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SENATE JOINT RESOLUTION

WHEREAS, The Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African-Americans (hereinafter referred to as the Commission) was created by SJR 31 of the Ninety-fourth General Assembly; and

WHEREAS, The Commission was required to report no later than December 1, 2006, to the General Assembly, the Governor, and the general public on its activities, accomplishments, and recommendations, and that the Commission was to be dissolved after the filing of this report; and

WHEREAS, As of the required reporting date, the Commission's work was still ongoing and further investigation was needed prior to the preparation and submission of its report; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HERELN, that the Commission to Study the Transatlantic Slave Trade and its Past and Present Effects on African-Americans, organized pursuant to SJR 31 of the 94th General Assembly, is hereby reconstituted; and be it further

RESOLVED, That the Commission shall be comprised of those persons appointed pursuant to SJR 31 of the 94th General Assembly until such time as those appointing authorities established in SJR 31 appoint different persons to the Commission; and be it further
RESOLVED, That the Commission shall have the authority, duties, and purposes as set forth in SJR 31 of the Ninety-fourth General Assembly; and be it further

RESOLVED, That no later than December 31, 2008, the Commission shall report to the General Assembly, the Governor, and the general public on its activities, accomplishments, and recommendations; and that the Commission shall be dissolved after the filing of this report; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.
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Secretary, Illinois Department of Human Services

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Member, National Coalition of Blacks for Reparations in America

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Director & Professor, National Center for Institutional Diversity
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The Honorable Bernetta D. Bush
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The late great historian, Dr. John Henrik Clarke, often reminded us in his numerous works, lectures, and most particularly in the opening scene of the documentary, *A Great and Mighty Walk* (1996, Black Dot Media, Inc.), of the following:

*History is a clock that people use to tell their political and cultural time of day. It is also a compass that people use to find themselves on the map of human geography. History tells a people where they have been and what they have been. Where they are and what they are. Most important, history tells a people where they still must go, what they still must be. The relationship of history to a people is the same as the relationship of a mother to her child.*

With Dr. Clarke’s statement as a backdrop, the Illinois TransAtlantic Slave Trade Commission (ITSTC) has completed its first phase of research by compiling its report to the Illinois State Legislature. This report is in response to the directives of the State Legislature’s mandate. The report examines the impact of the institution of slavery and its continued manifestations that plague the American society and the implications for programmatic directions to help ameliorate some of the effects and issues that have emerged by specific recommendations of the Commission.

Thus, the leadership of State Representative Eddie Washington and State Senator Mattie Hunter during the 2004-2005 Illinois State Legislative deliberations gave birth to the ITSTC. Further, Senate President Emil Jones and House Speaker Michael Madigan, along with State Senator Donne Trotter and State Representative Karen Yarbrough provided support for the initial funding of this project to begin the awesome challenge of examining the impact of slavery and the slave trade on African people in the United States and specifically in Illinois. As it has been noted, because of the rich tradition of research and scholarship by the faculty of the Jacob H. Carruthers Center for Inner City Studies (CCICS) of Northeastern Illinois University (NEIU), the work of the ITSTC has become institutionalized as a research project that will have ongoing mission of research and publication.

In this regard, it is through the leadership of Dr. Anderson Thompson, a senior faculty member of CCICS who has spent a lifetime researching the multiplicity of issues related to Africa and the African world, that this project has been successful. Dr. Thompson has served as the Director of Research and Evaluation and Senior Research Coordinator for this project since its inception. He has helped recruit some of the best researchers and experts in the African world, in a variety of disciplines, who have served as research associates in helping to complete this phase of the ITSTC’s work.

It is to our Senior Research Consultant, Dr. Iva Carruthers, along with her research assistant, CCICS Master’s degree alum, Kesha Daniels that we owe much because of their day to day facilitation of our research project. The office staff, led by Mel Von Mathis and her assistant Wanda Dukes (CCICS undergraduate student), have done a superb job in managing the offices of the ITSTC. The recording and transcription of the numerous proceedings of the Commission could not have been accomplished without Leona Riley (CCICS undergraduate student). The graduate students of the Carruthers Center have played a profound role in helping shape and conceptualize the work of the Commission.

In the final report of this phase of the Commissions work we are thankful for the contributions of Professor Judith A. M. Scully for her examination of the “Effects of Federal and State Laws on Slavery.” Dr. Linwood F. Tauheed’s profound contribution on “The Economics of the Transatlantic Slave Trade System” is a significant part of the report, as is Dr. Joy DeGruy Leary’s work on the “Post Traumatic Slave Syndrome.” The work of Dr. Wade Nobles has consistently, from the outset of this Commission, been a key factor in the development of all of our research strategies. We must give great acknowledgement to the late Dr. Asa G. Hilliard, III who served as a Commissioner and made his transition in Africa on a study tour to Egypt in the summer of 2007. Dr. Hilliard’s contributions to the Commission are embedded throughout the entirety of this work.
We must also thank Dr. Marimba Ani, Dr. Samella Abdullah, Dr. Kobi Kambon, Dr. Greg Kimathi Carr, Dr. Leonard Jeffries, Dr. Margaret Lee, Dr. Jeremiah Wright, Dr. Carl Bell, Dr. Harvette Gray, The Honorable Judge Bernetta D. Bush, Atty. Standis Willis, Professor Yvonne Jones, and Toni Costonni to name a few, who have engaged over the past two years in the systematic, collective, and collaborative strategies in unearthing the massive research documenting the impact of the institution of slavery and the slave trade on African people.

The next phase of the Commission's work will be centered around determining strategies to implement the numerous recommendation of the ITSTC.

Finally, once again, we would like to thank the Illinois State Legislature, university students, staff and especially all the Commissioners who have labored diligently over the past two years in making the goals and objectives of this Commission a reality in responding to the duties as directed by the legislative mandate. Therefore, this report is submitted in the hopes of furthering the long standing dialogue on slavery, the slave trade, and it's continuing impact on the American Society.

Conrad W. Worrill, Ph.D.
Director CCICS
One of the most unique and beneficial aspects of the TransAtlantic Slave Trade Commission is its methodological approach to the study and analyses of the TransAtlantic Slave trade system and its lingering effects. Examination and inclusion of the slave owning communities, who they were, how they benefited, how the system was developed, interconnected and sustained in this global trade of African humanity forge a historiography of a new kind. It creates a research design that allows for a new understanding and approach to the study of slavery as a system: a group of interacting or interdependent elements, parts, or ideas forming a complex whole –desired end or purpose.

The historical methodology of the Illinois TransAtlantic Slave Trade Commission results in a new and more comprehensive account of the history of Illinois. There is very little history of the African presence in the State of Illinois and in many cases, some Illinois historians wrote as if there was no African presence in this state. Other writers merely “punctuated” blacks into their accounts of Illinois as if they were shock waves, invaders, unwanted, the other to be dealt with, rioters, intruders, strike-breakers, and in the main, a needless scar on what was otherwise a peaceful white situation.

However, most, if not all, of the early history writers completely forgot to include, except, in such cases, where blacks were named in courts cases. Early historiography identified blacks as a community local problem, or in court cases of as one or two lonely individuals involved in some kind of criminal behavior. Early historiographers, writers, compilers, biographers, etc. omitted black presence in Illinois and portrayed the Northwest Territory, the State of Illinois and the city of Chicago as territories founded or discovered exclusively by “Old Stock” Americans, mainly of French and English decent. In other words the “Founding Fathers” were pioneers who struggled bravely against the natural and the native forces and successfully made the region, state and local areas for the newly arriving European settlers.

The omission or misrepresentations of the African presence in Illinois historiography has several implications. These implications greatly impact public memory, educational pedagogies, cultural perspectives, and further research approaches of Illinois historiography. Through the objectives and products of this Commission we can begin to deconstruct, reconstruct and contribute to the abundance of local and regional accounts of the Northwest Territories, the origin and genesis of Illinois in the Union as a “Free State” along with the growth and development of Chicago as a major metropolis.

Particularly, as we anticipate many commemorative events celebrating Abraham Lincoln’s XXXX…, including his presidency over the period of the Civil War and the emancipation of the enslaved, we can situate Illinois’ most defining circumstances, institutions and peoples in an expanded context of new understandings. We can establish a history that makes clear distinctions in the timeline of Illinois history based on the impact of slavery upon this state and influences upon President Lincoln’s personal development. We can identify periods in Illinois history that reflect tremendous shifts in the political, economic, social and ethnographical landscape of the state, and President Lincoln’s understanding of the issues.

These periods provide a framework for future research and are:

- Period I: The Indigenous Inhabitants of the Northwest Territories
- Period II: 1760 – 1818; The Slavery Period thru the Mandate as a “Free State”
- Period III: 1818 – 1865; The Period of Contestation - State and National
- Period IV: 1865 – 1875; Post – Civil War and Reconstruction Period

These periods become the backdrop for understanding the subsequent periods of Black migration and the lingering effects of the TransAtlantic Slave Trade System.

The work of the Illinois TransAtlantic Slave Trade Commission responds to the challenge of avoidance and shame associated with the “S” word, meaning “slavery.” This will be so until we reach a point where the stories and points of view of both the heirs of the enslaved and the slave masters can be shared. While the “S” word has been an integral part of world history since the earliest time, the African intellectual unfettered telling of their story is still waiting to be told.
Indeed, the Western world, for the most part, continues using the term slavery, slave, and slave culture, as if it was something that happened only to Africa and African people. Many thousands of volumes have been devoted for the most part to slavery and slave culture from the perspective of European historiography. From this perspective, slavery defines the enslaved African, not the enslaver – or those whose very lives depend on slave labor.

Most historiography has not deconstructed the institution of slavery, its institutional patterns nor the mind, soul and beneficial gains of the enslaver. Most historiography has not identified those who benefited from the TransAtlantic Slave Trade System, such as the European nobility, the church, the bourgeoisie, the worker peasants, as well as the serfs. Most historiography has not analyzed the slave owning communities of Europe and examined the other side of the world’s slave culture. Europe’s opulent cities, cathedrals, magnificent edifices, museums, opera houses, the White House and the New York Stock Exchange rest on the quivering, uneasy foundation of the TransAtlantic Slave Trade System.

It is through an alternative historiography and lens of deconstruction, reconstruction and examination of the TransAtlantic Slave Trade System that we may clearly see the material and immaterial aftermath of the slave system. The lingering effects of slavery may be witnessed as we gaze upon the majesty of Madrid, Lisbon, Paris, London, Amsterdam, Antwerp, Copenhagen, and Brussels, to name only a few. The lingering effects of slavery may be unearthed in the stories behind the establishment of America’s colonies, the U. S. Capital, universities, wealth and technological and industrial development.

What we know is that the Illinois TransAtlantic Slave Trade Commission is making significant contributions to the global effort to provide a more comprehensive, factual and balanced historiography on the TransAtlantic Slave Trade System. It is the collective efforts of the many engaged in this work throughout the United States and the world which will ultimately dismantle the lingering effects of the TransAtlantic Slave Trade System and lead to a new world story no longer “in waiting” but actually “being told.”

Anderson Thompson, PhD
INTRODUCTION

The tragedy of the [TransAtlantic Slave Trade System] is of such proportion that it taxes the imagination...this constitutes the greatest number of unmemorialized people in the history of the whole world. No other people have permitted that many of their people to die and have not attempted to make a suitable memorial for them. It’s like they are still there, like their voices are still there....John Henrik Clarke

The Illinois TransAtlantic Slave Trade Commission was authorized in 2005 by the Illinois State Legislature. Many in the public and academic arena throughout the nation must commend the State of Illinois for authorizing this groundbreaking public activity. The work of the Commission is proving increasingly crucial to healing the historical wounds of this nation. Since it’s inception, the Commission has attracted and reached out to others in the greater world community, forging new relationships and collaborations between a state legislative process, public policy deliberations and academic and expert research teams.

The 2007 first year accomplishments included the development of an infrastructure to support collaboration between the commissioners and hundreds of scholars. It included bi-monthly meetings, a two-day consultation and conferences and the call for and presentation of many academic papers in various disciplines. The synthesis of these submissions resulted in baseline essays and a framework for addressing the lingering effects of the TransAtlantic Slave Trade System upon this state, the nation and its people. Specific public and private policy recommendations were identified. The Commission Report I of the Illinois TransAtlantic Slave Trade System Commission, was issued June 30, 2007.

The ongoing work of the Commission, meeting its legislative charge, has resulted in a network of scholars and scholarship around the nation, and with global outreach, to further the understanding of the TransAtlantic Slave Trade System and its legacy, historically and contemporaneously. This report represents the first of a series of monographs in specific areas, to create a corpus of information that clearly substantiates the differentiating analysis of the TransAtlantic Slave Trade System and its lingering effects from the perspective of the descendents of the enslaved. The report also affirms and identifies specific recommendations that can be effected in the public, academic and private arena to further the goals of the legislation.

The 2008 recommendations frame the work agenda for phase three of the Illinois TransAtlantic Slave Trade Commission. The 2008 TransAtlantic Slave Trade System monographs are in the areas of:

(1) Procurement and Capture, (2) Law and The Black Codes, (3) Labor and Economics, (4) Ethics and Religion and (5) Psychology and Culture.

They provide a foundation of information to both inform and justify implementation of the recommendations as this state and nation continues to confront the challenges and legacy of the TransAtlantic slave trade system.

I am privileged to serve as a commissioner, Senior Researcher of the Illinois TransAtlantic Slave Trade Commission and editor of this report.

Iva E. Carruthers, PhD
Senior Researcher
Illinois TransAtlantic Slave Trade Commission
Recommendations
The Illinois TransAtlantic Slave Trade Commission submits for consideration the following eight preliminary recommendations in three specific areas.

1. AGENCY AND INSTITUTIONAL DEVELOPMENT
A Statewide effort through public and private partnership is recommended for resource identification to effect permanent institutionalization of the significant findings of this Commission.

1.1 An Illinois Sites of Memory Project become an instituted to include a comprehensive trail and marker identification program at unmarked underground railroad stops, grave sites and significant institutional or event sites based on the findings of the Commission.

1.2 The Illinois Department of Health should be charged to initiate programs and services, in collaboration with other appropriate agencies, related to the effects of the Maafa on the mental health and healing of individuals and communities, African American and others. A proposed “We Are Family Campaign”, along with an appropriate campaign to address the history pertaining to acts of racial intolerance.

1.3 An archival and research center on the TransAtlantic Slave Trade should be established in Illinois as historic treasure of this state, the mid-west region and the nation. Copies of the archives of the Chicago Defender and other Illinois newspapers should be a central focus of this archival and research center. A multimedia program on the role of Illinois elected officials in the cause of human rights against the TASTS and the lingering effects be developed to augment public school curriculum and made available to museums and libraries.

2. PUBLIC HISTORY AND EDUCATIONAL DISEMINATION
There should be a statewide effort to organize and implement various access points of information and experiences for the general public’s education on the TransAtlantic Slave Trade System.

2.1 Public hearings and outreach should be undertaken to encourage community participation in this work including the support of museums, churches, libraries, etc. as sites of genealogical and community archival trainings.

2.2 The Illinois Humanities Council and the Illinois Arts Council should create an initiative that directly funds historic documentaries and public informational programs related to greater understanding of the TransAtlantic Slave Trade System and the healing of a nation.


3. K-12/ HIGHER EDUCATION AND CURRICULM DEVELOPMENT
Based on these findings, African-centered curriculum initiatives at the state level should be established for K-12 and higher education to include curricula review and instructional developments and activities that focus on age-appropriate critical understandings of the TransAtlantic Slave Trade System.

3.1 A specific curricula review and instructional development project be undertaken to document and appropriately integrate the role of Illinois legislation, the “Black Codes” and elected officials in the TASTS.

3.2 A specific curricula review and instructional development project be undertaken to document and appropriately integrate the chronology and role of Illinois in U.S. history and the historic role of public and private Illinois corporation in the TASTS at the local, county and state levels.
TransAtlantic Slave Trade System
Vantage Points from the Bottom of the Ship:
The Captured, Procured, Destructed and Commodified

By
Kesha Daniels

Abstract
This monograph discusses what is commonly referred to as the Trans Atlantic Slave Trade System in the context of the Maafa—which has been defined as a tremendous suffering or great calamity. This monograph offers a brief yet broad overview of the fundamental aspects of the system established for the capture and enslavement of persons of the African continent through practices of commodification and torture.

In an attempt to place the discussion within the larger context of a systemization which caused the Great Maafa of African life, the Atlantic trafficking of humans as cargo is referred throughout this paper as the TransAtlantic Slave Trade System (TASTS) and key processes will be identified according to a paradigm which organizes the system into three fundamental phases.

This paper identifies and organizes the three fundamental phases within a framework that allows the reader to understand the TASTS was intentionally established to function as a system which was organized into three phases. The first phase is referred to as the First Passage, which entailed the Western hegemonic institutionalization of TASTS. The second is the Middle Passage; which details the breakdown of the points from capture through seasoning, based on the recently expanded definition of the Middle Passage provided by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The last phase is the Final Passage, which is the actual institution of slavery and its systematic destruction to African life within a particular territory - the United States of America within this work).

“Nowhere in the annals of history have a people experienced such a long and traumatic ordeal as Africans during the Atlantic Slave Trade.”1 John Henrik Clarke
Introduction

Often historic works pertaining to the enslavement and the sale of African people and forced scattering throughout the Western Hemisphere focus narrowly on the physical brutality of those enslaved. Also, many works exist which seek to quantify those who perished, as well as, those who survived the torturous crossing of land and sea in route to the plantations of the West. As the previous mentioned research topics are of value we must acknowledge and understand that the capture and trade of African persons and there forced dispersals throughout the world grew out of an intricate networking of institutionalized power structures and the systems they developed and implemented through a myriad of processes thus yielding, The TransAtlantic Slave Trade System.

The processes of the TransAtlantic Slave Trade System have been so calamitous in it's manifestation over hundreds of years that the African term, Maafa, aptly serves as the most appropriate term to characterize its essence. Maafa is an African word that is used to describe tremendous suffering, indescribable atrocities, disaster, calamity, catastrophe, or injustice. This term is used to refer to the protracted suffering of African people and culture as a consequence of the TASTS. The Maafa was institutionalized by a multinational hegemonic power structure, spanned hundreds of years and made its way across continents and waterways, vast and small. The Maafa devastated countless lives and entire communities toward the aim of benefiting from a system of exploited labor. The Maafa best speaks to destruction of African life and culture that came about as a result of the elaborate infrastructure of the TASTS.

“Over the nearly four centuries of the slave trade…millions of African men, women, and children were savagely torn from their homeland, herded onto ships, and dispersed all over the so – called New World.” Indeed, the processes of the TASTS inflicted inhumane and indescribable atrocities and tremendous suffering upon the enslaved Africans. And it is in the context of The Maafa that this work will distinguish and describe particular aspects of the TASTS that brought about the tremendous destruction of African humanity during the period of colonial and post colonial North America.

Enforced by a multinational hegemonic supper structure for the aim of economic expansion, geo-political and ideological domination the TASTS implemented the global marketing
of human flesh which can be deconstructed and understood through a triple lens or paradigm characterized by three passages. The First Passage refers to the creation and organization of the institutional infrastructures and processes that were required to effectuate and sustain the system. The Middle Passage refers to the implementation of the practices identified as capture and enslavement of African people, journey to the coast and other departure points, storage and package for shipment, transatlantic crossing, sale and dispersion in the Americas, as well as, seasoning/adjusting in the Americas. The Final Passage refers to the lingering effects and institutionalized systems which have grown out of the TASTS and mitigate against efforts to maintain, restore and re-instate African humanity that was lost as a result of the Maafa.

**TASTS**

Organized institutional system for the enslavement of African peoples created and enforced by multinational hegemonic forces for the aim of economic expansion, geo-political and ideological domination.

<table>
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<tr>
<th>1st Passage</th>
<th>Middle Passage</th>
<th>Final Passage</th>
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<td>Creation and Organization of the necessary infrastructure and processes that will effectuate and sustain global marketing of the enslaved Africans</td>
<td>Implementation of the Practices:</td>
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<tr>
<td></td>
<td>1. capture and enslavement in Africa</td>
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<td>2. journey to the coast and other departure points</td>
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<td>The lingering effects and institutionalized systems which have grown out of the TASTS and mitigate against efforts to maintain, restore and re-instate African humanity that was lost as a result of the Maafa.</td>
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The First Passage

Late in the 15th century, along the shores of the European peninsula, advances in shipping technology gave birth to a relatively new industry. This new industry would allow Europe to expand its trade routes and eventually its territories.

This new industry brought to Europe tremendous investments and systems of organization for those investments. Quickly, but not without great strife, the interests of the monarchy, affluent, and merchant class began to organize the resources and their managing systems toward the benefits of economic market expansion and geo-political expansion.

By the mid - late 15th century Portugal and Spain established maritime routes that allowed them to extend their routes to established points where products could be developed within closer proximity to their distribution channels. Predating Columbus’s transatlantic voyage, Spain and Portugal established colonies on the islands off the coast of the West African main lands. The islands of Cape Verde and the Canaries are excellent examples where the beginnings of an expanded global market system were affected through a cycle of enslavement, colonization, labor, industry and trade.

The shared interests and investments of a quickly merging hegemonic structure soon created routes that would enable large shipping vessels closer to the West African shores of Senegal southward to the shores of the territories the European explorers would later name Guinea, Sierra Leone, Liberia, Ivory Coast, Ghana, Togo, Benin, Nigeria, Equatorial Guinea, Gabon, Congo, Angola etc.

Following Portugal and Spain other European nations such as Holland, Denmark, Sweden, and Germany, France, and England, organized and invested in the market expansion and TASTS. In several cases the monarchy or nation state held a monopoly on the trade in enslaved Africans and created infrastructure to secure and manage its heavy hand in their business of enslaving and slave trading.
Departments of government were established to govern the trade on behalf of the ruling house and the investors. Also, there are instances where trade in a particular region was contracted to persons or organizations or licenses were granted to private merchants. Those who were granted permits in the trade did so within the geographical and policy parameters instituted and managed by the ruling house and their royal officials.

Queen Elizabeth’s reign invested in the trade with provision of ships. Later, we see in the case of Britain, the ruling house established charters. In 1618 a new company was organized under the name Governor and Company of Adventures of London and was granted a monopoly that pursued the human exploits of Guinea and Benin and under which colonial North America was officially established.

It was with these very types of charters, that colonial North America was officially established. By 1660 the ruling monarchy had already established their investments and infrastructure in both the Caribbean and North America.

For example, “The early explorations of John Hawkins were funded by Queen Elizabeth. In 1607 over one hundred colonist arrived in what they would Virginia. The mission of the colonist was outlined by the charter granted by the King of England, King James. The Virginia Company of London was made up of a group of English investors who recruited English settlers and developed the first English colony of North America - Virginia.”

Not long after The Virginia Company invested in the establishment of its North American colony the first tobacco seeds from Trinidad turned the fledgling Virginia settlement into a wealth producing land. By 1620 nearly 55,000 pounds of tobacco were exported to England for sale. Tobacco plantations began to flourish throughout the colony of Jamestown, Virginia.

Ironically, the enslaved African people who labored to produce wealth by producing raw and manufactured goods, as a result of being made a commodity the enslaved person him/her self had a market value. African people, as a result of their being made a commodity, yielded tremendous returns by producing other commodities for the investors and in turn for the royal house. The
enslaved and the goods they produced in the English North American colonies, as well as Britain's extensive Caribbean plantation system, led to the exponential growth of Britain's economy.

In the 1700s the populations of all the British mainland colonies had fast natural rates of growth. In the northern colonies this pushed agricultural settlement into the interior. In the southern colonies the coastal regions intensified the slave plantation production of tobacco while also adding rice and indigo to plantations in South Carolina and Georgia. The result was the sprouting of new goods, services and financial outlets and policy to ensure the continuity of the cycle of commodification.

See Image: A.

After investments were secured, the protective policy and other royal initiatives were in place, the major business of outfitting the slaving vessels was required. The elaborate preparations to secure carry and deliver the pursued commodity of enslaved Africans included the manufacturing and inventory preparation unique to ships specifically designed to carry humans as cargo.

The ships had to be prepared for the crew with food stuffs and drinking water etc., and specially designed restraining instruments used to keep the enslaved bound during the crossing. Military fixtures such as fire arms, daggers and cannons were carried on the ships and for furthering the investors mercantile interests the ships also carried; rum, textiles and sometimes food stuffs had to be traded (depending on embarkation/ docking point), embarkation canoes had to be stored; and, branding irons, iron coffles and shackles, bronze muzzles and other restraining tools where carried onboard the slaving ships.

See: Image B and C.

For example a Doctor after being on board a slaving ship detailed the following before the British House of Commons, describes the vessel and the conditions aboard by stating:

“The vessel had taken in, on the coast of Africa, three hundred and thirty-six males, and two hundred and twenty-six females, making in all five hundred and sixty-two; she had been out seventeen days, during which she had thrown overboard fifty-five. They were all [e]nclosed under
grated hatchways, between decks. The space was so low, and they were stowed so close together, that there was no possibility of lying down, or changing their position, night or day. The greater part of them were shut out from light and air; and this when the thermometer, exposed to the open sky, was standing, in the shade on our deck, at eighty-nine degrees.

“The space between the decks was divided into two compartments, three feet three inches high. Two hundred and twenty-six women and girls were thrust into one space two hundred and eighty-eight feet square; and three hundred and thirty-six men and boys were crammed into another space eight hundred feet square; giving the whole an average of twenty-three inches; and to each of the women not more than thirteen inches; though several of them were in a state of health, which peculiarly demanded pity. – As they are were shipped on account of different individuals, they were branded like sheep, with the owner’s marks of different forms; which, as the mate informed me with perfect indifference, had been burnt in with red-hot iron. Over the hatchway stood a ferocious looking fellow, the slave-driver of the ship, with a scourge of many-twisted thongs in his hand; whenever he heard the slightest noise from below, he shook it over them, and seemed eager to exercise it.”

Middle Passage

Thousands of historical documents and primary sources from all over the world on the TransAtlantic Slave Trade System have been examined under the aegis of United Nations Educational, Scientific and Cultural Organization (UNESCO). In conformity with the expanded definitional scope of the Middle Passage, “The Middle Passage did not begin with the actual transatlantic voyage, but began instead with the capture of Africans in the interior and ended with their adjustment to the new environment …”.

UNESCO categorizes the Middle Passage into six distinct stages that include: 1.) capture and enslavement in Africa; 2.) journey to the coast and other departure points; 3.) storage and package for shipment; 4.) transatlantic crossing; 5.) sale and dispersion in the Americans; 6.) seasoning/adjustment in the Americas.
The successive nature of the Middle Passage was so tremendously brutal that not all those captured survived each stage and some experienced the different stages more than once and for different lengths of time.

1. Capture and enslavement in Africa;

The demand for enslaved Africans was carried forth with various tactics leading to capture and, consequently, enslavement. However, “Slavery was virtually always initiated through violence that reduced the status of a person from a condition of freedom and citizenship to a condition of slavery.”

In order to capture and enslave; physical and psychological torture tactics were used including separation from environment, family and community members, confinement, deprivation of food, overwhelmingly strenuous laborious tasks, etc. Other formerly captured and enslaved Africans where often forced to incite raids and kidnappings as well. Many channels were connected to the process that stretched over miles of land and water. For example, in Angola, European armies penetrated 200 miles inland.

See Image D.

Instruments used in the capture existed in many forms and were very brutal in their effect. One such object was the bronze metal muzzles that were used on captured females.

Another instrument for capture was the coffles and/or ropes used to inhibit those captured by severely limiting their range of motion while they were forced to walk for miles. Often the enslaved were linked together by their joints and or their extremities and sometimes neck to neck.

2. Journey to the coast and other departure points

“Often herded in caravans of a thousand or more, slaves lived on roots and grasses, or whatever refuse and garbage they could pick up. While being marched hundred of thousands of miles...After months on the trail, the captives looked, an observer noted, "like skeletons covered with parchment, through which every bone in my body might be traced."
Before arriving to the coastal confinement stations, those enslaved were forcibly lead along well established trade routes. Popularly referred to as the “death march,” though, it is an understatement to characterize the journey to the coast as simply barbaric. These journeys varied in distance and time needed to complete the journey. The journey was punctuated by interment stops at small townships along the way. At this point in the process the enslaved person could be subjected to several instances of being sold or even kidnapped by competing village raiders and bandits. An unknown number of people caught up in this process met an inhuman death due to disease or ill-treatment.

At the end of the journey, often other enslaved people were used to lead the newly enslaved into confinement in the slave baroques constructed on the outskirts of the slave dungeons, also referred to as the forts and castles established by various European nations. Those captured and marched from the interior arrived at the coastal areas, as the paramount objective for the processes of storage and shipment of the enslaved was the development of guarded physical structures, which resembled a basic jail cell, were positioned along the coast for the guarded holding place before storage and package onto the slave ships. This holding sell or, barracoon was separate and apart from the slave dungeons of the European slave castle also positioned at the costal region.

See Image F.

3. storage and package for shipment;

The process of storage and package for shipment was resulted in countless deaths that resulted from the introduction of foreign diseases that quickly sweep through the ship causing tremendous suffering for the men, women and children on board the already filthy conditions of the ship. The ships were specifically designed for the packing and shipping of as many bodies as possible.

See Image G.

4. transatlantic crossing;
The TransAtlantic crossing of ships with human cargo, along with other products, ushered in the first major global economy. The trade was so vast and complex in its infrastructure that history speaks of it as the “Triangular Trade”, which refers to the shipping routes between the ports of Europe, the shores of the African continent and the Western hemisphere. This triangular trade made it possible for millions upon millions of victims to be forcibly taken to the Americas, as well as the myriad of other destinations all over the globe. Routes varied of course, depending on the final destination and each European nation had their preferred routes.

Britain’s quick imperial expansion allowed the nation to make tremendous inroads and dominate the trade and its established routes. The demand for more slaves dictated the time and multitude of routes the ships embarked upon. But, in the end it was “the Atlantic weather systems that dictated the ebb and flow of mankind…”

People packed on these vessels were forced to endure these conditions for periods up to as one source reported 200 plus days. Disease and death quickly swept through the ships resulting form dysentery, smallpox, and a number of other ailments as did the various forms of all forms of sexual assault, other physical abuse such as brutal beatings, whippings and flogging. The disastrous fatality rates did not influence these circumstances that helped to define the experiences during the TransAtlantic crossing.

Even infants were not spared the horror of the Maafa.

“A child on board a slave-ship, of about ten months old, took sulk and would not eat; the captain flogged it with a cat-o’-nine tails; swearing that he would make it eat, or kill it. From this, and other ill-treatment, the limbs swelled. But even his tender mercies were cruel. The cook, on putting his hand into the water, said it was too hot. Upon this the captain swore at him, and ordered the feet to be put in. This was done. The nails and skin came off. Oiled cloths were then put around them. The child was at length tied to a heavy log. Two or three days afterwards, the captain caught it up again, and repeated that he would make it eat, or kill it. He immediately flogged it again, and in a quarter of an hour it died. And after the babe was dead, whom should the barbarian select to throw it overboard, but the wretched mother! In vain she tried to avoid the office. He beat her till he made her take up the child and carry it to the side of the vessel. She then dropped it into the sea, turning her head the other way, that she might not see it.”
5. Sale and dispersion in the Americas

Insert map from atlas

While the Portuguese dominated the sales and dispersion of the enslaved in South America, particularly Brazil, Britain's expansion into North America resulted in increased land and various water routes which allowed them to sustain the ferocious appetite for enslaved peoples from the African continent. The British Caribbean network became an integral part of the sale and dispersion and later the seasoning and preparation of slaves for its U. S. trade. A sophisticated interstate and intrastate system of marketing, auctioneering and selling enslaved Africans emerged. This became the key factor in the complete dehumanization and commodification of the enslaved—without any regard for family, ethnic or community bonds.

“The slaves are put in stalls like pens they use for cattle— a man and his wife with a child on each arm. And there's a curtain, sometimes just a sheet over the front of the stall, so the bidders can't see the “stock” too soon. The overseer's standin' just outside with a big blacksnake whip and a pepperbox pistol in his belt.” – James Martin

The enslaved often experienced various stages more than once and with a variance in length of time between each stage of the system. As every stage presented aspects that were destructive and torturous. The enslaved were often sold many times before settling on a given plantation. In South Carolina, for example, planters estimated that a slave paid for himself within four years, so that the real profit from his labor came after that span.15

6. Seasoning and Adjustment in the Americas

Seasoning refers to a process of negative socialization to destroy the free will of the newly enslaved. Seasoning stations entailed an intentional, raw savage brutality to affect a spirit of submission, cultural and linguistic surrender. This process was designed to further shatter the already damaged psyche of the newly enslaved, while physically exploiting them for their labor. The sale, branding and marketing of African humanity was another aspect not only of the economic cycle from the TransAtlantic Slave Trade System but also the process of seasoning.

See Image H.
For example the following account detailed by one sea captain detailed in his journal the speaks to this process:

“Our surgeon examin’d them well in all kinds of ways, to see if they were sound of wind and limb, making them jump, stretch out their arms swiftly, looking in their mouths to judge of their age…but our greatest care of all is to buy none that are pox’d, lest they should infect the rest aboard…Our surgeon [also] is forced to examine the privities of both men and women [for sin of vinereal diseases]. When we had selected from the rest such as we liked, we agreed what goods to pay for them...how much of each sort of merchandise we were to give for a man, women, child...

Then we mark’d the slaves we had bought in the breast, or shoulder, with a hot iron having the letter of the ship’s name on it, the place before being anointed with a little palm oil, which caused but little pain, the mark being usually well in four or five days, appearing very plain and white after.”

Women played a significant role as enslaved laborers.

“Women were generally out numbered by men for most of the slavery period, they performed proportionately more labour than men. Women formed the greater numbers of slaves in the fields gangs whose members performed the bulk of the arduous labour upon which the economic viability of the plantations depended. Only recently has this aspect of women’s labor been given the recognition it deserves.”

Torn, time after time, from any semblance of familiarity or family, the enslaved had to adjust mentally and physically to a system, practices and ecology that held no likeness to their native land. Thus, the constant battle for freedom and expression of human dignities characterized the mind, body and spirit of the African in the Diaspora.

Floggings were a standard procedure of control and punishment.

“Quite frequently, even the most cultured of planters were so inured to brutality that they thought little about the punishment meted out to slaves. Floggings of 50 to 75 lashes were not uncommon. On numerous occasions, planters branded, stabbed, tarred and feathered, burned, shackled, tortured, maimed, crippled, mutilated, and castrated their slaves.
Thousands of slaves were flogged so severely that they were permanently scarred. In Mississippi a fiendish planter once administered 1,000 lashes to slaves.”

The Final Passage

Refering to the lingering effects, The Final Passage speaks to the institutionalized systems which have grown out of the TASTS and mitigate against efforts to maintain, restore and re-instate African humanity that was lost as a result of the Maffa. The various manifestations of institutionalized strategies to further dehumanize the formerly enslaved include tenant farming as a reinvention of slave master labor relationship, lynchings, banishments, Jim Crow legal system, prison labor camps etc. All of the above strategies contributed to the larger system of psycho-social dehumanization explicated by the *memetic complex*: the language, imagery, conscious and unconscious belief systems about African peoples and civilizations over centuries to serve the intent of African dehumanization on the part of the European enslavers and borne out of a Euro-western lens.

Evidences of these efforts to maintain, restore and reinstate African humanity as a result of the Maafa, included slave liberation movements (traditionally referred to as slave revolts or insurrections), linguistic and cultural code switching and retentions and recreation of spiritual rituals and expressions.

Concluding Thought

Like other great historic events the institutionalizion of the enslavement system by a multinational hegemonic power structure, for the movement to capture, enslave, displace and a intentionally subjugate the countless millions of African persons spanned hundreds of years, and now challenges us in the present with the profound consequences which characterize the Maafa. At the time we have the opportunity to engage in a closer look at those private and public, state and federal institutions that undergirded our nation's arm of the TASTS. Institutionalized systems which have grown out of the TASTS now stand and mitigate against efforts to maintain, restore and re-instate African humanity that was lost as a result of the Maffa leaving us now with the task to collectively engage in efforts towards retrospective justice that may yield a new type of system for the 21st century.
Bibliography


Senate Joint Resolution 0031, 94th General Assembly of the State of Illinois, 2005


Notes:

8 An Appeal in Favor of That Class of Americans Called Africans, 12-13.
10 Ibid., 106
13 *An Appeal in Favor of That Class of Americans Called Africans*, 17* *taken from Clarkson’s History of the Abolitio of the Slave Trade.*
14 Rice and Slaves: Ethnicity and the Slave Trade in Colonial South Carolina. 68.
15 Smithsonian, *Captive Passages*. 59
16 From Caribbean Slavery in the Atlantic World. 1018.
THE COLONIZATION OF NORTH AMERICA AND THE CARIBBEAN 1600–1763

Image A.

Image B.
Image E.

Image F.
Image I.
INTRODUCTION

Although the State of Illinois entered the Union in 1818 as a “free” state, a closer examination of the laws indicate that slavery was alive and well in the State of Illinois at the time it entered the Union until the end of the Civil War. Through a system of lifetime-indentured servitude “contracts”, Illinois enslaved its Black population, subjecting black people to whippings and denying them all of the rights that other citizens of the state of Illinois enjoyed.

Through a comprehensive set of Black Laws or Black Codes, the Illinois Senate prohibited Black people from voting, from participating in the judicial system, from giving speeches, from gathering together, from leaving their place of employment without a pass, and from residing in the State without registering with the County Clerk. Failure to be registered with the County Clerk could result in the Black person being sold on an auction block like a cow, a sheep or a pig.

This compendium examines the laws and the Territory and the State of Illinois that governed the lives of Black people from 1787 until 1865.

The negative lingering effects of the slave system and these laws clearly implicate post civil war generations of economic, social, cultural and legal standing of African Americans in Illinois and throughout the United States.

This compendium is organized to example the breadth and depth of the legislative enactments of the Illinois Senate and the judicial case law of the Illinois Supreme Court. It includes the actual Black Codes passed by the Illinois legislature and concludes that freedom for Black people in the state of Illinois was nothing more than an illusive concept similar to the mirage of water in a hot dry desert.

BACKGROUND: SLAVERY IN THE ILLINOIS TERRITORY

Early Illinois history documents the introduction of slavery into the Illinois territory sometime between 1717 and 1721 by the French. The British, who took control of the Illinois territory in 1765, permitted slavery to continue, and so did the Americans after they acquired the Illinois territory in 1778. Although most people believe Illinois was a “free” state, the truth is that slavery existed in Illinois until the mid 1800’s. This is a particularly noteworthy fact because the Northwest Ordinance of 1787 explicitly prohibited slavery in this region.

On July 13, 1787, the Congress of Confederation enacted one of the most important pieces of legislation passed during the 18th century --- the Northwest Ordinance of 1787. This law officially entitled “An Ordinance for the Government of the Territory of the United States North West of the Ohio River” prohibited slavery in the areas that
are now known as Ohio, Indiana, Illinois, Michigan, and Wisconsin. Article VI of the Northwest Ordinance specifically stated:

“There shall be neither slavery nor involuntary servitude in the said territory, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.”

Despite the Northwest Ordinance’s prohibition on slavery, from the late 1780’s until the mid 1800’s, government officials in the Illinois territory did everything within their power to encourage a slave-like existence for people of African descent. Through a system of long term and sometimes life-long indentureship, rental contracts, legalized whipping and the refusal to emancipate slaves who had been brought in to the territory before 1787, the government officials of the Illinois Territory ensured that slavery would survive and thrive. Some of the territorial officials who “opposed the immediate emancipation of slaves and were hostile to the prohibition of slavery itself” included but were not limited to Illinois Governors Arthur St. Clair, William Henry Harrison, and Ninian Edwards.

Support for slavery was evidenced by the fact that for two decades after the Northwest Ordinance was enacted various slaveholders in the Illinois Territory petitioned Congress several times to modify and/or repeal the prohibition of slavery. These slaveholders argued that it was wrong for Congress to impose this restriction upon them when no one living in the territory had had any opportunity to vote or express their opinions on the matter. They argued that the status of slavery should not be decided by the distant and politically remote Congress, but should instead be decided by those who were settling in the Territory of Illinois. Some petitioners simply asserted that they needed an exemption from the slavery prohibition under the Northwest Ordinance because free Black labor would allow them to cultivate Illinois farmland at a much lower cost. Other petitioners, consisting of Revolutionary War veterans, argued that because they had fought for this land during the Revolutionary War they had the right to enjoy their property including their slaves.

During this time period, many people believed that slavery was needed in the Northwest Territory in order to diffuse the Black population. They argued that a “high concentration of Black people in any region [of the country] threatened the security of the entire nation.” According to these petitioners it was therefore necessary to scatter Black people through out white American society in order to disseminate potential Black power. It was believed that the more widely disseminated Black people were, the less likely it would be that they would pose any security threat to the landholding white Americans. The goal, according to one petitioner was to make sure that “in less than a century …[Black people] would be so widely disseminated as to be scarcely discoverable.”

In the spirit of true paternalism, some of the settlers of Illinois argued that disseminating slaves through out the United States would be beneficial to the slaves because the more widespread slavery was, the more diffused the black population would be, and, the more diffused the black population was, the less fearful whites would be of them. Consequently, these settlers argued that the more separated and diffused the black slave population was, “the more care and attention [would be]… bestowed on them by their masters.”

Perhaps the most vocal group of individuals supporting slavery in Illinois were the settlers of Illinois who were previously slave owners in other states. These individuals petitioned the U.S. government seeking to modify and/or repeal the prohibition of slavery under the Northwest Ordinance claiming that their goal was not to in-
crease the transatlantic slave trade, but to simply reallocate the slaves that were already in the nation. They argued that as immigrants from slaveholding states, they merely wanted the right to bring the slaves they already owned in to the Northwest Territory. They failed to recognize however that with the movement Northwest, the supply of slaves to the South would diminish and thus lead to a “greater demand for imported slaves to be sold to the emerging cotton kingdom.”

In their “gradual emancipation” argument, these individuals claimed that “the children of slaves brought to Illinois would” not be slaves but would instead be “servants for life.” The children of these “servants for life”, however, would “eventually be allowed to be free after an unspecified period of indenture.” Consequently, gradual emancipation advocates believed that they were a part of a humanitarian mission that would “in the course of a very few years…rescue from the vilest state of Bondage a … considerable number of Souls yet unborn.” They therefore argued that rather than abolish slavery, the government should take a more gradual approach to emancipating the slaves.

Although the U.S. Congress was formally petitioned several times by territorial officials and settlers of Illinois Country in 1796, 1799, 1800, and 1802, in each instance, Congress rejected the petitions. In response to one of these petitions, Congress stated that “the labor of slaves is not necessary to promote the growth and settlement” of the Northwest. They argued that because the British and the Spanish had surrounded the Northwest Territory, the slaves in the region were potential enemies to the American settlers. They also claimed that maintaining slaves posed a threat to national security because slaves could be offered incentives to join forces with the foreign military against American settlers in a time of war. Thus, Congress concluded that the prohibition on slavery in the Northwest Territory promoted, rather than inhibited, national security.

For these reasons, Congress formally denied the various petitions from Illinois to be exempt from the Northwest Ordinance. Settlers in the Illinois territory, however, refused to accept Congress’ position. Instead, they were determined to maintain their slaves and they eluded the Northwest Ordinance by legally reclassifying their slaves as lifelong “voluntary indentured servants”. Consequently, when Illinois entered the union as a “free” state in 1818, bondage of Black people was already an institutionalized part of Illinois culture. And thus, there are a plethora of laws and debates related to the legal and social management of the Black population in the Illinois territory.

**SLAVERY AND THE ILLINOIS CONSTITUTION**

An 1814 law simply called “An Act Concerning Negroes and Mullattoes [sic]”, allowed slaves to be brought from the southern states in to Illinois for the purpose of working in the salt industry. However, in 1818, Illinois entered the Union as a state and adopted the Illinois Constitution. Article VI of the Illinois Constitution began with the statement:

“Neither slavery nor involuntary servitude shall hereafter be introduced into this state otherwise than for the punishment of crimes whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom and on condition of a bona fide consideration..."
received or to be received for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or if made in this state where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.”

Section 2 of the Illinois Constitution stated:

“….Each and every person who has been bound to service by contract or indenture in virtue of the laws of Illinois Territory…shall be held to a specific performance of their contracts or indentures; and such negroes and mulattos…..shall serve out the time appointed by said laws; Provided, however that the children hereafter born of such persons, negroes or mulattos, shall become free, the males at age twenty one years, the females at the age of eighteen years …”

An 1814 law simply called “An Act Concerning Negroes and Mullattoes [sic],” allowed slaves to be brought from the southern states in to Illinois for the purpose of working in the salt industry.

“VOLUNTARY” INDENTURED SERVITUDE IN EARLY ILLINOIS

Prior to becoming a state, Illinois was part of the Indiana Territory. This territory was politically controlled by a governor and three judges who were all appointed by the President of the United States. The governor and the judges had the responsibility of creating the laws for the territory because there was no legislature. Theses laws were subject to review and approval by Congress.

By referring to slaves as “indentured servants,”16 the Governor and his allies were able to support human bondage through a system of servitude that they claimed was voluntary. Starting in 1803, and then again in 1805 and 1806, the Indiana Territory of which Illinois was a part, adopted several laws concerning “voluntary servitude”. When Illinois became a separate territory, in 1809, it adopted similar laws that remained in force well after statehood was achieved in 1818.17

Under the indentured servant laws, all male Negroes under 15 years of age had to serve until they were 35 years old. Women were required to serve until they were 32 years of age. In addition, the children born to indentured servants could be bound for 30 years if male and 28 if female.18

1The majority of the settlers of Illinois came from slave holding states such as Kentucky, Tennessee, Missouri, Virginia, the Carolinas, Maryland and Louisiana. Of 190 registered by the County Clerk of Randolph County, 81 came from Kentucky, 19 from Tennessee, 13 from Virginia, 13 from Louisiana, 5 each from the Carolinas and Maryland, 4 from Georgia, 4 from Missouri, and about 40 former residences not given. “An Act Concerning the Introduction of Negroes and Mulattoes into the Territory” allowed white men who were previously slave owners in other states to enter into contracts with their slaves to become indentured servants and move to Illinois.19

It was not until 1828, that the Illinois Supreme Court recognized the inconsistency in the assertion that it was possible for Black people to enter into contracts. In Phoebe v. Jay, 1 Ill. 269 (Dec. 1828), the plaintiff, a Black woman brought an action for trespass, assault, battery, wounding, and false imprisonment against the defendant, her alleged master. The plaintiff agreed to serve the defendant’s deceased father as an indentured servant for forty
years. The defendant who inherited his father’s estate argued that the plaintiff was his property. Under the Revised Code of 1807, “negroes or mulattoes” brought into Illinois by an “owner or possessor” were given the “choice” of either agreeing to a term of years of servitude or being returned into slavery for an indefinite period of time. Id at 269 (citing Rev. Code of 1807, vol. 1, p. 188). Given this law, the court noted:

“Nothing can be conceived farther from the truth, than the idea that there could be a voluntary contract between the negro and his master. The law authorizes the master to bring his slave here, and take him before the clerk, and if the negro will not agree to the terms proposed by the master, he is authorized to remove him to his original place of servitude. I conceive that it would be an insult to common sense to contend that the negro, under the circumstances in which he was placed had any free agency. The only choice given him was a choice of evils. On either hand, servitude was to be his lot.” 1 Ill. at 270.

Despite this strong language indicating that slaves were clearly not capable of freely entering into contracts, the Court continued to recognize all indentured servant contracts that were properly registered with the County Clerk. Indentured servant contracts that were properly registered with the County Clerk could be “sold or assigned to new masters as well as bequeathed to a master’s heirs.”20 Thus indicating that registered servants were, as the Court declared in Nance v. Howard, 1 Ill. 242 (Dec. Term 1828), nothing more that “goods and chattels” and are therefore liable to be sold.

In some instances, servants were rented out. Ownership rights over indentured servants were so stringent that third parties were prohibited from doing business with servants, entertaining them, and/or harboring them.21 The control that a master had over the life of an indentured servant was so absolute that the distinction between an indentured servant and a traditional slave was merely a manufactured legal illusion. This distinction was created to serve the interests of white property owners in Illinois and was nothing other than a “legal fiction” – i.e. an assumption that is deemed to be true even though it is clearly false.

So obvious was this false distinction between slavery and indentured servitude that when the court was eventually asked to determine whether the provisions of this law violated the Northwest Ordinance’s prohibition on slavery, it had some difficulty embracing the legal fiction.

In Phoebe v. Jay, 1 Ill. 268 (Dec. Term 1828), Justice Lockwood, speaking on behalf of the majority of the Supreme Court of Illinois stated:

“If the only question to be decided was, whether this law…conflicted with the ordinance, I should have no hesitation in saying that it did.”

The court, however, went on to note, that the Illinois Constitution had adopted the language of the 1806 Act Concerning Slaves and Servants. Specifically, the Constitution stated: “Each and every person who has been bound to service by contract or indenture…without fraud or collusion shall be held to a specific performance of their contracts, or indentures…”

Illinois Constitution, 3rd section of the 6th Article. Phoebe v. Jay, 1 Ill. The Supreme Court further concluded that when Congress admitted Illinois in to the Union with a Constitution that permitted indentured servitude to exist, it
gave its consent to allow Illinois to ignore the Northwest Ordinance’s prohibition against slavery. Thus, the Court, on one hand, indicated that Illinois acted in violation of the Ordinance but on the other hand, it found that such a violation was not capable of redress because Congress admitted Illinois in to the Union knowing that it intended to continue a system of human bondage.

**THE ILLINOIS BLACK CODES**

In the early 1800’s, the General Assembly of the Territory of Indiana (of which Illinois was a part) maintained a system of apartheid that created a two tiered system of rights ---- one for whites and one for people of color.

“Servants of color were not allowed to serve in the State militia, to have bail when arrested, to engage in unlawful assemblies, or to absent themselves from the plantation of their owner without a special pass or token.”

One of the Black Codes was a law entitled “An Act Concerning Slaves and Servants”. In its simplest manifestation the law stated:

“All negroes and mulattoes…who shall come into this territory under contract to serve another….shall be compelled to perform such contract specifically during the term thereof.”

This law was identical to a Slave Code insofar as it required both servants and slaves who refused to perform their duties to be “compelled” to do so. The method favored for compelling servants to fulfill their obligations under their “contracts” included the “lawful” use of physical force and abuse in the form of whippings. I use the term “lawful” in a derisive sense because despite what the law allowed, whipping of another human being should never have been considered “lawful” and can only be rationalized if the humanity of Black servants is ignored.

This 1806 law also provided for the whipping of slaves and servants who were found without passes, charged with trespass, unlawful assembly and giving “seditious speeches.”

In 1845, the Illinois State Legislature approved another statute that would become a part of the bundle of laws known as the Black Codes. This law expressly provided that only free white men, who were at least 18 but under 45, would be enrolled in the state militia. (Id. at 100). By disallowing the service of Blacks in the militia, the state created a situation where blacks were at the mercy of a paramilitary group that believed that part of its mission was to assure the subservience of black people. It was common knowledge that any white person of the day could act as a policeman of blacks whether free or slave. And once arrested, a Black person would, under the law be denied the right to post bail.

Laws prohibiting the participation of Blacks in the trial process were first introduced in 1803. Under the Black Code of Illinois, black people were prohibited from utilizing the court system. They could not sue or be sued. They could not testify in court unless the testimony was against another black or mulatto person. These laws were expanded upon in 1845 when the state legislature adopted two revised statutes prohibiting Blacks or mulattoes (a person with at least one-fourth Black blood) from testifying as a witness or giving evidence “in any court, or
in any case, against a white person." Without the ability to testify in a proceeding, Blacks had little recourse for defending themselves against criminal accusations or charges.

Under the Black Codes, Blacks were severely restricted in their personal relationships as well. In 1844, the state legislature passed “White and Colored Persons Committing Adultery and Fornication Together,” a law which forbade interracial couples from cohabitating with one another. (Ill. Session Laws December 3, 1844).

In 1845 the state legislature passed another statute clarifying who may be joined in marriage. The law provided the following:

“no person of color, negro, or mulatto, of either sex, shall be joined in marriage with any white person, male or female, in this [s]tate; and all marriages…shall be null and void in law [.]” (Ill. Revised Statutes March 3, 1845).

Violating this law could result in a fine, no more than thirty-nine lashes, and imprisonment of not less than one year. Id. Additionally, the law punishes any person responsible for issuing a marriage license or performing a marriage ceremony for an interracial couple, with a fine of at least two hundred dollars.

In 1818, when the Illinois Constitution was being debated, the provisions of the Black Codes became central to the dialogue on citizen rights. Specifically, Article 18, Sections one, two and three of the then proposed Constitution stated:

Section 1. No negro or mulatto shall migrate to or settle in this State, after the adoption of this constitution.
Section 2. No negro or mulatto shall have the right of suffrage or hold office in this State.
Section 3. The General Assembly shall pass all laws necessary to carry into effect the provisions of this article.

Although the voters rejected the constitution, Article 18 was voted on separately. And in this vote, the majority of the people of Illinois overwhelmingly approved the anti-black laws.

In 1862 Article 18 was again voted on separately and again a majority of the voters rejected the Constitution in favor of restricted “colored” immigration. The vote was as follows:

A total of 178,252 votes were cast regarding Section 1 of Article 18. 73,287 were against this provision but 104,965 voted for re-enactment of the law.

For Section 2, 218,405 votes were cast. 37,548 voted against Section 2 but a majority of 180,857 favored this restriction on the rights of Black people.
BLACK CODES AND THE LIVES OF INDENTURED SERVANTS

In addition to the provisions mentioned above, the Black Codes also contained provisions that allowed the people who were “masters” of servants to add time to their servants’ contracts to make up for lost labor due to “laziness, running away and other infractions.”

Although there was an age limit fixed by law that permitted indentured servitude only until the servant reached the approximate age of thirty, most property owners registered their servants for periods of servitude far in excess of the legal limit. Many of the County Clerk records from the early 1800’s indicate that white property owners registered their servants from forty to sixty and sometimes even ninety-nine years.

As a result of this practice, by the early 1800’s, most of the settlers of the Illinois Territory owned slaves who were euphemistically referred to by law, as “indentured servants.”

KIDNAPPING OF BLACK SERVANTS

Indentured servants who had shorter contractual terms of servitude, lived under the constant threat of being kidnapped and re-sold into servitude. Kidnapping, seizing free blacks and “indentured servants” belonging to others, running them south, and selling them into slavery became an established enterprise.

“Two or three men were usually associated together for this business. One would establish himself at St. Louis or at one of the other border towns, and work up a reputation as a seller of slaves. The others would move about the Illinois counties on the lookout for negroes—slave or free. [They] never stopped to inquire whether a colored person was free or not. The question simply was, could he be carried off in safety? The chances of pursuit were less if the negro had no owner or interested friends.”

Southeastern Illinois was in particular a safe retreat to those outlaws who engaged in the kidnap market. The existence of kidnapping gangs in the southern region of Illinois was so great that in his inaugural address in 1822, Governor Edward Coles (an abolitionist) asked the legislature to confront the issue of kidnapping.

In Bailey v. Cromwell, 3 Scam. 71 (Ill. July Term 1841), two white men entered into an agreement for the sale of a Negro girl as a slave. The court held that unless the plaintiff could prove that the girl was actually a slave, she would be presumed to be free and could not be sold because the sale of a free person is illegal.

This presumption of freedom was reaffirmed in Kinney v. Cook, 3 Scam. 232 (Ill. Dec. Term 1841). In this case, Thomas Cook, a “negro man” sued his employer for failure to compensate him for labor. The defendant William Kinney argued that Cook was his slave but Kinney failed to produce any documents to prove this allegation. In finding in favor of Thomas Cook’s claim for compensation, the court held that without proof of slavery, all persons were presumed to be free.

In Chambers v. People, 5 Ill. 351 (Dec. Term 1843), the courts again honored this presumption of freedom of Black people when the alleged masters did not have any documentation to prove that the Black person was in-
dentured to them. In addition, in instances where the alleged masters failed to follow the proper procedure for registering their indentured servants, the Court consistently found that no contract existed and the alleged servant must therefore be set free.

Later cases from the Supreme Court confirmed the fact that only those contracts registered in conformity with the Act of 1807 would be recognized as valid. See Choisser v. Hargrave, 1 Scammon 317 (Ill. Dec. Term 1836) (holding that only indentured contracts entered into within 30 days from the time the negro or mulatto was brought into the Territory would be valid).

In Hone v. Ammons, 14 Ill. 29 (Ill. Nov. Term 1852) (the court reaffirmed the presumption of law that Negroes were free men stating that the condition of slavery requires “affirmative proof to overcome the legal presumption of freedom”).

In Cornelius v. Cohen, 1 Ill. 131 (Dec. Term 1825), the plaintiff claimed that he was entitled to the services of the daughter of his former indentured servant. According to the court records, Rachel, a free Negro woman, aged 23 entered into a “contract” binding her self to serve the plaintiff for 15 years. In return, the plaintiff agreed to allow the “apprentice” meat, drink, lodging and apparel “fit for such an apprentice”. The contract was dated October 1804. In 1805 Rachel gave birth to a little girl named Betsy. Rachel served out her “contract” for service to the plaintiff in 1819. In 1825, however, the plaintiff claimed that under the “Act Concerning The Introduction of Negroes and Mulattoes Into this Territory”, he was entitled to the services of Betsy who was then 20 years old. The plaintiff’s claim relies on Section 13 of the Act which states that female children born in this territory of a parent of color owing service…by indenture according to the law, shall serve the master of such parent… until the age of twenty eight.” The court held that plaintiff had no legitimate claim to the services of Rachel’s daughter Betsy because the agreement was not signed by the plaintiff and neither the plaintiff nor Rachel appeared before the county clerk to execute the agreement in accordance with the law.

It is clear from the court’s obsession with legal formalities such as procedural registration and contractual documentation that the court was not focused on a human or civil rights understanding of freedom but was instead consumed by legalistic notions of conformance with procedural requirements. The Court made it clear that what it valued was strict adherence to legal requirements – i.e. register your servants, document your agreements. What was also clear was that the Court believed that the presumption of freedom for Black people could easily be rebutted. Thus, freedom was not a right of Black people but merely a privilege that could easily be taken away.

**IMMIGRATION AND RESIDENCY RESTRICTIONS**

Anti-immigration legislation prohibiting free Black people from residing in Illinois was passed in 1813, 1825, 1829 and 1853.

Illinois became “the only free territory or state to absolutely prohibit the immigration of free blacks.” In 1813, the Legislative Council and House of Representatives of the Illinois Territory passed an act to address the migration of free Blacks and mulattoes. (Laws of Illinois December 8, 1813). Section 1 of this law simply stated:
“It shall not be lawful for any free negro or mulatto to migrate in this Territory.”

The 1813 Act also provided that upon notice to the local justice of the peace for the county in which the migrant was located, he or she had fifteen days to leave the state or suffer the penalty of twenty-five to thirty-nine lashes by whip on “his or her bare back”. The number of lashes was to be doubled for each fifteen day period that the unlawful migrant remained in Illinois.36

Section 2 of the 1813 Act required that all free Blacks and mulattoes already in the State of Illinois must register themselves and all family members with the county clerk, and pay fifty cents. Household members under the age of twenty-one were required to re-register themselves upon turning twenty-one. Failure to register at the age of twenty-one carried the punishment of being bound into service until the age of twenty-five.

In 1825 and 1829, the state legislature passed laws requiring free Blacks to register with the government and to post $1,000 bond to cover the costs should they become indigent or violate state or local laws,37 (Law of Illinois January 3, 1825).

Section 1 of the 1845 Revised Statutes provided that any Black or mulatto person found in Illinois without having in his possession a certificate of freedom and without proof of having posted a one thousand dollar bond with the county clerk would be considered a runaway. (II Revised Statute March 3, 1845).

Section 5 of the 1845 Revised Statutes required that such a person was to be held in the custody of the local Sheriff and advertised by notice posted outside of the local courthouse and in the public newspaper indicating that a runaway slave had been captured. If the alleged slave was not claimed within a proscribed period of time, the Sheriff would hire out the alleged slave on a month to month basis for up to a year. Id. After that time the person could be given a certificate of freedom, unless he or she was claimed by a person alleging to be his or her owner.

In 1853, the Black immigration laws of Illinois were once again amended. Section 3 of this revised law made it a misdemeanor for any free “negro or mulatto” to enter the state of Illinois with the intention of residing there. The penalty for violating this Section of the law was that the free “negro or mulatto” would be punished with a fine of fifty dollars for the first offense.38 And, if the fine was not paid immediately, the “negro or mulatto” would be taken into the local sheriff’s custody where they would remain until the sheriff advertised the sale of the “negro or mulatto” and sold them at an auction to the bidder willing to pay the costs and work the “guilty” negro. If the convicted negro man or woman did not leave within 10 days of completing the required service, the process would be repeated. The convicted Black person would be returned to servitude and the fine for the infraction would be increased by $50.

This 1853 Black anti-immigration law was applied in the case of Nelson v. People, 33 Ill. 390 (Jan. Term 1864). In this case, Nelson, who is described by the court as a “tall, slim mulatto, about 55 years old”, was arrested on Christmas day in 1862. He was charged with the violation of being in Illinois with the intent to reside there.
Specifically, the charge stated that Nelson

“came into this State …..and remained ten days and more, with the evident intention of residing….That said mulatto person was not born in the State of Illinois, nor a resident thereof prior to 12 February 1853, that he (the affiant) does not know whether he is a free person or slave, but that he is guilty of a misdemeanor under the law.”

Nelson was found guilty and a $50 fine was imposed upon him and it was ordered that he be kept in custody by the sheriff until the fine and costs were paid and in the event that the fee was not paid, he would be “otherwise disposed of according to law”. 33 Ill. 390, 392. In this instance, “otherwise disposed of according to law” meant that he could be sold in to slavery. Nelson was convicted of the misdemeanor of being Black while intending to reside in the state of Illinois.

He appealed his case to the Illinois Supreme Court claiming that he was being subjected to slavery in violation of Article 13 of the Illinois Constitution. The Illinois Supreme Court, however, affirmed the judgment of the trial court. It stated that punishment by the sale and involuntary servitude “does not reduce the person convicted to slavery….Under this proceeding, the person convicted and sold is only reduced for a limited period to the condition of an apprentice….The laws of all States of the Union authorize the relation of master and apprentice, and yet it has not been regarded as involuntary servitude within the meaning of our Constitution of the United States.” 33 Ill. at 395.

**LAWS REGULATING INDIVIDUALS WHO ASSISTED RUNAWAY SLAVES & SERVANTS**

In 1831 the Illinois legislature made it illegal for anyone to bring a slave into Illinois for the purpose of emancipating them. Helping an enslaved Black or mulatto to enter Illinois would result in a one hundred dollar fine. Id. Illinois Criminal Code Section 149 also specifically provided for a criminal sentencing of any individual harboring a fugitive slave.

In 1833 the Illinois legislature declared that helping any slave or servant attain freedom or preventing a “lawful owner” from retaking the slave or servant was a misdemeanor that could result in a fine not to exceed five hundred dollars or imprisonment for not more than six months. See “Offenses Relative to Slaves, Indentured Servants, and Apprentices.” (Il. Revised Laws March 3, 1833).

In 1843, the Illinois Supreme Court defended the “free state” of Illinois’ right to uphold this fugitive law that paid respect to the so-called “property rights” of slave owners. In the case of Willard v. People, 5 Ill. 461 (Dec. Term 1843), the Court concluded that the state of Illinois had an interest in protecting its citizens against breaches of peace in their communities. It held that even though the Illinois fugitive slave law afforded protection to the rights of slave holders, this was not the main objective of the law. Instead, the court reasoned that the main objective of this criminal law was to prohibit the presence of vagabonds and pauper slaves in order to prevent “quarrels, brawls, excitements, affrays, and breaches of the peace, arising from the influx of that unwelcome population, and the disturbances to which it may and does give rise.” 5 Ill. at 470.
In 1843, in the case of *Fells v. The People*, 4 Scam. 498 (Dec. 1843) the Court ruled that “If a State can use precautionary measures against the introduction of paupers, convicts or negro slaves, it can undoubtedly punish those of its citizens who endeavor to introduce them.” 4 Scam. At 513-14.

Thus, the Illinois Supreme Court dismissed the fact that the law embraced the rights of slave masters to own slaves, and it concomitantly promoted the state’s right to “protect” itself from the presence of mulattos and negroes. In 1853 the legislature once again increased the penalty for harboring runaways to a maximum of 1 year in prison in addition to the fine of up to $500.

Like the indentured servitude laws, the fugitive slave laws seemed to be repugnant to the Northwest Ordinance of 1787 that prohibited slavery. To rationalize this apparent conflict of law, the Illinois Court stated that allowing the slave master the right of passage through the State of Illinois is not the equivalent of promoting slavery into the State. Instead, it reasoned that because Illinois was part of the Union, it had to recognize the rights of other states to legislate as it saw fit. Consequently, states that had legalized slavery were entitled to the right of transit through Illinois with their slaves. This was an equitable action, the court reasoned because several slave states recognized the right of other states to allow people of African descent to be free. In fact, the court reasoned that southern slave holding states recognized the freedom of mulattos and negroes who had become free by the laws of free States. To hold otherwise, the court rationalized was to “deny our neighbors and kindred that common right of free and safe passage”. But freedom and safety were obviously concepts that only white citizens were entitled to. The mulattos and negroes who were subjected to slavery by Illinois’ “neighbors and kindred” were entitled to nothing other than a quick trip through Illinois on their way to a life of continued human bondage.

It is interesting to note that Illinois laws could not legally govern the capture of runaway slaves. Instead, this area of slavery was declared by the United States Supreme Court in *Prigg v. Pennsylvania*, 41 U.S. 539 (1842) to be under the exclusive jurisdiction of the United States Congress. All state legislation intending to either impede or assist the slave master in the recapture of slaves was therefore considered to be legally null and void.

The Illinois Court found in *Thornton’s case*, 11 Ill. 332 (December 1849), that Hempstead Thornton, a Black man who was arrested in Illinois because he was thought to be a fugitive slave from the state of Missouri had to be set free. In this case, Missouri issued a writ to the constable of Sagamon County in Illinois after it found out that the Sagamon County Constable had captured Thornton and held him in custody as a fugitive slave. Thornton, however, filed a writ of habeas corpus against Sagamon County for illegally restraining his liberty. The court granted Thornton’s freedom on the ground that the Constable had no right to value the writ issued by Missouri because only Congress could dictate the methods used to capture a fugitive slave.

**ANTI-SLAVERY ACTIVITIES IN ILLINOIS**

Although the majority of the citizens of Illinois embraced the Black Codes many citizens were speaking out against the racial injustices caused by these laws. Among these citizens were abolitionists such as John Jones, Joseph Barquet, and Elijah Lovejoy all of whom called for the immediate emancipation and granting of full citizenship with equal rights for all black residents of Illinois.
Lovejoy’s life story is particularly interesting in that it demonstrated the depths to which proslavery forces would go to silence those who opposed slavery. Lovejoy was nearly lynched on more than one occasion in 1837 for his abolition activities. The windows of his house were broken, threats were made against his life, and many demanded that he be forced to resign from the newspaper that he worked for. His press was destroyed on one occasion and in a second incident, a crowd of men armed with pistols, clubs, and stones demanded that Lovejoy surrender the press. When he refused, a mob of about forty men brandishing weapons and shouting that they wanted to kill all the abolitionists in town, became more belligerent outside of his house. Eventually one of the members of the mob shot and killed Mr. Lovejoy while others set fire to the roof of his building, entered the building, retrieved the press, smashed it and then tossed it in to the river.\(^{39}\)

Although many of the mob members were arrested they were all unanimously acquitted within 15 minutes. No antislavery newspaper was published in Illinois for several years after this incident.\(^{40}\)

The antislavery and proslavery movements in Illinois were both strong throughout different periods of history. And although the Lovejoy incident had a chilling effect on those who opposed slavery, abolitionists continued to fight against the inhumane ways in which Black people were treated in the state of Illinois. The Wood River Colored Baptist Association in St. Clair County Illinois, for example, created in 1839, developed a number of important abolitionists (including John Jones) who took leadership in opposing Illinois’ repressive race legislation. Its leaders also took the lead in organizing “colored” schools and encouraging the state to force local school districts to allocate tax money for these schools in proportion to taxes paid by its black residents.\(^{41}\) As result of their efforts, in 1874 the Illinois legislature passed an act giving colored children equal rights with white children in public schools.\(^{42}\)

On November 4, 1863, John Jones, a leading abolitionist in the state of Illinois, and later to be the first Black elected official in the state of Illinois stated in an appeal to the state legislature to repeal the Black laws:

> “Gentlemen….our destiny is in your hands. Will you lift us out of our present degradation, and place us under the protection of wholesome laws, and make us responsible for the abuse of them as other citizens are? I beseech you in behalf of seven thousand colored inhabitants of your State, try the experiment.”\(^{43}\)

He then addressed the white electorate:

> “Are you not willing that the Black Laws of your State should be repealed…”\(^{44}\)

In spite of the active and quite vocal abolitionist movement in the state of Illinois, lead by John Jones and others, the Black Codes remained in effect until the end of the Civil War when they were eventually repealed on February 7, 1865; but it was not until the Illinois Civil Rights Act of 1885, and the 14th and 15th amendments to the U.S. Constitution took effect that the civil rights of African Americans would receive any type of protection in the state of Illinois.
CONCLUSION

“Free” Black women, men and children literally had freedom snatched from them in the state of Illinois. “Freedom” was a meaningless concept. The Black laws of Illinois allowed “free” black people to be auctioned off in to servitude against their will for merely desiring to live in the state of Illinois. Evidence also indicates that that these laws were not uniformly enforced but they were further used as a weapon against “troublesome” black residents and against entire black communities when “white citizens found the increase in the Black population had reached unacceptable levels.”45

It was rare for a Black person accused of being a fugitive slave to have the means to resort to legal action in a court of law to challenge the restraint of their liberty. In most cases, the capture of fugitive slaves went unchallenged. Knowing that challenges would be rare, the government continued to enforce the fugitive slave laws. And, consequently, at any time a Black person in Illinois could be accused of being a runaway or be sold in to slavery or servitude.

As a result of the fugitive slave and Black anti-immigration laws, Illinois newspapers were filled with advertisements of negroes for sale; advertisements from neighboring states offering rewards for the capture and return of runaway slaves; and advertisements from slave hunters advertising their services to find runaway slaves in the state of Illinois.46 These newspaper advertisements reinforced the fact that Black people experienced very little freedom in the “free” state of Illinois.

So the questions become: What freedom did a Black person have if at any minute he or she could be snatched off of the street and sold as a slave; or an indentured servant; or as the Court stated “an apprentice”? What freedom do you have if you can not breathe without fearing that your freedom will be taken from you because you are breathing Illinois air? The fact of the matter is that under the Black anti-immigration laws of Illinois, no black person could live free of the fear of bondage.

The answer simple: And therefore, freedom for black people in Illinois was nothing more than a concept that that would be impossible to attain. Black freedom in the territory and state of Illinois was not grounded in reality. It was more like a mirage of water in a hot dry desert. At any moment, the freedom that appeared promising to you would vanish before your eyes. Your hopes and dreams of personhood could be crushed and your life would be subjected to an endless reign of terror.

The compendium herein presented of the Illinois laws governing the lives of people of African descent provides a snapshot of the role of slavery in the early formation of Illinois. Moreover, this compendium frames the extent to which peoples of African descent were subject to precarious and inhumane legal protection within the Illinois territory. These facts, along with the Black Codes which follow lead us to conclude that from the perspective of a Black person living in Illinois at any time between 1787 and 1865, the “free” state of Illinois was anything but “free”.

The Congress of Confederation was the governing body of the United States from March 1, 1781 until March 4, 1789. It consisted of delegates appointed by the legislatures of the states. It was this Congress that eventually ratified the U.S. Constitution.

Northwest Ordinance of 1787, Article VI


Finkelman, *Slavery & The Founders*, 64.

Finkelman, *Slavery & The Founders*, 60.

Ibid.


Ibid, 74.


Ibid, 69.


Id.

Ibid.

Dwight Harris, 10.

Finkelman, 69.

Finkelman, 71.


History of the Negro Race in America from 1619 to 1880, 123.


Id.

Id. at 11.

Harris, *The History of Negro Servitude*, 11.

Harris, *The History of Negro Servitude*, 54.

Harris, *The History of Negro Servitude*, 55.

Finkelman, 73.


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The offender would be tried by a jury of twelve white men. This process presented several inherent flaws including the inability of Blacks to testify at trial against any white person. Blacks would not be able to defend themselves in this process.

Harris, Negro Servitude in Illinois, 90 - 95.

Harris, Negro Servitude in Illinois, 97.

www.lib.niu.edu/ipo/1996/ht329602


Id.

www.slavenorth.com/northwest.html

www.lib.niu.edu/ipo/1996/ht329602.html
Section 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Section 2. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness.

Section 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

Section 4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

Section 5. That elections shall be free and equal.

Section 6. That the right of trial by jury shall remain inviolate.

Section 7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures; and that general warrants whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

Section 8. That no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers or the law of the land. And all land which have been granted as common to the inhabitants of any town, hamlet, village or corporation, by any persons, body politic or corporation, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation: and the said commons shall not be leased, sold or divided under any pretence whatever: Provided, however, that nothing in this shall be so construed as to affect the commons of Cahokia or Prairie du Pont: Provided also, that the general assembly shall have power and authority to grant the same privileges to the inhabitants of the said villages of Cahokia and Prairie du Pont as are hereby granted to the inhabitants of other towns, hamlets, and villages.

Section 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor. And in prosecutions by indictment or information a speedy public trial by an impartial jury of the vicinage: and that he shall not be compelled to give evidence against himself.

Section 10. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanor in office.

Section 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall anyman's property be taken or applied to public use, without the consent of his representatives in the general assembly, nor without just compensation being made to him.

Section 12. Every person within this state ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his persons, property or character; he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

Section 13. That all persons shall be bailable by sufficient sureties, unless for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

Section 14. All penalties shall be proportioned to the nature of the offence, the true design of all punishment being to reform, not to exterminate mankind.
Section 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

Section 16. No ex post facto law, nor any law impairing the validity of contracts shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

Section 17. That no person shall be liable to be transported out of this state for any offence committed within the same.

Section 18. That a frequent recurrence of the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

Section 19. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

Section 20. That the mode of levying a tax shall be by valuation, so that every person shall pay a tax in proportion to the value of property he or she has in his or her possession.

Section 21. That there shall be no other banks or monied institutions in this state but those already provided by law, except a state bank and its branches, which may be established and regulated by the general assembly of the state as they may think proper.

Section 22. ...branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

Section 23. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right of determining both the law and the fact, under the direction of the court as in other cases.

NUMBER 2
Constitution of Illinois, Article 6, 1818.

Section 1. Neither slavery nor involuntary servitude shall hereafter be introduced into this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received or to be received for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or if made in this state, where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.

I Declaration of rights Illinois set forth a bill of rights in is constitution, enumerating legal rights that could be abridged by the state or its citizens. Illinois also prohibited slavery in compliance with Article 6 of the Northwest Ordinance of 1787. It was possible for Illinois to extend civil rights to African Americans during its territorial phase and the early years after statehood. The state, however made it easy for whites to bring in slaves under the guise of indentured servitude. Illinois required emigrating slave holders to only sign labor contracts with each servant brought into the state. This principle of freedom and bondage in Illinois may seem contradictory even though the majority of whites never pretended to be liberal towards blacks. Most whites wanted Illinois to be a state exclusively for persons of European ancestry. Also wanting cheap laborers the whites circumvented Article 6 in the Ordinance. Without cheap laborers, some planters reasoned, Illinois would face a tough time reaching its agricultural potential. Consequently, Illinois proclaimed Jeffersonian notions about freedom, while rejecting equality between blacks and whites. The state constitution approved this dual policy inaugurated by the territorial legislature in 1803, and later refined by the general assembly of Illinois.
NUMBER 1
Constitution of Illinois, Article 8, 1818
That the general, great and essential principles of liberty and free government may be recognized and unalterably established we declare and shall be armed, equipped and trained as the general assembly may provide by law.

NUMBER 3
Militia. Approved March 3, 1845, Revised Statutes.

Section 1. All free white male inhabitants, resident in this State, who are or shall be of the age of eighteen, and under the age of forty-five years, except as hereinafter excepted, shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, within ten days after he shall be informed of such residence; and also, those who may from time to time arrive at the age of eighteen, who shall reside in the bounds of his company; and shall without delay notify such person by an officer or non-commissioned officer of the company; and every such person so notified shall, within six months thereafter, provide himself with a good musket, fuzeed or rifle, with proper accoutrements. The field officers, ranking as commissioned officers, shall be armed with a sword and pair of pistols, and the company officers with a sword; and every person so enrolled, and providing himself with arms and accoutrements required as aforesaid, shall hold the same exempt from execution, distress, or for tax: Provided, No private shall be compelled to appear on parade with arms unless he actually has them.

Suffrage and Elections
Only white males were eligible to vote in Illinois. Unable to choose representatives or hold political office themselves, blacks were left at the mercy of whites. Like in other states of the Old Northwest, race prejudice influenced lawmakers who wanted not only to discourage the emigration of free blacks or runaway slaves, but also to oppress African Americans already in Illinois. The state legislature did not want to offer any illusion of freedom to African Americans; slave or free. The state’s suffrage and election laws, therefore, were an important feature of the racial policy of Illinois.

NUMBER 1
Census. March 3, 1845, Revised Statutes.

Section 5. Each commissioner shall commence taking such enumeration on the first day of July in each year in which such enumeration is required to be taken, and shall ascertain and set down in a book to be kept for that purpose, in a convenient tabular form, the following facts: The number each, of white males and females of ten years of age and under; over ten and not over twenty; over twenty and not over thirty; over thirty and not over forty; over forty and not over fifty; over fifty and not over sixty; over sixty and not over seventy; over seventy and not over eighty; over eighty and not over ninety; over ninety and not over one hundred; over one hundred: Also, the number of white male persons between the ages of eighteen and forty-five years, subject to military duty: Also, each, of free male and female persons of color, of all ages; of indentured or registered servants and their children; of French negroes and mulattoes held in bondage: Also, the number of manufactories of every kind, and the annual product of each kind; the number and annual product of coal mines; the value of live stock; value of grains produced; value of all other agricultural products; the number of pounds of wool; number of mills and distilleries; the number of universities or colleges; academies and grammar schools, and common schools, with the number of pupils in each.

Section 10. Each free person, over the age of sixteen years, whether heads of families or not, belonging to any family within any county, made or established in this state, shall be and hereby is obliged to render to the commissioner appointed in said county, if required, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by action of debt, by such commissioner, for the use of the proper county: Provided, That in all cases where any such fine shall be assessed against any minor or minors, the same shall be paid by his, her or their parent or guardian; and in case of his or her refusal to pay the same, an attachment maybe issued to enforce the payment thereof.
NUMBER 2
Constitution of Illinois, Article 6, 1848.

Section 1. In all elections every white male citizen above the age of 21 years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.

Section 2. All votes shall be given by ballot.

Section 3. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

Section 4. No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

Section 5. No elector shall be deemed to have lost his residence in this state by reason of his absence on the business of the United States, or of this state.

Section 6. No soldier, seaman or marine in the army or navy of the United States, shall be deemed resident of this state in consequence of being stationed at any military or naval place within the state.

Section 7. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next before the election or appointment.

Section 8. The general assembly shall have full power to pass laws excluding from the right to suffrage persons convicted of infamous crimes.

Section 9. The general elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law.

Servants and Slaves
Illinois sanctioned a form of slavery during its territorial period, whereby emigrating whites could bring into the territory and maintain control over them. Imitating the slave codes of the South, Illinois authorized masters to punish slothful servants. Black residents could also employ servants in Illinois, just as they could own slaves in the Southern states. They could not, however, own a white servant. The state set free any whites servant purchased by a black. Illinois law also approved the employment of hired-out slaves, a practice that extended legal slavery far beyond the south.

NUMBER 1

Whereas the erection of mills and other valuable improvements are greatly retarded in this Territory, from the want of Laborers, and whereas also experience has proved that the manufacture of salt in particular, at the United States Saline cannot be successfully carried on by white laborers, and it being the interest of every description of inhabitants to afford every facility to the most extensive manufacture of that article, so necessary to them all, that the most natural means of obtaining a certainty of the necessary supplies thereof at the lowest price.

Section 1. Be it enacted by the Legislative Council and house of Representatives of the Illinois Territory, and it is hereby enacted by the authority of the same that if any slave whatsoever, shall voluntarily hire himself or herself, within the Territory, by the consent of his or her master, for any term not exceeding twelve months, his other continuance in the Territory according to such hiring shall not operate in any way whatever to injure the right of property in the master, in and to the services of such slave or slaves, Provided however that in all such cases such slave or slaves shall be examined privately, separate and apart from his or her owner by a Justice of the peace or any clerk of a court, as to his or her voluntary consent, and a certificate of such Justice or clerk shall be conclusive evidence of such Voluntary consent, and may be admitted to record, and provided that said slave or slaves, shall forth time being, be considered and treated as indented servants. This act shall commence and be in force from the passage thereof.
NUMBER 2
Constitution of Illinois, Article 6, 1818.

Section 2. No person bound to labor in any other state shall be hired to labor in this State, except within the tract reserved for the salt-works near Shawnee town; nor even at that place for a longer period than one year at anyone time; nor shall it be allowed there after the year 1825. Any violation of this article shall effect the emancipation of such person from his obligation to service.

Section 3. Each and every person who has been bound to service by contract or indenture in virtue of the laws of Illinois Territory heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattoes as have been registered in conformity with the aforesaid laws shall serve out the time appointed by said laws. Provided, however, That the children hereafter born of such person, negroes or mulattoes, shall become free, the males at the age of twenty-one years, the females at the age of eighteen years. Each and every child born of indentured parents shall be entered with the clerk of the county in which they reside, by their owners, within six months after the birth of said child.

NUMBER 3
An act to license and regulate taverns. Approved February 27, 1819, Revised Laws.

Section 8. And be it further enacted, That no person shall, by any means, presume to furnish, supply, or sell to any bond servant or slave, any rum, brandy, spirits, or any other strong liquors, or strong water, mixed or unmixed, either within or without doors, nor shall receive, harbor, or entertain any slave or servant in or about his/her, or their houses, without special license had and obtained under the hand of such master or mistress of such slave or bond servant respectively, under the penalty, for the first offence, of three dollars, and for every succeeding offence, four dollars, to be recovered before anyone of the justices of the peace of the county where the offence is committed, on the proof of one or more credible witnesses, or upon the view of any justice within the respective counties where the act shall be committed.

NUMBER 4

Section 1. Be it enacted by the people of the state of Illinois represented in the General Assembly, That any person who may have failed or neglected to comply with the provisions of the third section of the act above recited, and to which this is an amendment, shall be, and they are hereby released and entirely discharged from any penalty incurred under the provisions of the said act, or from any verdict or judgment rendered against them in any of the counties of this state: Provided always, That such person or persons, shall, within sixty days after the passage of this act, enter into bond, agreeably to the provisions of the said act, to the county commissioners of the county wherein such penalty may have been incurred, or verdict or judgment rendered, to indemnify the said county from any charge or liability, of any description whatsoever, heretofore incurred, or that may hereafter be incurred, on account of the emancipation of any person or persons of the description in the said act named, and on the further condition of the payment of all costs of suit accumulated by or under any prosecution instituted against such person for an infringement of the said third section of the act to which this is an amendment.

NUMBER 5

Section 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That no black or mulatto person shall hereafter be permitted to come and reside in this State, until such person shall have given bond and security, as is required in the first section of the act to which this is an amendment. Any person who shall hereafter bring into this State, any black or mulatto person, in order to free him or her from slavery, or shall directly, or indirectly, bring into the State, or aid or assist any person in bringing any such black or mulatto person to settle or reside therein, shall be fined one hundred dollars, on conviction, or indictment, or before any justice of the peace in the county where such offense shall be committed.
NUMBER 6
Tavern keepers selling to slaves. Revised Statutes, (1833).

Section 130. Every tavern keeper, or other retailer of spirituous liquors, who shall barter, sell, or exchange, any wine, rum, gin, brandy, whiskey, or other spirituous liquors, to any black or mulatto servant or slave, without the consent of the master or mistress of such servant or slave, and every person, whether a tavern keeper or not, who shall sell, barter, or exchange any wine, rum, gin, brandy, whiskey, or other spirituous or mixed liquors, to any Indian or Indians in this State, shall, on conviction, be fined in the sum of ten dollars for each offence.

NUMBER 7
Apprentices. Approved March 3, 1845, Revised Statutes.

Section 10. The age and time of service of every apprentice or servant shall be inserted in his or her indentures; but if such age shall be unknown, then it shall be inserted according to the best information, which age shall, in relation to the term of service, be deemed and taken as the true age of such minor.

Section 11. In all indentures it shall be provided that the master or mistress shall cause such clerk, apprentice or servant, to be taught to read and write, and the ground rules of arithmetic; and shall also, at the expiration of such term of service, give to such apprentice a new Bible, and two complete suits of new wearing apparel, suitable to his or her condition in life: Provided, That if such minor be a negro or mulatto, it shall not be necessary to require that he or she taught to write or the knowledge of arithmetic.

NUMBER 8
Attachments in circuit courts. Approved March 3, 1845, Revised Statutes.

Section 24. When any sheriff or other officer shall serve an attachment on slaves, or indentured or registered colored servants, or horses, cattle or livestock, and the same shall not be immediately relieved or restored to the debtor, it shall and may be lawful for such officer to provide sufficient sustenance for the support of such slaves indentured, or registered colored servants, and live stock, until the same shall be sold, or otherwise legally disposed of, or discharged from such attachment. He shall receive therefore a reasonable compensation, to be ascertained and determined by the court out of which the attachment issued, and the same shall be charged in the fee bill of such officers, and shall be collectable as part of the costs in the attachment.

NUMBER 9
Embezzlement by servants. Approved March 3, 1845, Revised Statutes.

Section 70. If any clerk, apprentice or servant, whether bound or hired, to whom any money, bank bill or note, or goods or chattels, shall be entrusted or delivered by his or her master or mistress, shall withdraw himself or herself from his or her master or mistress, and go away with the said money, bank bill or note, or goods or chattels, or any part thereof, with intent to steal the same, and defraud his or her master or mistress thereof, contrary to the trust and confidence in him or her reposed by his or her said master or mistress, or being in the service of his or her said master and mistress, shall embezzle the said money, bank bill or note, goods or chattels, or any part thereof, or otherwise shall convert the same to his or her own use, with like purpose to steal the same, every such person so offending shall be deemed guilty of larceny, and be punished accordingly.

NUMBER 10
Offenses relative to slaves, indentured servants, and apprentice. Approved March 3, 1845, Revised Statutes.

Section 151. If any keeper of a public house or retailer of spirituous liquors, shall receive, harbor, entertain or trust any minor or apprentice within the age of twenty-one years, or any servant or slave, knowing them to be such, after having been cautioned or warned to the contrary by the parent, guardian, master or mistress of such minor, apprentice, servant or slave, in the presence of one or more credible witnesses; every such keeper of a public house, or retailer of spirituous liquors
as aforesaid, so offending, shall, upon conviction thereof, be fined in the sum of twelve dollars, and shall, moreover, forfeit his or her license.

**NUMBER 11**
Day laborers. Approved February 17, 1857, Session Laws.

*Section 1.* That the county commissioners’ courts of the several counties in this state, at the March term annually, shall fix and cause to be entered upon the records of their courts, a certain number of days, not exceeding five nor less than two, that each and every able bodied man, between the ages of twenty-one and fifty years (men of color not excepted), shall labor on some public road within the county during the year; and it shall be the duty of the clerk of said court to certify the number of days fixed as aforesaid in the notice to each supervisor appointed in said county.

**Immigration and Residency**

Lawmakers in Illinois had placed limits on black emigration since the territorial period. An 1813 statute also discouraged free blacks from entering Illinois. Penalties for violating immigration and residency laws included corporal punishment. To obtain legal residence, a black emigrant had to produce a certificate of freedom and post a bond for his welfare and behavior. Before statehood, the law also required black residents to register with a country clerk, and forbade a slave holder from bringing an enslaved black to Illinois in order to emancipate the person. These statues also denied free blacks and whites civil rights by outlawing interracial marriages or any sort of cohabitation between blacks and whites.

**NUMBER 1**
An act to prevent the migration of free Negroes and mulattoes into this Territory and for other purposes. Approved December 8, 1813, Laws of Illinois.

*Section 1.* Be it enacted by the Legislative Council and House of Representatives of the Illinois Territory That it shall not be lawful for any free negro or mulatto to migrate in this Territory, and every free negro or mulatto who shall come into this Territory contrary to this act shall and may be apprehended and carried by an citizen before some Justice of the peace of the county where he shall be taken; which Justice is hereby authorized to examine, and order to leave the Territory every such free negro or Mulatto, which said free negro or Mulatto shall be allowed from the time of his examination before the Justice of the peace fifteen days to depart from the Territory, and if after the expiration of the said fifteen days he or she shall be found in the Territory he or she shall be carried before a Justice of the peace who shall order him or her to be whipped on his or her bare back not exceeding thirty-nine stripes nor less than twenty-five stripes and if he or she shall thereafter remain in the Territory fifteen days he or she may be punished in the same manner as aforesaid and so on as long as he or she shall refuse or fail to depart from the Territory.

*Section 2.* Be it further enacted that all free negroes and Mulattoes now riding in the Territory shall within six months after the passage of this act apply to the clerk of the court of Common Pleas of the County in which such Negro or mulatto may reside to be registered and numbered by the clerk, which register shall specify the name, age, color, and stature of said free negro or mulatto, a copy of which register signed by the clerk shall be delivered to the said free Negro or mulatto for which the clerk shall demand of him or her the sum of fifty cents—Provided however that no negro or mulatto as aforesaid, shall claim the benefit of this section until he, she, or they produce to such clerk satisfactory evidence that he, she, or they is, or are entitled to freedom—Provided also that no negro or mulatto who is claimed as a servant or slave by any person or persons shall be entitled to the benefit of this section.

*Section 3.* Be it further enacted that if any such Free negro or mulatto being of the age of twenty-one years shall neglect to procure such certificate it shall be the duty of any Justice of the Peace of the county wherein he or she may be found to order him or her to leave the Territory as in the first section of this act, and the said free negro or mulatto shall be subject to the same penalties for refusing to leave the Territory as is provided in the first section of this act.

*Section 4.* Be it further enacted that if any such free negro or mulatto shall hereafter be convicted before any Justice of the peace of the county where the offence was committed, of stealing, or harboring runaway Negroes or mulattoes or slaves belonging to persons either in this Territory or elsewhere. The said Justice of the peace whose duty it shall be to take cognizance of such offenses, shall order him or her to receive on his or her bareback not less than thirty-nine nor more than...
fifty lashes and the Justice shall order him or her to depart from Territory in thirty days, and if such free negro or mulatto shall neglect to depart accordingly, he or she shall be dealt with in the same manner as is provided in the first section of this act.

Section 5. Be it further enacted that any such free negro or mulatto who is required by this act to register with the said clerk in the same manner all such free negroes or mulattoes residing with him or her as may be under the age of twenty-one years. And on failure thereof such free negroes and mulattoes being under the age of twenty-one years may be carried before the court of common pleas of the county, whose duty it shall be to bind them out until they attain the age of twenty-five years. This act to commence and be in force from and after the passage thereof.

NUMBER 2
An act to amend an act entitled
“An act respecting free Negroes, mulattoes, servants and slaves.”
Approved January 17, 1829, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no black or mulatto person shall hereafter be permitted to come and reside in this State, until such person shall have given bond and security, as is required in the first section of the act to which this is an amendment. Any person who shall hereafter bring into this State, any black or mulatto person, in order to free him or her from slavery, or shall directly, or indirectly, bring into the State, or aid or assist any person in bringing any such black or mulatto person to settle or reside therein, shall be fined one hundred dollars, on conviction, or indictment, or before any justice of the peace in the county where such offence shall be committed.

NUMBER 3
An act in relation to free Negroes and Mulattoes.
Approved February 19, 1841, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That every black or mulatto person, being a native of this State; and residing within the same, may at any time enter his or her names, together with the names of his or her family, with the clerk of the circuit court of the county in which he or she may reside, together with the evidence of his or her freedom, which shall be entered on record by said clerk, together with a description of all such persons; and thereafter the clerks' certificate of such record shall be prima facia evidence of his or her freedom and offer them the same protection, and have the same effect in law, as is given to certificates granted in the pursuance of the fourth section of the act entitled "An act respecting free negroes, mulattoes, servants and slaves," approved, March thirtieth, one thousand eight hundred and nineteen: Provided, nevertheless, That nothing herein Contained shall be construed to bar the lawful claim of any person or persons to any such negro or mulatto.

NUMBER 4
Negroes and mulattoes. Approved March 3, 1845, Revised Statutes.

Section 1. No black or mulatto person, shall be permitted to reside in this State, until such person shall produce to the county commissioners' court where he or she is desirous of settling, a certificate of his or her freedom; which certificate shall be duly authenticated in the same manner that is required to be done, in cases arising under the acts and judicial proceedings of other States. And until such person shall have given bond, with sufficient security, to the people of this State for the use of the proper county, in the penal sum of one thousand dollars, conditioned that such person will not, at any time, become a charge to said county, or any other county of this State, as a poor person, and that such person shall, at all times, demean himself or herself, in strict conformity with the laws of this State that now are or, thereafter may be enacted; the solvency of said security shall be approved by said clerk. The clerk shall file said bond, and if said bond shall in any condition thereof be broken, the whole penalty shall become forfeited, and the clerk, on being informed thereof, shall cause the said bond to be prosecuted to effect. And it shall be the duty of such clerk to make an entry of the certificate so produced and indorse a certificate on the original certificate, stating the time the said bond was approved and filed; and the name and description of the person producing the same; after which it shall be lawful for such free negro or mulatto to reside in this State.

Section 2. If any person shall harbor such negro or mulatto as aforesaid, not having such certificate, and given bond, and taken a certificate thereof, or shall hire, or in anywise give sustenance to such negro or mulatto, not having such certificate
of freedom, and of having given bond, shall be fined in the sum of five hundred dollars, one-half thereof to the use of the
county, and the other half to the party giving information thereof: Provided, This section shall not affect any negro or mulatto
who is now a resident of this State.

Section 3. It shall be the duty of all free negroes and mulattoes who shall come to reside in this State, having a family
of his or her own, and having a certification of freedom mentioned in the first section of this chapter, to give to the clerk of the
county commissioners' court, at the time of making an entry of his certificate, a description with the name and ages of his, her,
or their family, which shall be stated by the clerk in the entry made by him of such certificate; and the clerk shall also state the
same on the original certificate: Provided, however, That nothing contained in this or the preceding section of this chapter,
shall be construed to prevent the overseers of the poor in any township from causing any such free negro or mulatto to be re-
moved, who shall come into this State contrary to the provisions of the statute concerning he poor.

Section 4. Every black or mulatto person (slaves and persons held to service excepted) residing in this State, shall
enter his or her name, (unless they have heretofore entered the same,) together with the name or names of his or her family,
with the clerk of the county commissioners' court of the county in which they reside, together with the evidence of his or her
freedom; which shall be entered into the record by the said clerk, together with a description of all such persons; and thereafter
the clerk's certificate of such record shall be sufficient evidence of his or her freedom: Provided, That nothing in this chapter
contained, shall be construed to bar the lawful claim of any person or persons to any such negro or mulatto.

Section 5. Every black or mulatto person who shall be found in this State, and not having such a certificates is re-
quired by this chapter, shall be deemed a runaway slave or servant, and it shall be lawful for any inhabitant of this State, to
take such black or mulatto person not produce such certificate as aforesaid, it shall be the duty of such justice to cause such
black or mulatto person to be committed to the custody of the sheriff of the county, who shall keep such black or mulatto per-
son, and in three days after receiving him, shall advertise him, at the court house door, and shall transmit a notice, and cause
the same to be advertised for six weeks in some public newspaper printed nearest to the place of apprehending such black
person or mulatto, stating a description of the most remarkable features of the supposed runaway, and if such person so com-
mittted shall not produce a certificate or other evidence of his freedom, within the time aforesaid, it shall be the duty of the sher-
iff to hire him out for the best price he can get, after having given five days previous notice thereof, from month to month, for
the space of one year; and if no owner shall appear and substantiate his claim before the expiration of the year, the sheriff
shall give a certificate to such black or mulatto person, who, on producing the same to the next circuit Court of the county, may
obtain a certificate from the Court stating the facts and the person shall be deemed a free person, unless he shall be lawfully
claimed by his proper owner or owners thereafter. And as a reward to the taker up of such negro, there shall be paid by the
owner, if any, before he shall receive him from the sheriff, ten dollars, and the owner shall pay to the sheriff for the justice, two
dollars, and reasonable costs for taking such runaway, as other prisoners. Provided, however, That the proper owner, if any
there be, shall be entitled to hire any such runaway from the sheriff, after deducting the expenses of the same: And, provided
also, That the taker up shall have a right to claim any reward which the owner shall have offered for the apprehension of such
runaway; Should any taker up claim any such offered reward, he shall not be entitled to the allowance made by this section.

Section 6. If any negro or mulatto, being the property of a citizen of the United States, residing without this State,
shall hereafter come into this State for the purpose of hiring himself or herself to labor in this State, and shall afterwards insti-
tute, or procure to be instituted, any suit or proceedings, for the purpose of procuring his or her freedom, it shall be the duty of
the court before which such suit or proceeding shall be instituted and pending, upon being satisfied that such negro or mulatto
had come into this State for the purpose aforesaid, to dismiss such suit or proceeding, and cause the same to be certified to
the sheriff of the county, who shall immediately take possession of such negro or mulatto, whose duty shall be to confine such
negro or mulatto in the jail of his county, and notify the owner of such slave of the commitment aforesaid, and that said owner
make immediate application for said slave; and it shall be the duty of the sheriff, on such application being made, after all rea-
sonable costs and charge being paid, to deliver to said owner such negro or mulatto slave.

Section 7. Every servant, upon the expiration of his or her time, and proof thereof made before the circuit court of the
county where he or she last served, shall have his or her freedom recorded, and a certificate thereof, under the hand of the
clerk, which shall be sufficient to indemnify any person for entertaining or hiring such servant; and if such certificate should
happen to be torn or lost, the clerk, upon request, shall issue another, reciting therein the loss of the former.

Section 8. Any person who shall hereafter bring into this State any black or mulatto person, in order to free him or her
from slavery, or shall directly or indirectly bring into this State, or aid or assist any person in bringing any such black and mu-
Section 9. If any slave or servant shall be found at a distance of ten miles from the tenement of his or her master, or the person with whom he or she lives, without a pass, or some letter or token, whereby it may appear that he or she is not in possessing of any authorization from his or her master, employer or overseer, it shall and may be lawful for any person to apprehend and carry him or her before a justice of the peace, to be by his order punished with stripes, not exceeding thirty-five at his discretion.

Section 10. If any slave or servant shall presume to come and be upon the plantation, or at the dwelling of any person whatsoever, without leave from his or her owner, not being sent upon lawful business, it shall be lawful for the owner of such plantation, or dwelling house, to give or order such slave or servant ten lashes on his or her bare back.

Section 11. Riots, routs, unlawful assemblies, trespasses and seditious speeches, by any slave or slaves, servant or servants, shall be punished with stripes, at the discretion of a justice of the peace, not exceeding thirty-nine and he who will, may apprehend and carry him, her or them before such justice.

Section 12. If any person or persons shall permit or suffer any slave or slaves, servant or servants of color, to the number of three or more, to assemble in his or their out-house, yard or shed, for the purpose of dancing reveling, either by night or by day, the person or persons so offending shall forfeit and pay the sum of twenty dollars with costs, to any person or persons who will sue for and recover the same by action of debt or by indictment, in my court of record, proper to try the same.

Section 13. It shall be the duty of all coroners, sheriffs, judges and justices of the peace, who shall see or know of, or be informed of any such assemblage of slaves or servants, immediately to commit such slaves or servants to the jail of the county, and on view or proof thereof, order each and every such slave or servant to be whipped, not exceeding thirty-nine stripes, on his or her bare back, on the day next succeeding such assemblage, unless it shall happen on a Sunday, then on the Monday following; which said stripes shall be inflicted by any constable of the township, if there should be one therein, or otherwise by any person or persons whom the said justices shall appoint, and who shall be willing so to inflict the same: Provided, however, That the provisions hereof shall not apply to any persons of color who may assemble for the purpose of amusement, by permission of their masters, first had in writing, on condition that no disorderly conduct is made use of by them in such assemblage.

Section 14. In all cases of penal laws, where free persons are punishable by fine servants shall be punished by whipping, after the rate of twenty lashes for every eight dollars, so that no servant shall receive more than forty lashes at anyone time unless such offender can procure some person to pay the fine.

Section 15. No person shall buy, sell, or receive of, to or from any servant or slave, any coin or commodity, without leave or consent of the master or owner of such slave or servant, and any person so offending shall forfeit and pay to the master or owner of such slave or servant four times the value of the thing so bought, sold or received, to be recovered with costs of suit, before any court having cognizance of the same.

Section 16. Any such servant being lazy, disorderly, guilty of misbehavior to his master or master's family, shall be corrected by stripes, on order from a justice of the county wherein he resides; or refusing to work, shall be compelled thereto in like manner, and moreover shall serve two days for every one he shall have so refused to save, or shall otherwise have lost, without sufficient justification. All necessary expenses incurred by any master for apprehending and bringing home any ascending servant, shall be repaid by repaid by further services, after such rates as the circuit court of the county shall direct, unless such servant shall give security, to be approved by the court, for the payment in money within six months after he shall be free from service, and shall accordingly pay the same.

Section 17. All contracts between masters and servants, during the time of service, shall be void.

Section 18. The benefit of any contract of service shall be assignable by the master to any person being a citizen of this State, to whom the servant shall, in the presence of a justice of the peace, freely consent that it shall be assigned, the said justice attesting such free consent in writing; and shall also pass to the executors, administrators and legatees of the master.

Section 19. No negro, mulatto or Indian, shall at any time purchase any servant, other than of his own complexion; and if any of the persons aforesaid shall nevertheless, presume to purchase a white servant, such servant shall immediately become free, and shall be so held, deemed and taken.

Section 20. Servants shall be provided by the master with wholesome and sufficient food, clothing and lodging, and at the end of their service, if they shall not have contracted for any reward, food, clothing and lodging, shall receive from him
one new and complete suit of clothing, suited to the season of the year, to-wit: a coat, waistcoat, pair of breeches and shoes, two pair of stockings, two shirts, a hat and blanket.

**Section 21.** If any servants shall at any time bring in goods or money during the time of their service, shall by gift or other lawful means, acquire goods or money, they shall have the property and benefit thereof to their own use; and if any servant shall be sick or lame, and so become useless or chargeable, his or her master or owner shall maintain such servant until his or her time of service shall be expired; and if any master or owner shall put away any lame or sick servant, under pretence of freedom, and such servant becomes chargeable to the county, such master or owner shall forfeit and pay thirty dollars to the overseers of the poor of the county wherein such offence shall be committed, to the use of the poor of the county, recoverable with costs, by action of debt in any circuit court; and moreover, shall be liable to the action of the said overseers of the poor at the common law for damages.

**Section 22.** The circuit court of every county shall, at all times, receive the complaints of servants, being citizens of any of the United States of America, who reside within the jurisdiction of such court, against their masters or mistresses, alleging undeserved or immoderate correction, insufficient allowances of food, raiment or lodging or any failure in the duties of such master or mistress as prescribed in this chapter, and the said circuit court shall near and determine complaints of masters and mistresses against their servants, for desertion without good cause, and may oblige the latter, for loss thereby occasioned, to make restitution by further services after the expiration of the time for which they had been bound.

**Section 23.** Any black, colored or mulatto man and white woman, and any white man and black, colored or mulatto woman, who shall live together in an open state of adultery or fornication, or adultery and fornication, shall be indicted, and on conviction, severally fined, in any sum not exceeding five hundred dollars, and confined in the penitentiary for a term not exceeding one year. For the second offence, the punishment shall be double; for the third, bled, and in the same ratio for each succeeding offence.

**NUMBER 5**

Senate report of the judiciary committee relative to Negroes. Approved March 1847, Illinois Documents.

That the prayer of the petition cannot be granted, because the grant of it would be to disregard the best interests of the citizens of this State, and in conflict with the Constitution of this State. 1st. To repeal all laws making a distinction between the negro and the white man, would be to invite an emigration of emancipated negroes to become residents of this State, by thousands, and thereby increase an evil already felt in this State, for the Legislature will soon, without the aid of laws, such as asked for in the petition, be called on for remedy by the removal of the African from our State. A result which will be effected, whether by peaceful means, or by violence, time alone will determine. The committee believe that no acts of legislation will or can ever raise the African in this country above the level in which the petitions find him. And that if he is not content with the provisions of our laws, Africa, the land of his fathers, a climate congenial with his nature, lies open before him, where he may test the powers of his mind for self-government. Here he never can aspire to such privileges while there remains one of the Anglo-Saxon race. 2d. It would be a violation of our State Constitution, for it provides in section 27th of the second article, that in all elections, all white male inhabitants above the age of twenty-one years, having resided in this State six months next preceding the election, shall enjoy the right of an elector. This section of the constitution prescribes the limits of the governing power in this State, and in that limit the African is not to be found; hence he is excluded, and ever will be in this State, from the elective franchise.

A very able report was made to the House of Representatives on this subject, at the last session of the Legislature, which it was then believed would set this question forever at rest; and to unanswerable arguments of that report the committee would refer the petitioners, with this suggestion, that if the petitioners are free white inhabitants of this state, that the prayer of this petition asks not to redress any grievance of which they should complain; and should they be negroes, the committee would remark that this State cannot be regarded by them as their permanent haven, and that their request can never be granted.
NUMBER 6
An act to prevent the immigration of free Negroes into this state.
Approved February 12, 1853, Laws of Illinois.

Section 1. Be it enacted by the people of the state of Illinois, represented in the General Assembly, That if any person or persons shall bring, or cause to be brought into this state, any negro or mulatto slave, whether said slave is set free or not, shall be liable to an indictment, and, upon conviction thereof, be fined for every such negro or mulatto, a sum not less than one hundred dollars, nor more than five hundred dollars, and imprisoned in the county jail not more than one year, and shall stand committed until said fine and costs are paid.

Section 2. When an indictment shall be found against any person, or persons, who are not residents of this state, it shall be the duty of the court before whom said indictment is pending, upon affidavit being made and filed in said court by the prosecuting attorney, or any other credible witness, setting forth the non-residence of said defendant, to notify the governor of this state, by causing the clerk of said court to transmit to the office of the secretary of state an authenticated copy of said indictment and affidavit, and it shall be the duty of the governor, upon the receipt of said copies, to appoint some suitable person to arrest said defendant or defendants, in whatever state or county he or they may be found, and to commit him or them to the jail of the county in which said indictment is pending, there to remain and answer said indictment, and be otherwise dealt with in accordance with this act. And it shall be the duty of the governor to issue all necessary requisitions, writs, and papers to the governor or other executive officer of the state, territory, or province where such defendant or defendants may be found: Provided, that this section shall not be construed so as to affect persons, or slaves, bona fide traveling through this state from and to any other state in the United States.

Section 3. If any negro, or mulatto, bond or free, shall hereafter come into this state and remain ten days, with the evident intention of residing in the same, every such negro or mulatto shall be deemed guilty of a high misdemeanor, and for the first offence shall be fined the sum of fifty dollars, to be recovered before any justice of the peace in the county where said negro or mulatto may be found. Said proceedings shall be in the name of the people of the state of Illinois, and shall be tried by a jury of twelve men. The person making the information or complaint shall be a competent witness upon said trial.

Section 4. If said negro or mulatto shall be found guilty, and the fine assessed be not paid forthwith to the justice of the peace before whom said proceedings were had, it shall be the duty of said justice to commit said negro or mulatto to the custody of the sheriff of said county, or otherwise keep him, or them in custody; and said justice shall forthwith advertise said negro or mulatto, by posting up notices thereof in at least three of the most public places in his district, which said notices shall be posted up for ten days, and on the day and at the time and place mentioned in said advertisement, the said Justice shall, at public auction, proceed to sell said negro or mulatto to any person or persons who will pay said fine and costs for the shortest time; and aid purchaser shall have the right to compel said negro or mulatto to work for and serve out said time, and he shall furnish said negro or mulatto with comfortable food, clothing and lodging during said servitude.

Section 5. If said negro or mulatto shall not within ten days after the expiration of his or her, or their time of service as aforesaid, leave the state, he, she or they shall be liable to a second prosecution, in which the penalty, to be inflicted shall be one hundred dollars, and so on for every subsequent offence the penalty shall be increased fifty dollars over and above the last penalty inflicted, and the same proceedings shall be had in each case as is provided for in the preceding sections for the first offence.

Section 6. Said negro or mulatto shall have a right to take an appeal to the circuit court of the county in which said proceedings shall have been had, within five days after the rendition of the judgment, before the justice of the peace, by giving bond and security, to be approved by the clerk of said court to the people of the state of Illinois, and to be filed in the office of said clerk within said five days, in double the amount of said fine and costs, conditioned that the party appealed will personally be and appear before said circuit court, at the next term thereof, and not depart said court without leave, and will pay said fine and all costs, if the same shall be so adjudged by said court; and said security shall have the right to take said negro or mulatto into custody, and retain the same until the order of said court is complied with. And if the judgment of the justice of the peace be affirmed in whole or in part, and said negro or mulatto be found guilty, the said circuit court shall thereupon render judgment against and negro or mulatto and the security or securities on said appeal bond, for the amount of fine so found by the court, and all costs of suit, and the clerk of said court shall forthwith issue an execution against said defendant and security as in other cases, and the sheriff or other officer to whom said execution is directed 'shall proceed to collect the same by sale.
or otherwise: Provided, that this section shall not be so construed as to give the right to retain the custody of said negro or mulatto for a longer time than ten days after the rendition of said judgment by said circuit court.

Section 7. In all cases arising under the provisions of this act, the prosecuting witness, or person making the complaint and prosecuting the same, shall be entitled to one half of the fine so imposed and collected, and the residue of said fine shall be paid into the county treasury of the county in, which said proceedings were had; and said fines, when so collected, shall be received by said county treasurer and kept by him as a distinct and separate fund, to be called the "charity fund," and said fund shall be used for the express and only purpose of relieving the poor of said county, and shall be paid out by said treasurer upon the order of the county court of said county, drawn upon him for that purpose.

Section 8. If after any negro or mulatto shall have been arrested under the provisions of this act, any person or persons shall claim any such negro or mulatto as a slave, the owner, by himself, or agent, shall have a right, by giving reasonable notice to the officer or person having the custody of said negro or mulatto, to appear before the justice of the peace and prove his or their right to the custody of said negro or mulatto as a slave, and if said justice of the peace shall" after hearing the evidence, be satisfied that the person or persons claiming said negro or mulatto, is the owner of and entitled to the custody of said negro or mulatto, in accordance with the laws of the United States passed upon this subject, he shall, upon the owner or agent paying all costs up to the time of claiming said negro or mulatto, and the costs of providing the same, and also the balance of the fine remaining unpaid, give to said owner a certificate of said facts, and said owner or agent so claiming shall have a right to take and remove said slave out of this state.

Section 9. If any justice of the peace shall refuse to issue any writ of process necessary for the arrest and prosecution of any negro or mulatto, under the provisions of this act, upon complaint being made before said justice by any resident of his county, and his fees for said service being tendered him; shall be deemed guilty of nonfeasance in office, and upon conviction thereof punished accordingly; and in all cases where the jury find for the negro or mulatto, or that he, she or they are not guilty under the provisions of this act, the said justice of the peace shall proceed to render judgment against the prosecuting witness, or person making the complaint, and shall collect the same as other judgments: Provided, that said prosecuting witness, or person making said complaint, in case judgment is rendered against him, shall have a right to take an appeal to the circuit court, as is provided for in this act in case said negro or mulatto is found guilty.

Section 10. Every person who shall have one-fourth negro blood shall be deemed a mulatto.

Section 11. This act shall take effect and be in force from and after its passage.

NUMBER 7
Report of the minority of the select committee in opposition to the repeal of the laws in relation to the emigration of colored persons in the state of Illinois, and granting them certain rights.
Illinois Documents, 1857.

The select committee, to which was referred sundry petitions of "free white citizens of Illinois," and of certain colored inhabitants thereof, asking that the colored people of the state may be admitted to an equal and common participation in the free schools of the state; to the right of testifying in all cases in courts of justice; to all the rights of citizenship and of suffrage; and for the repeal of all laws now in force preventing the emigration of free negroes into the state, and discriminating between the white and black races, have had the same under consideration, and the minority of your committee would beg leave to report: That, touching the praying of the petitioners in reference to the common school law, the minority of your committee cannot perceive that the present school law works any wrong or oppression to the colored people of the state. The tax collected from that class of inhabitants is, upon application, refunded to them, so that while the colored children may not be admitted to the same schools with the white children, it is yet true that the blacks are not taxed to educate the whites.

If the object of the petitioners be, as it clearly is, to admit the negro children to the same schools and classes with the whites, and upon entire quality, the minority of your committee would have no objection to such a state of things for those whose tastes, habits, feelings and affections would fit them for such communion, the minority of your committee have grave objections to the enactment of any law requiring the children of Anglo-Saxon blood and the descendants of the Norman conqueror to be placed in the same schools and classes with a race long degraded, and between which and the white race there exist prejudices and antipathies which, as they seem to be founded in the very constitution of the races, will perhaps never be effaced.

The minority of your committee cannot assent to the prayer of the petitioners for the repeal of certain laws to prevent
the immigration of free negroes into this state. Upon the adoption of our present constitution, article fourteenth was separately submitted to a vote of people, to be approved by them before it should constitute a part of the constitution. That article was approved by a large majority of the voters of the state of Illinois, and was consequently incorporated into that instrument. That article declares "the general assembly shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this state, and to effectually prevent the owners of slaves from bringing them into this state for the purpose of setting them free." That provision of the constitution is explicit and mandatory, and in the enactment of the laws, the repeal of which is prayed for by the petitioners, the legislature of the state has only discharged a clear constitutional duty; nor do the laws now in force appear any too severe to accomplish the purpose of that provision of the constitution. Apart from the constitution, however, and upon grounds of public policy, the minority of your committee are of the opinion that the highest interests of state would require the enactment and execution of laws similar to those now on the statute book. It must be conceded by all that the free negro population of the state add but little to the education, the wealth, the religion, the morals and the civilization of the state, and the highest economic and moral considerations would require our cities to be filled and our prairies tilled by the white man rather than the black man. In regard to the prayer of the petitioners for the admission of the colored people to the rights of suffrage, and of testifying in all cases in courts of justice, the minority of your committee beg leave to say, that this is a government of the white man, and established for the white man, and while the black man is alike with the white man protected by law in the enjoyment of his property, his liberty and his life, the minority of your committee can see no good reason for complaint on the part of the colored race or their peculiar friends, because the colored people may not be admitted into a full participation of all the rights of a government established for the white race.

On the shores of Ethiopia is being tested the capability of the negro race for self-government, and your committee would recommend to the colored people of this state who may desire to exercise the rights of suffrage, to emigrate to that republic, where they may enjoy the privileges prayed for in their petition.

The minority of your committee recognize in the prayer of the petitioners a purpose to abolish all distinctions between the white and black races, and to place them, in every respect, both politically and socially, upon terms of perfect equality. To such a proposition the minority of your committee can never assent. The Creator has established the greatest diversity in all His works of earth, of sky, and of man; and if His wisdom has created diversities and antipathies between the white and black races, the minority of your committee are not disposed to question the wisdom or distrust the arrangements of Providence. It is a fact indisputable that there exist great antipathies between the white and black races, and whether they be constitutional or whether they be prejudices of habit and education, the existence of such antipathies is a fact which no legislator is at liberty to disregard.

The diversities and antipathies between these races are deep-seated and apparently constitutional, and such as no legislation can eradicate; and the minority of your committee are disposed to recognize them as a part of the economy and dispensation of Providence; and while in the opinion of some, perhaps, the arrangements of Providence might be improved, the minority of your committee are of the opinion that the wisdom of this legislature is not equal to Providence; and the minority of your committee are the more strongly of this belief, inasmuch as the members of the present general assembly were elected in a time of high party excitement, and may be presumed to have been selected for their partisan zeal rather than for their wisdom and learning.

In view of the facts set out in this report, the minority of your committee would recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the same.

NUMBER 8
An act to repeal section sixteen of the Revised Statutes, entitled "An act to prevent the immigration of free negroes into this state," commonly known as the "Black Laws." Approved February 7, 1865, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section sixteen (16,) division III, chapter XXX, of the Revised Statutes of this state, entitled "Criminal Jurisprudence," and chapter LXXIV of said Revised Statutes, entitled "Negroes and Mulattoes," and an act of the general assembly of this state, approved February 12, 1853, entitled "An act to prevent the immigration of free negroes into this state, "be and the same are hereby repealed; and section 23, chapter XL, Revised Statutes, entitled" Evidence and Depositions."

Section 2. This act to be in force from and after its passage.
Of the black laws I have but little to say, except to recommend that you sweep them from the statute books with a swift, relentless hand. My opinion of them cannot be better expressed than in the language of a resolution, which, as a member of the General Assembly, in February, 1849, I had the honor in a feeble minority to advocate, declaring the laws of the State, applicable to negroes and mulattoes, tyrannical, iniquitous and oppressive upon this weak, harmless and unfortunate class, and unbecoming the statutes of a free, magnanimous, enlightened and Christian nation. They were originally enacted to gratify an unjustifiable public prejudice against the friends of liberty, and an inhuman feeling towards a poor, unfortunate class of our fellow-citizens. They assumed a fact, which, to the honor of the Jeffersonian Ordinance of 1787, never existed: that slavery did or could exist in the free State of Illinois. Section nine of these laws provides that "if any slave or servant shall be found ten miles from the tenement of his or her master without a pass, he may be punished with stripes, not exceeding thirty-five"—thus, by the phraseology of the law, recognizing the existence of the institution of slavery within our borders, and prescribing an infamous punishment. It is unconstitutional, as decided by the Supreme Court in this State, "in attempting to legislate upon the subject of the rendition of fugitive slaves to their masters, over which subject the court decides that Congress has supreme and exclusive power." It authorizes a system of slavery, by providing that every colored man who shall be found in this State, "without having a certificate of freedom," shall be deemed a runaway slave or servant—"to be committed to the custody of the sheriff of the county, who shall advertise him at the court house door," and to hire him out for the best price he can get." "from month to month," "for the space of one year." Any law, thus placing any man, white or black, in the power of a purchaser, for money, is utterly inconsistent with the humanity of the age of the spirit of our free constitution. These laws are unconstitutional, because by the laws of many of our states free colored persons are citizens, and the constitution of the United States expressly provides that "the citizens of each state shall be entitled to all the privileges of citizens in the several states."

An examination of the various provisions of these laws will satisfy this General Assembly of their inhumanity, and the humane and philanthropic will everywhere hail their repeal with joyful acclamations.

In reply to those who say that if these laws are repealed we shall have a large influx of free negroes into this State, I have to answer that the laws are now almost a dead letter. Negroes are not kept out of the State by them, for it is only now and then, indeed a rare case, that a man can be found who is barbarian enough to insist upon the application of the penalties imposed by these laws. And upon the subject I cannot present my views better than by the following extract from my message of January 5th, 1863. Referring to the emancipation policy of the administration, I say:
"I am sure of two things: First, that when slavery is removed, this rebellion will die out, and not before. Second—1 believe and predict, and commit the prediction in this state paper to meet the verdict of my successors in office and of posterity, that the change brought about by the policy of emancipation will pass off in a way so quietly and so easily, that the world will stand amazed that we should have entertained such fears of its evils. During the war, there will be necessarily some suffering among so many slaves thrown out of employment, and many, perhaps large numbers of them, will seek a temporary refuge in the free states, and every man who has a human heart within him will treat them kindly; but with the return of peace, the demand for labor in the South will be greatly increased, and there will be an exodus not only of these fugitives, but of the free colored population, to the south. The demand for labor in the South will be greatly increased by the subdivision of large farms into numerous small ones, in the hands of a much larger number of owners; also by the reclamation of immense regions of fertile country in all our southern states, waiting for only the touch of free labor, the settlement of which has been retarded by the existence of slavery, tending, as it always has, and necessarily always will, to discourage the immigration of free white citizens. No reasonable fears of competition with the free labor of the northern states need be entertained, because the emancipated slave will have protection and employment upon the soil which he has heretofore cultivated in bondage. Emancipation does not increase the number of negroes by an additional one. There will not be a single acre of land less for cultivation, but a great deal more will probably be cultivated; there will be the same and an increasing demand for the culture of cotton, tobacco, sugar and rice, for which the negro is peculiarly adapted; the southern climate will remain unchanged, congenial to his constitution; and it is in the highest degree improbable that the negro will leave the state of his nativity, where his labor is in demand, where he understands, better than anyone else, the business to be done, and where the climate is adapted to him, to seek the cold climates of the North, to face the strong competition of northern, skilled free labor, to encounter the prejudice against his color, and the pauperism and neglect which would meet him on every hand."
I will not say that legislation will not be necessary upon this subject of the residence of free negroes in our midst; but I will say, that whatever is necessary should be free from political prejudice, having regard to the welfare of our own, free, white citizens, and, at the same time, marked with humanity and a due regard to that unfortunate class of our fellow beings whom Providence, in its wise and inscrutable plans, has placed in our care.

**NUMBER 10**

A large number of the colored people of this city assembled on North 4th street yesterday, and fired 62 guns in honor of the senators and representatives who voted for the repeal of the odious black laws. After the firing the company proceeded to the Methodist Colored Church where they were addressed by several colored gentlemen among whom was Mr. John Jones of Chicago, who made a most interesting and able speech, well worthy of a report if we had room. Rev. Mr. Caven read the black laws; he was listened to with the most marked attention. The meeting was orderly, and everything was conducted in a manner honorable to those who had the supervision of the affair.

**NUMBER 11**
An act to repeal section sixteen of the Revised Statutes, commonly known as the black laws. House Journal, (1865).

Mr. Wike moved the following as an amendment to said bill, viz: "The provisions of this bill shall not take effect or be in force until the same shall first have been submitted to the people of the State of Illinois for their ratification or rejection at the next general election to be held in said State, and unless the same shall have received a majority of the legal votes cast at said election for or against said provisions.


Mr. Smith moved that the said amendment be laid upon the table. It was decided in the affirmative, Yeas-45, Nays--34.

Ordered that the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

**Kidnapping**

Federal and State support for slavery empowered slave owners in their efforts and forcibly remove runaway slaves. Some Northern states, including Massachusetts and Pennsylvania, adopted personal liberty laws in order to shield free blacks from unscrupulous slave catchers. The states in the Old Northwest did not adopt personal liberty laws against kidnapping. Illinois also adopted laws to prevent the kidnapping of free blacks. But anti-kidnapping laws were rarely an effective deterrent to violence against free blacks.

**NUMBER 1**
An act to more effectively prevent kidnapping and for other purposes. Approved January 17, 1825, Laws of Illinois.

**Section 1.** Be it enacted by the people of the state of Illinois represented in the General Assembly, That if any person or persons shall kidnap, steal, seize, take, and carry away, from and out of this state or from and out of any one county in this state, into any other county, or shall make an attempt to do the same, any negro, mulatto, or person of color, with intent to subject such negro, mulatto, or person of color to involuntary slavery or servitude, to which he or she is not liable, or shall cause or procure it to be done, or shall aid, abet, or assist any other person in doing it, the person or persons so offending, shall be deemed guilty of felony, and shall be punished with stripes, not less than twenty-five, nor more than one hundred, and shall stand in the pillory not less than two nor more than four hours, and shall also be fined in the sum of one thousand dollars, and pay the costs of prosecution.

A person so offending, shall be deemed guilty of a misdemeanor, and fined, not exceeding five hundred dollars, or imprisoned, not exceeding six months.

**Section 160.** If any person or persons, entitled to the service or labor of any negro, mulatto or colored person, by indenture or other contract or registry made, or entered into under the laws of the late territory of Indiana or of Illinois, having a right to hold such person of color in temporary servitude, by virtue of those laws and the constitution of this State, shall hire out, or send any such negro, mulatto or colored person, or any of his or her children, to live or reside in any other State, terri-
Section 161. If any keeper of a public house or retailer of spirituous liquors, shall receive, harbor, entertain or trust
any minor or apprentice within the age of twenty-one years, or any servant or slave, knowing them to be such, after having
been cautioned or warned to the contrary by the parent, guardian, master or mistress of such minor, apprentice, servant or
slave, in the presence of one or more credible witnesses; every such keeper of a public house, or retailer of spirituous liquors
as aforesaid, so offending, shall, upon conviction thereof, be fined in the sum of twelve dollars, and shall, moreover, forfeit his
or her license.

NUMBER 3
An act to amend an act entitled, "An act relative to criminal jurisprudence,"
Approved January 6, 1827, and to provide for the regulation and government of the penitentiary.
Approved February 9, 1831, Laws of Illinois.

Section 27. Any person convicted of the crime of kidnapping, as defined in the fifty-fifth, fifty-sixth, and fifty-seventh
sections of the act to which this is an amendment, shall be punished by confinement in the penitentiary, for a term not less
than one year nor exceeding seven years.

NUMBER 4
Offenses against persons or individuals.
Approved March Section 3, 54. Revised 1845.
False Statutes. imprisonment is an unlawful violation of the personal liberty of another, and consists of confinement or deten-
tion without sufficient cause.

Section 2. Be it further enacted, That if any person or persons shall hire, persuade, entice, decoy or seduce by false
pretenses, misrepresentations, or other means, any negro, mulatto, or person of color, not being a slave, to go out of this
state, or be taken or removed therefrom, for the purpose, and with the intent, to sell such negro, mulatto, or person of color,
and thereby subject him or her to slavery or servitude, or otherwise dispose of him or her, against his or her will, the person or
persons so offending, and being thereof duly convicted, shall, in like manner, be deemed guilty of felony, and punished in the
same manner as prescribed in the first section.

Section 3. Be it further enacted That, if any person or persons shall be accessory to the commission of either of the
aforementioned offenses, such person or persons may be charged and indicted as principal, and punished accordingly.

Section 4. Be it further enacted, That no person entitled to the labor or service of any negro, mulatto, or person of
color, by indenture, or other contract, made under the laws of the late territories of Indiana and Illinois, having a right to hold
such person of color in temporary servitude by virtue of those laws, shall hire out or send such person of color to live or reside
in any other state, territory, or foreign country, or shall suffer it to be done; nor shall any such person sell or otherwise dispose
of any person of color, aforesaid to any citizen or resident of any other state, territory, or foreign country, or suffer such person
of color to be removed, or reside in any other state, territory, or foreign country, before the expiration of his or her term of serv-
ive, and every person so offending, and violating the provisions of this section, shall forfeit and lose all claim, right, and title to
the service of such person of color; and shall, moreover, under a penalty of seven hundred dollars, for each and every person
so sold, or otherwise, one half to the person so hired out, as aforesaid, the other half to the county treasury, where such pros-
secution may be commenced, together with costs, to be recovered by action of debt or indictment, in the name of the people of
the state of Illinois, for the uses and purposes aforesaid, This act to take effect and be in force from and after the passage
thereof.
NUMBER 2
Offenses relative to slaves, indentured servants, and apprentices.
Approved March 3, 1845. Revised Statutes.

Section 159. If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or servant, owning service or labor to any other persons, whether they reside in this State, or any other State or territory, or district within the limits and under the jurisdiction of the United States, or shall in anywise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such legal authority. Any person convicted of false imprisonment shall be fined in any sum not exceeding five hundred dollars, or imprisoned not exceeding one year in the county jail.

Section 55. Kidnapping is the forcible abduction or stealing away of a man, woman, or child, from his other own country and sending or taking him or her into another.

Section 56. Every person who shall forcibly steal, take or arrest any man, woman, or child, whether white, black or colored, in this State, and carry' him or her into another country, State or territory, or who shall forcibly take or arrest any person or persons whatsoever, with a design to take him or her out of this State, without having established a claim according to the laws of the United States, shall, upon conviction, be deemed guilty of kidnapping. Every person found guilty of kidnapping, shall be confined in the penitentiary for a term not less than one year, and not more than seven years, for each person kidnapped or attempted to be kidnapped.

Section 57. Every person who shall hire, persuade, entice, decoy or seduce, by false promises, misrepresentations and the like, any negro, mulatto or colored person, not being a slave, to go out of this State, or to be taken or removed therefrom, for the purpose and with the intent to sell such negro, mulatto or colored person into slavery or involuntary servitude, or otherwise to employ him or her for his or her own use, or to the use of another, without the free will and consent of such negro, mulatto or colored person, any person so offending, shall be deemed to have committed the crime of kidnapping, and upon conviction thereof, shall be punished as in the preceding section.

NUMBER 5
Kidnapping. February 15, 1855, Session Laws.

Section 1. That whenever the governor of this state shall receive information satisfactory to him, that any inhabitant of this state has been decoyed, kidnapped, or transported away from this state, into any other state or territory of the United States, for the purpose of restraining such person in his or her liberty, or reducing such person to slavery, or any other unlawful purpose, or that such person is wrongfully seized, imprisoned, or held in slavery in any of the states or territories of the United States, on the allegation or pretence that such person is a slave, or by color of any usage or rule of law prevailing in said state or territory is deemed or taken to be a slave, or not entitled of right to the personal liberty of an inhabitant of this state, it shall be the duty of said governor to take such measures as he shall deem necessary to procure such person to be restored to his or her liberty, and returned to this state. The governor is hereby authorized to appoint such agent or agents as he shall deem necessary to effect the restoration and return of such person, and shall furnish said agent with such credentials and instructions to accomplish the object of his appointment. The governor may determine the compensation to be allowed such agent for his services and necessary expenses.

Section 2. Such agent shall proceed to collect the proper proof to establish the right of such person to his other freedom, and shall perform such journeys, take such measures, institute and procure to be prosecuted such legal proceedings, under the direction of the governor, as shall be necessary to procure such person to be restored to his or her liberty, and returned to this state. The governor is hereby authorized to appoint such agent or agents as he shall deem necessary to effect the restoration and return of such person, and shall furnish said agent with such credentials and instructions to accomplish the object of his appointment. The governor may determine the compensation to be allowed such agent for his services and necessary expenses.

Section 3. The accounts for all services and expenses incurred in carrying this act into effect, shall be audited by the auditor of public accounts, and paid by the treasurer, on his warrant, out of any moneys in the treasury of this state not otherwise appropriated. The treasurer may advance, on the warrant of the auditor, to such agent, such sum or sums as the governor shall certify to be reasonable, to enable him to accomplish the purposes of his appointment, for which advance such agent shall account for on the first audit of his account.
NUMBER 6
Offenses relative to servants and slaves, indentured servants and apprentices.
Approved February 18, 1857, Session Laws.

Section 159. If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or servant, owing service or labor to any other persons, whether they reside in this state or any other state or territory or district within the limits hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such person, so offending, shall be deemed guilty of a misdemeanor, and be fined, not exceeding five hundred dollars, or imprisoned, not exceeding six months.

Section 160. If any person or persons, entitled to the service or labor of any negro, mulatto or colored person, by indenture, or other contract or registry made, or entered into under the laws of the late territory of Indiana or of Illinois, having a right to hold such person of color in temporary servitude, by virtue of those laws and the constitution of this state, shall hire out, or send any such negro, mulatto or colored person, or any of his or her children, to live or reside in any other state, territory or country, or shall cause, or suffer it to be done, or shall sell or otherwise dispose of any such person of color, or the children of such, for the purposes aforesaid, to any citizen or resident of another state, territory or country, before the expiration of his or her term of service, every person so offending, and all purchasers of such colored persons so sold or removed, shall forfeit and lose all right and title or claim to the service of such person of color, and shall, on conviction for such offense, be fined, not exceeding five hundred dollars, one-half to be applied to the use of the person injured, and the other half to the use of the county.

Section 161. If any keeper of a public house, or retailer of spirituous liquors, shall receive, harbor, or entertain any minor or apprentice, within the age of twenty-one years, or any servant or slave, knowing them to be such, after having been cautioned or warned to the contrary by the parent, guardian, master or mistress of such minor, apprentice, servant or slave, in the presence of one or more credible witnesses; every such keeper of a public house or retailer of spirituous liquors as aforesaid, so offending, shall upon conviction thereof, be fined in the sum of twelve dollars, and shall, moreover, forfeit his or her license.

Testimony and Witness

Illinois law first prohibited the testimony of a black or mulatto against a white in 1803. The legislature designated as mulatto any person having one-fourth “Negro blood” or nay person having at least one-half “Indian blood.” In state where they were denied testimony against a white, black had little chance of defending themselves in a dispute involving a white. The law left African Americans powerless; such to be sure, was one aim of the black laws. Illinois lawmakers assumed that if they deprived African-American residents of their legal and civil rights, they would leave the state. Moreover, the legislator assumed that their oppressive laws would discourage runaway slaves from seeking refuge in Illinois.

NUMBER 1
Who may be witnesses in criminal cases. Approved March 3, 1845, Revised Statutes.

Section 16. No black or mulatto person or Indian shall be permitted to give evidence in favor or against any white person whatsoever. Every person who shall have one-fourth part or more of negro blood shall be deemed a mulatto; and every person who shall have one-half Indian blood shall be deemed an Indian.

NUMBER 2

Section 23. A negro, mulatto, or Indian shall not be a witness in any court, or in any case, against a white person. A person having one-fourth part negro blood shall be adjudged a mulatto.

NUMBER 3
Perpetuation of testimony. Approved March 3, 1845, Revised Statutes.

Section 19. In all cases hereafter, where any person or persons shall desire to perpetuate the remembrance of any
fact, matter or thing, which may relate to the boundaries or improvements of name of any portion or district of country; regard-
ing the ancient customs, laws or usages of the inhabitants of this country, as far as the same may relate to the future settle-
ment of the land claims; or touching the marriage or pedigree of any person or persons, or in relation to the title to slaves or
servants; or any other matter or thing necessary to the security of any estate, real or personal, or mixed, or any private right
whatever, it shall be lawful for such person or persons, upon filing a petition supported by affidavit, in the circuit court of the
proper county, setting forth particularly the fact or facts intended to be established, a dedimus potestatem or commission, di-
rected to any two justices of the peace, or to any clerk of the circuit or county commissioners’ court of the county wherein such
testimony is to be taken, and may, thereupon, proceed to take such deposition or depositions as shall be pray for in said peti-
tion.

NUMBER 4
Competency of witnesses.
Approved March 3, 1845, Revised Statutes.

A negro, mulatto or Indian shall not be a witness in any court, or in any case, against a white person. A person having
one-fourth part negro blood shall be adjudged a mulatto.

Criminal cases.

Section 15. The party or parties injured shall, in all cases, be competent witnesses, unless he, she or they shall be
rendered incompetent by reason of his, her or their infamy, or other legal in competency other than that of interest. The credi-
bility of all such witnesses shall be left to the jury, as in other cases.

Section 16. No black or mulatto person shall be permitted to give evidence in favor or against any white person what-
soever. Every person who shall have one-fourth part or more of negro blood shall be deemed a mulatto; and every person who
shall have one-half Indian blood shall be deemed an Indian.

Section 17. Approvers shall not be allowed to give testimony.

Section 18. The solemn affirmation of witnesses shall be deemed sufficient. A false and corrupt affirmation shall sub-
ject the witness to all the penalties and punishment provided for those who commit willful and corrupt perjury.

Runaway Slaves and Servants

Whites in Illinois embraced a strong proslavery bias. A newspaper correspondent in Ohio considered Illinois the most
proslavery free state in the Union. This label was inappropriate. As we have seen, Illinois approved slave labor under the
guise of indentured servitude and approved an assortment of policies to subordinate its black residents. The state also pro-
tected slave holders by adopting a fugitive slave law, mandating that runaways be delivered to be a bona fide claimant. Fur-
thermore, the legislature prescribed punishment for anyone who harbored or aided the escape of a runaway slave or servant.
The following documents also demonstrate that the legislature abridged the civil rights of Indians. State law denied Indians the
opportunity to purchase whiskey and required black and white merchants to obtain a special license in order to sell “legal”
quantities to Indians.

NUMBER 1
An act concerning the Kaskaskia Indians.
Approved December 22, 1814, Laws of Illinois.

Whereas a former law of this Legislature has been found insufficient to prevent evil disposed persons from selling and
giving intoxicating drinks to the Kaskaskia Indians or from cheating and defrauding the said Indians out of their property by pre-
tended or real purchases and whereas the former practice is productive of disorder and other pernicious consequences and
the latter a violation of moral Justice and good policy. For remedy thereof,

Section 1. Be it enacted by the legislative council and house of Representatives and it is hereby enacted by the au-
thority of the same, That if any white person or free person of color either male or female shall hereafter without license from
the Governor as superintendent of Indian affairs within this Territory or from some sub-agent appointed by him either sell or
give to any Kaskaskia Indian or any other Indian residing with them any quantity of whiskey, gin, brandy, rum, cider or other in-
toxicating drink such person so offending shall forfeit and pay twenty dollars to be recovered upon warrant before any Justice
Section 1. If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or servant, owing service or labor to any other person, whether they reside in this State, or any other State or territory, or district within the limits and under the jurisdiction of the United States, or shall in anywise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such person so offending, shall be deemed guilty of a misdemeanor, and fined, not exceeding five hundred dollars, or imprisoned, not exceeding six months.

Section 2. If either of the offenses stated in the above section, shall be committed by any negro or mulatto being the slave or servant of any person whatever, it shall be the duty of a Justice of the peace upon application to him made according to law to issue his warrant against such negro, or mulatto and upon proof of the offenses abovementioned or either of them having been committed by said negro or mulatto, the Justices of the peace before whom such proof may be made shall order him or her so offending to receive on his or her bare back if for the first offence fifteen lashes and for every subsequent offence of like kind double that number. Provided however that the said corporal punishment shall be inflicted if the owner of any other person will in behalf of said negro or mulatto pay the sum of twenty dollars for each offence respectively.

Section 3. That it shall not be lawful for any person whatever without license from the Governor or some sub-agent appointed by him to purchase or receive by gift or otherwise of any of the before mentioned Indians, any horse mare gun Tomahawk, knife, Blanket Strouding, calico, saddle bridle, or any goods, wares, or merchandize whatever, that all such sales and purchases, or gifts shall be considered as fraudulent on the part of the buyer or receiver, and that any white person or free person of color whatever so buying or receiving any such articles of anyone of those Indians shall be liable to pay a fine of twenty dollars to be recovered before a Justice of the peace who shall upon conviction of any such offender issue execution in like manner as is directed in the first section of this act, and the said offender shall restore the article or articles so bought or received & shall moreover be liable to a suit in the supreme court for the fraud of buying or receiving any such article as aforesaid whatever the amount or value thereof may be and in all cases of Judgment against him or her, he or she shall pay the costs.

Section 4. If either of the offenses stated in the last preceding section of this act shall be committed by any negro or mulatto being the slave or servant of any other person, the said negro or mulatto so offending shall be subject to the same proceedings and punishment under the same conditions as are prescribed the second section of this act, and the owner shall either cause said negro or mulatto to restore any article or articles so purchased, or received by him or her or said owner shall be liable in default thereof to the same proceedings as if such owner had actually himself or herself bought or received in the said article or articles contrary to the intention of this law.

Section 5. In all the above cases and in all other cases of injuries done to the said Indians it shall be lawful for the Governor of the Territory or any sub-agent appointed by him, to sue or warrant as the case may require in behalf of any such injured Indian.

Section 6. All fines imposed by this law after deducting there out all necessary expenses, shall be paid by the Governor or a subagent, to the injured Indian or Indians.

Section 7. It shall be the duty of all Justices of the peace, sheriffs and constables to aid and assist in the execution of this law according to their respective offices.

NUMBER 2

Offenses relative to slaves, indentured servants, and apprentices.
Approved March 3, 1833, Revised Laws.

Section 149. If any person shall harbor or secrete any negro, mulatto or person of color, the same being a slave or servant, owing service or labor to any other persons, whether they reside in this State, or any other State or territory, or district within the limits and under the jurisdiction of the United States, or shall in anywise hinder or prevent the lawful owner or owners of such slaves or servants from retaking them in a lawful manner, every such person so offending, shall be deemed guilty of a misdemeanor, and fined, not exceeding five hundred dollars, or imprisoned, not exceeding six months.

Section 150. If any person or persons, entitled to the service or labor of any negro, mulatto or colored person, by indenture or other contract or registry made, or entered into under the laws of the late territory of Indiana or of Illinois, having a right to hold such person of color in temporary servitude, by virtue of those laws and the constitution of this State, shall hire out, or send any such negro, mulatto or colored person, or any of his or her children, to live or reside in any other State, territory or country, or shall cause, procure, or suffer it to be done, or shall sell or otherwise dispose of any such person of color, or the children of such, for the purposes aforesaid, to any citizen or resident of another State, territory or country, before the expi-
ration of his or her term of service, every person so offending, and all purchasers of such colored persons so sold or removed, shall forfeit and lose all right and title or claim to the service of such person of color, and shall, on conviction, for each offence, be fined, not exceeding five hundred dollars, one-half to be applied to the use of the person injured, and the other half to the use of the county.

**Miscegenation of the Races**

Whites embraced a strong bias against interracial marriages or social intercourse of any kind where blacks and whites were concerned. Driven by Negrophobia. They claimed that black immigration would foster miscegenation, and they used their paranoia to justify a variety of laws regulating social contact between blacks and whites. It is not surprising, therefore, that Illinois lawmakers prohibited interracial marriages, prescribed penalties for offenders and nullified all marriages contrary to state law. State law also penalized persons who performed illegal marriages. For decades, lawmakers has assumed that the black laws were so overwhelming that it was unlikely that an interracial marriage would take place in Illinois. By the 1840’s, however, it became apparent that both genders sometimes crossed racial lines in intimate relationships. Among the reforms brought by the Civil War was legal recognition of interracial marriages. Doubtless, public opinion continued to frown on such relationships.

**NUMBER 1**

White and colored persons committing adultery and fornication together.
Approved December 3, 1844, Session Laws.

That any black, colored or mulatto man and white woman, and any white man and black, colored or mulatto woman, who shall live together in an open state of adultery or fornication, shall be indicted, and on conviction, shall be severally fined in any sum not exceeding five hundred dollars, and confined in the penitentiary for any term not exceeding one year: Provided, That nothing in this act shall be construed to extend to any case in which the man and woman living together as aforesaid shall both be white persons: And provided, further, That the offense herein provided for, shall be sufficiently proved by circumstances which raise the presumption of cohabitation and unlawful intimacy; and for a second offense, such man or woman shall be severally punished twice as much as for the first offense, and for the third offense trebling, and thus increasing the punishment for each succeeding offense.

**NUMBER 2**

Marriages. Approved March 3, 1845, Revised Statutes.

Section 1. All male persons over the age of seventeen years, and females over the age of fourteen years, may contract and be joined in marriage: Provided, in all cases where either party is a minor, the consent of parents or guardians be first had, as is hereinafter required. .

Section 2. No person of color, negro or mulatto, of either sex, shall be joined in marriage with any white person, male or female, in this State; and all marriages or marriage contracts, entered into between such colored person and white person, shall be null and void in law; and any person so marrying or contracting to marry, shall be liable to pay a fine, be whipped in not exceeding thirty-nine lashes, and be imprisoned, not less than one year; and shall be held to answer in no other than a criminal prosecution, by information or indictment. And any clerk who shall knowingly issue a license to any such colored person, negro or mulatto, or to any white person to be joined to a negro or mulatto, in manner aforesaid, or if any officer or person authorized to solemnize marriages in this State, shall join any such colored person, negro or mulatto in marriage with a white person, such magistrate or other person so offending as aforesaid, on conviction thereof, shall be fined, in a sum not less than two hundred dollars, to be sued for and recovered in any court of record in this State, the one-half for the use of the county in which said suit is brought, and the other half to the person suing for the same; and thereafter be ineligible to any office in this State.

Section 3. All persons belonging to any religious society, church or denomination, may celebrate their marriage according to the rules and principles of such religious society, church or denomination; and a certificate of such marriage, signed by the regular minister, or if there be no minister, then by the clerk of such religious society, church or denomination, registered as hereinafter directed, shall be evidence of such marriage.
Section 4. Any persons wishing to marry, or be joined in marriage, may go before any regular minister of the gospel, authorized to marry, by the custom of the church or society to which he belongs, any justice of the supreme court, judge of any inferior court, or justice of the peace, and celebrate or declare their marriage in such manner and form as shall be most agreeable.

NUMBER 3
Who may contract marriages. Revised Statutes, (1845).

Section 1. All male persons over the age of seventeen years, and females over the age of fourteen years, may contract and be joined in marriage: Provided, In all cases where either party is a minor, the consent of parents or guardians be first had, as is hereinafter required.

Section 2. No person of color, negro or mulatto, of either sex, shall be joined in marriage with any white person, male or female, in this state; and all marriages or marriage contracts, entered into between such colored person and white person, shall be null and void in law; and any person so marrying, or contracting to marry, shall be liable to pay a fine, be whipped, in not exceeding thirty-nine lashes, and be imprisoned not less than one year, and shall be held to answer in no other than a criminal prosecution, by information or indictment. And any clerk who shall knowingly issue a license to any such colored person, negro or mulatto, Of to any white person to be joined to a negro or mulatto, in manner aforesaid, or if any officer or person authorized to solemnize marriages in this state, shall join any such colored person, negro or mulatto in marriage with a white person, such magistrate or other person, so offending as aforesaid, on conviction thereof, shall be fined, in a sum not less than two hundred dollars, to be sued for and recovered in any court of record in this state, the one-half for the use of the county in which said suit is brought, and the other half to the person suing for the same, and thereafter be ineligible to any office in this state.

Section 3. All persons belonging to any religious society, church or denomination, may celebrate their marriage according to the rules and principles of such religious society, church or denomination; and a certificate of such marriage, signed by the regular minister, or if there be no minister, then by the clerk of such religious society, church or denomination, registered as hereinafter directed, shall be evidence of such marriage.

Section 4. Any persons wishing to marry, or be joined in marriage, may go before any regular minister of the gospel, authorized to marry, by the custom of the church or society to which he belongs, any justice of the supreme court, judge, of any inferior court, or justice of the peace, and celebrate or declare their marriage, in such manner and form as shall be most agreeable.

Section 5. Any minister of the gospel, justice of the supreme court, judge or justice of the peace, who shall celebrate any marriage, shall make a certificate of such marriage, and return the same, with the license, to the clerk of the county commissioners' court, who issued such license, within thirty days after solemnizing such marriage.

Section 6. The clerk of the county commissioners' court, after receiving such certificate, shall make a registry thereof, in a book to be kept by him for that purpose only; which registry shall contain the christian and surnames of both the parties, the time of their marriage, and the name of the person certifying the same; and said clerk shall, at the same time, indorse on such certificate, that the same is registered, and the time when; which certificate shall be carefully filed and preserved and the same, or a certified copy of the registry thereof, shall be evidence of the marriage of the parties.

Section 7. If any clerk shall, for more than one month, refuse or neglect to register any marriage certificate, which has been, or may hereafter be, delivered to him for that purpose (his fee therefore being paid), he shall be liable to be removed from office, and shall moreover pay the, sum of one hundred dollars, to the use of the party injured, to be recovered by action of debt in any court having cognizance of the same.

Section 8. If any minister, justice of the supreme court, judge or justice of the peace, having solemnized a marriage, or clerk of any religious society, as the case may be, shall not make return of a certificate of the same, as required, within the time limited, to the clerk of the commissioners' court of the county in which such marriage was solemnized, he shall forfeit and pay one hundred dollars for each case so neglected, to go to the use of the county, to be recovered by indictment. And if any minister of the gospel, justice of the supreme court, judge or any other officer or person, except as hereinbefore excepted, shall solemnize and join in marriage any couple without a license as aforesaid, he shall, for every such offense, forfeit and pay one hundred dollars, to the use of the county, to be recovered by indictment.
Section 9. No person shall be joined in marriage as aforesaid, unless their intention to marry shall have been published at least two weeks previous to such marriage, in the church or congregation to which the parties, or one of them, belong; or unless such persons have obtained a license, as herein provided.

Section 10. In all cases when publication of such intention to marry has not been made, as before described, the parties wishing to marry shall obtain a license from the clerk of the county commissioners' court of the county where such marriage is to take place; which license shall authorize any regular minister of the gospel authorized to marry by the church or society to which he belongs; any justice of the supreme court, judge or justice of the peace, to celebrate and certify such marriage; but no such license shall be granted for the marriage of any male under twenty-one years of age, or female under the age of eighteen years, without the consent of his or her father, or if he be dead, or incapable, of his or her mother or guardian to be noted in such license. And if anyone marries them without consent as aforesaid, he shall forfeit and pay the sum of three hundred dollars, to the use of such father, mother or guardian, to be sued for and recovered in any court having cognizance thereof; and for the purpose of ascertaining the age of the parties, such clerk is hereby authorized to examine either party, or other witness on oath.

NUMBER 4
An act to establish the validity of marriages contracted, wherein one or both of the parties were slaves at the time, and to establish the legitimacy of their offspring, as to the right to inherit property. Approved May 5, 1891, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all marriages that have been contracted wherein one or both of the parties were slaves at the time, shall be considered equally valid and binding as though the parties thereto were free and the child or children of such marriages shall be deemed legitimate and placed upon exactly the same footing (as to the right to inherit property as well from their brothers, sisters and other relations as from their parents) as any child or children born of parents who were lawfully wedded and not slaves.

The provisions of this act shall extend to all marriages entered into between such slaves, whether contracted and entered into within or without this State, so far as the right to inherit property within this State is concerned.

Civil and Legal Rights
Congress adopted legislation to protect the legal rights of African American after the Civil War. Most northern states, including Illinois, also adopted civil rights laws. In most cases, Illinois made only token gestures of its commitment to racial equality. For example, Illinois law provided equal access to public accommodations, including restaurants, theaters and inns. The state also prescribed penalties for residents who violated the legal rights of anyone solely on account of race, ancestry or previous condition or servitude. Citizens convicted of such an act could be fined up to $500 or imprisoned. Illinois made these declarations so long as they were in vogue at the federal level. When federal protections for civil rights receded during the late nineteenth century, Illinois lawmakers retreated as well. Illinois, therefore, entered the twentieth century as a rigidly segregated state.

NUMBER 1
Educating persons of color.
Approved February 18, 1857, Session Laws.

Section 80. In townships in which there shall be persons of color, the board of trustees shall allow such persons a portion of the school fund equal to the amount of taxes collected for school purposes from such persons of color in their respective townships.

NUMBER 2
An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same.
Approved June 10, 1885, Laws of Illinois.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, barbershops, public conveyances on land, or water, theaters, and all
other places of public accommodation and amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

**Section 2.** That any person who shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by encouraging such denial, shall, for every such offense, forfeit and pay a sum not less than twenty-five (25) dollars nor more than five hundred (500) dollars to the person aggrieved thereby, to be recovered in any court of competent jurisdiction, in the county where said offense was committed: and shall also for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed five hundred (500) dollars, or shall be imprisoned no more than one year, or both: And, provided, further, that a judgment in favor of the party aggrieved, or punishment upon an indictment, shall be a bar to either prosecution respectively.

**NUMBER 3**

An act to amend an act entitled "an act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same."

Approved June 10, 1885, by adding additional sections. Approved June 3, 1891, Laws of Illinois.

**Section 1.** Be it enacted by the People of the State of Illinois represented in the General Assembly: That" An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same," approved June 10, 1885, be amended by adding additional sections to be known as sections three (3) and four (4).

**Section 3.** Justices of the peace in the county where the offense is committed shall have jurisdiction in all civil actions brought under this act to recover damages, to the extent of the jurisdiction of justices of the peace to recover a money demanding other actions as fixed by law, and either party shall have the right to have the cause tried by jury and to appeal from the judgment of the justice in the same manner as in other civil suits.

**Section 4.** When such action shall be brought originally before a justice of the peace and an appeal taken from the judgment of the justice to the circuit, superior or county court, such court to which the appeal is taken shall upon the trial de novo of such appeal, have jurisdiction to render a judgment for a sum exceeding the jurisdiction of the justice in the same manner as though such suit had originally been begun in such circuit, superior or county court: Provided, that the plaintiff shall within thirty days after the transcript is filed in the court to which the appeal is taken, file his declaration in such cause in the same manner as in original suits, and there upon process shall issue, against the defendant and the cause shall proceed in all respects the same as in original actions brought in such court. Where a declaration is filed the appeal shall not be dismissed without the consent of the plaintiff.

**NUMBER 4**

An act to amend an act entitled "An act to protect all citizens in their civil and legal rights and fixing a penalty for violation of the same.

Approved June 10, 1897, Laws of Illinois.

**Section 1.** That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, hotels, soda fountains, saloons, barber shops, bath rooms, theaters, skating rinks, concerts, cafes, bicycle rinks, elevators, ice cream parlors or rooms, railroads, omnibuses, stages, street cars, boats, public conveyances on land and water and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

Linwood F. Tauheed, Ph.D.¹
June 17, 2008

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The figures all have the same structure. There is an upper section graphing the major variable on the figure, with axis on the left. And, a lower section graphing the size of the relevant population with axis on the right. The bottom axis displays Census Years from 1870 (1850 for some variables) through 2000. Reference lines are placed at Census Years 1930 and 1950. The legend at the bottom of all figures indicates the left and right axis variables.

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Abstract
This work is an attempt to bring attention to two areas that the Illinois Transatlantic Slave Trade Commission has been charged to research. Commission Duties – Item 4: to examine forms of discrimination in the public and private sector against freed African slaves and their descendents 1865-present. Commission Duties – Item 5 examines the lingering negative effects of the institution of slavery and the matters described in Item 4 on living African Americans and on society in the U.S.

In researching these two areas and fulfilling this charge, the study challenges many of the theories and the conventional wisdom used to explain the current state of the African American family, and points out the economic causal factors that have contributed significantly to the decrease in Father Presence (Is this term to uppercase throughout?) in the African American community. Rather than cultural factors, this study finds it more plausible that economic factors are most causal.

These economic causal factors found their root in racial discrimination, motivated by racial prejudice, resulting in an imbalance in the use of power by whites in the labor market, aggravated by the competition for jobs during the economic crisis of the Great Depression, and exacerbated by the increasing pace of the shift to a service economy in the post World War II period and particularly since the 1970s.

Thesis Statement
This study advances the following thesis:

In the period from 1870 through 2000, racial prejudice, coupled with disparities in Labor Market power between African American and white Labor Force Males, within the context of competition in labor markets for employment, is the primary cause of the continuing and growing socio-economic disparities between African Americans and whites. Social disparities resulting from this economic disparity include a decreasing Father Presence Rate for African American children.

Baseline Assumptions
This study is based on a number of Baseline assumptions here stated as:

- Power differences exist in the labor market between African American and white male labor force.
- These power differences, coupled with racial prejudice of whites against African Americans, lead to discriminatory practices in Labor Market activities from hiring and firing actions, occupational entrance and exit, and wage and salary income offerings.
- The tendency to exercise power in Labor Markets is directly related to the level of competition for jobs and income.

Framework for Research
This study utilizes a mainstay theory within orthodox economics, the Theory of Human Capital, to set a baseline for the analysis of the interrelationship between educational and economic variables. However, this study also offers a critique of the Human Capital Theory as inadequate to explain the African American socio-economic data, unless ‘power’ is brought into the analysis, something that orthodox economics attempts to avoid.
We also critique various sociological vestiges of slavery, cultural dysfunction and welfare dependency theories, as unable to explain the African American socio-economic data; and as unnecessary since properly modeled economic explanations can explain the data, as long as power is brought into the analysis.

The focus for the use socio-economic data within the research framework presented here is the disparity between African American and White Family Structure with regards to the level of Father Presence within the household.

**Key Definitions**
- **Unemployed**: a person not working, but actively seeking employment.
- **Labor Force**: the sum of the number of persons employed and the number of persons unemployed.
- **Labor Force Participation Rate**: the ratio of the number of persons in the labor force to the total population. (Population for Labor Force in this study is persons aged 16 through 64).
- **Unemployment Rate**: the ratio of the number of unemployed persons to the number of persons in the labor force.
- **Father Presence Rate**: The ratio of the number of children aged 16 or younger, without a father present in the household (including stepfather or adopted father) and the number of children aged 16 and younger.

**Data**
The primary dataset for this study is the Integrated Public Use Microdata Series (IPUMS) (Ruggles et al., 2008) of census data from 1850 through 2000, which is individual data grouped by household. From the IPUMS we selected a set of socio-economic variables for African American and white non-Hispanic males, age 16 through 64 in the Labor Force (Labor Force Males), and family structure variables for African American and white non-Hispanic Children age 0 through 16 (Children).
The variables selected for Labor Force Males were:

**Table 1 - Selected IPUMS variables for Labor Force Males**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Reports the person's age in years as of the last birthday. Only African American and White males ages 16 through 64 were selected.</td>
</tr>
<tr>
<td>Census Region</td>
<td>Identifies the region where the housing unit was located. Only African and White males from the following Regions (States) were selected.</td>
</tr>
<tr>
<td></td>
<td>♦ <strong>Northeast</strong> - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Pennsylvania</td>
</tr>
<tr>
<td></td>
<td>♦ <strong>Midwest</strong> - Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota</td>
</tr>
<tr>
<td></td>
<td>♦ <strong>South</strong> - Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Kentucky, Mississippi, Tennessee, Arkansas, Louisiana, Oklahoma/Indian Territory, Texas</td>
</tr>
<tr>
<td></td>
<td>♦ <strong>West</strong> - Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming, Alaska, California, Hawaii, Oregon, Washington</td>
</tr>
<tr>
<td>Census Year</td>
<td>Reports the year when the household was enumerated or included in the census. The Census Years 1870 through 2000 were selected.</td>
</tr>
<tr>
<td>Employment status</td>
<td>Indicates whether the respondent was part of the labor force -- working or seeking work -- and, if so, whether the person was currently unemployed.</td>
</tr>
<tr>
<td>Literacy</td>
<td>Indicates whether the respondent could read and write in any language. This is a recoding of the IPUMS variable which indicates whether the respondent can read and/or write</td>
</tr>
<tr>
<td>Labor Force Status</td>
<td>A dichotomous variable indicating whether a person participated in the labor force. -- working or seeking work. Only African American and White males “in the labor force” were selected.</td>
</tr>
<tr>
<td>Occupational Income Score</td>
<td>A constructed variable that assigns occupational income scores to each occupation. Procedurally, Occupational Income Score assigns each occupation in all years a value representing the median total income (in hundreds of 1950 dollars) of all persons with that particular occupation in 1950.</td>
</tr>
<tr>
<td>Race</td>
<td>Respondents race as reported (or attributed by enumerator - before 1960). Only African American and White males were selected.</td>
</tr>
<tr>
<td>Wage and Salary Income</td>
<td>Reports each respondent's total pre-tax wage and salary income - that is, money received as an employee - for the previous year. (Wage and Salary Income is adjusted by the using the Consumer Price Index (CPI) for all years (1870-2000) to its value in 1999 Dollars.</td>
</tr>
</tbody>
</table>
The variables selected for Children were:

### Table 2 - Selected IPUMS variables for children

<table>
<thead>
<tr>
<th>Variable</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Same as Table 1 except; only African American and White Children ages 16 and younger were selected.</td>
</tr>
<tr>
<td>Census Region</td>
<td>Same as Table 1</td>
</tr>
<tr>
<td>Census Year</td>
<td>Same as Table 1, except; the Census Years 1850 through 2000 were selected.</td>
</tr>
<tr>
<td>Literacy</td>
<td>Same as Table 1.</td>
</tr>
<tr>
<td>Location of Father in the Household</td>
<td>A constructed variable that indicates whether the person’s father lived in the same household (not 0) and, if so, gives the person number of the father.</td>
</tr>
<tr>
<td>Race</td>
<td>Child’s race as reported by respondent (or attributed by enumerator - before 1960 - based on respondent’s race). Only African American and White Children were selected.</td>
</tr>
</tbody>
</table>

### Key Findings

- The vestiges of slavery and cultural dysfunction theses to explain disparities in socioeconomic status between African Americans and whites cannot be sustained.
- There is significant correlation between rates of Unemployment, Labor Force Participation, and Occupational Status and Father Presence, making these data the likely explanation. This explanation holds regardless of race, i.e. the same set of explanations hold for African American and white data.

### Supporting Narrative

**Comparative Descriptive Analysis of Variables**

**Introduction**

In this section we present a descriptive analysis of various time series, (from 1970 to 2000 unless otherwise indicated) of computed averages for a number of variables (Father Presence Rate 1850-2000, Unemployment Rate 1910 and 1930-2000, Labor Force Participation Rate, Occupational Income Score, Wage and Salary Income 1940-2000, and Combined Literacy Rate 1870-1930 and Educational Attainment 1940-2000), for the relevant African American and white populations (Children and Labor Force Males).

Analyses are made of the above time series, noting comparisons and contrasts between the general trends for African Americans and Whites, both nationally and regionally. Analyses are also made of the ratio of time series values computed by dividing the African American values by the white values, again nationally and regionally (see Table 5 - African American/White Ratios – Nationally/Regionally). The comparison/contrast of ratios allows a succinct appraisal of the relative gains (and loses) for African Americans vs. whites not necessarily apparent when observing the trend data itself.
Father Presence Rate (Father Absence Rate)

In recent years increased attention has been called to the issue of Father Absence in the African American community. For this study we define Father Absence consistent with the common definition, as a child age 16 or younger, without a father (including step/father or adopted father) present in the household. The IPUMS variable “Location of Father in Household” is recoded as a dichotomized variable to indicate father presence for each child (0 if “Location of Father in Household” = 0, 1 otherwise) and then averaged for Children to determine the Father Presence Rate. The Father Presence Rate (FPR) is used in most places in this study instead of the Father Absence Rate (FAR) for reasons to be explained later. When used the FAR is calculated as 100% minus the FPR.

There is a belief that the current low rate of Father Presence for African American Children (at 41%) relative to the FPR for White Children (at 83%) has been historical. However, as Figure 8 illustrates, nationally, the FPR for African American Children averaged approximately 77% from 1870 to 1920, increasing from 75% in 1870 to 79% by 1920 but remaining essentially stable. In the same period the FPR for White Children averaged approximately 90%, also remaining essentially stable, making the approximately 13 percentage point FPR gap between African American and White Children stable also.

The 1850 and 1860 census only enumerated free African Americans; therefore the calculated African American Child FPR for these years did not include rates for enslaved Africans. The African American FPR for free African American Children in 1850 and 1860 were lower than the rate for all African American Children in 1870. In 1850 the African American Child FPR was 66% increasing to 70% in 1860. Projecting this to 1870 the rate would have been 74%, lower than the 75% FPR for the national African American Child population. This would make the calculated FPR for the Children of newly freed African Americans (who represented an estimated 91% of the national African American child population) slightly higher than the national African American Child FPR. Thus, the 1850-1860 FPR gap between African Americans and White Children is reduced by the addition of newly freed African American Children to the dataset in 1870.

The decline to the current national African American FPR begins after 1920, declining steadily from 79% in 1920 to 69% in 1960 (10 percentage point decline in 40 years), and then decreasing at an increasing rate to 42% by 1990 (27 percentage point decline in 30 years). There is a decrease of rate of decline from 1990 to 2000 with the 2000 African American Child FPR virtually identical to the 1990 FPR at 41%.

Regional patterns are highly correlated to each other and to the national pattern. We see essentially the same pattern with regards to stability in the 1870 through 1920 period, although there are differences in the levels of FPRs between the regions. The Midwest and Northeast Regions have the highest FPRs averaging approximately 80% during the period, the South averages approximately 77% and the West has the lowest averaging approximately 75%. We also see the same pattern of steady decline in the 1920 to 1960 period and increasing rate of decline from 1960 through 1990 and essentially zero decline from 1990 to 2000.

Because of the domination of slavery in the economy of the Southern Region of the US the situation there deserves special attention (see Figure 9). In 1870, 93% of African American Children lived in the South (1.96 million to 2.11 million nationally) with an estimated 95% being Children of newly freed African Americans. The African
American FPR for Southern Children in 1870 was 75%, the same as the national rate. However, the African American FPR for free African American Children in 1850 and 1860 were 57% and 63% respectively. The projected rate for this population in 1870 is 70%, significantly lower that the 75% for all African American Children in the South in 1870. Calculations would make the African American FPR for Children of newly freed African Americans in the South (95% of Southern African American Children) slightly higher than the national rate of 75% and significantly higher than the 70% projected rate for the Children of African Americans in the South who were free prior to 1870. Thus the 1850-1860 FPR gap between African Americans and White Children in the South is reduced significantly by the addition of newly freed African American Children in the South to the dataset in 1870.

When comparing the African American/White FPR ratios nationally we see the African American/White FPR ratios (see Figure 1) to be essentially stable from 1870 through 1920, decreasing slightly from 86% in 1870 and then recovering to 86% in 1920. It is after 1920 that we see a consistent decline in the ratio decreasing to 74% by 1960 and decreasing at an increasing rate to 50% by 1990 where it levels off at maintaining at 50% in 2000.

**Figure 1 - Ratios of Father Presence Rates**

(US/Regional - Children 0-16 - African American/White)
Regionally, the patterns are highly correlated to each other and to the national pattern, with these differences. After maintaining roughly the same ratios as nationally for the 1870 through 1920 period in all regions, the rate of decline for the post 1920 period becomes greatest in the Northeast and Midwest and least in the South. The Western region ratios are intermediate in all periods between the Midwest and Northeast, and the South. In particular in the 1930 to 1950 period (Depression to post WW II) the rate of decline in the Northeast and Midwest is especially rapid and again least in the South. Thus the 1990 and 2000 period finds the ratio at its lowest in the Midwest (43% and 43%), next lowest in the Northeast (47% and 48%), and next lowest in the South (52% and 52%). The ratio in the West at 56% and 56% is the highest only because of an earlier recovery from decline (recovery in 1980 versus 1990 for the other regions).

**Unemployment Rate**

There is a belief that the current rate of unemployment for African American Labor Force Males (AALFMs) relative to the Unemployment Rate (UER) for White Labor Force Males (WLFMs), at two to three times the White UER, has been historical. The 2000 national UER calculated from the IPUMS was 12.4% for AALFMs versus 4.3% for WLFMs, the historic “tripling”. However, Figure 10 illustrates that UERs were virtually identical, and in fact lower for AALFMs than for WLFMs from 1910 (when employment status was first recorded) through 1930. The rates began to diverge from that period, marked by the Great Depression, reaching 8.6% and 4.3% respectively by 1960, the “historic” doubling.

The UERs for AALFMs and WLFMs have are highly correlated as we would expect, moving together for the entire period, cycling up and down as the business cycle (economic activity) goes down and up (counter-cyclical movement). When there has been an increase/decrease in UER for WLFMs there has been an increase/decrease for AALFMs. However, nationally since 1930 the rate of increase/decrease for AALFMs has been greater/lesser than the rates of increase/decrease for WLFMs. Therefore, the disparity between the UER for AALFMs and WLFMs has increased as the UER cycles.

Regionally, (see Figure 11) we see that the UERs for both AALFMs and WLFMs have historically followed the same cycles, but have averaged higher in the Midwest, Northeast and West (from higher to lower), than in the South. Again, focusing on the South because of its historical significance, AALFM and WLFM UERs in the Southern Region have historically been characteristic for the entire nation; although the UER for AALFMs and WLFMs have been lower than in the other regions of the US. And, since the majority of the African American population has been concentrated in the South, Southern patterns have dominated the national demographics at least until 1970. In the more industrialized regions of the US (Northeast and Midwest) the UER for AALFMs has historically been nearly doubled and tripled the UER for WLFMs from as early as 1930.

A look at Figure 2 reveals additional regional details from the AALFM/WLFM UER ratios. Starting from near parity (100%) in the 1910 to 1930 period in the South and Northeast (and from an apparent advantage at significantly below 100% in the West although we must be mindful of sampling error) we see the rapid increase in ratios to “doubling” (200%) by 1950 in the Northeast and South and more than and less than “tripling” (300%) in the Midwest and West respectively. The regional patterns in the South and Northeast are highly correlated to each other and to the national pattern.
The Midwest ratio was already high in 1930 at 200% and so the increase to approximately 350% by 1950 is in fact relatively not as great as for the South and Northeast, however the increase for the West, starting at below 100% to approximately 275% in 1950 is substantially greater than for other regions. It should be said that these may be due to sampling error because of small sampling sizes in the Midwest and West. However the Midwest ratios from 1960 through 2000 are also significantly higher than other regions and in the West the 1960 is also higher than all but the Midwest coming down to Northeast and South ratios by 1970.

**Figure 2 - Ratios of Unemployment Rates**
(US/Regional - Labor Force - 16-64 - African American/White)

All regions show substantial increases in ratios from 1970 to 2000 reaching an approximate tripling (300%) with the Midwest being the highest at 348%.

**Labor Force Participation Rate**
As for currently high African American UERs there is a belief that the current low Labor Force Participation Rate (LFPR) for AALFMs relative to WLFMs has been historical. In 2000 the national AALFM LFPR calculated from IPUMS data was 65% versus 83% for WLFMs.
A point must be considered when interpreting the labor force time series. The definitions for labor force were different in the census in the 1870-1930 periods and the 1940-2000 periods. From 1870 through 1930 a person was considered to be in the labor force if they reported a gainful occupation; this regardless of whether they were employed or ‘not working and looking for work’, which is the modern definition. From 1940 the “modern” definition of “in the labor force” was used. Thus, the pre 1940 LFPR is biased upwards. However, if it is consistently biased upwards pre-1940 there still remains the stability of the rate from 1870 to 1930 for both AALFMs and WLFMs. An inversion of the LFPRs for AALFMs and WLFMs would occur only if AALFMs were more likely (or WLFMs less likely) to report a gainful occupation when they were not “in the labor force” in the modern sense. However, the Minnesota Population Center which compiles IPUMS data, does report that “[s]ome scholars argue that the change from a gainful employment to a labor force definition creates a disjunction in the measurement of married female labor.”

Like UER disparities this gap is not historical but has emerged recently (since 1950 - see Figure 12). In 1940 the national AALFM LFPR calculated from IPUMS data was 90% versus 89% for WLFMs. In fact, the AALFM LFPR was higher than the rate for WLFMs from 1870 through 1940; 95% to 91% respectively in 1870, increasing to 97% to 94% respectively in 1910 and then decreasing to the 1940 levels. Nineteen-forty was the last year the AALFM LFPR was not higher than for WLFMs.

The AALFM LFPR was relatively steady from 1870 (95%) to 1930 (94%) and has steadily declined since 1930 from 94% to the current 65% level. Regionally, the LFPRs for both AALFMs and WLFMs show a high rate of correlation by race between regions and follow the national pattern as indicated by Figure 13. As a point of comparison the WLFM LFPR remained relatively steady from 1870 (91%) through 1960 (89%), declining slightly since to the 2000 level of 83%.
Figure 3 - Ratios of Labor Force Participation Rates
(US/Regional - Labor Force - 16-64 - African American/White)

AALFM/WLFM LFPR ratios, as illustrated in Figure 3, show the same pattern as the LFPRs themselves, both nationally and regionally. The ratios have been steady and generally above 100% from 1870 through 1930. There has then been a continuous, steady decline from 1930 to 2000.

**Occupational Income Score**
From Figure 14 it is clear that the Occupations Income Score (OIS) for African AALFMs has historically been lower than the OIS for WLFMs. Nationally, there has been a steady, nearly linear, increase in OIS for WLFMs from 20.07 in 1870 to 30.69 in 2000. This steadily increasing pattern for WLFM OIS holds regionally as well as illustrated in Figure 15.

In contrast to this steady increase for WLFMs; OIS for AALFMs can be viewed in three periods; period one (1870 to 1910), period two (1910 to 1960), and period three (1960 to 2000). In the first period we see a steady increase in OIS nationally from 13.07 to 19.38, with a sharp increase from 1900 to 1910 (15.86 to 19.38 respectively) which we will further dissect regionally. In the second period we see regression to 1900 levels and then stagnation with AALFM OIS initially falling below the 1910 level to 17.01 in 1920, only reaching 1910 levels again in
1950 and 1960 (19.51 and 19.11 respectively). The third period sees AALFM OIS again increasing, with an initial sharp increase from 19.11 in 1960 to 23.12 in 1970 and a less rapid increase to 25.97 in 2000. In comparison to WLFM OIS the three periods see a closing of the gap between WLFM and AAALFM OIS in the first period, a widening of the gap in the second period as WLFM OIS increases while AALFM OIS stagnates, and an initial closing of the gap from 1960 to 1970. The gap remains steady from 1970 to 2000 as AALFM OIS only increases on pace with the increase of WLFM OIS.

A look at regional data (see Figure 15) reveals regional differences in AALFM OIS trends in the three periods. During all periods OIS is lower for AALFMs in the South than in other regions (except in 2000 when OIS in the South is slightly higher than the Midwest). However, in period one the most rapid increase in OIS occurs in the South, next rapid in the Midwest, next the Northeast and least in the West. Also, in period one OIS in the West is initially the highest with OIS in the Midwest and Northeast being intermediate between the South and the West. Because of low rate of increase of OIS in the West By 1910 OIS in the West, Midwest and Northeast are virtually identical and all are higher than in the South even after a more rapid increase.

In the beginning of period two we see initial sharp declines in AALFM OIS in the South and the West from 1910 to 1920, with OIS in the South dropping to 16.16 (from 19.02) and in the West dropping to 17.89 (from 21.37). From 1920 to 1940 AALFM OIS in all regions essentially stagnates; in fact AALFM OIS in the Northeast and Midwest remain level (stagnant) at around their 1910 levels through 1960 (end of period two). OIS in the South and West begins to increase from 1940 through 1960, but neither reaches 1910 levels by 1960.

In the third period all regions experienced rapid increases in the 1960’s (1960 to 1970) and then leveled off to the rate of increase for WLFM OIS regionally, maintaining the 1970 gap.

The pattern of the three periods for AALFM OIS relative to the steady increase in WLFM OIS is especially evident when we look at the AALFM/WLFM OIS ratios in Figure 4. Nationally, the ratios in the first period generally show no increase or decrease (except for a sharp increase from 1900 to 1910 and an equally sharp decrease from 1910 to 1920 ). The same stagnation also applies nationally to the second period. Thus nationally we see stagnation in the OIS ratio from 1870 to 1960. We then see a sharp increase in the OIS ratio from 1960 to 1970, and then a slight increase the remainder of period three.

Regionally, we see the national pattern in the OIS ratios of stagnation, stagnation and increase in the three periods mirrored in the Northeast pattern. The South and Midwest present a pattern of stagnation, decrease and then increase. The amount of increase in the South/Midwest third period is less that the amount of decrease in the second period, and therefore the South/Midwest third period average is not as high as the first period average. The West pattern presents as decrease, stagnation and then increase. As in the South/Midwest pattern, the amount of increase in the third period pattern is less that the amount of decrease in the first period, and also the third period average is not as high as at the beginning of the first period. Comparatively through the three periods, and on average, the South has the lowest ratios, the Northeast the next lowest, the Midwest the next lowest, and the West the highest.
Wage and Salary Income (1999 Dollars)

Wage and Salary Income (WSI) has been collected by the census since 1940 and records pre-tax income, as an employee, for the previous year. The Census Year WSI from 1940 to 2000 has been “inflated” to its value in 1999 Dollars by multiplying it by the Consumer Price Index (CPI - an index of inflation). Since the CPI in 1999 is 1 this makes the 1999 values (recorded in 2000) the index year values. The prior to 2000 WSI values (1989 dollars for 1990, 1979 dollars for 1980, etc.), adjust upwards since the pre-1999 indices are greater than 1 as shown in Table 3. The use of inflated values allows a comparable comparison of spending power for all years.

Table 3 - Consumer Price Indices (CPIs) to be multiplied by Wage and Salary Income
To produce WSI 1999 Dollars

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI</td>
<td>11.99</td>
<td>7</td>
<td>5.725</td>
<td>4.54</td>
<td>2.314</td>
<td>1.344</td>
<td>1</td>
</tr>
</tbody>
</table>
As Figure 16 shows there has been an historical disparity between the WSI of AALFMs and WLFMs. Nationally, the disparity has grown in absolute terms in every decade since the 1940’s except 1970 to 1980. Generally, after rapid increases in AALFM and WLFM WSI from 1940 to 1970, AALFM WSI stagnates from 1970 to 2000, and WLFM WSI declines slightly from 1970 to 1980 and then increases slowly from 1980 to 2000. The 1970’s saw a slight convergence of AALFM and WLFM WSI as a result of the decrease in WSI for WLFMs.

While regional patterns generally follow the national pattern from 1940 to 2000, for the 1970 to 1980 period the regional patterns display two different sub-patterns. In the South and West we see increases in WSI for AALFMs and slight increase or no increase (West) for WLFMs, leading to decreases in the disparity. In the Northeast and Midwest we see relatively similar decreases in WSI for both AALFMs and WLFMs. From 1980 to 2000 for AALFMs we see slight increase in WSI in the South and West; decline in the Midwest and stagnation in the Northeast. For WLFMs in the same period we see rapid increase in the Northeast, slight but still noticeable increases in the South and West and slight increases (initial decline and then increase) in the Midwest.

A look at AALFM/WLFM WSI ratios nationally and regionally (see Figure 5) presents a general pattern of sharp increase from 1940 to 1950 (nationally from 43% in 1940 to 63% in 1950), and stagnation from 1950 to 2000 (nationally the ratio averages approximately 64%). The sharp 1940-1950 increase is seen in all regions; there is then from 1950 to 1960 an only slightly less sharp decrease, nationally and in the Northeast and South, and a sharper decrease in the Midwest and the West.

We then see a period stagnation from 1960 to 1980 in the Northeast, the Midwest and the West, but increase in the South in the same period. It should be noted that the South overall has the lowest ratios and so the 1960-1980 increase in the South still does not bring it to the level of the other regions by 1980. From 1980 to 2000 we see continued stagnation in the West; stagnation in the South, and decrease in the Midwest and Northeast. In all regions except the South, after the initial sharp 1940-1950 increase and 1950-1960 decrease, the 2000 ratios are either substantially lower than in 1960 (69% in 1950 to 62% in 2000 in the Northeast; and 77% in 1950 to 68% in 2000 in the Midwest), or slightly lower (71% in 1950 to 69% in 2000 in the West). In the South the 2000 level (63%) is higher than in 1960 (52%), but the South ratio at 63% in 2000 is equal to the national ratio and is virtually tied for lowest with the Northeast (62%).

The AALFM and WLFM WSI time-series and the AALFM/WLFM WSI ratios compare Wage and Salary Income for those who have been employed in the previous year. Some of the AALFM/WLFM WSI disparity would be due to lower occupational level, and therefore is partially reflected in the previously discussed Occupational Income Scores (OIS - which has been lower and essentially static from 1870 to 2000 for AALFMs in comparison to WLFMs), and some of the difference is due to higher AALFM UERs in the previous year.

Thus, the WSI variable, which gives an account of the economic challenges faced by AALFMs relative to WLFMs even when they are in the Labor Force, is particularly significant since the purpose of economic activity for both AALFMs and WLFMs, is to earn income to provision for family life. The weakness of the WSI variable is its limited series (1940 to 2000). However, since the OIS and UER variables together imply WSI outcomes, and since
these variables are available for more Census Years, they are used in the variable interrelationship discussion below to infer the value of WSI in the 1870 through 1930 period.

**Figure 5 - Ratios of Wage and Salary Incomes (1999 Dollars)**
(US/Regional - Labor Force - 16-64 - African American/White)

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**Literacy Rate and Educational Attainment**

Finally, for this section of descriptive analyses we discuss combined Literacy Rate (LR) and Educational Attainment (EA) for Labor Force Males. These two variables (LR and EA) are not directly comparable, but since they were recorded for different sets of years (LR for 1870-1930, and EA for 1940-2000), they are combined and taken contiguously to give a sense of educational status for the entire period from 1870 through 2000. The IPUMS variable “Literate” is a multi-valued variable indicating whether the respondent can read and/or write. It has been recoded for this study as a dichotomous variable indicating whether the respondent can read and write (literate = 1) or not (=0). The IPUMS variable “Educational Attainment Recode” is an ordinal variable indicating an increasing number of years of education essentially grouped into preschool, primary, secondary (middle school, high school), and college undergraduate, and graduate categories. We have recoded this variable as Educational Attainment, as can be seen in Table 4, so that the codes ‘roughly’ represent years of education.
A look at Figure 18 - Literacy Rate (US - Labor Force 16-64 - African American/White), reveals the very rapid pace of improvement in national LRs for AALFMs from 1870 through 1930, when recording of the variable was discontinued in the Census. From a LR of only 18% in the first Census after the end of slavery AALFMs achieved a LR of 82% by 1930. In the same time period the LR for WLFMs improved from 90% to 97%.

Regionally, looking at Figure 19 - Literacy Rate (Regional - Labor Force 16-64 - African American/White), we see a repeat of the rapid rate of convergence of AALFM LRs with those of WLFMs. This is particularly of note in the South where, having the furthest to go, the rate of closure is the greatest. The rate of closure is next greatest in the Midwest where by 1930 the disparity has virtually disappeared, next greatest and approximately equal in the Northeast and West where by 1930 the disparity has been eliminated.

Because the LRs for WLFMs are close to 100%, and show less of a percentage point change from 1870 to 1930, the AALFM/WLFM LR ratios in Figure 6 are mirror images of the LRs in Figure 18 and Figure 19, and show the same rapid convergence to parity (100%) nationally and regionally.

A look at Figure 20 – Educational Attainment (US - Labor Force 16-64 - African American/White) for the 1940-2000 period reveals a continuation of the convergence of level of education, this time by average years of education. Starting from an average AALFM EA in 1940 of 6 years, compared to 9 years for WLFMs, the disparity decreases to an AALFM EA of 12.8 years of education, compared to and EA of 13.5 years for WLFMs.

It should be noted that because of “top truncation” (years of college greater than 4 are coded as if they were 4) computed averages will be downward biased as averages approach 16 years, and disparities that might exist between AALFMs and WLFM will be underestimated because of uncaptured disparities in years of graduate education. However, higher estimates are still informative particularly if they follow the trends set by movement from lower to higher years of EA.
Regionally, looking at Figure 21 – Educational Attainment (Regional - Labor Force 16-64 - African American/White), we see again a repeat of the convergence in years of education we have discussed nationally. Again the rate of convergence is the greatest in the South, which again has the greatest ground to make up. By 2000 all regions show only small differences.

These small differences are particularly noticeable when we review the AALFM/WLFM EA ratios in Figure 6. Nationally the EA ratio has increased from 65% in 1940 to 95% in 2000, while regionally the EA ratio has increased from 63% in 1940 to 95% in 2000 in the South, the region of greatest closure. In all other regions the EA ratios have increased from the mid-80% in 1940 to the mid-90% by 2000.

**Figure 6 - Ratios of Literacy Rates and Educational Attainment (US/Regional - Labor Force - 16-64 - African American/White)**

**Analysis of Variable Interrelationships**

Taken together the descriptive analysis in the previous section paints a compelling picture of the historical and modern, national and regional socio-economic situation of African American Children and Labor Force Males relative to White Children and Labor Force Males. However, to generate an holistic and systematic picture it is helpful to put the discussed variables, (Father Presence Rate, Unemployment Rate, Labor Force Participation Rate, Occupational Income Score, Wage and Salary Income, and Literacy Rate/Educational Attainment), into a theoretical model. We do so first with regards to how these variables (all but the Father Presence Rate which we ad-
dress later) relate to the Theory of Human Capital.

The modern Theory of Human Capital (HC), is the mainstay of the orthodox approach in economics, and comes primarily from the work of Jacob Mincer (1958) and Gary Becker (1964) The theory refers to the level of human productive capability based on the level of education, experience, and training possessed by a worker. A prediction of the theory is that an increase in the level of HC leads to an increase in productive capability which leads to an increase in worker income, since an assumption is that workers are paid according to their “marginal productivity”, i.e. according to the additional productive output the worker brings to their work. In essence, workers are paid what they are worth and if workers are paid less it is due to lesser levels of HC. Additionally, employer perceived levels of worker Human Capital affects employer hiring decisions. Given the need to hire the most productive employee among available potential employees, employers will hire the employee with the highest level of HC. Therefore, workers looking for work with lower levels of HC lose out in hiring and either work for lower wages or suffer higher rates of unemployment particularly in “tight” Labor Markets (when jobs are scarce). Thus Mincer’s and Becker’s work is an attempt to explain both the high level of unemployment and the low level of income even when employed, of AALFM relative to WLFM.

The relationship theorized is that HC and UER are forward linked in ‘opposite’ directions; in terms of averages for various populations an increase in HC leads to a decrease in the UER. We can also invert the linkage backwards from UER to HC since periods of unemployment lead to a decrease in experience and therefore to a decrease in HC (UER to HC are backwards linked also in ‘opposite’ directions). By corollary, a decrease in UER leads to an increase in HC via “learning by doing” (Arrow, 1962).

Between HC and basic skills/formal education (LR/EA) the relationship works in the ‘same’ direction; an increase in LR/EA results to an increase in HC. The opposite (O) direction forwards and backwards linkages between HC and UER and the same (S) direction forwards linkage between LR/EA and HC is modeled in Figure 7.

Figure 7 – A Human Capital Model

[Diagram of Human Capital Model]
While not directly addressing LFPR, the relationship between UER and LFPR (and indirectly between HC and LFPR) is understood to operate, at least partially, through the “discouraged worker effect”; whereby “unemployment tends to cause workers to withdraw from the labor force” (Schweitzer & Smith, 1974, p. 249). This effect is influenced by the length of the unemployment period for the unemployed worker; the longer the period of unemployment, the more likely the unemployed worker is to become discouraged and to stop looking for work. Therefore, the length of downturns in the business cycle (recessions and depressions) is directly correlated to the “discouraged worker effect”; therefore the length of unemployment works in the opposite direction to LFPR (see Figure 7). LFPR works in the same direction as HC; workers who are not working because they have withdrawn from the labor force (decrease in LFPR) cannot gain work experience (decrease in HC).

The UER-LFPR interaction is not linear (an increase in UER leads to a proportional decrease in LFPR and a subsequent decrease in UER leads to comparable proportional increase in LFPR). The interaction is highly and dynamically non-linear whereby long periods of unemployment leading to discouragement may leave the worker discouraged even through some period of the economic recovery, making the decrease in LFPR from long periods of unemployment somewhat permanent; this is known as the “scar” effect (p. 250).

This non-linear effect will be exacerbated if, because of discriminatory action in the labor market, the length of periods of unemployment in economic contractions is increased, and the length of periods of employment in economic expansions is decreased. It is an old adage that AALFMs are “last hired and first fired” (Sundstrom, 1992). The adage becomes operational as the increase of length of unemployment during business downturns occurs as employers in anticipation of a business cycle downturn, begin early to cutback on employment or enact layoffs, disproportionately laying off AALFMs (first fired); and then do not rehire them until well into the upturn (last hired).

The Theory of Human Capital: Unemployment, Occupational Income Score and Wage and Salary Income
The Theory of Human Capital makes predictions about income (here WSI) based on the level of HC. The prediction is that HC is forward linked to WSI in the same direction where an increase in HC leads to an increase in WSI. But, earned WSI is not only related to the level of HC but also to employment; one must be working to have WSI. UER is also forward linked in the opposite direction to WSI; an increase in the UER leads to a decrease in WSI.

A caution…we must be careful about how we conceptualize the UER-WSI relationship. Because the UER is a rate, and only has meaning as a calculated summary statistic (the total number of unemployed persons divided by the total number of persons in the labor force), it cannot say anything specifically about the status of an individual worker in the labor force who, at any particular time, is either 100% unemployed or 100% employed. A person who is unemployed at the time of the census may have been employed for the entire prior year over which WSI is summed, or may have been unemployed for all or some part of that prior year. If the latter is the case their WSI will have been decreased (perhaps to 0) for that prior year. We assume that if a person is unemployed at the time of the census; because unemployment is not a point phenomenon but has a duration; it raises the likelihood that that person was unemployed at some period in the prior year, which is consistent with the HC model. It is in this sense that we must interpret the UER-WSI relationship.
In order to keep the HC effect on WSI operationally separate from the UER effect, we model HC as related to WSI through the occupation a certain level of HC will allow participation in, with a higher level of HC forward linked in the same direction to occupational level represented by OIS. These relationships; between HC, OIS, UER and WSI are also shown in Figure 7.

The Theory of Human Capital: Comparison to African American Descriptive Analysis
Taking the HC Model (see Figure 7) systematically we state the following predictive chain of outcomes, starting with an increase (decrease) in education (LR/EA)

1. An increase (decrease) in LR/EA leads to an increase in HC.
2. This leads to:
   a. An increase (decrease) in OIS, which leads to an increase (decrease) in WSI
   b. A decrease (increase) in UER, which leads to:
      i. An increase (decrease) in HC
      ii. An increase (decrease) in HC via an increase (decrease) in “job experience”/“on-the-job-training”, leading to a return to 2a above.
      iii. An increase (decrease) in LFPR which leads to an increase (decrease) in HC via an increase (decrease) in “job experience”/“on-the-job-training”, leading to a return to 2a above.

In summary, an increase (decrease) in LR/EA has a circular and cumulative increase (decrease) on HC and eventually WSI. Increases in HC through education begin a “virtuous circle” (Myrdal, 1996) with regards to WSI, while decreases in HC begin a “vicious circle” with regards to WSI. How do these predictions relate to the empirical evidence as presented in the descriptive analyses of the IPUMS times-series for UER, LFPR, OIS, WSI, and LR/EA?

We start with the theoretical/predicted effects, versus the empirical/historical evidence of the effects of LR/EA on the rest of the system. The analysis divides quite naturally into three time periods; 1970 through 1930, 1930 through 1960, and 1960 through 2000.

Critiquing the Theory of Human Capital: 1870-1930 Period
In the 1870-1930 period we take note of a number of variable characteristics.

1. The AALFM LFPR, both nationally and regionally, in the period is marginally higher than for WLFMs, and relatively stable for both. Within the context of the HC model in Figure 7, this pattern of equality and stability makes constant the effect of LFPR on HC, a theoretical condition sought after in economics known as ceteris paribus (all things being constant).

2. We cannot calculate the UER for the entire 1870-1930 period from the IPUMS, since only 1910 through 1930 employment status data is available. However, in that period the AALFM UERs in the South and nationally were essentially equal to that of WLFMs. Since most African Americans lived in the South in this period, the African American population distribution in the South dominates the statistic. Other sources of UER data informs us that “before 1930, the overall unemployment rate for black Americans differed little from that for whites.” (Vedder & Gallaway, 1993, p. 57). The data as presented by Vedder and Gallaway, although not differentiated by sex and calculated for the White/Nonwhite population instead of AALFMs and WLFMs, also demonstrates the essentially low and relatively stable UER. Again, we have a ceteris paribus
condition with regards to the effect of UER on HC. More importantly this equality and stability is consistent in the model with an equal and stable LFPR.

The *ceteris paribus* condition for UER and LFPR eliminates the need to account for their effect on HC, and the effect of UER on WSI. Therefore, the significant effects to analyze are the effect of LR/EA on HC, the effect of HC on OIS, and the effect of OIS on WSI.

Again, in the 1870-1930 time period we see (see Figure 18 and Figure 19) the rapid and continuous improvement in the LR for AALFMs and an increase in LR parity between AALFMs and WLFMs (see Figure 6). This should lead to an increase in HC parity between AALFMs and WLFMs. This convergence in AALFM/WLFM HC should lead to a convergence in parity for OIS. Observing Figure 4 we do not see this convergence in the 1870-1930 period, in fact we see no change and even a decrease in OIS parity in the West.

We conclude that Human Capital Theory cannot explain the non-convergence. It is not simply that as Vedder and Gallaway write “In the early decades of this century, most blacks worked in occupations with traditionally low rates of unemployment, particularly farming. They were seriously underrepresented in such high unemployment (but also high paying) areas as manufacturing and mining.” (1993, p. 57). Myrdal reports that in the South “Negros were the domestics and the laborers”, but also that “Negros were also, to a large extent, the craftsmen, and the mechanics. They were carpenters, bricklayers, painters, blacksmiths, harness makers, tailors and shoemakers.” (1996, p. 280)

The question is not why AALFMs have or do not have high or low paying jobs; the question is - Why is there not a convergence in OIS given that there is a convergence in HC, resulting from the convergence in LR? Darity (1982) and Shulman (1987) have previously addressed the inability of HC Theory to explain wage (WSI) differentials between Black and White workers. We have moved one step back in the causal chain to question the ability of HC Theory to explain the lack of occupational advancement for AALFMs (and therefore differentials in WSI although IPUMS WSI data is not available for this period).

**Critiquing the Theory of Human Capital: 1930-1960 Period**

The 1930-1960 period was dominated economically by the Great Depression (1930-1945) where in 1940 we see increases in UER and decreases in LFPR for both AALFMs and WLFMs (see Figure 10, Figure 11, Figure 12, and Figure 13). By 1950 we see a decrease in UER (post-WWII), and the “historic doubling” disparity has emerged in UER between AALFMs and WLFMs.

Educationally, we see continued increase and convergence in AALFM and WLFM EA (see Figure 20, Figure 21, and Figure 6). This implies increase and continued convergence in HC, which implies increased and continued convergence in OIS, which implies continued increase and convergence in WIS. Additionally, even though we no longer have a *ceteris paribus* condition with regards to UER and LFPR, increase and convergence in HC implies convergence in UER and LFPR even while there are increases in UER and LFPR for AALFMs and WLFMs. Even though there is an implied increase and convergence in HC, this does not mean an absolute decrease in UER and increase in LFPR since the level of the economy as a whole affects the number of jobs available.
Instead of convergence, a disparity between AALFM and WLFM UER emerges and begins to increase. The disparate distribution of UER between AALFMs and WLFMs has to be explained by some theory other than HC Theory. Once we have a disparity developing in UER and LFPR we can have a theoretical decrease in the informal education ("on-the-job-training, work experience) contribution to HC. This can explain the divergence we see in this period in OIS, but the question to be asked, and the question that HC Theory cannot answer is: What causes the increase in UER and decrease in LFPR for AALFMs relative to WLFMs in the first place?

One explanation given is that the increase in government relief programs during the Depression led to a decrease in incentives for African Americans to take gainful employment since they were concentrated in low-skill-low-paying occupations and there was less difference between low pay and relief checks. However, Sundstrom (1992) points out that “[t]his gap [in UER] was substantial even in 1931, before government relief policies might have discouraged lowskilled workers from taking low-paying jobs in the private sector.” (p. 427)

With regards to LFPR Myrdal writes “it is probable that the unemployment among Negros during the ’thirties was a contributory factor [to decreased LFPR], in that Negros who had lost their jobs, more often than whites, were discouraged from offering their services and, thus, ceased to belong to either the actual or the potential labor force” (1996, pp. 299-300). Sundstrom posits that “[t]he hypothesis that racial bias by the clients of such services heightened as jobs for whites became scarce cannot be dismissed.” (p. 428)

While Arthur Ross (1940, p. 552) argued that “the displacement of Negro workers occurred primarily in the ’Negro jobs’ and not very prominently in the new industrial occupations held since the war [WWII]”, Myrdal argued that this occupational discouragement “starts from the top and goes downward” (1996, pp. 281-282), meaning the higher OIS occupations become unavailable for AALFMs resulting in stagnation in OIS, and possibly even a decrease in OIS (ex. In the West) as WLFMs push AALFMs even out of ‘Negro jobs’. Support for the “top-down” displacement thesis comes from data about Black migration into the more industrial Northeast and Midwest from 1910 through 1970, that “the unemployment rate] of more-educated Black migrants was higher than that for less-educated Black migrants” (Shrestra, Smith, & Evans, 2003, p. 113).

This increase in competition for jobs leads to labor market “segmentation by race” (Welch 1995), that is, specific races dominating particular jobs in certain sectors of the job market, and “because the supply of blacks exceeded their … job opportunities, many Blacks found only low paying work in secondary peripheral industry jobs” (Welch 1995, 35).

We therefore have a story of increased competition for jobs generally, leading to the displacement of AALFMs even from the occupations they traditionally held, as WLFMs begin to take whatever work they can. To make room for WLFMs, AALFMs are pushed from work (increase in UER), become discouraged by longer periods of unemployment (decrease in LFPR) and are pushed from occupations their increased HC would qualify them for, if only jobs were offered (divergence in OIS). The dynamics that emerged during the Depression continue in the post-WWII period, now probably helped along by the “vicious circle” in the HC model between HC, UER, and LFPR described above. These dynamics were initiated not by the actions and behaviors of AALFMs but by dis-
criminatory practices in the Labor Market. And, drastically for any chance of recovery from Depression era discriminatory practices,"[t]he general increase in unemployment during the ‘thirties made white workers try even more to ‘drive the Negroes out” (Myrdal, 1996, p. 289); an exercise of Labor Market power by white workers.

Critiquing the Theory of Human Capital: 1960-2000 Period
Except for a brief decade (1960-1970) the 1960-2000 period dynamic, by and large, appears to be a continuation of the Depression era “vicious circle” dynamic. There is the increasing disparity between AALFM/WLFM UER, LFPR and WSI, in spite of an increased parity in EA. However, there is the slight increase in parity in OIS.

Given that this increase in OIS parity might be attributable to civil rights and affirmative action; the increase in OIS parity becomes a consequence of the increase in HC in this and prior periods that have heretofore been unrewarded. The increase in EA parity; combined with affirmative action practices in the Labor Market results in a greater return to investments in EA relative to prior periods when discriminatory practices were stronger and unchallenged. The pent up, unrewarded EA, represented by AALFMs working at jobs they are overqualified and overeducated for gets an opportunity to reap its investment, although the time frame for such harvest is short (1960-1970).

The increase in UER and LFPR running counter to this suggests that there may be class differences in outcomes. Lower OIS AALFMs may be experiencing increasing UER and LFPR, while higher OIS AALFMs are experiencing decreasing UER and LFPR. The view that class has become the factor maintaining the current and declining condition of poor African Americans is consistent with the theories of William J. Wilson (1980; 1987) as long as we understand that the process of decline in AALFM economic conditions begins in the 1930’s as a result of Depression era Labor Market competition and not later as Wilson theorizes. And as long as we realize that race has not become insignificant, but only less significant and only for a brief period.

Conventional Explanation(s) for the Decreasing African American Child FPR
Finally, we turn to the relationship between WSI and the Father Presence Rate (FPR).

“Vestiges of Slavery” and Cultural Dysfunction
From the IPUMS we calculated the African American Child Father Absence Rate (FAR = 1 - FPR) as 41% in 2000, trending upwards from 31% in 1960; the comparable rate for Whites is 17% in 2000 trending upwards from 7% in 1960. There is nothing new about this information.

The “conventional wisdom” is that the current lack of fathers in African American households is a “vestige of slavery”; that the sense of familial importance was severed by enslavement, resulting in lesser value being placed on family by African American males, particularly exacerbated by a matriarchal African American family structure. Sociological research promoting this theory comes primarily from the tradition of E. Franklin Frazier (1939), who was trained in the Chicago school of sociology by Robert Park. Frazier contributed heavily to Myrdal’s 1944 classic An American Dilemma (1996) in this regard. This line of research has been promoted prominently by Moynihan and others (Glazer & Moynihan, 1963), and continues in the work of Ogbu (1991).
This “cultural dysfunction” explanation for the decreasing African American Child FPR held by social scientists was popularized most notably by Daniel Patrick Moynihan in his 1965 study, “The Negro Family: A Case for National Action” (Moynihan, 1965). The Moynihan Report was contracted by the United States Department of Labor to steer legislation for the Great Society programs of the 1960’s. It asserted that “the white family has achieved a high degree of stability and the family structure of lower class Negros is highly unstable.” (p. 8) Based on this assumption the report concludes, “[t]hree centuries of injustice have brought about deep-seated structural distortions in the life of the Negro American. At this point, the present tangle of pathology is capable of perpetuating itself without assistance from the white world” (1965, p. 32).” By our calculation the number Children with fathers living in the household has been decreasing for both African American and White Children since 1960. This also is not new information. However, in Moynihan’s version of the “cultural dysfunction” thesis, certain groups and individuals (African Americans in particular) tend to persist in a state of poverty because they have distinct beliefs, values and ways of behaving that are incompatible with economic success in a patriarchal, capitalistic society.

In economist Gunnar Myrdal’s version he writes of “the low standards of efficiency, reliability, ambition, and morals actually displayed by the average Negro.” (1996, p. 1125) In Myrdal’s analysis of the increasing numbers of broken homes in African American communities, he asserts that “family disorganization was not only a legacy of slavery, but also “poverty and ignorance were…obstacles to acculturation.” (p. 1126) While Myrdal’s study contains an enormous amount of data useful to this study and for any study looking for economic and social structural explanatory factors; Myrdal does not take into account these structural impediments that have contributed to the social position of African Americans in the United States. It should be noted that Myrdal was noticing the decrease in African American Father Presence in the 1940s (prior to 1960), at which time the rate of Father Presence for whites had not yet started to decrease (see Figure 8 and Figure 9).

Social Program Effect
One final commonly held idea with regards to Father Presence in the African American community is that the social programs of the 1960's played a considerable role in fathers not living with their Children in the household. However, the above description of the decreasing trend of African American Child FPR, since the 1920s, was obviously well before the implementation of the “Great Society” programs of the 1960’s. And, as previously stated disparities in UER and LFPR were already seen to emerge in 1931, even before Depression era relief programs had been implemented [see Sundstrom (1992)].

“Jim Crow” and Structural Impediments
Criticisms of the “vestiges of slavery” and “cultural dysfunction” theories have emerged along the lines of the research of Dubois (1935) and Woodson (1919). Baker (1998) documents the intellectual struggle between the Frazier/Myrdal/Robert Park versus the Dubois/Woodson/Franz Boas/Melville Herskovits traditions in sociology/anthropology through 1954. Cross (2003) traces the Dubois/Woodson re-emergence and presents his research showing that African Americans emerged from Enslavement with enough cultural integrity with regards to family structure. Cross (2003) documents the existence and importance of deliberate structural constraints placed on African Americans post-Enslavement responsible for hobbling African American cultural integrity. He reaches the conclusion that the level of cultural integrity was not enough to overcome the structural constraints placed in the path of African American during the period of Jim Crow. This contradicts the Frazier theory that
African American cultural dysfunction is primarily responsible for the differences in family structure, and goes back to Enslavement.

**The Empirical Counter Argument**

Viewing Figure 8 and Figure 9, there clearly is no “slavery effect” for African American FPR for the Children of newly freed African Americans, and as previously stated the African American Child FPR increased in the 1870 to 1920 period from 75% to 79%. While there is the constant disparity between the African American and White Child FPR of about 13% (88% to 75% in 1870 and 92% to 79% in 1920), explanations other than as a “vestige of slavery” and “cultural dysfunction” are available to explain that disparity, as we will discuss later.

Thus, we find that the “cultural” explanation for the current rate of African American Father Absence cannot be sustained. Though the conditions of slavery were de-humanizing, and families were split, the sense of family importance remained intact. The FAR in 1870 for African Americans was 25% compared to 12% for whites. The FARs for African American Children continued to trend downwards with that of whites until 1920 when the African American rate began to increase. Even more important to discounting the “cultural deficiency” hypothesis is the fact that the African American FPR actually increased from 1850 to 1870. This is most notable in the Southern Region of the United States where there is a sharp decrease in the African American FAR from 1850 to 1870. Keeping in mind that the 1850 and 1860 censuses did not count enslaved Africans, who were 95% of the African American population in the South, the only conclusion to be reached is that newly freed African Americans quickly reconstructed stable families at a rate higher than those of free African Americans.

While the “vestiges of slavery” are a reality of life in America, this study demonstrates that slavery did not eliminate the sense of familial importance for African Americans; economic factors are most likely to be the cause.

In fact, the 13% disparity in the FAR in 1870 theorized as a vestige of slavery is exceptional because it is not larger. One would expect the African American FPR for the Children of newly freed African Americans to be lower that the projected rate for the Children of African Americans who had been free for at least 10 or 20 years. This is especially so since the period of enslavement was a time when enslaved Africans not only had no control over the stability of their families, but family stability was not on the list of slaveholder interests. There interests were to extract the maximum profit from their chattel property in enslaved Africans which meant selling them whenever the opportunity arose to generate more income by the sale than keeping them in place.

The conventional wisdom posits that the economic interests of the slaveholder, resulting in their placing no value in enslaved African family stability, leads them to break up enslaved African families when it served their economic interests or their interests in disciplining the enslaved by showing complete control over their lives; while this same situation becomes part of the cultural value system that African Americans placed on their own family stability. Thus we have economic explanations for the actions of slaveholders, but moral reasons, masquerading as cultural values, for the actions of the formerly enslaved.

**Correlations between the economic (UER, LFPR and OIS) and social (FPR) variables**

But, why two sets of reasons? Clearly the situation does not go back to slavery… clearly! Rather than the dis-
parity being a vestige of slavery it reveals itself as a vestige of economic differences between the socioeconomic structure of AALFMs and WLFMs. This is the conclusion we reach in this study by comparing descriptively the rate of Father Presence and other factors by race that theoretically should have a strong correlation with the rate of Father Presence based on our assumptions.

An exploratory review of the UER, LFPR, OIS and FPR time-series; nationally in Figure 10, Figure 12, Figure 14, and Figure 8, and regionally in Figure 11, Figure 13, Figure 15, and Figure 9; looking correlationally reveals a compelling picture. In the 1870-1930 period we have stability in absolute rate and disparity between AALFM and WLFM in UER and LFPR, and stability in disparity in OIS; and stability in absolute rate and disparity between African American and White Children in FPR. For this period (1870-1930) the constant disparity between AALFM and WLFM OIS is sufficient to explain the constant disparity between African American and White Child FPR. An economic reason only!

Post 1930 we have continued stability in disparity for OIS; but increases in disparity and increases in absolute rate for AALFM UER, and decreases in absolute rate for both AALFM and WLFM LFPR. We also have increases in disparity and decreases in absolute rate for both African American and White Child FPR. The level of correlation within the African American set of variables and within the White set of variables is visually unmistakable. The level of correlation between the African American and White set of variables is also visually unmistakable. Continuing to theorize the constant AALFM/WLFM OIS disparity as sufficient to explain the constant disparity between African American and White Child FPR; we theorize that the increasing disparity in AALFM/WLFM UER and LFPR is sufficient to explain the increasing disparity between African American and White Child FPR. Again, an economic reason only!

**Conclusion**

*Taken together the set of economic variables analyzed in this study are able to explain Father Presence Rates, regardless of the race of Labor Force Males; the same relationships hold regardless of race.*

This study challenges many of the theories used to explain the state of the African American family, and aims to point out the structural causal factors that have contributed significantly to the decrease in Father Presence in the African American community. Rather than “cultural” factors, this study finds plausible economic structural factors are most likely causal. These economic structural causal factors found their root in the continuing use of power by whites in the Labor Market exaggerated by the economic crisis of the Great Depression, and exacerbated by the increasing pace of the shift to a service economy in the post World War II period and particularly since the 1970s.

With this evidence, it is clear that the “vestiges of slavery”/"cultural dysfunction" theses articulated by Myrdal and Moynihan to provide some sort of explanation of the complex issues burdening the African American family does not hold. Hence the evidence suggests structural impediments set up barriers to successful provisioning for black families.
Recommendations/Implications – National, Regional

National

1. Agenda for the Academic and Research Community
   a. Conduct research related to the cultural resiliency of African Americans immediately post-slavery, particularly with regards to family structure, Human Capital and occupational status.
   b. Conduct research related to the suppression of African American occupational advancement via public and private discrimination from 1870 through 2000.
   c. Conduct research related to the impact of the Great Depression on the occupational advancement of African Americans.
   d. Conduct research related to the development of African American Human Capital.

2. Agenda for the Public/Governmental Sector
   a. Provide funding for the research efforts in the above Agenda for the Academic and Research Community.
   b. Provide funding for the development efforts in the below Agenda for Community Based, Non-Governmental and Advocacy Organizations.
   c. Enact legislation and policies aimed at increasing African American Human Capital, particularly focused on upper level occupational levels, and the movement of workers from low-skilled to higher-skilled occupational levels.
   d. Enact legislation to eliminate the effect of unequal power in the Labor Market.
   e. Enact legislation to increase small and micro business development since small and micro businesses are the greatest creators of jobs in this economy.

3. Agenda for Community Based, Non-Governmental and Advocacy Organizations
   a. Develop and promote community directed and culturally connected programs to re-stabilize African American Families.
   b. Develop and promote community directed and culturally connected programs for the intergenerational transfer of Human Capital from elders to juniors within the community.
   c. Develop and promote community directed and culturally connected programs to increase the number of community owned small and micro businesses and to increase customer bases.
   d. Develop and promote community directed and culturally connected programs to increase the number of culturally relevant public schools and improve educational attainment and achievement.

Regional

As we have seen there are regional differences in socio-economic conditions and differences in the economic structures generating these differences. Therefore, the above recommendation and implications at the National level must be variated based on regional differences in Labor Market structure, particularly occupational structure.

1. Agenda for the Academic and Research Community
   a. Regional versions of the above National Section 1a through 1d.
   b. Conduct research related to the interdependencies and interconnections between regions.

2. Public/Governmental Sector
   a. Regional versions of the above National Section 2a through 2e.

3. Community Based, Non-Governmental and Advocacy Organizations
   a. Regional versions of the above National Section 3a through 3d.
Reading List


### Tables and Figures

#### Table 5 - African American/White Ratios – Nationally/Regionally

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Figure 8 - Father Presence (US - Children 0-16 – African American/White)

Figure 9 - Father Presence (Regional - Children 0-16 -- African American/White)
Figure 10 - Unemployment (US - Labor Force 16-64 - African American/White)

Figure 11 - Unemployment (Regional - Labor Force 16-64 - African American/White)
Figure 16 - Wage and Salary Income (1999 Dollars) (US - Labor Force 16-64 - African American/White)

[Graph showing wage and salary income over time for different races and regions.]
Figure 20 – Educational Attainment (US - Labor Force 16-64 - African American/White)

Figure 21 – Educational Attainment (Regional - Labor Force 16-64 - African American/White)
References


BLOOD ON THE HANDS
THE ROLE OF THE CHURCH IN THE
TRANSATLANTIC SLAVE TRADE SYSTEM

Dr. Iva E. Carruthers

INTRODUCTION

The Christian Church was constitutive to the institutionalization and implementation of the TransAtlantic Slave Trade System (TASTS). The Church provided the theological, moral and ethical justification to sustain and protect the Trans Atlantic Slave Trade System. For that reason, appropriate areas of study to inform the Illinois TransAtlantic Slave Trade Commission include the role of the church in the TransAtlantic Slave Trade and its lingering effects. Two seminal historical and contemporaneous questions are especially critical and capture the imagination of descendents of the enslaved.

One question already has been well articulated by noted theologian and scholar the Rev. Dr. Howard Thurman. As Dr. Thurman reflected upon his ancestors and adjusted to the billowing waves on his first voyage to Africa, he asked, “What tools of the spirit were in their hands with which to cut a path through the wilderness of their despair?” The second question seeks to penetrate the theological imagination of the Christian church that would so intentionally and emphatically posit divine justification for the TransAtlantic Slave Trade System. “What manner of Christianity and Christians could appropriate and twist the Word of God to so profoundly justify the protracted dehumanization of millions of persons on the basis of their color and to serve their earthly and personal beneficial interests?”

In the long run, I think answers to both of these questions are prerequisite to tackling 21st century realities of racism, the ideology of white supremacy and global injustices. However, it is this second question of the theological imagination, practices and lingering effects of the Christian church’s role in the TransAtlantic Slave Trade System that frames the focus of this paper.

In the historic context of the TASTS, the role of the church and faith in advocating, influencing and controlling public policy, is undeniable. Thus, as an integral part of the Illinois TransAtlantic Slave Trade Commission studies, this research contributes towards a new narrative—a truthful one, that rightly acknowledges the individual, institutional and corporate sins of the church attached to the TASTS. Such a narrative emphatically acknowledges that the TASTS was and is a crime against humanity and God. And such a narrative is required not only for the public to understand the role of the church in the TASTS and its lingering effects, but for the church to regenerate itself for authentic 21st century global witness. To that end, this research also contributes to the historic moment for repairing of the breach with repentance and regeneration.
THE CONTEXT

Picture if you will a hearty tall green tree as the metaphor for examining the continuing impact of the TASTS in the 21st century. I would argue that the root of the system is fundamentally theological and ethical, and is feeding systemically branches in every conceivable institutional expression—psychological, economical, political, educational and cultural. And that same tree has feed into the mythology of the superiority and entitlement of a western cultural ethos. The result is the fullness and beauty of the leaves that camouflage a historical and lingering, systematic dehumanization of African personhood, hide the most organic and ubiquitous underpinnings of the effects of the TASTS.

There are four a priori assumptions that undergird this historical analysis on the church and the TASTS.

(1) The TAST was a global system of institutionalized networks. Thus, deconstructing and understanding the systemic nature of the TASTS is required. The Maafa or great suffering is the distinctive construct that refers to the protracted period of the TransAtlantic Slave Trade System and its permanent effects. It refers to a system that was neither a passive event, nor local. It aborted the natural evolution of African civilization, its people and its lands.

(2) African peoples, their civilizations and their understandings of what it means to be human, to know God and to be in community, existed before the TASTS, The Maafa or the great abortion. These understandings continue to be prevalent among African peoples on the continent and throughout the Diaspora. This pre-TASTS reality and cultural value system is embodied in the concepts of Maat. For example, in classical African KMT or Egypt, and Ubuntu in contemporary post-apartheid South Africa, represent an African ontological worldview of humanity and right relationships with God and others of the community. These views provide a framework for understanding African spirituality, religion, philosophy, culture and sociology. These understandings must not only be the prisms through which the history and effects of the TASTS are deconstructed, but they contribute significantly to a 21st century global ethic for repentance, repairing the breach and restoration.

(3) The process of deconstructing the TASTS requires intentionally going back to the African past, examining its independent manifestations of human community and personality and its trajectory of history, towards a process of reconstructing and restoring that which is human and good in the eyes of the victims. I refer to this process as one of Sankofa, a historical reconstruction; Zamani, God’s opportunity for reconciliation; and Orita, the establishment of an African and world ecumenical table. This process is juxtaposed against a call for restoration, reconciliation and redemption on the part of the church and civil society.

(4) A “memetic-complex framework” appropriately describes the intent of African dehumanization on the part of the European enslavers that is central to understanding the TASTS. Language, imagery, conscious and unconscious belief systems about African peoples and civilizations over centuries, borne out of Euro-western Christian theologies and philosophies of ethics, have created an superstructure that continues to sustain the branches of the TASTS, defining and justifying a world order of Euro-western hegemony.

Dr. Wade Nobles’ framework, “memetic-complex,” for analyses of the TASTS’ effects upon the world is especially
important to any discourse on the role of religion and the church in the TASTS. As discussed in the literature of neurosciences and psychology, a complex of memes, is found to be infectious, contagious and intergenerational. Memes are retained in the collective and cultural memories of a people.

The dehumanization of Africans included a complex of memes based on theological and ethical principals of understanding and epistemology. At the heart of the TASTS was an intentional process of identifying, naming and imaging complex ideas and beliefs to support the idea of Africans as chattel, a commodity void of humanity. These beliefs and understandings were and are manifested in information patterns of dissemination across all disciplines. Today, the media and the nexus of memetics substantially contribute to the ongoing Maafa, impacting both African and non-African consciousness, identity and culture. The semantics of enslavement and oppression, privilege and power converge as a universal language to denigrate Africans, sustain white hegemony and perpetuate historical myths. According to the late educator and Egyptologist, Dr. Asa Hilliard, it becomes important to examine the myths and the mythmakers. The dyad of theology and technology, then and now, serve as a vector for memes of commodification of African personhood.

Six concepts, inextricably wedded to the role of the church in the TASTS, have special significance in the semantics of oppression relative to African peoples and Euro-western mythology: the explorer, discovery, civilization, salvation, underdeveloped and dominion. These particular constructs and concepts related to the TransAtlantic Slave Trade System significantly shaped the language and memes of the church as state. Church as state was the original context in which the TASTS emerged, later becoming more contextually disaggregated as church and state or church vs. state.

BLOOD ON THE HANDS – THE MIDDLE PASSAGE

The Lord said, “What have you done? Listen! Your brother’s blood cries out to me from the ground.”

Genesis 4.10 (NLT)

The TransAtlantic Slave Trade is truly one of the greatest violations of God’s plan for justice and righteousness among His people. This triangular trade in humanity resulted in the horrible journey of captured Africans from Africa to Europe and the Americas. The journey across the Atlantic was referred to as the Middle Passage. The protracted trade, the horrors of forced labor and destruction of family and community over 400 years are referred to as the Maafa.

During the TransAtlantic Slave Trade, Africans lost life, identity, health and legacy for future generations. The projected numbers of Africans subjected to this oppressive system range from 13 to 200 million men, women and children. Between 1451 and 1870, it is estimated that 49% of the enslaved went to South America, 42% to the West Indies and about 7% to North America. Brazil alone received 38% of the enslaved, the majority going to Bahia.

Early historiography on the TASTS, from the perspective of the United States and Europe, clearly underestimated
the numbers and impact. For many years, the numbers to 13 million slaves had been the general consensus, often cited by Curtin. Dr. W. E. B. Du Bois suggested that the number was closer to 100 million. Herbert Aptheker, the late historian and political activist, declared that Africa lost from anywhere from 65 to 75 million during the 15th to 19th centuries.

There may be as many as 20 million Africans at the bottom of the Atlantic Ocean as a result of the Maafa. As more and more scholars look at the data from an interdisciplinary and regional approach, using mathematical models and advanced techniques of technology, the numbers are clearly becoming more precise.

“Every figure that you hear could be absolutely wrong, or could be partly right. But if it's a low figure, it is fully wrong….If 20 million cleared through Goree, …one fortress and not even the largest…and was late in getting started, and the monster, the largest of the slave forts was at Elmina Castle, whose dungeons could hold over a thousand at one time…..another figure is ..those lost in the movement from the hinterlands to the coast….slave captains were thieves …would load, say 350 slaves on a ship, list in their log 300, stop at a port and sell 50 and put the proceeds directly in their pocket. How the people got there was a double miracle because a question arose between the slave sellers and shippers over “tight pack” versus “loose pack.” ..From one-third to one-half wouldn’t reach the market…The total dehumanization is what has to be looked at.”

However, today, as one considers the proportion and numbers of Africans loss during the capture and procurement processes, the numbers of those lost at sea and the numbers of those who were born into and died in slavery, 100 million may still be conservative. Comparative and historical demographic projections in the chart below clearly support the larger numbers, leading noted educator, S. E. Anderson, to assert that a depopulation pattern is evident. Anderson concludes his argument with a poignant question: what happened to the other 280 million Africans who should have been alive in Africa in 1900?

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<th>Population numbers in the millions</th>
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Whatever the final numbers, the Catholic papacy condoned and sanctified the slave trade. It was the Pope’s orders, the papal bulls that substantially framed the origins, evolution and sanctions of the early TransAtlantic Slave Trade. In 1442, Pope Eugenius IV approved the bull Illius Qui that granted Portugal and Prince Henry’s expeditions exclusive rights over their African discoveries. Pope Nicholas V, conceiver of St. Peter’s Basilica and the Vatican library, issued the bull Dum Diversas in 1452. This order allowed the Portuguese King to subdue and reduce pagans and unbelievers to perpetual slavery.

The bull Romanus Ponitfex issued in 1454, made formal the Portuguese monopoly of the slave trade in Africa. The 1455 edict by Pope Nicholas V granted the "right of conquest" to Alfonso, king of Portugal and gave him the authority "to invade, search out, capture, vanquish and subdue all Saracens and pagans whatsoever and other
enemies of Christ wheresoever placed, and the kingdoms, dukedoms, principalities, dominions, possessions and all movable and immovable goods whatever held and possessed by them and to reduce their persons to perpetual slavery."\(^{11}\)

In 1456, Pope Calixtus III established the Order of Christ as the knightly association over Portuguese interest and dominions. The association led by Prince Henry the Navigator, had oversight for the slave trade.\(^{12}\)

The sanctification and complicity of the Catholic church with the slave trade was undeniable when in 1488, Pope Innocent VIII accepted the gift of 100 slaves from Ferdinand of Spain.\(^{13}\) Pope Innocent distributed the slaves to the cardinals and nobles throughout the Christian world. The various popes managed and signed the agreements with the Christian nations and slave territories. The agreements were referred to as asientos. The Catholic church, under these agreements, frequently paid about $25.00 for each captured African.\(^{14}\)

Portugal and Spain soon became rivals in the slavery conquest game and by 1493, a new pope, Alexander VI, issued another papal bull urging King Ferdinand and Queen Isabella of Spain to, "seek out and discover certain islands and mainlands remote and unknown and not hitherto discovered by others" so that the "barbarous nations be overthrown and brought to the [Roman Catholic] faith itself."\(^{15}\)

By the time Christopher Columbus set sail in 1492, the Catholic church had over a century of blood on their hands in the establishment of the TransAtlantic Slave Trade System. Representing the Spanish monarchy of Ferdinand and Isabella’s quest for “discovery of the New World,” Columbus set sail with the following mission and prayer:

“Today I will launch the ship and prepare to depart Thursday in the name of God…This I pray to Our Lord and Your Highnesses will appoint persons of great diligence in order to bring to the Church such great numbers of peoples, and that they will convert these peoples, just as they have destroyed those who would not confess the Father, Son, and Holy Spirit…to grant larger realms and dominions, and the will and disposition to spread the Holy Christian religion…Amen.”\(^{16}\)

It has been documented that over 2500 ships made repeated trips across the Atlantic. In a survey of 93 Portuguese and Brazilian ships, 81 of those had religious names, many named after saints or virgins. Jesus, Grace of God and Bom Jesus are just three of the slave ships names that demonstrate how this evil system was carried out under the name of God. In the Anglo world, the ships were often named by Christian girl names, such as Mary, Hannah, Margery. To the surprise of some, boats registered by Quakers included the Reformation, Perseverance and Society.\(^{17}\) It is estimated that upwards to 50% of those enslaved and held as cargo died. Some were murdered or committed suicide during the capture and Middle Passage.\(^{18}\) Despite the human carnage, God’s blessings were summoned and presumed during this dark age of European entitlement and expansionism.

The Christian churches and denominations managed and dominated the daily operations of the slave ports throughout the triangle. For example, in Liverpool and London most slave merchants were Anglican. Most were Catholic in Bordeaux; Lisbon, Portugal; Seville, Spain and Bahia, Brazil. And in La Rochelle, most were Huguenots; in Middleburg, most were Calvinists and in Newport, Quakers were involved.\(^{19}\)
The Church’s role, both Catholic and Protestant, became more entrenched and more distinguishable. The belief in the soul versus soulessness of an African slave became one point of difference. In the early 17th century Philip III, King of Spain, proclaimed that all slave ships must have a priest on board. He was the brother of Cardinal Infante Enrique, a major slave trafficker in Buenos Aires.20

In the end, a game of musical chairs was being played among the European nations around the control African slavery and its benefits. In 1637, the Portuguese surrendered their African headquarters, Elmina Castle and Fort in Cape Coast, Ghana, West Africa to the Dutch. The Dutch repaired the damage and added to the Portuguese structure. The former St. George Church in the main courtyard was divided into two as a house of trade — one for African women and one for African men. The top floor of the west wing was transformed into a Dutch Reformed Church. Engraved above the entrance to the cleric’s door was Psalm 132.13:

For the Lord has chosen Zion,
He has desired it for his dwelling...

Though planting themselves in West Africa, the Portuguese drove the Dutch out of Brazil between 1648 and 1654.21

THE SOUL OF THE ENSLAVED

At the heart of this theological discourse on the slave trade, was the baptism and salvation of the slave’s soul. As Chaplain Anthony Hill put it, “Refining people from Heathendom to Christianity…this way we should import Paradise into the New World and make a Voyage like an Apostle.22

The Christianity of slavocracies was dualistic in that it theologically separated earthly freedom from spiritual liberation; it justified the sacrament of baptism as birth into heavenly salvation without implication for earthy human and civil rights and it ordered the slave master slave relationship as divine and perpetually made manumission of the slave who was dependent solely upon the will and agency of the master.

Key logic and conclusions of the discourse went something like:

- In African primitive tradition, the Unity of the godhead was broken into polytheism and his honour divided among his creatures23

- The Christian Religion is a most rational system; it revives the Law of Nature upon the Mind, and acquaints us with the Will and Perfection of the Deity24

- The Spirit of God, which moves upon the face of the waters, puts Chaos into Order, lights up the Sun….and creates everything…this Holy Spirit which works in us both to Will and to Do of his good pleasure25

- Men prefer things temporal to things eternal—i.e. will vs. virtue26
Slavery is not repugnant to the Law of God\textsuperscript{27}

The Saviour’s kingdom is not of this world nor is slavery forbidden.\textsuperscript{28}

With this religious worldview, philosophical and philological perspective, the church’s justification for the TASTS was manifest. In the words of French social philosopher and satirist, Charles Louis de Secondat, Baron de Montesquieu, “One cannot put oneself into the frame of mind in which God, a very wise being, put a soul, above all a good soul, into an entirely black body.”\textsuperscript{29}

The Dutch Reformed Church, the Church of England and Roman Catholics shared a common Christian thought called “balanced dualisms.” Balanced dualisms refer to tensions between choices that may be ideally undesirable but practically necessary. Thus, baptism became a form of reinforcing the slave system and temporal order, versus a rite towards greater expression of human freedom and equality. In fact, the assumption of inhuman, uncultured and degenerate moral imperfection of the African state of being, strengthened the belief that there was no contradiction between slavery and Christianity.\textsuperscript{30}

In short, since Christian salvation concerned the soul and not the body, baptism and salvation could prepare one for equality in the spiritual realm, without holding any validity for the earthly realm.\textsuperscript{31} For example, the Danish Lutheran Church adopted a code to baptize at birth all slave children and instruct them in the catechism of faith and salvation. But nothing was to encourage slaves to learn to write or read and the conversion neither diminished the powers of the slave owners nor altered the material or legal status of the enslaved.\textsuperscript{32}

By the 18th century, the Portuguese prohibited any slave to board a slave ship who had not been baptized. A catechism and ritual performed by the priest for such a baptism was staged with a native translation on the nature of Christian transformation. This was followed by a priest giving each slave a Christian name while sprinkling salt on the tongue and baptizing with holy water with the words:

“Consider that you are now children of Christ. You are going to set off for Portuguese territory, where you will learn matters of the Faith. Never think any more of your place of origin. Do not eat dogs, nor rats, nor horses. Be content.”\textsuperscript{33}

Though the British Empire abolished slavery in 1807, the Church of England did not free its slaves until 26 years later in 1833. And the Church received government compensation for the loss of its slave labor.\textsuperscript{34}

In 1838, Pope Gregory XVI issued an order prohibiting Christians from carrying out the slave trade because they were being treated as “true and impure animals.” Pope Gregory called for excommunication of those in violation of this order.\textsuperscript{35} However, the order did not stop the slave trade. As the prosperity and primacy of America would grow, so would the sophistication and perfection of an effective slave system. As varying aspects of the slave system in Europe were eroding, the Americas’ system of chattel slavery, especially the U.S., Brazil and the West Indies, became the sine qua non. And the church in the U.S. became integrally complicit and engaged in the TASTS.
THE U.S. AND THE TRIANGULAR TRADE

The Americas role in the triangular trade not only impacted the South, it impacted the northern colonies and the territories west of Mississippi. The widely perpetuated myth that the TransAtlantic Slave Trade System only benefited southern plantation owners is just that – a myth. The slave trade was evident in the early settlements, including the territory of Illinois. The church was actively engaged in the beneficial gains of the systems, beginning with its revocation of baptism as means to freedom.

As early as 1696, the Dutch in New Netherlands, NY, held that baptism, leading to manumission, was an endangerment to the trade of the plantations. "The colonists declared slaves the “strength and sinews of this western world,” and the lack of them the “grand obstruction,” as the settlements cannot subsist without supplies of them."37

In 1702, The Society of the Propagation of the Gospel in Foreign Parts entered South Carolina, bought slaves and allocated them to ministers. By 1712, South Carolina state statute had declared that the “pretense” of religion, whether by baptism or not, could not alter any man’s property rights.38 The Word to the enslaved is epitomized by “The Good Slaves” sermon, credited to Rev. Thomas Bacon of Virginia.

“And pray, do not think that I want to deceive you, when I tell you, that your masters and mistresses are God’s overseers – and that if you are faulty towards them, God himself will punish you severely for it in the next world, unless you repend it and strive to make amends, by your Faithfulness and Diligence.”39

A few documented slaves were in Illinois by 1720. After the Illinois Country was transferred from Canadian administration to New Orleans, becoming “Upper Louisiana,” the number of slaves in the region increased. In this case, the theology of salvation of the soul by French Catholics of the Jesuit order distinguished the system. Though the enslaved were considered chattel property, they could be recognized as having a soul to be saved.40

In 1763, when the Illinois Country passed to the English, the population was about 3,000 and close to one-third of its population were enslaved Africans. The French population was given the option to sell their properties or become English subjects. The Jesuits departed for New Orleans with 48 slaves, that were sold before returning to France.41

THE CHURCH AND THE GREAT IMPEDIMENT

The semantics and memes of the Church were many, all toward a trajectory of justifying the slave trade. The Church hid behind euphemisms such as, “the impediment,” “our peculiar institution” “our Patriarchal institution,” “our social system” or “our unenlightened labour.” Punishment and brutality against the enslaved was referred to as “evangelical flogging” or “correction.”42

The Rev. John Wesley, father of the Methodist Church, characterized the slave system as the execrable sum of all villainies and the concentration of all crime. He admonished his denomination by saying;
... every gentleman that has an estate in our American plantations; yea, all slaveholders, of whatever rank and degree; seeing men-buyers are exactly on a level with men-stealers. Indeed you say, "I pay honestly for my goods; and I am not concerned to know how they are come by." Nay, but you are; you are deeply concerned to know they are honestly come by.

...You know they are procured by a deliberate series of more complicated villany (of fraud, robbery, and murder)... by murders, of all kinds; by the blood of the innocent poured upon the ground like water. Now, it is your money that pays the merchant, and through him the captain and the African butchers. You therefore are guilty....You are the spring that puts all the rest in motion; they would not stir a step without you; therefore, the blood of all these wretches who die before their time, whether in their country or else where, lies upon your head. "The blood of thy brother crieth against thee from the earth," from the ship, and from the waters. O, whatever it costs, put a stop to its cry before it be too late."43

A watershed moment for the Church and the nation occurred around the Spanish schooner, La Amistad. In 1839, aboard La Amistad, enslaved Africans successfully broke loose, revolted and seized control of the slave ship that had come from Sierra Leone. They drifted into Long Island Sound and were arrested by the U.S. Coast guard. The surviving Africans landed in a Connecticut jail, becoming the center of a landmark Supreme Court case. President John Quincy Adams argued before the courts that the Africans did not have to be returned back to the ship’s owners as property but could be free and return to Africa. In 1841, 35 Africans were returned to Africa. The case and their repatriation were largely supported and funded by the American Congregationalists, forerunners of the United Church of Christ. Also, out of this movement, in 1846 the American Missionary Association, the first multi-racial anti-slavery society was organized.44

Contravening Church positions argued in the public square against slavery by abolitionists such as Wesley, nor the events of the Amistad were sufficient to stop the forward split of the Church and nation over the economic and moral consequences and benefits of African enslavement.

By the 1840s every major denomination in the U.S. was reeling over the question of slavery, pre-empting the Civil War. The Methodists, Presbyterians, Congregationalists and Baptists experienced major splits within their denominations. The abolitionists issued The American Churches, the Bulwarks of American Slavery, later countered by The Bible Defense of Slavery by Jossiah Priest in 1852. At the same time, Africans in the South and North, fighting for their human dignity, expanded and strengthened their movement for autonomous communities of faith and denominations.

In 1846, by a vote of 120-to-14, the delegates of the Annual Methodist Conference passed one resolution that stated, “they disapprove, in the most unqualified sense, the conduct of the two members...who are reported to have lectured in this city recently upon, and in favor of modern abolitionism. A second resolution followed that declared “they are decidedly opposed to modern abolitionism, and wholly disclaim any right, wish, or intention to interfere with the relations existing between masters and slaves in the Southern States of our Union.”45

Protestant Episcopal Church disavowed its relationship with the sins of slavery not being distracted by it, “We are worshipping the lord...we are engaged in giving honours to God; that is our business.”46
The General Assembly of the Presbyterian church denounced by resolution dancing but on the issue of slavery, “resolved that it is expedient and not for the edification of the Church to pass any judgment in respect to Slavery.”

The Church’s debate was a mirror reflection of the ongoing discussion in the political and legal sphere. With moral sanction from denominations, the 1857 the Supreme Court Dred Scott decision was unequivocal that Africans were not fully citizens. This decision declared a slave was not free by virtue of successfully entering a free state – once a slave always a slave.

In 1861, one year after Abraham Lincoln’s election, the Civil War began with Lincoln’s objective being clear:

“My paramount object is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave I would do it; and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that…”

At the conclusion of the war, there were more than four million slaves impacted by the Emancipation Proclamation. Saving the Union, not the moral question of slavery was central to Lincoln’s decision for emancipation, and so the restoration of a nation rested on the post Civil War negotiations between the interests and goodwill of those with the power.

One of the greatest moral myths in American history relates to the 40 acres and a mule Africans allegedly received as reparations for slavery. In January 1865, General William T. Sherman and U. S. Secretary of War, Edwin Stanton, met with 20 free Black leaders in Savannah. They were told the Blacks merely wanted “land for them to till” as the beginning point of restitution for their circumstance. Land acquisition was the American vehicle for independence and wealth accumulation and became the real symbol of hope for justice and human dignity.

Within four days after the meeting, General Sherman drafted and issued Special Field Order 15, setting aside the Sea Islands, parts of South Carolina and Georgia. Forty acre land tracts and mules on loan from the U.S. army were to be given to the “freedmen.” By June, 40,000 former slave masters were distributed on 485,000 acres of land, referred to as “Sherman land.” Soon it was apparent that the promise of any restitution and justice for the “freedmen” was to be denied and reconstruction and restoration politics led to the continued control and enrichment of whites over Blacks.

The centerpiece of Lincoln’s reconstruction policy was “compensatory emancipation,” benefiting the former masters and “colonization or repatriation,” resettling or removing the former enslaved. From personally drafting such legislation for the state of Delaware, to recommending a congressional resolution in 1862, Lincoln supported slaveholder compensation or loss of property. Compensation to the former masters in the District of Columbia was approximately $300 per slave.
The U.S. Congress on March 3, 1865, established the Freedmen’s Bureau that nullified Sherman’s Order for “40 acres and a mule.” At least 800,000 acres of land was set aside for Blacks and poor whites to lease the land for three years, as a step towards eligibility for purchase based on its appraised value. In the end, the land was restored to the former slave planters, sold to speculators or stayed in government hands. Not only was the promise of land unfulfilled but also in a short period after the Emancipation Proclamation, former slaves had deposited in excess of $57 million in the Freedman’s Savings Bank. In 1874, when the bank closed, 61,000 active accounts of former slaves were loss and unpaid.  

The army declared the former slaves contraband and free. They were put in contraband camps and put to work to build railroads and work in mines. Some masters were told to take their slaves back. Employment cards were issued to former slaves who then became subject to vagrancy laws. Violations of these laws and other instituted Black Codes would result in a mandated status of being hired out or sent back to old and new masters. White male citizens, whether poor or rich, were subject to patrol duty over the former slaves. In effect, real reparation went to whites who were compensated for damages, land and the loss of their slaves. Black abolitionist Frederick Douglass said, this blanket amnesty to confederates, combined with their land reform program again brought the Black man “to his knees.”  

America and all major European nations were involved in an international trade that was clearly a Church and State co-sponsored crime against humanity. The Church was the State. Scripture was used and ecclesiology was mandated to justify it. Laws were instituted and economies and armies were organized to effect it. Both the Church and the State benefited. Frederick Douglass could justly proclaim:

“We should brand as the enemies of God and man every church and mister that supports or apologizes for Slavery, and regard them and speak of them, as we were it piracy they were supporting...these reverend teachers are making religion a substitute for whips, and the Bible an instrument of torture.”  

116 years later on August 28, 1963, the Rev. Dr. Martin Luther King, Jr. delivered his most famous speech at the Lincoln Memorial in the nation’s capital, again reminding America of the immoral and unethical foundation of its democracy relative to African Americans. King made evident that while laws had been passed and some minds had been changed, real progress remains elusive.

“In a sense we have come to our nation’s capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt.”
THE MARKINGS OF A SIN AND REPAIRING THE BREACH

Who will stand in the breach? I looked for anyone among them who would repair the wall and stand in the breach…but I found no one. Ezekiel

Reparations is a process to remember, repair, restore, rejoin, replenish, set right, make amends and reconcile. Reparations never can be simply reduced to monetary terms. To do so makes a mockery of the real significance of reparations as an end in a process of distributive justice, human atonement and redemption. Of its own soul and vital force, the Church is called to rise and repair the breach – to be a restorer of justice.

There are at least three major reasons why the Church and its believers should advocate for the process of reparations in the context of the TransAtlantic Slave Trade. (1) The Church has blood on its hands by its protracted legitimation, culpability and participation in the trading of human cargo. (2) The Church purports to represent the voice of God in the human community. (3) The consequences of the Church’s continued silence in the moment of Kairos – God’s time and opportunity, contribute to its undoing.

In theological terms, reparation is a process, both corporate and individual, where there is a confession of moral wrong, culpability and accountability for offenses that led to beneficial gains or harm to others. Without question, the TransAtlantic Slave Trade is certainly an offense that evidences multiple aspects of sin as characterized by Christian theology. There is sin between persons and there is sin between persons and God.

Sin between people is a violation committed against fellow human beings. In Hebrew tradition, it is the offended party who ultimately forgives such sins and the offender is obligated to seek such forgiveness. Of course, some opponents of reparations might argue that slaves were not considered human beings and so there was no sin.

Sins between persons and God extend to those acts that are against the will of God’s aspirations for people, in opposition to God’s way. The quest for atonement in these cases also extends to a communal formula for repentance. The word for sin – het – in Hebrew means, “to miss the mark,” to do evil with social consequences. Thus, moral theology examines the offenses against neighbor and God. And those may be sins or acts of commission and omission, including being silent in the face of injustice.

Repentance or teshuva in Hebrew, has its root in shuva, meaning return. The prerequisite for one doing teshuva is to express regret or haratah and confess or vidui. Teshuva also refers to response, pointing to the love of Jesus and God’s forgiveness and grace. Believers are never limited to man’s law, but are able to access God’s path to restoration.

By Christian tenets, the TransAtlantic Slave Trade System was sin, het and it compels confession or vidui and contrition or haratah. It also demands restoration and reparation or shuva. It must begin with acknowledgment of a moral wrong – a wrong that requires remembrance of the horrible crimes committed and the people of God. To the contrary, it is the corporate amnesia or denial of truth that has so profoundly circumscribed centuries of
theological discourse or lack thereof. And at the base level of theology, the preeminent theologian, the Rev. Dr. James H. Cone, admonishes the Church:

“...white theologians, with few exceptions, write and teach as if they do not need to address.... slavery, colonialism, segregation and the profound cultural link these horrible crimes created between white supremacy and Christianity....Black theologians must end their silence too. We have permitted white theological silence in exchange for the rewards of being accepted...We must replace theological deference with courage, and thereby confront openly and lovingly silent white racists or be condemned as participants in the betrayal of our own people...”

Today’s movement for reparation is an offering for repentance to the Church and its believers. In the face of the contemporary debate on reparations, some white and Blacks have argued that the various remedies, beginning with President Lincoln’s plan of expatriation and the Freedmen’s Bureau, up to affirmative action and welfare credits, have been considered ways a means of reparation.

David Horowitz, white author, refers to the “massive gesture of generosity and contrition” as evidenced by transfer payments in the form of welfare benefits and affirmative action. Thomas Sowell, Black author, comments that some are saying, “Congress should issue an official apology but slavery is not something you apologize for, anymore that you apologize for murder. You apologize for accidentally stepping on someone’s toes...” To be sure, both of these gentlemen miss the mark. They have no concept or appreciation for

These weak and circumspect arguments ignore completely the process of reparation as one of justice, atonement and reconciliation. Rather, they presume that reparation is prescribed by material, monetary and political factors alone. They miss the centrality of its message as a process of justice, beginning with acknowledgment of a wrong, an apology and then an attempt at earnest remedy and restitution. The Church’s silence, past and present, must be broken. Christians of this generation, from around the globe, must have a reckoning of the Maafa—of all, this breach of God’s way. Contrary to the argument that “to forget” is the pathway to healing. Healing begins with “remembering.” America’s sin and the spirit of true reconciliation and human justice begins with truth. Archbishop Desmond Tutu offers the following wisdom:

“Forgiven and being reconciled are not about pretending that things are other than they are. It is not patting one another on the back and turning a blind eye to the wrong. True reconciliation exposes the awfulness, the abuse, the pain, the degradation, the truth. It could even sometimes make things worse. It is a risky undertaking but in the end it is worthwhile, because in the end dealing with the real situation helps to bring real healing. Spurious reconciliation can bring only spurious healing.”

Just as the State and Church officially came together to effect the TransAtlantic Slave Trade, they ought to officially come together to effect a just and lasting plan that reconciles the breach of justice and blood on their hands. It is a hopeful sign that in 2000, Pope John Paul II acknowledged the truth and apologized for the Catholic church’s involvement in the TASTS. And the Archbishop of Canterbury has issued an apology and said that the Church of England is considering reparations for its role in the slave trade.
THE MARKINGS OF A CRIME AND REPARATIONS

“The slave trade ravaged Black Africa like a brush fire, wiping out images and values in one vast carnage.”
President Leopold Senghor, Senegal

Central to any examination of the lingering effects of the TASTS upon African Americans and the U.S. is the acknowledgment that the TASTS was a crime against humanity. International law defines crimes against humanity as, “murder, extermination, enslavement, deportation, ill treatment or deportation to slave labor.” Further, genocide is defined as “killing members of the group; causing serious bodily or mental harm; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent.”

By standards of international law, Africans have been victimized by “crimes against humanity and genocide.” By standards of causality and complicity, the Church orchestrated these crimes. The crimes were felt upon an entire continent and for multiple generations on African humanity throughout the Diaspora. First hand accounts are telling.

A Crime at Sea

Dr. Walsh, a chaplain on a slave vessel reported:

It had taken in, on the coast of Africa, 336 males and 226 females; she had been out seventeen days, during which she had thrown overboard 55...The space was so low, they were stowed so close together that there was no possibility of lying down, or changing their position, night or day...the space between decks was divided into two compartments, three feet three inches high...giving the men and boys...an average of 23 inches; and to each of the women not more than 13 inches.61

A Crime on the Auction Block:

The auction block was often a government event, engaging the courts and the sheriffs: My brothers and sisters were bid off first, and one by one, while my mother, paralyzed with grief, held me by the hand. Her turn came and she was bought by Isaac Riley of Montgomery County...then I was offered...She fell at his feet...entreating him in tones that a mother could only command, to buy her baby as well as herself...This man disengaged himself with violent blows and kicks...I must have been five and six years old.62

A Crime on Land:

The Code Noire became the sin qua non for slave management, especially the recommended punishments for potential resistance or running away:– the carrying of arms or large sticks – flogging to branding; death for repeated transgressions,; running way – cutting off of both ears and branding on the shoulder; run away second time – cutting off of the buttock and branding on the other shoulder.63
A Crime in the Soul of the Church:

Are doctors of divinity blind, or are they hypocrites?...The clergy-man who goes to the south, for the first time, has usually some feeling, however vague that slavery is wrong...half starved wretches toiling from dawn till dark on the plantations? Of mother shrieking for their children, torn from their arms by slave traders? Of young girls dragged down into moral filth? Of pools of blood around the whipping post? Of hounds trained to eat human flesh? Of men screwed into cotton gins to die? ...There is a great difference between Christianity and religion at the south.64

A Crime in the Echoes of the State

If all the crimes which the human race has committed from the creation down to the present day were added together in one vast aggregate, they would scarcely equal...the amount of guilt which has been incurred by mankind in connection with this diabolical slave trade.65

“While no amount of gold could provide adequate compensation for the exploitation of the Negro American down through the centuries, a price could be place on unpaid wages.”66

THE CHURCH – WITHOUT SANCTUARY NO MORE

Since U.S. Reconstruction, there have been approximately 5,000 documented lynchings. Scholars recently engaged in the “Without Sanctuary” project estimating the number to be two or three times higher.

These historic lynchings are a backdrop to today’s continued lynchings manifest in the lingering effects of the TASTS and the silence around the Maafa. Theologian James Cone prophetically challenges the Church with the image of the cross and the lynching tree.

“The Church’s most vexing problem today is how to define itself by the gospel of Jesus’ cross as revealed through lynched black bodies in American history...The lynching of black America is taking place in the criminal justice system where....one-half of the two million people in prisons are black...Whites have turned the brutality of their racist legal system into a profit-making venture for dying white towns and cities throughout America...The civil rights movement did not end lynching.....Whenever people are denied jobs, healthcare, housing and the basic necessities of lie, they are being lynched...If America has the courage to confront the great sin and ongoing legacy of white supremacy, with repentance and reparation, there is hope beyond the tragedy.”67

Douglas A. Blackmon, author and Atlanta Bureau chief of the Wall Street Journal, documents “the reenslavement of Black Americans from the Civil War to World War II in Slavery By Another Name.68

Indeed, the continuity of entitlement and benefits from the TASTS are innumerable and documentable for individuals, institutions and businesses, including the Church.

Representing the first real globalization of economies, the Maafa cut across the continent of Africa, into South America, the West Indies and the U.S. The TASTS reveals a global flow of dollars and enslaved populations in
the cotton, rice, tobacco, sugar and rum industries. Often, this is narrowly viewed as benefiting the Southern and island plantation owners. In fact, the TASTS undergirded a global enterprise that financed the development of cities, banks, insurance companies, shipping companies and family-owned businesses throughout the U.S., Caribbean and Europe. It was upon the blood, sweat and tears of African people, the world over, that Europe and America developed its base of prosperity.

Lloyds of London, Aetna Casualty, New York Life Insurance, Lehman Brothers, R. J. Reynolds Tobacco, J.P. Morgan Chase and Union Pacific are just a few existing companies whose early origins are connected to the TASTS. These and similar companies should be targets for constructive reparations.

Literally and figuratively, the New York Stock market is founded upon enslavement of Africans. New York was a slave port, founded by the Dutch West Indian Slaving Company, resulting in Wall Street investment being an extension of this enslavement system. In 1991, the federal government unearthed an enslaved African burial ground contiguous to Wall Street. Findings of the subsequent examination of the enslaved buried there has informed our understanding and proven the extent to which Africans were brutalized in the North. Forty percent of the graves were of enslaved children under twelve years of age.

The federal government attempted to proceed with plans to build upon this gravesite. African Americans engaged in a protracted national battle to preserve and honor of the site. U.S. Representative Gus Savage (D-II), chaired the federal committee that ultimately prevented the desecration of this ancestral gravesite. In 1993, it was declared a national historic landmark. In 2003, African Americans also returned some of these remains to sacred burial grounds in Ghana, West Africa.

THE CALL FOR RESTORATION AND REPARATIONS

In the backdrop of the TASTS and the 1984-85 Berlin Conference, the continuing 19th century “Scramble for Africa,” played an integral role in the partition of Africa and the division of its resources to the benefit of European and U.S. interests. The legacy of colonialism and neo-colonialism is now manifesting as, “a new 21st scramble for Africa.” Findings of several world research centers, trade organizations and the United Nations, support this claim and caution about the continued subjugation and oppression patterns being manifested in new “decolonized” Africa. Today, the church stands at the crossroad of an opportunity to confess to its complicity in the horrific commodification and dehumanization of African peoples and to move towards a process of theological and sociological reparations.

The capture, enslavement, colonialism and neo-colonialism have legacy structures that continue to sustain the Maafa of African peoples throughout the world. The current scramble by external forces, mainly from the Western powers and China, for unfettered access to Africa’s resources and markets have unleashed new challenges. The consequences and the lingering effects of the TASTS, create a formidable bond between Africans of the continent and Africans of the Diaspora. African Americans continue to be ancestrally and morally connected to the chain of events occurring on the continent of Africa. The impoverishment and depopulation and destabilization of community in Africa, as a result of war, famine and disease, poses a particular challenge to Africans of the U.S.
who are one and the same oppressed and in position of being the oppressor. The issue of reparations in America
is morally and intricately tied to the issue of reparations and debt relief in Africa.

During the 2001 United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Re-
lated Intolerance Conference in Durban, South Africa, African ministers were summoned by the representatives
from western nations in an effort to coerce them to disavow the African American delegation’s issues of declaring
slavery a “crime against humanity” and a claim for reparations. To the contrary, the ministers from the African
continent met with the African American delegation in a show of support. Nigerian President Olusegun Obasanjo
said on the second day of the eight-day conference: "We must demonstrate the political will and assume the re-
sponsibility for the historical wrongs that are owed to the victims of slavery, that an apology be extended by states
which actively practiced and benefited themselves from slavery."72

The final report of the conference includes the following statement of issue:

“#13. We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were
appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in
terms of their magnitude, organized nature and especially their negation of the essence of the victims,
and further acknowledge that slavery and the slave trade are a crime against humanity and should al-
ways have been so, especially the transatlantic slave trade and are among the major sources and mani-
festations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and
people of African descent, Asians and people of Asian descent and indigenous peoples were victims of
these acts and continue to be victims of their consequences."73

The author’s The Church and Reparations,74 submitted at the Durban meeting, presented a moral call and
challenge to people of goodwill, the Church universal and the African American church in particular, to continue
the legacy and fight for international validation of the claims for reparations. These calls for restorative justice
based on moral imperatives are a part of a continuing legacy.

In 1894, Mrs. Callie House, the Rev. Isaiah Dickerson and the Rev. Augustus Clark founded The National Ex-
Slave and Mutual Relief Bounty and Pension Association. Ms. House had been born in a camp of freed slaves, a
contraband camp. The headquarters was in Nashville and other offices in Washington, D. C. Between 1894 and
1915, there were over 200,000 members throughout the South and active chapters in Oklahoma, Kansas, Indi-
ana, Ohio, Illinois and New York. The organization introduced some five bills and claims against the U. S. gov-
ernment and the Treasury Department, including a $68 million suit. In 1917, after a ten-year postal investiga-
tion in which she was exonerated, she was sentenced for a year for fraud for using the mail to distribute one leaflet.75

Since the late 1800s, many have attempted to promote the claim for reparations.

In May 1969, James Foreman, supported by other African American faith leaders, walked down the church aisles
at the historic Riverside Church in New York City and read a "Black Manifesto" that had been adopted in April of
the same year by the National Black Economic Development Conference in Detroit.. The Manifesto demanded
$500 million as a “beginning of the reparations due us as people who have been exploited and degraded, brutal-
ized, killed and persecuted.”76 This 20th century demand for apology and reparations from the Christian church
on the part of James Forman and the National Conference of Black Churchmen is one more historic attempt of African Americans church leaders’ to secure theological and economic restoration from the lingering effects of the TASTS.


And, in December 2007 a group of faith leaders, primarily of African descent persons, were convened by the World Council of Churches and the World Alliance of Reformed Churches. This was an international conference commemorating the 200th Year Abolishment of the British TransAtlantic Slave Trade. From that consultation a draft set of recommendations was presented:

“We believe that reparations are essential for the healing of peoples who were once enslaved. Reparations go far beyond a financial figure; rather, reparations are about recognizing the wrong that has been done. It is a process that compels confession, contrition, restoration and reconciliation; it also involves a process or truth-telling that sets rights, makes amend ‘s and restores breached relationships…The Trans Atlantic Trade in Africans and colonialism has impacted all peoples. Collectively, therefore, we need to destroy the power and institutional relationships of contemporary beneficiaries of the historic and corporate sins
 and crimes against humanity…”

With this analysis, we argue that there is not an area of institutional life in the western European world in which the vestiges, consequences and footprint of the TASTS and the Ethos of Entitlement is not felt. Indeed, the Church is due costly grace, but it must be prepared to face today’s question. Today’s question for the Church and believers is not whether or when the reparation movement will be victorious? Today’s question is whether the Church and its believers will act out of its mission and call to be the voice of justice in the human community? There are a plethora of entry points at the local, state, national and global levels for the Church to engage in the work of repairing the breach. From denominational centers of influence to local faith communities, the Church can be a voice and advocacy organization to effect a critical impact upon public policy towards restorative justice.

AN AGENDA FOR REPAIRING THE BREACH

The moral arguments and actions of the Church, people of faith and goodwill can be the basis of a practical agenda and opportunity to address the lingering effects and impact of the TASTS upon Illinois, this nation and the world.

1. Repression of the truths about the TASTS has negatively “infected public” places, schools and personal identities. Identification and the marking of sites of memory as public, church and collective projects is an important step in the healing and restoration. Projects that foster sites of
memory and reinvent collective memories based on the truth about the TASTS is a first step imperative for healing.

2. G. Stanley Hall, the first president of the American Psychological Association, theorized that Africans, Indians and Chinese were members of “adolescent races” in a state of “incomplete growth,” and therefore in need of paternalistic systems of control. Dr. Benjamin Rush, the father of American psychiatry, declared the color of Black people was caused by a congenital disease called “negritude,” which was a derivative of leprosy, requiring the whitening of the skin for a cure. Manifestations of this aspect of the memetic complex are prevalent today in the media, in institutional structures in the minds and hearts of the people. A truth and reconciliation process that peels back the layers of fear and perceptions associated with race and color can be instituted in communities across the nation and is an imperative for true healing.

3. Museums and private holdings in every community are likely to have some artifacts or art or cultural representations that were taken, sold and redistributed from the pilfering and ethos of entitlement relative to the TASTS. There can be efforts to facilitate the return of selected cultural artifacts of other civilizations and nations to be returned to their rightful owner.

4. Gynecology got its start on the inhumane experimentation of African enslaved women. An aggressive mothers and children’s agenda for healthy communities can be instituted throughout the world. We know a lot about what works but the will to put resources behind the problems is lacking. The door is open for new ways to approach a demand for national and global health care.

5. Over 50% of the incarcerated population in the U.S. is African American. African American men in the U.S. are victims of a reinvented slave system through the mass criminalization process and the prison for profits and privatization movement. Advocating for reallocations of budgets where the priority is education over prisons is a necessary agenda item.

6. Environmental racism is fostering continued disaster upon the well-being of a continent and in African American and impoverished communities in the U.S. Twenty percent of the world’s obsolete pesticides are stored in Africa. Environmental racism and gentrification in the U.S. is displacing and decimating African American families and communities.

7. Africa and its nation states are some of the most mineral and resource rich territories in the world, yet it is an impoverished continent. Africa owes $227.2 billion to creditors or nearly $400 per person in Africa. This is more than the annual per capita of the continent. The continent is a debtor continent that is trapped in a cycle that mathematically will mean in perpetuity. Money is not free. “humanitarian aid” is funneled through various western governments and non-govern mental organizations and agencies like the International Monetary Fund (IMF) and World Bank, their policies are, too, grounded in principles of the memetic complex of dehumanizing African peoples, creating greater economic dependence on those who represent the Euro-western interests.

8. The rape of African lands and deaths of its people are continuing in the context of new technologies. For example, the use of “terminator seeds,” are destroying the grain base of subsistence farming; the Human Genome Project has unleashed patenting and privatizing of
human genetic information, while holding hostage for profit protocols and medicines that could address issues of famine and the HIV AIDS pandemic.

9. U.S. foreign policy has adopted an explicit and implicit hierarchy of triage, which has historically placed African nations at the bottom of being worthy of assistance equal to other peoples. And so, by way of comparison, note that in 1999, U.S. aid to Israel alone, a country of about 6 million people, was $3.080 billion, as compared to Africa, with 800 million people in 54 countries, receiving a decreased aid package of $760 million. To even broach this subject is to invite criticism, but broach it we must.

10. The corruption by individual and elite groups of Africans, propped up by American foreign policies has too often undermined efforts to develop, expand, and sustain necessary human and social infrastructures for those most in need. For example, knowing of the years of corruption under the leadership of President Mobutu of Zaire, the IMF and World Bank, U.S. and British governments still lent him $8.5 billion between 1981 and 1990, strangling the potential lifeline for Zaire’s future generations. U.S. foreign policy is a public matter that must not continue to prop up corruption to yield a cycle of profits for a few, while the U.S. taxpayer funds the bill and becomes even more susceptible to offshore exposures from credit policies, globalization of jobs and imports of food. Africans of the Diaspora, especially from the U.S., must ask another question: If we have managed to endure and survive the holocaust; overcome and dismantle the direct forces of external control, i.e. we as slaves have defeated the masters, then what shall we do if the new leaders who look like us, are us, become the new masters?

CONCLUSION

As the sun rises on a new millennium, we here and now can only speculate how different things may have been for Africa and its peoples had not the Great Abortion been set in motion against a continent’s natural evolution of cultures and civilizations. The Maafa of humankind in the protracted suffering of African people over centuries includes the depletion of a continent, its people and resources, the dispersion and remaking of millions, thereby creating a continent of moving refugees, emigrants, immigrants, new nation states and kinship of the African Diaspora.

The Maafa’s legacy in the Americas, the U.S. more specifically, evidences an increased disparity between the African Americans and the Euro-Americans. The legacy is fueling a new kind of nation within a nation that eventually must be confronted.

Indeed, the Maafa, racism and white supremacy has tangible and visible consequences and manifestations, but its power lies in the ideational control it has over our minds. The Church must become less rational and more human. Though many argue that to forget is the pathway to healing; that America is in the a post-racial era, authentic healing begins with remembering. The dismembering effect of the Maafa has to be offset by remembering.

True healing is empowering and it commands and commits us to action— the prerequisite being remembering. As a partner in the TASTS, the European and American Church sought to destroy the vestiges of African ontol-
ogy, spirituality and religion. Now, that Church is equally obligated “to be the myth destroyers and illuminate truth and reality.”

In conclusion, the Church can be a voice and leading advocate for justice and transformation. The Church and others of goodwill, must ask, “Why is there no African American and African Marshall Plan? And, is the Marshall Plan only to support those major interests that further the spirit and pockets of entitlement and white supremacy?” On all counts, the question must be, “How is it that the victims owe the victors?”

**STILL CLAIMING HUMAN BEINGNESS AND MARKINGS OF A NEW WORLD ETHIC**

In the midst of all the Church did to sanction the destruction of African peoples, enslaved Africans throughout the world, reinvented their African spirituality and faith in a God of right and righteousness to survive the *Maafa*. Africans world over, from the brush harbors, maroon communities, centers of Condomble, Santa Maria…with songs of blues and gospels and words of liberation and womanist theologies, carried the torch of hope for a new world order. Africans held on to their claim of humanness, despite all attempts at dehumanization.

Perhaps, the African concept of *Ubuntu* informs a 21st century new world order and may be the place of new beginnings for human reconciliation in America and the world. *Ubuntu* is “that profound African sense that we are human only through the humanity of other human beings.” (Nelson Mandela)

As defined by noted womanist theologian, Linda Thomas, the Southern African ethic of *Ubuntu* is:

> “Ubuntu is assured through accountable relationships identified by the proper offering to the community of goods that are concrete (money, food, housing) and intangible (love, support, care). When harmony exists, these goods move in an uninterrupted circular fashion that flows and crisscrosses with other circles among the living and between the living and the ancestors.”79

The push for reparations must go on, and if not the Church, leading the way, then what institution will? If not African people laying the claim, then who?

The Church’s inextricable role in the TASTS has herein been documented. From a theological and ethical perspective, the markings of the Trans Atlantic Slave Trade System as a sin and a crime has been argued. A framework for a truth, reparations and reconciliation process in which the faith community and its leaders can play a public role has been outlined. The lingering effects of the TransAtlantic Slave Trade System suggest public policy measures rooted in justice, not merely charity, at local, state, national and global levels. There is an African proverb, “Silence makes a mighty noise.” The Church in the public square can no longer afford to be silent.

The haunting words of theologian Dr. Andre Lacocque still challenge to the Church to become an active advocate for justice and reparations, lest being a hoax.
“Christianity is only authentic when repenting, when becoming a living act of contrition for the crimes of humanity against humanity, ultimately against God. Christianity can never be at ease, because it has contemplated the Kingdom of God and witnesses to peace, love, and hope, in the midst of war, hatred and desperation. When Christianity itself becomes an instrument of the latter instead of facilitating the former, there’s simply no Christianity left, but a hoax.”

The call for reparations is a call to honor the faith, prayers and petitions of generations past that knew no justice. In the words of noted theologian the Rev. Dr. Jeremiah A. Wright, Jr., to the Church:

The first step is to address the deafening silence of the Church and do something about the blood of our brothers and sisters that cries out from the ground as in the story of Cain and Abel…To do less is to make a mockery of the faith we espouse and to spit in the face of Him who asked us to be reconciled one to another.

The voices of African ancestors continue to speak to us from the grave:

We trust the good Maker has opened your eyes to the wrongs which you and your fathers have done to me and my fathers, in making us toil for you for generations without recompense…Surely there will be a day of reckoning for those who defraud the laborer of his hire. Former Slave, Jourdon Anderson
1 Howard Thurman, With Head and Heart: the Autobiography of Howard Thurman, (Harcourt Brace, 1979), 193.


6 Aptheker, Herbert, Uma nova Historia dos Estado Unidos: a Era Colonial, Nossas Reizes Africanas, (Sao Paulo, Centro Atabaque de Cultura Negra e Teologia, 2004), 93.


9 Ibid.


11 Ibid.

12 Ibid.

13 Ibid, 83-84.

14 Molefe Asante, Encyclopedia of Black Studies.


17 Hugh, 305.


19 Hugh, 298.

20 Ibid.


22 Anthony Hill, Chaplain to His Grace the Duke of Richmond, After Baptism or the Negro Turn’d Christian, Dedication.

23 Ibid, 5.

24 Ibid, 6.


26 Ibid, 11.

27 Ibid., 30. (Ex 21, 1, 2 Lev 23.39, Deut 15.12 and Jer 34.14 (29) John 18.36, 1 Cor 7.12)


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33 Hugh, 398.

34 BBC, UK Version, Church Considers Slavery Payments, March 26, 2007

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39 Ibid., 37


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Shattered Consciousness & Fractured Identity
The Psychological Impact and The Lingering Effects of the
TransAtlantic Slave Trade Experience

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Fundamental Task

Consistent with Diop’s directive to examine the domains of history, language and psyche (Diop, 1974), it is required that one interrogate the language and logic of traditional African people in order to gain insight into the functioning of contemporary African peoples. Our ancestors were brought to the new world absent of freedom – in chains. They did not arrive absent of thought and belief about who they were. Our ancestors came with a language and a system of beliefs (logic) about what it meant to be human and who and whose they were and why they existed. It is through a penetrating interpretation of the language and logic of one’s African ancestry, that diasporic Africans will be able to ascertain what meanings and understandings African people carried into the Maafa (Ani, 1994) of slavery.

The fundamental task of this discussion is, therefore, to interrogate and evaluate the experience of enslavement relative to the psychological rupture of African identity and consciousness. In regards to the impact of slavery, the African understanding of what it means to be human must be the starting point of any discussion of the TransAtlantic Slave Trade System and its lingering negative effects on African American people. This really is a question of interpretive consequence and analytical clarity. How does one know what happens to an object or phenomenon, if one does not have a clear comprehension of what the phenomenon was before the contact with the agent of change? The system of chattel slavery was fundamentally a process of “dehumanization.” Hence, how can we determine the total effects of undoing our being human, our dehumanization, if we do not have, as a baseline or starting point, what, for the African, it meant to be human in the first place. Essentially, the epistemological problematic is how to ascertain what happened to African people as a consequence of the TransAtlantic Slave Trade System, if we do not have as a starting point what it meant to be human for African people.
I. TO BE AFRICAN AND THE MEANING OF BEING HUMAN

a. The Bantu People

While most ethnographers and so-called Africanists argue that the term Bantu is primarily a linguistic classification and that few cultural generalizations can be made concerning the Bantu people, it should be clear that if there are no people to speak, then there would be no language. If there is, in fact, linguistic commonality, then there must also be cultural commonality.

There are two basic theories of the Bantu expansion grounded in language distribution. The first was advanced by Joseph Greenberg in 1963. He theorized that Proto-Bantu (the hypothetical ancestor of the Bantu languages) was originally one of these languages that spread south and east over hundreds of years. Another theory held is that the Bantu originated from the Congo and due to factors like agriculture and trade in ivory, they spread out to the north, east and the south. Malcolm Guthrie argued that Bantu speakers had spread from South Africa in all directions. A synthesis of these two theories suggest that the Bantu speaking people first originated around the Benue-Cross rivers area in southeastern Nigeria and spread with their language, culture and philosophy, over Africa to the Zambia area. Sometime in the second millennium BC, perhaps due to pressure from people migrating from the drying Sahara, the Bantu, with their language, culture and philosophy, were forced to expand into the rainforests of central Africa (phase I). About 1000 years later, the Bantu, with their language, culture and philosophy, began a more rapid second phase of expansion beyond the forests into southern and eastern Africa. Then sometime in the first millennium new agricultural techniques and plants were developed in Zambia. With these techniques another Bantu expansion, with their language, culture and philosophy, occurred centered on this new location (phase III). By about 1000 AD, the Bantu with their language, culture and philosophy had reached modern day Zimbabwe and South Africa. In Zimbabwe a major southern hemisphere empire was established, with its capital at Great Zimbabwe.

Bantu people inhabit most of the continent of Africa and historically were the founders of highly developed socio-cultural political entities ranging from the rainforests of West and Central Africa to the plains and Kalahari Desert of southern Africa. As a result of the Bantu expansion, from the Nubian Desert to the Cape of Good Hope and from Senegal to Zanzibar, there is a “philosophical and cultural affinity” among and between the indigenous people of Africa.

What should be clear is that this Bantu expansion represents the migratory movement of both people and their cultural and linguistics inventions. The geographical distribution and temporal order of the Bantu expansion (language, culture and spiritual beliefs) also match the geographical distribution of the spread of farming and agriculture, which are key to the establishment of civil society and high culture.

The Bantu-Kongo believe that diverse forces and waves of energy that govern life surround humans. This fire-force called Kalunga is complete in and of itself and emerges within the emptiness or nothingness and becomes the source of life on earth. The Bantu-Kongo believe that the heated force of
Kalunga blew up and down as a huge storm of projectiles, Kimbwandende, producing a huge mass in fusion. In the process of cooling, the mass in fusion, solidification occurs giving birth to the earth (Fu-Kiau, 2001). In effect, the Bantu believe that all of reality (Kalunga) is fundamentally a process of perpetual and mutual sending and receiving of spirit (energy) in the form of waves and radiations. Kalunga or reality is the totality, the completeness of all life. It is an ocean of energy, a force in motion. Kalunga is everything, sharing life and becoming life continuously after life itself. As the totality or the complete living, Kalunga is comprised of both a visible realm (Ku Nseke) and an invisible realm (Ku Mpemba). The visible physical world has spirit (energy) as its most important element. Referred to as Nkisi (medicine), the spirit element of the physical (visible) world has the power to care, cure, heal and guide. The invisible (spiritual) world (Ku Mpemba) is comprised of human experience, ancestor experience and the soul-mind experience. The Ku Mpemba has spirit (energy) as its most important element. In effect, if reality (visible and invisible) is, it is spirit.

b. The *UbuNtu* Idea

The *UbuNtu* idea should be thought of as one of the root ideas in African philosophical thought and the meaning of being African and human in the universe. Linguistically, *UbuNtu* is two words in one. The prefix, *Ubu* refers to or evokes the idea of be-ing or more precisely the “unfolded be-ing before it manifests itself in concrete form as a particular entity.” *NTU* is the modal point at which be-ing assumes concrete form. It is a mode of be-ing in the process of continual unfoldment. The language of *UMUNTU* directs and focuses the entire epistemological domain towards the ontology of *Ubu*. The contemporaneous and indissoluble coupling of *Ubu* and *UMUNTU* is revealed in the maxim, “*UMUNTU NGU MUNTU NGA BANTU*” which means, “TO BE A HUMAN BEING IS TO AFFIRM ONE’S HUMANITY BY RECOGNIZING THE HUMANITY OF OTHERS AND ON THAT BASIS ESTABLISH HUMANE RELATIONS WITH THEM.” *Ubu* and *NTU* are two aspects of being as a one-ness and an indivisible whole-ness (cf., Ramose). Joined together **UMU** and **NTU** become Umuntu, which means the emergence of Homo-loquens or “talking humans” who are simultaneously homosapien. *UMUNTU* is, in effect, a human being whose unfolding is a constant and continual inquiry into its own being, experience, knowledge and truth.

The indissoluble link between *Ubu* and *UMUNTU* focuses being human on the recognition of “be-ing becoming” as a whole entity. The latter part of the maxim, Nga Bantu” in fact directs our recognition to the fact that being human is not a given. One must actually become a human being. Being human is to be a specific mode of incessant motion that is always continuous. Epistemologically, be-ing is conceived as a perpetual and universal movement of sharing and exchanging of the spirit (forces) of life.

In regards to being human, the Bantu-Kongo people believe that human beings are energy, spirit or power. In Bantu cosmology, the meaning of being human/person is to be a spirit in motion (unfolding). The kikongo term, “Nzungi a nzila” represents the idea that the human being is an “around-path-goer” in both the visible and invisible worlds. A human being is a being living and moving within the ocean of waves/radiations of spirit (energy). Humans are “living-dying-living” (Kala-Zima-Kala) systems of systems. Humans are patterns of patterns of being. Thusly, as a spirit, the human (person) is a phenomenon of “perpetual veneration” and continual unfolding (vibration). The human (person) is a second sun rising and setting around the Earth to be, to become, and to illuminate what is called Kala. The human (person) is both the container and instrument of Divine energy and relationships.
To be human, for the Bantu-Kongo, is to be a "person" who is a living (Black) sun, possessing a "knowing and knowable" spirit (energy) through which one has an enduring relationship with the total perceptible and ponderable universe. The notion of whole-ness requires the understanding of Umuntu or human being as having three interrelated dimensions. The first dimension of Umuntu is those yet-to-beborn or more precisely those yet-to-live in the physical realm. The second dimension of Umuntu is those (the living) who make speech and knowledge of being possible. The third dimension of Umuntu is those who due to physical death have entered into and continue to “live” in the part of reality invisible to the living. These Umuntu are called the “abaphani” or the living dead or the ancestors. Being human or Umuntu involves three levels or dimensions of existence. The meaning of being human includes the yet-to-live, the living and the living-dead.

In discussing Bantu philosophy, Kagami notes that all that exists can be subsumed under one of four categories of NTU or spirit. NTU, in this regard, is thought to be the universal expression of force or spirit. NTU, inseparable from UMU, is “Being” itself. It is the cosmic universal force. UbuNtu is spirit in which Being and beings coalesce. This notion of spirit or force or power makes no distinction between spirit and matter. Matter is not in the Bantu conceptualization a manifestation of spirit. Matter and spirit are not separate. They are not different or apart. Reality is not a duality of matter and spirit. UbuNtu is all that is or “be.” Conceptually, NTU, as a modal point at which be-ing assumes concrete form, is reflected in four categories of expression in Bantu philosophy. In effect, there is one essence with four categories of expression. The categories are Mu Ntu, Ki Ntu, Ha Ntu, and Ku Ntu. All beings, all expressions of spirit can be found under one of these categories. All that exist will express itself as one of these expressions. Human beings (Mu Ntu or Muntu) are an expression of spirit or force. Place and Time (Ha Ntu or Hantu) are equally expressions of spirit or force. All the material objects (Ki Ntu or Kintu) like mountains, other animals and rivers are spirit expressions. Joy, beauty, laughter, love and emotions. (Ku Ntu or Kuntu) are equally spirit expressions. As such everything and all being is UbuNtu and as such are more than simply related to each other. All that exists are different concrete expressions of Ntu.

To be is therefore, to be UbuNtu. In being, beings exist in the abovementioned categories. The category Mu Ntu includes intelligent beings that are living, the dwellers of the after-life (dead), those yet-to-be-born as well as the orishas, loas and ancestors. That which exists as Ki Ntu are forces that are activated at the command of Mu Ntu. Plants, animals, minerals, created objects, and ideas, etc. are all spirit (Ki Ntu) awaiting the command or activation by Mu Ntu. Spirit also exists or expresses itself as space and time. This is Ha Ntu. Modalities of existing are equally spirit. Ku Ntu as modal spirit gives “beingness” to modalities like loyalty, devotion, discipline, etc.

The oneness of African philosophy is perceivable in the plurality of African voices. It is important to recognize that the idea of “sending-receiving waves and radiations of energy” is at the core of all the Bantu wisdom traditions. However, the utilization of non-African, western thought to discuss and analize them minimizes if not distorts, our ability to see the overall commonality of African deep thought.

One expression (voice) of the UbuNtu Idea can be found with the Yoruba people of West Africa, for example. The Yoruba belongs to the Kwa group of the Niger-Congo linguistic family. Archeological evidence indicates that a technologically and artistically advanced, proto-Yoruba (Nok), were living somewhat north of the Niger in the first millennium B.C. The Yoruba believe that the person is made up of a spirit and a body (Ngubane, 1979). The
body or Ara is formed by the divinity, Orisha-nla. The body or physical is an expression of the spirit. Hence, Orisha-nla gave expression to the spirit by framing the body. It is through the Ara that man responds to his environment. It is through the physical that the person as spirit can be touched and felt. It can be damaged and disintegrates after death. The spirit component of the person is the Emi (spirit). The Emi does not just give life to the person. It is the person. Emi is conceived as the divine element of the person and links the person directly to God. Upon the death of the person, the Emi returns to Elemi (the owner of the spirit, God) and continues to live. Death is actually a transitioning or vibratory shifting of radiant energy from the Kunseke (visible realm) to the KuMpemba (invisible realm).

As a person, one also possesses an inner head or Ori Inu. The Ori Inu is given directly by Olodumare. The Ori Inu is the guardian of the self and the carrier of one’s destiny. Destiny is a particular sending-receiving of waves and radiations of Kalunga (fire-force) or energy. Place and time (HaNtu) and emotions and intentions (KiNtu), which radiate at the same rhythmic pulse as a particular human being (MuNtu) is that person’s destiny. As a vibratory alignment, Destiny, accordingly, influences the personality of the person. In addition to the Emi and the Ori Inu, the person has an Okan. The word Okan means heart, but as a constituent component of the person, it represents the immaterial element that is the seat of intelligence, thought and action. Hence, it is sometimes referred to as the “heart-soul” of the person. As an immaterial element of the person, the Okan is a sending-receiving radiating wave of energy. The Okan is believed to exist even before the person’s physical birth. It is the Okan of the ancestors that is reincarnated in the newborn child. To be a person, the Yoruba also believe that one must have Ori and Eje. The Ori rules, controls and guides the person’s life and actually activates the person. The Ori is the bearer of one’s destiny and helps the person to fulfill what they came to earth to do. The Ori is simultaneously the “essence of the person” and the person’s “guardian and protector.” The Ori is closely associated with the Emi. The Eje is the blood. It is the physical expression of an electro-chemical/magnetic energy that is the force that binds and animates life. The Yoruba, also believe that the Iye is a component of the person. The Iye is the immaterial element that is sometimes referred to as the mind. The person also has Ojiji (shadow). The Ojiji is a constant companion throughout one’s life and ceases to exist when the Ara (body) dies.

As another expression (voice) of the UbuNtu Idea, the Mende people of Central Africa believe that the person is made up of the Ngafa (the spirit) and the Ngafa (the flesh). The Ngafa is immaterial and is provided by the mother. It leaves the body at death and goes into the land of the spirits. The Ngafa is the psychic constituent of the person. The Ngafa is the physical part of the person and is provided by the father. The Ngafa is, in part, contained in the seminal fluid. The “shadow” (Nenei) is also part of the person and is believed to report the death of the body to God. The Mende believe that a healthy spirit (Ngatha) produces a state of Guhun (total well-being). The person’s name is closely associated with his Ngafa. The significance of the name is that the Mende believe that a person’s Ngafa can travel from the person during sleep or other state of unconsciousness. However, a person can be revived or awakened when one’s name is called repeatedly. The Mende, therefore, believe that the person’s name may be the component that wakes up the Ngafa or the human spirit.

The Akan people of West Africa also reflect the UbuNtu Idea. The Akan people have lived and ruled their land for thousands of years before they experienced the consecutive disruptions by Arab, Portuguese, Dutch, and British invasion and domination. There are many groups that constitute the Akan people. They can be divided and sub-
divided into the Twi, the Fante, Akim, Ashanti, Juaben, and Agona people who respect and believe in tradition. The Akan consider a human being to be comprised of three elements. The first element is the Okra, which constitutes the innermost self, the essence of the person (Gyekye, 1987). The Okra is considered the living soul of the person and is sometimes referred to as the Okrateasafo. As the living soul, the Okra is identical with life. It is also the embodiment and transmitter of the individual's Nkrabea (destiny). As the life force, the Okra is linked to Honhom (breath). The Honam, however, is the tangible and recognizable manifestation of the presence of the Okra. The second element of the person is the Sunsum is used to refer to all unperceivable, mystical beings and forces. It is the activating principle in the person. The Sunsum is what molds the child's personality and disposition. It is that which determines the character. The Okra, in turn, manifests itself in the world of experience through the “Sunsum.” The final component is simply the “Honam” (the body), which is made up of Ntoro and Mogya. While the Okra and the Sunsum come from Onyame (God), the Ntoro and the Mogya are derived from other humans; i.e., one’s parents. In their conception of the nature of the person, the Akan believe that the Ntoro is derived from the father’s sperm and the Mogya is derived from the mother’s blood. The Okra and the Sunsum constitute a spiritual unity. Hence, the person is made up of two principal components, the immaterial/spiritual (Okra & Sunsum) and the material/physical (Honam). In terms of the relation between the soul and the body, Akan thinkers contend that not only does the body influence the soul, the soul also influences the body. The Akan believe that the relation between the soul (Okra and Sunsum) and the body (Honam) is so close that they comprise an indissoluble and indivisible unity. Hence, the person is a homogeneous entity or value.

A further expression (voice) of the UbuNtu Idea can be found with the Lebou. The Lebou are an ethnic group of Senegal, West Africa, living on the peninsula of Cap-Vert. They speak Wolof. They were conquered by the kingdoms of Jolof (Diolof) and Cayor and should be considered part of the great and wealthy kingdoms and Empires like Kanen Burnu, Ghana, Mali, Songhay and Jolof emerged in West Africa dating back to 1000 B.C.E. The traditional date of the founding of Yoff is 1430. The Lebou people of Senegal (Grills, 1996) believe that the person is, first and foremost, comprised of the Fit (vital energy or life force), which is what makes them human. Fit is referred to as the spiritual heart of the person. The part of the person that gives one physical life is called Roo. This is the breath of life that leaves the body at death. The Lebou believe that each of us has a spiritual shadow that is always present and protects the person. This shadow is called the Takondeer. Additionally to be a person, one must possess and cultivate the qualities of Yel (intelligence) and Sago (reason). Finally to be a person is to have a Raab. Raabs are constellations of spiritual forces, like the Orishas of the Yoruba, that possess, guide and protect the person. They are, in fact, ancestral spirits that influence and shape the personality and behavior of the person.

The Amazulu of South Africa also reflect the UbuNtu Idea. Before the Bantu, the southern half of Africa is believed to have been populated by Khoisan speaking people. Nguni speaking people, joining with the Amazulu, (Zulu means heaven, or sky, Amazulu means people of the heavens), migrated down Africa's east coast over thousands of years, probably arriving in what is now South Africa in about the year 800 AD. The Nguni, Khoikhoi, San and Bushman are all related. The Bushmen (also known as Basarwa in Tswana, or San in Nama) are considered the indigenous population of the Kalahari Desert, which spans South Africa and neighboring Botswana and Namibia as well southern Angola. The term "San" was historically applied to Bushmen by their ethnic relatives the Khoikhoi. It is likely that the Khoikhoi developed their pastoral culture approximately 2000 years ago through contact with migrating Bantu tribes from further north. The Zulu, like almost all African people, have an
ancient text. The Zulu ancient text is called the Izaga, In the Izaga, the Zulu define the meaning of what it is to be a person. The text of wise sayings contains the Zulu interpretation of the teachings of the Sudic philosophy. Within these teachings, the Zulu say “Umuntu Ngumuntu,” meaning, “the person is human.” In this same regard, Dr. Marimba Ani teaches that the Bantu belief about the concept of the person is crystallized in the saying, Umuntu Ngu Muntu Nga Bantu which means “A person is a person because there are people.” In believing that the primordial substance was infinite, the Zulu believe that all phenomena were made of the primordial substance. The person was one such phenomenon. The ancient Zulu philosophers taught, in this regard, that through the Umuntu Ngumuntu, the human person was unique in that the person defined oneself and is essentially knowledgeable of one’s own intrinsic value. For the Zulu to be human is to be able to say what and who one is and to be able to define oneself as a value.

The Zulu believed that all phenomena, Uluthu, had their origins in a “living consciousness” which they called UQOBU. The person evolved from the UQOBU in response to “Umthetho weMvelo” (the law of appearing); the demands of “Isimu” (One’s nature) and “Ukuma Njalu” (perpetual evolution). According to Ngubane, (1979, p77) the central teaching of the Bantu is that all things originated from UQOBU and evolve in response to the challenge of their nature. The person, according to the Zulu, is a self-defining value and that life’s purpose for the person is perpetual evolution.

The Zulu ideal emphasized the primacy of the person and the creation of a society which equipped, enabled and ensured that the person would realize the promise of being or becoming human, Ukuba Ngumuntu. As a person, the components of realizing the promise of being human are (a) the person by law is human (Umuntu Ngumuntu); (b) the person has to evolve over the distance of being human (Amabanga Okuba Ngumuntu); and (c) human compassion dictates that the person cannot be thrown away (Ukuba Ngumuntu).

While often thought of as a hierarchy of spirits and misrepresented as paganism, the so-called hierarchy is, in fact, different degrees of spirit, force, power or energy. It is often said that the BaKongo spirit hierarchy places the Nkuyu (living dead relatives) above the living, with the Simbi (ancestors) above the Nkuyu and the Nkisi above the Simbi with NzambiMpongo (Supreme Being) being above all. Similarly, it is thought the Yoruba spirit hierarchy places the Ogun (ancestors) above the Ori (person) and the Orisas above the Ogun with Olodumare (Supreme Being) being above all. What is more likely the case is that each so-called level in the hierarchy represents a different manifestation or expression of the totality of the Divine. Hence, each level has more or less, in terms of degree, the power or spirit of the Supreme. Humans could in effect call upon (i.e., to know) each higher or lower level of force or power to aid the living.

The birth of a child is perceived by the Bantu-Kongo people as the rising of a living sun into the upper world (Fukiau, 1979). It is simply stated that to be human is to be a “be-ing” who is a “living sun” possessing a “knowing” and knowable” spirit (energy) through which one has an enduring relationship with the total perceptible and ponderable universe. The person as energy, spirit or power is, therefore, a phenomenon of perpetual veneration. The person is both the container and instrument of Divine energy and relationships. The human being is a power, a phenomenon of perpetual veneration. However, what is more accurate is that what we call a human being is spirit be-ing human.
Given the spirit sense of human be-ing(ness), the often stated observation regarding the spirituality of African people is somewhat misleading. Spirituality pertains to having the quality of being spiritual. African people have more than the quality of being spiritual. In fact, for the African to be human is to be a spirit. Spirit is the energy, force or power that is both the inner essence and the outer envelope of human beingness. Spiritness, rather than spirituality, pertains to the condition of being a spirit. This spiritness is often misconceived as spiritual or a religious quality. Spiritness as energy serves to ignite and enliven the human state of be-ing. We simply comprehend spirit be-ing human as simultaneously as a metaphysical state and an ethereal extension or connection into and between the supra world of the Deities, the inter world of other beings and the inner world of the self. In so doing we mistakenly conceive of these states a separate and distinct with some relationship between them. In actuality, it is all Spiritness be-ing expressed in different form or experience.

In summary, the African meaning of being human is to be spirit, an energy or power. It is one who lives and moves within and inseparable from the ocean of waves/radiations of spirit (energy). A human be-ing is spirit that affirms its humanity by recognizing the humanity of other spirits and on that basis establish humane relations with them. A human be-ing is spirit whose unfolding is a constant and continual inquiry into its own being, experience, knowledge and truth. To be human is to be spirit in motion (unfolding). Being human is being a phenomenon of perpetual, constant and continual unfolding (vibration-sharing and exchanging) of spirit. A Human be-ing is a living sun (energy), possessing knowing and knowable spirit (energy) through which spirit in human form has an enduring relationship with the total perceptible and ponderable universe. The human be-ing is a “threefold unfolding” experience of yet-to-live, living and after-living.

### Summary of Bantu Kongo

#### Meaning of Being Human/Person

**Being Human is to be spirit, energy or power.**

It is one who lives and moves within and inseparable from the ocean of waves/radiations of spirit (energy or power).

A human being is “spirit” whose unfolding is a constant and continual inquiry into its own being, experience, knowledge and truth.

To be human is to be a spirit in motion (unfolding).

Being human is a being a phenomenon of perpetual, constant and continual unfolding (vibration, sharing and exchanging) of life spirit.

Humans are containers and instruments of divine spirit adn relationships.

A human being is a living sun, possessing a “knowing and knowable” spirit (energy or power) through which one has an enduring relationship with the total perceptible and ponderable universe.

The human being is a three-fold unfolding experience of yet to live, living and after-living spirit.
The Bantu people with their culture, language, family, spiritual beliefs and philosophical ideas are the very people stolen and kidnapped in the TransAtlantic Slave Trade System. In effect, the UbuNtu Idea was embedded in the various peoples who were stolen and kidnapped. Hence, only in understanding the Bantu-Kongo idea and its meaning of being human, will one be able to better or more fully determine the impact of the TransAtlantic Slave Trade System.

c. **Ontological and Psychological Invariants**

An ontological invariant or invariants are metaphysical beliefs about the features or aspects of the nature of being and existence that are not liable to or capable of change. Given the Ancient African thought discussed above, one can see that ontologically, African belief systems understood that the nature of all things in the universe was the Ka of God (force) or "spirit." It is logical, or at least consistent, therefore, that in believing that all things, including man, were endowed with the same vibrating, radiating unfolding spirit, one would also believe that all things are essentially one or the same. For Africans therefore, our most invariant ideas about order or world-view would be based on the ontological identification of "being (existence) in the universe" as being characterized by a cosmological "participation in the constant and continually unfolding spirit." Parenthetically, it is understandable that if ontologically the African believes that the nature of all things is spirit, then the African would view the variety of cosmic beings as quantitative alterations of the same Supreme Energy (Thomas, 1961). This is the constant unchanging African belief.

Accordingly, the African conception of the world and the phenomena within it amounts to a set of syntheses (connections) and contradictions (antagonisms) as unfolding spirit expressed as particular classification of beings as differential quantifications of force. Combined, these connectual and antagonistic participatory sets form the whole of universal relations. Accordingly, relationships in the universe are determined by elements belonging to the same metaphysical plane, "participating by resemblance" or by elements belonging to different metaphysical planes, "participating by difference" (Thomas, 1961). The dynamic quality of the total universe is, however, thought to be the conciliation of these various "participatory sets." In fact, the conciliation of, on the one hand, the unity of the cosmos and, on the other, the diverseness of beings within the cosmos makes for the invariant features (e.g., dynamism, interdependence, variety and optimism) of the traditional African worldview.

The UbuNtu Idea or African authentic core is comprised of the belief that the person is human because there is an indisputable connection between the person and the all, Kalawunga or the Supreme Being. In fact, the person is really seen as an undeniable expression or manifestation of God. Included in the authentic core is also the belief that (1) the complexity (immaterial & material) of the person gives one an intrinsic human value and (2) that the person is, in fact, a process characterized by the divinely governed laws of appearing, perfecting and compassion which are revealed within or through one’s destiny. The final common belief in the African authentic core is that harmony and balance between/within the supra-, inter- and intraworlds of the person are key to “be-ing” human.

In effect, the Bantu expansion which reflected a geographical distribution of the spread of language, culture and spiritual beliefs as well as farming, agriculture, civil society and high culture should also be viewed as the distribution of a Bantu complex of ideas or the UbuNtu Idea.
One of the distinct aspects of African spirit systems is the recognition that to be human is to be spirit that is in constant contact with the spirit powers that dwell in both the visible and invisible realm. To be human is to be a spirit force that is intricately connected or embedded in a differentiating structure of ever-expanding energy. This ever-expanding energy, the totality of which is the Supreme Being, requires that humans as spirit are capable of knowing self (intra), other human spirits (inter) and ultimately the Divine (supra). Given these beliefs and ideas, one could suggest that the meaning of being human was to be a knowing and knowable perpetually vibrating spirit with a profound sense of excellence and appropriateness and whose relationship and purpose in the world (both visible and invisible realms) is to be the cause and consequence of joy and beauty.

Psychologically speaking or in terms of social life, individual consciousness becomes such that the family or peoplehood constituted the reference point wherein one’s existence was perceived as being interconnected to the existence of all else. The individual was an integral part of the collective unity – the family. In recognition of this kind of awareness, others (Mbiti, 1970) have noted that the traditional African view of “self” is contingent upon the existence of and interconnectedness with others (The One-ness of Being). This is an African psychological invariant.

The three-fold unfolding (yet-to-live, living & after-living) can be thought of as the “essentiality-of-being” and invariably suggests that existence is at the level of family or peoplehood, which is more permanent and continuous than individual existence. Existence is, therefore, at the level of the family or peoplehood. The existence of family or peoplehood is more permanent than individual existence. The family essence or essence of peoplehood precedes the individual essence. The family or peoplehood is the center of existence. It is the center of the universe. The “essentiality-of-being,” which includes beings yet-to-live, the living, dwellers in the after life is the psychological invariant that serves as the essence of the peoplehood and must be kept alive. Our peoplehood then becomes the source of our definition.

While not always reflected in the social constructions and behavioral representations characteristic of a particular people, African invariants, nevertheless, do exist and may very well be the source of existential tension and crises in being human due to westernization and the hegemony of White supremacy.

d. The African Sense of Identity and Consciousness

Consciousness and identity are inextricably connected. Included in the African notion of identity is the belief that the complexity (immaterial and material) of being a person gives one an intrinsic human value and that the person is, in fact, a process characterized by the divinely governed laws of essence, appearing, perfecting and compassion (17). At the human level, identity is always a collective experience and passes from one collective generation (being) to the next. It is the “reincarnation of identity,” as psyche that, in fact, constitutes the reincarnation of a person. A reincarnated person is a new person only in the carnal sense. The collective identity or what some call racial consciousness is constantly renewed in each succeeding generation. The reincarnated are different from the preceding generation only to the extent that the identity of the next generation vibrates at a new (different) speed. African people, as a particular vibratory phenomenon, reincarnate identity from one generation to the next irrespective of geographical location. Many of the great deep thinkers throughout the African world...
have spoken through this sense of identity, this force in motion, and an identity that is in-born. “We are Africans not because we are born in Africa, but because Africa is born in us” (Higgins, 1994). The Africa born in us is that inborn sense of consciousness, that vibratory fire force in motion that is complete in and of itself yet continually emerging to become the source and the consequence of living.

Consciousness is the knowing and knowable vibratory fire-force that is the never-ending totality of possibilities emerging from itself and shaping and being shaped in relation to both perceivable and unperceivable reality. Consciousness is, in effect, the intelligent energy. The spectrum of consciousness includes numerous levels, which differ in degree of frequency and density. In fact, the level of consciousness determines the configuration of matter. Level is indicated by vibration. Each animal, each species of plant, each mineral and each of their respective components represent conscious energy vibrating at different speeds. Consciousness is inscribed in and determines the nature of every organism.

Consciousness is, however, more than potentiality contained in itself. As a knowing and knowable vibration, motion or energy, consciousness is simultaneously potentiality and intentionality contained in the pulse of life itself. Like the energy or vibration indicative of it, consciousness is never destroyed. It is the essence, energy, expression and experience of spirit (being) in the form of awareness, knowing, comprehension and existing (being). It is that which allows human beings to reflect, respond, project and create from, before, and beyond the time of one’s experience. Consciousness is intricately merged with spirit. It is the knowing of what a knowing and knowable spirit knows.

It is the hermeneutics of consciousness, in a sense, that determines or allows African people to conceive of and understand themselves as fundamentally spirit. Having an awareness of oneself as spirit, in turn, allows one to access realms of knowing that are not limited to just cognition or perception. It also allows one to be accessible to those spirits in the realm of the spirit. It connects knowing and awareness to both the perceivable (visible) and the unperceivable (invisible). Hence, consciousness as (or driven by) an eternal living spirit is not bound by time, space or place. It connects knowing, awareness and comprehension to the universal and the Divine. Consciousness is that which gives congruity between the supra, inter and inner realms of being.

Accordingly, it is consciousness that allows for the retention of ancestral sensibilities that interpret and give meaning to contemporary experience. Consciousness functions as both retentive and residual knowing and awareness. As retentive energy, consciousness allows for the remembering or retention of all previous information, experience and ideas. As residual energy, consciousness provides a conduit or circuit for tapping into the residue of human knowing and awareness and thereby creates or inspires new knowing and awareness. It is consciousness, as awareness, knowing and comprehension, and its subsequent meaning that gives particular content, context and contour to African character and style. The desire to always function at a higher level (the sense of excellence) is characteristic of the consciousness of African people from time immemorial.

The African is distinguished by a particular consciousness that is reflected in a special capacity for having intelligence of the mind and heart. Every knowable and perceivable object in the natural universe is a hieroglyph of Divine consciousness; i.e., comprehension and imagination. In the sense of the Divine, consciousness is more
than thinking, feeling and awareness. Everything vibrates in a divinely governed universe. It is potentiality contained in itself. As potentiality contained in itself, the entire universe, as a never-ending totality of possibilities, is consciousness. This sense of consciousness requires one to meet the challenge of awareness, knowing, comprehension, and existing through the realms of knowing and levels of awareness that are the very same aspect of being that one is attempting to define. Consciousness is, in effect, the intelligent energy of the Divine.

The African sense of Consciousness is thusly both the substance (essence) and state (condition/effect) of all that exists and does not exist. It is the capacity to absorb all light (energy) and information. It is more than being simply aware. It is being aware, unaware and beyond awareness at the same time. The African sense of Consciousness is the essence, energy, expression and experience of African people as the material (physical) and mental (non-physical) reflection of spirit and the vibratory evidence and energy of the Divine all. It is that which transcends thought and penetrates (absorbs) everything so as to make being African aware of itself.

In African deep thought consistent with the *UbuNtu* idea, the concept of “being-becoming requires a different conception of identity. In earlier works (Nobles, (W. W. Nobles, 1973; Wade W. Nobles, 1976) the author attempted to understand the scientific treatment of identity. The construct of identity seems inadequate when placed against the requirements of discourse and the demand for accuracy in assessing and evaluating African reality. For instance, the construct must appreciate the idea that the ultimate nature of reality is spirit. Similarly, it should illustrate the significance of participation, relatedness and unicity for the human condition and reveal the ultimate organic connection.

Ultimately the problem with Identity is that it represents only a limited (albeit damaged) aspect of what it means to be African. Black Identity Theory is, for the most part, founded upon an unwarranted acceptance of the Western (a.k.a. White supremacy) notions of human functioning with African people living in an anti-African reality. And like Horton’s precepts on theory suggest, these “puzzling observations” about African American identity range from the reactions to de-Africanization and the hegemonic domination of White aesthetics/existence, to creative responses to re-Africanizing and reinventing African American culture and traditions.

In terms of the African ethos, then the first order or guiding belief (one with nature) suggests that African peoples believe themselves to be part of the natural rhythm of nature. The second order or guiding principle (survival of the tribe) suggests that African peoples believe in the cosmological and ontological importance of life, which in turn says that a people are paramount and permanent. In accordance with the notions of one with nature and survival of the tribe, the African consequently thinks of experience as an intense complementary rhythmic connection or synthesis between the person and reality.

The cardinal point, therefore, in understanding the traditional African conception of self, is the belief that “I am because We are, and because We are, therefore I am.” (Mbiti, 1980) Descriptively, we have defined this relationship (the interdependence of African peoples) as the "extended-self" (Wade W. Nobles, 1972).

In recognizing that in terms of self-conception, the relationship of interdependence (and oneness of being) translates to an extended definition, we note again that the African feels himself as part of all other African peoples or
his tribe. One's self-definition is dependent upon the corporate definition of one's people. In effect, the people
definition transcends the individual definition of self, and the individual conception of self extends to include one's
self and kind. This transcendent relationship (that between self and kind) is the "extended-self."
The notion of the "we" instead of the "I" may become clearer through the following ontological analysis of the
"self." It is generally safe to say that the establishment of self is accomplished by (1) recognizing qualities or
characteristics similar to one's own and/or (2) denying qualities and/or characteristics similar to one's own and/or
to other people. The meaning that one has for being one within h/erself and h/er universe (oneness of being) or
what is felt as an inner feeling of oneness with oneself is the result of an interpretive process which evolved over
the course of hundreds of millions of years. This inner something, which is called the self, is in fact, the result of
an evolutionary production, which in the end left wo/man believing in the consistency of h/er own internalized or-
ganized system. The evolution and consistency of the internalized systems of varying groups of people are not,
however, always the same.

The philosophical notion of the oneness of being, for instance, is predicated on man being an integrated and in-
dispensable part of the universe. For the African, the oneness of being suggests that humans participate in social
space and elastic time as determined by the character of the universe. Hence, it is true, that one’s being is possi-
ble because of one’s historical past as well as anticipated historical future. In an existential manner, therefore,
having recognized the historical grounding of one’s being, one also accepts the collective and social history of
one's people. African people, in turn, realize that one's self is not contained only in one's physical being and finite
time. The notion of interdependence and oneness of being allows for a conception of self, which transcends,
through the historical consciousness of one's people, the finiteness of the physical body, finite space and ab-
solute time.

Self-awareness or self-conception is not, therefore, limited just to the cognitive awareness of one's uniqueness,
individuality and historical finiteness. It is, in the African tradition, awareness of self as the awareness of one's
historical consciousness (collective spirituality) and the subsequent sense of "we" or being one. It is in this sense
that the self is portrayed as a transcendence into extendation. That is, the conception of self transcends and ex-
tends into the collective consciousness of one's people.

In African deep thought consistent with the *UbuNtu* Idea, the concept of “being-becoming” as a singular construct
or whole entity requires a different conception of being. It suggests that the task of being is to continually be-
come. The ideas of being and becoming are inseparable. It is one entity, a “being becoming.” “Being Becoming”
is to be a spirit in motion (unfolding). It is a being living and moving within an ocean of waves/radiations of spirit
(energy). It is a living-dying-living system of systems, and patterns of patterns of being. It is a knowing and know-
able, perpetually vibrating, unfolding spirit. Similarly consciousness and identity are likewise perpetually vibrating
unfolding spirit.
II. RE-INTERROGATING THE ENSLAVEMENT EXPERIENCE

G. F. W. Hegel’s ideas on the dynamics of bondage have influenced almost all later formulations of human oppression (1966). Essentially Hegel argues that man becomes conscious of himself only through recognition by the other. The frustration of one’s desire to be recognized is the source of human struggle and conflict. Hegel asserts that the one who attains recognition without reciprocating becomes the master. The one who recognizes the other but is not reciprocally recognized becomes the slave. Hegel further notes that, not only does the master gain recognition from the slave, the master also reduces the slave to an instrument of the master’s will. Basically, Hegel is suggesting that the one whose humanity is recognized but does not recognize the humanity of the other becomes the master while the one who recognizes the humanity of the other while their own humanity is not recognized becomes the slave.

Because the master’s humanity is confirmed by other recognition, the idea of self and worth are reflected back to him and, thereby, he attains objective truth of his otherwise subjective sense. When one’s humanity is not recognized, the enslaved lacks both objective confirmation and subjective certainty of not just one’s self and human worth but one’s being human itself.

For slavery to work, the adversaries in the dynamic of oppression must adopt two different strategies in the struggle for human recognition. One risks life until recognized and adopts a strategy of conquer or die, while the other adopts the strategy of become a slave and remain alive and thereby submits to oppression for fear of losing life.

The master-slave dialectic is further complicated Hegel suggests, because the master’s humanity is limited and compromised by the fact that the master, in totally depending on the slave to fulfill his every need, loses the means of transforming his world and himself. The enslaved, however, according to Hegel, works in the objective world and transforms the world with his labor. By transforming nature, the enslaved also transforms himself. The slave, not the master, is accordingly self-actualized.

In Frantz Fanon and the Psychology of Oppression, Bulhan, notes that Hegel’s philosophical and intellectual language really obscures the psychological impact of the master slave formulation (1985). He notes that, in a series of lectures on Hegel, Alexander, Kojeve reviews Hegel’s master-slave dialectic and attempts to articulate the psychological underpinnings of the master-slave relationship (1969). Kojeve notes that self-consciousness differentiates man from animal and that one is self-conscious to the extent that one is conscious of his identity, dignity and human reality. Animals, he asserts, only have sentiment or an unthinking feeling about self. Desire determines behavior. In terms of human beings, desire determines human action and is bound to reality and the preservation of life. In terms of animals, sentiment, the unthinking feeling associated with living gives birth to the animal desire to eat or procreate. However, both self-consciousness and sentiment have their origin in desire. Self-consciousness is, however, born from human desire to be recognized by another human being. Human desire goes beyond the instinct of self-preservation. In fact, human desire compels humans to even risk life for recognition. Kojeve suggests in this regard that “it is only by being recognized by another… that a human being is really human (p9).” Accordingly, a people’s humanity is validated because it is recognized by others, on the other hand, a people’s humanity is invalidated because it is not recognized by others.
One’s self-consciousness, as reflected in the search for recognition, entails a perilous struggle between two opposing forces who require recognition from each other. The master/slave dynamic really involves a fight to the death for one’s humanity.

Mannoni believed that the colonial situation was an encounter between two different personality types (1962). He noted in this regard that every culture fosters a typical or particular personality (sum total of beliefs, habits and propensities) structure that is passed on from one generation to the next. In effect, groups come into contact with other groups carrying a psychological inheritance representing their unique crystallization of individual, family and group experiences associated with their particular history and environment. Mannoni further suggests that the psychological complexes of inferiority and dependency form two fundamentally and mutually exclusive axes upon which personality and culture develop. Each complex, he believed, was the underlining of a particular mentality associated with a particular culture.

The dependency complex, Mannoni argued engenders socio-economic and technological stagnation and fosters submission and the need to be ruled while the inferiority complex engenders high development of personality and culture and fosters dominance and the “need to rule”. Not surprising, Mannoni asserts that the dependency complex is deeply entrenched in the collective consciousness of the African as represented by the Malagasy people. In this regard, he further concludes that the non-civilized, the African man, is totally unfit for a pattern of life absent of complete subjugation and, in fact, needs colonial domination to satisfy his natural dependency complex.

In spite of his Eurocentric bias and intellectual limitations regarding the African, Mannoni’s insights regarding the European personality and collective unconsciousness may have some utility in the further interrogation of the enslavement experience. Mannoni suggests that the inferiority complex and misanthropy characterized the European personality and collective consciousness. He asserts that western (White) man’s main driving force and need to rule people in distant lands is found in this inferiority complex and misanthropy.

It is the state on non-reciprocal recognition that gives rise to the psychological grounding of the master-slave dialectic.

Both Hegel and Mannoni posit particular psychological complexes associated with immutable group characteristics or inherent traits that distinguish the master and the slave. Hegel believed that there were inherent qualities (and responsibilities) that allow for the enslavement of particular people. Regarding these responsibilities and qualities, he asserts, “If a man is a slave, his own will is responsible for his slavery, just as it is his will which is responsible if a people is subjugated.” In effect, there is an attribute, quality or characteristic intrinsic to the enslaved that is responsible for them being enslaved. George A. Kelly argues that Hegel’s master-slave dialectic was essentially a metaphor for “inherent traits” (i.e., domination and servitude) found in the human psyche (1972). Hegel’s master-slave dialectic are, therefore, derivatives of the basic psychological traits of domination (master) and servitude (slave). The only way to explain, in the struggle for human recognition, why, of two protagonists, locked in combat, one becomes the master and the other the slave is because of the master-slave dialectic, which Kelly believes, in fact, actually originated in the natural inequalities and internal imbalances found in their psychological make-up.
While Hegel's and Manonni's insights can and have been debated ad nauseam, the question remains as to what or how is slavery and mastery related to psychology or to a psychological understanding of human functioning and relationships.

In *Black Skins White Masks* (Fanon, 1967), Frantz Fanon summarizes Hegel's Master-Slave dialectic and attempts to use Hegel's paradigm to analyze the relationship between contemporary White and Black people. In formulating his critical analyses of oppression and decolonization, Fanon rightfully notes that colonialism was simply another stage or form of slavery. The colonizer-colonized and the master-slave relationship are identical.

Probably because he was a member of the “wretched of the earth;” Fanon is at his best in unraveling the psychology of the oppressed. Unlike Hegel or Manonni, Fanon surgically points out that the problem of oppression is a problem of violence. Fanon helps us to see that while oppression requires the fear of physical death, the fear is created via the exercise and threat of violence. As an intellectual and psychological theorist Fanon offered a deeper analysis of this question of violence. It is violence, as an integral part of the enslavement process that is so pervasive and structured that it is often viewed as the natural order of life. Fanon makes the point that there are forms of violence that are destructive to the spirit of African people. He noted, for instance, that there is a form of violence that is simply raw, vulgar violence. It is simply brute force and physical coercion; i.e., “I'll just whip your ass, knock you on your head, and make you do my will.” I got a bigger club or gun than you and every time you stand up I'll knock you down. That is what Fanon called raw, vulgar, violence, coercion and physical harm. Fanon also wrote about and talked about historical violence. Historical violence, he pointed out consists of the long-term harm that occurs when people are subjected to destruction, plundering, vandalization, and false systems of pacification. The many examples of colonial or military occupation-pacification programs that result in extermination rather than pacification are strong examples of Fanon's historical violence. The most intriguing form of violence that Fanon identifies is called “violence beyond violence.” In terms of “violence beyond violence,” Fanon states that this form of violence is the invisible destructive force that is always at work and that expresses itself as an alien form of universal values and dominant norms. In effect, he is saying that when Europe positioned itself as the only universal human system of values and norms that became “violence beyond violence.” Consequently, Europe is seen as the universal standard or example of humanity. However, for African people to accept a system of values and norms as universal which remove the African from the stage of human history results in a distortion of the African psyche that is devastating. That insidious corruptive element and almost irreversible aspect of “violence beyond violence” is that one is not able to see or hear this kind of violence. He said that the categorical denial of the integrity of African historical contributions to humanity is the first charge of “violence beyond violence.” Consequently, Europe is seen as the universal standard or example of humanity. However, for African people to accept a system of values and norms as universal which remove the African from the stage of human history results in a distortion of the African psyche that is devastating. That insidious corruptive element and almost irreversible aspect of “violence beyond violence” is that one is not able to see or hear this kind of violence. He said that the categorical denial of the integrity of African historical contributions to humanity is the first charge of the violence beyond violence. That's what is central to the discussion, that's what these European scholars always have been saying. They say that it is necessary to remove Africans from Egypt and Egypt from Africa because the historical contributions of African people to humanity must be destroyed in order to justify the idea that Africans have no humanity.

This “violence beyond violence” is a destructive force created beyond belief and comprehension. “Violence beyond violence” is a compelling and dangerously frightening phenomenon. The very physical survival of the enslaved African depended upon our ancestors acceptance of the pretense of White superiority. When one examines how Africa, as a category, has been distorted “violence beyond violence” or what some scholars (Perimban and Perimbaum, 1983) call holy violence, is the key to understanding Africa’s destabilization and African
peoples' dehumanization. That's why it is so fundamental that we think deeply about things African. If we don't ever challenge what cultural ground we stand on, what intellectual categories do we utilize and what conceptualization do we utilize, then we will simply continue the process of being victims of the psychology of violence and never knowing that we are victims. We don't see a Rosewood as happening to us. We don't see a hundred years of African American lynching as happening to us. We don't see the bombing of Tulsa Oklahoma as happening to us. We don't see the disregard in urban Black America, or the disrespect in corporate America, or the driveby's leading to death and defamation of our young people as happening to us. That is the acidic erosion of the “violence beyond violence.” We don't need to see any of that because the psychology of “violence beyond violence” is so subtle that we feel blessed that we escaped, that we got away, that we are still alive, that we ain't like the rest of those niggas. That we are not African.

In further exploring the question of oppression and violence, Bulhan, p. 124 notes that Chester Pierce suggest that all situations of oppression violate a people’s space, time, energy, mobility, bonding and identity. The oppressed or enslaved live in a world where their physical and, most importantly, their psychological space is curtailed, intruded upon and/or denied. Bulhan rightfully notes that life and living are inconceivable without agency over one’s space, time, energy, mobility, bonding and identity. These six dimensions define, determine and substantiate the human psyche in the form of consciousness and identity. It is through human consciousness and identity that we are even aware that we inhabit time and space or that our energy and mobility have utility and that our relationship (and recognition) with others is fulfilling, nurturing and inspiring. It is consciousness and identity that give us a sense of self and the awareness of all the possibilities of living. What is not so clear is that the meaning of being human, is itself, informed and experienced as coherent and comprehensive by these same six dimensions.

In dominating these primary dimensions of the psyche, the enslavement experience created fissures and cracks in the African consciousness and identity. In effect, African consciousness and identity were shattered by an all-pervasive domination of the ancestors’ space, time, energy, mobility, bonding and identity.

There is little recorded in human history to compare with the sheer horror of the enslavement experience of African people. The three hundred years of the TransAtlantic Slave Trade System amounted to a massive Maafa, a system of death and destruction beyond human comprehension and convention unparalleled in the annals of history. The notorious Middle Passage destroyed the lives of (somewhere in the range of) 25-to-75 million innocent human beings (Scholl, 1995). At the collective or corporate level, Africa’s human capital of intellect, insight and imagination was depleted and/or derailed at the very moment in history when humanity was moving into a new age.

Black Africa loss 40-to-100 million souls to the slave trade. This human derailment was experienced at the personal level as psychic terror and physical torture. Human beings were chained together, and then piled on top of each other where they had to lay and sleep in their own excrement as well as that of the persons crowded next to them for weeks on end. A vicious cycle of disease ensued as African people huddled together crying, screaming, vomiting and defecating uncontrollably. Along this human chain of misery, some were dead and some alive, and the waft of rotting bodies added to the stench. There was no escape from disease. “The captives suffered from dysentery, diarrhea, eye infections, malaria, malnutrition, scurvy, worms, yaws, and typhoid fever. Slaves
also suffered from friction sores, ulcers, injuries and wounds resulting from accidents, fights and whippings…” By far the greatest killer disease during the Middle Passage was the bloody flux, amebic dysentery. Many succumbed to this bloody diarrhea which alone resulted in a mortality rate of anywhere between 20% and 80% (Scholl, 1995, p179, 195-6). The longer the journey, the more the human cargo was to die en route to the new world.

One can only imagine the state of mental health for those trapped in this living nightmare. Panic, anxiety, and hysteria prevailed. Pure rage alternated with a deep collective depression manifesting in mutiny and onboard rebellions, the most well known of which was led by the famous Cinque who was captured on the La Amistad Friendship. For various reasons, too much “cargo,” too little food, and to eliminate evidence of being a slave ship, African people were oftentimes, thrown into the shark-infested waters by the crew. Often, believing that their souls would return to the place of their birth, long lines of chained captives sometimes jumped overboard together, committing group suicide, and it has been reported that sometimes mothers threw their babies overboard.

Only the strongest of the captured Africans survived the Middle Passage. Their uncanny ability to survive the harshest of conditions was again put to the test in the weeks and months that followed arrival in the New World. This critical phase of adjustment to a life of slavery in North America was called the breaking-in period. It lasted for up to three years. The breaking-in period was traumatic both physically and psychologically. Physically, there was the adjustment to a much colder climate, without adequate clothing to keep warm. Exposure to the elements in and of itself was enough to induce illness; in addition, the new arrivals were exposed to an entirely new set of germs and diseases to which African people had little or no resistance. The auction block experience, where one was stripped naked and inspected like cattle, was only surpassed in cruelty and inhumanity by the overworking, beatings, and ravaging that were typical of plantation life. While white indentured servants also were forced to work on plantations in the 1700s, racism was legally sanctioned by statutes prohibiting public beatings of white indentured servants. In 1705, the law stated: “In addition to the prohibition against publicly whipping a naked White Christian servant, masters were admonished to ‘find and provide for their servants wholesome and competent diet, clothing and lodging, by the discretion of the county court.” In contrast, with regard to enslaved Africans: "Masters were allowed to feed, clothe, and nurse their slaves in whatever manner they saw fit (Clayton, 2000).”

Psychologically, it was during the time of the arrival of enslaved Africans in North America that the formal destruction of the Africans’ culture, language and family life took place. If not already separated, families were torn apart, husbands from wives, children from their parents and siblings. It was common practice for them to be sold to different plantations in different states, never to be reunited again. Practicing African religions was prohibited and speaking in their mother tongues; their native African languages was forbidden. The drum, a focal point of African life, was outlawed for communication. Depression, suicide, anxiety, rage and psychosis, combined with tuberculosis, pneumonia, influenza, typhoid, yellow fever and cold injuries combined to produce a 30-to-50% mortality rate during the seasoning, breaking-in period. Housing on the plantation in the quarters for the enslaved generally consisted of poorly ventilated, drafty, cabins with leaky roofs and dirt or clay floors. The average cabin was fifteen square feet, housing five to seven people. Mattresses were rare and sleeping on the dirt floor was not. Due to crowding in the living quarters, conditions such as respiratory infections spread rapidly throughout the cabin.
Clothing was generally limited to a ration of one to three outfits per year, with one pair of shoes, once a year on the average. Presumably, it was difficult to launder the clothes if one only had one outfit that was likely worn, especially in the winter months, for 24 hours a day.

While there was some variation in the food rations received, overall, nutrition was inadequate. Some survived on a diet of cornmeal and molasses, while for others, the diet was high in fat and calories, with pork scraps used commonly as a protein source. Generally, the typical diet was lacking in some of the necessary vitamins and nutrients. Some of the enslaved, however, were able to have their own vegetable gardens and could also fish and hunt to supplement their diet.¹

Childbearing during slavery became a prominent issue with the official end of the African slave trade in 1808. The fertility of Black women, who were referred to by slaveholders as “breeders,” was crucial to the economy of the United States as its growth was based on slave labor. Black women were subjected to every type of sexual abuse imaginable. They were expected to be sexually available to the master, his friends and relatives or Black male studs assigned to impregnate her regardless of whether they had a relationship or not. This was at the discretion of the owner, some of whom allowed their Black slaves some semblance of marriage and family. Those owners were the exception, however.

High rates of maternal and infant mortality reflected the overwork and poor nutrition of enslaved pregnant women who often worked in the fields up until delivery and returned to work shortly afterwards. This allowed very little time for breastfeeding. In addition, midwives attending deliveries were poorly trained.

Once purchased by a slaveholder, enslaved Black people could be used for any purpose their owners saw fit, including in the case of some White science researchers, for experimentation. J. Marion Sims, MD, (1813-1883) considered the Father of Gynecology in medical schools throughout the United States, purchased Black female slaves to be subjects in experimental operations or to use them for teaching purposes. During presumed didactic sessions, he exposed their genitals to the public. He admitted to operating on one slave woman thirty agonizing times before achieving the results he desired. Sims performed surgical procedures on these women without using anesthesia as, purportedly, Black people did not feel pain.

According to Resolution 260 (III) A of the U.N. General Assembly, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group and the United States code Sec. 1091 Crimes and Criminal Procedure. Part I – Crimes, Chapter 50A – Genocide: Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such - (1) kills members of that group; (2) causes serious bodily injury to members of that group; (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques; (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part; (5) imposes measures intended to prevent births within the group; or (6) transfers by force
children of the group to another group; or attempts to do so, shall be punished as provided in subsection (b).

Given the experience of human negation and nullification and the persistent invalidation of African cultural moorings, the slave trade experience should be defined as a system of ethno-cultural genocide.
III. MEMETIC ANALYSES OF THE SLAVE TRADE EXPERIENCE

Memory is generally thought of as something that individuals have going on “Inside” their heads. Memory is (1) the capacity to retrieve stored information; (2) the ability to perform learned mental operations; (3) the sensory (semantic & imagistic) content of recollection and (4) the location where recollections are stored (cf. Schacter, 2001). In general, memory is thought of as having several referential schemas, all of which are located in the mind. The conventional notion of memory being stored or located within the mind of each individual is somewhat problematic. Within western thought, Durkeim’s notion of a “collective consciousness” is closer to an African understanding. Durkeim suggest that rather than individually-based memory, the recollection of a shared past, retained by a group who experienced a common past, could be defined as collective memory.

There remain, however, epistemological limitations with this notion of collective memory. In relation to spirituality, sensoria are not only or exclusively located or experienced in the mind nor are they the aggregate collection of individual recollections. It is, however, a fuller appreciation of the sensory content of recollections that can bridge our understanding of the meme(ry) of slavery. The area of memes and memetic analyses may have some utility in understanding the impact of slavery. Memetics, in this regard, will be utilized to reframe our understanding of the psychological impact of the TransAtlantic Slave Trade Sytem.

Dawkins defines memes as a unit of cultural inheritance that is naturally selected in virtue of its phenotypic consequence on its own survival and replication in the cultural environment (1989). The meme itself is a unit of information residing in the brain (Dawkins, p. 109). Its phenotypic effects are the external consequences of the memetic information. Words, skills, behaviors, etc., he suggests, are the outward and visible manifestations of the memes within the brain, which are transmitted between individuals via the sense organs. Memes use their possessor’s communication and imitation skills in order to replicate themselves and by influencing the world in which their possessor dwells increase their chances of survival.

I have some concern with Dawkins locating the meme’s residence in the brain. Clearly, the concern for distinguishing between the brain and the mind makes this location problematic. Are memes found in the brain or in the mind? And where is the location of the mind? Without resolving this dilemma, I want to suggest or offer an expanded meaning or clarification of meme. Let us think of memes as any contagious sensorial information structure. By sensorial information structure, I mean any contagious information pattern, in the form of symbols, sounds and/or movement, that is capable of being perceived by any of the senses and replicate by symbiotically infecting the human being’s mind and thusly, altering behavior so as to propagate itself. With this broader clarification of the definition of meme, any of the senses can be the location of a meme and thusly serve to alter human conduct.

As sensorial information structures, memes need to be able to pass on from one generation to the next, while preserving their core content or meaning and capacity to preserve the altered behavior. Many believe that imitation is one of the most obvious methods by which cultural information spreads. It is thought that by observing another’s actions, one can learn (via imitation) to do what the other does or be as they be. Education (and indoctrination) on the other hand, is a more deliberate and systematic form of spreading information. Through education and/or indoctrination memetic information is shrouded with the intentionality of grasping consciously or
unconsciously a subject or acquiring certain information, ideas, values, beliefs, and behaviors that are valuable for future life performance and the promotion of one’s welfare and well-being.

Religion, political dogma, social philosophy or movements, aesthetics and artistic styles traditions, customs and every component of culture (behaviors, ideas, attitudes, values, habits, beliefs, language, rituals, ceremonies and practices) co-evolve and serve in symbiotic relationships as a meme-complex.

The terminology of Memetics allows us to further excavate the process of enslavement and to isolate its lingering effects as components or precise features of psychic terror as evidenced in the shattering of African consciousness and identity. As noted the “meme” or sensoria- information structure is any contagious information pattern that replicates by symbiotically infecting human minds and altering their behavior causing them to propagate the pattern. These sensorial-information structures can be in the form of symbols, images, feelings, words, ideas, customs, practices or any knowable and perceptible item or substance. In memetic terminology a person or persons who has been successfully infected by a meme is called a “host.” What transmits these memes are called vectors. Technically a vector is medium, method, or vehicle for the transmission of memes and almost any communication medium can be a memetic vector. In the language of memetics, there are also the notions of bait and hook. The hook is the part of the meme complex that encourages internalization and replication. It serves as both the attractant and the logical consequence of the meme content. The bait is the part of the meme complex that promises to benefit the host as a result of the altered behavior. The bait, in effect, justifies or urges the replication of the infected mind by the rewards or reinforcements given to or associated with the altered behavior or beliefs. Within a meme complex there are images, ideas, beliefs, feelings, etc., that hang or cluster together and mutually reinforce or evolve to assist in the infection process. These co-memes or what is called symmeme symbiotically co-evolve and strengthen the contamination of the infected mind. Infection due to symmeme is more difficult to resist. Combined, the law, science and art become a sadistic slavery symmeme or America’s SSS.

Memes are contagious. Any strategy or process used by a meme to encourage its host to repeat the meme to other people is called replication or infection. Memetic infection is the result of the successful encoding of a contagious information pattern in the memory of a human being. A memetic infection can be either active or inactive. It is inactive if the host does not feel inclined to transmit the meme to other people. An active infection causes the host to want to infect others.

The fundamental question for the memetic analyses of the slave trade is to re-interrogate the TransAtlantic Slave Trade System as a meme-complex. In so doing, our goal is to determine the specific ideas, symbols, feelings, etc. that served as sensoria-information structures that infected the African mind, altering our consciousness and identity and thereby behavior, causing us to, in turn, propagate the new pattern. What specific patterns of beliefs and behaviors can we attribute to memetic infection?

Memetics would in fact suggest that the contagious information pattern that replicated itself via infecting the minds of the enslaved African was an identifiable complex of ideas and experiences that supported the belief that the African was chattel and void of human value and worth. Supported by this memetic infection, the only behaviors and beliefs allowable were those representing dependency, inferiority, passivity, servility, meekness, obedience and fearfulness.
The Slave Codes, the arts and the sciences will be re-interrogated as mechanisms that spread the memetic information or infection and served to alter African consciousness, identity, behaviors and beliefs. They will also serve to illustrate how these mechanisms supported memetic ideas within the immense complexity of the American Slaveocracy and thereafter.

What is, however, essential to our full understanding of the lingering effects of enslavement is the retention of African sensoria-information structures, which served as counter memetic complexes, which served as inoculations and/or immunities to infection. These will not, unfortunately, be discussed in this treatment of the TransAtlantic slavery.

Any reading of the Black Codes demonstrates that their goal, objective and intention was simply the dehumanization of African people and the recreation of the African as chattel. The results of which were supposed to be a creature characterized by an overwhelming inferiority complex, slave mentality and universal master-slave dependency. It is the ultimate hypocrisy of modern times that by the time this country was born in 1776, this new nation of “life, liberty and the pursuit of happiness” had spent close to a century legally defining the African as being outside the sacred boundaries of humanity.

Modeling their civil society on the legislative order found in Barbados and Jamaica, the American colonies simultaneously crafted (1) language for establishing the new nation’s “self-evident truths of equality and inalienable rights to freedom” and (2) language for depriving African people as unequal and less than human. Parenthetically, the schizophrenia of the American mind is the unexamined lingering and festering aspect of the slave trade experience. Notwithstanding, the 1700s was an era of legislating African dehumanization.

A memetic rendering of the Black Codes is rather informative. When one critiques the Black Codes as instruments of memetic infection, resulting from sensorial information structures with vectors, baits and hooks, the psychological impact is made very clear. Remember, as sensorial information structures, memes take the form of beliefs, attitudes, ideas and behaviors that pass from one generation to the next while preserving their capacity to alter behaviors, beliefs and ideas as well as consciousness and identity.

The Black Codes, as an essential instrument in the treatment and defining of the enslavement experience, served simultaneously as vectors, baits and hooks for the memetic infection and alteration of African consciousness and identity. In codifying what was right, proper, correct and good, these laws prescribed and proscribed the meaning and treatment of the captive Africans. These codes were designed to restrict and control the Africans’ space, time, labor, mobility, bonding and identity and reinforced the idea and belief that the master had enormous power.

Starting with the Barbados Slave Act of 1661, one can clearly see that the legislature judged the old slave laws, which implicitly sanctioned slavery, to be defective in their application to the behavior of the slaves who were described as "an heathenish brutish and an Uncertaine dangerous Kinde of people" who ought to be strictly disciplined and policed through formal statutory regulations and not left to the "Arbitrary cruel and outrageous wills of every evill disposed person."
Perhaps the most striking feature of the Barbados Slave Act of 1688 was not a specific law, but the preamble, which was a more elaborate justification of why special laws were needed for slaves than those provided in the 1661 slave act:

Whereas the Plantations and Estates of this Island, cannot be fully managed and brought into use, without the labour and service of great number of Negroes and other Slaves: And forasmuch as the said Negroes and other Slaves brought unto the People of this Island for that purpose, are of barbarous, wild and savage nature, and such as renders them wholly unqualified to be governed by the Laws, Customs and Practices of our Nation: It therefore becoming absolutely necessary, that such other Constitutions, Laws and Orders, should be in this Island framed and enacted for the good regulating or ordering of them, as may both restrain the disorders, rapines and inhumanities to which they are naturally prone and inclined, with such encouragements and allowances as are fit and needful for their support; that from both this Island through the blessing of God thereon, may be preserved, His Majesty's Subjects in their lives and fortunes secured, and the Negroes and other Slaves be well provided for, and guarded from the cruelties and insolences of themselves, or other illtempered People or Owners.

An analysis of the memetic infection associated with just the preamble reveals a complex of ideas that redefine the meaning of being African. The memetic ideas and beliefs found in the preamble suggest that (1) Africans are barbarous, wild and savage (2) the law must be used to “regulate and order” the savage; (3) Africans are naturally prone to disorder, rapines and inhumanity and (4) Africans must be guarded from their own cruelty and injustice. It is important to note here that the host for the memetic ideas found in the preamble and thought of the Codes was as much the White planter class as it was the enslaved Africans.

As “memetic infections” resulting in the shattering of African consciousness and the fracturing of African identity, one is able to find the foundational ideas that support the inhumane treatment of African people.

Clause #1 (prohibited masters, overseers, and other Whites in authority from allowing slaves to leave the plantation on Sunday or any other day, but this did not apply to slaves who were personal attendants, who should be given tickets or passes specifying when they left the plantation and when they were to return. Other slaves might be allowed off the plantation only if they were sent on necessary errands, in which case a White person or the overseer should accompany them with a ticket or pass. Infraction of this law carried a fine. The same applied if masters or others in charge of the plantation neglected to seize and whip moderately any slaves not belonging to the plantation who were found there without a pass)

This clause establishes the memetic idea that the African must always be supervised by Whites.

Clause #2: (Harsh penalties were imposed on slaves who "shall offer any violence to any Christian as by striking or the like." In any case, a slave who laid violent hands on any White person was in serious trouble. For the first offence the penalty was a severe whipping; a second offence brought not only a similar whipping, but also sitting of the slave's nose and branding on the face; such "greater corporal punishment" as the justices thought appropriate came with a third offence. None of this applied, however, if the slaves acted to defend their masters or their families and goods)

The clause served as the memetic hook part of the memetic complex, which encouraged Africans to internalize the idea that they should only be obedient to White authority. In making explicit that no punishment would come to any African who acts or behaves in defense of their masters, this same clause also serves as memetic bait by promising relief and reward for loyal (altered) behavior.

Clause 9: If a master killed, wounded, or maimed his slave during punishment, he was not held accountable. But if the slave met such a fate because of the master's malicious and willful action, the master faced a fine; so too, if the slave belonged to another person, when the offender was to pay double the value of the slave to his/her owner, and also pay a fine and be bound to good behavior for a period to be set by the governor and council.
In this clause the infectious idea is that African life is not of equal value to White life and that African life is not actually human life. The African is equal to things or property.

Clause #12: (Slaves were encouraged to capture and return fugitives)

The infectious ideas found in this clause plants the idea that Africans should place the interest of White people before their own. Serving as both bait and meme, clause #12 inserts the idea that Africans should be loyal first and foremost to their masters and that such “altered” behavior will be rewarded.

The memetic idea that Africans are less than human is found throughout the slave codes, i.e, Virginia Slave codes of 1705.

Articles II: Be it enacted, by the governor, council and burgesses of this present general assembly, and it is hereby enacted by the authority of the same; That from and after the passing of this act, all negro, mulatto, and Indian slaves, in all courts of judicature, and other places, within this dominion, shall be held, taken, and adjudged, to be real estate (and not chattels;) and shall descend unto the heirs and widows of persons departing this life, according to the manner and custom of land of inheritance, held in fee simple.

Article IV: Provided also, That all such slaves shall be liable to the payment of debts, and may be taken by execution, for that end, as other chattels or personal estate may be.

Article V: Provided also, That no such slaves shall be liable to be escheated, by reason of the decease of the proprietor of the same, without lawful heirs: But all such slaves shall, in that case, be accounted and go as chattels, and other estate personal.

While recorded as strategies to break the resistance of the African, in actuality, the Codes were tools of memetic infection designed to make the African believe that their treatment was evidence that they were creatures outside the boundaries of human accord. The management and the making of a slave techniques codified in the Louisiana Codes of 1774, (see articles XIII, XXII, XXVII) establishes the total domination and control of the African regardless of location of their enslavement or ownership and furthermore gives authority over the enslaved African to every and all White people.

ARTICLE XIII forbids slaves belonging to different masters to assemble in crowds, by day or by night, under pretext of weddings or other causes, either at one of their masters or elsewhere, and still less on the highways or secluded places, under penalty of corporal punishment, which shall not be less than the whip and the fleur-de-lys; and in case of repetition of the offense and other aggravating circumstances, capital punishment may be applied, at the discretion of the Judges. It also commands all subjects of the King, whether officers or not, to seize and arrest the offenders and conduct them to prison, although there be no Judgment against them....

ARTICLE XXII declares that slaves can have nothing that does not belong to their masters, in whatever way acquired.

ARTICLE XXVII
The slave who will have struck his master, his mistress, the husband of his mistress, or their children, either in the face or resulting in a bruise or the outpouring of blood, will be punished by death.

The idea that all White people have authority and power over Black people is a “meme” that infects the attitudes of both White and Black people. It is a lingering effect of slavery and the slave codes.

The Georgia Codes of 1848 infected the enslaved Africans with the idea that on the threat of death, their own self-preservation was subject to the interest of White people.
Article 10
If any slave, Negro, mustizoe, or free person of color, or any other person, shall circulate, bring, or cause to be circulated or brought into this state, or aid or assist in any manner, or be instrumental in aiding or assisting in the circulation or bringing into this state, or in any manner concerned in any written or printed pamphlet, paper, or circular, for the purpose of exciting to insurrection, conspiracy, or resistance among the slaves, Negroes, or free persons of color of this state, against their owners or the citizens of this state, the said person or persons offending against this section of this act, shall be punished with death.

This sense and respect for the master’s or white people’s enormous power can be seen as a memetic infection that when internalized and replicated damages the African’s own sense of consciousness and identity relative to personal and collective value and power. The idea of Black people being undesirable and unwanted beyond the conveniences of labor was encoded as a memetic infection in the Florida Black Code of 1886.

Sec 14. Be it further enacted, That if any negro, mulatto, or other person of color shall intrude himself into any religious or other public assembly of White persons, or into any railroad car or other public assembly of White persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of White people, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, at the discretion of the jury; nor shall it be lawful for any White person to intrude himself into any religious or other public assembly of colored persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of persons of color, under the same penalties.

The Illinois Constitution of 1818 was essentially opposed to slavery.

Article 6, Section 1. Neither slavery nor involuntary servitude shall hereafter be introduced into this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, nor female person, arrived at the age of eighteen years, be held to serve any person as a servant, under any indenture hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received or to be received for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or if made in this state, where the term of service exceeds one year, be of the least validity, except those given in cases of apprenticeship.

However, the Illinois Black Code of 1853 required any Black entering the state and staying more than ten days to pay a fine of $50. If he could not pay, they could be sold into slavery for a period commensurate with the fine. It was a misdemeanor for a Negro to move to Illinois. In so doing Illinois established a backdoor enslavement by fining and/or enslaving Blacks who stayed too long in the state.

As both memes and memetic hooks, the Slave Codes were designed to encourage the internalization of chattelhood and the replication of behaviors and beliefs consistent with master-slave dependence. They required perfect and complete submission to the will of the master, treatment as perpetual children or infantilization, and the elimination of any resistance to servitude or enslavement. The symmeme of incomprehensible violence, harsh unjust punishment, physical dismemberment, random whippings, rape and sodomy, and arbitrary unpredictable killings and death were made legal in these Black Codes. To the extent that the Black Codes resulted in Africans internalizing the belief that only White or European things should be respected and desired or that they should not make any trouble and acclimate to slavery (be a good slave), the code itself also served as a memetic bait that promised the Africans that they would benefit from being like White people or their masters.

In the psychology of oppression, Bulhan makes a convincing argument that in controlling a people’s ability to (1) move about freely (mobility); (2) shape and determine the nature and aesthetic of one’s spatial ecology (space); (3) use of time as desired to engage in social and reflective action (time); (4) shape and determine events and activities according to their own image and interest (energy); (5) structure relationships based on the recognition
and respect for one's common culture and historical interests (bonding); and (6) recognize the sense of one's being and the nature of one's human authenticity (identity), oppression and domination can and does (re)define, determine and substantiate a people’s psyche (consciousness and identity) (1985).

The Black Codes as “memes” served as instruments of contagious information that symbiotically infected the minds of the enslaved and master class and altered attitudes, beliefs, values, images, interests and behaviors. For the African, the altered attitude was one of infantilization, dependency and subservience to Whiteness. The altered belief was that everything European or White was superior and better than things African. The memetic infection resulted in Africans internalizing a value system which denied the innate worth of anything African and blind acceptance of the inviolate inferiority of being African with the rejection of African aesthetics and imag(ination) and requisite preference for the European. The domination and oppression supported by the Black Codes also resulted in Africans finding great difficulty in believing in and working on behalf of the collective or common interests of African people. The fundamentally altered behavior is dependency on other to do for self; the unconscious inclination to defend one’s oppressor; and assist in one’s own oppression.
III. THE LAW, ARTS AND SCIENCES AS INSTRUMENTS OF RUPTURE AND TERROR

In regards to the question of the psychological rupture of African identity and consciousness, at least three domains of inquiry are informative. The law, the arts and the sciences, particularly psychology and education, are critical to unpacking the psychological impact of the slave trade experience. An examination of the law is important because the law codifies and defines by regulation that which is right and proper. In so doing, the law verifies and validates what it means to be correct and good. An excavation of the Black Codes, as exemplars of the law, will reveal the deliberate, intentional and systematic legal assault and attempted undoing of the identity and consciousness of African people. The arts, in a very real sense, while dealing with notions of the aesthetic, describe and define what is real and beautiful. In describing reality, the arts also simultaneously prescribe what should exist, how things should appear and what should be respected. The role the arts, particularly literature and film, played in (re)defining the meaning of being human for African people and the acceptance and legitimization of the master-slave relationship will also be illustrative of the impact of the enslavement experience. Finally, and most essential to this investigation, the roles of the sciences, particularly psychology and education, will be examined relative to their utilization in redefining and falsely validating the notion of African inferiority. What will be demonstrated in the examination of all three domains is that the forced imposition of Euro-American thought and belief resulted in the constant and continual attempt to replace African meanings and conceptions of reality with Euro-American conceptions. These areas of inquiry could be better stated as instruments of psychological rupture.

The Law: The Black Codes

Power is the ability to define reality and to have other people respond to your definition as if it were their own (Nobles). The process of enslavement was, in great part, a question of power. The enslaved becomes exploitable to the extent that they accepted their meaning as slave. Accordingly, the task of African enslavement and colonialization, was bound in the Euro-American’s (and Arab before them) ability to dominate, exploit, co-opt and control African peoples’ meaning of reality. Conceptual incarceration, in fact, was and is the requisite condition of African enslavement. The attempt to replace (and/or deny the existence of) African thought with Euro-American thought and beliefs about African people was (is) the first and most significant negative impact of the enslavement experience. Enslavement required a mental shift in the African’s fundamental meaning of reality and its requisite human relationships. In effect, the invader had to get the invaded to accept the invader’s definition of reality.

In undertaking this analysis, it is also extremely important to understand how the rupture and shattering of African identity and consciousness has complicated both our ability to critically respond to enslavement and its lingering effect as an experiential condition (political) and our on-going ability to understand the impact of the enslavement experience as an intellectual exercise (scholarship).

The sole purpose of the penal slave laws, better known as the Black Codes, was to control and dictate future behavior. The codes were organized, in terms of structure and content, to be as comprehensive as possible on the
basis of at least four prevailing perceptions of the captive African:

1. status as property
2. striking difference in culture
3. numbers
4. rebellious behavior

On this foundation, the Barbados gentry constructed a superstructure of slave laws, most of which included a well-defined "criminal law of slavery, specifying categories of slave crime and appropriate trial and punishment."

The clauses within these Codes specifically covered relations between all Whites and enslaved Africans; relations between masters and their enslaved Africans; the non-criminal disciplining of enslaved Africans; the criminal disciplining of enslaved Africans; and the protection of enslaved Africans. In effect, while defining relations and providing protections, the law simultaneously stripped Africans of their humanity and redefined the African as chattel. It is this last consequence (the dehumanization of African people) that is most relevant to this discussion.

Implicated in several slave codes, were instances where slaves were rewarded by law if s/he would collaborate against fellow Africans. Another interesting factor of these particular slave codes was that for every intellectual or spiritual offense, the enslaved or free African would receive harsh physical punishment. Other enslaved Africans were always present when offenses could possibly lead to an insurrection. Thus, these laws were to make slaves content with their condition. Through the Black Codes, Whites routinely indoctrinated slaves and free Africans to assure a sense of hegemony in Blacks. These laws were designed to assure protection for the planter class and to insure that the enslaved Africans understood that there was no escape from their condition.

The soul of the TransAtlantic Slave Trade Experience was encoded in the Black Codes which gave legitimacy to a complex set of intentions, imaginations and consequences in the service of making the African chattel. The intentions and imaginations gave birth to a rigid unyielding sensorial information structure characterized by the following:

- Incomprehensible violence
- Harsh punishment
- Physical dismemberment
- Random whippings & rape
- Arbitrary death & killings
- Breaking down resistance
- "Civilized" to respect only Europeans
- Acclimation to enslavement
- Random acts of brutality
- Perfect & complete submission
- Infantilization
- Minimize resistance to servitude
- Under constant direction & scrutiny
- Establish & maintain strict discipline
- Instill consciousness of personal inferiority
- Capricious evil acts as punishment (from rape to family separation to killings)
- Sense & respect for master’s enormous power
- Interest & devotion to protecting master’s well-being & welfare
- Perfect dependency as habitual
- Restrict & control mobility
- Total behavioral control (reward/punishment)
- Perpetuation social distinctions
- Instillation inferiority complex
- Harsh plantation life normalized
- Master-slave roles ordained by God
- Control every aspect of life
The Arts & White Literati

As mentioned earlier, the arts do not only concern themselves with the aesthetic. They also, more importantly, define and describe what is real and beautiful. In so doing, the arts simultaneously prescribe what should exist, how the real should appear and what in reality should be respected. While the meaning of the arts has changed our time, in this discussion I am only including literature, painting and film as the arts of interest. The arts, particularly literature, painting and film, played a critical role in (re) defining the meaning and purpose of the African.

The white literature, especially cast the African in a subservient and inferior position vis-à-vis White people. The works of Thomas Dixon, Thomas Nelson Page, Joel Chandler Harris, and J.W. Griffith are especially informative.

Joel Chandler Harris was born in Eatonton, Georgia in 1848. He wrote the Uncle Remus Stories (including *Uncle Remus: His Songs and His Sayings, The Folk-Lore of the Old Plantation* (1880), *Nights with Uncle Remus* (1881 & 1882), *Uncle Remus and His Friends* (1892), and *Uncle Remus and the Little Boy* (1905)) based on enslaved Africans’ oral story traditions. In using our dialect and trickster philosophy (Brer Rabbit), his work was considered revolutionary. Harris gathered the dialect he heard on the plantation and the stories told by the enslaved Africans and marketed them to White people. He introduced the icon of the old Black person who was the best friend to White people, especially little children. In effect Harris stole and destroyed the character and voice of Blackness and may be considered the first White person to take Blackness and bring it to White people. His Remus stories have been translated into twenty-seven languages.

By instilling in African people the idea that our indigenous language and speech patterns were bad, incorrect and unsophisticated, the tangential effect was that we began to see ourselves as inferior. Language is an abstract system of rule governed symbols and sounds representing a human community’s cultural substance’s synthesis of their concrete conditions as filtered through their screens of human consciousness. Once you define a people’s language as inferior or non-existent, you in effect simultaneously claim that their notions of what it means to be human and their human responses to the world are also inferior, inadequate or non-existent. By attacking our language, 19th century science and art combined forces to simultaneously support our dehumanization. The stealing of the African oral story telling tradition and couching them in negativity has lingered to this day. The Africanization of English speech was reduced to an inferior dialect. In effect, the negation of African language and demeaning of our way of speaking is a lingering effect of enslavement. Supported by the literary arts of people like Joel Chandler Harris, the distortion and/or corruption of our mother tongue has been and is one more instrument in the shattering of consciousness and the fracturing of identity.

Thomas Nelson Page was born at Oakland Plantation in Hanover County Virginia in 1853. He was the great-grandson of Thomas Nelson (1738-1789) and of John Page (1794-1808) both governors of Virginia and Thomas Nelson a signer of the Declaration of Independence.

Page wrote stories demeaning Negro life and character. His “meh lady,” “Unc Edinburgh’s Drowndin” and Ole Stracted” were published as a collection of short stories in “Ole Virginia” and are considered the quintessential
work of the plantation tradition genre. He served under Woodrow Wilson as the U.S Ambassador to Italy for six years (1913-1919).

Born in rural North Carolina a year before the Civil War ended (1864), Thomas Dixon Jr. was a lawyer, state legislator, real-estate speculator, and movie producer. During his lifetime he was the personal friend and confidant to three U.S. presidents as well as John D. Rockefeller. The major themes found in Dixon’s work were the need for racial purity, the security of the family and later in life the evil of socialization. In *The Leopard’s Spots* (1902), *The Classmen* (1905) and *_traitor* (1907), Dixon presents racial conflict as an epic struggle with the future of civilization at stake. He argued through these works, which became known as the Klan trilogy, that Blacks must be denied political equality because it would lead to social equality and miscegenation which in turn would lead to the destruction of both the White family and civilized society. Throughout his work he depicted the White southern woman as the pillar of family, society and the repository of human idealism. The movie the *Birth of a Nation* was based on his book, *The Classman*.

Edward W. Kemble was born in 1861. He served as an illustrator and cartoonist for many periodicals of the time. He is best known for his illustrations in Mark Twain’s *Huckleberry Finn*. The original edition of *Adventures of Huckleberry Finn* contained 174 illustrations, by Kemble. Kemble could only afford to pay one model to pose for all the characters in the novel. His various images of men and women, whites and Blacks, quality folk and loafers were thus largely drawn from his own ideas of what these different kinds of human beings should look like. Kemble’s imagination regarding blackness depicted African people in a grotesque, demeaning and unattractive ways. His imaging lingers up to the present. From the *Adventures of Huckleberry Finn* to Walt Disney’s *Song of the South* to *The Little Rascals* to superstar entertainers from Al Jolsen to Bert Williams to Ted Dansen to Mos Def to “ordinary” white kids.
D.W. Griffith was born in Kentucky in 1875. His father was a Confederate Civil War veteran. His father died when Griffith was 10-years-old leaving Griffith and his mother in poverty. From early life, Griffith wanted to be a great play master. He began his work in motion pictures in 1907 and soon there after joined the Biograph film company of New York. He directed hundreds of one-reel films. Griffith climaxed his years at Biograph with his first feature film, *Judith of Bethulea* (1913) an apocryphal story of an ancient Jewish heroine. With the feature film the *Avenging Conscious*, Griffith established the motion picture as a dominant narrative medium in the 20th century. With the assistance of Frank R. Woods, he quickly followed up with a film adaptation of *The Clansman*. Released in early 1915 as *The Birth of a Nation*, this unprecedented 3-hour film premiered in Los Angeles, New York, and after a special White House screening, the president of the United States, Woodrow Wilson, reportedly exclaimed that the film was like “writing history with lightning.” Griffith told a history of southern whites being rescued by the Klu-Klux Klan from vengeful northern carpetbaggers and White women being raped and ravaged by savage ex-slaves now union soldiers.

The filmmaker Griffith introduced many of the standards of the film industry; i.e., “the cast of thousands” and wipes and dissolves for transitioning scenes. He also permanently embedded in the minds of America images and ideas about African people that have become the standard menu for the meaning of blackness.

The main messages of the film were the distortion of (1) slavery, i.e., it was not that bad of an experience; (2) the cause of the Civil War; i.e., it was a fight for the humanity and freedom of Black people with good White people risking their lives to save Black people; and (3) that Black people were valuable as long as we remained loyal to White people. The film also introduced as icons the Black stereotypes of the Black mammy, Uncle Tom, buck, brute and tragic mulatto.

The blatantly racist presentation *Birth of a Nation* produced images and themes that have become the seed of stereotypes regarding the humanity of Black People. Nurtured by the mindset of white literati, the lingering effects of just this film alone are tremendous. There is a scene in *Birth of a Nation*, where it shows the enslaved African singing and dancing to the tune of Camptown Races during their so-called two-hour dinner.
First the alleged two-hour dinner break, gives the idea of some sort of humanity from the slave owner and that slavery was not that bad of an experience. Secondly Camptown Races is the song about some broken down racehorse, suggesting that Black people are no better than any other livestock. The love theme for Birth of a Nation “Elsie Stoneman’s Theme” was re-titled “The Perfect Song,” and was used as a theme song for the radio and television versions of Amos and Andy. In effect the subliminal background music in this film became the perfect song for the prime time television show, which was overtly designed to continue the denigration of Black people.

The lingering effect of those images and tunes was how the juxtaposition of singing and dancing for dinner became the popular basis for the fast food commercials of the 1970s. Almost unrecognized is the media message that white folks quietly order their food with “May I have a burger and a shake, please,” while Black folks are seen jumping up and down to the tune of some catchy music while saying “I’m hungry good God; gimme some food.”

The visual print arts were equally damaging. Visual art with images, symbols, and icons have been used as a prime method to observe and convey our meaning, value, and understanding about the world and how we live in it. Particular visual formations and creations transmit our knowledge and perception about the world, carrying certain representations and definitions within the image. The representation or definition rules the meaning of the image thus dictating how others analyze the art or image. It places European and Asian people at the top, telling the viewers that they are indeed the higher or more civilized race of people, while Africans are at the floor. The European image has a bigger skull, dressed in a suit, and is simply more developed. This particular illustration places African peoples at the bottom of all races, comparing them to apes. They are portraying that Africans are more primitive, ape-like, and savage when being compared to the European or Asian culture. This image shows an ape’s mouth and nose, and tries to describe the similarity that Africans share with apes. More European looking Africans are placed higher on the hierarchy, having straighter hair or smaller features (see Thinking about Culture and Development (p. 17), Hierarchy of Races, 1850). It damages African value and understanding of self and their people. This image is supposed “proof” that Africans are animalistic and Europeans are not, projecting that image and message to the rest of the world. It is damaging and destructive to African peoples consciousness and identity.
Women have been a major example of certain values, meanings, and roles being forced upon viewers through the images in art. Throughout euro-centric art, women in general have been depicted for their sexuality and submissiveness. Low-class European women are generally depicted as the prostitute, sex-for-money image with her value being for eroticism, sex and the pleasure of men. African women have been given a sexually deviant, dominant and servitude image. Her meaning being depicted as being valuable only for sexual services and pleasure and/or labor and household services. But even with the lowest-class of European women, the African woman is still her slave. (Portrayed in Édouard Manet’s 1863 *Olympia*).
Manet’s _Olympia_, for instance, pictures both the (1) weaker sexualized White woman and (2) negative Black woman submissive image. The White woman sits with her legs crossed, a tie around her neck, and her hand covering her vagina, revealing her sexuality. The Black Woman submissively stands ready to serve. This visual art piece clearly depicts the Black woman as a servant. This, in fact, is the classic image given to Black women in the nineteenth century. This image imposes the negative idea that her central functions are serving and sexualizing a society; men and women. It is also worth noting that even while being low-class or even a prostitute, the European woman still has a slave or is worthy of having a slave. The Black woman slave is an image that has passed through generations to both African and European people.

Gilman (p. 209) points out the longstanding use of the image of the Black servant to sexualize society. In fact, the central function of the Black servant in the visual arts of the 18th and 19th centuries was to sexualize the image in which Black people were included. For well over two centuries, the simple inclusion of figures of Black servants anywhere in the art marked or stimulated in the imagination of white people the presence of illicit sexual activity. By the 18th century the sexuality of Black men and women became the icon for deviant sexuality in general. Eighteenth century thinkers argued that African people had a “lascivious,” ape-like sexual appetite and even went so far as to claim that Black women had to copulate with apes in order to achieve sexual satisfaction. The sexuality and beauty of Black people was placed in an antithetical position to that of white people. Eighteenth century science supposedly confirmed this notion by rooting the difference in sexuality in a unique and observable physical difference between Black and white people that was simultaneously correlated with the pathological and the normal. The common scientific view, in this regard, was that the sexual nature of Black women and their voluptuousness had developed a degree of lasciviousness unknown to White people as evidenced by differences in their respective sexual organs. Writing in the Dictionary of Medical Sciences, J.J. Virey identified the Hottentot woman as the epitome of sexual lasciviousness and argues for the recognition between her physiology and physiognomy, which he describes as her skin color, hideous form and horribly flattened nose (Virey, 1819). He believed, her physiology and physiognomy makes her and by extension all African people inherently deviant.
The case of Sarah Baartman is by far the most representative of the merging of art and science to validate the inhumanity of African people. Sarah Baartman, known as The Hottentot Venus was an African woman from one of the most ancient civilizations of the Khoikhoi tribe. Among her people, she was not considered abnormal, disgusting, or even fanatical. Born in 1789 in the vicinity of the Gamtoos River in the eastern Cape of South Africa, she was orphaned in a commando raid and made a servant to the Dutch farmer family of Peter Cezar. It is claimed that Cezar’s brother, Henrick suggested she travel to England for an exhibition where she could become wealthy. It is more likely that she was misled and deceived. In 1810, a British naval surgeon, William Dunlop, took her to London, where she was put on display as “scientific” evidence of the 19th century theory of racial hierarchies and sexual deviance. The scientific obsession with proven African inferiority was supposedly evidenced in this child of Africa. The evidence was supposedly found in her anatomy. The scientist of the time claimed that Sarah Baartmaan’s elongated labia minera (genitalia) and steatopygia (protruding buttocks) were proof of the Africans’ closeness to lower animals on the phylogenic scale. Sarah Baartmaan was examined, prodded, probed and some say prostituted to Europe’s intellectual elite. Equated with lower human forms and freaks of nature, Sarah Bartmaan was first paraded throughout the so-called halls of science and then hired out to traveling freak shows2. She was displayed as both a savage beast and wild specimen and presented to the scientific world as evidence and proof that the African was the missing link in the great chain of being. She was taken around England to show publicly her unusual anatomy. She was exhibited for what Europeans considered to be a large buttock, strong body shape, puckering lips, and different genitalia. Her handlers or captors actually commoditized her body parts and charged visitors extra fees for the “privilege” of actually touching her buttocks.

The exhibition of Saartjie Baartman in Europe between 1810 and 1816 was the subject of numerous editorial cartoons and handbills.

She was later taken (most likely sold) to Napoleonic Paris where an animal trainer exhibited her under extremely inhumane conditions for fifteen months. During her time in Paris, Sarah Bartmaan was the subject of several “scientific” paintings at the Jardin du Ruy and died at the age of 26 in the winter of 1815.

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2 This became a common practice of “educating” the populace concerning African inferiority. Joice Heth, an enslaved African, was displayed by P.T. Barnum in 1836, Barnum quickly began to exhibit Joice Heth in Mr. Niblo’s dwelling house, and he soon began to travel with her throughout New England. Barnum wrote anonymous letters to local newspapers claiming that Joice Heth was not a human being. Carl Hagenbeck, inventor of the modern zoos, exhibited animals aside of human beings considered as “savages. Congolese pygmy Ota Benga was displayed in 1906 by eugenicist Madison Grant, head of the Bronx Zoo, as an attempt to illustrate the “missing link” between humans and orangutans. The 1931 Paris Colonial Exhibition displayed Kanaks from New Caledonia.[24] A “Congolese village” was on display as late as 1958 at the Brussels’ World Fair.
A French print entitled "La Belle Hottentot," depicts the Khosian woman standing with her buttocks exposed on a box-like pedestal.

An autopsy, more likely a specimen dissection, was conducted and the findings published by the leading French anatomist, Henri Marie Ducrotay de Blainville in 1816 and Georges Cuvier in the Memories du Museum d'Histoire Naturelle in 1817. Her skeleton, preserved genitals, and brain were placed on display in Paris's Musée de L'homme until 1974. Cuvier's autopsy notes are most revealing about his beliefs concerning the Africans' inferiority and primitiveness. He noted that, for instance, "she had a way of pouting her lips exactly like what we have observed in the Orangutan (Gould, 1981)." He also compared her buttocks to "the buttocks of mandrills and other monkeys" (Schiebinger, 1993) and stated, "I have never seen a human head more like an ape than that of this woman (Gould, 1981, p. 86)." To say a dignified autopsy was performed is misleading. She was treated in life and death with the disrespect and disregard of a captured animal.

Her body was divided and sold to natural museums. As noted, her brain and genitalia were put on display in Paris and her skin was stuffed and put on display in England (Schiebinger, 1993, p.171).

Sarah Baartman was not strange or irregular, but to European eyes, she was evidence of human deviance. It was in Europe where she was considered a piece of meat, literally an object, even to the point where she was not even thought to be human. Throughout her time in Europe, she was used in science and art to epitomize the African as the lowest form of human most resembling the lower forms of animal and as the sexual deviant similar to the prostitute. This representation continues the belief and idea of African inferiority and deviance.

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The Science: Psychology & Education

Beginning almost simultaneously with the introduction of Africans into the American colonies, psychiatry and psychology have assaulted the very humanity of African people. Psychology and education, in fact, serve as both a causative and lingering effect of African dehumanization.

Starting as early as 1797, Dr. Benjamin Rush, the father of American Psychiatry, declared that the color of Black people was caused by a rare, congenital disease called “negritude” which, in turn, was a derivative of leprosy. He added that the only evidence of a “cure” was when the skin color turned White. In effect the cure for the illness of being Black was to become White.

Dr. Edward Jarvis, a specialist in mental disorders, used the 1840 census, which purportedly proved that Black people living under “unnatural conditions of freedom” in the north were more prone to insanity, to conclude that slavery shielded Black people from “some of the liabilities and dangers of active self-direction.” Rush used the disease of “negritude” to justify segregation.

Publishing in the *New Orleans and Surgical Journal* (1851), Dr. Samuel A. Cartwright penned an article entitled, “Report on the Diseases and Physical Peculiarities of the Negro Race.” In this article he claimed to have discovered or identified two “mental diseases” peculiar to Black people which justified the enslavement of African people. The two diseases he called Drapetomania and Dysaesthesia Aethiops. Cartwright claimed that Drapetomania caused Black people to have an uncontrollable urge to run away from their masters. The psychiatric treatment for this disease was to “whip the devil out of them.” Dysaesthesia Aethiops affected the mind and the body and was evidence by disobedience, answering disrespectfully and refusing to work. The psychological cure or therapeutic intervention was to force the patient to undertake extremely difficult and hard labor, which, “sent vitalized blood to the brain to give liberty to the mind.” One cannot even estimate the degree of brutality and destruction unleashed against enslaved African people in the guise of curing their diseased minds.

Continuing this attack was no less a luminary than Sir Francis Galton. In support of White supremacy, Galton believed that judicious “mating” would give the more suitable races a better chance of dominating or prevailing over the less suitable races. Predictably, for Galton the least suitable of the less suitable was the African. In fact, in his book, *Narrative of An Explorer in Tropical South Africa* (Galton, 1889), he unashamedly asserts, regarding African people, specifically the Damara people, that “these savages court slavery… you engage them as servants, and you find that he considers himself your property, so you become [reluctantly, he implies] the owner of a slave.” Africans, he concludes, have no independence about them and follow their masters like compliant puppies.

This assault was further aided by the work of G. Stanley Hall (1887). Hall had a remarkable and singular impact on the development of American psychology. By 1893, he had supervised and shaped 11 of the 14 American PhDs in psychology. By 1898, 30 of 54 American PhDs in psychology were trained by him. His students included notable psychologists like Arnold Gesell, Lewis Terman, and four future APA presidents, James McKeen Cattell, John Dewey, Joseph Jastrow, and Edmund C. Sanford. Hall’s interests centered around child development and evolutionary theory. He was considered "the great teacher of graduate students during the first decades of American psychology (Hothersall, 1990)."

It is important, however, to also share his beliefs about African people. Hall was deeply influenced by the Malthusian doctrine. His philosophy reflected the essence of the Machiavellian theory, which also deals with the dichotomy of White and Black. Hall believed, for example, that “what is true and good for one is often false and bad for the other.” If we are allowed to reflect on the period in history in which Hall was born, we would see,

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3Hall had an ongoing battle with the cultural anthropologist, Franz Boas, regarding the capacity of Black people. Hall’s racism and perceived infringement on academic freedom resulted in Boas and a number of Clark’s faculty resigning in protest.
however that he had reached adulthood before the American system of slavery was abolished. With this in mind, we realize that Hall had internalized the myths and propaganda about racial inferiority, stupidity and laziness regarding those of African ancestry. In fact, in a blatant justification for slavery, and possibly in counter-position to the writing of a young Black sociologist named W.E.B. DuBois, Hall published a treatise on *The Negro in Africa and America*. In this work Hall states that:

> Among tribes of Dahomey,...and in the Fan, Felup Wolop, Kru, and other strips... sometimes resort to cannibalism, use an agglutinative speech, believe profoundly in witchcraft, are lazy, improvident, imitative, fitful, passionate, affectionate, faithful, are devoted to music and rhythm and have always practiced slavery amongst themselves."

Hall goes on to state as fact that “polygamy is universal, fecundity is high, and mortality great. Strong sex instincts are necessary to preserve the race. As soon as the child can go it alone, it begins to shift for itself. Stealing is universal and is a game and falsehoods are clever accomplishments.” The most influential maker of American psychologists goes on to say, “Our slaves came from the long narrow belt, not many miles from the sea...It is surprising to see how few of his aboriginal traits the Negro has lost, although many of them are modified” (Hall, 1905). Hall fervently believed that no two races differed more in their physical and psychological traits, as did the Caucasian and the African. In relation to his “recapitulation theory,” he accordingly considered Black people to be in a stage of incomplete growth. He also believed that heredity was the dominant factor determining educational capacity.

While discussing the historical role and responsibility of individual key shapers of Western psychology, like G. Stanley Hall, one should not reduce the problem to the personality flaws or conventions of persons of a bygone error. Hall is iconic and his thinking is typical of Western thought. The problem, therefore, is not grounded in personalities but in the cultural grounding from which they stand (and think). In another context, I noted that it was indeed unfortunate that the development of the discipline of psychology paralleled (and may have in fact assisted in) the establishment of Eurocentrism and White supremacy as a world order. As a consequence of this co-terminal development, I also noted that the question of what is authentic culture and how to understand and assess the human experience of other people have undergone continuous confusion, debate and criticism. What has been lost in this confusion is the fact that when the cultural substance or deep structure between two or more cultures stands in contradistinction of each other, what results is the failure to see the contradiction in their respective meanings of reality. This contradiction of meaning results in a state of cultural antimony.Implicit in the notion of cultural antimony is the paradox of Black education. The Euro-American belief now presented as objective scientific findings about African and African-American inferiority stands in contradistinction with the belief about African superiority which is also found in European historical consciousness. Because the intellectual atmosphere of negation and nullification supported by Western psychology has been so pervasive, it has been difficult to separate its culturally grounded conceptualizations, data and findings of Black inferiority from the contrary evidence, opinion and belief. The fact that the White community set about to develop scientific theories about Black inferiority does not change the state of antimony.

Dr. Fischer added to this devious and mean-spirited atmosphere of Black inferiority and mental deficiency. Fischer, the Director of the Kaiser Wilhelm Institute of Anthropology, Human Heredity and Eugenics used Psychology to justify the annihilation of Negro [sic] children (see Bruce Wiseman’s, *Psychiatry: The Ultimate Betrayal*, 1995). Fischer claimed that Africans were devoid of value and useless for any employment other than manual labor and servitude.

Dr. Paul Popenoe propagated the idea that Black intelligence was determined by the amount of White blood. He asserted that the lighter the Black person the higher his IQ and the darker the Black person, the lower his IQ (Popenoe, 1918). Popenoe concluded that the Negroes’ low mental estate was irremediable and since the Black people were eugenically inferior to White people, all Negroes must take into account the fundamental fact of their inferiority. The barbaric treatment (rape, murder, castration, brutality) of African people is chronicled throughout psychiatry.
Hence from 1797 to 1918 psychology has served the role of scientifically validating the idea of Africans as less than human or chattel. As a constant lingering effect, the inhumane treatment of African people and the pathologizing of Blackness has been clothed or shrouded in the guise of psychological pathology and Black inferiority.

**Education**

The mid-19th century philosopher and psychologist, Johann Friedrich Herbart (1776-1841) is considered by many to be the first voice of the modern era of psycho-educational thought. In many ways he paved the way for James, Hall, Dewey and Thorndike, the undisputed paternity of educational psychology. While given the accolade of being the grandfather and granduncles of educational psychology (Berliner, 2005), each of these men also reflected and represented the rabid and vulgar racism and classism of their time. William James, his student G. Stanley Hall, and Hall’s student, John Dewey all agreed that psychology had to take a major interest in education and that psychology was destined to be the master science of pedagogy.

In this regard, Hall, in particular, is of special importance in the formation of psychology’s relation to education and the grounding of educational psychology in racial objectification. Hall received the first doctorate in psychology in America at Harvard University under William James and Henry P. Bowditch in 1878. He began as a professor of psychology and pedagogics at Johns Hopkins University in 1882. When Clark University opened in 1889, Hall began as the president, and remained there until his death in 1924. As the first president of the American Psychological Association (APA) Hall theorized that Africans, Indians and Chinese were members of adolescent races and in a stage of incomplete growth. Hall’s thinking obviously influenced the development of professional psychology in America. His notion of adolescent races legitimized and gave rationale for Western psychology’s role and responsibility to intervene and save the adolescent races from the liabilities and dangers of freedom.

In 1890 and 1891 the leading White educators, missionaries, philanthropists and politicians, including Rutherford B. Hayes, former president of the United States, participated in the Mohonk Conference on the Negro Question (Barrows, 1969). Starting with the premise of African savagery and that slavery was a step up the ladder of civilization, America’s learned elite adopted an educational platform or strategy which aimed to complete the Negroes’ ascent to civilization by supplying teachers and preachers, who would be anointed as “leaders of the Negro race.” They would be educated in common English studies and in the English Bible (Barrows; 1969, p 109).

Clearly the stench of psychology and education’s racist underpinnings is a bold yet unrecognized lingering effect of the TransAtlantic Slave Trade Experience. The effect, in fact, continues up to the present. The publishing and popularization of racist attacks in the guise of scientific discourse like Murray and Herrnstein’s The Bell Curve (Herrnstein, 1994) are lingering echoes of the historical lie that African Americans are intellectually inferior to Whites, genetically disabled and unable to cope with the demands of contemporary American society. Psychology and Psychiatry’s assault on African American people has been and continues to be unrelenting.
African mental maps of being human, resulting from the Black Codes, the Arts and the sciences, were (are) essentially contaminated with kinds of Euro-American radioactive toxic waste ideas about being less than human, representing the negation and nullification of humanity and serving as the occupants of all demeaning roles and relations. For our captive ancestors (as well as ourselves) caught in this all pervasive web of nullification and negation, no longer were human relations reciprocal and mutually unfolding forms of energy validating the worthiness of be-ing. No longer was everything in reality seen as manifestations of spiritness or divine energy. No longer was life and living understood as spirit(ness) having a human experience. No longer was the human being seen as a continual and perpetual tri-fold unfolding of spiritness with unlimited possibility and potential.
27 Harris W.T. & H. Sawyerr. The Springs of Mande Belief and Conduct, Sierra Leone University Press, Freetown, P. 88. 1968


Shattered Consciousness & Fractured Identity

The Lingering Effects: The Distortion & Corruption of Identity and Consciousness
V. SHATTERED CONSCIOUSNESS & FRACTURED IDENTITY

Many recognize the significant role slavery played in the forging of the new world. However, what is less understood is the power of the sense of Africanity that served to forge the smelting of new world Black people’s cultural core under slavery and throughout its aftermath. European and Arab-controlled slavery resulted in a major derailment of Africa’s natural developmental trajectory. Human communities, like all living organisms, have a growth or developmental path and process that can be plotted. Africa’s developmental path in terms of human socialization, family life, education, ways of knowing God, patterns of governance, philosophical deep thought, scientific and technical inventions, were derailed by invasion and foreign domination.

Clearly slavery’s aftermath persists in the forms of racism, cultural domination and identity confusion throughout the world. It was and is an important determinant in the psychological development of African people in the Americas: North America, Central America, South America, the West Indies and Africa.

The Africans who were sold, kidnapped or stolen and brought to the Americas had to make sense or give meaning to the reality of a new place, status and people. In spite of the derailment, the only “mental map” that was available for them to navigate and give meaning to the new condition of bondage and barbarism was the mental map of being African. The African conception of being human defined being human as emi (spirit), ori inu (having a destiny from God), Ngolu (being a power and Na Ezaleli (to be mixed inextricably with one’s own essence). It was this essence or spiritness that made one human and gave each person an enduring relationship with the total perceptible universe. The mental map of being African is what served as the cultural filter and resistant to slavery and colonialism. It was the conception of one’s meaning as a container and instrument of divine energy and relationship that made the African unfit for enslavement unless de-Africanized.

The African world cannot be fully understood and accurately analyzed in the absence of an African-centered paradigm. In this regard, we concur with Sheila Walker, in noting that, “Contributions of Africans and their descendants to Pan-American life are so central and foundational that there is no way of discussing the Americas accurately and honestly without considering them.” The Declaration of the World Conference Against Racial Discrimination, Xenophobia and Related Intolerance in Durham, South Africa (see, United Nation’s World Conference Against Racism), affirmed that it is “essential for all countries in the region of the Americas and all other areas of the Diaspora to recognize the existence of their population of African descent and the cultural, economic, political and scientific contributions made by that population, and recognize the persistence of racism, racial discrimination, xenophobia and related intolerances that specifically affect them, and recognize that in many countries, their long-standing inequality in terms of access to, education, healthcare and housing has been a profound cause of the socio-economic disparities that affect them.” (United Nation’s World Conference Against Racism)

One must ultimately recognize the worldwide historical and contemporary processes that were designed to destroy and disrupt the human meaning of being African. The historical enslavement and contemporary exploitation of African people could only be successful if the African meanings of being human were erased or redefined. If and only when the African meanings of being human are removed from the center (Afrocentricity) of African peo-
ple’s consciousness can African people be permanently enslaved. This process of shattering African consciousness and fracturing Black identity is the key lingering effect of the enslavement process. It was and is a worldwide phenomenon integrally bound to the process of westernization. In this regard, the experience of Africans everywhere in the Diaspora was formulaic.

Cuba is a good illustration of the formula. Little that is Cuban can be divorced from its largely African roots. (McGarrity, Gayle, and Osvaldo Cárdenas. 1995. Cuba. In No Longer Invisible: Afro-Latin Americans.) However, Cuba today has been structured to intentionally eliminate racism without clarifying the distinction between racist beliefs and customs and the cultural integrity of the people victimized by racism. This is a complex issue. For instance, in understanding the issue of racism in Cuba, one must at a minimum distinguish between the interest of the Spanish (oppressor) and the agency of the African (oppressed). Yet, most analyses only speak to or through the voice of the dominating class. For example, what did the slave-owning class do to the enslaved, rather than what did the enslaved do to protect and project their humanity? Many scholars attempt to understand the Cuban experience in noting that the landowning class and slave-owning class of Cuba in fearing Spain’s possible capitulation to Britain’s pressure to end the slave trade, opted for annexing Cuba into the United States. The so-called reformists who were staunch defenders of slavery only wanted to renegotiate the colonial relationship with Spain to insure Cuba’s greater profit and benefit. In this vein, the reformists established a cynical policy that divided Black people into Blacks and Mulattoes, giving the Mulattoes special privileges, especially the gift of possible assimilation, as a means of gaining allies. The possibility of blanqueamiento or whitening, which resulted in Black people wanting to transform themselves into Mulattoes and the Mulattoes evolving into white people has so complicated the question of racism, race relations and the quest for human integrity, that scholarship on the presence and importance of African people as Africans has been rendered irrelevant and impossible. But what did the Africans actually do in response to this psychological warfare? For example, 70 percent of the Independence army of 1868 were Black people, even though some were defined as Mulattoes. Yet the role, influence and understandings of African consciousness of Black revolutionary leaders like Antonio and Jose Maceo, Guillermón Moncado, Flor Crombet and Quintin Bandera, on Cuba’s development has not been fully understood.

Many Afro-Cuban thinkers have suggested that in many ways Cuba’s history has been rewritten using the ink of blanqueamiento. It is noted for instance that Danzon, the historical dance of Black people that was viewed as evidence of savagery, has now gained respectability as the national (Cuban, white) dance form. African religions such as Abakua and Nago, which actually played crucial roles in the formation of Cuba’s revolution and nationhood, were transformed into witchcraft and ignorant superstition and later retransformed into cultural exotica, in the service of today’s emerging white tourist industry. The African cultural renaissance of the 1930s with the Afrocentric poetry of Nicolas Guillen and Zacarias Tate, the anthropological and ethnological research of Fernando Ortiz, the acknowledged African rhythms and melodies of Amadeo Roldan, Alejandro Garcia Caturla and Ernesto Lecuana, the popular “sones” of Miguel Metramoro and Sando Garay and the paintings of Abela, Victor Manual, Amelia Palaez, Wilfredo Lam and Portocarrero, all reflect the Africa within Cuba’s soul and clearly reveal the African foundation of Cuba’s voice.

The triumph of the Cuban revolution, led by the young attorney Fidel Castro Ruiz, in actuality represents the culmination of the struggle for liberty and justice waged by primarily Afro-Cubans for almost a century. Even re-
spected Black revolutionaries have rationalized to themselves that the goal of the revolution was so laudable that they were and are willing to overlook Cuba’s persistent racism and therefore the continuous cancer of Blanqueamiento continues. As evidence of shattered consciousness and fractured identity, the Africanity of Cuban history is slowly disappearing.

“Los Negros son solo los Burros, nosotros somos prietos”
(Negroes are donkeys, we are dark)

The African presence in Mexico is another example of shattered consciousness and fractured identity. Africa’s presence in Mexico is a subject often denied. (Muhammad JS (1995)) Mexico, like other Latin American countries, identifies itself as a nation of Mestizos, people of mixed Indian and Spanish blood. There is no or little official acceptance of the African ethnic and cultural elements in the national heritage or consciousness of Mexico.

Yet Afro-Mexican people have influenced almost every aspect of Mexican life, culture and history. In spite of being in denial, Mexico is significantly African. Black people were critical to the early development of Mexico’s economy and played a leading role in the War of Independence. Esteban el Negro or Steven the Black, a Moor, explored Northern Mexico, including Texas and New Mexico. El Negro also founded the legendary city of Cibola. Africans made important contributions to Mexico’s folktales, religion, medicinal practices, cooking styles, music, and dance (Muhammad, J. 1995, Mexico and Central America. In: Minority Rights Group (ed) No longer invisible: Afro-Latin Americans today. Minority Rights Publications, London, p. The song “La Bamba,” popularized in the late 1950s by Ritchie Valens was, in fact, sung as early as 1683 by Black people in Veracruz. Bamba is also a traditional dance. The word Bamba or Mbamba is the name of an ethnic group in Angola. Traditional Mexican music, in fact, finds a significant part of its origins in Mexico’s blackness. The popular sones like La Morena, La Negra, and El Maracumbe are stylistically African music forms. The Mexican dances like the Jarabe, Chillina, Gusto and Zapateo were all created by Afro-Mexicans (Muhammad, J. S. (1995), p. 174). The Corrido, a narration in the first and third person by a Corridista, is usually recited or sung in a so-called Afro-Mexican dialect.

The dialect or language of the Afro-Mexican is, not surprisingly, said to be “unintelligible Spanish” Muhammad, J.S. (1995), p. 175). What is probably, more accurate is that what is called Afro-Mexican dialect is Afro-Mexicans speaking Spanish using African linguistic rules and structures—Spanish ebonics.

Many historically Black communities along the Atlantic coast of Mexico, bear truth to the African presence in Mexico. Coastal towns called Angola, Guinea, Mozambique and Cerro del Congo, names of African countries, people, and settlements, named in recognition of the ethnic groups who came to Mexico, like La Mandigo, El Mocambo, La Matamba and El Monzonga all testify to the African presence in Mexico. The towns of San Lorenzo de los Negros (later named Yanga after the Black Liberation fighter) and Mandinga y Matosa (after the maroon leader Francisco de la Matosa) were respectively named in honor of major African personalities in Mexico (Muhammad, J. S. (1995), p. 166).

It is estimated that between the coming of Hernan Cortez in 1519 and the start of Mexico’s War of Independence in 1810, more than a half million Africans were brought into Mexico (Muhammad, J. S. (1995), p. 164). In the late 16th and 17th centuries, Mexico employed more enslaved Africans than any other country in the Americas. Additionally, Ladinos, Africans born and hispanized in the Caribbean, Spain or Portugal, continued to enter Mexico through the ports of Acapulco, Veracruz, Campeche and Panuco. According to the writer Aguirre Beltran, in the

By the 18th century the number of Afro-Mexicans had decreased to about 65 percent. In the 16th century the main cause of death for the Afro-Mexican population was European diseases, particularly yellow fever, tuberculosis and syphilis. While decreases in the population due to these diseases and those caused by working in the sugar cane fields and the silver mines are actual, another decrease in African people in Mexico can be attributed to the Blanqueamiento. In Mexico, it was legally and socially beneficial for Afro-Mexicans to mix with either the indigenous people or the Spanish. Black women who married Hispanic men, in fact, “improved” their social status and that of their children.

Africans and Mulattoes, at the hands of the Spanish, were, however, perceived in negative ways and were brutally oppressed both physically and psychologically. The Spanish described the Africans as “vicious people,” “naturally evil,” of a “bad race,” “bellicose” and “bestial.” The offspring of the African and indigenous people were known as Jaruco (wild pig), Chino or lobo (wolf). In the 17th century, the Spanish established a social system based on an elaborate color bar that controlled every aspect of life for Afro-Mexicans. Every person of African or indigenous ancestry was denied rights to education, was not allowed to bear arms, to travel freely at night, to wear jewelry or silk or to even marry without permission. For those violating these laws, the punishment was as excessive and brutal as castration, maiming and disfigurement. (Muhammad, J. S. (1995), p.167) It is clear these social conventions were invented and designed to de-Africanize the Afro-Mexicans. These and other injustices led many Afro-Mexicans to escape to Palenques, armed settlements of escaped Africans, where Afro-Mexicans could live as Africans. The best-known Palenque still in existence is Yanga.

In Mexico, Black revolutionaries connected the War of Independence from Spain to the emancipation of enslaved Africans. Afro-Mexicans like El-Negro Guerrero (Vincente Guerrero), who later became Mexico’s second President, Juan del Carmen, Juan Bautista, Francisco Gomez, and Jose Maria Alegra, as well as General Jose Maria Morelos, all played significant roles in the winning of Mexico’s independence from Spain.

Some historians point out that it was, in fact, the ejercita morena or the dark army of Father Hidalgo that actually launched the independence struggles in Mexico. Ironically or unfortunately, in reaction to Spanish racism, El Negro Guerrero and other Black revolutionaries wanted all the people of the new nation to think in terms of nationality and not race. In liberating themselves from psychologically destructive and demeaning Spanish ideas like Mejorar la Raza, which means improving the race, the idea of Mejorar la Raza was to mix the races to form a homogenous group and in so doing dilute the African ancestry and create a better homogenous La Raza Cosminica or cosmic race. Those who had been referred to and mistreated by the Spanish as Mestizo, Mulatto, Negro and Indio, now demanded to be simply called Mexican. After independence, children were recorded as Mexican rather than Negro or Indio. However, given the legacy of Spain, to be African or Indio was to be in the most undesirable position and many Afro-Mexicans tried to “pass” the color line into the status of Criollo, a white person of Spanish origin, if possible and if light enough or if not so lucky to be amongst the indigenous (the proverbial, “I got a little Indian in me.”) Unfortunately, since the beginning of Spanish domination and corruption in Mexico, people of African ancestry have been portrayed and defined in a litany of inferior and negative images.
and stereotypes. The popular Mexican saying, “Work hard like a Nigger to live like a white,” speaks volumes to the dilemma of identity and the lingering process of de-Africanization in Mexico. While many, if not most, Mexicans will boast of their Spanish heritage or relatives, rarely will one admit to having a Black grandparent or invest their time in finding common ground with other Africans in the Americas. Hence, as a direct consequence of this psychological warfare, many Afro-Mexicans moved and continue to move further away from their African identity.

The social construction of the Mexican identity with a national consciousness is driven by Mestizo, Criollo, Blanqueamiento, la Raza, Blanquitos, Morenos, Mulattos, Negros Puros, and Cuculustes along side the national heritage of Esteban el Negro, Diego Rivera, El Negro Guerrero, El Ejercita Morena, Yanga and Francisco de la Matosa and the African cultural forms of La Bamba, La Morena, La Negra, El Maracumbe, Jarabe, Chilena, Gusto, Zapateo and Corrido. They serve as an extremely complex yet exciting arena after examination by Black psychologists.

Brazil, not usually referred to as Latin, with its nearly 50 percent African population represents yet another location for examining the African presence and experience in the Diaspora. The free African Community (maroon society) that operated as independent African-centered states for nearly two centuries, serve as an historical reservoir for authenticating African cultural and political survivals in the Americas. Within Afro-Brazil there is source material for documenting the African character of new world religions (Candomble, et al), music and dance (mambo, samba, bossa nova) and warfare (Ngola, Capoeira), Understanding the Brazilian government’s two-fold strategy of racial miscegenation for the purpose of “whitening” its citizenry and the prohibition of Black immigration while encouraging white immigration, all serve as critical problems for Black identity formation. The perverse strategy was and remains another variation on the Brazilian colloquialism, “White women for marrying; Black women for work; Mullatto women for fornication.” This strategy was well documented in the book, Brazil, Mixture or Massacre, (Nascimento, 1990) Incomplete citation by one of Brazil’s most famous Afro-Brazilian activists, Abdias Do Nascimento. Like Mexico and Cuba, the African presence and contributions to Brazilian life were critical to the actual formation of the development of the nation. Yet, African phenomena is strangely denied or mutated by the psychological assault in Brazil called embranquecimento (Whitening). What does it mean for African people to be subjected to the message of embranquecimento?

The power of the psychological assault of embranquecimento on Afro-Brazilian consciousness is demonstrated by the fact that by the 1980s Brazilians had coined over 130 different terms of racial classification due primarily to the fact that lighter skinned Brazilians objected to being classified in the same group as darker skinned Brazilians. The response to the shattering of consciousness and fracturing of identity in the context of the Afro-Brazilian experience is revealed in a partial historical time line of Brazilian history.

The Portuguese occupation of Brazil began in 1500 and some 3,600,000 Africans were brought into Brazil. In 1625, Brazil witnessed the establishment of the Quilombos and the spirit of the Zumbi (36). In 1792, Joaquim Jose da Silva Xavier Tiradentes led the first independence movement, and the Portuguese crown condemned him to death by hanging. Less than eight years later, the Sastre Rebellion (1798) occurred in Bahia. In response to the threat of Napoleon, the Portuguese Court was transferred to Brazil. The court ruled from Brazil from 1808-1821. During the same period (1807-1835), Africans constantly rebelled against their enslavement and continu-
ally waged liberation struggles and battles against the Portuguese (37). Major “liberation battles” were waged by Muslim Africans almost every other year (1810, 1813, and 1816) during the occupation of the Portuguese Court (38).

In 1821, King Dom Juan VI returned to Brazil and left his son, Dom Pedro I to rule Brazil. Is it possible that the Africans made Brazil too difficult or too dangerous for the King of Portugal? A year after his father’s departure, Dom Pedro I, proclaimed Brazil’s independence from Portugal. Four years later (1825) Brazil witnessed the Jihad and the Black Nagoes’ War of Liberation from 1826-1835. The African struggles for freedom in 1837 (The Sabi-
nada revolt); 1839 (Manuel Balaio revolt) and 1847 (the Vassouras revolt) must have clearly made Brazil difficult to rule for the busy emperor, Dom Pedro II (1831-1884). It is of interest to note that Dom Pedro II’s daughter, Princess Isabel, abolished slavery (1888) while acting as regent in her father’s absence (38). During this same period, embranquecimento became the official priority of Brazil (Nascimento, A., 1990). Incomplete citation

The African proverb, “When the fool fails to darken ivory he tries to Whiten ebony” is informative here. Note that for over 400 years Africans in Brazil knew they were African, knew that the Portuguese were the enemies of freedom and continually fought and died in the service of freeing African people from slavery. The embranqueci-
mento process has been in effect for about 115 years. While not complete, 100 years of embranquecimento have done more psychic damage to the African than the 400 years of racist enslavement and colonial domination. The power of embranquecimento is that it was a psychological assault on the Afro-Brazilian fundamental sense of what it means to be human. Shattered consciousness and fractured identity was and is psychological terrorism at its most devious, demeaning and devastating best. As Carter G. Woodson (1990) noted, “If you control a man’s thoughts you don’t have to worry about his actions.” I have noted in similar regard that, “Power is the ability to define reality and to have other people respond to your definition as if it were their own.”(Nobles, 1986)

Clearly, the most important reality to define is the meaning of one’s own human-beingness. The embranqueci-
mento process was and is an attempt by the Portuguese to redefine for Africans in Brazil what it means to be human. In so doing, they asserted that to be African was to be less than human. And through the process of embranquecimento, the African could become human. Embranquecimento was and remains a systematic and sophis-
ticated attempt to redefine for Africans in Brazil, what it means to be human. Embranquecimento as psychological terrorism, in effect, equates goodness, success, creativity, genius, beauty and civilization with being Portuguese (white), and ultimately to define human-beingness for Black people with being white. Embran-
quecimento was the solution to African revolution in Brazil. By shattering African consciousness and fracturing Black identity, the Portuguese destabilized and distorted the African sense of unity and being of value.

In regards to the African American experience, I can remember as a child in the United States, old people teaching Black children that we had an obligation or duty to “lighten up the race.” Young people with dark complexions were not seen or judged to be as attractive or as pretty as those with light complexions. Darker people were never seen as the “right choice” in a mate. Epithets of Black this or Black that, often preceded by ugly, were common demeaning salutations directed at highly pigmented African Americans. This USA version of the Portuguese embranquecimento or the Spanish “blanqueamiento” was experienced as “color consciousness” and a debilitat-
ing internalized self-hatred. This negation and nullification of Blackness is a lingering effect that permeates
throughout the society in the United States. For instance, the long struggle that Black artists waged to be included in the film industry was marked and in many ways remains marked by white standards of beauty. From the Cotton Club of the 1920s through the Blaxploitation films of 1970s up to the Mega Black films of today, the marketability of Black stars was always determined by their acceptability to white taste and sensitivities. Some Black sororities even instituted a “brown bag test” wherein one’s complexion had to be lighter than a brown bag in order for one to be admitted into the sorority. In so doing, the sorority, it thought, would fulfill its duty to stay “bright and nearly white.” In many cities and towns throughout the United States, little Black girls would demonstrate their physical agility and rhythmic acuity by playing double dutch jump rope games. Oftentimes their skill was matched against a rhyming chant that said, “If you are white, you’re all right; if you are brown, stick around and if you are Black, jump back (get out).” By reinforcing into the psyches of children the message that to be Black is to be by nature an inferior and deviant form of human being, is tantamount to child abuse and neglect. As direct evidence of a shattered consciousness and fractured identity, light skin and straight hair become, and in many ways still are, the undeniable badges of goodness, value and beauty. Lightness and closeness to whiteness becomes the standard of being human. It serves as the license for race-based privilege and the undeniable evidence of being worthy and good. Because it is a fundamental denial of one’s own intrinsic human worth and value, the resultant “desire for proximity to whiteness” becomes a debilitating psychological condition that is pathological and destructive. Embranquecimiento and blanqueamiento, color consciousness, “wanna be white” self-hatred as evidence of shattered consciousness and fractured identity all result in a psychological condition that is driven by an uncontrollable or unexplainable desire to be white or wish to have a “proximity to whiteness” or the illusion that they are not Black should be clinically diagnosed as suffering from trauma caused by an ongoing and constant experience of psychological terrorism. This is a mental illness that is debilitating for African people worldwide.

**Lingering Effects: Distortion & Corruption of Identity & Consciousness**

When one’s consciousness is shattered and identity fractured and self is alienated, distorted or violated, that disability or malfunctioning extends into and affects each and every other self in the community. What is even more profound is that the “sickness” (weakness) or “health” (strength) of past generations also extends into and affects those who are alive today. The trauma of past enslavement extends into each of us today.

The mental health of a people is an essential aspect of their human wellness and health. The consequence of white supremacy and racism and its requisite negation and nullification of African people and things African (ideas, philosophy, history, traditions) have resulted in more everlasting damage than the whip or the physical chains of bondage. In fact, in a very real way the physical damage and destruction of Black life was equal to, if not precipitated, an insidious assault on the psychological value of African human being-ness. Next to anthropology, psychology and psychiatry have served as the fundamental disciplines and intellectual tools used to justify the dehumanization of African people. Psychology and psychiatry have been and remain critical instruments in the falsification and denigration of the image and meaning of African people.

The mental assault on African people that resulted in a worldwide perception and treatment of African people as inferior and less than human, was designed and conducted by white supremacists under the cloak of science. What was created was an intellectual atmosphere that was intentionally designed to be destructive and detrimen-
tal to the mental health and well being of all African people.

In his book, Breaking the Chains of Psychological Slavery, psychologist, Dr. Na'im Akbar writes, “The slavery that feeds on the mind, invading the soul of man, destroying his loyalties to himself and establishing allegiance to forces which destroy him, is an even worse form of capture.”

While some descendants of African slaves have been more susceptible to this mentality than others, overall, most Black people in the United States were affected by this mental conditioning to some extent. This mentality described herein, in which the descendants of African slaves, manifest self-destructive behavior, self-hatred of themselves and their race, an overall inferiority complex, and become ardent subscribers to the ideology of white supremacy is by no means coincidental or simply a “side effect” from a legacy of chattel slavery. Centuries before Dr. Akbar, described psychological slavery in, Breaking the Chains of Psychological Slavery, white slave trainer Willie Lynch delineated a strategy for mind control of enslaved Africans. In 1712, on the bank of the James River he said:

...I have outlined a number of differences among the slaves; and I take these differences and make them bigger. I use fear, distrust, and envy for control purposes...take this simple little list of differences, and think about them. On the top of my list is “age” but it is only there because it starts with “A.” The second is “color” or shade. Then there is intelligence, size, sex, size of plantation, status on plantation, attitude of owners, whether the slaves live in the valley, on a hill, east, west, north, south, have fine or coarse hair or is tall or short. Now that you have a list of differences, I shall give you an outline of action. ...you must pitch the old Black against the young Black. ....you must use the dark skin slaves against the light skin slaves and the light skin slaves against the dark skin slaves. You must also have your White servants and overseers distrust all Blacks. But it is necessary that your slaves trust and depend on us. They must love, respect and trust only us.

Gentlemen, these kits are your keys to control. Use them. Have your wives and children use them. Never miss an opportunity. My plan is guaranteed, and the good thing is that if used intensely for one year, the slaves themselves will remain perpetually distrustful.

African American revolutionary Malcolm X aptly described the success of Willie Lynch’s “slave training kit” in describing the lingering house Negro vs. field Negro phenomenon, which persists to the present day. Malcolm stated:

“Back during slavery, when Black people like me talked to slaves, they didn’t kill ‘em, they sent some old house Negro along behind him to undo what he said. You have to read the history of slavery to understand this.

There were two kinds of Negroes. There was that old house Negro and the field Negro. And the house Negro always looked out for his master. When the field Negroes got too much out of line, he held them back in check. He put ‘em back on the plantation.

The house Negro could afford to do that because he lived better than the field Negro. He ate better, he dressed better, and he lived in a better house. He lived right up next to his master-in the attic or the basement. He ate the same food his master ate and wore his same clothes. And he could talk just like his master--good diction. And he loved his master more than his master loved himself. That’s why he didn’t want his master hurt.

If the master got sick, he’d say, “What’s the matter boss, we sick?” When the master’s house caught on fire he’d try and put the fire out. He didn’t want his master’s house burned. He never wanted his master’s property threatened. And he was more defensive of it than the master was. That was the house Negro.

But then you had some field Negroes, who lived in huts, had nothing to lose. They wore the worst kind of clothes. They ate the worst food. And they caught hell. They felt the sting of the lash. They hated the master. Oh yes, they did. If the master got sick, they prayed that the master died. If the master’s house caught on afire, they’d pray for a strong wind to come along. This was the difference between the two. And today you still have house Negroes and field Negroes.”

Malcolm was equally adept at articulating the problem of self-hate ingrained in the African American psyche. On
February 16, 1965, speaking to a packed church in Rochester, NY he said:

“They made us think that Africa was a land of jungles, a land of animals, a land of cannibals and savages. It was a hateful image...They were so successful in projecting this negative image of Africa...we looked upon Africa as a hateful place....

Why? Because those who oppress us know you can’t make a person hate the root without making them hate the tree. You can’t hate your origin and not end up hating yourself ... you can’t make us hate Africa without making us hate ourselves. And they did this very skillfully...We ended up with twenty-two million Black people here in America who hated everything about us that was African. We hated the African characteristics....We hated our hair. We hated our nose. We hated the shape of our nose, and the shape of our lips, the color of our skin.....Our color became a chain, a psychological chain. Our blood- African blood- became a psychological chain, a prison, because we were ashamed of it. ... We felt trapped because our skin was Black. We felt trapped because we had African blood in our veins ... This is how you imprisoned us ... Because we hated our African blood we felt inadequate, we felt inferior, we felt helpless. But a change has come about. In us.”ii

This ingrained inferiority complex resulting from the legacy of slavery has manifested in a myriad of pathological behaviors familiar in the African American community. African American psychiatrist Dr. Alvin Pouissant in his book Why Blacks Kill Blacks remarks:

“Why are we caught up in this destruction? What has society done to our minds? It is an ugly fact that the American cultural experience has taught us that crime and violence is a way to success and manhood. Crime data indicate that Americans value guns and other destructive weapons. The whole frontier cowboy mentality sanctions and teaches violence. Television and movie folklore reinforces the popular conception that problems can and must be solved by violence. It is a rare occasion when the “good guys” do not triumph over the “bad guys” either by maiming or killing them.

Americans respect violence and often will not respond to the just demands of its citizens unless they are accompanied by violence...Consequently, some of us have come to feel that the quickest way to solve any problem, personal or social is through an impulsive act of violence.” iii

One of the most devastating effects of slavery for African Americans was the destruction of the family. Many of the present family problems suffered by African Americans are rooted in slavery. During slavery, the Black man was valued “as a stud and a workhorse.” The Black woman’s value to the slave master was “as a breeder or sexual receptacle capable of having many healthy children.” Healthy children that the white slave master could sell or work to death to make money for himself.

The White man in the culture of slavery forbade marriage, a sacred rite in almost all human cultures. In 1853, William Goodell described the futility of slave marriages as viewed by slaveholders:

“The obligations of marriage are evidently inconsistent with the conditions of slavery, and cannot be performed by a slave. (In marriage) the husband promises to protect his wife and provide for her. The wife promises to be the helpmeet of her husband. They mutually promise to live with and cherish each other, until parted by death. But what can such promises by slaves mean? The legal relation of master and slave render them void! It forbids the slave to protect even himself. It clothes his master with authority to bid him to inflict deadly blows on the woman he has sworn to protect. It prohibits his possession of any property wherewith to sustain her... It gives master unlimited control and full possession of her own person, and forbids her, on pains of death, to resist him, if he drags her to his bed! It severs the plighted pair at the will of their masters, occasionally or forever.”iv

Permission for slaves to marry had to be granted by the slave master. Many of whom simply did not see the point. When marriage did occur between enslaved Africans, knowledge of the traditional African sacred rite had been diminished and only retentions of the deeper meaning of the ceremony remained. For example, in many cases the deeper meaning of marriage was replaced by simply jumping over a broomstick. This act signified that the two individuals had entered into a new state (oneness or togetherness) of being.Jumping over the broom lit-
erally swept away their old separate state and swept them into a sacred union. However, while the sacred meaning of marriage was being modified and retained, the physical ability to protect the union was shattered by slavery. “Among the chief culprits reducing the stability of slave marriages were forced separation. Sale, inheritance of slaves, and the mobility of slave owners broke up many families.”

Traditional rites of passage ceremonies, an integral part of many African cultures wherein the roles of the man and husband, woman and wife were explained to young people, were unknown to African descendants born into slavery. Despite the best efforts of the slave masters to destroy the Black family, poignant accounts remain of the extreme measures some African people took to maintain family ties. This included repeated trips by some brave slaves on the Underground Railroad to liberate family members still held in bondage. The most well known liberator of her people was Harriet Tubman who returned to the South repeatedly to free her family members along with others.

Another legacy of white supremacy that has been extremely detrimental to the mental health of African American is the image of God, His host of angels, Jesus, Mary and all biblical and religious characters as white people. During slavery the practice of traditional African religions was brutally suppressed. The white slave master’s distorted version of Christianity, redesigned with the maintenance of the slave system in mind, was forcefully imposed on the enslaved African. This imagery, of the divine as a white man, is consistent with the delusional syndrome of white supremacy, with which many whites are afflicted.

For African descendants, if one is to believe that human beings are created in God’s image and the image of God resembles the people brutally oppressing your people, what is one to think? This imagery, of God and the heavenly host as white, has had an extremely adverse affect on the psyche of people of African descent as it has served to reinforce the inferiority complex, which results from an image of God that does not look like oneself.

PSYCHOLOGICAL TERRORISM, MENTAL ILLNESS AND CULTURAL GENOCIDE

Several African-centered psychologists believe the historical assault of white supremacy has resulted in the distortion of the African personality. Akbar, for instance, identifies four distortions or personality disorders that are related to or emanate from a society typified by oppression, racism and white supremacy. The first disorder is “alien-self disorder.” With this disorder individuals behave contrary to their own nature and survival. They learn to act in contradiction to their own well-being and as a consequence they are “alienated” from themselves. The socialization of persons with alien self-disorder has been geared toward denial of reality, particularly as they relate to issues of race and oppression. They are encouraged to ignore the blatant inequalities of racism. They view their lives as if slavery, racism and oppression never existed. They are encouraged to adopt the perspectives of the dominant culture even if it means rejection of self. The alien self-disordered persons are apt to condemn their own natural disposition or claim they have nothing of value that is intrinsically them. They dislike their own natural phenotype and anything that reminds them of an African physical appearance. In response to their sense of alienation they attempt to live in a dream world where they deny that racism and oppression even exist. Persons suffering from alien self-disorder are generally wrought with anxiety, tension and existential stress. In everyday living, they are in constant conflict as to their true identity. They manage to live by going from one social charade or pretense to the next. How many Africans in the Diaspora claim that discrimination and exploitation based on race does not exist or that if it exists, it is based on class or economics? How many Africans in the Diaspora believe that racism no longer exists or that they are only as good as they look and that their looks are good to the extent that they don’t look African.

The second disorder is anti-self disorder. Individuals suffering from an anti-self-disordered personality express overt and covert hostility toward one’s own group and thus toward oneself. They overly identify with the dominant
group and mimic or internalize the dominant group’s hostility and negativism toward their own group. Anti-self disordered persons are the most vulnerable to manipulation and exploitation. The personal rejection of self and kind in order to become like the dominating or oppressive, class results in a form of psychological perversion wherein the anti-self disordered persons are more brutal, cruel, oppressive and destructive toward their own people than are the dominant group. Typically, people who find themselves defending, protecting and depending upon the status quo such as politicians, military, policemen, teachers, petite bourgeoisie and those in the service industries, have to distort how they see themselves and their own people in order to be successful in serving the interests of the dominant class. In so doing they become, over time, opposed to and hostile to anything Black or that reminds them that they are Black.

The third personality disorder is called the “self-destructive disorder.” With this disorder, persons engage in destructive retreats from reality and engage in drugs, romantic crime, and fantasies of acceptance. Individuals, whose legitimate survival is blocked, find themselves choosing or engaging in personally and socially destructive behaviors in order to alleviate the denial of immediate wants or rejection. Black-on-Black homicide, acting out, crime, pimping, drug dealing and prostitution, are all symptomatic of self-destructive personality disorder. How many of our young get involved in street crime and “gangsterism” and don’t even understand that their self-destructive behaviors are deep psychic retreats from a profoundly anti-African reality?

Finally, Akbar notes there are physiological, neurological and biochemical malfunctionings resulting in personality disorders that are due to long-standing inequalities relative to healthcare, education, housing and other socio-economic disparities. These social and material disparities are not just the results of the nature of the physical reality. There are also psycho-cultural disconnects that equally result in personality disorders.
VI. SPIRIT ILLNESS

While in some ways it is easier to identify the pathologies found in people victimized by racism, white supremacy and oppression, it is somewhat harder to articulate a people’s normal or natural functioning in the absence of their victimization. Having been under psychological siege for so long, in many ways many African people have come to believe their reactions and accommodations to oppression and victimization are, in fact, their normal or natural way of being.

I would imagine there are many Africans on the continent and throughout the Diaspora who have accepted the idea of the unworthiness of being African for so long (several generations) or have substituted the false identity of being an individual that they no longer perceive the assault on their human worth and well-being. Almost like being in a state of extreme shock, where the body no longer senses the pain, many Africans no longer sense the value or importance of being African. They are simply individuals. They are in an historical state of psychological trauma resulting from mentacide. In such a state of cultural shock, they take refuge in declaring and defending the state of being not-African.

To replace the spiritness of the African with a set of new loyalties was achieved by making the meaning of being African mean being human only to the extent that it approximates White definitions of humanity. That’s why it is so fundamental that we think deeply about being African. If we don’t ever challenge what cultural ground we stand on, what intellectual categories we utilize to define ourselves and what conceptualizations we propose in explaining our functioning, then we will simply continue the process of being victims of the whitening of the African sense of being human.

Ultimately, the lingering psychological effects of the TransAtlantic Slave Trade System experience can be simply seen as the shattering of African consciousness and the fracturing of Black identity. However, both of these are symptomatic of a deeper assault on the African; spirit damage or disease, which is more significant than mental illness. While Akbar, Wilson and Kambon provide an invaluable analysis of the psychological consequence of slavery at the personal level, I wish to direct our attention to the lingering effects at the collective level. Given the analysis provided in this review, I believe the most profound lingering effect for African people has been a sense of human alienation resulting from being infected with or assaulted by longstanding ongoing sensorial information structures representing the chattelization and dehumanization of African people. While human alienation can be seen or experienced as self-alienation at the personal level, it is far more dangerous than simply feeling the sense of not being oneself. Human alienation for African people is the sense of being disconnected from one’s spirit and thereby having a sense of not being truly or completely human. It is the profound sense that in being disconnected or spiritless (even though one is highly spiritual) that one’s being is representative of human nullification and negation. This sense of “spiritless-ness” contaminates the collective energy field such that every one of us has a constant feeling of dis-at-ease and incompleteness. The consciousness and identity of African people is, therein, wrought with fear, anxiety, insecurity, anger, hostility, anomaly and ignorance. In effect, rather than suffer from the simple notion of “identification with the aggressor,” collectively, we suffer, as a lingering effect of enslavement, from “identification with nullification and negation.

The symptomology of “spirit illness” for African people is an addiction to anything non-African, especially white thought, behaviors and beliefs; an indefensible admiration for white privilege and power; displaced anger, aggression and self-hate in the form of racelessness, constant depression, not as anger turned inward, but as pure sadness, delusion and the need to self-medicate by denial of African worth and the unconsciousness adoption of individualism as an antidote to being African.

In effect, the lingering psychological effect of the TransAtlantic Slave Trade System experience has been the continuous and constant assault and redefining of the African sense of Spirit, which is expressed as shattered
consciousness and fractured identity. Shattered consciousness and fractured identity has resulted in a state of “spirit illness” which limits, curtails and contains the African capacity to be a full knowing and knowable unfolding spirit capable of achieving a never-ending totality of possibilities emerging from ourselves and the ever-expanding perceivable and unperceivable multiverse.

Toward Healing: In identifying the damage caused by the historical shattering of consciousness and fracturing of identity system and its contemporary unfoldings as well as other forms of psychological terrorism, one must also articulate the clinical and therapeutic interventions necessary to ameliorate and repair the damage.

While the brevity of this discussion prohibits the detailed specification of particular therapeutic interventions, it is important to provide a general guideline for African-centered clinical and therapeutic interventions. Consistent with or requisite to the challenge of establishing African-centered clinical treatments and therapeutic interventions is the need to acknowledge the conceptualization of the “patient” as an “individual” is problematic.

Eurocentric hegemony has even colonized our conception and sense of self as individuated. African-centered therapeutic interventions and clinical treatments must be “a rehabilitative process in the context of dehumanization” (45). A rehabilitative process must be specifically designed to support, stimulate and sustain behaviors, beliefs, attitudes, skills, and culturally meaningful activities (human aspirations). The goals and activities of the rehabilitative process should allow African people, as African people, to achieve mastery in all aspects of human functioning, and to reproduce themselves and kind in the objective concrete world and make explicit the African personality on the unfolding stage of human history. To meet this challenge, clinical treatments and therapeutic interventions consistent with the Sakhu must see as its treatment objective the reproduction and refinement of the best of African peoplehood, which can only be accomplished by: (1) grounding the treatment experience in African philosophical and cultural systems of human meaningness and (2) locating the targeted behaviors in the context of oppression and despiritualization. The meaning of being human and the attainment of maximum human functioning must all be anchored in African definitions, conceptions and practices.

The victories and human achievements of the past also extend into each of us. In fact, the total length of African involvement in human history supports the observation that the African experience has evidenced longer periods of human wellness than human debilitation. The extended self, as a channel of normality, has transmitted an overwhelming spirit of strength. It is the failure to recognize or acknowledge (due to Embranquimento or racial shame) our extended self that has prevented the Diasporan African as a community from maximizing the psychic power found in the unbroken circle of spiritness that defines being African. In simply not knowing, acknowledging or denying being African limits our capacity to self-heal and understand our human connection as well as our ability to truly care for and heal each other on African terms. What is important to note is that the African conception of what it means to be human also dictates our conception of self. If the African (Black) conceptualization of the self (person) is, in fact, the extended self, then the “patient” has to be the whole community.

I have argued in another discussion (46) that the idea of self-concept in Western psychology is inappropriate for understanding the concept of self for African (Black) people. African (Black) self-conception is “extended.” The notion of an extended-self recognizes that one’s self definition is dependent upon the “corporate” definition of one’s people. As such, the people or corporate definition transcends the individual definition of self and the individual conception of self extends to include one’s self and kind. Accordingly, the conception of self transcends and extends into the collective consciousness of one’s people. This transcendent relationship between self and kind is the extended-self.

The repair of the shattered African consciousness and fractured Black Identity requires no less than a well-constructed multi-level (local, state, national, global) campaign designed to systematically articulate what it means to be African. Focusing on the essentiality, expression, and experience of being African in the “ideational space”
and “intellectual atmosphere” of a world infected with negating and nullifying ideas and beliefs about being African, the “TO BE AFRICAN – WE ARE FAMILY CAMPAIGN” should set as its unifying goal the redemption, advancement and empowerment of being African everywhere. With the sub-theme of we are family, this campaign should explore the essentiality, expression and experience of being African in the context of all geo-political realities; i.e., the USA, South America, Europe and the West Indies. Every information instrument and/or communication outlet (media outlets, educational systems, religious groups fraternal/sorority orders, business and private practices, and legal structures) that disseminates ideas, information, symbols, signs, sounds and beliefs should be recognized as capable of impacting and infecting the minds and therein altering the beliefs and behaviors of African people. As part of this campaign, African people, individually and collectively should be given the tools to inoculate themselves from negating and nullifying ideas and beliefs. This recommendation, “To Be African – We Are Family Campaign,” specifically calls for the design and implementation of programs and project to counter the lingering effects of human alienation and spirit illness caused by the “memetic infection” of the TransAtlantic Slave Trade System experience.

Our task, as African people, is to heal the whole the whole family.
Glossary

Maafa
An ancient African term used to describe tremendous suffering, indescribable atrocities, disaster, calamity catastrophe, or injustice. This term is used to refer to the protracted suffering of African people and culture as a consequence of the TransAtlantic Slave Trade System.

Maat
An ancient Egyptian concept, which encompasses the idea of order, harmony, and balance at the cosmic level and truth, justice, righteousness and reciprocity at the social level. The concept of Maat is visually represented by a female deity wearing an ostrich feather on her head, as illustrated.

Memetic
A cultural item that is transmitted by repetition in a manner analogous to the biological transmission of genes.

Meme Complex
A network of images, ideas, beliefs, feelings, etc., that hang or cluster together and mutually reinforce or evolve.

Memetic Infection
The result of the successful encoding of a contagious information pattern in the memory of a human being.

Sankofa
A West African concept meaning to return, go back, look, seek and take roots, recapturing memory. This is visually represented by a bird that flies forward while looking backward with an egg in its mouth, as shown.
Lexicon to Understanding
The TransAtlantic Slave Trade System

Paradigm of The
TransAtlantic Slave Trade

Slave
Primitive Culture
TransAtlantic Slave Trade
Middle Passage
Slavery
Discovery
Manifest Destiny
West Indies
Religious Salvation
Freed blacks
Slave Rebellion/Insurrection
Victims of discrimination
Underdeveloped

Paradigm of The
TransAtlantic Slave Trade System

Enslaved African
African Civilization
TransAtlantic Slave Trade System
Maafa
Chattel Slavery
Invasion
Colonialization/Imperialism
African Diaspora
Religious Indoctrination
Blacks with privileges
Liberation Struggle of Enslaved Africans
Victims of Genocide
Impoverished
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