

## SIMILARITIES AND DIFFERENCES

In historical perspective it is not so long time ago when black human rights movements gained superiority over the system of segregation in the United States. The idea to compare their characteristics with the recent improvements of the ethnic Romany minorities in Hungary or in Central-Europe seems to be absolutely necessary for further research in the relations of the minorities and the law-enforcement i.e. my research topic. As we follow the improvements step-by-step, from the dark slavery to the constitutionally guaranteed civil rights we will understand so many important elements in their fight, such as the nature of the processes, the role of non-violence and the milestones in general. This analysis may lead to identify some similarities, parallels or even to deny the availability of such relations between their efforts for gaining principle of equality.

### INTRODUCTION

I have been working with Hungarian Romany people since 2003 that fall into a competence of a police – minority liaison officer of the National Police Headquarters.<sup>1</sup>

According to the Memoranda of Understanding have recently been endorsed in the issues of Romany – Police cooperation I have established work relations with almost all NGOs being active in the “Romany issues”. I also participated in crime prevention programmes, repeatedly analysed conflicts between Police Services and Romany people, and as much as I could, I facilitated the recruitment policy of the law-enforcement from the Romany minority as well. In connection with my position, I was also responsible for advising the regional and local Police units in handling their Romany related cases both in tactical and strategic manner.

The idea of detailed analysis of the situation of the ethnic Romany minorities in Hungary and in Central-Europe in general, arose when I studied Security Policy at the Zrínyi Miklós National Defence University. I also considered the need of such analysis should pay attention to their links to the security policy and also to the law-enforcement sector. This article is compiled accordingly.

Hungary has changed rapidly in the last two decades; there is no Hungarian without significant changes in their life deeply influenced by the Change of Regime. Giving up the socialist model of life, its “fundament and structure” meant considerable changes everywhere. Euphoria and disappointment, hope and despondency were all involved in the public opinion, however one thing stayed, which is the negative stereotypes with the Romany people. The lack of principle of equality, segregation, and preconceptions – those are all key phrases often referred to that concern.

Not long time ago an intensive debate have been generated with Roma specialist and friends of mine from the Romany minority about an article released in The New York Times titled: „Gypsies Gain a Legal Tool in Rights Fight”<sup>2</sup> that was echoing in popular Hungarian media sources as well as the well-known Romany Internet portal RomNet reflected on it, but with a question mark at the end of its original title.<sup>3</sup> The original article says that „some leaders of the Gypsies, or Roma, are looking to a new model to try to achieve equality: the civil rights struggle of Black Americans. More and more, the Roma are going to court to secure their rights, and doing so where they think it will have the best chance for success – among the new East European members of the European Union and those trying to join, which are seeking to impress Western Europe with strict interpretations of their new antidiscrimination laws.”

<sup>1</sup> Romany people referred often as Romany minority, Romany or Roma population since 1990 in the Hungarian literature. The word Gypsy in Hungarian is not entirely correct for sensitive ears, because of certain negative additional meanings may be perceived from. However, I use all of those expressions though.

<sup>2</sup> <http://www.nytimes.com/2006/05/07/world/europe/07roma.html?scp=1&sq=miskolc%20gipsy&st=cse>

<sup>3</sup> <http://www.romnet.hu/hirek/hir0605082.html>

There have been two parties formed in this issue; one is for and the other is against to accept the idea of the similarities of the problems of the Hungarian Romany and the Afro-Americans. Are those problems similar indeed, or do they significantly differ from each other? My analysis was fuelled by the opinions for and against that may lead to identify some similarities, parallels or even to deny the availability of such relations between their efforts for gaining principle of equality.

#### MILESTONES IN AFRO-AMERICAN EQUAL RIGHTS EFFORTS

##### *SLAVERY: A "PECULIAR INSTITUTION"*

„Slavery is an extreme form of inequality, in which certain people are owned as property by others. The legal conditions of slave ownership have varied considerably by different societies. Sometimes slaves were deprived of almost all rights by law – as was the case on Southern plantations in the United States, while in other societies, their position was more akin to that of servants.” summarises Anthony Giddens globally known sociologist his opinion concerning.<sup>4</sup>

If we see the legal status of slaves dragged along from Africa to the United States, it is very similar to those known from the ancient times described just as “speaking tools”. Although the merchandise in slaves was banned in 1808, it remained until 1860 illegally resulting additional 250 thousand Africans dragged to the US. The US Civil War led on 8<sup>th</sup> December 1865 to the declaration of the Thirteenth Amendment to the United States Constitution that prohibited slavery and involuntary servitude, except as punishment for a crime. The abolition of slavery, however, did not change their circumstances of living in the same time, because many of them remained still in deep poverty.

##### *JIM CROW LAWS*

Jim Crow Laws enacted between 1876 and 1965 (i.e. right after the American Civil War) in many Southern States of the US to separate the races. These were issued both at the state and local levels mandated de jure segregation in all public facilities, with a supposedly “separate but equal” status for Black Americans. In reality, this led to treatment and accommodations that were usually inferior to those provided for white Americans, systematizing a number of economic, educational and social disadvantages.<sup>5</sup> The term “Jim Crow” was originally a generic name for Blacks first used in 1828.<sup>6</sup> Such measures meant for instance when “coloured people” were banned from coffee bars, rail wagons, waiting rooms, spas, lavatories or to use public drinking fountains. At the federal level of the US, Supreme Court endorsed the racial discrimination for more than a half-century in 1896 by prescribing introduction of “separate but equal” services and social institutions for the Afro-Americans.

##### *SELF-DEFENCE MOVEMENTS AND EDUCATION*

Numerous black self-defence movements were triggered in the early 20<sup>th</sup> century protesting against discrimination and segregation. They also founded their own institutions such as the Alabama State College for Negroes (1948) as a successor of the Lincoln Normal School of Marion (1867) that is indeed the forerunner of the Alabama State University (ASU). Lincoln Normal School became America’s first state-supported educational institution for blacks in 1874. The ASU movement began with the impetus to establish a school for black Alabamians. The Civil War resulted in not only the end of slavery, but also in the opportunity for blacks to have the right to education. With the Northern victory, black Southerners, with the assistance of Northern white missionaries and the leaders of African-American churches, set out to establish educational institutions for the freedmen. The school started as the Lincoln Normal School with \$500 raised by nine freed slaves, making ASU one of the nation’s oldest institutions of higher education founded for Black Americans.<sup>7</sup>

<sup>4</sup> Anthony Giddens: Sociology, 5th ed. rev. Polity Press, 2006, p.296

<sup>5</sup> [http://en.wikipedia.org/wiki/Jim\\_Crow\\_laws](http://en.wikipedia.org/wiki/Jim_Crow_laws)

<sup>6</sup> Frank T – Magyarics T: Handouts for US history, Panem, 1999. p.191

<sup>7</sup> Alabama State University’s webpage: <http://www.alasu.edu/about-asu/history--tradition/index.aspx>

Other significant civil movements were also established such as the National Association for the Advancement of Coloured People (NAACP) formed in 1909 and the National Urban League in 1910.

#### SUFFRAGE BARRIERS

In order to shrivel-up the number of black votes, Southern states frequently erected a series of hurdles to be cleared before citizens could vote. These typically included certain taxes, property ownership qualifications, and educational or literacy tests. Although these clauses worked effectively to exclude Blacks from the vote, but assured the franchise to many impoverished and illiterate whites, therefore Southern legislatures introduced the so-called “grandfather clause”, which exempted voters from the restrictions if their grandfathers had voted. This clearly eliminated the Blacks only. The grandfather clause was in use there between 1895 and 1910 to deny suffrage to American Blacks. The US Supreme Court, however, voided it in 1915<sup>8</sup> as a violation of the 15th Amendment of the US Constitution.

Unlike other minorities, it is discernible that due to the massive discrimination, Afro-Americans were unable to gain their full civil rights, legal capacities, suffrage and to exercise their political rights and interests in the US. However, other immigration groups, mainly coming from Europe were not as much discriminated and segregated from the majority groups of the society as the Afro-Americans were that time.

#### 1950s AND 60s

#### EDUCATION

In fact, the case „*Brown v. Board of Education*” was the beginning of desegregation of schools and an important breakthrough at the Supreme Court in 1954, when Chief Justice Warren delivered the opinion of the Court. The verdict said: “We conclude that, in the field of public education, the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.”<sup>9</sup>

The verdict voided the legalized segregation from the public education in the US that had been legal since 1896; however there still remained state and local actors, who tried to find excuses in maintaining certain limits in the education.

#### BOYCOTT OF PUBLIC TRANSPORTATION

On the 1<sup>st</sup> December 1955 in Montgomery, Alabama, Rosa Parks refused to obey bus driver James Blake’s order that she had to give up her seat to make room for a white passenger. Four days later, she was arrested and fined when found guilty. The Afro-American population of the town Montgomery with the lead of a Baptist reverend Martin Luther King, Jr. launched a boycott with the participation of the local NAACP and other civil right organisations against the public transportation system that was triggered by Parks’ arrest. On 5 December, 90 percent of Montgomery’s Black citizens stayed off the buses. The bus boycott demonstrated the potential for *nonviolent mass protest* to successfully challenge racial segregation and served as an example for other southern campaigns that followed. The boycott lasted for 385 days and the situation became so tense that Rev. Martin Luther King Jr.’s house was firebombed. Dr. King was arrested during this campaign accompanied with over 80 boycott leaders under a 1921 law “prohibiting conspiracies that interfered with lawful business”, which ended with a United States District Court that finished racial segregation on all Montgomery public buses. When a federal ruling took effect, and led to a United States Supreme Court decision that declared the Alabama and Montgomery laws requiring segregated buses to be unconstitutional.<sup>10</sup>

<sup>8</sup> Gönczöl Katalin–Horváth Pál (szerk.) Egyetemes jogtörténet I. [Universal history of law], Nemzeti Tankönyvkiadó, 414. p.

<sup>9</sup> <http://www.nationalcenter.org/brown.html>

<sup>10</sup> [http://mlk-kpp01.stanford.edu/index.php/encyclopedia/encyclopedia/enc\\_montgomery\\_bus\\_boycott\\_1955\\_1956](http://mlk-kpp01.stanford.edu/index.php/encyclopedia/encyclopedia/enc_montgomery_bus_boycott_1955_1956)

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3. évfolyam 3. szám*"WE SHALL OVERCOME"*

In his speech held on 17<sup>th</sup> June 1966 Rev. Martin Luther King Jr. demonstrated his expectations in supposing long, difficult but peaceful struggle for the Blacks that will be succeeded by them.

"Oh, before this victory's won, some will have to get thrown in jail some more, but we shall overcome. Don't worry about us. Before the victory's won, some of us will lose jobs, but we shall overcome. Before the victory's won, even some will have to face physical death. But if physical death is the price that some must pay to free their children from a permanent psychological death, then nothing shall be more redemptive. We shall overcome. Before the victory's won, some would be misunderstood and called bad names and dismissed as rabble rousers, and agitators, but we shall overcome."<sup>11</sup>

In the 1960s Dr. Vincent Harding was an active participant in the Civil Rights Movement, assisting the Southern Christian Leadership Conference, the SNCC, and the Congress of Racial Equality throughout the South. There was indescribable hope, idealism, courage, and determination in those early months of organizing, marching, singing, and going to jail. They had their faith when they sang the spiritual song "We shall overcome" in the jail, and during the mass demonstrations; and they did seriously it – recalled Dr. Harding his impressions about the very beginning of the Movement.<sup>12</sup> Victory meant freedom, the rights, dignity and the truth, the community of Black and White people and many others that are more felt than known in such a movement by the members.<sup>13</sup>

Following Dr. Harding's thoughts it is more than considerable that a new era has begun in the minority rights in the 1960s.

*THE CIVIL RIGHTS ACT OF 1964*

The Civil Rights Act of 1964 was a milestone of legislation in the United States that extended voting rights and outlawed racial segregation in schools, at the workplace and by facilities that served the general public. Accepted by the Congress in 1964 this law provided the most significant breakthrough since the 15<sup>th</sup> Amendment of the US Constitution.

Once the Act was implemented, its effects were far reaching and had tremendous long-term impacts on the whole country. It prohibited discrimination in public facilities, in government, and in employment, invalidating the Jim Crow laws in the southern US. It became illegal to compel segregation of the races in schools, housing, or hiring.<sup>14</sup>

The bill was introduced by President John Fitzgerald Kennedy in his civil rights speech of June 11, 1963,<sup>15</sup> in which he asked for legislation "giving all Americans the right to be served in facilities which are open to the public – hotels, restaurants, theatres, retail stores, and similar establishments" as well as "greater protection for the right to vote."

He then sent a bill to Congress. Emulating the Civil Rights Act of 1875, Kennedy's civil rights bill included provisions to ban discrimination in public accommodations, and to enable the US Attorney General to join in lawsuits against State Governments which operated segregated school systems, among other provisions. It has a chapter prohibiting the discrimination because of race, colour, religion, sex, or national origin and guarantees the equal employment opportunities. However, it still did not include a number of provisions deemed essential by civil rights leaders including protection against police brutality, ending discrimination in private employment, or granting the Justice Department power to initiate desegregation or job discrimination lawsuits.

Perhaps the most attention paid to its enforcement section, where the law not just penalise the unlawful employment with fine exceeding \$1000 or imprisonment not more than a year, but also inflicts a penalty on the member state with hanging over the federal financial assistance in case of discrimination applied. There is no doubt; the law has very powerful authority of sanctions.

<sup>11</sup> Martin Luther King: We Shall Overcome Speech, 17 June 1966

<sup>12</sup> Harding, Vincent: The other American revolution, University of California Press, 1980. 159. p.

<sup>13</sup> Giddens, Anthony: *Szociológia*, [Sociology] Budapest, Osiris Kiadó, 1997. 272. p.

<sup>14</sup> [http://en.wikipedia.org/wiki/Civil\\_Rights\\_Act\\_of\\_1964](http://en.wikipedia.org/wiki/Civil_Rights_Act_of_1964)

<sup>15</sup> <http://www.jfklibrary.org/Historical+Resources/Archives/Reference+Desk/Speeches/JFK/003POF03CivilRights06111963.htm>

*INTRODUCTION OF MILITANT BLACK GROUPS*

The barriers were removed from the way of establishing a black mid-class in the USA by the civil rights movements of the 60s. However, this fact was not enough to stop racial hatred there. When Rev. Martin Luther King Jr. was assassinated in 1968, in Memphis, Tennessee, where he was to lead a march of sanitation workers protesting against low wages and poor working conditions, it led to unexpected riots there and in more than 100 US cities.

There were early signs of rioting in Memphis after Dr King's death and 4 000 members of the National Guard were drafted into the city. A dusk-to-dawn curfew has been ordered to ward off disturbances. The US President, Lyndon Baines Johnson, has postponed a trip to Hawaii for peace talks on Vietnam. The president said he was "shocked and saddened" by the civil rights leader's death. "I ask every citizen to reject the blind violence that has taken Dr King who lived by non-violence," Mr. Johnson said.<sup>16</sup>

Anyway, the murder of Dr. King became a milestone in the history of the American Black civil rights movements, because of "militant" black groups overwrote the scenario of non-violence, which had been, in fact, exceptional until that.

Still wide ranges of blacks were unable to transform themselves to be mid-class black citizens and their social position has changed almost nothing from underclass.

"The dark ghetto's invisible walls have been erected by the white society, by those who have power, both to confine those who have no power and to perpetuate their powerlessness. The dark ghettos are social, political, educational, and – above all – economic colonies. Their inhabitants are subject peoples, victims of the greed, cruelty, insensitivity, guilt, and fear of their masters." – wrote Kenneth B. Clark and William J. Wilson in *Dark ghetto: dilemmas of social power*.<sup>17</sup>

Dissatisfied elements were tended to extremist and violent ideologies and provided mass support and recruitments for such violent and militant self-protection organisations as "Black Panthers" or "Black Power" which were ready to disseminate those dangerous ideas as an "exceptional and effective" solution.

This was in line with the Kerner Report as well. A National Advisory Commission on Civil Disorders, known as the Kerner Commission after its chair, Governor Otto Kerner, Jr. of Illinois, was an 11-member commission established by President Lyndon B. Johnson to investigate the causes of the 1967 race riots in the United States and to provide recommendations for the future. Their 426-pages-long report was released after seven months of investigation with important findings on the nature of the discrimination and segregation that led to the riots as follows:

"Discrimination and segregation have long permeated much of American life; they now threaten the future of every American. Segregation and poverty have created in the racial ghetto a destructive environment totally unknown to most white Americans. What white Americans have never fully understood but what the Negro can never forget – is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."<sup>18</sup>

The Kerner Commission is known best for its report's conclusion – and it's most memorable message – that "our nation is moving towards two societies – one white, one black – separate and unequal." The socially divided country's remains: On the one hand the metropolitan-living mainly poor Negroes and on the other hand the green-belt resident and rich Whites.

The report looks into the causes of the many urban riots and concludes, "White racism is essentially responsible for the explosive mixture that has been accumulating in our cities since the end of World War II." The report also concludes that a massive redistribution of income had to take place to remedy this problem. It also suggests the addition of one million government-created jobs, the institution of a higher minimum wage, significantly increasing welfare benefits, spending more money on education and housing, and so on.<sup>19</sup>

<sup>16</sup> [http://news.bbc.co.uk/onthisday/hi/dates/stories/april/4/newsid\\_2453000/2453987.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/april/4/newsid_2453000/2453987.stm)

<sup>17</sup> CLARK, Kenneth B. and WILSON, William J.: *Dark ghetto: dilemmas of social power*, p. 11

<sup>18</sup> [http://bfl.archivportal.hu/id-768-douglas\\_massej\\_es\\_nancy\\_denton\\_az.html](http://bfl.archivportal.hu/id-768-douglas_massej_es_nancy_denton_az.html)

<sup>19</sup> <http://www.heritage.org/Research/PoliticalPhilosophy/hl619.cfm>

## H A D T U D O M Á N Y I S Z E M L E

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## SUMMARY

Are there similarities between the Afro-American and the Hungarian Romany in their struggles for equal opportunities?

There are in fact identical and different elements as follows:

There are similarities in their social problems: unemployment, ignorance, exclusion, ghettoing, underclass, etc.

The starting point differs, however, because of the historical fact that Hungarian Gypsies have never been slaves, although there were examples in the Balkans though. The Olah (Boyash) Gypsies immigrated to Hungary in the mid 19<sup>th</sup> Century from the territories of United Principalities of Wallachia and Moldavia (Romania) lived there as slaves in fact.

The character of Black and Romany civil rights movements has differences as well; just as their results differs too. Black civil rights movements were able to influence the Government successfully in many aspects. Due to the social necessity the Federal Government of the United States and later the federal States themselves fulfilled the necessary arrangements consequently that reduced discrimination by the power of law.

If we try to characterize the civil rights efforts of the Hungarian Romany, we can see some kind of inversion of the history of the US Afro-American movements. I can absolutely follow the opinion of Ernő Kállay Ph.D., ombudsman for minority affairs of the Hungarian Republic, who highlighted some of the weakest points of the "Romany affairs".

He said that there is no significant Romany civil movement in Hungary, just as the numbers of Gypsy intellectuals remain insignificant due to the social and economical discrimination. So the help is expected from the "omnipotent State". Because of the lack of potent Romany groups to pressurize the decision-makers there are little legal opportunities granted and even fewer sanctions associated with them – and in the same time, the control of their fulfilment is at most accidental. The lack of civil activity leads to a highly dependent minority group from the majority grants.<sup>20</sup>

## CONCLUSIONS

The similarities and differences we have assessed may highlight gaps and missing elements in the Hungarian Romany minority issue such as follows:

- there is a visible need for the established aims of the Romany society that is essential for their social integration. It is also important to find out suitable methodology, alternatives and priorities may lead to success;
- the efficiency of the Roma Self Governments and NGOs has to be strengthened in many aspects, but especially in lobbying. It seems to be the only way for it, if they share their experiences and co-operate on a regular basis;
- ethnic groups have to be promoted by their will and their results as a "third power".

The black human rights activists enjoyed wide ranges of public confidence - certainly it has been stronger within their communities. However it is a fact that they were trusted by huge number of their active or passive supporters. Their leaders were prestigious people having no criminal charges except in cases directly connected to and created due to their human rights activity such as the bus boycott.

Romany people in Hungary have in fact their minority Self Governments that is guaranteed legally. They also have their representatives involved in the political parties having fractions in the Parliament. Moreover, since the change of regime there have been working numbers of advisers, desks or even Government appointees for the Government in Roma issues.

However, those people have not been in position (and still not are) of carrying such kind of trust of the wide ranges of the Romany minority or even from the majority society for many reasons. First of all, because they have proven throughout many situations that they had their political priorities first, they were committed to their political parties; all the minority issues came after them. Additionally, a number of Romany leaders, Self Governmental representatives were investigated and charged with committing mainly white collar crime and crime against properties. Especially disappointing when the

<sup>20</sup> Gönczöl Katalin–Horváth Pál (szerk.) Egyetemes jogtörténet I. [Universal history of law], Nemzeti Tankönyvkiadó p.122

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cases were committed on funds paid for the “Romany issues” from the money of the taxpayers. Some people are now even suspicious that some of the Roma politicians are elected just because of the election candidate status goes along with the temporary immunity from the criminal procedure.

This seems to be unbreakable barriers to the representation based on the wide ranges of trust, even in case of an extremely successful minority policy. It really makes at least questionable the legitimate representation of Romany people within the majority Hungarian and even in the Romany society.

*Keywords: Afro-American, civil rights, minorities, Romany, segregation*

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