Because #BlackLivesMatter

WHAT INSTITUTIONS NEED TO KNOW ABOUT THE BLM GLOBAL NETWORK

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Cover Image: #BlackLivesMatter Co-Founders.

From left to right: Alicia Garza; Opal Tometi, and Patrisse Cullors.

These three Americans co-founded #BlackLivesMatter in 2013, which became the BLM Global Network. Given their worldwide influence, and the prominence their movement has achieved in South Africa's public square, one notes with distress that their names and faces remain relatively unknown in this country. More details on their organization and pan-African mission are contained in the report that follows.

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Gabriel Crouse

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What is BlackLivesMatter?

As a civil society organisation, the first BlackLivesMatter (BLM) "chapter" was founded in Los Angeles by Alicia Garza, Patrisse Cullors, and Opal Tometi *circa* 2013.

In 2015, this first official BLM organisation gained global attention, in particular due to the killing of Michael Brown in Ferguson, Missouri, after which BLM gained prominence, and its slogans – such as "hands up don't shoot" – were chanted in streets across the United States (US) and shared millions of times on social media. In 2015, *Time* magazine chose BLM as its runner-up "Person of the Year"[1].

The organisation, then rebranded as the BLM Global Network, approached Thousand Currents, a non-profit financial manager. As the Thousand Currents website explains: "In 2016, BLM Global Network approached Thousand Currents to create a fiscal sponsorship agreement**.** Thousand Currents**,** a 501(c)(3) tax-exempt non-profit organisation, provides the legal and administrative framework to enable BLM to fulfil its mission."

In 2017, BLM Global Network was officially headquartered in the State of Delaware[2], a US tax shelter[3]. On June 17, 2020, BLM Global Network told Associated Press that it had raised over 1.1 million donations at an average of $33 per donation, suggesting a total of $36.3 million, since the death of George Floyd on May 25, 2020[4]. This does not include donations raised beforehand. BLM Global Network's *net assets* in 2019 were valued at roughly $3.4 million, according to Thousand Currents' financial statements[5].

Where does BLM come from?

From slavery through Jim Crow, the US has a gruesome history of deploying unjust state and vigilante violence against black Americans. Just as US history is stained by systemic racism, it also reflects centuries of political activism in which black and white people of character joined to defeat injustice. BLM nominally comes from that tradition.

As a slogan, BLM means that all persons must be treated equally before the law, and urgent remedy is needed wherever any black people are not treated equally.

The slogan is sound. All Americans have a duty of citizenship to ensure that law and order in the US is applied justly, without fear or favour, to any individual. All persons, moreover, ought to discourage racism.

The BLM movement is meant to promote the fundamental interests of black Americans to enjoy fair treatment before the law, while BLM Global Network acts as the organising body of that movement. But within the movement, most broadly defined, there is some level of contest about how the noble goals of promoting social justice are best achieved.

For example, consider the BLM Foundation, founded in Santa Clarita, California, and separate from the BLM Global Network. As one reporter notes, the "professed goal [of BLM Foundation]

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is actually to create unity between the community and the police, which is kind of an antithetical, I guess, if you consider what the Black Lives Matter movement is pushing for now"[6].

BLM Foundation founder Robert Ray Barnes, agrees, saying: "I don't have anything to do with the BLM Global Network. I never met them, never spoke to them. Our whole thing is having unity with the police department."[7]

It is precisely because BLM Foundation (at least nominally) seeks unity between civilians and police that it has widely been described as being at odds with the genuine BLM movement, or "fake" BLM[8]. BLM Global Network's Washington DC chapter head explained that "Black Lives Matter means defund the police[9]", not seek "unity".

Likewise, there is a contest within the movement as to whether violence is a tolerable means of achieving BLM goals. On June 1, the late George Floyd's brother, Terence, called on people to "educate yourself!" about the need for peaceful, democratic means to bring about political change. After referring to the depth of his personal loss after his brother was killed, Terence pleaded:

"If I'm not over here wilding out, if I'm not over here blowing up stuff, if I'm not over here messing up my community then what are y'all doing?...My family is a peaceful family, my family is God fearing. Yeah, we upset, but we not gonna be repetitious. In every case of police brutality, the same thing has been happening. Y'all protest, y'all destroy stuff…let's do this another way[10]".

By contrast, consider Colin Kaepernick, the footballer who has made kneeling a popular BLM gesture since 2016. Kaepernick, who has 2.3 million followers on Twitter, is one of the US's most famous BLM movement leaders. Since May 28, Kaepernick pinned his own tweet condoning BLM violence, while ignoring "cries for peace" from those like Terence Floyd.

"When civility leads to death, revolting is the only logical reaction. The cries for peace will rain down, and when they do, they will land on deaf ears, because your violence has brought this resistance. We have the right to fight back! Rest in Power George Floyd"[11].

There is, in short, disagreement about whether violent protest helps or hurts; disagreement about whether the mission is to reduce the quantity of policing or to improve its quality; and there is also disagreement about who legitimately belongs to the BLM movement and who does not.

So, while it is clear that BLM was born of a noble attempt to renounce the legacy of racism in the US, it is not clear at all where it is going or how it means to get there.

Is racism systemic in US police?

The mainstream BLM movement's central thesis is that there is systemic racism in the US criminal justice system. This claim has sparked further claims in South Africa that "white supremacy"[12] is systemic and responsible for, among other things, the deaths of Collins Khosa, Sibusiso Amos, and Petrus Miggels. But before we get to that, we must focus on the ignition issue.

Broadly speaking, there are two kinds of arguments to support the claim that US policing is systemically racist; one is empirical, the other, which is ideological, will be surveyed in the next section.

Every person with a serious social conscience will seek truth from facts.

Ever since Michael Brown was shot dead in 2014, the *Washington Post* has attempted to log "every fatal shooting by an on-duty police officer in the US", recording more than 5000 such shootings.

The newspaper finds that the overall rate of shootings has been consistent for the last five years, with approximately 1000 lethal shootings per year. It also finds that if you divide the number of unarmed black people shot dead by the total black US population, you get a higher number than if you divide the number of unarmed white people shot dead by the total white US population

Following this formula, the *Washington Post* reports that 30 black people per million were killed by police compared to 12 white people per million.

One problem with this computation is that it conflates armed citizens killed while attacking police or other citizens with unarmed victims of police shooting. The *Washington Post* found that of the roughly 1000 shot dead by police in 2019, 14 were unarmed black people and 25 were unarmed white people. Out of the approximately 43 million black Americans, this would bring the *Washington Post* ratio of shootings per population down to 0.33 deaths per million black Americans, compared to 0.13 deaths per million white Americans[13].

The "Mapping Police Violence" (MPV) project has a more comprehensive view than the *Washington Post's* because its dataset includes deaths by shooting as well as all other police causes. MPV estimates 28 black unarmed people were killed by police in the US in 2019[14], compared to 52 white unarmed people in the same period[15].

In addition, MPV indicates that the rates at which black unarmed people have died at police hands have decreased dramatically. In 2015, the number was 78 nationally, which came down to 40 in 2016, 48 in 2017, then down to 28 in 2018 and 28 again in 2019. That is a 64% drop over four years.

The killing of any innocent person by the police is an incommensurable tragedy. The thing to try to understand from a BLM point of view is whether the killings are racially biased, or whether they are a product of a larger problem of police brutality?

Perhaps no-one has done more to find the facts needed to answer the question of racial bias than Roland G. Fryer Jnr.. Fryer was the youngest black American to receive tenure at Harvard University. Having grown up under racist pressures in the American South, Fryer has dedicated years, and a large team's resources, to analysing multiple datasets in search of evidence of US police discrimination.

Fryer's paper, *An Empirical Analysis of Racial Differences in Police Use of Force,* published in the *Journal of Political Economy* in 2019, is a stunning piece of scholarship, well worth the read, not least for its critique of the *Washington Post's* sophomoric analysis.

On the big picture, Fryer breaks the question of police bias into three sections – i) are police more likely to engage black people; ii) once engaged, are police more likely to deploy non-lethal force against black people; and, iii) once engaged, are police more likely to kill black people?

Police encounters

Here is a sample of how Fryer tries to figure out if police are more likely to engage black people than white people.

"We estimate a logistic regression of involuntary interaction on civilian race, demographic variables such as gender, age, income categories, the population size of the civilian's address, a dummy variable indicating whether the civilian was employed last week or not, and year, and we report the odds ratio on the black coefficient. The odds that blacks have an involuntary interaction with police is 8 percent less than that of whites.

In other words, using one computational method that accounts for various factors, including employment, police are not only no more likely to engage a black person than a white person, but quite the opposite, to a statistically significant degree.

Fryer further draws attention to the fact that "racial/ethnic groups are not equivalent in the nature and extent of their···law-abiding behaviour". The BLM mainstream movement, and BLM Global Network, would denounce him on this basis as perpetuating systemic racism for reasons that will be examined in the next section on BLM Ideology.

But, granting Professor Fryer his due, to account for asymmetries in law-abiding behaviour, he employs "incident-weighted averages" for 10 categories of felonies and misdemeanours: "Conditioning on incident-weighted crime rates reduces the estimate of bias in police interactions from 4.23 to 1.43."

In other words, though it first appears – following the *Washington Post's* formula of dividing encounters by population – that police are 400% more likely to engage a young black male than

a young white male, if one controls *only* for incidence of actual criminality, the apparent bias falls to 43%.

Fryer further notes the heterogeneous distribution within that set of 10 felonies and crimes, which can further reduce the apparent bias factor. For example, "If one were to use robbery rates rather than all felonies, the number would be 0.546, implying that blacks are 45.4 percent less likely to be stopped" than whites. Read narrowly, this would imply that black robbers are twice as likely to avoid police engagement than white robbers.

That should give you a sense of the challenges Fryer confronts in trying to find evidence of racial bias in police engagement. After a wide survey of different forms of data, from police, journalists, civil society, and civilian surveys, Fryer concludes the section on whether police show bias in engaging black people more than white people as follows:

"Estimates range from blacks being 323 percent more likely to be stopped to 47.6 percent less likely to be stopped. Solving this is outside the scope of this paper, but the data suggest the following rough rule of thumb: if one assumes that police are nonstrategic in stopping behavior, there is bias. Conversely, if one assumes that police are stopping individuals they are worried will engage in violent crimes, the evidence for bias is exceedingly small."

Bias in police use of non-lethal force

Non-lethal force includes anything from a police officer's hand on the shoulder, to being pushed against a wall, being handcuffed, being pepper-sprayed, being struck with a baton, or being tasered. Here, Fryer finds evidence consistent with racial bias.

"Including myriad controls designed to account for civilian demographics, encounter characteristics, civilian behavior, eventual outcomes of interaction, and year reduces, but cannot eliminate, racial differences in nonlethal use of force in either of the data sets analyzed."

This is very worrying. Fryer finds strong reason to suspect that even though police are not racially biased in whom they engage, once they do engage a suspect, they are more likely to apply non-lethal force to black suspects than to white suspects.

However, there are several reasons why Fryer says the evidence is "consistent with" but "definitely" stops short of *proving* racial bias in the application of non-lethal force.

One reason is that black and white cops apply non-lethal force in the same patterns, which strongly suggests there is no "taste-based discrimination", a social science term for preferences based on innate bias or *animus*.

Another reason for doubt is that evidence of racial bias depends on the time of day when the police encounter takes place, as "the difference between the average force between the two races decreases at night".

A third confounding factor is highlighted in this comparison. In New York City, which had a "Stop and Frisk" policy, "15.3 percent of whites incur some force in a police interaction" but at national level this is down to "1 percent". While at national level use of non-lethal force on black people is closer to 3.5%.

Whether you are more likely to experience non-lethal force seems to depend more on which police department you are under, and how dense the population is, and this matters by an order of magnitude more than your race.

Another confounding variable is that police may be inclined to use more non-lethal force on black people as an alternative to applying lethal force, which would show a bias of *favourable preference* to black people rather than *disfavour*.

For example, Fryer finds "black civilians are 30.7 percent less likely to be shot with a pistol (rather than a taser) relative to non-black suspects". This implies that a significant portion of black people might have been shot dead if they were white, Hispanic or Asian, but, instead, were tasered, non-lethally. More on this in the next subsection on lethal force.

The final confounding variable regarding non-lethal force is civilian levels of cooperation, which Fryer notes are notoriously hard to compute.

Fryer turns to national Police-Public Contact Survey (PPCS) data which is "gleaned from the civilian perspective" to try to circumvent potential misreporting by police. When looking at higher levels of force, for example "using pepper spray or striking with a baton" rather than just using hands to put someone against a wall, "[i]n the PPCS data, if anything, racial differences on these higher uses of force disappear."

This suggests the possibility that police encounters with black people are more likely to be hostile, which could come from either side, in the opening moments, but that once the police are in physical control then racial bias to escalate the application of non-lethal force disappears. This is further affirmed by Fryer's finding that "(black) civilians have marginal returns to compliance statistically similar to those of white civilians".

Yet, counterbalancing this point, Fryer also finds that "the net benefit of investment in compliance is lower for blacks relative to whites".

In short, whether there is anti-black bias in non-lethal force remains an open question, with evidence pointing both ways. This open question, as Fryer says, "definitely" needs more evidence before staking out a definitive answer.

Officer-involved shootings

This is where Fryer's work stands out as best-in-class in the US. Fryer breaks new ground by accessing data from one of the US's largest cities (Houston, Texas) to compare cases where the police were permitted to use lethal force and did, versus cases where they could have shot

to kill but decided not to shoot at all. This data provides the best statistical hope of trying to understand whether or not police are more trigger-quick if the potential target is black.

Fryer finds that "(controlling) for all characteristics from incident reports, black suspects are 24.2 percent less likely to be shot than non-black suspects".

The extra-benefit chance that a black person will *not* be shot, compared to a white person, is even higher when situations allow for shoot-or-taser options, where it goes up to 30.7%, as already noted. This might suggest that police bias in officer-involved shootings actually preferences black people strongly.

Fryer further looks into questions such as the timing of a shooting, who draws first, whether police are more likely to mistakenly think a black person is armed, and more. Using these various "dimensions", Fryer tests the hypothesis that killer-cops are anti-black across a range of datasets, (from Houston and from the national PPCS pool) drawing this conclusion: "We cannot detect racial differences in officer-involved shootings on any dimension."

The bigger picture on police brutality and criminality

Professor Fryer is far from alone in finding the BLM thesis that cops kill black people more because of "systemic racism" to be empirically insupportable. One of the most insightful layman analyses available was written for *City Journal* by Coleman Hughes, a 25-year-old black American who had passionately supported BLM as a child. One thing that changed his mind when growing up was data.

"*At least four careful studies have [controlled for confounding variables in police shootings]— one by Harvard economist Roland Fryer, one by a group of public-health researchers, one by economist Sendhil Mullainathan, and one by David Johnson, et al. None of these studies has found a racial bias in deadly shootings.[16]*"

In his piece *"Stories and Data",* Hughes also refers to the individual human stories that changed his mind about BLM. George Floyd, after all, was killed by a knee to the neck. This is unforgettable, and *prima facie* a serious injustice, which is not legible in any of the macro-data analysis above. Hughes writes:

"*Even George Floyd, whose death was particularly brutal, has a white counterpart: Tony Timpa. Timpa was killed in 2016 by a Dallas police officer who used his knee to pin Timpa to the ground (face down) for 13 minutes. In the video, you can hear Timpa whimpering and begging to be let go. After he lets out his final breaths, the officers begin cracking jokes about him. Criminal charges initially brought against them were later dropped.*"

Timpa called 911 himself, the call that led to his own death. Have you ever heard of Tony Timpa? No-one in the mainstream BLM movement lets Tony Timpa's name pass into conversation if it can be helped. If you watch the video of his death, I assure you that it is, like George Floyd's, one you will never forget.

Hughes tells nine more such stories of white Americans killed by the police with no legal consequence in a random sample from 2015. The names of these victims – Timothy Smith, William Lemmon, Ryan Bolinger, Derek Cruice, Daniel Elrod, Ralph Willis, David Cassick, Jeremy Mardis, and Autumn Steele – are not widely known, their deaths not widely mourned, and, again, in none of their cases did police face *any* consequences.

Jeremy Mardis was six years old when shot dead in the passenger seat of a car. The officer was shooting at his father, whose hands were raised and protruding from the window at the time. There was no charge.

Hughes concludes:

"*The only way out of this conundrum, it seems to me, is for millions of Americans on the left to realize that deadly police shootings happen to blacks and whites alike. As long as a critical mass of people view this as a race issue, they will see every new video of a black person being killed as yet another injustice in a long chain dating back to the Middle Passage. That sentiment, when it is felt deeply and earnestly, will reliably produce large protests and destructive riots.*

The political Right has a role to play as well. For too long, "All Lives Matter" has been a slogan used only as a clapback to Black Lives Matter. What it should have been, and still could be, is a true movement to reduce the number of Americans shot by the police on a race-neutral basis. If the challenge for the Left is to accept that the real problem with the police is not racism, the challenge for the Right is to accept that there are real problems with the police."

This analysis is worth seriously considering and yet it is not being considered. Perhaps Rae Sanni gives a clue as to why. Sanni is a highly successful black comedian whose work is variously cited as the kind of "black excellence" that should be supported by the BLM movement[17][18]. Sanni calls Coleman Hughes a "coon", and "Cooneman Hughes"[19].

This line of attack should be familiar to South Africans, given how often racial attacks are launched against black individuals who challenge the mainstream narrative or the powerful in this country. Bulelani Ngcuka was falsely labelled as an "impimpi" when he started investigating the Zuma-Shaik case; Gwen Ngwenya and Herman Mashaba have been hatefully slurred as "coon", "house negro", "Uncle Tom", and worse[20], while my colleague Sihle Ngobese, best known as Big Daddy Liberty, has been hatefully slurred with the term "k*ff*r" by black people who claim he is a "race traitor"[21].

Unfortunately, the influence of those intent on silencing, cancelling, humiliating, intimidating or otherwise shutting down black individuals who think independently is potent here and in the US. Happily, there are many people of all races who courageously pursue open dialogue in the face of such attacks.

Perhaps the most distressing point, however, is evidence to suggest that BLM has increased violence when its protests have been officially endorsed by investigations into "systemic racism".

Fryer and Tanaya Devi, a Harvard PhD candidate, have released a paper called *Policing the Police: The Impact of 'Pattern-or-Practice' Investigations on Crime* through the National Bureau of Economic Research[22]. Its findings could hardly be more shocking.

Fryer and Devi found that when US police departments have been investigated for "pattern-or-practice" racial bias, otherwise known as "systemic racism", the effects have often been salutary. Fryer calls for more such local investigations to be conducted soberly and peacefully on an empirical basis.

But Fryer and Devi also found that when such investigations came under the aegis of BLM or earlier cognate protests where footage or accounts of a police victim went "viral" on the professional and/or social media, the outcome was destructive.

Five such "pattern-or-practice" investigations "were preceded by a viral incident of deadly force", namely, Michael Brown in Ferguson (2014, the first BLM "viral" incident); Luquan McDonald in Chicago (2014, another BLM "viral" incident); Freddie Gray in Baltimore (2015, another BLM "viral" incident); as well as Timothy Thomas in Cincinnati (2001, which was followed by the Cincinnati Riots); and Tyisha Miller in Riverside (1998, the protests were led by Rev. Al Sharpton, who would become a BLM leader).

In these "viral" cases, investigations into systemic racism were succeeded by "a stark increase in crime – 893 more homicides and 33,472 more felonies than would have been expected with no investigation".

"*To get a sense of how large this number is, the average number of fatal shootings of African-American civilians by police officers in Baltimore, Chicago, Cincinnati, Riverside and Saint Louis, per year, is 12.5. Thus, even if investigations cured these cities of all future civilian casualties at the hands of police, it would take approximately 75 years to "break even." Our estimates suggest that investigating police departments after viral incidents of police violence is responsible for approximately 450 excess homicides per year. This is 2x the loss of life in the line of duty for the US Military in a year, 12.6x the annual loss of life due to school shootings, and 3x the loss of life due to lynchings between 1882 and 1901 – the most gruesome years.*"

Fryer and Devi connect the awful increase in death after BLM-style "viral" incident investigations to drastic reduction in "police-civilian interactions" during such "viral" episodes. BLM vilifies the entire police force, which in turn tends to retreat into its bunkers, reducing deterrence and programming for hundreds more people to be killed every time.

As Fryer says, "we need to find ways of holding police accountable without sacrificing more black lives".

BLM is more directly connected with black Americans being killed in the latest iteration of protests.

Chris Beaty was killed "trying to protect two women who were getting their purses snatched" during a BLM protest in Indianapolis[23].

Italia Marie Kelly went to a BLM protest in Davenport, but tried to flee when it turned violent. She was killed when she was shot in the back, trying to get into her car[24].

Dave Patrick Underwood, a police officer, was killed in Oakland. The FBI believe the accused "came to Oakland to kill cops"[25].

David Dorn, 77, a retired police officer who tried to stop looting during a BLM protest in St Louis[26], was shot dead.

Indeed, the "cries for peace" have all too often fallen on "deaf ears".

Police brutality in South Africa & BLM

On 27 March, the first day of lockdown in South Africa, Petrus Miggels died in police custody. On 29 March Sibusiso Amos died was shot dead by security forces. On April 10, Good Friday, Collins Khosa died at the hands of the army. These were all cases which involved enforcing the National Coronavirus Command Council's ban on alcohol.

The South African Institute of Race Relations drew attention to the broader pattern of police brutality through various media including its report, by Dr Anthea Jeffery, titled *Keeping Liberty Alive; Through Covid-19 and Beyond.* We were encouraged by the vast media coverage of Jeffery's finding that not only have South Africans been subject to whipping and humiliation, but also that "50 people died in police custody or as a result of police action in the first six weeks of the lockdown."[27]

And yet sadly the story died down without any accountability for those in charge and without, in my view, a substantial rethink as to police brutality in South Africa.

Then on June 4th, the Nelson Mandela Foundation released a press statement that claimed Collins Khosa's death was a result of "continued white supremacy and the use of state violence to support it"[28].

Nor was the Mandela Foundation alone. To choose one example of many, after the Mandela Foundation's statement St Johns' Deputy Head, Transformation & Community Development, Allan Magubane, sent a letter to that school's community saying the following:

"#BlackLivesMatter and Police Brutality. The recent deaths of Collins Khosa, a resident from Alex, alongside Petrus Miggels, and Sibusiso Amos, and too many others, have been chilling. These deaths, at the hands of state security, demand that we revisit conversations about the nature of systemic racism and policing, which is a central feature of black communities in particular."

Again, the impression created is that the feature in common across the Khosa, Miggels and Amos cases is that racial animus or bias motivated their killings. Here are the facts.

Sibusiso Amos

Siphiwe Ndlovu is alleged to have killed Amos in his own home after chasing him down from the residence of Sylvia Binca, which operated as a tavern before this country's lockdown. At the time of the incident, during lockdown, Ndlovu was not a police officer. It is not yet clear why he was acting with the police. Ndlovu had been convicted for attempted murder in 1999.

No evidence has been put forward to the effect that Ndlovu hated or killed Amos because Amos was black, Ndlovu is black too. Current evidence strongly suggests that Ndlovu considered himself well motivated to implement the draconian lockdown rules, subsequently deemed "irrational" and "unconstitutional", as issued by the National Coronavirus Command Council. Though his "enforcement" was unconstitutional, irrational and disproportionate itself, the lack of racial motivation sets this case apart from that imputed in the US case of George Floyd.

Petrus Miggels

Petrus Miggels died on the first day of the lockdown. Multiple eye-witnesses report seeing him picked up by the police on the street after he bought alcohol. No reports have come to light, to date, imputing a motivation of racism. Considering the record of brutality in Ravensmead and the make-up of its police under Station Commander, Colonel BE Tshayisa, perhaps this should not be a surprise.

By the end of the first week of lockdown, eight police killings had been reported nationally.

Collins Khosa

Collins Khosa was allegedly killed by SANDF forces, in his home, while JMPD police stood by during lockdown. Representing the Khosa family, advocate Tembeka Ngcukaitobi argued "there is very little doubt why the soldiers behaved the way they did. It was the direct instruction under *Operation Notlela*". The advocate went on to argue that the "internal instructions" of *Operation Notlela* "do the opposite" of comply with the Constitution.

The names and identities of the officers are not known. But if their motivation was suspected to be racism by those most familiar with the case the family and advocate would surely already have said so in court in early May.

To date there has been no accountability for these deaths.

The broader pattern of Operation Notlela

50 people died in police custody, or as a result of police action, between March 26 and May 5. Due to such travesties of justice, as well as several allegations of rape and theft by police, the United Nations declared warnings against sparking "humanitarian disaster". The United Nations further cited *Operantion Notlela* as one of the world's worst in terms of brutality by security forces.

One reason to doubt that "white supremacy" is to blame is the pace of "transformation" in South Africa's security forces. Measuring against the SAPS *Strategic Plan* of 2005 affirmative action has met its race targets almost exactly in the police. By 2019 9.6% of SAPS personnel were "white", 2.5% "Indian/Asian", 8.9% "Coloured", and 79% "Black".

Achieving this level of "transformation" has not always been easy. Following a 2005 refusal to promote then-Captain Renate Barnard SAPS argued before the Constitutional Court that it is better to leave a post vacant than to promote a person who fails to enhance racial "representivity". This argument was affirmed by the Apex Court, which found no possible "unfair discrimination" in such a case even in the police force. Whatever this is, it is not "white supremacy".

At the level of SAPS top management, comprised of 33 individuals from the Minister, down to Divisional Commissioners (Lieutenant Generals), by 2019 29 were "Black", 2 were "Coloured", 1 was "Indian/Asian", and 1 was "White".

What about the military? The Department of Defense (DoD) 2018 Annual report indicates that of the roughly 75,000 personnel at the time 74.4% were "Black", 12.4% "Coloured", 1.3% "Indian/Asian" and 11.9% "White". Measured against the DoD affirmative action targets of 2005 again it is the case that "transformation" has been a resounding success, as "White representation" has been reduced twice as much as was then targeted.

"Transformation" has not just been achieved at the rank-and-file level. The top brass of the SANDF are overwhelmingly black, all the way up to Defence Minister Nosiviwe Mapisa-Nqakula and the proverbial Commander-in-Chief, President Cyril Ramaphosa.

In this broader context the injustices of *Operation Notlela* cannot handily be understood as the product of systemic racism that discriminates against non-Whites under the aegis of "white supremacy".

The broader pattern of police brutality in South Africa.
According to the Independent Police Investigative Directorate (IPID) there have been an average of 397 deaths as a result of police action every year for the last five years. The 2019 IPID report also includes 4105 complaints of torture or assault and 124 complaints of rape by police in the last year alone.

In addition, it is worth noting the alarming levels of *de facto* detention without trial in this country. The Department of Correctional Service's latest data (2015) indicate that more than 3,600 people had been detained "in remand" for between 12-24 months, while over 1,000 were detained "in remand" for 2-3 years, 360 for 3-4 years, 137 for 4-5 years, and 133 for over 5 years.

The broader pattern of calls for arbitrary violence from government
An important point to note is that government leaders have often called for the arbitrary application of force.

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In 2002 Jacob Zuma said judges should convict "even if there are facts that are short".

In April 2008 then-deputy minister of police Susan Shagangu said to police, "You must kill the bastards if they threaten you or the community···You must not worry about the regulations. That is my responsibility. Your responsibility is to serve and protect. I want to assure the police station commissioners and policemen and women from these areas that they have permission to kill these criminals. I won't tolerate any pathetic excuses for you not being able to deal with crime. You have been given guns, now use them. I want no warning shots. You have one shot and it must be a kill shot."

After the Marikana massacre of 2012 Riah Phigeya, the National Police Commissioner, said the "safety of the public is not negotiable. Don't be sorry about what happened."

In 2017 then-police Minister Fikile Mbalula told police "let the criminals piss and drink their own urine···Even if you do not have a warrant of arrest, slap them. Break the law progressively and let me worry about the consequences".

BLM & South African police brutality

Given the racial transformation of our police services, the nature of the laws they were enforcing during lockdown in particular, the pattern of leadership, and the lack of accountability, there can be no doubt that police brutality should be a primary cause for concern in South Africa.

Yet the lack of evidence for the thesis that "white supremacy" is to blame, and the abundance of evidence to the contrary, strongly suggests that BLM Global Network's model is not a good fit to resolve our problems. Moreover, given the enthusiasm with which the "white supremacy" line was taken up by government leaders in the absence of accountability for the killings of Khosa, Miggels and others, there is a real concern that the BLM movement in South Africa does more to destract from the real problem than to address it.

BLM ideology

In 2015, BLM Global Network co-founder Patrisse Cullors explained: "We actually do have an ideological frame. Myself and Alicia [Garza] in particular are trained organizers. We are trained Marxists."[29]

The third of the trio, Opel Tometi, visited Venezuela's dictator, Nicolás Maduro, in 2015, of whose regime she wrote: "In these last 17 years, we have witnessed the Bolivarian Revolution champion participatory democracy and construct a fair, transparent election system recognized as among the best in the world.[30]"

To understand the full scope of BLM Global Network's ideological grounding one must look at the mid-19th Century German intellectual climate from which Karl Marx emerged.

One of the most popular ideas at the time was that it had been wrong to think of individuals as the kernels of society. Races came to be thought of, by some, as i) the true bearers of value, ii)

the true competitors in power-struggle, and iii) the units that must be respected for justice to thrive. The term *volksgeist* was coined in 1801 by Georg Wilhelm Friedrich Hegel, meaning the "spirit" or "soul", the *geist* of the people or "volk", where people came to be racially defined.

The new idea emerged that government, and, from there, the law, must reflect the will of the people, understood as the race. This was the genesis of race nationalism.

The Weimar classicist, Johann Gottlieb Herder, also energised the idea of communal essences that must be respected for human flourishing, an idea taken up later by Otto von Bismarck in unifying Germany in the "second Reich" and by Hitler in the "third Reich".

WEB du Bois, one of the great black American intellectuals of his time, received a fellowship at the University of Berlin in the 1890s where he came across the "*volksgeist* concept" in action in Bismarck's Germany[31]. One of Du Bois' teachers, Heinrich von Treitschke, who opposed Catholics, Poles and Jews in Germany, put it unambiguously thus: the individual "lives only in and through submitting himself to the aggregate culture of his *volk*".

Du Bois followed this in his *Conservation of Races* lectures, saying:

"The history of the world is the history, not of individuals, but of groups, not of nations, but of races, and he who ignores or seeks to override the race idea in human history ignores and overrides the central thought through all history". As such du Bois called for "the development of Negro genius, of Negro literature and art, of Negro spirit. Only Negroes bound and welded together, Negroes inspired by one vast ideal, can work out in its fullness the great message we have for humanity".[32]

Thus Du Bois brought the *volksgeist* theory back to black America in the form of "soul politics", meant to refer to the politics of the black *volksgeist*, with downstream cultural markers such as "soul food" and "soul music" reinforcing Herder's idea about aesthetic race essences. Du Bois's most famous book is *The Souls of Black Folk.*

Marx also believed the individual must "submit himself" to a folkish group, but preferred class to race as a place to find true human value. Marx took issue with the claim "property is theft!" but only because it "entangled" the truth, as he saw it, not because he believed it to be incorrect.

Marx believed that the capitalist who seeks rents, or gains profits on investments, is backed up by "bourgeois" legal concepts, ultimately the law and its hired enforcers, which is itself simply an abuse of power. The difference between the "robber baron" and the plain "robber" is that the former is simply more violent, more powerful, and more corrupt. "The upshot is that at best that the bourgeois legal conceptions of 'theft' apply equally well to the 'honest' gains of the bourgeois himself."[33]

The two ideas – property is theft, and *volksgeist* race essentialism – intersect in Critical Race Theory (CRT) whose proponents first officially met in the US in 1989 (the year I was born)[34].

CRT's basic axioms are that legal systems, especially law and order and property rights, are intrinsically corrupt abuses of power and that they systemically abuse black people[35]. On this basis, CRT calls for the dismantling of the world as you know it. BLM is the public voice to this call.

BLM calls to "disband" and "defund" the police, insisting police are "systemically racist" regardless of fact, because, on its view, this truth is *a priori* and therefore does not require empirical backing.

This is also why BLM is an official member of the Movement For Black Lives, M4BL, which sees education reform as key to ending "systemic racism".

"What is the problem?" the M4LB "Vision for Black Lives" document asks. The "elimination" of private schooling is the answer.

Education "privatization strips Black people of the right to self-determine the kind of education their children receive. This systemic attack is coordinated by an international education privatization agenda, bankrolled by billionaire philanthropists[36]".

To solve this, M4BL (and, through them, BLM) call for an effort to, "(build) an international movement of people of African descent to force nations to ratify and recognize education as human right, and end privatization".

M4BL also calls for "forgiving student loans; restoring Glass-Steagall's ban on affiliations between investment and commercial banks; ending the privatization of natural resources; ending charter schools; 'reparations' for 'food apartheid'; more universal health care… 'radical and sustainable redistribution of wealth'; net neutrality; banning super PACs; public financing of elections; blocking the Trans Pacific Partnership" and more, including the abolition of police body cameras.'"[37]

M4BL also calls for Universal Basic Income (UBI) with a "pro-rated additional amount included in a UBI for Black Americans"[38]; "free access for all black people (including undocumented, currently and formerly incarcerated people) to lifetime education"[39], "cultural reparations" by erecting "black sacred sites"[40]; cutting US military spending in half and closure of all international bases[41]; the decriminalisation of all drugs and sex work along with immediate release of all drug-related convicts[42]; "(divesting) from any industry that makes money on the production of fossil fuels" to "shift toward Black community control of more local, sustainable, energy and food systems"[43]; and free dental care[44].

As you can see, BLM and M4LB's ideological commitments advocate for a "social upheaval" that extends far beyond police reform. The point is to dismantle every rule that maintains property relations, and to invigorate, vivify and reify the "black soul". Nor is this a buffet of policy programmes from which one can pick and choose. Those who attempt to do so are attacked as serving "system racism" by failing to take on the full package.

In conclusion, let us return to the openly Marxist commitments of BLM leadership. The Cabralesque call for "class suicide" has descended once again on South Africa, at the urging of its most powerful minister.[45] The underlying idea here is that so long as various institutions continue to exist, there is no hope for individuals to be virtuous or wicked on the basis of their own actions, for the institutions themselves render people tainted or sanctimonious according to race. "Repentance" will only be possible if the institutions themselves are defunded, and then disbanded, since it is these institutions that are "foundationally" racist and therefore beyond repair.

Those who find this concept alien should consider the echoed call for "class suicide" among the Economic Freedom Fighters (EFF) in South Africa. If any institution is capable of endorsing BLM without fearing the commitment this entails to its broader programme, it is the EFF.

"Class suicide" has happened before. We hope it will never happen again.

Category error

The mistake in BLM ideology is not that racism doesn't exist. It does. The mistake is to think *more* and *better* racism will help the situation.

Following CRT, BLM aims to elevate the status of the black race through its "black joy" and "black excellence" and other programmes. BLM advocates aim at reinforcing the practice of "reputation pooling", whereby an individual's status is linked to that of another, by emphasising the achievements of top black performers and insisting that this should inform how one should relate to black people more generally. BLM also reinforces "reputation pooling" by insisting that if one black person is killed by the police all black people could be killed by the police. BLM also calls for racial codes of conduct, for example that white people should guard "black-outs" wherein only black people are allowed to bask, contemplate and dance[46].

Why is this *volksgeist* view so appealing? I believe one reason is that people do not know what to make of the question of race pride. Are you proud of your race? If not, does that mean you are ashamed of it?

Pride and shame are affective opposites, so it may seem that these are the only options when it comes to identifying with one's race. Reputation pooling, and codes of conduct, follow as a logical matter from all pride or shame in the status of one's race. But there is a third way.

Suppose you are asked if the number 2 is green, what would you say? If you say "no" that might imply that 2 is not green because it is, in fact, some other colour. But that is not true. The number 2 has no colour at all. The proper answer is "not applicable"; applying the colour green to the number 2 is not conceptually viable.

Philosophers call this a "category error", when concepts of different categories fail to relate in such a way as to allow meaningful predication.[47]

If asked if you are proud of your race, you might say "that is a category error. My race is not something to be proud of or ashamed of, the concepts of status and race simply to not apply to one another in my affective matrix".

With that answer in mind, an alternative way of breaking racism is made visible; not *better* forms of racism, with higher status for the black *volksgeist* and lower status for "whiteness", but an end to racism *in toto*.

In this way forward, one does not judge black people more highly on the basis of race, even by granting an equal status to black and white races, but rather one stops judging all people on the basis of race in the first place and encourages others to do the same. This is not to call for more refined and "better" racial codes of conduct, but rather for abandoning race as the source of social norms entirely.

This way forward is, I believe, the Classical Liberal solution to racism. Intellectuals began turning their back on this solution in the 19th Century; the CRT school turns its back on it again, and today I worry that many of South Africa's private institutions are following in their path in the false hope of "better" racial codes rather than an end to racial codes altogether.

BLM strategy

Given BLM's indifference to facts, its demonstrably horrific effects, and its 19th century German ideology of inhumanism, its animus to wealth, and its call for total social upheaval, one may wonder why South African private institutions would throw their endorsement BLM's way. Strategy must be considered, laid out here in seven steps.

1. The BLM strategy raises a plausible socio-economic concern. Racial bias in US policing is, *prima facie*, a plausible problem and every decent person affirms the claim that black people's lives do matter.

2. BLM thereby wins institutional endorsements for that concern as a manner of winning endorsements and funds for the organising body, and from those institutions for the broader BLM thesis which in turn amounts to *de facto* admissions of guilt on the part of BLM endorsers. On the CRT line that BLM operates under, any institution that fails to classify people as guilty or innocent on the basis of race (white people tainted with guilt, black *volk* morally superior), is guilty of ramifying systemic racism.

3. By default, this then splits that institution into neat groups of victims, perpetrators, and traitors – classifications determined not by their actions or agencies but by their race, as per the *volksgeist* theory of human agency.

4. BLM makes impossible demands on the institutions to act in favour of the broader policy agenda, as laid out by B4LM under the ideology of CRT– an agenda endorsed by default but one that can never be delivered.

5. Dissidents can then exploit the inability to deliver on that agenda as evidence of reluctance to achieve true social justice, which foments conflict between the now formally fractured parties to the institution.

6. BLM uses that conflict as hard evidence of the reluctance of the institution to embrace the change it publicly endorsed.

7. And lastly BLM uses that reluctance to justify calls for tearing the institution down, the stated goal from the very beginning.

Should South African institutions endorse BLM?

Every private institution has the freedom to endorse whomever it likes, and we have no wish to diminish that freedom whatsoever. We simply advise that this be done with eyes wide open.

BLM Global Foundation is worth half a billion Rand at least and its record is chequered at best. It propounds an impossible contradiction between the individual and the group, assured to set up further conflict as per the 7-step strategy laid out above. The key to this strategy is that, from the very beginning, BLM calls for "social upheaval" so extreme that this "upheaval" is ultimately impossible to reconcile with the continued existence of a vast array of institutions, but failing to endorse the movement triggers potential backlash accusations of racism, regardless of the facts. This puts every endorsing institution in a paradoxical position.

The fundamental point of divergence is on human agency. On the BLM view, a person is a person through other members of the same *volk*. Virtue and sin, right and wrong, these are all viewed through the lens of race, "the central thought through all history", with the "conservation of races" being the necessary solution to all problems.

At the South African Institute of Race Relations (IRR), we observe the opposing view in a history that goes back at least as far as *Magna Carta*, according to which each individual is responsible for herself, or himself. This is the basis of the Rule of Law, in which all individuals are accountable, equally, in the eyes of the law.

We are not naïve about collective responsibility. At the IRR, for example, we all know very well that the Institute as a whole is judged by the actions of its individual members so that if one member performs well, that brings *kudos* to the Institute as a whole. Every South African institution will know that the same applies to itself.

Likewise, we are extremely sensitive to the collective responsibility that obtains at the level of citizenship. The IRR is the leading opponent of expropriation without compensation, having delivered hundreds of thousands of petitions to Parliament. Among the various reasons for our opposition, a key one is that people were robbed by the state during apartheid and they, or their direct descendants must be made whole. This is a duty that falls on government, which means it falls on the citizenry to pay for this through the fiscus; the IRR does not tolerate the proposal to shift this duty of the South African body politic onto a few scapegoats who bought their land from an abusive state, for that only repeats the grievous error.

While hundreds of thousands of South African citizens support our call for genuine land reform and the speedy completion of the land restitution programme, we regret to note that very few private institutions have shown any support for these ideas, preferring instead to quietly support shifting the country's collective responsibility onto a vulnerable minority via arbitrary expropriation without compensation.

Where collective responsibility does obtain, there are always one or two basic requirements. For private groups, it is always the case that membership is *voluntary*, so that the individual can opt in or opt out from affiliating with the group. For public bodies like the state, it is always the case that the group is *reason-responsive*, which requires a voting system to reflect the interests and beliefs of members, as well as checks and balances to counter the tyranny of the majority under the Rule of Law.

I say "always", but what I mean is that these are universal requirements if the groups are to cohere with the fundamental principle of individual responsibility.

But on the BLM formula, sin and virtue are codified by genetics. The *volk* or race groups are neither voluntary nor reason-responsive. Nevertheless, on the BLM formula, one is virtuous or sinful, to be held responsible or not, on the basis of this *volk* group membership.

Finally, South African institutions that endorse BLM must consider how poorly placed they are to reconfigure this formula, as it were, from the inside. BLM's hierarchy is well-established and unlikely to be turned by a combination of public endorsement and private criticism from South Africa.

IRR

Addendum – Elite schools & BLM

Many of South Africa's elite schools have endorsed BLM and/or called for investigations into systemic racism after the killing of George Floyd.

Schools do best when they teach their students not so much *what* to think as *how* to think. Groupthink is unlikely to serve this goal.

In our analysis, these schools are now on step three of the seven-step BLM strategy outlined above. Having endorsed a movement that explicitly calls for the elimination of private schools, these institutions of learning have now put themselves in an impossible position which will continue to be a source of dissent until a rethink takes place.

It is worth recalling that investigations into police bias have proved useful and fruitful in the US, but not those which took place in the "viral" atmosphere of race-baiting and universal damnation curried by BLM.

It is also worth recalling the special resources that schools have, especially if they have a religious founding principle. It is axiomatic of every major religion that individuals are endowed with unique souls, that these are the kernels of meaning, the source of free agency, and the earthly objects to which highest respect is due.

There is no "race soul", and schools would do well to remember that.

In addition, all schools grade the performance of their students on an individual basis, with tests, exams and projects handed out and graded without fear, favour, or alteration based on the race of the student. In this way schools embody the principled idea that individuals should be judged individually. Schools would do well to reflect on this principle and ask themselves if they would rather have it any other way.

Coddling students' minds – the challenge to schools

Greg Lukiankoff and Jonathan Haidt (Professor of Ethical Leadership) find that one of the most destructive things an educational body can do is "coddle" students' minds. In *The Coddling of the American Mind,* the authors lay out what they believe to be the "three terrible ideas that have become increasingly interwoven into American childhood and education: What doesn't kill you makes you weaker; always trust your feelings; and life is a battle between good people and evil people".

These authors note that the effects of the three "coddling" ideas in the US showed notable effect from 2013, when Garza, Cullors, and Tometi, began their hashtag-activism. Rates of suicide, anxiety, depression and anti-social behaviour began rising markedly from the 2013 crop of graduates onwards.

To explain why coddled students are more likely to be destructive, and self-destructive, the authors consider the human immune system. If you bring up a child in a totally antiseptic environment this will deprive the child of those micro-traumas (getting sick) that are necessary

for developing a robust immune system. Likewise, if you try to shield a student from *all* psychological distress, this deprives the student of the means to build the robust character needed to build a life of meaning in adulthood.

One of the worrying effects of the recent elite school call to investigate "bullying" is that it seems to conflate the difference between genuinely irreparable traumas, which must be guarded against heavily, with those micro-tensions that stimulate character-building.

While the Institute of Race Relations strongly promotes non-racialism, it is for reasons outlined in *Coddling* that I would urge against attempts by schools to "stamp out" any form of verbal abuse entirely, whatever its kind. Better to prepare students by safeguarding against the worst abuses while tolerating those behaviours that stimulate creative problem-solving capacities.

Three routes to character at school
There are at least three broad sets of values that can be drawn on to debunk racialism, and imbue non-racialism, which is at least still the *nominal* goal of all excellent schools.

Soul

First, because so many schools are religious, consider the role of "the soul". In all mainstream religious doctrines, the soul is indivisible, inalienable, and the most divine force on earth. It is the highest store of value outside of God itself. These doctrines overcome racialism by acknowledging that a soul has no race and that the "*volksgeist*" is a post-medieval superstition.

Intersectionality

KA Appiah (NYU Ethics Professor) is arguably the world's leading philosopher on race. In *The Lies That Bind: Rethinking Identity,* he argues that "intersectionality" has come to be grievously misunderstood. Kimberlé Crenshaw, who originated the idea "wanted to talk about the ways in which our many identities interact to produce effects that are not simply the sum of each of them".

In terms of representation, Appiah makes the following argument:

"*The fact of intersectionality raises a problem for one of the ways people bring their identities to bear nowadays. Say that Joe, who's a white man, claims to speak* as a man*, or* as a white person*. What does that mean, beyond the fact that he's speaking* and *he's male or white? Having an identity doesn't, by itself, authorize you to speak on behalf of everyone of that identity. The privilege of representing a group has to be granted somehow. So, absent evidence that he's somehow been given or otherwise earned the authority, it can't mean that Joe is speaking for all white people or for all men. You might think that he has at least the authority of experience to speak about what it's like to live as a white man. Is that something that a white man can discuss with special knowledge, just because he's been through it? Not if we take the point about intersectionality. For, to the extent that how people treat you affects your experience, intersectionality makes it likely that there will be differences in the experience of,*

say, gay white men and straight white men; and, if Joe had grown up in Northern Ireland, as a gay white Catholic man, his gay white Protestant male friends might well have rather different experiences, too. And, once you think about it a little, you can see that, while your identity affects your experience, there's no guarantee that what you've learned from it is going to be the same as what other people of the same identity have learned."

Appiah's point applies just the same to those who would speak "as a black man" or "as a black woman" and so on, a point worth assimilating.

Black full-fee students at elite private schools are legally categorised as "previously disadvantaged". In various other ways these students are placed under particular pressure to think it makes sense to think of themselves as "representing" an essentially "black" experience and from there to speak as race-representatives. Schools should help these students think about how intersecting identities break apart the idea of essential "blackness" or "whiteness".

The sum of one's social identities ultimately intersect at a unique point, which is why every life occurs, if it is actively enacted as a performance of skill, "at a slight angle to the universe", the logical end-point of intersectionality.

Likewise, schools should consider the concept of "stolen valour". Under the stolen valour doctrine, developed by both the Bush and Obama administrations, it is illegal in the US to pose as if one were a member of the military, to claim a rank, or wear a medal, that one has not earned. Those medals are given to people who suffered potentially lethal attacks, who strove in the face of death to do what is noble and brave.

Any person who claims to be a victim of what he, or she, is not a victim of, or to have bravely survived what was not personally suffered, is calling, tacitly or openly, for valorisation. Stolen valour on the basis of race should be discouraged as a shameful practice.

Ubuntu

A third path from racism to humanism applies to a particularly South African history.

Bantu is a word whose cognates in several languages refer to the category "person". Following an admirable lexicographical convention, this word was used to designate both a language group and the people constituting that group. In this convention it was not forgotten that the original meaning of the term "Bantu" is "person".

But following another norm – despicable in its origins, means and effects – "bantu" came to refer always and only to persons of one particular race. On the apartheid convention, it would be improper to refer, even in Zulu, to a white person as "umuntu" when such status indicators as "baas" and "sir" or "madam" were to hand.

Today there are two ways of understanding *umuntu ngumuntu ngabantu.* In the common interpretation this means that a black person is a black person through other black persons, with an attendant call for black race solidarity as the *volksgeist* of primordial order.

It would be useful to explain how deeply this interpretation depends on an apartheid mentality, and the particular apartheid history of this term.

The non-racialist denies that "umuntu" is properly understood to mean "black life", but rather means "person". A person is a person through other persons. This adage is sound. Elite schools might do well to teach it, rather than the misinterpreted *volksgeist* alternative.

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