitation facilities in informal settlements.” But regrettably this step in the right direction was not planned out carefully

⁹³ “Despite the target of completely eradicating the bucket system by 2007, there were still an estimated 200,000 bucket toilets in municipalities throughout the country in that year. In addition, there were over 1 million households, or 2 per cent of households in South Africa, without any toilet facilities in 2009” (The Municipal Outreach Project 2009).

enough. The working conditions for the new janitors were so poor, it led the staff themselves to protest (Robins 2014 483).

Privacy → politics

Previous to the service delivery movement, toilet and sanitation issues were resistant to becoming political matters. (As previously mentioned, the concurrence of the elections and the protests greatly impacted this shift.) However, even within the service delivery movement, toilet and sanitation issues had always been muffled by other service delivery concerns. But nonetheless, those who are affected by compounding service delivery issues often maintain that sanitation should elicit special attention. Toilets, in and of themselves, have historically been kept out of the public sphere. But, in 2011 the toilet took on political and juridical implications that made reference to concerns for racism, dignity, and privacy— notably more than their previous more functional utility.

Hannah Ardent is one of the primary political theorists to introduce the distinction between public and private, while drawing on the Aristotelian distinction of the *oikos* from the *polis*.⁹⁴ Activists were able to bridge this gap when they “literally dragged the stench from the urban periphery and its informal settlements to the seat of political and economic power in the city center” (Robins 2014 480; also see Robins 2013).⁹⁵

⁹⁴ See Hayden, Patrick. 2014. *Hannah Arendt: Key Concepts*. Routledge.

⁹⁵ This example can be compared to London in 1858, when the Thames River was finally addressed as a key issue by the English parliament, once the stench became too intense for the political elites to handle. However, in the South African context, the stench was not evolving in the vicinity of the elites, due to the urban-planning schemes instituted by the Union Parliament (Native Land Act, 1913) and re-institutionalized under legislation enacted during the Apartheid era (Group Areas Act, 1950). In South Africa, “because of [the] special legacies of Apartheid urban planning, these activists had to make their point about poor sanitation in informal settlements by transporting the smell of the slums on the urban periphery to the sanitized city center and seat of state power” (Robins 2013).

Moreover, these issues also drive public attention when they are linked to the “resulting poor hygiene conditions [which] contribute directly to an array of illnesses including diarrhea, gastroenteritis and skin rash” (SJC 2011). The SJC (2011) also claims that the lack of access to proper toilets has placed residents at a greater risk for criminal attacks. This is especially intolerable considering in some communities, “more than 100 dwellings (500 people) share one toilet stall...Many toilets and standpipes have consequently fallen into disrepair, due largely to high use and a lack of routine maintenance, repairs, and monitoring” (SLC 2011). It was not until the images were released that the issue affected national political campaigns. The anti-dignity case garnered national attention, but the images are what pushed the problem to the national agenda.

Response

In particular, the protests that erupted in response to the images protests brought national-level policy elites to recognize the weight of the issue. This “promoted Tokyo Sexwale, the Minister for Human Settlements, to announce in September 2011 that he was appointing Winnie Mandela to head an eleven-member national task team which he had commissioned to investigate open toilets in poor communities throughout the country” (Robins 2014 484).⁹⁶ He stated, “The sordid chapter [of the open toilets] must be brought to an end” (Business Day 2011). Other far-reaching outlets also began to respond including, the Western Cape High Court (as previously mentioned), the Human Rights Commission, political party representatives, social movement activism, popular

⁹⁶ See “Toilet Wars.” *The M&G Online*. <http://mg.co.za/article/2011-05-12-toilet-wars/> (February 13, 2015). For an example of other municipalities facing the issue of poor sanitation services and inadequate toilets.

protestors against poor service delivery writ large, and the mass media. The Bill and Melinda Gates Foundation also got involved, with the goal of “ensur[ing] that the state provides, monitors, and maintains toilets and existing sanitation technologies in poor communities” (Dietvorst 2011).

VII. CASE STUDY ANALYSES

I now intend to separately analyze the case studies that I provided on both Rodney King and the Toilet Wars, side-by-side, from chapters 5 (for the U.S.; Rodney King) and 6 (for South Africa; the Toilet Wars) through the theoretical framework that I outlined in Chapter 3.⁹⁷ I am conducting my analysis via the *collective* case study method; my theoretical framework draws from the work of several chief social movement theorists. By applying my theory to the historical narratives that I provided for both the Rodney King case and the Toilet Wars' case, I am introducing an innovative approach for understanding how social change may ultimately transpire as a result of the influence that social movements have on political elites. In this section, I will explicate two separate theoretical analyses based on a single theoretical framework (the comparative analysis will occur in the next chapter).

These analyses will be structured around a discussion of how each of my variables may be used to explain the potential for social movements to ultimately affect the two separate racial hierarchies of the United States and of South Africa (the first based on the Rodney King case and second based on the Toilet Wars case). Together, my variables aim to explain the potential for social movements to ultimately affect the United States' and South Africa's respective (but comparable) racially-biased systems. The primary focus of this section is to test my theory. The first paragraph of each variable's subsection aims to provide an unbiased account of how I conceptualized my

⁹⁷ My aforementioned discussions in chapters 5 and 6 over the history of and debates around police brutality and service delivery, respectively, is intended to serve my argument for why these two issues are strong indicators of the racial biases that persist in American society, but they will also be useful in some regards, for analyzing my theory.

theory before conducting the case study research.⁹⁸ The theory may therefore be tested objectively in a side-by-side analysis. After providing individual case analyses in this chapter, the next (and final) chapter will provide a comparative analysis and conclusion between the two cases. This final chapter will serve to discuss how generalizable my theory is, whether or not the cases are actually comparable, and where lessons may be learned between (and across) the two cases, as well as suggestions for future research.

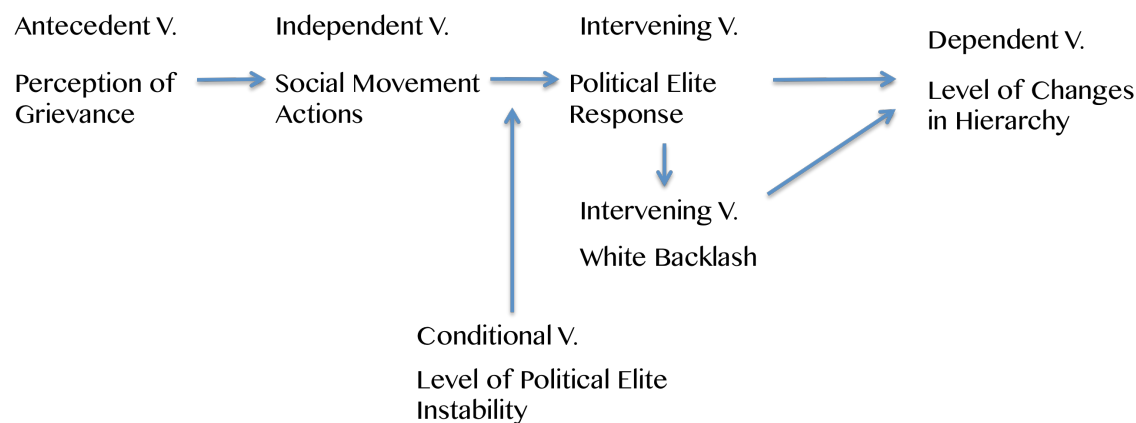


Figure 4: My argument

PERCEPTION OF GRIEVANCE

Summary of variable's operationalization:

I have operationalized “perception of grievance” to include discontent that can mobilize a renewed and rearticulated sense of Black subjectivity. This new subjectivity results when individuals can understand their place and their culture under new terms. (*Collective* subjectivity results when a group can understand their place and their culture under new collective terms.) This renewed understanding may incite social movement

⁹⁸ The aptitude of each variable for capturing the reality of the situations at hand may differ depending on how I operationalized them previous to my case study research.

actions to transpire, when individuals transform their frame of mind from “quiescence to indignation, from docility to defiance” (Piven 1976 305). Perception of grievance both leads to and affects social movement actions. This variable is deeply interconnected to the following variable (social movement actions) because it is more easily identified during social movement actions, when grievances become apparent; social movements as a whole, will also enhance both elites’ and Blacks’ understandings of perceptions of grievance within the Black community.

In other words, the social movement itself will cause elites to apprehend the growing perception of grievance within the Black community, and the movement will also lead Blacks to understand the growing perception of grievance within their own community. This will facilitate the *rearticulation of Black subjectivity* that Omi and Winant (1994) articulate. Social movement actions and perception of grievance are thus difficult to separate in the operationalizing process, because the two variables are interconnected on multiple levels.

THE RODNEY KING CASE:

Media influence

The video of Rodney King that went viral was a crucial component to producing a newfound perception of grievance amongst the Black community. Perceived grievances will be translated into social movement actions when a collective identity is formed in accordance with these grievances. The video simply brought to light the LAPD’s misconduct, which had been increasing over many years, “we know... that there is a long history of African-Americans and Latinos being stopped by law enforcement

disproportionately” (King and Smith 2011 216) (also see *Justice on Trial: Racial Disparities in the American Criminal Justice System*). But, when the system itself fails to offer proper redress for victims of police brutality and it does not properly track incidents of abuse, it is unlikely that people will be driven to rise up against it; they may feel that they are the exception, not the rule; that their incident is detached from the rest of society.

Collective identity

The videotape made visible the problem of police violence to the grander public in a single moment and around a single case to aid in the production of a new *Black collective subjectivity* (such that Omi and Winant (1994) emphasize). The initial development of a new Black identity under common themes and common grievances later facilitated the Black public’s (and its allies’) even more dramatic response to the police officers’ acquittal, which launched into riots. Police-minority relations had been an ongoing problem for decades, but as Marx (1996) claims, marginalized racial identities may serve as the foundation for resistance only if these identities result in collective action. And collective action will only happen once a collective identity has been formed.

The uproar in response to the officer’s acquittal was especially far-reaching because the police violence was caught on camera, which made it less easily disputed and because there was a steadily increasing awareness that police brutality is a national issue. The footage personally impacted many people, which fueled a more substantial response (in terms of number people joining the movement as well as the forcefulness of the riots). It is also important to note the role that the “long hot summer” of the late 1960s played in producing a collective Black identity years before. This identity continued to evolve up until the LA Riots, and has also had an impact on Black’s basic understanding of their

subjectivity, which is a crucial component for rising up against the system. (The “long hot summer” was an important time for solidifying this new collective Black identity, because it erupted with the joining of Blacks all across the nation in a collective struggle against the structural inequalities that they faced, including police brutality).⁹⁹ Each of these variables coalesced in the Black’s shift from a culture of inaction to a culture of movement against the police brutality that was executed in the Rodney King case in 1992.¹⁰⁰ According to Perez et al. (2003), inadequate channels for community feedback and racial selectivity of police relations will both lead to rioting. These two variables certainly merged just before the LA riots erupted.

The Rodney King incident in particular helped transform the *masses*’ understanding of their social positioning from *divinely ordained* and individualistic, to a societal qualm that has been prescribed to them, irrelevant of their personal aptitude. It is this understanding that leads to the creation of a “culture of resistance,” in which social movement actions emerge (Omi and Winant 1994). A Washington Post survey conducted on public opinion regarding the “King Verdict” found that a large majority of peoples,

⁹⁹ Some believe the “long hot summer” to have erupted in response to the escalation of thwarted self-interests post-civil rights progress, and especially the realization that police were promoting this unequal treatment. There have been numerous important racially charged social movements throughout the U.S.’s history, but this succession of riots was especially important for developing a sense of subjectivity in the Black community; newfound grievances.

¹⁰⁰ I am arguing that these variables, the video recording, an understanding of police brutality as a national issue, and the 1967 race riots all contributed to a new development of Black people’s perception of grievance that led them to take action against the system in 1992. The video recording made the evidence of the brutality abundantly clear, the understanding of police brutality as a national issue helped turn a feeling of exceptionality into a feeling of collective adversity, and the race riots served as encouragement from Black people who had previously risen against the system (and with particular force against police brutality).

Black and White, think that the police officers in the Rodney King case should have been found guilty, and the same size majority also claimed that the U.S. Justice Department should file criminal charges against the officers, according to a new Washington Post-ABC News poll (1992). However, a minority of Whites (25%) agreed that the “Rodney King case shows that Blacks cannot get justice in this country,” whereas a majority of Blacks (78%) agreed with this statement. Here, Whites seem to have recognized the problem, but do not want to, or simply do not, understand the issue as a structural problem. Another majority of both races agreed that the “innocent” verdict will negatively impact race relations in the United States, and that race prejudice is a persisting problem in the United States.¹⁰¹ Clearly, there has been a movement for Black people toward understanding one’s own position (at least in terms of police brutality and seeking justice) to be reflective of structural qualms more so than individual wrongdoing.

¹⁰¹ Those interviewed and surveyed in the Washington Post poll left ambiguity in terms of their perceptions of race relations in the United States, because even though they claimed that issues of race preside, and that the verdict was prejudice, only about half of Whites said that Blacks and other minorities do not receive equal treatment in the justice system, and that the case is indicative of injustices. Also interestingly, in response to the question: “The only time the federal government really pays attention to Black problems is when Blacks resort to violent demonstrations,” 39% of Whites agreed, while 79% of Blacks agreed.

THE TOILET WARS CASE:

Race and class connection

The perceived grievances in South Africa appeared slightly different than I had initially anticipated.¹⁰² The resentment felt (by the citizen's that my study is focused on) toward the State was directly related to service delivery and poverty; the protestors made mention of race far less frequently than I had expected. However, according to Shen (2013) in 2013 (and still today)

the average White family earns six times what Black households make, and 73 percent of top business managers are White. Unemployment levels among young Black workers is nearing 50 percent. The number of South Africans living on less than a dollar a day has doubled along with the number of millionaires in the country. Overall, unemployment is around 25 percent,

which clearly draws the link between poverty and race in South Africa. Wale (2013), also more explicitly depicts the inextricable link between living standard and race throughout the country. She claims, “for White South Africans, 0% are in the lowest four LSM groups (in fact there are no White South Africans in our sample in the first five LSM categories), 5% are in the middle categories, and 95% are in the top four categories (with 73.3% of White South Africans in the highest 2 LSM categories 9 and 10).” Whereas, “35.4% of Black South Africans are in the lowest four LSM categories, 48.2% are in the middle categories and 16.3% are in the highest four categories” (Wale 2013 15). Poor service delivery amplifies poverty in South Africa's townships (which are

¹⁰² I anticipated the grievances to more explicitly reference race. This anticipation was based off of my previous understanding of South African history, news, and my effort to compare this society with America's, which all inevitably is based on the personal bias I am bringing to the study.

characteristically poor and Black) and thus has become a problem of racial integration and bias as well as an economically rooted issue. Marx (1996) claims “race making cannot be disentangled from the process of economic development. Crow and Apartheid have been described as an effort to protect Whites from Black competition” to ensure the economic power of Whites. Piven (1976) claims that economic power leads to political power and vice versa; with the Black population oppressed economically they present less of a threat to White power. “In South Africa segregation and Apartheid fed the process of economic development and proved highly profitable...state policies of racial domination ensure[d] a supply of cheap Black labor” and the legacy of this lives on today (Marx 1996 189).

New subjectivity

Since the enactment of the most recent Constitution in 1996, there has been an evolving sense of *new subjectivity* throughout South Africa. This subjectivity was largely based on the proclamations put forth by the Constitution and political leaders alike, which recognize the atrocities of the past and seek to move forward in a more egalitarian manner. This process for moving forward includes ensuring the delivery of basic services to all South African people. Thus, since 1996, people have felt that it is within their constitutional rights to be given basic services from the State. There has been a steady increase in service delivery protests since 2004, which has largely been in response to a developing understanding that that service delivery is a national problem that affects townships *across* the nation (rather than individuals feeling as though their township was the exception to the rule whereby adequate service delivery is a given). The Social Justice Coalition (SJC) played a primary role in developing this understanding and growing a

collective identity, especially with their work in Cape Town, which led other townships to not only see that their circumstances were not exceptional, but also that mechanisms exist to solicit political elites' help to change their circumstances.

Collective identity

The same steadily increasing awareness that poor service delivery existed throughout the State occurred with sanitation and toilets in particular (as an example of a basic service that is especially problematic). This developing understanding has led to a collective identity and a mode for collective action. The anti-dignity toilet served as a galvanizing case for those who had already begun to perceive injustices within the system (and those who had not, but to a lesser extent) of service delivery to now rally around. Then later, the images of the unenclosed toilets that sparked national attention led to an even more dramatic response, "partly because these images seemed to condense and congeal long historical processes of racism and Apartheid" (Robins 2014 479). Also, because the images captured so many people's attention and increased the number of witnesses to the event, the uproar grew even more immensely.

Furthermore, the perception grievance around service delivery, and toilets and sanitation in particular, seemed to also be heightened by the un-kept promises made by the political elite. Greater social movement actions resulted because politicians (and the Constitution) convinced society that their situation could be different than that which they were facing.

SOCIAL MOVEMENT ACTIONS

Summary of variable's operationalization

Social movements must be in response to and born from the masses' grievances, and will often target the state. Social Movement actions are rooted in particular tactics of disruption and will usually have a target (for my study, I am looking at the national agenda as the target). The typical target is not some larger obscure systemic structure, but rather to attract the higher entity's attention to the masses' grievances in order to pursue changes that will contribute to their daily success. The tactics put forth by the activists may either be geared toward disrupting the hierarchical system, or the system that operates on a higher political level that could change their circumstances. Marx (1996) also mentions that social movement actions are especially effective when their disruption becomes a high priority—"replacing intra-White conflict as the most pressing threat to the nation-state" in order to garner more significant elite response (183).

THE RODNEY KING CASE:

Tactics of disruption

The tactics of disruption particular to the Rodney King case included murder, arson, looting, and injury. The activists made clear their discontent by looting stores, blocking intersections with torched cars, and pulling motorists from their own cars and beating them. These extreme measures clearly got the attention of local, state, and national governments and required great humanpower to control the activity's momentum.

Media growing membership

There were also exponentially more social movement actors due to the attention that the entire progression of events (from the beating through the trial) was given by the media. The media was an especially strong force because it was able to increase the number of witnesses privy to the event. When one witnesses an event he or she feels more connected to it; this, in turn, leads to a more pointed response (Bedford 2000). The public writ-large felt personally invested in the outcome of the case (the officer's initial acquittal) because they bore witness to the event leading up to it. This increase in collective frustration will typically lead to increased membership in a social movement, which ultimately affects the implementation of disruptive tactics by increasing the scale thereof (Piven 1976). This notion is supported by the fact that there were over \$1 billion dollars in damages made.

Collective frustration

This collective frustration also clearly fueled aggression. The frustration was rooted in the fact that many Blacks' positions remained subaltern post-Civil Rights, and the overt evidence that they were also more likely to suffer physical abuse by those whose job it is to protect them, as members of society and citizens of America. "The classical model of social movements proposes that social movements come about as a "collective response to structural weaknesses in society that have a psychological effect on individuals" (Poulson 2005).

Against police brutality

According to Piven, the activists, or those affected by the system, are not after the system itself, they intend to elicit change from their direct-overseers, who are personally setting them back, or I would like to add the policy makers that appear to be setting them

back. They may understand that their positionality is not a result of personal impediments, which will spawn social movement actions, but they will not necessarily be fighting within the intricacies of the economic system that led them to face more dire economic circumstances. So, even though in the Rodney King case the activists were theoretically fighting against a racist society, for which racist policing is a product, according to Piven (1976) the activist were likely focused on the racist policing in and of itself—with additional frustration also geared toward the other intricacies of society that produce their marginalized positionality, (such as the economic system) but rooted in anger toward the law enforcement system.

THE TOILET WARS CASE:

Tactics of disruption

The tactics of disruption particular to the Toilet Wars case varied throughout the movement depending on the moment at which the protests were responding. For example, in response to the anti-dignity episode, protestors destroyed the toilets and the makeshift “privacy” structures surrounding them. They also put forth more pointed calls to political elites around the fact that physical abuse had resulted from the government’s poor management, and made calls to residents to make their townships ungovernable.¹⁰³

Media influence on actions

¹⁰³ As previously stated in Chapter 5, the actions taken by protestors varied greatly. “They have included mass meetings, drafting of memoranda petitions, toyi-toying, processions, stay-aways, election boycotts, blockading of roads, construction of barricades, burning of tyres, looting, destruction of buildings, chasing unpopular individuals out of townships, confrontations with the police, and forced resignation of elected officials” (Alexander 2010 26).

The next moment that garnered an extraordinary response was the dissemination of the images of the unenclosed toilets. These images of unenclosed toilets changed social movement actions by demonstrating both exceptional state violence and the obscenity of the mundane realities within some of South Africa's informal townships (Robins 2014). Previous to the release of the images, the SJC had tended to use politics of the ordinary to pursue social change over time, but this group still capitalized on the media event. They utilized the moment to march to the Mayor of Cape Town's office to petition for a "public consultation to discuss the long-term delivery of basic sanitation to all those in need" (Silber 2011).¹⁰⁴ Others utilized the moment that had already begun to garner elite response by literally dragging the stench from the urban periphery to the political city center in an attempt to gain even more national visibility for their cause. A common tactic of disruption in response to inadequate service delivery, which was especially prevalent during the toilet wars, was to make the townships "ungovernable" by abstaining from voting and prompting actions that neglect civic participation, which together forced elites to respond in an effort to regain control of their constituency. Each of these actions were dealt with and responded to by the political elite, whose responses were conditioned by the level of electoral stability during the time of the protests.

LEVEL OF ELITE STABILITY

Summary of variable's operationalization

Level of elite stability is largely based on the level of electoral stability. The electoral instability facing the government (especially the national government) at the

¹⁰⁴ This took place two days before the call from Judge Erasmus for legitimate enclosures.

time of a social movement, I argue, will have a significant impact on the type and scope of elite response. I operationalized this variable to take into consideration how the electoral system appeared at the time of the social movement and any significant shifts in power dynamics that may have an effect on political elites' response.¹⁰⁵ Social movements that emerge when there is instability in the electorate are more likely to obtain a positive response from elites who, in turn, may promote policy changes in favor of social movement pleas. Piven (1976) would argue that the timing of a social movement is not typically this organized or intentional so far as to plan to execute actions based on electoral instability. However, when a social movement does happen to take place at a time of electoral instability, it is likely to secure greater policy achievements. When an elite is unsure of his or her political support, he or she will be forced to make decisions that respond to the resounding grievances of the coalition that they are in pursuit of. However, he or she may also vie for power by promoting a policy agenda in the rhetoric of said coalition's opinion without actually addressing their grievance.¹⁰⁶

In the American context, during times of instability, elite action is largely influenced by a consideration for whose vote is necessary to capture in order to maintain a particular party's power for that time. As such, policy production and choices as well as

¹⁰⁵ Electoral instability may also appear as separation within the political elite, including both inter- and intra-party separation.

¹⁰⁶ King and Smith (2011) are able to articulate this point by discussing the shifting party dynamics during Reagan's administration. "Reagan attributed 'the crime problem' to a 'misguided philosophy' holding that 'society, not the individual, is to blame' due to 'poor socioeconomic conditions or an underprivileged background.' He insisted instead that 'evil is frequently a conscious choice, and that retribution must be swift and sure.' To focus instead on socioeconomic inequalities or the disparate racial consequences of anti-crime measures was to encourage lawlessness. Many Americans responded favorably, and soon thereafter, many Democrats began moving closer to Republican anti-crime rhetoric and policies, especially when campaigning" (225-226).

other political decisions will be weighted by the persuasion of whomever's vote is in question. In South Africa, a similar scheme follows, but the ANC's power has remained largely unquestioned since they first took office in 1994 (with the exception of my case of inquiry, in the Western Cape province). Thus, the effect that electoral stability may have on political decisions in South Africa will only be somewhat related party power dynamics; instead the impact of electoral stability will primarily be seen in the individual elite's efforts to retain power. (And thus I found the effect of electoral stability in South Africa is likely less consequential, and also that developing a grasp of the process was more manageable). Elite instability and elite response again demonstrate the inextricable link between many of my variables, and thus an introduction to elite response will be provided in this subsection, and further explicated in the following subsection.

THE RODNEY KING CASE:

Presidential politics (elections)

In the Rodney King case, the level of electoral stability throughout the social movement and during the subsequent hearings conditioned the legislative responses. The electoral system at this time was especially unstable; the LA riots took place on April 29, 1992, and the Clinton-Bush-Perot elections were held on November 3rd of that same year. This election was remarkable for numerous reasons including the fact that no one candidate received even 44% of the popular vote (Clinton had 43.01%, Bush had 37.45%, and Perot had 18.91%, also making it atypically a three-way race); this lack of a clear majority indicates fundamental instability in the system (Pew Research Center 2012). Clinton's victory was also the first presidential success for the Democrats after three

consecutive Republican triumphs, and was inevitably met with political upheaval in various forms (Lelp 2012). The Democrats also lost control of Congress in the 1994-midterm elections for the first time in 40 years. All of these events point to the great changeability within the system at this time (Stone 2003).

Changes in the electorate affecting party politics

President Clinton's election (and the subsequent era) was further characterized by instability in the U.S. electoral system due to the waning Reagan coalition,¹⁰⁷ and the absence of a new and emerging dominant replacement coalition (King and Smith 2011). Massive shifts in the ethnic electorate were beginning to transpire, which was met with Clinton's inability to maintain the ethnic coalition (in fact, no one party was able to secure consistently the multi-ethnic minority vote).

According to Abramowitz, "without question, the most important change in the composition of the American electorate over the past several decades has been a steady increase in the proportion of nonWhite voters" (2009).¹⁰⁸ This is especially relevant to the Rodney King case because it conditioned elites' responses to the protests. During his presidency, Clinton would make claims in favor of the nonWhite community while also trying to tread lightly on positive racial agendas in order to garner a significant portion of the White vote. Ultimately, Democrats were unable to maintain a minimum White

¹⁰⁷ Clinton and even later Obama's elections indicate this.

¹⁰⁸ Abramowitz goes on to say that "this trend has been evident for at least 50 years but it has accelerated in the last quarter century. It is a result of increased immigration from Asia, Africa and Latin America, higher birth rates among minority groups, and increased registration and turnout among African-Americans, Hispanics, and other nonWhite citizens," and that these trends will continue (2009).

working class vote, while Republicans could not garner minimum support from the ethnic coalition either (which remained unstable and inconsistent in its own right).

Further increasing the level of instability at the time of the Rodney King incident, Democrats were moving right with Clinton's more conservative agenda, but Republicans maintained that their Democratic opponents "had not really changed" (King and Smith 2011 226). In 1992, the growing ethnic electorate's inconstancy allowed for even less predictability around election results and policy outcomes.¹⁰⁹ These contradictions and shifting political dynamics in the electorate undoubtedly conditioned Congress' response to the activists' pleas. I however anticipated the instability to lead to a more dramatic shift towards positive racial policies, whereas Clinton's conservative agenda and attempt to capture the White working class vote actually led to more mild concessions (see Frymer 2005).

America's two-party system has far-reaching implications for "the role of parties as agents of democratic inclusion," the system was, after all, developed in "the context of racial and ethnic division" (Frymer 2005 126). Based on Frymer's (2005) argument, the mild concession imparted by Clinton (if a concession is given at all) is to be expected. He claims that Black support for the Democratic Party will persist simply because they have nowhere else to go (Republicans are even less representative of their needs), and thus in some cases Democrats can take this relationship for granted. In other cases, however, increasing concessions for Blacks will decrease White support for the Democratic Party

¹⁰⁹ This lack of attachment to a single party was likely impacted by Clinton's notoriously conservative political agenda.

and even further, he claims that increasing the Black vote can actually be an electoral liability.¹¹⁰

Racial alliances

Along with shifts in party agendas (for and against racially positive policies), divergent racial alliances' (which are oftentimes linked to political parties, but not necessarily) ideologically laden policy agendas were also decisive in shaping elite response to the Rodney King case (King and Smith 2011). Discourse on crime-related issues in particular was heavily influenced by racial biases (at the time, and still today); "racial politics have infused these issues with a content and significance they would not otherwise have" (King and Smith 2011 215 also see *When the official subject is presidential politics, taxes, welfare, crime, rights, or values...the real justice is Race* Edsall (1991)). This conflict surrounding the racial underpinnings of policy (especially crime policy) has unnecessarily obfuscated the production of adequate mandates, which is only exacerbated during times of electoral instability.¹¹¹

Surprisingly, President Clinton posited that he was in favor of more mandatory anti-drug laws and increased death penalties, but along with these tighter restrictions he also promoted programs for prevention and treatment of the underlying links to higher crime rates, such as poverty and unemployment. "Clinton praised the 1993 Violent Crime Control and Law Enforcement Act as 'the toughest, largest, and smartest federal attack

¹¹⁰ "Throughout much of U.S. history, party leaders have perceived the potential support of Black voters as not simply leading to more votes in their electoral coalition but as destabilizing and divisive for winning elections" (Frymer 2005 126).

¹¹¹ "Anti-crime" orders actually started to emerge as a top political priority for *both* parties in the 1960s, "but they have [typically each] done so in ways that have been framed to a great extent by the concerns of the racial alliances with which they have been affiliated" (King and Smith 2011 228).

on crime' in the nation's history" (King and Smith 2011 230). Along with the mandate that I am chiefly concerned with, Section 14141, the Violent Crime Control and Law Enforcement Act also includes a three-strikes and you're out provision that leads to life imprisonment, and "increase[s] the number of federal crimes that are subject to the death penalty" (King and Smith 2011 231). Even though I am mostly concerned with the more liberal Section of this bill, it should be noted that the Act also contains conservative anti-crime rhetoric. This is likely attributed to the aforementioned point made by Frymer (2005) whereby Democrats are more likely to make concessions for White people than for Black people, but still are more likely to make concessions for Black people than Republicans are. Also, the first attempt to add legislation that deals with police brutality to the Police Accountability Act of the Omnibus Crime Bill (as Title XII) was stopped with a filibuster by Senate Republicans (and due to the threat of veto by President Bush), and it was not until the same bill appeared before the 103rd Congress (under President Clinton this time) that it was able to pass.

Adapting to new realities

"Many analysts—and even many Republicans" claimed that Clinton had finally cracked the code, and "that Conservative hegemony was at an end" in 1992, and in 2009, voting patterns still favored Democrats (Edsall 2009). However, Whit Ayers, a Republican pollster, asserts that any predictions for permanent or even very long-standing political party control are likely to be proven wrong seeing as these predictions "underestimate the parties' politicians' ability to adapt to new realities" (Edsall 2009). This is relevant to the Rodney King case because in 1992 the Democrats (and even to an extent the Republicans) were willing to adapt to the new realities mentioned above. This

affected their response to the social movement's pleas, and ultimately the passage of the Violent Crime Control Act, which as I mentioned earlier is largely conservative, with a few key racially liberal sections.¹¹²

THE TOILET WARS:

Proportional representation and political processes

The need to respond to the public's grievances in order to maintain power was especially relevant for the toilet wars case seeing as they erupted at a time that affected both local (and to a less immediate degree national) elections. In order to appreciate how electoral stability will affect elite response in South Africa, it is crucial to first recognize the type of electoral system in which this country's elites operate. Pre-1994, South Africa operated under a constituency democracy, but post-Apartheid they have shifted to a proportional representation system for electing officials to the central government. Proportional representation functions by having individuals vote for political parties, and then the political party determines the members of parliament (MPs). In this system, the percentage of votes determines how many parliamentary seats are allocated to each party and the individuals who claim those seats are elected using party lists. The various elite responses throughout the toilet wars movement were conditioned by the fact that the

¹¹² King and Smith (2011) articulate these ideological shifts by describing the movement of Democratic ideologies from 1984-1992. In 1984, Democrats were taking a fairly centered stance, by stating that "neither a permissive liberalism nor a static conservatism is the answer to reducing crime..." and while unemployment and poverty "foster the criminal atmosphere, we must never let them be used as an excuse. By 1992, Democrats stressed that 'crime is not only a symptom but also a major cause of the worsening poverty and demoralization that afflicts inner city communities,' a signal reversal of their earlier emphasis" (226).

“anti-dignity” case took place in late 2010, followed soon after by the release of the images in 2011, which then brought the issue to national attention and impacted municipal elections across the nation in May of 2011. The latter example (which was influenced by the former) also had a significant and direct (but belated) impact on the general elections for the new National Assembly in 2014.

Also of consequence to the Toilet Wars case, the Western High Court (particularly Judge Erasmus) played a significant role in advancing elite response and consequent concessions to the movement’s pleas. The sitting president inadvertently has a role in court-related processes as well because, according to the terms of section 174 (6) of the Constitution of the Republic of South Africa (1996) the president appoints South Africa’s High Court judges from a list provided by the Judicial Service Commission. Along with the president, MPs province premiers, municipality elites, etc., the justices and other members of the court systems (in particular the Western High Court) all advanced decisions that had an effect on the social movement’s pleas, and were all influenced by electoral stability.

Party politics

The Western Cape is the only South African province that is not ruled by the ANC (instead the opposition party, the Democratic Alliance (DA) is the presiding party in this province), which makes the political activity here especially formidable and consequential (and also allows for a more direct comparative analysis of party contestation between the U.S. and South Africa). At first the DA’s campaign alone was negatively affected by the protests, but after the problem gained national exposure, the ANC also began to receive blame. The political contestation that surrounded the toilet

wars both positively and negatively impacted the protestors' cause. The issue received greater attention due to its timing, in line with the elections, but it was also overly politicized.¹¹³ The politicization helped initiate some level of response and attention from political elites that may have otherwise not been had, but it also led to numerous unfulfilled promises that were made to help boost party-campaigns.

Helen Zille, the DA premier of the Western Cape responded favorably (in the end) to Judge Erasmus' ruling that the province must provide better enclosures for the toilets. Phakathi (2012) claims that Zille finally responded to the ruling because her public image was in question. Despite Zille's eventual submission to the court ruling, the politics around the case continued to escalate; Zille claimed that the ANCYL had destroyed the newly constructed enclosures as a tactic to hurt the DA's public relations (Phakathi 2012). Judge Erasmus criticized both parties for their lack of regard for the impact that their politically motivated actions were having on citizens and their inability to see past the political battle to address the legitimate needs of their impoverished constituents. Again, although the electoral condition helped bring attention to the movement's campaign, it also led to less fulfilling responses. Some analysts (including Gibson 2015) think that multiracial political coalitions must be formed in order to make positively racial policy decisions that can be understood across race lines. Electoral stability tends to refer to whose vote is in question when the instability arises, and the

¹¹³ The issue began being utilized by both the DA and the ANC to make support their personal political campaigns by making claims against the other party's inability to provide proper service delivery. The literature on this was so heavily opinionated, it was difficult to determine which provinces are actually being properly serviced and which are not, because the scholarship is laden with personal opinion and political campaign rhetoric.

political moves necessary to garner that support for a particular party, but because South Africa's political parties are less variable than the United States', the level of stability actually affected elite's response in their pursuit of personal power within their respective political parties. The South Africa Reconciliation Barometer Survey (2013) asked, a group of citizens (grouped on race and level of living standard measure) if they would consider joining a different political party, 41.4% of all people would "rather not vote at all than join another political party," but by race Blacks were the most willing to change (Wale 2013 24).

ELITE RESPONSE

Summary of variable's operationalization:

I have operationalized elite responses to fall along a scale from repressing the movement to initiating major changes in response to the movement's pleas.¹¹⁴ In the two cases at hand, as with most civil uprisings, elites¹¹⁵ responded to the riots as well as to the pleas. For clarity I will briefly outline both types of responses, but I am chiefly interested in their response to the pleas.

Piven argues that elites will typically respond to the pleas of a social movement in order to maintain their own power, and will typically respond once the movement has effectively disrupted the system. The response will then typically be made with the elites'

¹¹⁴ Scale: Repression → Ignoring → Symbolic Response → Cooption → Minor concessions → Major changes

¹¹⁵ "In response to the statement: You could never imagine being part of a political party made up mainly of (other race group) people, 32.8% of South Africans agree that they could not imagine being a racial minority in a political party and 30.9% disagree. The percentage of agreement is lowest for White South Africans (18.7%) and highest for Black South Africans 36.6%" (Wale 2013 24).

interests or the national interest in mind. For example, if the protesting group is seen to play a pivotal role in nation building (Skrentny 2000), or if the movement-requests fit within the elite's agenda (Piven 1976; Omi and Winant 1994), then elite's will respond favorably.

THE RODNEY KING CASE:

Response to the riots

The LAPD was actually uncharacteristically slow to respond to the riots' disruption, but Governor Pete Wilson of California, called in the National Guard within a day and quickly enacted a curfew. President George Bush also responded by ordering in military troops and riot-trained officers to control the situation in Los Angeles. The riots were repressed, but largely with the intention of halting the violence to protect citizens and bystanders from abuse.

Response to the pleas:

Investigations

In the Rodney King case, multiple investigations were ordered in response to the riots in order to explore police brutality within the LAPD, and the nation at-large. However it should be noted that investigations in general tend signify a symbolic response more so than a major political shift or even a more minor concession. The LAPD actually ordered an internal investigation in addition to the national investigation ordered by the DOJ. These investigations were clearly in response to the public outcry (and the dissemination of the video footage), seeing as numerous acts of police brutality

had gone largely unnoticed before this incident unfolded.^{116 117} The protests were called to stop after they had already had a significant impact on the public's opinion and consequently the political elite. According to a Washington Post poll from 1992, "99 percent of those questioned, both Blacks and Whites, said they had read or heard about the verdict. And more than nine out of 10 said they had seen portions of the video" (Morin and Warden 1992).

Hearings

The national response post-investigation was to hold hearings led by the US House of Representatives Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights. These hearings, in addition to the Federal Grand Jury's indictment of Koon, Powell, Wind, and Briseno in violation of Rodney King's civil rights began as symbolic responses, but led to more significant concessions when District Court Judge John Davies sentenced Koon and Powell to 30-months in prison.

Legislation

Crucially, Congress also provided what I would deem *minor concessions* by drafting and passing legislation to deter police violence by incorporating the Police

¹¹⁶ Also, the fact that Paul King and George Holliday's attempts to call attention to the incident had gone unnoticed makes clear that the responses were in fact as a result of the social movement actions put forth (including the dissemination of the video footage).

¹¹⁷ Further investigation must be done to determine if our currently ability to capture police misconduct on camera can play a similar role to the videotape of Rodney King. Based on the recent episodes of police brutality in 2014-2015 it would appear that video continues to have a significant impact on the public's response. However, today society is less likely to consume balanced news in reaction to such videos and events, and can choose to listen to a take on the story that aligns with their preconceived views, which is unlikely to affect the hierarchy in the long run. The potential, too, for collecting massive amounts of video of police conduct (for example through lapel cameras) may lead to an inundation of resources, and will no longer serve viewers with the same force of novelty that the Rodney King case provided.

Accountability Act to the Omnibus Crime Bill as Title XII, after a law that attempted to grant power to individual litigants in an attempt to address structural police reform already failed, “The George H.W. Bush DOJ and police advocacy groups strongly opposed the inclusion of any such individual right of action, eventually contributing to the measure’s failure” (Rushin 2014 3214). However, liberal members of Congress continued to address police brutality as a systemic issue. The Police Accountability Act “which would have authorized both private and publically initiated structural police reform,” and even included various more conservative agenda’s in an attempt to win over Congressional Republicans, but it nonetheless died in a filibuster (Rushin 2014 3214). However, in 1993, the 103rd Congress drafted the Violent Control and Law Enforcement Act (as a result of the Christopher Commission’s investigation, which found that police brutality is endemic to the system). It was later codified as USC 42 Section 14141, giving the federal government authority to pursue cases of police brutality, surprisingly as Rushin (2014) points out, the “national news media paid virtually no attention to the passage of [this] structural police reform” (3214).¹¹⁸

Ultimately, the response that led to the drafting of this legislation was based on the notion that police departments writ-large must be dealt with in order to stop the pattern of misconduct that currently plagues our society. The success of this bill can be seen in the consent decrees issued with the police departments of Pittsburgh, Pennsylvania (1997), Steubenville, Ohio (1997), and Cincinnati, Ohio (2002), which now

¹¹⁸ Professor James Fyfe stood by this new law and claimed that the officers could previously act abusively without fear of interference. Dr. Fyfe was an academic with a Ph.D. in criminal justice, an author, a police officer, and retired as a lieutenant. He has a long legacy of promoting more just police practices (Baker 2005).

serve as models for how police departments ought to conduct themselves in order to avoid federal intervention.

The modesty of the progressive sections within the Violent Crime Control Act may be attributed to an effort put forth by the Democrats to maintain White support, while also appeasing the Black population with a minor concession. Because the Republicans and the Democrats both struggled to form a new coalition to replace the fading Reagan coalition, both parties were encouraged to compromise and adapt to the political realities of 1992.

However, in many cases racial conservatives remained in support of bills that heighten the *retribution* for crime, whereas liberals were in favor of instilling programs that could help to prevent the structural patterns of crime and delinquency (King and Smith 2011) (which is cast under a similar light to Section 14141, which aims to address the patterns and practices of police brutality). This racially polarized understanding of justice within the American system was depicted in by a Washington Post poll (conducted in 1992) that demonstrates both races were in accordance that police brutality is prevalent and wrong, but they splinter in their claims for what that alludes to for the criminal justice system. White people claimed that Black people do not think that Black people cannot get justice in the system, whereas Black people think the opposite (Morin and Warden 1992). Essentially, Blacks and Whites were shown to differ in how they interpret the root of the problem and potential solutions.

Previously, I demonstrated how the electoral instability in 1992 both hampered and aided in elite's immediate response to social movement actions. Arguably, the instability led to a more minor response in the direct aftermath of the event (but without

any instability there may have been no response). However, the Cincinnati case of 2002 demonstrates the broad-reaching and long-term impact that the passage of Section 14141 has had. In response to the Timothy Thomas case, where an unarmed Black man was killed by police officers after his attempted arrest on “more than a dozen nonviolent, misdemeanor warrants.” “The Justice Department [under Section 14141] entered into an agreement with police officials in 2002 resulting in a litany of reforms of all facets of the city's use of deadly force protocol – from the wording used in the rule book to the training procedures to the board that reviews police brutality complaints” (Shaffer 2014). It is understood that there have since been significant improvements made in police-community relations (Shaffer 2014).

THE TOILET WARS:

Response to the riots

In response to the toilet war protests in particular, there were numerous attempts to charge protestors for destruction, or other issues that were not directly related to the protests' underlying calls for actions— in a bid to repress the activists in the moment and to threaten future protest action. However, these attempts were not able stop to the protestors, or the future positive responses from high court and national officials.

Response to the pleas

Court ruling

In response to the anti-dignity case, Judge Erasmus of Western Cape High Court said that the unenclosed toilets are a question of human dignity and privacy and he called for the City to provide legitimate enclosures. The City acted on this request, but before

conceding, officials argued that they were not actually operating outside of their governmental agreement, which requires them to provide *adequate* toilets and sanitation for their residents. Nonetheless, the Western High Court contended that the present conditions were in violation of Khayelitsha resident's Constitutional rights and therefore must be changed.

Symbolic settlement

The ambiguity in the laws surrounding this issue, as well as the vagueness of Judge Erasmus' court order hindered the urgency and scope of the City's response, but in spite of that, the issue was still eventually dealt with to some degree. Furthermore, the aforementioned march also promoted the mayor of Cape Town to provide money to hire janitors, but the horrid working conditions led to further unrest. One of the most effective responses (or that which could potentially become the most effective response) was put forth in September 2011, when Tokyo m Sexwale (the Minister for Human Settlements) appointed Winnie Mandela to head a newfound national task team to investigate the issue of open toilets throughout South Africa (Robins 2014 484). This response may have begun as a symbolic settlement, but it also has the potential to make wide sweeping changes in line with the social movement's pleas.

BACKLASH

Summary of variable's operationalization

Backlash is typically seen when the White hegemony feels threatened by elite responses in favor of social movement pleas. Backlash can be understood as motions presented that promote racially biased policies (protective of Whites) in order to push

back newly suggested, racially positive policies. It may also materialize as the introduction of new policies that could make the egalitarian policy null, or may even be understood as the speaking out against concessions before they become policy

The Rodney King Case:

Two types of backlash

“Pro-police” claims, or excuses for police violence, as well as claims against federal intervention can all be understood as backlash in reference to the Rodney King case. The former includes claims that race-conscious advocates are “‘soft on crime,’ particularly crime by nonwhites” (King and Smith 2011). While the latter includes assertions made around dissatisfaction for the *process* by which this mandate determines if a police officer has acted wrongfully. In response to the mandate, many people (especially conservative congressmen) spoke out with claims stating that the federal government is not the appropriate level of government for dealing with local issues regarding law enforcement, and that repercussions for police brutality should be dealt with on the local level.

Minor backlash overall

Backlash to this *policy* in particular has been remarkably mild, but nonetheless, action against racially biased policing and crime control has generated significant debate. The minimal racial backlash to the policy itself can likely be attributed to the fact that, not only is the concession made by the bill minor, but also that the Act itself received very little public attention. In fact the Rodney King case at-large was discussed

surprisingly little in the following 1992 election, despite the heavy emphasis on anti-crime and other law enforcement issues throughout the campaign.¹¹⁹

Federal argument

The primary *backlash* against the bill features arguments against federal government intervention in local issues. Simmons (2008) claims that in general the law does not follow ideal democratic processes because the actors who are most significantly affected by the problems that the law sets out to rectify are not involved in the resolution process. The law allows the Attorney General to pursue injunctive relief for *patterns* of police misconduct; ultimately giving the federal government the ability to intervene in local affairs regarding police misconduct, especially regarding acts of abuse. The federal input is given in an attempt to deal with issues on a grander scale, the systemic level.

“Rather than initiate lawsuits to reform the agencies, DOJ’s current strategy is to negotiate reforms using a process that involves only DOJ representatives, municipality, officials, and police management officials.” Simmons (2008) also critiques the law for potentially compromising the police-community partnership further because it fails to involve the rank-and-file police or the community in its negotiations (this may also simply be due to the limited impact of the law that I discussed above in terms of elite response).

¹¹⁹ “The intertwining race and criminal justice policies in American history is long-standing. Antebellum pro-slavery southerners resisted penitentiaries in part because abolitionists favored them as preferable to permanent servitude. Hard-line Jim Crow supporters favored the convict leasing system in the early twentieth century to control Blacks and boost the southern economy. Moderate racial Progressives thought rehabilitative prisons might help to ‘uplift’ African Americans. At the national level, as we have seen, segregationists and anti-segregationists warred over the creation of federal anti-lynching laws throughout the New Deal” (King and Smith 2011 219).

Positive feedback

However, the response to the bill, however minimal, has been predominately positive. Administrative reforms have been accepted as the next step toward dismantling the injustice that pervades the law enforcement system. And, the backlash to this mandate does not seem to have been able to make a significant impact on the actual implementation of the law. However, the full impact remains to be seen considering there have been relatively few (and most of which have been underpublicized) negotiations under this statute.

Backlash to police brutality efforts at-large

Backlash regarding police brutality, however, was potent in 1993 and continues to persist today, which may have actually hindered (by anticipation) more major concessions from first transpiring. In 1992, the Democratic Party's platform stressed "that crime is not only a symptom but also a major cause of the worsening poverty and demoralization that afflicts inner city communities," but they were also in favor of increasing the number of police officers and extending the death penalty. This contradiction may help to explain why the concession was so minor, and consequently why there seemed to be so little White backlash. The police brutality section was a small component of an already fairly conservative bill. Interestingly, despite this clear shift to the center under President Clinton, Republican opponents maintained that the Democrat's stances had *not* dramatically changed (King and Smith 2011).

THE TOILET WARS CASE:

Opposition party backlash

The most relevant “backlash” responses made during the toilet wars were even less overtly racially charged than those made in the U.S. case. The most significant backlash, or that which is most commonly identified by the media, was put forth by the DA in response to the concessions made by ANC policy elites. However, this backlash primarily pointed towards claims against the positive responses to the pleas that were voiced during toilet wars, especially the responses that required action by the DA.

In particular, the DA made claims that the ANCYL was trying to destabilize their upcoming campaign and was personally attacking their official positions by propagating a nonissue (Phakathi 2012). Hellen Zille, the DA premier for the Western Cape region, claimed that the ANC protests in her region are purposefully trying to inhibit service delivery to Cape Town. The Western Cape, as previously noted, is the only province in South Africa that is ruled by the opposition party. This province also has notably deep class and wealth disparities that are directly associated with racial divisions. (See table)

Table 6: Average household incomes in the Western Cape

	Agricultural households					Non-agricultural households				
	African	Coloured	Asian	White	Total	African	Coloured	Asian	White	Total
City of CPT	11,516	76,524		264,825	63,968	35,378	70,298	110,954	174,911	90,132
West Coast	10,947	21,470		63,346	24,454	23,149	54,892		143,582	63,269
Boland	15,410	22,529		175,026	33,639	40,756	39,581	58,492	133,113	69,583
Central Karoo		13,660			13,660	5,880	32,542		21,920	30,819
Eden	18,834	21,350		102,514	27,348	22,139	36,169		148,393	36,341
Overberg	15,774	23,130		146,404	41,224	19,711	35,762		130,509	71,499
Provincial average	14,773	28,108		146,935	35,851	33,449	60,735	105,708	165,320	80,392
National average	15,014	24,250	132,816	282,151	26,612	29,777	57,284	88,642	166,100	49,990

Figure 5: Average household incomes in the Western Cape (Elsenburg 2005 7)

Whites lead the DA, according to Seale (2012), “it would be fair to call the DA a White-led party, but you would be mistaken if you called it a White party” seeing as its Black membership has begun to rise (although the leadership of the party, especially in relation to my theory is the primary determinant of policy outcomes). This political party was seemingly responsive to the pleas of the social movement, at the time of the movement but also tended to react with contention that led to hesitation and protracted action (especially to the requests made by national-level elite, usually members of the ANC). South Africa’s service delivery operations are far more defective, meaning they are less stable, provide fewer services, are less timely, and are overall less adequate, in the country’s already more vulnerable regions (especially informal townships). And furthermore, these regions (which are predominantly Black; see conversation on legacy of Apartheid mapping above) also bear the greatest costs for poor service delivery because they more heavily rely on this state-funded service for survival (Bond 2004).

Racial claims

More racially charged backlash-laden claims also arose during the toilet wars, but from a broader association of people (who are not necessarily linked to a single political party): “South Africa is all about the Black people now” (Malala 2012). One man in particular stated, “This government that’s in power does not care about us White people... As a White person I feel alienated from the government. Politicians tell us that we are a ‘rainbow nation’ and yet discriminate against us with their pro-Black policies. How is that different from Apartheid?” (Malala 2012). These assertions against racially positive policies have historically been made in opposition to the types of issues focused on in the Reconstruction Development Programme (RDP) such as minimizing economic

inequities, reconciling past overtly racist education policies, and especially expanding social services (such as basic service delivery).¹²⁰ Today, Blacks are privileged in very minor ways such as assisted access to government jobs rather than in more important ways such as basic service delivery (or even equitable service delivery). Thus, because these Black biases are minor and Whites have continued to maintain more major structural biases, they also maintain power. The White working class backlash in South Africa is typically in relation to their intermediary positioning whereby they are not receiving additional protection from the government (such that lower class people receive) or the corporations (such that upper class people have) (Marx 1996). This resentment is heightened in times that the government makes, even minor, concessions in favor of lower class (and typically Black) South Africans.

LEVEL OF CHANGE IN HIERARCHY

Summary of variable's operationalization

My final variable, the variable that will be impacted by each of the aforementioned variables' progression and influence, and ultimately that which I am aiming to assess, is the level of change in hierarchy that results from the social movement actions that took place. A change in the hierarchy will be assessed by both the political and societal measures that ultimately affect the overall inclusiveness of society—both the social relegation of peoples to the edges of society as well as the policies that reflect

¹²⁰ The RDP takes on both socialist and neo-liberal qualities in an attempt to address the economic state of South Africa as a crucial component to the country's transformation to democracy. It was implemented in 1994 during Nelson Mandela's administration (Padayachee 20005).

inclusiveness. Thus, both positive policy shifts as well as an overall increase in racially positive social actions must be assessed in order to determine if a comprehensive alteration has been made to the hierarchy. I will be evaluating if Whites' responses to inclusive policies have changed as well as if the contemporary issues on the national agenda reflect changes in contemporary problems.¹²¹ The presiding administrations' ideological viewpoints may also indicate a change in hierarchy; not only in whether or not racially biased policies are being presented and passed, but also if racially biased political elites are being elected into office in the first place. Importantly, the level of change will vary from a complete shift in the hierarchy to more subtle shifts that may affect the entirety of society or just particular aspects depending on the elite's response.

THE RODNEY KING CASE:

In the Rodney King case, the legislation that was put forth in response to the LA Riots (and other social movement actions throughout the case) clearly addresses at least one of the key underlying issues related to ongoing patterns and practices of police misconduct. It attempts to remedy the issue within the police departments themselves by putting forth a national policy that all police departments theoretically must adhere to. This mandate strives to fix the underlying network related to the problem of police brutality by having created a new system of redress that threatens intervention from the top-down. As such, the mandate does not necessarily set standards that are disseminated

¹²¹ In this regard, it will be necessary to evaluate why an issue is or is not on the national agenda. If the problem is being ignored, repressed, or dealt with, or if the problem has been dealt with and has since become a non-issue.

to all, but rather through the process it sets forth (investigation and redress for individual police departments), individualized standards are set.

This top-down policy prescription was the response to a bottom-up social movement. As I hypothesized, bottom-up social movements are more likely to lead to a weakening of the racial hierarchy because they are *more* representative of the community's grievances than are top-down movements. In order to shift public perception, which is a primary component to the functioning of racial hierarchies, it is crucial to understand the predominant ideologies that are dictating public opinion and consequent actions. By taking heed of the affected community's grievances, (personally and with regard to their public interactions) more adequate and consequently sustainable change may take place.

However, in order to create a complete shift in the hierarchy, we must address the issues that have also *led* to police brutality; the issues within the social, political, and economic structures of society that allow for racists' wrongdoings to appear permissible in any manner. This ideal level of change likely will not materialize from a single set of responses to a single episode or movement. Numerous movements that all express varying types and degrees of grievance related to Black subjectivity must take place in order to affect the system in its entirety, but each single movement is still relevant to and necessary for larger-scale change.

The individual occurrences within a single social movement that will lead to some measure of weakening the racial hierarchy are provided by each of my aforementioned variables: A group's grievances must be relayed to the political elite, oftentimes through social movement actions. The political elite then responds to these grievances, but are

heavily conditioned by the level of electoral stability during that time, which may lead to backlash, but will also ultimately affect the hierarchy in some capacity.¹²² In order to determine the impact that the movement associated with Rodney King had on the hierarchical system, we must assess the impact of Section 14141 on society, as well as the impact that the precipitating event had on individuals' understanding of police brutality as it relates to the racial hierarchy.¹²³

The pattern of excessive force against African Americans by police officers is an issue that must be addressed directly, but the elite response ought to also deal with the underscoring issues that lead to this excessive force in order to foresee changes in America's racial hierarchy. For instance, in 1967, racial liberals insisted that "Americans best hope for preventing crime and delinquency..." means "strengthening families 'often shattered by the grinding pressures of urban slums,' more resources to "slum schools" and "enlarging economic opportunities" for all (King and Smith 2011 221). Furthermore, political elites need to also address the frame of mind that police officers must operate under in order to willingly abuse citizens, especially at an increased rate due to racial biases (potentially through training).

In 1992, after the Rodney King incident, 34 percent of Whites surveyed by Siegelman et al (1997) claimed that discrimination is a cause of racial disparities, compared to 94 percent of Blacks. Before the incident, 36 percent of Whites thought discrimination was a cause of racial disparities, while 77 percent of Blacks thought so. Also, when asked if they approve of police striking an adult, 77 percent of Whites

¹²² This understanding can also be applied to the Toilet Wars case.

¹²³ Or if the Rodney King incident brought to light other racially biased issues outside of police brutality.

disapproved pre-incident (67 percent post-incident) and 48 percent of Blacks pre-incident (36 percent of Blacks post-incident). Today, there is a general pessimism amongst the Black community regarding the future of race relations. Following the acquittal of George Zimmerman after the death of Trayvon Martin, this pessimism became even more severe. 41 percent of Blacks and 67 percent of Whites said they were very or somewhat satisfied with Black treatment in the United States. (Previous to the Trayvon Martin case, 47 percent of Blacks said that they were very or somewhat satisfied with Black treatment in the United States) (Gallup 2014). Thus, the catalyzing events picked up by the media can both help create and further instill a sense of Black subjectivity, and decrease optimism for the future of race relations. Also evident by this data, typically following media-focused events both Whites and Blacks are more likely to understand the overall issue of racial bias in the United States, but nonetheless the policy prescription and appreciation for the structural ailments faced by the Black community remain split.

The featured law of this case study is notably mild in comparison to the relevance of and copious amounts of police brutality that American citizens face. But, political leaders have the power to put forth laws that can dramatically impact the lives of their constituents, and ultimately alter the system, which would simultaneously affect society.¹²⁴ However, these legislative decisions are greatly affected by the stability of the

¹²⁴ For more dramatic hierarchical shifts away from racial biases, systemic changes must be able to influence the individual's frame of mind and consequently their actions. For the U.S. case, we must rectify the issue of racial bias on an individual level, and seek justice for those who have been affected by the misgivings of a racist society, including police brutality itself. Wrongdoers must be penalized for their actions in order to ensure that the offenders take responsibility for their actions and to also promote reluctance amongst other racist acts. Innocent officers should not be penalized, but all officers

electorate when the decisions are being made (the moment that they are responding to the public's grievances). In 1992, the electorate was in flux due to the lack of resolve within the growing ethnic coalition, the shifting racial alliances and the dramatic shifts in party power with the election of President Clinton and the Democrat's subsequent loss of congressional power. Each of these factors likely impacted the scale and type of decisions made in response to the Rodney King case (i.e. the passage of The Police Accountability Act).

Carmines and Stimson (1986) writes, "The role of the electorate in issue evolution is to respond to some issues and not to others. The process is analogous to the nature selection of the biological world. Elites provide cues about issue definition. Many in number, complex, and contradictory, most are seeds on fallow ground, ignited by an inattentive electorate" (915). The various elite reactions to the Rodney King case provided minor concessions at best, with many other measures thwarted by mere symbolic response. However, I maintain that a level of change in the racial hierarchy must be sought in both the social and the political spheres of society, and that there is power in numerous more minor movements (and minor responses) with similar aims, as well as in each of these movements themselves, outside of the policy response.

Even though the mandate was mild and underpublicized, it is important to recognize the feat of nonetheless having it passed. Because it was codified into law, its impact can grow over time and through endless new applications (for example in Cincinnati, Ohio in 2002). Furthermore, the precipitating events that eventually led to the

should be subject to a system that provides adequate training and proper redress in order to ensure an end to police brutality.

social movement actions around the Rodney King incident garnered both individual and collective societal responses, as well as elite responses. This collective pursuit and heightened understanding of police brutality as consequential to society at large further illustrates the advantage to grassroots social movements, as opposed to top-down movements, because even though the elite's response was relatively mild, the movement still led to public discourse around the problem, which may continue to have incremental impact over time. This positive action however must also be considered in conjunction with the also growing use of policing such as stop and frisk and broken windows acts of today. The conversation around racial inequities has certainly increased in prevalence, but police brutality does not seem to have significantly declined since Rodney King as explicated by the aforementioned Trayvon Martin public opinion data. In fact, according to "a recent report by the Youth Justice Coalition, a California-based organization working to reform Los Angeles' juvenile justice system" it has actually increased. "[This organization] found that the percentage of homicides carried out by police in Los Angeles county more than doubled from 3 to 7 percent between 2000 and 2014" (Lewis 2014).¹²⁵

However, the issues with data capture regarding police brutality continue to serve as impediments for fully grasping the state of police brutality today, and over time. Nonetheless anecdotal accounts as well as media records appear to suggest that the issue prevails. As such, the movement around the Rodney King incident in particular, or even police brutality at-large, appears to have been unable to sustain throughout the years from

¹²⁵ "Since 2007, when community violence began to decline significantly, law enforcement use of deadly force resulting in homicide as a percentage of all homicides has doubled to between 4 and 8%, averaging 6% with a total of 314 deaths" (Youth Justice Coalition 2014).

1992 to now. In fact, in the past year, since the media has once again picked up the issue, new social movement actions against police brutality have spurred. Without adequate organization however, I argue these grievances will once again face the fleeting cyclical routine of news coverage and consequently fail to continually bring about change. Incremental change brought about by a movement may lead to significant social shifts so long as the movement is sustained over time.

THE TOILET WARS CASE:

The toilet wars clearly garnered numerous responses from political elites at varying levels (including municipality, province, central, and judicial). However little *new* formal legislation was enacted. For the most part, there was already fairly comprehensive legislation in place that addressed the grievances put forth by the protestors, but unfortunately there was a lack of faithful implementation of older legislative promises. These various mandates (especially within the constitution) helped to heighten the perception of grievance in townships, which further incited social movement actions, along with the aforementioned precipitating events. These mandates were also frequently referenced in the political elites' responses to social movement pleas. For example, Judge Erasmus' made numerous calls for the City to act in protection of its citizen's constitutionally and state-sanctioned rights.

The politician's responses were also clearly conditioned by the level of electoral stability; the protests transpired at the onset of municipal elections, and thus garnered additional elite attention. Unfortunately, however, many of the promises made were not carried out or brought to completion, and instead were shallow attempts to maintain and vie for political power. Nonetheless, the movement did reach the national agenda, and

was able to cultivate far-reaching support that has continued to be built upon since.¹²⁶

Minor concessions and numerous symbolic responses primarily made up the elite reaction to the toilet wars. However, like in the Rodney King case, the potential for bottom-up movements to garner a broad base of public support was also capitalized on and the issues surrounding the toilet wars were made abundantly clear across the nation. Political elites were able to see their constituents' concerns in a new light through the social movement actions put forth, and individual as well as collective societal support was captured (at least within certain communities).

The ruling elite plays a significant role in how racial hierarchies appear, and when new light is cast upon their citizen's grievances, they should make moves that address these grievances (although I concede that state of electoral stability will inform these moves).¹²⁷ A change in hierarchy may be most effected by the ruling elite's ideologies (or shifts in their ideologies) as well as their subsequent promotion and proper implementation of existing mandates.

In the Toilet Wars case, the elite response was especially *symbolic*; it failed to provide any serious policy reform. Policy "reform," considered separately as the writing of new policy, was less of a demand in the South African case because adequate policy did exist. Unlike in the U.S., this social movement aimed to engage with the problems

¹²⁶ Amongst those that responded to the toilet wars are, the Western Cape High Court; the Human Rights Commission; various political representatives; various social movement activists; other service delivery protestors; the mass media, and the Bill and Melinda Gates Foundation.

¹²⁷ Many of the reasons for change (and lack of change) in the level of hierarchy that I discussed in the Rodney King case run parallel to the toilet wars case.

surrounding the lack of full and proper implementation of these policies. But, nonetheless the largely symbolic responses proffered did not have an immediate impact on policy reform (in either sense). However, I still maintain that symbolic actions may eventually be able inspire these new social ideologies, and lead to grater change over time. Incremental changes over a long period of time may in fact be able to create societal shifts, but in order for this to happen, citizens must trust their political leaders.

The political system and the leaders therein can have a significant impact on people's perceptions, especially in South Africa because citizens, broadly speaking, are inclined to put their faith in the ANC. Political leaders control policies that may help individuals or groups of people seize opportunities, which could potentially make society more economically and politically equitable. Political leaders can also promote a particular ideology of equality and make political decisions based on that ideology. I argue that if society were actually more equal, and not gradated and by class as it relates to race, related hostility would recede. Leaders in democratic societies must inspire and promote policies that are no longer reflective of racial biases. They should also subscribe to ideologies that will lead the public to believe that equality is best for themselves and their community, which would lead to improved social interactions, less backlash, more racially-positive policies overall, and thus greater equality.¹²⁸

Although South Africa is still divided, the service delivery movement has remained resilient, and continues to promote social movement actions today. Social movements in South Africa are a healthy phenomenon that benefit from an overall

¹²⁸ This should be the case for all democratic societies, not just South Africa.

dedicated sense of organization. The ANCYL and the SJC provide this underlying organization for the movement.

VIII. CONCLUSION AND RESULTS

I entered this project assuming that the connection between social movements and a change in racial hierarchy would follow a certain path. Granted, I anticipated that this path would not be linear, hence my choice to use case studies to explore this relationship in greater depth, but I was surprised by which variables in my theory held more weight in determining the final outcome of the case (which I posited as a change in hierarchy), and which variables merged with or were more influential to the outcome of proceeding variables. For example, I did not expect that in general White backlash played a much smaller role in altering other variables' processes, than elite stability, which severely conditioned elite response and thus was also consequential to the outcome of my dependent variable. I operationalized my dependent variable to be twofold: to express changes in both political and social actions.

The factors that produced a direct response from my dependent variable differed at various points during the accounts of the two case studies. For example, at times *elite response* proved to be the most potent means for producing a reaction from my dependent variable, while at other times it appeared that the *social movement actions* themselves had the greatest influence. As such, I have come to discover that a change in the hierarchy, in fact, will be met with the unification of each of my variables, at various times. In order to ultimately create social change, society writ-large as well as political elite must be willing to (or potentially forced to) subscribe to the shift. In this section, I intend to clarify some of the primary themes that emerged in my case study analysis by juxtaposing my theory with findings and examples to support claims for why these themes are relevant.

Conducting a comparative case study was the most useful means for testing my theory to

determine if the occurrences related to social movements that led to a change in hierarchy in one country would also lead to a change in hierarchy for another. In this section, I aim to discuss how social movements can and cannot serve as positive means for weakening racial hierarchies based on the findings I presented in my previous analyses.

OVERVIEW OF PROJECT

The goal of this project was ultimately to determine if social movements could actually be a force in weakening racial hierarchies, and if so, what conditions must be present for this to occur. In order to properly interrogate this question it was crucial to develop a comprehensive understanding around the conventions of social movements as well as the function of and nuances surrounding the racial hierarchies within the two countries that I aimed to compare. To develop an understanding of the arena in which social movements exist; what leads to social movements; who is impacted by social movements; what potential effects they may have, and the function they serve in society, I reviewed the theories put forth by a sample of the most influential social movement theorists (some of whom also focused on the role of race in particular). Then, to develop an understanding of the racial hierarchies in these two countries, I pursued an in-depth historical analysis of how the racial systems have evolved, how the function of each hierarchy has evolved throughout history, as well as the various influences that have historically gained leverage to weaken the respective hierarchies. After this it was necessary to delve into contemporary race relations, post-institutionalized racism, in order to apply my theory to modern day situations. In order to accurately depict the role of race in contemporary U.S. and South Africa, I chose to interrogate an aspect of each society that remains disproportionately racialized.

For the United States, I looked at police-minority relations, and in particular the police brutality that occurred in the Rodney King case of 1992. For South Africa, I looked at service delivery, and in particular poor service delivery to the townships in the Western Cape, with an emphasis on the unenclosed toilets that led to protest in 2011. Choosing to conduct case studies as my method of analysis allowed me to pick two cases that were especially relevant to what I aimed to test: issues that are generating protest and are also racially charged.

PRIMARY LESSON LEARNED

Broadly speaking, in South Africa the change in hierarchy that resulted from the Toilet War movement was primarily restricted to one component of my dependent variable; an increase in social awareness around service delivery issues. In this case, the Toilet War's primary social movement actions transpired prior to an upcoming nationwide municipal election, which created instability amongst the elite, thus conditioning their response to the movement's pleas. The political component of the response therefore remained largely symbolic, and provided few tangible changes to policy implementation related to service delivery. The movement itself, as well as the elites' responses were also informed by the fact that comprehensive policy related to proper service delivery was already enacted in South Africa, but was largely not carried out. As such, the development perceived grievances for this case was a much more expedient process than for the U.S. case because the necessary policies were already codified (and constitutionally-bound), which lent to individuals' understanding that service delivery was *owed* to them by virtue of their South African citizenship. In both cases, a precipitating event, either the anti-dignity toilet case with the dissemination of the images

depicting unenclosed toilets (South Africa), or the spread of the video depicting Rodney King's beating (U.S.), sparked a renewed sense of grievance in both societies, which led to the social movement actions.

The production of collective identity also varied greatly between my two cases. In South Africa, because the problem was public and affected entire townships in a similar manner, the collective identity developed out of community-held grievances. However, with the U.S. case, the issue of police brutality is much more private, more so pointed at individuals, and far less recognized by current policies, which made the process of developing a collective identity less straight forward. Also, unlike the South African case, the change in hierarchy that resulted in the Rodney King case was more politically and legislatively charged than socially altering. Like in the South Africa case, however, the elite response to the movement was deeply conditioned by instability amongst the elite during the time of action. The instability in the U.S. was related to changing coalitions and attempts at capturing both the ethnic and White-working class support. This had a profound effect on the elite's willingness to respond due to the racial and ideological implications associated with issues of police brutality and crime. The system (especially influenced by President Clinton) made minor concessions in response to the social movement, and was able to adopt new, but mild legislation that attempted to address to the "patterns and practices" related to police brutality.

In both cases, I found that the hierarchy would only *significantly* alter when the elite response captured both the problems' symptoms, and its underlying causes. For example, by enacting of Section 14141, the issue of police brutality is dealt with directly through the investigations and subsequent recommendations made to police departments

to change the patterns and practices that led to the brutality within the department in the first place. But, this elite response comprehensively failed to also consider more positive motions for addressing the underlying racial inequalities within the system that may have *led* to increased rates of crime amongst the Black community,¹²⁹ or the occasionally negative perception of race held by police officers both of which likely compounded to have led to such unequal rates of abuse against the Black community as compared to the White community. The underlying issues that have led to disproportionate rates of poverty must also be dealt with. This poverty manifests as higher crime rates for Black Americans and poor service delivery for Black South Africans.¹³⁰ As such, when these underlying social issues that further the cleavages within society are dealt with, race may become less of a distinguishing factor. Furthermore, I maintain that the that policy changes that manifest from social movements, or otherwise communicated public will, are more durable than those born out of intra-elite communication alone because the latter is more likely to neglect some of the important implications that such decisions may hold for the public.

COMPARABILITY OF THE TWO COUNTRIES AND CASES

History

Both countries underwent historical activity that led to mandated racial segregation that has continued to affect their modern-day social and political systems.

¹²⁹ This is being attributed more and more to the poverty that also jeopardizes this community's chances for success.

¹³⁰ A result of the enduring aspects of Apartheid segregated townships.

Despite policies and efforts to move past these discriminatory systems, the political and social structures that articulate the culture of each of these societies are still imbued with racism and structural inequalities. South Africa and the United States serve as excellent countries for comparison within the parameters of my project because as Marx (1996) claims, “in South Africa and the United States, we see official racial ideology, imposed categories of segregation and conflict and only recent dismantling of legal discrimination” (181). And I argue that even the legal dismantling that appears to have taken place in these two states has not yet fully breached the social world; thus further social dismantling is necessary for the legislative dismantling to hold any credence.¹³¹ I am positing social movements as a positive force to help further solidify the legal dismantling and also promote social dismantling for these two democratic, post-institutionally racist societies.

Contemporary

Police brutality and service delivery are both localized issues that are present throughout their respective countries and also reflect systemic problems, which must be resolved on the national level. Police brutality takes place in individual cases all across the nation, and is generally addressed by community-level by local police departments, while service delivery issues also take place across South Africa and affect the individual (as well as the community) directly, and are addressed on the municipal level of governance. Because these two issues are system-wide, they both must be tackled by

¹³¹ Marx argues that: Race-differences have bred conflict over time, and led to social and economic disparities. Race inequalities are not necessarily based on minority populations; deprivation may rest with the majority in a society as well (180).

their respective central governments—in order to make sweeping changes that will benefit all of those affected by the related issues.

These two cases are further apt for comparison because not only are police brutality and service delivery the two most galvanizing issues that led have to social movements for each of these states, but they are also both deeply entrenched in the past political relevancy of the racial hierarchy (in policy, mindset, and structural framework).

PERCEPTION OF RACE TODAY

I maintain that social movements will be a force in prompting each of these post-institutionally racist societies to realize the next level of inclusion for all of their people. At this point, without racism *formally* institutionalized, the institutions and structures that carry the legacies of the Jim Crow and Apartheid eras that perpetuate racial divisions today. For example geographical delineations that historically mapped South Africans based on race and quarantined particular groups to specific townships have continued to delineate the racially segregated communities of today, which has contributed to the racial underpinnings of contemporary service delivery issues.

These persisting racial conflicts also craft the basis for future inter-race relations. For example police brutality has alienated people by virtue of their race and has led to the further development of tension between some communities and bonds between others (Adler 2010). Individuals' actions and thoughts, which are influenced by these institutions, also contribute to maintaining social divisions based on race. In order to weaken the hierarchy in its current state, *corrective* policy must be implemented; once political elites perceive a shift in the social sphere that indicates a demand for change, they will pursue more corrective policies. Furthermore, social movements are a

productive means for communicating this demand, as seen in both Toilet Wars case and the Rodney King case, and thus may be a force in weakening the current racial hierarchy.

Social movements as intermediary got politics and public

Social movements operate at the point where political and social change converge. They may thus facilitate weakening the racial hierarchy, as it exists in both social and government affairs by demonstrating the public's views (especially the marginalized public), and seeking to establish political attention and responses for their concerns. The social movement itself may also be able to increase public attention to the problem at hand, which will lead to an improved understanding of the problem as the marginalized group deals it with. For example, immediately before the Rodney King incident, 77 percent of surveyed Whites approved of police striking adult, but the first week after the incident there was a 12 percent drop in approval; 65 percent approved (Sigelman et al. 1997 788).¹³² "The percentage of White respondents taking a 'hard' line fluctuated somewhat from week to week after the incident, but never approached the 77 percent level of the pre-incident period" (788). However, the incident itself will not necessarily lead to a lasting and positive social attention and response, the movement born out of the incident must capitalize on the shift in public perceptions that immediately follow such incidents, and should utilize these moments to advocate for positive shifts in the racial system (both through policy changes and positive development of society's perception of race). Bottom-up movements in particular can advocate for marginalized people's needs (which tend to be and left out of political

¹³² The following week, two weeks after the incident, the number of Whites who approved of police striking adult jumped back up to 71 percent, and subsequently 64 percent approved (Sigelman et al. 1997).

decision-making processes) at the junction of society and policy. Piven (1976) argues that grassroots movements and more *chaotic* or *unorganized* movements are the most apt for disrupting the system and also maintaining the movement's integrity by representing the most marginalized people's voices and steering clear of bureaucratic inefficiency or totalitarian management. The Rodney King incident was largely *chaotic*, but unfortunately this very lack of underlying structure potentially led to the movement's inability to endure over time, hence the once again rejuvenated motions against police brutality in America, starting in 2014, and the numerous examples of police brutality that continue to plague American society and race relations today. Fredrick Harris, a professor of political science at Colombia University discusses the question, "when does a moment become a movement?" in a Washington Post article and interrogates ideas regarding what needs to happen in order for these moments to be capitalized on in ways that will allow their message to endure over time. The article reads,

Events such as the killing of unarmed, 18-year-old Michael Brown in Ferguson, Mo., can provide the moral shock that political movements need to build their ranks and bring attention to a community's afflictions. They can be like the murder of 14-year-old Emmett Till in 1955 or the beating death of Matthew Shepard in 1998 — transformative episodes that remake perceptions and force a society to abandon abhorrent practices. Or they can be like the 1991 beating of Rodney King by Los Angeles police officers: a horrific moment that failed to create a sustained push for broader, nationwide reforms of policing practices.

The uprisings in response to the Rodney King incident were certainly disruptive, and although the movement was not terribly long lasting, the activists were able to get policy elites' attention, and instill some policy for reform (which Harris omitted from his discussion). This policy, although incremental, has contributed to some semblance of change over time. For example, in Cincinnati, Ohio, after the fatal interaction between

Timothy Thomas and a police officer, the city erupted in three days of protest. Following which,

the Justice Department entered into an agreement with police officials in 2002 resulting in a litany of reforms of all facets of the city's use of deadly force protocol – from the wording used in the rule book to the training procedures to the board that reviews police brutality complaints. ‘Crime rates are down, trust of police is up, dialogue between community and the police is very high,’ prominent Cincinnati-based area civil rights attorney Al Gerhardstein said (Shaffer 2014).

In which case, it appears that despite the movement’s expiration, its impact continues to be seen in some ways. I found that in both cases political elite aim to draft policy that embraces the actions and thoughts of their constituents in order to remain in power, thus it is important for the public to advocate for more egalitarian policies so that the elite will respond. When elites perceive a shift in the broadly held ideologies to reflect more integrative social ideals, their policy responses will also reflect such integrative social ideals.

The Toilet Wars movement has itself been more sustaining, but has produced less consequential policy activity. The Toilet Wars movement’s resilience can be attributed to the organizational leadership provided by both the ANCYL and the SJC. These groups also crafted policy goals, which were communicated to political elites through efforts like the march to the Mayor of Cape Town’s office to petition for a “public consultation to discuss the long-term delivery of basic sanitation to all those in need” (Silber 2011). Again, South Africa already had policies instilled in favor of service delivery for all, but unfortunately the political system does not provide for and properly implement these acts. However, the most positive response to the protestor’s pleas regarding this inadequate implementation was made in September 2011, when Tokyo Sexwale (the Minister for

Human Settlements) appointed Winnie Mandela to head a newfound national task team to investigate the issue of open toilets throughout South Africa (Robins 2014 484).

COMMON THEMES:

Elite instability

The level of elite instability at the time of elite response, conditioned all of the responses previously discussed, from those deemed more symbolic to the more tangible claims. This variable even tended to dictate the *degree* of concession that the elites were willing to put forth. For example, in both South Africa and the United States, the politicians' reactions were heavily informed by the timing of the movement in relation to the electoral cycle; they were continually forced to (or chose to) make decisions that would maintain their power, which meant acting with regard for the views held by the coalition they were appealing to and trying to garner votes from (which was not necessarily in line with the movement's pleas). This is especially typical of electoral relations in the U.S. in response to the Rodney King case, President Clinton conceded to the Black community by establishing Section 14141 because as a Democrat, he was seen as the Democratic Party is seen as the predominant political defender of minority community (especially compared to the Republican party). However, his concession also remained *mild* due to his concerted efforts to appeal to the White constituency at this time. Answering to constituents' concerns primarily to help prolong one's own political power also remained true in the South African case because, even though party politics

are strikingly different in South Africa,¹³³ I studied the single province that is most affected by dueling parties. As such the DA was forced to respond to the public's grievances, as well as court rulings, in order to sustain their political power and remain in office. Bosch (2010) writes,

In a country with a poverty rate of more than 40 percent and an official unemployment rate of 24 percent, it's easy to see why both the DA and the ANC would spend so much time talking about toilets. Sanitation is just one of the basic services – along with electricity, drinking water, schools, and basic housing – that have been promised to the nation's poor. Pleasing those people wins votes; but failing that, turning them against one's enemy can be also be rewarding.

The government should have been promoting particular actions to provide for and uphold their citizens basic human rights, but these efforts were convoluted by individual and political party-related pursuits of power, which led to largely inadequate responses to the marginalized people's concerns.

In both cases, had there been a more egalitarian ethos throughout society, politicians would have been less inclined to compromise egalitarian beliefs, or perhaps they would even have been able to promote egalitarian views as a mechanism for attracting more constituent's votes. In this scenario it would be necessary to reach a consensual understanding that equality benefits the *overall* health of society. In order to get to this point, the various coalitions that make up the electorate would have to be in full support of disbanding racial inequality, or at the very least are not distinguishing one another according to race; by expanding our notions of national identity and national unity, we become closer to fulfilling this prophecy(see Frymer 2005).

¹³³ The ANC's authority has remained largely uncontested since the first democratic elections of 1994.

Media

Social movements, if nothing else, may be able to attract far-reaching (potentially national) attention to societal issues that could demonstrate fragments in the current state of national cohesion. In both the U.S. and South African cases, the social movements that I examined were able to heighten the elite's and the society's exposure to their respective concerns and acquired national attention for their causes. The media played an extremely consequential role in shedding even more light on these causes to help broaden each the movements' reach.

The footage and images that first attracted media attention provided less disputable evidence (than individual accounts would have provided) for the extraordinary circumstances faced by Black communities in both the U.S. and South Africa. This, in turn, helped to make the problems appear more blatant for a broader audience's grasp. In South Africa, this was done through the dissemination of images of the unenclosed toilets in Khayelitsha, which exposed state violence and neglect for human dignity. In the U.S., this was done through the constant looping of George Holiday's video of the Rodney King beating, which brought to light the heinous acts committed by some police officers particularly against Black citizens. The footage of these two incidents garnered far-reaching support because they indisputably portrayed appalling circumstances and were more easily grasped by the broader public than statistics or reports, which tend to be harder to relate to. Both cases provided emblems of racial inequities for the movements to rally around (police brutality and unenclosed toilets).

Progress remains to be had

However, both cases also demonstrate that despite the heavy media focus, neither issue has seen grandiose change and ultimately racial inequities persist in the U.S. and South Africa—generally speaking and with regard to police brutality and service delivery in particular. Aubrey Matshiqi, a senior political analyst at the Center for Policy Studies in Johannesburg says, “The larger issue here is the constitutional right, and one of the most important rights, to dignity, and the way in which toilets were provided were an aberration of that right” (Baldauf 2010), and thus essential progress remains to be had; the state must start acting with regard for and in an effort to uphold the rights and dignity of all South African people. In order to achieve this, resources must be reallocated more equitably, without regard for the state mapping that literally placed particular races on the margins of society.

Likewise, in the U.S. the Rodney King movement led to subtle policy changes, which have important implications for police brutality and the future of police-related violence in America, but unfortunately sweeping change remains to be had, as is evidence by the more recent episodes of police brutality were revealed by the media in 2014. The law written in response to the Rodney King episode (Section 14141) has celebrated some success, such as Cincinnati, Ohio’s markedly improved police relations, which resulted when the U.S. Attorney General initiated “structural reform litigation” as outlined by Section 14141 (Rushin 2014). But still police brutality and tension within police-minority relations remain. Furthermore, Rushin (2014) finds that “the DOJ has historically underenforced Section 14141, due in part to resource limitations that prevent the agency from aggressively pursuing all reported cases of systemic misconduct” (3189). It appears that when implemented, Section 14141 has been successful, but Rushin (2014)

suggests that in order to make the grandiose changes that I am referring to, the DOJ should adopt a “more transparent internal case selection process that incentivizes proactive reform in local police agencies” (3189). Rushin (2014) also addressed the media influence in the Rodney King case, he states “The Rodney King beating would likely never have become a national story without the amateur camera work of George Holliday...” the video ignited a public outcry, “observers across the country immediately condemned the behavior of the officers involved in the King beating” (3209) but the uproar has largely subsided. The aforementioned Sigelman et al. (1997) article demonstrates that White respondents have not departed back to the previous rates of approval for police brutality since the Rodney King incident, but that the numbers still remain strikingly high; A CBS News Poll conducted in 2014 found that only 28 percent of Whites “think that police are too quick to use deadly force, or do not typically only use deadly force when necessary,” juxtaposed to 74 percent of Blacks.

DIVERGENT THEMES

Race

One of the most striking differences between my two cases is the perception of race in each society. In South Africa, the political system is primarily comprised of Black South African representatives, and thus the perception of racial bias materializes differently than in the U.S., where race inequities are more easily recognized in a disproportionately White political system. Both societies experience high rates of poverty within their Black communities, but South Africa largely tends to subsume racial inequalities with class-based grievances, whereas in the U.S. the two issues are more

commonly perceived to be linked.¹³⁴ Still, in almost all societies, protests are seen to erupt when the political system fails to provide for its citizens' needs, which remains true for both of my societies of inquiry. This notion also contributes to my justification for choosing to analyze two different types of protests (rather than studying police brutality in both cases or service delivery in both cases). If protests are reflective of a society's predominant concerns then perhaps they also reflect the state of racial inequity in these two countries, such that one of the primary racial inequities is poor service delivery in South Africa and police brutality in the United States. These two issues also provide more tangible representations of the prevailing racial inequalities that lead to violence more broadly speaking. For example, police brutality and poor service delivery are both indicative of larger inequalities related to how the government treats its Black citizens in general, but are able to provide self-contained evidence of specific issues, which may galvanize a more significant response, as opposed to the more arcane problems such as unemployment rates.

The relationship between class and race in South Africa is actually statistically more striking than that in the U.S. and thus it would make that the protests seen in South Africa are primarily in response to class related issues. This is demonstrated by the South African Reconciliation Barometer which shows "White and Indian/Asian are entirely absent from the lower Living Standard Measure categories" and Whites from the bottom four categories. Whereas "there is a much higher percentage of Black South Africans (relative to the total Black South African population) than any other race group in the

¹³⁴ Race is inextricably linked to class issues, and thus many theorists use similar justification for racial and class-based uprising (see Omi and Winant; Marx 1996).

most economically excluded LSM categories” (Wale 2013 15).¹³⁵ Nonetheless, when surveyed, the Black South African community tended to rank “race” fairly low amongst the most impending structural issues that they continue to face post-Apartheid. I maintain, however, that racial bias is steeped in each of the social and political issues that ranked higher on this barometer: income, disease (HIV and Aids), political parties (and then follows race). Service delivery in particular is also clearly a racialized problem (and ranks high on the barometer) “ANCYL...called the DA’s provision of toilets a human rights violation and an act of racism by the mainly White-led DA city government” (Bosch 2010). Racial biases are imbued in and contributes to the primary societal divisions throughout South Africa, but the public’s perception of the persisting problems are largely informed by their daily interactions.

Perception of grievance, race and culture

In order for social movement actions to transpire, I have posited *perception of grievance* to be a necessary antecedent stipulation. *Perception of grievance* was exposed in strikingly different (and unanticipated) ways between my two cases. Piven (1976) says there must be a perception of lost legitimacy in *the system*, a demand for change, and a resurgence of individual power where people have the sense that they can change their circumstances. Their actions will be informed by a newfound defiance, which is also the base for collective action.

South Africa’s post-Apartheid society is quick to blame the state for issues related to unfulfilled constitutionally given promises and rights such as basic services. In the case

¹³⁵ 35.4% of Black South Africans are in the lowest four LSM categories, 48.2% are in the middle categories and 16.3% are in the highest four categories.

of the Toilet Wars movement, individual's perception that their circumstances were related to a "system failure" was informed by two primary factors. First, the movement was directed by pre-existing underlying leadership that promoted particular interpretations of problem (such as systemic failure) and also because South African citizens, post-Apartheid, have been inundated with political promises for upholding ideals for equality and service delivery to all as a means for ushering in a new South Africa; thus the Khayelitsha residents were given the impression that the *state* was falling short.

Developing this type of understanding is not as simple in the U.S. context. In South Africa, especially post-1994 there is a prevailing collectivist culture that dictates social relations; this notion can be ascribed to the term *Ubuntu*, which is related to the seeing interconnectedness within all of humanity (Shutte 2001).¹³⁶ However, in U.S. the ethos is of a more individualistic nature, Omi and Winant (2014) draw out several conclusions for explaining for how this standard of individualism (which is fundamental to U.S. history and culture) may also lead to the country's persisting racial biases. They posit, the "rise of the neoliberal project," which is "rooted in possessive individualism and worshipful of the 'free market'" (212); discuss the notion that "the American 'civil religion' is individualism, equality, competition, opportunity, and the accessibility of the 'American dream' to all who [strive] for it" (254); and address the "'colorblind theories that racial policies should be guided by principles of individualism, and oppose demands for equality of result" (57). The notion of individualism has also become a persuasive *White backlash* claim against proponents of positive racial agendas, especially those that advocate for developing programs and policies to rectify disparate rates of Black poverty.

¹³⁶ It is most often translated to mean, "I am because we are."

This authoritative notion of individualism in America has largely undercut efforts to develop a sense of Black subjectivity and heightened perception of grievance in the Black community. Nonetheless, when one is able to recognize the subjectiveness of their societal positioning as it related to their socially constructed race, they may be able to alleviate thoughts of personal inadequacy being the cause of their societal position, which would then more likely fuel a social movement.¹³⁷

The moral code related to poverty also varies within each country. In South Africa, post-1994, poverty is again more likely to be seen as a result of State inadequacy, whereas in the U.S. it is more likely to be seen as a personal sin (as influenced by Puritan thought and liberal ideologies), which has made the initial eruption of social movements different for these two cases.¹³⁸ This variation is informed by the aforementioned discussion of individualism versus collectivism and how it relates to perceptions of repression. Poverty may be understood as the consequence of individual's actions or

¹³⁷ “Ann Laura writes... ‘For Foucault, racism is more than an *ad hoc* response to crisis: It is a manifestation of preserved possibilities, the expression of an underlying discourse of permanent social war, nurtured by the biopolitical technologies of crisis in sporadic cleansings. It is internal to the biopolitical state, woven into the weft of the social body, threaded through its fabric” (1995 via Omi and Winant 2014).

¹³⁸ However, Omi and Winant (2014) provide an interesting parallel between the understanding of ethnicity and repression between the U.S. and South Africa by claiming that the settler community in North America has contributed to the “broad cultural orientation” of the country, which have led identity and race to become “deeply intertwined,” especially due to the “English immigrants—and later European ones.” “This militant, authoritarian, Calvinist sect, quite closely related to the Dutch Reformed Church (NHK) of the Afrikaaners, set the basic ethnic pattern in North America. That pattern insistent upon strict doctrinal adherence, individualism, repression (especially sexual repression), and a sort of primitive communitarianism of the elect, generated many of the components of what we not call ‘American exceptionalism’ (24). However, I would argue that this basis for Afrikaaner ideologies that relate to individualism are only the case for perhaps the Afrikaaner elite, and that marginalized Africans have bonded to a collectivist identity.

inadequacy, or as the state's failure to provide for its people. These dichotomous views will inform the expedience of social movement actions. In the United States, not only are the consequences of marginalization perceived on an individual level, but the issue at hand, police brutality is also executed by an individual acting against another individual, which further inhibits the process of mobilizing a collective identity. On the contrary, basic service delivery issues regard a system-wide failing that affects an entire community at one time and in a more collectivist-minded society, which may also be easier to develop a collective identity and motivation of change under.

Local leadership

The type of local leadership that these particular social movements' targeted (aimed to change) (which is not necessarily the political elites that they sought a response from) had a significant effect on the outcome each movement was able to produce. The type of leadership targeted by either social movement correlates to the complexities and difficulties faced by the movement and its activists in their attempt to procure change. For example, improving service delivery requires coordination between the central government, provincial government, and municipalities and the problem is primarily related to inefficiencies within the process of delivery services (which is related to resource distribution that is determined according to racial and class categorization, hence the townships are the most negatively affected). Police brutality on the other hand must be addressed on the individual level and the police department level through civil and criminal cases pursued by the Department of Justice and the problem is related to a blatant disregard for another person.

As noted by Piven (1976), those most deeply affected by a marginalized social positioning are not likely to address the grander social structure in their direct actions, or even motivations; they will most likely be attempting to attract elite attention to their immediate circumstances. In the Toilet Wars case, the movement sought to acquire better sanitation services, which were promised by way of South African citizenship, and the very virtue of human dignity. In the Rodney King case, the movement sought to bring attention to the issue of police brutality in order to garner a response that would put an end to such atrocities, which was to be afforded by way of American citizenship, and the very virtue of humanity. In order to ensure that future people do not suffer from unenclosed toilets and poor sanitation or police brutality, the social movement must be able to elicit a response that leads to changes within the two systems; service delivery and law enforcement. However, in order to ensure that future people do not suffer from racial bias that marginalize their positions in society and materialize in direct forms of abuse that disrespect their dignity, larger structural shifts must address both how race is perceived by society (the public and the elites) and the political processes for which race-related injustices are reprimanded. Change must be sought from the central leadership through to the “street-level bureaucrats,” which may be the most difficult level of leadership to address in a democratic society, because much of these people’s actions are regulated by discretion, and discretion is informed by personal bias.

In order to make sweeping changes that instigate shifts from the central government through to those that are engaging with society directly there must be a broad-based shift in how race is perceived. By enacting mandates that punish abusive acts people would be less likely to act abusively. Eventually, less overtly racist acts (even if

the motivation was initially for fear of punishment) will lead to a less overtly racist society, and potentially a new, less racist ethos over time; if prejudice is removed from the social contract we prescribe to.

CONCLUDING REMARKS

My dependent variable's outcome varied depending on the movement's actions, what each movement aimed to address, and the system that the movement was working within. In the U.S. the level of change in hierarchy was fairly minor, but still significant and satisfied my twofold criterion to an extent. Policy reform materialized in Section 14141, and the public opinion data indicated a shift in both Black people and White people's perception of the injustices faced by the Black community. In South Africa, preliminary structures were built around the toilets, but the ANCYL and the DA primarily continued to use the troubles faced by township residents as political ploys. However, the issue of unenclosed toilets was brought to national attention, which may have led to more understanding between the Blacks and Whites of South Africa,¹³⁹ which according to "contact hypothesis" may improve social bonds between these two communities, over time (Gibson 2005). Also, despite the lack of new legislation drafted and the inadequate response from the political party-affiliated politicians, the Western High Court still made important judgments based on already inscribed legislation that led to positive outcomes for the townships; Judge Erasmus in particular provided oversight for the government's responses to the township and called for more apt privacy structures to be constructed. He also defended the rights of township residents and criticized the

¹³⁹ Although I could not find satisfactory data to support this.

political parties for their neglectful actions. Nonetheless, in both cases the patterns of racism, which led to the issues raised by the social movements (anti-dignity toilets and police brutality), were not fully dismantled.

FURTHER RESEARCH AND LIMITATIONS

Unanticipated results

Throughout the process of research and analysis, elite division, organization of movement, data capture, politicization of information, and the very state of democracy, all produced especially unanticipated results. In both cases, I found that divisions amongst the elite bared a greater significance for the outcome of the overall social movement than I had initially anticipated. In South Africa, the elite division led to especially symbolic responses that tended to be inadequate for actually addressing the needs of their constituents, but rather timed the presentation of their promises to align with the election in order to maintain their political power. In the U.S. the division amongst the elite forced Congressional Democrats to make more subtle policy propositions in order to avoid another filibuster from Congressional Republicans, and President Clinton's consideration for positive racial policy was heavily influenced by the White working class coalition he was attempting to capture at the time. I also found that these elite response in and of itself played a significant role in the outcome of a movement, but again that the response was rarely related to personally held ideals, or even party-related ideals, and far more closely related to the condition of electoral stability at the time of their decision-making.

I hypothesized that the level of organization within a movement would positively affect the longevity of that movement (in line with Skrentny (2006) and opposed to Piven (1976)), which *appears* to have held true based on my two cases. The service delivery movement continues today, whereas the Rodney King movement did not endure and has since been replaced with a new anti-police brutality movement (as of 2014). However, based on my cases and research therein, I cannot accurately make comparative claims on the longevity of the movement because the Toilet Wars began less than four years ago, whereas the Rodney King movement erupted over 20 years ago. For this reason it would be useful to reassess the service delivery movement in future years, or apply my theory to more comparably timed movements to determine the effect that organization actually has on longevity.

Inadequate data capture of police brutality in the U.S. proved to be an inhibiting factor to my case study because there is no official centralized aggregate source of police brutality data for the U.S. This inadequacy in data capture is an artifact of police department's personal crime statistic submission process, which provides no incentive to increase the visibility of a department's own problems. This issue further exemplifies the lack of adequate response currently afforded to cases of police brutality in the U.S. This factor primarily inhibited my ability to make claims related to police brutality on a national scale, and the comparability of police brutality over time, with other races, and with other societies.

At times throughout this study, it was also difficult to sift through the politicized qualitative data related to electoral stability and elite response to the Toilet Wars case in particular. Determining the actual level of response proved challenging because many of

the claims were put forth by biased news sources and my search for less biased sources, such as peer-reviewed work, proved unfruitful. Lastly, it would also be useful to control for the evolution and maturity of democracy in the case two countries. Typically emancipations do not immediately and fully emancipate all citizens. In addressing these two post-liberation periods it would be useful to determine how responsive the system was to the Black population relative to their time of liberation.

Limitation to my theory

Finally, I would also like to speak an overarching limitation to my study, which is the bias that I inevitably held when conducting my research. My theory in particular brought bias into the study because it is rooted in U.S. theorists who make claims primarily focused on the American system, and although it appeared to work for my study, there were likely important nuances lost in the South Africa case due to this shortfall.¹⁴⁰

Although my theory largely applied to both cases, the examples in my theory's operationalization failed to consider South African trends, and the very basis of my study was grounded in the American perspective that I (and my primary theorists) inherently possess. I attempted to analyze my cases based solely on the narratives that I read and data that I assessed, but inevitably my understanding will be informed from the frame I have developed as an American political science major and the biases I possess based on my Western, White, American, female perspective.

¹⁴⁰ Anthony Marx is an exception, he is a trained comparativist, who specifically studies South Africa and the U.S.

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