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Forum Essay

Land, Labor, and Difference: Elementary Structures of Race

PATRICK WOLFE

IN AUSTRALIA, ALTHOUGH ABORIGINAL PEOPLE are called black, they are not ideologically credited with a natural sense of rhythm. Conversely, unlike Aborigines, black Americans have not figured as a dying race.¹ Rather, this latter condition has been the ideological preserve of red Americans. In this, as in many other respects, popular representations of black Australians and red Americans have distinctly resembled each other, while both have contrasted sharply with popular representations of black Americans.² Thus more is involved than discourses of color or nationality.

In Australia and in the United States, white authorities have generally accepted—even targeted—indigenous people’s physical substance (synecdochically represented as blood) for assimilation into their own stock. In both countries, indigenous people have asserted criteria other than blood quanta as bases for group membership and identity.³ When it has come to black people’s physical substance, on the other hand, it has only been in the last few decades that U.S. authorities have dispensed with the most rigorous procedures for insulating the dominant stock. Moreover, with some exceptions, black groups in the United States have themselves affirmed the “one-drop rule,” maintaining an inclusive membership policy that, apart from anything else, has kept up group numbers. Afro-Brazilians, by contrast, have found themselves subject to policies in many respects similar to those that have been imposed on indigenous people in Australia and the United States. In particular, Brazil’s policy of “racial democracy” has sought to whiten the population by means of a combination of white immigration and officially sanctioned “miscegenation” between black and lighter-colored Brazilians. Even among Afro-Brazilians, organized opposition to this policy has not attracted widespread support.⁴

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¹ Minor exceptions are noted below.

² Henceforth, apart from quotations and contexts where alternatives are obvious, indigenous people in British North America/the United States will be referred to as Indian, indigenous people in Australia as Aboriginal, people of African descent in British North America/the United States as black (the lowercase usage being the *AHR*’s house style), people of African descent in Brazil as black or Afro-Brazilian, and people classified European as white.

³ As Queensland Aboriginal activist Wadjularbinna put it (personal communication with the author), “You can add as much milk as you like, but it’s still a cup of coffee.”

⁴ George Reid Andrews, “Black Political Mobilization in Brazil, 1975–1990,” in Andrews and Herrick Chapman, eds., *The Social Construction of Democracy, 1870–1990* (New York, 1995), 218–40;

There are no grounds for assuming that such striking disparities can be reconciled under a single master category called “race.” Rather, the preceding examples suggest that race is but one among various regimes of difference that have served to distinguish dominant groups from groups whom they initially encountered in colonial contexts. Focusing on the discourses of miscegenation that structure these examples does, however, enable us to say more about the particular colonial contexts concerned. For instance, American Indians and Aboriginal people in Australia share much more than the quality of attracting assimilation policies. Above all, they are both sets of peoples whose territorial expropriation was foundational to the colonial formations into which Europeans incorporated them. Thus their relationship with their colonizers—as both parties to the relationship would presumably agree—centered on land. In contrast, blacks’ relationship with their colonizers—from the colonizers’ point of view at least—centered on labor. In this light, the varying miscegenation policies make immediate sense, since assimilation reduces an indigenous population with rival claims to the land, while an exclusive strategy enlarges an enslaved labor force.

This essay will examine certain racial regimes that Europeans have sought to impose on colonized groups, with a view to illuminating both the foundations on which Europeans established white supremacy and the changing ways in which they have sought to maintain it. To this end, we will focus on the points at which racial classifications most conspicuously come undone. For such classifications, in common with other imposed categories, apply most visibly where they are vulnerable, at the points where the divisions that they proclaim break down. Thus the essay will investigate differentiation by way of its negation. Universally, racial categories have been transgressed by sexuality, so we can approach systems of social domination comparatively by way of a cross-cultural historical survey of discourses of miscegenation.⁵ On this basis, the essay will analyze miscegenation policies that white authorities have sought to impose in Australia (on Aborigines), in the United States (on blacks and on Indians), and in Brazil (on the bulk of the population). Since the contrasts and correspondences that will concern us do not necessarily emerge in these different societies at the same times or in consistent temporal sequence, the discussion is contextual and thematic rather than chronological.

As I HAVE PREVIOUSLY ARGUED IN MORE DETAIL,⁶ the Australian assimilation policy, under which Aboriginal children with a proportion of non-Aboriginal descent were

Kim D. Butler, *Freedoms Given, Freedoms Won: Afro-Brazilians in Post-Abolition São Paulo and Salvador* (New Brunswick, N.J., 1998); Michael George Hanchard, *Orpheus and Power: The Movimento Negro of Rio de Janeiro and São Paulo, Brazil, 1945–1988* (Princeton, N.J., 1994); Livio Sansone, “The Local and the Global in Today’s Afro-Bahia,” in Ton Salman, ed., *The Legacy of the Disinherited: Popular Culture in Latin America: Modernity, Globalization, Hybridity and Authenticity* (Amsterdam, 1996), 197–219; but compare Léila Gonzalez, “The Unified Black Movement: A New Stage in Black Political Mobilization,” in Pierre-Michel Fontaine, ed., *Race, Class and Power in Brazil* (Los Angeles, 1985), 120–34.

⁵ The term “miscegenation” was not coined until 1863. Sidney Kaplan, “The Miscegenation Issue in the Election of 1864,” *Journal of Negro History* 34 (1949): 274–343, 277. Nonetheless, it was substantially anticipated by comparable terms (“amalgamation,” etc.), so I shall use it to refer to this discursive continuity as a whole.

⁶ Patrick Wolfe, “Nation and Miscegenation: Discursive Continuity in the Post-Mabo Era,” *Social Analysis* 36 (1994): 93–152; Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London, 1999), 168–90. This section overlaps with these

taken away from their natal families by the Australian state, was integral to the logic of elimination that underpinned Australian settler colonialism. As opposed to franchise-colonial relationships (such as the British Raj, the Netherlands East Indies), settler colonialism seeks to replace the natives on their land rather than extract surplus value by mixing their labor with a colony's natural resources. Slave societies, which may be metropolitan or colonial, are different again, since—at least, in the case of the successful ones—the labor that is mixed with the land is not native but geographically alienated, the slaves being, or being descended from, outsiders removed from their original homelands. In the case of settler colonies, which may also encompass relations of slavery, the colonizers come to stay, expropriating the native owners of the soil, which they typically develop by means of a subordinated labor force (slaves, indenturees, convicts) whom they import from elsewhere.⁷ Thus the antebellum United States encompassed both settler-colonial relationships (between whites and Indians) and relationships of slavery (between whites and blacks).⁸ In the Australian case, the white convicts whom the British imported were not comparable to slaves in the United States since, no matter how long the term of their servitude, they did not transmit their juridical condition to offspring. So far as Aboriginal people were concerned, however, the British were involved in settler-colonial relationships that were substantially similar to those between whites and Indians in the United States. In either case, settler colonialism introduced a zero-sum contest over land on which conflicting modes of production could not ultimately⁹ coexist. Thus the primary logic of settler colonialism can be characterized as one of elimination.¹⁰

In Australia, the logic of elimination acquired peculiar explicitness through the

earlier accounts. By virtue of their cumulative nature, comparative projects make it hard to avoid repetition, especially when one has not significantly changed one's mind about a previous analysis.

⁷ Hence "pure" settler colonialism of the Australian or North American variety should be distinguished from so-called colonial settler societies that depended on indigenous labor (for example, European farm economies in southern Africa or plantation economies in South Asia).

⁸ As noted below, some slaveowners were Indian, and a few were black.

⁹ "Ultimately" because, in some cases (especially the fur trade), a high level of coexistence was possible over considerable time spans. In my view, which I cannot develop here, the shift from trading posts to settler colonialism proper is best considered as a shift from mercantile to industrial forms of capitalism. In keeping with the argument to come, a shift of this magnitude—that is, from a trade-centered to a land-centered form of colonialism—would involve a shift in miscegenation discourse. Thus it is significant that, on the advent of settler colonization proper, miscegenation no longer underwrites the cross-cultural political alliances of Richard White's magisterially narrated middle ground: "The accommodation between French and Algonquian models of exchange that became the French fur trade of the *pays d'en haut* was structured by the overarching political relationship of French fathers to their Algonquian children. This alliance provided the means for linking the Algonquian system of exchange, with its emphasis on the primacy of social relation, to a much larger world economy." White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge, 1991), 104–05. By the same token, the miscegenation discourse that I analyze here is substantially different from the shifting franchise-colonial patterns that Ann Laura Stoler perceptively discerned in the Dutch East Indies. Stoler, "Making Empire Respectable: The Politics of Race and Sexual Morality in 20th-Century Colonial Cultures," *American Ethnologist* 16 (1989): 634–60; Stoler, "Sexual Affronts and Racial Frontiers: European Identities and the Cultural Politics of Exclusion in Colonial Southeast Asia," in Frederick Cooper and Stoler, eds., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley, Calif., 1997), 198–237.

¹⁰ "Aborigines, n. Persons of little worth found cumbering the soil of a newly discovered country. They soon cease to cumber; they fertilize"; Ambrose Bierce, "Devil's Dictionary," *Collected Works of Ambrose Bierce*, 12 vols. (New York, 1909–12), 7: 13.

doctrine of *terra nullius*. Although the British Privy Council did not confirm this doctrine in colonial law until 1889,¹¹ it was deeply grounded in legal and popular-cultural presupposition. In the latter, despite the whispering in a few more sensitive hearts, Aborigines were simply savages and, as such, without rights. In its more formal aspect as an item of international law, however, the doctrine emerges not so much as an enduring ethnocentric prejudice as a quintessentially modern ideology that unites the domestic and colonial aspects of European bourgeois discourse.

The key concept is that of private property. In distinctively Lockean fashion, the doctrine held that property in land resulted from the mixing of one's labor with it to render it a more efficient provider of wealth than it would have been if left in its natural state, paradigmatically as an aristocratic hunting reserve. Practically, this meant settled agriculture, involving cultivation, irrigation, and enclosure. In addition to this requirement, it was also necessary that there be a properly sanctioned framework of laws to protect the property rights that the individual had acquired by dint of the application of his (*sic*) labor. Practically, this meant centralized governance, formal sanctions, and, again, enclosure, or fixed public boundaries. Within Europe, there could hardly have been a clearer antithesis, not to say challenge, to an unrepresentative system of hereditary landed power characterized by inefficiency and wasteful exclusions. In its colonial application, where it acquired the formality of a name (*terra nullius* meaning "nobody's land"), the same set of principles furnished a warrant for denying "nomadic" peoples ownership of the land they occupied.¹²

In Australia, Europeans almost universally judged Aborigines to be nomadic—not in the pastoral, biblical sense but as people who merely prowled about the landscape in search of sustenance, garnering at will like so many stray animals—and as lacking anything resembling an ordered system of government. Accordingly, they had no more claim to ownership of the land than had the native fauna that grazed across its expanse. As Justice Blackburn could still conclude in 1971, in the Gove land rights case, Aborigines belonged to the land, but the land did not belong to them.¹³ Since Australia belonged to no one else, it was simply there for Europeans to take, without the requirement for contract, compensation, or other form of consideration that the acknowledgement of so-called Native Title would have imposed.

This is not to suggest that the attribution by Europeans of Native Title has been of any particular benefit to colonized peoples. Indeed, Indian peoples' experiences

¹¹ "There is a great difference between the case of a colony acquired by conquest or cession, in which case there is an established system of law, and that of a colony which consisted of a tract of territory practically unoccupied, without settled inhabitants or settled law, at the time it was peacefully annexed to the British dominions. The colony of New South Wales belongs to the latter class." *Cooper v. Stuart*, 1889, 14 *Appeal Cases* (Privy Council), 286.

¹² For analysis and discussion of the principal formulations of *terra nullius* and the doctrine of discovery (including the Norman yoke) more generally, see, for example, Alan Frost, "New South Wales as *Terra Nullius*: The British Denial of Aboriginal Land Rights," in Susan Janson and Stuart Macintyre, eds., *Through White Eyes* (Sydney, 1990), 65–76, 16–34; Henry Reynolds, *The Law of the Land*, 2d edn. (Melbourne, 1992); and especially Robert A. Williams, Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (New York, 1990), 233–86.

¹³ *Milirrpum v. Nabalco Pty. Ltd. and the Commonwealth of Australia*, 17 *Federal Law Reports*, 1971, see, for example, 141, 272–73.

with the treaties that were necessitated by their Native Title (or Domestic Dependent Nations status) would indicate that *terra nullius* had the advantage of leaving Aboriginal people's unacknowledged rights intact.¹⁴ The point is rather to indicate the deep historical anchorage of settler-colonial discourse, which is much more than some ad hoc rationalization that sprang up spontaneously in the Australian context. With this provenance recognized, comparative colonial history becomes possible. Moreover, it also enables us to move beyond the category "Europe," used in a vaguely geographical sense, to a specific social formation, capitalism, with discernible historical moments and phases. For instance, the very fact that the British colony in Australia originated as a convict settlement (the United States having been closed off after the revolution) necessarily brings us back to the bourgeois discourse of private property that underpinned the doctrine of *terra nullius*, in this instance by way of the enclosures that produced cities teeming with the Malthusian poor whom convict shipment was intended to siphon off. As will be noted below, such considerations did not apply to Portugal, which, remaining effectively preindustrial, lacked a surplus population, a consideration that had profound implications for the Brazilian colonial formation.

With or without doctrinal explication, though, in both Australia and the United States, the logic of elimination took on a range of related historical forms. Indeed, as will emerge, the settler-colonial policies that authorities in the two countries have implemented or attempted to implement might seem to have been drawn from a common stock. With the notable exception of severalty or allotment legislation,¹⁵ the standard stage model of Indian policy—conquest, removal, reservation, allotment, assimilation, co-optation, termination, self-determination¹⁶—elicits the ready recognition of one familiar with the history of Aboriginal-European relations in Australia. Of course, there were local variations and postponements, the details were not always just the same, and the "phases" did not always follow in strict succession—indeed, they often coincided as alternatives. Nonetheless, as an inventory of settler-colonial policy options, the list requires little substantial modification for reapplication to the historical development of Australian policies on Aborigines.

Within Australia, policies on Aborigines have varied in time and place. In some regions, local factors have encouraged European reliance on Aboriginal labor. This applies particularly to the northern cattle industry, which remained crucially dependent on Aboriginal labor until relatively recently.¹⁷ Not only was it widely

¹⁴ "[I]n denying native title, *terra nullius* had also precluded its extinguishment—you can't extinguish something that isn't already there. As a formula for extinguishment, the [Australian] *Native Title Act* refurbished and reinvigorated the logic of elimination." Wolfe, *Settler Colonialism*, 203.

¹⁵ Since no native entitlement to land was recognized in Australia, the motivation for a Dawes Act did not arise.

¹⁶ For example: "concentration (relocating Western Indians into two broad areas to the north and south of the principal overland trails); confinement to reservations, through both negotiations and military force . . . assimilation and allotment (division of tribal lands into private property under the Dawes Act); the Indian New Deal; the attempt in the 1950s at termination (withdrawing the federal government from responsibility for Indians); and then, in our own times, the multiple meanings of self-determination." Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York, 1987), 195. For an analogous example, see William T. Hagan, *American Indians*, 3d edn. (Chicago, 1993), 36–37.

¹⁷ Ronald M. Berndt and Catherine H. Berndt, *End of an Era: Aboriginal Labour in the Northern*

believed that Europeans were unfit to labor in such harsh conditions, but most of this region was not invaded until after the shipment of convicts had been terminated, so cheap white labor was unavailable. In early Tasmania (Van Diemen's Land), Aboriginal women were extensively used for sealing and oyster diving, while, later on, Torres Strait Islands men were employed as divers on pearl luggers. Aboriginal men and women were in many respects differently colonized, with women's domestic and sexual labor being valued on a different scale to their men's services. Although these and other variations are significant and need to be acknowledged, they do not alter the primacy of the dominant pattern, manifest most clearly in the south and east of the continent, where settler colonialism practically approximated its pure or theoretical form, resulting, within a short space of time, in the decimation of the Aboriginal population.

Since, as in North America, frontiers moved across Australia from coastal beachheads, variously established over the century following the landing of the First Fleet in 1788, it is not possible to date the development of Australian settler colonization as an even sequence. Thus it is convenient to organize its establishment and consolidation into a typology of strategic phases, which, though overlapping, were successively introduced at different times in different parts of the continent.¹⁸ For heuristic purposes, I term these phases confrontation, incarceration (which includes removal), and assimilation (biological and cultural). The first and the last represent the extremes of a historical transformation during which Aborigines' relationship to European society shifted from one of exteriority to one of interiority. Although the final phase, assimilation, was governed by a discourse of miscegenation, it was consistent with—and, in its own way, reproduced—the same logic of elimination that had underlain the first two phases. Thus the assimilation policy should be situated in the historical context of Australian colonization as a whole.

During the initial phase, in which invading Europeans first confronted Aborigines defending their territory, Aboriginal resistance was subverted as a result of the combined effects of four related factors: homicide, introduced disease, starvation, and sexual abuse.¹⁹ The scenario is, of course, broadly familiar in the U.S. context. There is, however, a major difference. In the United States, depictions of black sexuality dominated miscegenation discourse to an extent that led Winthrop Jordan to claim, albeit with some exaggeration, that “the entire interracial sexual complex

Territory (Canberra, 1987); Tim Rowse, *White Flour, White Power: From Rations to Citizenship in Central Australia* (Melbourne, 1998).

¹⁸ Wolfe, “Nation and Miscegenation”; Wolfe, *Settler Colonialism*, 168–90. For analogous earlier models of this process, see Jeremy Beckett, “Aboriginality in a Nation-State: The Australian Case,” in Michael C. Howard, ed., *Ethnicity and Nation-Building in the Pacific* (Tokyo, 1989), 118–35; Richard Broome, *Aboriginal Australians: Black Responses to White Dominance, 1788–1980* (Sydney, 1982); Peter Read, *A Hundred Years War: The Wiradjuri People and the State* (Canberra, 1988).

¹⁹ From a huge literature, see, for example, N. G. Butlin, *Our Original Aggression: Aboriginal Populations of Southeastern Australia, 1788–1850* (Sydney, 1983); Heather Goodall, *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770–1972* (Sydney, 1996); Henry Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the Invasion and Settlement of Australia* (Townsville, Queensland, 1981); C. D. Rowley, *The Destruction of Aboriginal Society* (Canberra, 1970).

did not pertain to the Indian.”²⁰ In Australia, on the other hand, which lacked a comparable “third race,” miscegenation discourse came to focus primarily on indigenous people, whose blackness became correspondingly salient.

Aborigines who survived the disaster of the first phase found themselves reduced to improvising whatever livelihoods they could in the pores of the alien new society, which generally found them repugnant. Measures were introduced to confine the surviving Aboriginal “remnant” to fixed locations, either by the lure of rations or by coercive measures.²¹ This constitutes the second, carceral phase of settler-colonial policy toward Aborigines. In keeping with Social Darwinist premises, as corroborated by Aborigines’ manifest decimation, their confinement on missions and reserves was seen as a temporary measure, since they were believed to be a dying race. Although framed in philanthropic rhetoric (as in missionaries “smoothing the dying pillow”), this phase maintained the logic of elimination in that it vacated Aboriginal territory and rendered it available for pastoral settlement.

Mission boundaries were not enough, however, to prevent the sexual encounters, conducted under conditions of radical inequality, that characterized relations between white men and Aboriginal women. These encounters produced offspring who, growing up as they almost invariably did with their maternal kin, identified themselves as Aboriginal. Moreover, far from dying out, this section of the Aboriginal population threatened to expand exponentially. As the nineteenth century moved to its close, the romance of extinction progressively gave way to the specter of the “half-caste menace.” Aboriginal people became racialized—in the full genetic sense involved in blood quantum legislation—during the years surrounding national independence, in 1901.²² These developments coincided with the end of the frontier, an uneven process that marked the final internalization of the “Aboriginal problem.” They also coincided with the introduction of the so-called White Australia Policy. Seeking to build a white man’s paradise in the South Pacific, and encouraged by trade unions keen to eliminate cut-price labor, the newly federated national government in 1903 introduced legislation that curtailed non-European immigration and targeted non-white residents for deportation.²³ Since no external homeland could plausibly be assigned to Aborigines, the remedy for the challenge that they posed to white Australia was not projection without but absorption within. From around the turn of the twentieth century, a range of measures were introduced that were designed to detach individuals from Aboriginal communities, stripping them of their Aboriginal identities and incorporating them into white society. Thus the assimilation policy was a symptom of Aborigines’ containment within Australian society, constituting an internal correlate to the White Australia Policy.

Initially, lighter-skinned Aborigines (that is, those whose quantum of Aboriginal

²⁰ Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812* (Chapel Hill, N.C., 1968), 163.

²¹ From another huge literature, see, for example, Bain Attwood, *The Making of the Aborigines* (Sydney, 1989); M. F. Christie, *Aborigines in Colonial Victoria, 1835–86* (Sydney, 1979); Anna Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia, 1900–1940* (Nedlands, WA, 1988); Bill Rosser, *This Is Palm Island* (Canberra, 1978).

²² Attwood, *Making of the Aborigines*, 81–103.

²³ Myra Willard, *History of the White Australia Policy to 1920* (1968; Melbourne, 1974), 182–86.

blood was deemed to be less than 51 percent) were expelled from reserves. They generally inhabited makeshift settlements (“fringe camps”) on the margins of country towns, caught between the reserves from which they had been banned and rural white society. These settlements were subject to harassment on the part of police and local authorities, which increasingly took the form of child abduction, as predominantly lighter-skinned Aboriginal children were taken from their families and committed to youth-training institutions with a view to their insertion into the lowest echelons of white society—which is to say, with a view to their elimination from the Aboriginal reckoning.²⁴ After World War II, there was a general shift away from youth-training institutions toward a policy of having Aboriginal children adopted out to white families. This policy continued to be official practice in most Australian states until 1967, when a referendum removed the constitutional disabilities that had enabled Aborigines to be singled out in this way.²⁵ Members of the “Stolen Generations,” as the victims of this policy have come to be known, have so far been unsuccessful in their attempts to secure redress from the Australian government.

The conformity of this policy to the logic of elimination is too obvious to require explanation. For comparative purposes, however, we need to analyze the genetic arithmetic according to which Australian governments sought to breed Aborigines out. This will provide a basis for comparing the logic of the Australian system with the quantifications informing regimes such as the one-drop rule in the United States or the hyperelaborated set of color classifications in Brazil. In this connection, the key feature of the Australian system is that it limited the permutations of miscegenation to three descending fractions, conventionally termed “half-caste,” “quadroon,” and “octoroon.” Crucially, a one-sixteenth category was not provided for. Rather, the category succeeding “octoroon” was full-blown whiteness. Assuming continuing miscegenation in each descending generation,²⁶ therefore, the system provided for a three-generational lap count to elimination (see Figure 1).²⁷

²⁴ Commonwealth of Australia, *Bringing Them Home* (Canberra, 1997); Coral Edwards and Peter Read, eds., *The Lost Children: Thirteen Australians Taken from Their Aboriginal Families Tell of the Struggle to Find Their Natural Parents* (Sydney, 1989); D. J. Mulvaney, *Encounters in Place: Outsiders and Aboriginal Australians, 1606–1985* (St. Lucia, Queensland, 1989), 199–205; Peter Read, *A Rape of the Soul So Profound: The Return of the Stolen Generations* (St. Leonards, NSW, 1999).

²⁵ Bain Attwood and Andrew Markus, *The 1967 Referendum: or, When Aborigines Didn't Get the Vote* (Canberra, 1997).

²⁶ As J. A. Carrodus, secretary of the Australian Department of the Interior, observed at the 1937 national conference that devised a policy of assimilation for uniform application across all Australian states and territories: “It would be desirable for us to deal first with the people of mixed blood. Ultimately, if history is repeated, the full bloods will become half-castes.” Commonwealth of Australia, *Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities* (Canberra, 1937), 21. By this, Carrodus meant that the “full bloods” would have “half-caste” children, to whom the policy could be reapplied.

²⁷ The illustration comes from an apologia for the assimilation policy written by one of the most senior Aboriginal Affairs administrators in Australia, A. O. Neville, who had been Chief Protector of Aborigines in Western Australia for a quarter-century: “Time and time again I have been asked by some white man: ‘If I marry so-and-so (a coloured [i.e., Aboriginal/European] person) will our children be black?’ . . . [I replied] . . . That the children would be lighter than the mother, and if later they married whites and had children these would be lighter still, and that in the third or fourth generation no sign of native origin whatever would be apparent. Subject to this process a half-blood mother is unmistakable as to origin, her quarter-caste or quadroon offspring almost like a white, and an octoroon entirely indistinguishable from one. (See illustrations.)” Neville, *Australia's Coloured Minority: Its Place in the Community* (Sydney, [1947]), 58–59, illustration facing p. 72.

Though arbitrary, the fact that only three fractions were licensed is, therefore, fundamental, since it provided a cut-off point. Any greater number—let alone a Brazilian-style myriad of categories—would have extended Aborigines' anomalous persistence within white Australia on a scale of generations.

In sum, then, the Australian solution to the problem posed for settler colonization by the recalcitrant persistence of extraneously constituted indigenous societies—who, significantly, were numerically overwhelmed—was to absorb them into the white stock. So far as race is concerned, it is important to note that, despite the Social Darwinist rhetoric of backwardness that accompanied the assimilation policy, Aborigines' physical substance cannot really have been seen as deficient, otherwise the last thing white authorities would have set out to do would have been to incorporate it into the white gene pool. In recent decades, the emphasis of assimilationist discourse has shifted from race to culture. Aborigines' day in the sun came in 1967, when a referendum removed clauses that had discriminated against them from the Australian constitution. Since then, the White Australia Policy has been abandoned in favor of multiculturalism. Positive representations of Aborigines have been a prominent feature of multiculturalist discourse. Rather than diminishing the pressure for Aborigines to assimilate, however, this has merely altered the ethnic profile of the society into which they are scheduled to blend. Thus they now find themselves represented as just another tile in the multicultural mosaic, a trivialization of their difference that effaces their status as prior owners.

Using Australia as a baseline, we can now sketch out the principal comparative features of the U.S. and Brazilian systems.

THE U.S. HISTORIAN EDMUND S. MORGAN focused squarely on the central paradox of American liberal ideology, in which revolutionary ideals of universal freedom and the rights of man coincided with the consolidation of African slavery in colonial North America. Morgan argued that this contradictory situation had arisen as a result of the threat that the presence of an unruly white working class, the so-called "giddy multitude," had posed to seventeenth-century Virginian society.²⁸ Amid fears on the part of the governing elite that the colony of Virginia was fast becoming a "sinke to drayne England of her filth and scum"—scum who, as Bacon's Rebellion of 1676 had made alarmingly clear, could form alliances with rebellious Africans—Virginia embarked on a twin program that combined reductions in the importation of indentured English servants with a steep increase in the importation of African slaves. Since these slaves did not have indentures that expired, they would not present the threat to order that white freedmen did. Hence eighteenth-century Virginian leaders were able to extol the ideal of a free white yeomanry and profess allegiance to the rights of all Englishmen, because black slaves had taken the place

²⁸ "It could be argued that Virginia had relieved one of England's social problems by importing it." Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), 295; compare Morgan, "Slavery and Freedom: The American Paradox," *Journal of American History* 59 (1972): 5–29. In 1680, the giddy multitude included Africans, who, at this stage, were still mainly "seasoned" Anglophone slaves imported from the Caribbean rather than directly from Africa. T. H. Breen, "A Changing Labor Force and Race Relations in Virginia," *Journal of Social History* (Fall 1973): 3–25.



THREE GENERATIONS
(Reading from Right to Left)

1. Half-blood—(Irish-Australian father: full-blood Aboriginal mother).
2. Quadroon Daughter—(Father Australian born of Scottish parents: Mother No. 1).
3. Octaroon Grandson—(Father Australian of Irish descent: Mother No. 2).

From A. O. Neville, *Australia's Coloured Minority* (see n. 27).

of a dangerous underclass of recently freed whites. Thus Morgan's argument went much further than merely pointing to the synchronicity of slavery and libertarian ideals as if the two simply coincided by accident.²⁹ Rather, for Morgan, slavery was actually a functional prerequisite to the development of American revolutionary ideals. As he put it, slavery transformed "the Virginia of Governor Berkeley to the Virginia of Jefferson . . . [It was] slavery that made the Virginians dare to speak a political language that magnified the rights of freemen."³⁰ Developing this profoundly subversive insight on Morgan's part, David Brion Davis reconstructed the ideological progression in which blacks, who were deemed incapable of emancipating themselves, became a race apart in the late eighteenth century in a manner that excluded them from the universal category of man who was the bearer of the rights that the fathers of the revolution were so loftily enunciating. Thus race became "the central excuse for slavery."³¹

²⁹ As Matthew Frye Jacobson would later put the point (though without interrogating the credentials of liberalism), "Exclusions based upon race and gender did not represent mere lacunae in an otherwise liberal philosophy of political standing; nor were the nation's exclusions simply contradictions of the democratic creed. Rather, in the eighteenth and nineteenth centuries these inclusions and exclusions formed an inseparable, interdependent figure and ground in the same ideological tapestry of republicanism." Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass., 1998), 22–23.

³⁰ Morgan, "Slavery and Freedom," 29.

³¹ David Brion Davis, *The Problem of Slavery in the Age of Revolution* (Ithaca, N.Y., 1975), 303–04. It should perhaps be noted that Morgan's own argument was becoming more explicitly couched in terms of race by 1975. "Racism made it possible for white Virginians to develop a devotion to the equality that English republicans had declared to be the soul of liberty." Morgan, *American Slavery, American Freedom*, 386.

The perception that race provided an alibi for the particularity with which universalism applied in practice is by no means new. Indeed, so far as the core hypocrisy is concerned, it would be hard to improve on Alexis de Tocqueville's observation that the democratic United States exterminated Indians "without violating a single great principle of morality in the eyes of the world. It is impossible to destroy men with more respect for the laws of humanity."³² Race enabled the "men" being destroyed to be separable from the "man" in humanity. Well though this point has been made, however, its full implications have not been developed. In particular, race has not been adequately recognized as a shifter that bound together two principal but otherwise distinct strands of Enlightenment discourse, one epistemological, the other political.³³ Epistemologically, a central feature of the Enlightenment was, of course, the taxonomic imperative animating the great classificatory systems of Carl Linnaeus, George-Louis Buffon, Johann Blumenbach, and Georges Cuvier. Although the hierarchical structuring of these systems gave them obvious ideological utility in contexts of social domination, there was no necessary linkage between hierarchical taxonomies and the formal equality that hallmarked citizenship for liberal democratic theory.³⁴ As a taxonomy par excellence, however, race provided the categorical boundaries that ensured the exclusiveness of the bearers of the rights of man. This Jeffersonian fusion of bourgeois political ideology with classificatory natural science, of power with knowledge, gave race its singular epistemic purchase on Enlightenment and post-Enlightenment thought. Thus the point is not just that the prestige of science afforded an authoritative warrant to the categorical cleavage within humanity that the concept of race ordained. It is rather (or also) that race reconciled and unified two of the most formative—perhaps even *the* two most formative—components of the Enlightenment complex. Race, in short, is endemic to modernity.

The dating of race's emergence and of its harnessing to slavery remain controversial, oceans of ink having been spilled on arguments over just when, once the first consignment of twenty Africans had been landed in Virginia in 1619, Africans became "Negroes" (as opposed to Blackamoors or heathens) and Negroes became slaves.³⁵ Nonetheless, it is at least clear that, by the last quarter of the seventeenth

³² Alexis de Tocqueville, *Democracy in America*, Phillips Bradley, ed., 2 vols. (New York, 1945), 1: 355. Needless to say, de Tocqueville's gendering could be improved on, and by means of an equivalent disclosure of universalism's particularity. The point is that it has not taken recent scholarship to identify the glaringly obvious discrepancy enabled by race.

³³ Most general Western or European histories of race also associate its emergence with the Enlightenment. See, for example, Ivan Hannaford, *Race: The History of an Idea in the West* (Baltimore, 1996); Kenan Malik, *The Meaning of Race: Race, History and Culture in Western Society* (London, 1996); George L. Mosse, *Toward the Final Solution: A History of European Racism* (1978; Madison, Wis., 1985).

³⁴ "The growing ideological importance of racism reflected, in large part, the failure of hierarchical political philosophy to serve as an adequate conceptual framework for American society." Frederick Cooper, *Plantation Slavery on the East Coast of Africa* (New Haven, Conn., 1977), 260.

³⁵ For a clear and authoritative account of the protracted controversy over the priority of race or slavery (Mary and Oscar Handlin, Carl Degler, Winthrop D. Jordan, George M. Fredrickson, Edmund Morgan, J. H. Plumb, *et al.*), see Alden T. Vaughan, "The Origins Debate: Slavery and Racism in Seventeenth-Century Virginia," *Virginia Magazine of History and Biography* 97 (1989): 311–54. The suggestion is not, of course, that race emerged *de novo* in the late eighteenth century. On the contrary, most if not all of its distinctive components were of considerable standing in European discourse, albeit not yet systematically configured. This even applies to the core feature of the essentialized racial body, which, as Joyce Chaplin has convincingly argued, was anticipated in the uses to which early modern

century, the equation of Africanness and slavery had become well established.³⁶ As the English missionary Morgan Goodwyn expressed the developing presumption in 1680, the two words “Negro” and “Slave” had “by custom grown Homogeneous and convertible.”³⁷ Moreover, despite a brief period of patriliney in Maryland, slavery had become transmitted matrilineally.³⁸ In sharp contrast to the English system, wherein name and status were inherited in the paternal line, it was early on decided that, no matter who the father might be, the offspring of female slaves would themselves become slaves. Though generating some concern in cases where white women had children by black men, who may or may not have been free, this provision effectively rendered blackness equivalent to slavery, at least on the level of presumption.³⁹ With blackness denoting slavery, the consequence of black

natural philosophy was put to explain the observed discrepancy between Indians’ and Europeans’ susceptibility to disease. Chaplin, “Natural Philosophy and an Early Racial Idiom in North America: Comparing English and Indian Bodies,” *William and Mary Quarterly*, 3d ser., 44 (1997): 229–52. It would be hard to encapsulate the three-way racialization of blacks, Indians, and whites more neatly than in the idiom of resistance to disease—as Christine Bolt observed, the fact that (West) Africans combined an immunity to both the European and the tropical diseases that were ravaging Indian societies was used by whites “as ‘proof’ that blacks were intended to labor in hot regions and that they [whites] were not. In short, the colonists were conveniently able to conclude that the Indians would vanish before civilization, while the Africans were ordained to be its servants.” Bolt, *American Indian Policy and American Reform: Case Studies of the Campaign to Assimilate the American Indians* (London, 1987), 25.

³⁶ As early as 1652, Rhode Island’s antislavery legislation (which was to be ineffectual in practice) presupposed that “there is a common course practised amongst English men to buy negers, to that end they may have them for service or slaves forever.” Quoted in William M. Wiecek, “The Statutory Law of Slavery and Race in the Thirteen Mainland Colonies of British America,” *William and Mary Quarterly*, 3d ser., 34 (1977): 258–80, 260.

³⁷ Quoted in James Walvin, *Questioning Slavery* (London, 1996), 79. This is not to say that all slaves were black, rather that the trend was increasingly that way, as fewer Indians and no whites continued to be enslaved. From a vast literature, see, for example, A. Leon Higginbotham, Jr., *In the Matter of Color: The Colonial Period* (Oxford, 1980); Ira Berlin, “From Creole to African: Atlantic Creoles and the Origins of African-American Society in Mainland North America,” *William and Mary Quarterly*, 3d ser., 53 (1996): 251–88, 288 (who links the trend to the rise of plantations); David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, N.Y., 1966), 245. A note of caution, however: when reading such accounts, it is important not to mistake classificatory form for demographic substance. In eighteenth-century South Carolina, for instance, “Native-American slaves soon vanished from the census enumerations and plantation daybooks, as plantation owners simply categorized their Indian slaves as Africans.” Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, Mass., 1998), 145.

³⁸ The intended effect of the Maryland exception was to increase slave holdings by making white women who bore slaves’ offspring themselves slaves during their lives. See Nancy F. Cott, “Giving Character to Our Whole Civil Polity: Marriage and the Public Order in the Late Nineteenth Century,” in Linda K. Kerber, Alice Kessler-Harris, and Kathryn Kish Sklar, eds., *U.S. History as Women’s History: New Feminist Essays* (Chapel Hill, N.C., 1995), 107–21, 383–84 (n. 45); Davis, *Problem of Slavery in Western Culture*, 277; Stanley M. Elkins, *Slavery: A Problem in American Institutional and Intellectual Life*, 2d edn. (Chicago, 1968), 55; Barbara J. Fields, “Slavery, Race and Ideology in the United States of America,” *New Left Review* 181 (1990): 95–118, 107; Wiecek, “Statutory Law,” 262–63. For wider legislative context, see Jonathan L. Alpert, “The Origin of Slavery in the United States—The Maryland Precedent,” *American Journal of Legal History* 14 (1970): 189–221; Karen A. Getman, “Sexual Control in the Slaveholding South: The Implementation and Maintenance of a Racial Caste System,” *Harvard Women’s Law Journal* 7 (1984): 115–52, 127–30.

³⁹ “As South Carolina justice William Harper phrased it in his *Monk v. Jenkins* opinion, ‘the presumption of our law is against a negro’s freedom.’” Thomas C. Holt, *Black over White: Negro Political Leadership in South Carolina during Reconstruction* (Urbana, Ill., 1977), 43. This presumption was, of course, to culminate in 1856 in the Dred Scott case. See Don E. Fehrenbacher, *The Dred Scott Case, Its Significance in American Law and Politics* (New York, 1978). Even though the equivalence of blackness and slavery was not made explicit in the U.S. Constitution, it was assumed in the deliberations

women's reproductive activity became the reverse of that which would subsequently come to be assigned to it in Australia. Whereas, in Australia, black women were to become conduits to whiteness, in the United States, black women came to augment white men's property by incubating the additional slaves whom they fathered.

Even though the terms "African," "black," and "slave" became effectively interchangeable, in practice the match was by no means perfect. For not only did free blacks exist at all stages in the history of North American slavery, but, in the majority of cases, they were not fully "black" at all. Rather, these people's non-slave status was correlated on the genetic dimension by the fact that, in the main, they were of European as well as of African extraction. The contradiction between the slave as property and the slave as human being went to the core of the institution of slavery, recurrently surfacing when, for instance, slaves ran away (stole themselves?), committed crimes (with *mens rea*?), or converted to Christianity (property with a soul?). There could be no more tangible symptom of this contradiction than the object of property who reconciled the humanity of the master with that of the slave within the seamless compass of his or her own physical being. In some colonies and states and at some times, even up to the twentieth century, a "mulatto" category was officially acknowledged.⁴⁰ Significantly, this tended to occur when whites were demographically outnumbered and, as in the highly labor-intensive rice economy of South Carolina, relied on an intermediary or buffer population to stave off the threat of slave revolt.⁴¹ For a brief period in eighteenth-century Georgia, free blacks could even become white, though this extraordinary exception only obtained while Georgian whites were in a frontier situation and needing all the help they could get to suppress Native Americans and, to the south, the Spanish.⁴² In general, however, people who straddled the boundaries whereby the juridical opposition between slave and free was coterminous with the racial opposition between black and

of its framers: "Throughout the Constitutional Convention the framers used the terms 'blacks,' 'negroes,' and 'slaves' interchangeably. In fact, the framers used the racial designation more frequently than the term 'slave.' Similarly, white is used instead of 'free person.' In the end they chose not to use any of these terms, in hopes that the proslavery aspects of the Constitution would be hidden from voters in the North. Race is present even if the words 'black,' 'Negro,' and 'white' are not." Paul Finkelman, "The Color of Law," *Northwestern University Law Review* 87 (1993): 937–91, 958–59. As Leon Higginbotham noted, "It was not until 1865, with the passage of the Thirteenth Amendment and slavery's abolition, that the word 'slavery' was mentioned in the United States Constitution." Higginbotham, *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process* (New York, 1996), 71.

⁴⁰ After coming and going, the mulatto category finally vanished for good from the U.S. Census in 1920. George Reid Andrews, "Racial Inequality in Brazil and the United States: A Statistical Comparison," *Journal of Social History* 26 (1992): 229–63, 234; Paul R. Spickard, "The Illogic of American Racial Categories," in Maria P. P. Root, ed., *Racially Mixed People in America* (London, 1992), 12–23, 433, n. 27.

⁴¹ Holt, *Black over White*, 66; Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York, 1974), 131–66. In this light, it is consistent that increased white immigration should be associated with a reduction of what David W. Cohen and Jack P. Greene termed the "small middle tier." "Introduction," in Cohen and Greene, eds., *Neither Slave nor Free: The Freedmen of African Descent in the Slave Societies of the New World* (Baltimore, Md., 1972), 1–18, 16.

⁴² Though it seems that this theoretical possibility was never actually realized. See A. Leon Higginbotham and Barbara K. Kopytoff, "Racial Purity and Interracial Sex in the Law of Colonial and Antebellum Virginia," *Georgetown Law Journal* 77 (1989): 1967–2029, 1979; Winthrop D. Jordan, "Modern Tensions and the Origins of American Slavery," *Journal of Southern History* 28 (1962): 18–30; Wiecek, "Statutory Law," 261.

white presented so many problems that they were not granted the acknowledgment that a separate category would have entailed.

Although the picture is, therefore, admittedly uneven, something remarkable begins to happen once the slaves are emancipated. Along with the category free black, which ceases to have any meaning when all blacks are free, the mulatto category recedes as well.⁴³ This had begun to happen before the Civil War in the northern states, where all blacks, whether mulatto or otherwise, were subjected to oppressive restrictions that in many ways anticipated the Jim Crow system that was not to be established in the South until the 1880s.⁴⁴ This is very significant. What does it mean to free slaves and at the same time to homogenize the status of blackness? Apart from anything else, it means that the boundary that previously separated a free black from a slave disappears, which is to say that, in place of the slaves, a new and more inclusive oppressed category emerges, one that, being defined by race, does not admit the awkward exceptions and contradictions manumission had entailed for the peculiar institution of slavery.⁴⁵ Emancipation, in

⁴³ David Theo Goldberg, *Racial Subjects: Writing on Race in America* (New York, 1997), 35–42; Paul R. Spickard, *Mixed Blood: Intermarriage and Ethnic Identity in Twentieth-Century America* (Madison, Wis., 1989), 433, n. 27; Gilbert Thomas Stephenson, *Race Distinctions in American Law* (London, 1910), 13. Contending that “free Negroes were tolerated” in antebellum Alabama (to the extent that “numerous free mulattoes were permitted to cross the color line into white society in spite of obvious Negro physical features and a well-remembered ancestry”), Gary B. Mills disputed the link that Ira Berlin had asserted between sectional polarization and the demise of the free black category. By Mills’s own account, however, antebellum Alabama was a stable society in which slavery was firmly established. In any event, far from “numerous,” the proportion of the population that free blacks constituted (1 percent) is hardly distinguishable from Berlin’s “edge of extinction.” Once slavery was abolished, of course, white Alabama’s racial attitudes became anything but tolerant. Significantly for the argument to come, Mills also noted (n. 37) that “67 percent of the ‘free people of color’ who moved in and out of white ranks in Anglo Alabama possessed some degree of Indian as well as Negro ancestry, and many who sought to escape racial discrimination . . . admitted only their Indian heritage.” Mills, “Miscegenation and the Free Negro in Antebellum ‘Anglo’ Alabama: A Reexamination of Southern Race Relations,” *Journal of American History* 68 (1981): 16–34, 29, 31–32. The mulatto category declined in the South in the tense decade leading up to the Civil War. “While black slavery increased in numbers only 19.8% in the decade [of the 1850s], mulatto slavery rose by an astounding 66.9%.” Joel Williamson, *New People: Miscegenation and Mulattoes in the United States* (New York, 1980), 63.

⁴⁴ Davis, *Problem of Slavery in the Age of Revolution*, 305. See also George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (New York, 1971), 4–5; Jordan, *White over Black*, 131; Stephenson, *Race Distinctions*, 36–39; Tocqueville, *Democracy in America*, 1: 299. For a full account, see Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790–1860* (Chicago, 1961), but also see Stephen Riegel’s questioning of C. Vann Woodward’s watershed analysis in *The Strange Career of Jim Crow* (New York, 1955), Riegel, “The Persistent Career of Jim Crow: Lower Federal Courts and the ‘Separate But Equal’ Doctrine, 1865–1896,” *American Journal of Legal History* 28 (1984): 17–40. It is important to keep in mind that antislavery was not incompatible with anti-black, for the simple reason that slavery involved the presence of blacks. Thus Larry Kincaid saw northern fears of being engulfed by emancipated blacks as motivating Reconstruction: “If the nation guaranteed black people that they would be as free (or freer) in the South as in the North, they would have no reason to leave the South . . . Some northerners even predicted that black northerners soon would move to the South.” Kincaid, “Two Steps Forward, One Step Back: Racial Attitudes during the Civil War and Reconstruction,” in Gary B. Nash and Richard Weiss, eds., *The Great Fear: Race in the Mind of America* (New York, 1970), 45–70, 57. More systematically, though two decades later, Joanne Pope Melish documented the “visceral discomfort on the part of northern whites with the actual, physical presence of individual persons of color in the landscape.” Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780–1860* (Ithaca, N.Y., 1998), xii.

⁴⁵ As Dorothy Roberts expresses it in “The Genetic Tie,” *University of Chicago Law Review* 62 (1995): 228, “most Blacks were slaves, all were subordinate to whites.” The brutal logic of the situation lends itself to pithy formulations. See also, for example, Ariela J. Gross, “Litigating Whiteness: Trials

short, canceled out the exemption—you can be an ex-slave but you can't be ex-black.⁴⁶ In common with emancipation itself, this expansion of race was initially a piecemeal process. Joanne Melish has documented how, as early as the late eighteenth century, perceptions of difference began to harden into “notions of permanent and innate hierarchy—that is, ‘race.’” This development was not simply a response to the problems that revolutionary rhetoric posed for the continuation of slavery, however. Rather, the intensified discourse of race “began to emerge in the course of the first northern implementation of systematic emancipation.”⁴⁷

Though born of slavery, therefore, race came into its own with the demise of slavery.⁴⁸ For all its usefulness as a justification, so long as slavery persisted, race was relatively redundant as a mode of domination. The point is, though, that the reverse applies—given race, slavery becomes redundant as a mode of domination. Since slavery was becoming redundant anyway (to put it mildly) on account of its irreconcilability with the flexible labor requirements of the emerging industrial economy, this consideration links race to industrial capitalism in a manner that cannot be expressed by means of a simple reduction of race to class.

Prior to emancipation, although blacks had been spatially internal to U.S. society, their slavery had constituted a juridical barrier that insulated them from white society as decisively as physical externalization had separated Indians. Thus the consequence that emancipation had for blacks was comparable to that which containment had for Indians. Both became anomalies within. Before emancipation, the juridical barrier had not been absolute—although they were outside society, blacks could move closer in by way of manumission. It had been a social—and, accordingly, partly negotiable—barrier as well as a natural one. In the wake of emancipation, when this part social/part racial barrier gave way to an exclusively

of Racial Determination in the Nineteenth-Century South,” *Yale Law Journal* 108 (1988): 109–88, 177; Cheryl Harris, “Whiteness as Property,” *Harvard Law Review* 106 (1993): 1709–91, 1717; Jordan, *White over Black*, 410; Woodward, *Strange Career*, 93.

⁴⁶ Which is to say that “passing” frustrates rather than furthers the regime. In Cheryl Harris’s words, “Whiteness as Property,” 1711, the practice involves “not merely passing, but *trespassing*.”

⁴⁷ Melish, *Disowning Slavery*, 5. Peggy Pascoe has observed that “it was only when slavery had been abandoned that miscegenation laws came to form the crucial ‘bottom line’ of the system of white supremacy later embodied in legislation.” Pascoe, “Race, Gender, and the Privileges of Property: On the Significance of Miscegenation Law in the U.S. West,” in Valerie J. Matsumoto and Blake Allmendinger, eds., *Over the Edge: Remapping the American West* (Berkeley, Calif., 1999), 216. In a related vein, Martha Hodes has contended that, given slavery, “white Southerners could respond to sexual liaisons between white women and black men with a measure of toleration; only with black freedom did such liaisons begin to promote a near-inevitable alarm, one that culminated in the tremendous white violence of the 1890s and after.” Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven, Conn., 1997), 1–2. It is consistent with this perspective that attitudes toward interracial sex in antebellum New York City should have been distinctly less tolerant. See Leslie M. Harris, “From Abolitionist Amalgamators to ‘Rulers of the Five Points’: The Discourse of Interracial Sex and Reform in Antebellum New York City,” in Martha Hodes, ed., *Sex, Love, Race: Crossing Boundaries in North American History* (New York, 1999), 191–212.

⁴⁸ Compare Robert Brent Toplin’s comment on post-abolition Brazil: “It appears that whites gave heightened attention to racial identification in the years immediately following abolition. Since the slave status was no longer a mark of inferiority, color increasingly became an identifying factor. Under the new conditions, Brazilian intellectuals became receptive to European racist ideas which related the technological advances of Western civilization to the alleged mental superiority of whites.” Toplin, *The Abolition of Slavery in Brazil* (New York, 1972), 263. Thomas Holt has elaborated a comparable point in relation to Jamaican emancipation. See Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832–1938* (Baltimore, Md., 1992).

racial division between blacks and whites, it became unrelievedly natural. This occurred when, rather than merely threatening to let blacks in by the force of abstract logic, as in the case of Jeffersonian rhetoric, emancipation actually did let them in. Thus it was no accident that a concomitant response to the crisis provoked by emancipation should have been the colonization movement, which, in advocating the spatial externalization of blacks, proposed an alternative natural barrier with which to effect their separation.⁴⁹

An objection may suggest itself. If, in the absence of slavery, blacks became anomalous, like Indians inside the frontier, why did white society not seek to eliminate blacks in the same way as Indians—by assimilation? Indeed, in a passage removed from subsequent editions of the *Jeffersoniad*, Thomas Jefferson himself has been cited as suggesting just this solution to the problem posed by emancipation: “The course of events will likewise inevitably lead to a mixture of the whites and the blacks and as the former are about five times as numerous as the latter the blacks will ultimately be merged in the whites.”⁵⁰ But five to one is not nearly as comfortable a disproportion as fifty or a hundred to one. Not that demography is an answer in itself. Nor is it simply a natural occurrence. Rather, demographic imbalance is a product of history.⁵¹ In this case, it represents the difference between one group of people who had survived a centuries-long genocidal catastrophe with correspondingly depleted numbers and another group who, as commodities, had been preserved, their reproduction constituting a singularly primitive form of accumulation for their owners. Moreover, these histories were ongoing. In large areas of the agricultural South, for instance, the ending of slavery did not mean that blacks became anomalous overnight. On the contrary, they continued to furnish a cheap source of labor.⁵² Even when unemployed, their mere presence as a hyperexploitable alternative depressed white workers’ wages. Thus we need to be clear: in the wake of slavery, blacks did not become physically anomalous as labor; they became juridically anomalous as equals. In the case of Indians within, by contrast, their very presence was anomalous—as Gary Nash put it, whites “coveted Indian land but not land with Indians on it.”⁵³

Since the oppression of blacks outlived emancipation, we should not allow the discontinuation of slavery to distract us from the continuities that obtain. As Frederick Cooper, Thomas Holt, and Rebecca Scott (one of them, at least) observed of histories that fail to link the slave era to the present, “Slave labor could be analyzed in economic, social, and political terms, but free labor was often

⁴⁹ P. J. Staudenraus, *The African Colonization Movement, 1816–1865* (New York, 1961). In this connection, it should be acknowledged that the idea of colonization had black support, both at the time (Paul Cuffe, John B. Russworm) and later (Marcus Garvey, who also endorsed a form of segregation).

⁵⁰ In J. A. Rogers, *Sex and Race: Negro-Caucasian Mixing in All Ages and All Lands*, 3 vols. (New York, 1940–44), 2: 186.

⁵¹ And, as will be argued below, of culture.

⁵² For a recent account, see Rebecca J. Scott, “Fault Lines, Color Lines, and Party Lines: Race, Labor, and Collective Action in Louisiana and Cuba, 1816–1912,” in Thomas C. Holt, Scott, and Frederick Cooper, eds., *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill, N.C., 2000), 61–106.

⁵³ Gary B. Nash, *Red, White, and Black: The Peoples of Early North America*, 3d edn. (Englewood Cliffs, N.J., 1992), 297. This is not, of course, to suggest that whites have failed to exploit Indian labor. After all, it has been there for the exploiting. The point is that the continuing presence of Indian labor occurs in spite of rather than as a result of the primary tendency of settler-colonial policy.

defined as simply the ending of coercion, not as a structure of labor control that needed to be analyzed in its own way.”⁵⁴ With the fading of the false dawn of Reconstruction, race intensified as a structure of social control,⁵⁵ its increased salience being expressed in a variety of ways, from mob barbarity to juridico-bureaucratic nicety. Miscegenation discourse encompassed the full range of race’s domain, from the “black beast rapist” that animated the rhetoric of lynching to the tortuous formulations with which legislators and judges sought to locate the point where whiteness stopped and blackness began.⁵⁶ Even though some states retained legislation that technically whitened people with a blood quantum of no more than (usually) one-sixteenth African descent, the trend—at least, after the landmark 1896 case of *Plessy vs. Ferguson*⁵⁷—was steadily in the direction of what came to be known as the “one-drop rule,” in which any evidence of any African ancestry whatsoever, no matter how far back or remote, meant that one was classified as black.⁵⁸ There is, of course, considerable irony in the fact that the one-drop rule makes black blood immeasurably stronger than white (or, for that matter, any other) blood, even though, in white discourse, this strength consists in an unlimited power to contaminate. The corollary to—or ideological product of—the hyperpotency attributed to black blood is white racial purity.

Jim Crow laws, whose obsessive quarantining of every drop of black blood reflected a wider segregation, was but one development in a series. There had been

⁵⁴ “In the United States, the Civil War and emancipation ran like a river Jordan across the pages of American history.” Cooper, Holt, and Scott, *Beyond Slavery*, 2–3.

⁵⁵ In Jim Crow North Carolina, for instance, mixed-race people “slipped back and forth across the color line and defied social control.” Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896–1920* (Chapel Hill, N.C., 1996), 71.

⁵⁶ Citing a number of antebellum precedents, George Fredrickson, *Black Image*, 58, questioned the notion that “the kind of ‘hard’ racism that manifests itself in the image of ‘the Negro as Beast’ originated in the segregation era late in the nineteenth century.” Origins apart, however, the myth/pretext (white shibboleth) of the black beast rapist acquired new and fatally intensified currency from the late 1880s on. Jacqueline Dowd Hall, “‘The Mind That Burns in Each Body’: Women, Rape, and Racial Violence,” in Ann Snitow, Christine Stansell, and Sharon Thompson, eds., *Powers of Desire: The Politics of Sexuality* (New York, 1983), 328–49, 335. In addition to Hall, see, for example, W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana, Ill., 1993), 58–71; Glenda E. Gilmore, “Murder, Memory, and the Flight of the Incubus,” in David S. Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill, N.C., 1998), 73–93; I. A. Newby, *Jim Crow’s Defense: Anti-Negro Thought in America, 1900–1930* (Baton Rouge, La., 1965), 137–38; Robyn Wiegman, “The Anatomy of Lynching,” *Journal of the History of Sexuality* 3 (1993): 445–67, 458–61; Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York, 1984), 307–09.

⁵⁷ Homer Plessy, a light-skinned black man who unsuccessfully sued a railroad company because their employee refused to let him sit in the whites-only first-class car, “expected to win in New Orleans, where 1/8 black was sort of white. We always refer to this as the ‘separate but equal’ decision, but really it was the Supreme Court’s recognition of the one-drop rule.” Glenda Gilmore, personal communication with the author. For the case itself, see Brook Thomas, ed., *Plessy v. Ferguson: A Brief History with Documents* (Boston, 1997).

⁵⁸ F. James Davis, *Who Is Black? One Nation’s Definition* (University Park, Pa., 1991), has attributed complete hegemony to the one-drop rule. Davis overlooks some important counterexamples, though, so his account should be approached with caution, hence my claiming no more than a steady trend. For qualifications, counterexamples, and regional variations, see, for example, Finkelman, “Color of Law,” 954–57; Ian F. Haney López, *White by Law: The Legal Construction of Race* (New York, 1996), 118–19; C. Harris, “Whiteness as Property,” 1738–39; A. E. Jenks, “The Legal Status of Negro-White Amalgamation in the United States,” *American Journal of Sociology* 9 (1915–16): 666–78; Charles S. Mangum, Jr., *The Legal Status of the Negro* (Chapel Hill, N.C., 1940), 245–47; and especially Pauli Murray, ed., *States’ Laws on Race and Color* (1950; Athens, Ga., 1997), *passim*.

no need for segregation in the antebellum South, when slavery had precluded any doubt as to who was in power. That situation in turn was different from the one prevailing before the rise of the plantocracy in the seventeenth-century mainland colonies, when slaveowners' ranks had included blacks, Indians, and whites. So, too, with miscegenation discourse. It is a long way back from the lynch mob's black beast rapist to the Virginia of 1630, when Hugh Davis was sentenced to be "soundly whipt before an assembly of negroes & others for abusing himself to the dishonor of God and shame of Christianity by defiling his body in lying with a negro"⁵⁹—especially since the unfortunate Hugh would probably have been whipped whoever he had been caught fornicating with.

The twentieth-century intensification of the one-drop rule took place in the continuing vacuum created by the abolition of slavery and the demise of the Black Codes, as post-Reconstruction state legislatures sought new mechanisms to deliver the across-the-board system of racial control that had previously been delivered by slavery. As C. Vann Woodward remarked, the Jim Crow laws "put the authority of the state or city in the voice of the street-car conductor, the railway brakeman, the bus driver, the theater usher, and also into the voice of the hoodlum of the public parks and playgrounds."⁶⁰ The zeal with which blackness was excluded in the Jim Crow era was one aspect of a wider polarization in which whiteness was being consolidated at a time when it was multiply threatened, not only by the persistent absence of the slavery that had once served to define it but by the continually renewed immigration of people who were neither Anglo-Saxon nor Protestant. This is not to say that a concern with whiteness was by any means new to the twentieth century. The term "white" had figured in opposition to blacks and Indians since at least 1691, when the Virginia assembly had passed their much-quoted statute designed to prevent "that abominable mixture and spurious issue which hereafter may increase in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English, or other white women, as by their unlawful accompanying with one another."⁶¹ During the nineteenth century, in the United States as in much of Europe, race came to be bound up in nation-building, whiteness becoming entangled with manifest destiny under the aegis of what George Fredrickson termed "white nationalism."⁶² Even though white consciousness was not, therefore, new, it was not until the twentieth century that whiteness was first defined in law, under the Virginia anti-miscegenation legislation of 1924.⁶³ Leon Higginbotham and Barbara Kopytoff strikingly summarized the accelerating polarization in which this innovation participated:

In the early twentieth century, Virginians made the first change in their definition of mulatto in 125 years. From the Act of 1785 to 1910, a mulatto, or "colored" person was someone who

⁵⁹ Quoted in Higginbotham, *In the Matter of Color*, 23, who notes that we do not know whether Davis's partner was male or female, slave or free or whether Davis himself was slave, indentured, or free.

⁶⁰ Woodward, *Strange Career*, 93.

⁶¹ William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature in the Year 1619*, 13 vols. (Philadelphia, 1809–23), iii, 87.

⁶² Fredrickson, *Black Image*, 130–64.

⁶³ The term "white" figured in the Articles of Confederation (Art. 9) but did not make it into the Constitution (Higginbotham, *Shades of Freedom*, 71).

had one-fourth or more Negro blood. In 1910, that category was expanded to include anyone with one-sixteenth or more Negro blood, and many people previously classified as white became legally colored. Then, in 1924, in a statute frankly entitled “Preservation of Racial Integrity,” the legislators for the first time defined “white” rather than “mulatto” or “colored.” The statute, which forbade a white person to marry any non-white, defined “white” as someone who had “no trace whatsoever of any blood other than Caucasian” or no more than one-sixteenth American Indian blood. In 1930, the Virginia legislature defined “colored” in a similar, though slightly less restrictive way as any “person in whom there is ascertainable any negro blood.”⁶⁴

The contrast between the one-drop rule and the Australian assimilation policy, together with the crucial opposition of land and labor, could hardly be clearer. Moreover, as already indicated, when we move to policies on Indians, we find a similar contrast. In the U.S. case, however, we not only see the contrast, we also see how these seemingly antithetical regimes of difference interact and complement each other in practice. Indeed, the following section is intended to show that, through an examination of discourses on Indians, we also come to understand more about discourses on blacks, and vice versa. Thus it is an argument of this essay that established accounts of the two histories have suffered from treating them in isolation from each other.⁶⁵

IN A LETTER OF MARCH 1757 to his brother Moses, Peter Fountaine, a Huguenot descendant of Westover, Virginia, complained of the “many base wretches among us” who took up with Negro women, “by which means the country swarms with mulatto bastards” who, once three generations removed, would, “by the indulgent laws of the country,” be allowed to intermarry with whites. As he continued:

Now, if, instead of this abominable practice which hath polluted the blood of so many among us, we had taken Indian wives in the first place, it would have been some compensation for their lands. They are a free people, and the offspring would not have been born in a state of slavery. We should become the rightful heirs to their lands and should not have smutted our blood, for the Indian children when born are as white as the Spaniards or Portuguese, and were it not for the practice of going naked in summer and besmearing themselves with bears grease, etc., they would continue white.⁶⁶

Peter was nothing if not succinct. This short passage bristles with themes that would animate American racial discourse for centuries to come: the recruitment of Indians to furnish their usurpers with sovereign rights to the soil, the hereditary nature of the stain of slavery, the vulnerable purity of white blood,⁶⁷ and the

⁶⁴ Higginbotham and Kopytoff, “Racial Purity,” 2020–21.

⁶⁵ Although I cannot demonstrate the point here, the same could be said for discourses on Afro-Brazilians and Native Brazilians, especially in regard to the issues of enslavement and conversion to Catholicism. For suggestive analyses that do treat the two together, see Marvin Harris, *Patterns of Race in the Americas* (New York, 1964), 13–17; Stuart B. Schwartz, *Sugar Plantations in the Formation of Brazilian Society: Bahia, 1550–1835* (New York, 1985), 66.

⁶⁶ Quoted in James Hugo Johnston, *Race Relations in Virginia and Miscegenation in the South, 1776–1860* (Amherst, Mass., 1970), 170, who also quotes Colonel William Byrd to almost identical effect.

⁶⁷ The reference to the compromised whiteness of Iberians, imperial rivals whose blood was as much

environmental determination of Indians' physical characteristics. For our purposes, however, the key theme is the stark contrast between Indian women's acceptability as marriage partners and the taboo on African blood.

Few Australians would be pragmatic enough openly to advocate miscegenation as a solution to the ideological conundrum presented by the fact that civic institutions rested on the seizure of Aboriginal lands. Nevertheless, the perception that indigenous people's physical substance was assimilable into the European stock is common to the two national histories. In both cases, this perception occurred in contexts that also encompassed other eliminatory strategies, notably homicide, removal, confinement to reservations, child abduction, and a range of procedures intended to bring about cultural assimilation, from missions and boarding schools for the young to legislation that sought to transform Native Title into a scattering of alienable private lots. Moreover, all but the first of these strategies could unite hard-line native-haters and philanthropists who saw in assimilation an opportunity for native uplift. Noting how some assimilationists began to propose miscegenation as a solution to the "Indian problem" at around the same time as state legislatures began to introduce laws against Indian/white intermarriage, for instance, Alden Vaughan stressed the consistency of outcome: "But whatever the solution—miscegenation, allotment of farmlands in the East, removal to the West, or education in white-controlled boarding schools—the Indian was marked for gradual extinction by the uneasy coalition of his friends and foes."⁶⁸ In combination, the attributes of marriageability and cultural malleability provided for Indians' difference to be erased either physically, culturally, or both. This was, of course, in complete contrast to the regime imposed on blacks, whose difference was made absolute, essential, and refractory.⁶⁹ The disparity between blacks' and Indians' respective eligibility for assimilation reproduced a deeper distinction between the complementary discourses of land and labor on which U.S. society was ultimately predicated. As Ronald Takaki summarized this complementarity, "[I]n order to make way for white settlement and the expansion of both cotton cultivation and the market, some 70,000 Choctaws, Creeks, Cherokees, Seminoles, and Chickasaws

smutted with Catholicism, feudalism, and monarchical absolutism as with the Moorish residue, attests to this vulnerability.

⁶⁸ Alden T. Vaughan, *Roots of American Racism: Essays on the Colonial Experience* (New York, 1995), 32. More tersely still, Philip J. Deloria characterized U.S. social and political policy toward Indians as "a two-hundred-year back-and-forth between assimilation and destruction," both of which have been "aimed at making Indians vanish from the landscape." Deloria, *Playing Indian* (New Haven, Conn., 1998), 3–4, see also 103–04.

⁶⁹ "In appropriately altered circumstances Indians could become white men, a happy transformation indeed. It was precisely this transformation which Jefferson thought the Negro could never accomplish. By constantly referring to environment for one group and to nature for the other he effectively widened the gap which Americans had always placed between the two." Jordan, *White over Black*, 478. The deeper moorings of Jefferson's distinction are suggested in Vaughan's observation that, though sixteenth and seventeenth-century Englishmen's descriptions of Native Americans could be "almost as negative as their accounts of Africans, their criticisms are of customs, not bodies, of nurture, not nature." Vaughan, *Roots of American Racism*, 11. See also Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Hanover, N.H., 1982), 248–58.

were uprooted and deprived of their lands, and hundreds of thousands of blacks were moved into the Southwest to work the soil as slaves.”⁷⁰

The fact that Europeans generally found Indians to be less viable objects of enslavement than Africans was not a consequence of Indian (let alone of African) biology.⁷¹ Rather, it was first and foremost a consequence of the fact that successful regimes of slavery characteristically involve alienation—not just the natal alienation that Orlando Patterson has made famous,⁷² since indigenous societies in both Australia and the United States have also had their children taken away, but the spatial alienation that slave transportation effected. There was nothing inherently unenslaveable about Indians. Rather, there is an inherent tension between enslavement and indigeneity. Thus the problems attending the enslavement of Indians largely ceased to apply if they were exchanged for Africans from Caribbean plantations—indeed, as Jean-Baptiste Le Moyne de Bienville, founder of New Orleans, urged upon the French crown early in the eighteenth century, such exchanges would prevent either group of slaves from escaping, since Indians could hardly run away from the islands, while Africans in Louisiana would be contained by fear of the surrounding Indians.⁷³ When we look behind the unstable distinctions of race and color to the historical relationships that they encode and reproduce, it is entirely consistent that the racial regimes to which Aboriginal people in Australia, for all their blackness, have been subjected should be antithetical to those that have been imposed on blacks in the United States but closely parallel to those that have been imposed on Indians.

In formal terms, there is, of course, a major discrepancy between the colonization of North American Indians and the colonization of Aboriginal people in Australia. No matter how often treaties were broken, their mere existence presupposed the acknowledgement of at least some form of native title, even sovereignty.⁷⁴ In practice, however, there is less to this difference than meets the eye. For instance, sovereignty emerges as at best a mixed blessing when it makes relations international enough to allow the army to be used against you. In general, as the regularity of their breakage indicates, we should see treaties as tactical advances, designed to pacify, not to compensate, rather than as concessions. Moreover, when we look beyond straightforward treaty violation, a practice whose conformity with the logic of elimination hardly needs elaborating, we encounter a string of ostensibly respectable policy innovations whose practical outcomes led to the same end. With post-treaty Indians contained within the settler-colonial nation-state, however, a

⁷⁰ Ronald T. Takaki, *Iron Cages: Race and Culture in Nineteenth-Century America* (New York, 1979), 79.

⁷¹ This is not to overlook the fact that West Africans combined immunities to both the European and the tropical diseases that ravaged Indian societies.

⁷² Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass., 1982).

⁷³ Joe Gray Taylor, *Negro Slavery in Louisiana* (New York, 1963), 5. For comparable examples from British North America, see Higginbotham, *In the Matter of Color*, 160–61.

⁷⁴ Although the conventional distinction between dominion or sovereignty and possession/usufruct generally assigns sovereignty to the discovering European power (see Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* [Lincoln, Neb., 1984], 7), as Chief Justice John Marshall famously acknowledged in *Johnson v. M'Intosh* (21 U.S. [8 Wheat] 584 [1823]), preemption merely diminished (as opposed to precluded or exhausted) Indian tribes' "right to complete sovereignty, as independent nations." See, for example, Milner S. Ball, "Constitution, Court, Indian Tribes," *American Bar Foundation Research Journal* (1987): 24–25.

specifically racial component, blood quanta, becomes a key feature of policy, converting international relations into identity politics. Genetic admixture serves to detach individuals from the tribe, rendering them assimilable (as in the Australian case) to mainstream society.⁷⁵ After internalization, in other words, the racialization of Indians presents a mirror image of the post-emancipation racialization of U.S. blacks that we have already observed.

Despite this fundamental discrepancy between the racialization of Indians and of blacks, in either case we find race intensifying when social space becomes, or threatens to become, shared.⁷⁶ To this extent, the Indian experience and the black experience are comparable after all. The analogy ends here, however, since, though their sharing of social space with whites led to both being (re-)racialized, the forms that the respective racializations took were diametrically opposed, in a manner that reflected and preserved the foundational distinction between land and labor. For, whereas race for black people became an indelible trait that would survive any amount of admixture, race for Indians became an inherently descending quantity that was terminally susceptible to dilution. Mixed-bloodedness became the post-frontier version of the vanishing Indian. The point is worth stressing because it enables us to see how race is a manifold regime that, in conducting to a plurality of outcomes, is at once both unitary and heterogeneous. In that it marked Indians and blacks out for diametrically separate destinies, race was heterogeneous. Unless this heterogeneity is understood, various aspects of the two groups' histories become paradoxical in relation to each other. For instance, whereas Indians who assimilated conformed to the requirements of this regime, blacks who passed as whites frustrated it. In a similar vein, without an appreciation of the antithetical but complementary histories involved, the 160-acre allotments with which the Bureau of Indian Affairs sought to break up Indian society could seem to represent a much better deal than the forty acres and a mule with which black people hoped to establish an independent social basis for themselves after the Civil War. This essential heterogeneity notwithstanding, the separate destinies that race inscribed harmoniously reproduced the foundational structures of U.S. society, simultaneously providing for both the elimination of Indians and the exclusion of blacks. As such, the two disparate racializations together served a unitary end.

On the basis of these considerations, we can now turn to post-treaty era federal Indian policy with a focus on the problems presented by Indians' interiority. As I hope to show, this focus brings out the strategic continuity linking a series of measures that might otherwise seem discontinuous. Although the details are complex, and the differences between the various policy initiatives substantial, each

⁷⁵ As in the case of Maryland's patrilineal exception to the transmission of blackness, it is surprising how small a difference the gender of the Indian parent seems to have made. Next to nothing has been published on this (though we wait on Peggy Pascoe's forthcoming book). Nonetheless, it seems safe to say, albeit provisionally, that the difference was merely one of degree. The Indian males whom respectable white women chose as spouses were highly acculturated, their joint offspring being maximally susceptible to assimilation. The Hampton experience would seem to bear this out. See Katherine Ellinghaus, "Assimilation by Marriage: White Women and Native American Men at Hampton Institute, 1878-1923," *Virginia Magazine of History and Biography* 108 (2001): 279-303.

⁷⁶ In this regard, the U.S. experience anticipated by something like a century the post-World War II experience of European metropolises that attracted large-scale migration from colonies and former colonies.

of them combined a rhetoric of Indian improvement with assimilative measures that sought to reshape Indian institutions into conformity with dominant-society models in a manner that facilitated the transfer of Indian resources into white hands.

In the case of the 1887 General Allotment (or Dawes Severalty) Act and associated legislation, tribal ownership of land was to be broken down into individual allotments.⁷⁷ In addition to substituting the propertied individual for the clan or tribe as the basic unit of Indian society, this legislation provided for the alienation of surplus reservation land left over after the allotments had been parceled out. Ostensibly, this surplus would arise because, as John Locke had pointed out, agriculture is more efficient—it takes up less space—than hunting.⁷⁸ But there was another, less remarked but crucial, factor in the generation of surpluses: restrictions that prevented “full bloods” from selling their allotments (to prevent them from being duped) did not apply in the case of the presumedly more civilized “mixed bloods.”⁷⁹ In the event, Indians lost about two-thirds of their land (down from around 155 million acres to around 52 million acres) between the early 1880s and 1934.⁸⁰ In addition, the “checkerboarding,” or interpenetration of reservation land with white-owned allotments that resulted from the sales of surplus, contributed to further Indian/white intermarriage and, thus, to an increased number of ineligible heirs. Allotment was brought to an end by the New Deal reforms associated with John Collier’s dynamic stint as commissioner of Indian Affairs, which sanctified the principle of tribal self-government. Nonetheless, tribes that reorganized under the 1934 act found themselves adopting a distinctly Anglo-Saxon form of governance by way of the Bureau of Indian Affairs’s model constitution, which usually specified blood quantum-based membership criteria and included the phrase “subject to the approval of the Secretary of the Interior,” whereby elected tribal authorities did not have the final say over

⁷⁷ The wider process of legislatively dismantling the tribe as the primary or sovereign unit of Indian society is probably best dated from the Seven Major Crimes Act of 1885. With specific reference to the privatization of tribal property, the process summarized by reference to the 1887 Dawes Act includes the modifications and extensions effected by the 1891 Amendment to the Dawes Act (which enabled the leasing of Indian land), the establishment of the Dawes Commission in 1893, the Curtis Act of 1898, the Dead Indian Act of 1902, the Burke Act of 1906, and the Non-Competent Indian Act of 1907. See, for example, Elsie Mitchell Rushmore, *The Indian Policy during Grant’s Administrations* (New York, 1914); Hagan, *American Indians*, 165; Russell Thornton, *American Indian Holocaust and Survival: A Population History since 1492* (Norman, Okla., 1987), 122–23.

⁷⁸ “And therefor he, that incloses Land and has a greater plenty of the conveniencys of life from ten acres, than he could have from a hundred left to Nature, may truly be said, to give [!] ninety acres to Mankind.” John Locke, *Two Treatises of Government* (1698; Cambridge, 1963), 312. For the more immediate links between Lockean theory and English colonial interests in America, see Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (Oxford, 1996).

⁷⁹ Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act, 1934–45* (Lincoln, Neb., 1980); Donald L. Parman, *Indians and the American West in the Twentieth Century* (Bloomington, Ind., 1994), 53. The act also provided for Indians who took up allotments or elected to reside apart from their tribes to be made citizens. Theodore H. Haas, “The Legal Aspects of Indian Affairs from 1857 to 1957,” *Annals of the American Academy of Political and Social Science* 311 (1957): 12–22, 13.

⁸⁰ Janet A. McDonnell, *The Dispossession of the American Indian, 1887–1934* (Bloomington, Ind., 1991); Hagan, *American Indians*, 165; M. Annette Jaimes, “Federal Indian Identification Policy: A Usurpation of Indigenous Sovereignty in North America,” in Jaimes, ed., *The State of Native America: Genocide, Colonization, and Resistance* (Boston, 1992), 123–38, 126; Parman, *Indians and the American West*, 9; Prucha, *Great Father*, 227.

expenditure or land use.⁸¹ As many have complained, this form of co-optation facilitated concessionary arrangements in which Indian resources came to be made available to non-Indian interests at inequitable rates. The post-World War II drive to termination, or withdrawal, represented a thoroughgoing rejection of, and diametrical departure from, Collier's policies. In combination with the policy of relocation, which provided subsidies for reservation Indians, particularly mixed bloods, to move to cities, assimilating to mainstream urban culture and leaving a predominantly full-blooded traditional remnant to wither away on reservations, termination provided for Indians to be freed from federal controls and granted the ordinary rights and duties of citizenship.⁸² The legislation sought to remove a burden on federal (as opposed to state) expenditure while facilitating private land sales on the part of individual Indians who opted out of tribal management plans in a manner that recalled severalty as it had operated until 1934.⁸³ Thus it is not surprising that the post-1960s policy of self-determination, a term initially coined by President Richard Nixon in a context of American Indian Movement militancy, should hark back in significant ways to the Collier reforms. In particular, even though tribal governments acquired the power to contract a number of government services, not only was their capacity to do so tightly bureaucratically circumscribed, but official permission was required before they could enter into contracts, which were subject to the political vicissitudes governing congressional appropriations. To a considerable extent, self-determination has involved Indians implementing federal policies rather than deciding how to run their own lives—as Joyotpaul Chaudhuri has put it, “The ‘self’ in self-determination remains in large part non-Indian.”⁸⁴ Moreover, through all the above policy shifts, mixed bloodedness has operated as a synonym for—or at least a conduit to—a wider cultural and political assimilation whose achievement would amount to a dissolution of Indian-ness, a process that Annette Jaimes has termed “statistical extermination.”⁸⁵

⁸¹ Felix S. Cohen, *Handbook of Federal Indian Law* (Washington, D.C., 1942), 130; Michael G. Lacy, “The United States and American Indians: Political Relations,” in Vine Deloria, Jr., ed., *American Indian Policy in the Twentieth Century* (Norman, Okla., 1985), 83–104, 92–93; Prucha, *Great Father*, 338; Ernest L. Schusky, *The Right to Be Indian* (San Francisco, 1970), 21.

⁸² Laurence A. French, *The Winds of Injustice: American Indians and the U.S. Government* (New York, 1994), 65–67; Russell Thornton, Gary D. Sandefur, et al., *The Urbanization of American Indians: A Critical Bibliography* (Bloomington, Ind., 1982), 228–31; Thornton, *American Indian Holocaust and Survival*, 225–30.

⁸³ By the 1950s, though, when termination was becoming established as policy, Indians had lost most of the useful agricultural land that they had once owned, so, increasingly, the issue was no longer so much land ownership as access to the resources (timber, water, minerals) that their otherwise predominantly marginal land contained. Indeed, so long as land remains part of an Indian reservation, activities conducted on it need not be subject to state environmental and safety regulations.

⁸⁴ Joyotpaul Chaudhuri, “American Indian Policy; An Overview,” in V. Deloria, *American Indian Policy*, 29.

⁸⁵ Jaimes, “Federal Indian Identification Policy,” 137. Patricia Limerick is almost as succinct: “Set the blood quantum at one quarter, hold to it as a rigid definition of Indians, let intermarriage proceed as it has for centuries, and eventually Indians will be defined out of existence. When that happens, the federal government will finally be freed from its persistent ‘Indian problem.’” Limerick, *Legacy of Conquest*, 338. See also Ward Churchill, “The Crucible of American Indian Identity: Native Tradition versus Colonial Imposition in Postconquest North America,” in Duane Champagne, ed., *Contemporary Native American Cultural Issues* (London, 1999), 39–67, esp. 48–58. For general discussion, see, for example, William T. Hagan, “Full Blood, Mixed Blood, Generic, and Ersatz: The Problem of Indian Identity,” *Arizona and the West* 27 (1985): 309–26; Russell Thornton, “Tribal Membership Requirements and the Demography of ‘Old’ and ‘New’ Native Americans,” *Population Research and Policy*

Like severalty itself, this principle has deeper roots than the Dawes legislation, or even the 1871 act that brought treaty-making to an end. In the 1858 treaty between the Ponca and the U.S. government, for instance:

The Ponca being desirous of making provision for their half-breed relatives, it is agreed that those who prefer and elect to reside among them shall be permitted to do so, and be entitled to and enjoy all the rights and privileges of members of the tribe, but to those who have chosen and left the tribe to reside among the whites and follow the pursuits of civilized life . . . there shall be issued scrip for one hundred and sixty acres of land each, which shall be receivable at the United States land-offices in the same manner, and be subject to the same rules and regulations as military bounty-land warrants.⁸⁶

For those left this (white) side of the frontier—which is to say, those who become internalized—the essential features of the post-treaty, Dawes-style assimilation program are already in place here. The tribe goes. In its stead, individual mergers into white society are effected by means of allotments of land. (Even the extent, 160 acres, anticipates the post-1887 agricultural standard.) Mixed-bloodedness is a key operator. Thus it is important not to see the different modalities of the logic of elimination as a tidy chronological sequence. Here, geographical removal and socio-cultural assimilation are two sides of the same coin. Either way, the Ponca tribe ceases to obstruct white access to its territory.

One aspect of the Ponca treaty does, however, stand out as contrasting with the post-Dawes regime. Although mixed-bloodedness is an operator (in that it denotes those eligible for assimilation), it has no implications for tribal membership. Here, the relationship between blood quantum discourse and the internalization of Indian societies is particularly clear. For the Poncas whose mixed-bloodedness is without consequence are those who remain external by virtue of consenting to removal. Externally, the U.S. government's Indian problem was a tribal one. Assimilating individual members would not make tribal territory—which was collectively held—available. Moreover, for treaty purposes, it was in the U.S. interest for tribes to be as composite as possible. Breaking them down into smaller units would only necessitate additional treaties. Prior to internalization, in other words, the federal government depended on the very tribal governments that it would subsequently seek to dismantle.⁸⁷ Once a tribe was internalized, however, its government formed an intervening layer that obstructed the U.S. government's access to individual Indians. The impediment to assimilating tribes into the body politic was not simply that they were collective entities, since the United States encompassed other collectivities—in particular, of course, the states. Rather, tribes were unassimilable

Review 7 (1997): 1–10; Pauline Turner Strong and Barrik Van Winkle, "Indian Blood: Reflections on the Reckoning and Refiguring of Native North American Identity (Resisting Identities)," *Cultural Anthropology* 11 (1996): 547–77; Melissa L. Meyer, "American Indian Blood Quantum Requirements: Blood Is Thicker Than Family," in Matsumoto and Allmendinger, *Over the Edge*, 231–49.

⁸⁶ Quoted in Thornton, *American Indian Holocaust and Survival*, 188. For earlier examples, see Churchill, "Crucible," 48–49.

⁸⁷ The institutional career of the Bureau of Indian Affairs neatly symptomatizes the progressive containment of Indian nations in the nineteenth century. At its creation, in 1824, the bureau was frankly placed within the War Department. In 1849, however, it was transferred to the newly established Department of the Interior. See Bolt, *American Indian Policy and American Reform*, 54; Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945–1960* (Albuquerque, N.Mex., 1986), x.

because they were separately and independently constituted entities whose organizing principles were discordant with those that governed the structurally regular institutions of U.S. society, which were uniformly organized around the centrality of private property. Thus the obstacle to the Indian Territory's admission to statehood was not its collective constitution but its commitment to collective ownership. Failing the allotment of tribal land, as Vine Deloria and Clifford Lytle explained,

It was inconceivable to the federal officials that a state could be admitted to the Union that did not provide for free commerce with other states, and the communal holding of land struck directly at the personal land tenure system already entrenched in the other states. If an Indian could not sell a tract of land within a state, how could the other states have equal status with the newly admitted Indian state and how could commerce proceed when the best that white citizens might ever achieve within the new Indian state might be the leasing of lands?⁸⁸

Allotment, in sum, had two inseparable aspects: the end of tribal government and the production of the propertied individual. As a means of converting tribal membership into a fragile form of property ownership on an individual basis, blood quantum discourse became central to this transformation. Thus it is important to stress that the Dawes legislation invented neither severalty nor the accelerated dispossession/assimilation of mixed bloods.⁸⁹ Rather, it set the seal on a deeper and more diffuse historical tendency that derived its logic from the most elementary premise of the settler-colonial project, the requirement for undisputed (or "quiet") possession of territory.⁹⁰ The resultant maximization of mixed bloods' access to the dubious privilege of assimilation antithetically complements the increasingly rigorous exclusion of the once-enslaved, whose involuntary contribution to the North American colonial formation had been one of labor rather than of land.

Summarized thus, the situation is bound to appear more regular than it actually was. In practice, there were all sorts of exceptions to the general rule. The example of enslaved Indians has already been noted, to which we might add the phenomenon of slaves being owned and traded by Indians and by other blacks.⁹¹ In some

⁸⁸ Vine Deloria, Jr., and Clifford M. Lytle, *The Nations Within: The Past and the Future of American Indian Sovereignty* (Austin, Tex., 1984), 24–25.

⁸⁹ "[T]he Dawes Severalty Act of 1887 enshrined as general policy what had been taking place piecemeal for years." Hagan, *American Indians*, 159.

⁹⁰ Hence the cultural purchase of General Phil Sheridan's deathless "The only good Indian is a dead Indian." It is also striking that, with the possible exception of scalping, the Indian characteristic that has become most familiar to western popular culture is an eschatological trait, the happy hunting ground, that renders their deaths benign.

⁹¹ R. Halliburton, Jr., *Red over Black: Black Slavery among the Cherokee Indians* (Westport, Conn., 1977); Holt, *Black over White*, 63; Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540–1866* (Knoxville, Tenn., 1979); Annie H. Abel, *The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy* (Cleveland, 1915); J. H. Russell, "Colored Freeman as Slave Owners in Virginia," *Journal of Negro History* 1 (1916): 233–42. Black slaveowners were principally a Louisiana (and, to a lesser extent, South Carolina) phenomenon. See Eugene D. Genovese, "The Slave States of North America," in Cohen and Greene, *Neither Slave nor Free*, 258–77, 269. In the case of Indian "slaveowners," a more appropriate parallel would be that of indenture, since slaves, and particularly their descendants, were often able to intermarry with and become full members, even leaders, of their captor communities, as in the famous case of the Seminole "rebellion," possibly the most effective armed resistance to be maintained by an Indian nation, whose leadership included a significant proportion of ex-slaves, either runaways or Africans previously owned by Seminole masters. Kenneth W. Porter, "Relations between Negroes and

respects, blacks could be treated like Indians, as in the colonization movement. It provided for blacks' removal to geographically remote places, while, at various points in the nineteenth century, the fear was expressed by some whites that blacks could die out.⁹² Yet these two counter-tendencies both surfaced as part and parcel of their proponents' programs for post-slavery U.S. society. The exceptions are, therefore, arguable. Nonetheless, they should not be dismissed. This is because, sharing a language of race, rhetoric and policies on Indians and blacks did tend to bleed into one another, producing occasions when a common vocabulary of difference could apply indiscriminately to either or both. Thus I would not want to be taken to be legislating for every individual situation or event. On the level of the whole, though, there is no doubt that eliminatory policies such as warfare, removal, and assimilation were characteristically applied to Indians and not to blacks. Such regularities are empirically real and should not be particularized out of historical description. On the same basis, so far as discourses of miscegenation are concerned, some states' opposition to intermarriage between Indians and Europeans notwithstanding,⁹³ the overall picture is one of a tolerance extending to encouragement, whose contrast with policies toward blacks could hardly be more marked. Even the Virginia anti-miscegenation legislation of 1924, notorious as a high-water mark in Jim Crow codification, conceded the so-called Pocohontas exception, in which certain categories of Indian-European unions were specifically exempted from the statute's otherwise draconian catalog of proscriptions.⁹⁴ Given the manifest continuity between this legislation and the regularities that we have noted, it would be misleading to dismiss it as an idiosyncrasy of the legislature concerned or to attribute it to the cultural half-life of John Rolfe.⁹⁵ While such factors may well have played a part, a different level of analysis is also required, lest we fail to recognize the deeper historical motivation to which the legislation conformed, and which it thereby reproduced.⁹⁶

Just as the assimilation of Indians into the white population was consistent with

Indians within the Present Limits of the United States," *Journal of Negro History* 17 (1932): 297–367, 325–50; John K. Mahon, *History of the Second Seminole War, 1835–1842* (Gainesville, Fla., 1967).

⁹² In the later case of the Radicals, this "fear" would better be expressed as a hope or, perhaps, determination. See Williamson, *Crucible of Race*, 111–19.

⁹³ This opposition was formalized in some states' legislation. See, for example, Mangum, *Legal Status*, 253, n. 103 (5 states); Vaughan, *Roots of American Racism*, 267, n. 96 (3 states); Nash, *Red, White, and Black*, 283 (2 states). See also David D. Smits, "'Abominable Mixture': Toward the Repudiation of Anglo-Indian Intermarriage in Seventeenth-Century Virginia," *Virginia Magazine of History and Biography* 95 (1987): 157–92. For instances of encouragement (Jefferson being the best-known example), see Chaplin, "Natural Philosophy," 252; Jordan, *White over Black*, 163; Gary B. Nash, "The Hidden History of Mestizo America," *Journal of American History* 82 (1995): 941–62, 943.

⁹⁴ "It shall hereafter be unlawful for any white person in this State to marry any save a white person, or a person with no other admixture of blood than white and American Indian" (1924 Va. Acts, chap. 371, sect. 5). See also Higginbotham and Kopytoff, "Racial Purity," 1977, n. 48; Peggy Pascoe, "Miscegenation Law, Court Cases, and Ideologies of 'Race' in Twentieth-Century America," *Journal of American History* 83 (1996): 44–69, 59.

⁹⁵ In this connection, it seems almost too good to be true that, in the same year as the Virginia act, Congress passed both the Indian Citizenship Act, which extended citizenship to all Indians born within the territorial limits of the United States, and the eugenicist Johnson-Reed Immigration Act.

⁹⁶ Thus we need to look behind culturalist explanations such as those hazarded by Leon Higginbotham and Barbara Kopytoff: "Why was there a difference in the legal treatment of white-Indian mixtures and white-Negro mixtures? Perhaps it was related to the degree to which a mixed-race individual looked white to eighteenth-century white Virginians. Perhaps it was also because

the logic of elimination, so was the assimilation of whites into the Indian population anathema to it ("squaw men," etc.).⁹⁷ If this much is obvious, it should also be noted that Indian-black unions became problematic to the extent that they threatened to produce part-black Indians.⁹⁸ Part-Indian blacks did not occasion comparable concern (a contradiction that became incarnate in the person classified red when on the reservation and black when off it).⁹⁹ It was stated above that discourses on Indians and on blacks should be situated in relation to each other. Even the one-drop rule, apparently so specifically targeted at African descent, emerges in a fuller light once it is recognized as not only sanitizing the white population¹⁰⁰ but as simultaneously eliminating the Indian population through its assimilation of red-black people to the black category. A logic that once made slaves of "mustees" today makes blacks of Indians by excluding mixed categories from census forms (a situation that compounds the irony of Zora Neale Hurston's "I am the only Negro in the United States whose grandfather on the mother's side was *not* an Indian chief").¹⁰¹ Providing as it does for any color so long as it's black, the one-drop rule makes black unhyphenable. Accordingly (and *pace* Jack Forbes), there is no such category as red-black people—indeed, no such category as anything-black people. There are only black people. Thus even in Louisiana, where creole classification attains a complexity that might seem to confound the rigid binarism of the one-drop

Europeans tended to see Indians as higher on the scale of creation than Negroes, though still lower than themselves." Higginbotham and Kopytoff, "Racial Purity," 1977.

⁹⁷ In relation to Congress's destruction of the governments of the Five Civilized Tribes, Felix Cohen asserted, "These governments ceased to exist as governments primarily because they had admitted to citizenship and the rights of occupancy in tribal lands, so many white men that the original Indian communities could no longer maintain a national existence apart from the white settlers." Cohen, *Handbook of Federal Indian Law*, 131.

⁹⁸ On a profounder dimension than that of discourse, a basic difference separates Indian/black unions from the generality of intergroup unions involving whites. As William Loren Katz eloquently observed, "Europeans forcefully entered the African blood stream, but Native Americans and Africans merged by choice, invitation, and love." Katz, *Black Indians: A Hidden Heritage* (1986; New York, 1991), 2.

⁹⁹ Jack D. Forbes, *Black Africans and Native Americans: Color, Race and Caste in the Evolution of Red-Black Peoples*, 2d edn. (Urbana, Ill., 1993), 91; Mangum, *Legal Status*, 6.

¹⁰⁰ Thus the one-drop rule is also central to the historical production of whiteness, which, as an ever-growing number of scholars have described, expanded from the Anglo-Saxon "free white person" of the 1790 naturalization law to incorporate Germans, Celts, Slavs, Alpines, Mediterraneans, Jews, and eventually such non-European groupings as Armenians, Syrians, and Hindus into the wider category of Caucasian. See, for example, Theodore W. Allen, *The Invention of the White Race*, Vol. 1: *Racial Oppression and Social Control* (London, 1994); Ruth Frankenberg, "Whiteness and American-ness: Examining Constructions of Race, Culture, and Nation in White Women's Life Narratives," in Steven Gregory and Roger Sanjek, eds., *Race* (New Brunswick, N.J., 1994), 62–77; Noel Ignatiev, *How the Irish Became White* (New York, 1995); Jacobson, *Whiteness of a Different Color*; David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London, 1991); or Ignatiev's irrepressible *Race Traitor* journal. While the discursive labor involved in subordinating these initially separate categories under the overarching heading of whiteness is a major topic, the differences that distinguished these immigrant groups from each other were not of the same order as the racialization that insulated black people. I am less sure (and know less) about the racialization of Chinese people, especially on the west coast of the United States.

¹⁰¹ Forbes, *Black Africans and Native Americans*, 203; see also Thornton, *American Indian Holocaust and Survival*, 210–20. Hurston quoted by Spickard, *Mixed Blood*, 323. See also Cohen, *Handbook of Federal Indian Law*, 2–5.

rule¹⁰², one category—the white one—stands out as monolithically undivided, leaving the rest as so many permutations of black.

Thus the key factor in colonial and “post”-colonial race relations is not, as some have argued, simple demographic numbers,¹⁰³ since populations have to be differentiated before they can be counted. Difference, it cannot be stressed enough, is not simply given. It is the outcome of differentiation, which is an intensely conflictual process. If a one-drop rule applied in Australia, for instance, the Aboriginal population would escalate overnight. Hence the incendiary effect of a Queensland bumper sticker, the display of which was truly for none but the brave, which proclaimed an “Aboriginal family reunion—invite your white relatives.”¹⁰⁴ Rather than simple counting, demography involves the most complex and tortuous contestation, as in native Virginians’ century-long struggle to refuse categorization as “colored,” a struggle that was waged, as Forbes remarked, “with uneven success and . . . which served to poison African-American Indian relations as well as to split communities, churches, and even families.”¹⁰⁵ Miscegenation discourse is about holding the line when it comes to power, privilege, and access to resources. As such, it is at the material core of identity politics, which should not be discounted as merely aesthetic or superstructural.

In the context of capitalist property relations, there is no tension between the antithetical discourses of race to which blacks and Indians have been subject. This is because the simple undifferentiated product of the encounter between African labor and Indian land was European property. In this connection, obvious though it may seem, it is surely significant that the most durable names that have been applied to the two groups, Negro and Indian, refer respectively to a bodily characteristic and a territorial designation.¹⁰⁶ As observed in relation to the doctrine of *terra nullius*, the mixture of labor and land was central to the ideological edifice of private property. As slaves, blacks were chattels or instruments comparable to plows or horses, whose application to vacant land realized its value and converted it from wilderness into property. Chattel slavery, one’s appropriation of another’s body, presupposed a prior alienation. One was appropriated, the other expropriated. The twin dimensions of this Janus-faced procedure cannot be appreciated separately.

Having reached this point, we are in a position to appreciate the distinctiveness of the Brazilian situation.

¹⁰² Raymond T. Diamond and Robert J. Cottrol, “Codifying Caste: Louisiana’s Racial Classification Scheme and the Fourteenth Amendment,” *Loyola Law Review* 29 (1983); Virginia R. Dominguez, *White by Definition: Social Classification in Creole Louisiana* (1986; New Brunswick, N.J., 1994).

¹⁰³ William A. Green, *British Slave Emancipation: The Sugar Colonies and the Great Experiment, 1830–1865* (Oxford, 1976); Green, “The Perils of Comparative History: Belize and the British Sugar Colonies after Slavery,” *Comparative Studies in Society and History* 26 (1984): 112–19; compare O. Nigel Bolland, “Systems of Domination after Slavery: The Control of Land and Labor in the British West Indies after 1838,” *Comparative Studies in Society and History* 23 (1981): 591–619.

¹⁰⁴ I owe this snippet to Jeremy Beckett.

¹⁰⁵ Forbes, *Black Africans and Native Americans*, 258.

¹⁰⁶ I read Nathaniel Field’s dual epithet “wilde Virginia, Black Affricke” as primarily expressing this opposition between territoriality and corporeality, or between settlement and enslavement, rather than the relative malleability of the two populations, which is Vaughan’s interpretation (*Roots of American Racism*, 13).

COMPARE THE RIGOROUS BINARISM of the one-drop rule or the simple unidirectionality of the Australian assimilation policy with the extravagance of the Brazilian¹⁰⁷ system of color classification (see Figure 2).¹⁰⁸ If ever there was a worthy challenge to class analysis, this system surely offers it. Truly baroque in its excess, it establishes an apparently unassailable limit to racial classification. What was it about Brazilian race relations that could have produced such a scheme?

The fact that this system so spectacularly abjures a hard and fast binarism has sustained a misleading historiography of slavery and race relations in Brazil. The inspiration for this stems principally from the Brazilian historian Gilberto Freyre, whose *Casa-grande & senzala*, originally published in Portuguese in 1933, appearing in English translation as *The Masters and the Slaves* in 1946, fostered the myth that the Portuguese had been relatively benign slavers. Freyre's claims inspired a number of American historians—in particular Frank Tannenbaum, Stanley Elkins, and even, to a lesser extent, Winthrop Jordan—to assert that Brazilian slavery had been milder than the North American variant because, whereas Iberians in the New World were familiar with slavery, which had been codified and regulated in a reasonably humane manner derived from Roman Law and filtered through the Catholic Church, slavery had not been institutionalized in England for centuries, so there existed no rules to regulate the practice and restrain its excesses.¹⁰⁹ The complex Brazilian system of color classification testified to this comparative mildness, since it indicated that, rather than a rigorously polarized society that ruthlessly distinguished between master and slave, the Portuguese had presided over an integrated polity in which manumission had been commonplace and people could move up and down the hierarchy with relative ease.¹¹⁰ So far as the

¹⁰⁷ Brazil is not homogeneous. A number of English-language scholars have overlooked the substantial differences between the different types of slavery obtaining in different regions (Bahia, Minas Gerais, etc.), different industries (sugar, mining, coffee, domestic slavery), between town and country, and between different historical eras. The following analysis refers to the sugar industry in Bahia, which was Freyre's focus and the cradle of the Atlantic slave trade. Thus "Brazil" always includes that industry and sometimes but not always includes others.

¹⁰⁸ This list is not comprehensive; Marvin Harris found over 490 such classifications: Harris, "Referential Ambiguity in the Calculus of Brazilian Racial Identity," in Norman E. Whitten, Jr., and John F. Swzed, eds., *Afro-American Anthropology: Contemporary Perspectives* (New York, 1970), 75–85, although it should also be acknowledged that many of these terms are neither widely distributed nor regularly used. For our purposes, the point is simply the system's comparative complexity—which, even by the standards of Louisiana, Mexico, or Jamaica, can hardly be doubted.

¹⁰⁹ Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York, 1946); Elkins, *Slavery*; Winthrop D. Jordan, "Unthinking Decision: Enslavement of Negroes in America to 1700," in T. H. Breen, ed., *Shaping Southern Society: The Colonial Experience* (New York, 1976). For critiques of the perspective, see Sidney Mintz's review of Elkins's *Slavery*, in *American Anthropologist* 63 (1961): 579–87; Davis, *Problem of Slavery in Western Culture*, 224–25 n.; compare Arnold Sio, "Interpretations of Slavery: The Slave Status in the Americas," *Comparative Studies in Society and History* 7 (1965): 289–308. Arnold Toynbee's claim that "race feeling" in the contemporary West had no precedent in medieval Europe, which included colonizing Spain and Portugal but not colonizing England, bears marked similarities to the Freyre/Tannenbaum thesis but does not appear to have influenced its formulation. Toynbee, *A Study of History* (Oxford, 1934), 1: 223–25.

¹¹⁰ "Portuguese colonization produced a fluid structure, making possible the transmutation from class to class, from race to race, and producing a new biological type, and new values in human beauty . . . In Brazil and Spanish America the law, the church, and custom put few impediments in the way of vertical mobility of race and class, and in some measure favored it. In the British, French, and United States slave systems the law attempted to fix the pattern and stratify the social classes and the racial groups." Tannenbaum, *Slave and Citizen*, 119–20, 127.

branco	preto
mulato	moreno
mulato claro	mulato escuro
moreno claro	moreno escuro
negro	caboclo
escuro	cabo verde
claro	araçuaba
roxo	amarelo
sará escuro	cor de canela
preto claro	roxo claro
cor de cinza	vermelho
caboclo escuro	pardo
branco sarará	mambebe
branco caboclado	moreno escuro
mulato sarará	negro
cor de cinza clara	creole
louro	vermelho
mambebe	pelé
roxo de cabelo bom	preto escuro

FIGURE 2: Brazilian Color Classifications

Portuguese are concerned—and without holding any brief for Anglo-American slavers—the notion of a mild form of slavery could hardly be further from the truth.

In comparison to North American slaves, whose lives represented a valuable commodity to their masters and were accordingly carefully—albeit not kindly—preserved, Africans who were enslaved into the Brazilian sugar industry could expect brutally truncated lives unless they were manumitted.¹¹¹ Although estimates continue to diverge as to the precise numbers involved, a negative demographic regime in which high death and low fertility rates were accompanied by a major gender imbalance in favor of male imports necessitated constant resupplies from Africa. Few would now quarrel with Stuart Schwartz’s characterization of the adult mortality and general fertility rates among slaves in eighteenth-century Brazil as “staggering . . . far worse than recorded in other slave regimes.”¹¹²

¹¹¹ Contemporary accounts put eighteenth-century Brazilian slave life expectancy at between seven and fifteen years. C. R. Boxer, *The Golden Age of Brazil, 1695–1750: Growing Pains of a Colonial Society* (Berkeley, Calif., 1962), 174; Robert Edgar Conrad, *World of Sorrow: The African Slave Trade to Brazil* (Baton Rouge, La., 1986), 17, although such estimates have been qualified by Emília Viotti da Costa, *The Brazilian Empire: Myths and Histories* (Chicago, 1985), 134–35, and challenged, though for the era succeeding the termination of the slave trade in 1851, by Robert Slenes, “The Demography and Economics of Brazilian Slavery, 1850–1888” (PhD dissertation, Stanford University, 1976), 370.

¹¹² The term “negative demographic regime” comes from Stuart B. Schwartz, *Slaves, Peasants, and Rebels: Reconsidering Brazilian Slavery* (Urbana, Ill., 1992), 11. The quotation comes from Schwartz, *Sugar Plantations*, 373. As the French émigré Charles Auguste Taunay put it in 1839, Brazil “devoured” Africans: “if continued importation were not supplying them, the race would shortly disappear from our midst”; Stanley J. Stein, *Vassouras: A Brazilian Coffee County, 1880–1900: The Roles of Planter and Slave in a Plantation Society* (1957; Princeton, N.J., 1985), 227. See also C. R. Boxer, *The Portuguese Seaborne Empire, 1415–1825* (New York, 1969), 173–75; Mary C. Karasch, *Slave Life in Rio de Janeiro, 1808–1850* (Princeton, 1987), 92–110; Joseph C. Miller, *Way of Death: Merchant Capitalism and the Angolan Slave*

Even though the importation of slaves into the United States declined substantially from the 1790s on, this did not greatly affect the system of slavery there, since the slaves could and did reproduce themselves, albeit with a little help from their masters, so that slave numbers actually grew in the nineteenth-century South.¹¹³ In Brazil, on the other hand, there was no pretense of natural increase. Rather, the lives of slaves were simply used up, whereupon they were replaced with what Thomas Nelson, a British surgeon resident in Rio during the 1840s, referred to as “the shoals of doomed Africans who are annually drawn from the opposite shore to supply the defects.”¹¹⁴ The importation continued apace until 1851, when the British finally terminated it by means of a naval blockade, and Brazilian slavery began to break down. Although Brazilian slaves were not to be finally emancipated until 1888, the combination of the curtailment of the trade from Africa, which had ceased altogether by 1853, and the effects of the Rio Branco (or “free womb”) law of 1871, in which the condition of slavery was no longer transmitted to offspring once they had reached their majority, meant, in the words of Richard Graham, that “no new slaves would be available either from Africa or from procreation.”¹¹⁵ The predominantly Brazilian-born group of slaves who remained after the 1870s were well equipped to resist their subjection in a variety of ways, culminating in the mass flights from slavery that took place in the 1880s, often along the very railroad system that had been installed to improve plantations’ export efficiency.¹¹⁶

One can discern all sorts of reasons for this apparently profligate waste of human resources on the part of the Portuguese and their Brazilian successors. The immediate financial returns on putting an African to work on a Brazilian sugar plantation were much higher than in the case of a Virginian tobacco plantation.¹¹⁷ Apart from anything else, the distance involved was considerably—almost 50 percent—shorter, so it was much cheaper to ship Africans to Brazil.¹¹⁸ The Portuguese controlled both ends of the Brazil slave trade, so there were fewer middlemen and levies to be encompassed in the price paid by their ultimate owners.

Trade, 1730–1830 (Madison, Wis., 1988). The bare figures should, of course, be approached with caution, especially since a significant proportion of the Brazilian slaves being replaced by newcomers from Africa had passed on as a result of manumission rather than of death.

¹¹³ “The endurance and even expansion of United States slavery, without any substantial additions from importation, is unique in the world history of slavery.” Carl N. Degler, *Neither Black nor White: Slavery and Race Relations in Brazil and the United States* (New York, 1971), 61. The importations into the United States were banned altogether from 1808 on.

¹¹⁴ Quoted in Robert Edgar Conrad, *The Destruction of Brazilian Slavery, 1850–1888* (Berkeley, Calif., 1972), 24.

¹¹⁵ Richard Graham, “Action and Ideas in the Abolitionist Movement in Brazil,” in Magnus Mörner, ed., *Race and Class in Latin America* (New York, 1970), 51–69, 63.

¹¹⁶ George Reid Andrews, *Blacks and Whites in São Paulo, Brazil, 1888–1988* (Madison, Wis., 1991), 37–40; Slenes, “Demography and Economics,” 549–51; Robert Brent Toplin, “Upheaval, Violence, and the Abolition of Slavery in Brazil: The Case of São Paulo,” *Hispanic American Historical Review* 49 (1969): 639–55, 655; Ademir Gebara, *O mercado de trabalho livre no Brasil, 1871–1888* (São Paulo, 1986), 99.

¹¹⁷ Boxer, *Golden Age of Brazil*, 173; Conrad, *World of Sorrow*, 14–15; Carl N. Degler, “Slavery in Brazil and the United States: An Essay in Comparative History,” *AHR* 75 (April 1970): 1004–28, 1018; compare Slenes, “Demography and Economics,” 370.

¹¹⁸ Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492–1800* (London, 1997), 170. The journey from Angola to Bahia took forty days; José Honório Rodrigues, “The Influence of Africa on Brazil and of Brazil on Africa,” *Journal of African History* 3 (1962): 49–67, 55.

Moreover, since the Portuguese crown imposed per capita levies on both Angolan exports and Brazilian imports, high volumes of trade were encouraged.¹¹⁹ Above all, from the outset, Portugal's domestic economy had been basically agricultural, producing little for export, a situation that led to a circulation economy, in which a complex range of commodities, including slaves ("black ivory"), indirectly complemented one another at the level of the seaborne empire as a whole. The sugar plantations on the islands of São Tomé and Fernando Po, for instance, from which the Brazilian industry was to be developed, were initially established to provide an outlet for surplus slaves whom the Portuguese had acquired in the course of opening up African markets.¹²⁰ Thus slaves were not simply a means to the end of sugar production. Rather, trading in them generated systemic value in its own right as one of the primary links in a global chain of commodity exchanges.¹²¹

Concerning the question of internal complements, whereby local Brazilian factors converged with these systemic or empire-wide conditions, it is clear, firstly, that constantly replacing slaves with fresh imports from Africa militates against the development of a culture of resistance among them.¹²² Moreover—and crucially—the much-vaunted high rate of manumission in Brazil conduced to the same end. In other words, manumission is not inconsistent with the practice of working slaves into the ground only to replace them with fresh consignments. Rather than being mutually inconsistent moral options, the two commonly contribute to the discouragement of slave revolts.¹²³ In place of a sterile alternation between Lusitanian

¹¹⁹ Luiz Felipe de Alencastro, "The Apprenticeship of Colonization," in Barbara L. Solow, ed., *Slavery and the Rise of the Atlantic System* (Cambridge, 1991), 151–76, 167–68; Joseph C. Miller, "Some Aspects of the Commercial Organization of Slavery at Luanda, Angola—1760–1830," in Henry A. Gemery and Jan S. Hogendorn, eds., *The Uncommon Market: Essays in the Economic History of the Atlantic Slave Trade* (New York, 1979), 77–106, 105.

¹²⁰ Franklin W. Knight, "Slavery and Lagging Capitalism in the Spanish and Portuguese American Empires, 1492–1713," in Solow, *Slavery and the Rise*, 62–74, 69.

¹²¹ This consideration provides a further motive, almost entirely unremarked in the literature, for the preference for African over Indian labor. As Lúcio Kowarick (who does remark it) observed, "Paradoxically, the key to understanding African colonial slavery is the slave trade, and not the other way round." Kowarick, *The Subjugation of Labour: The Constitution of Capitalism in Brazil*, Kevin Mundi, trans. (Amsterdam, 1987), 12.

¹²² It is important to distinguish between colonizers' perceptions of the threat posed by slaves and the substance of those perceptions. Fear is not necessarily realistic. The fact, if it is one, that most rebellious activity was conducted by African-born slaves does not mean that the anxieties of planters (who were not necessarily consulting the same statistics as their historians) automatically followed suit. Some have stressed the lengths to which planters were prepared to go to achieve a mix of first-generation slaves from different African backgrounds (Boxer, *Golden Age of Brazil*, 176–77; Degler, "Slavery in Brazil and the United States," 1016). But this suggests a fear of homogeneity rather than of African birth per se, a conclusion that is consistent with the particular concern that planters evinced in relation to Islam—a concern that was realistic in rebellious early nineteenth-century Bahia at least (João José Reis, *Slave Rebellion in Brazil: The Muslim Uprising of 1835 in Bahia*, Arthur Brakel, trans. [Baltimore, Md., 1993]; Clóvis Moura, *Rebeliões da senzala* [São Paulo, 1959]). For varying opinions as to the sources of rebellious activity (including flight and the establishment of *quilombos*, or maroon habitations), see, for example, Andrews, *Blacks and Whites*, 36–37; Michael Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca, N.Y., 1982), 165; Reis, "Slave Resistance in Brazil, Bahia, 1808–1835," *Luso-Brazilian Review* 25 (1988): 111–44, 111; Schwartz, *Sugar Plantations*, 342. Eugene Genovese suggested that a generalized shift in insurgent initiative, from the African-born to creole populations and from rebellion to something closer to revolution, began to set in around the end of the eighteenth century. Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge, La., 1979), 18–19.

¹²³ This does not, of course, exclude separate or supplementary motivations for manumission, such as the appeal of more flexible wage labor, the burden of maintaining old, infirm, or alcoholic slaves, the

apologists who stress the manumissions while discounting the mortality rates and critics who reciprocally discount the manumissions in favor of the deaths, we should see the two features of the Brazilian system as harmoniously preempting the threat that slave solidarity would pose to the reproduction of a social system based on slavery. To put this another way, manumission and high mortality together subtended a high turnover strategy that, internally, prevented slaves from developing the consciousness of a social group capable of acting for itself at the same time as, externally, it conformed to the empire-wide requirement for an expanded flow of trade.

What, then, was the internal context in which this rationale came to prevail? Simply put, in the areas of Brazil that the Portuguese colonized, the natives were exterminated, assimilated, or marginalized, while the millions of Africans who were imported over the centuries heavily outnumbered the Portuguese, whether peninsular or creole. Beset by perennial fears of underpopulation, Portugal—which, as observed, lacked England's early industrial experience of enclosure and urban drift—did not feel a comparable need to export an unwanted surplus population to the New World, with the result that the Portuguese stock in Brazil was proportionately much smaller than the white component of Britain's Australian or American colonies. Thus the reason why the Portuguese should have gone to such apparently uneconomical lengths to prevent the development of solidarity among its African slaves and creolized slaves and ex-slaves is only too obvious. The combined group greatly outnumbered the Portuguese, and would have had little trouble in overthrowing them if ever (or, perhaps, if only) they had set their collective mind to it. That they have not done so is a matter of record. Accordingly, throughout Brazilian history, blacks have consistently dominated the lowest, most impoverished and exploited positions in society. To this day, though it is a Brazilian cliché that money whitens, since there are some well-off blacks and a larger number of poor whites, the great majority of blacks are poor and the great majority of the elite are white.¹²⁴

need to provide an incentive for informers, the sanction afforded by conditional or delayed manumission, consanguineal sentiment, pecuniary advantage (from slaves' purchasing their freedom), salvation anxiety, guilt, or gratitude. For a range of motivations, see, for example, Cohen and Greene, "Introduction," 10–11; Jan Fiola, *Race Relations in Brazil: A Reassessment of the Racial Democracy Thesis* (Amherst, Mass., 1990), 3; Karasch, *Slave Life in Rio*, 338–64; Anthony W. Marx, *Making Race and Nation: A Comparison of South Africa, the United States, and Brazil* (Cambridge, 1998), 62; Kátia M. de Queirós Mattoso, "Slave, Free, and Freed Family Structures in Nineteenth-Century Salvador, Bahia," *Luso-Brazilian Review* 25 (1988): 69–84, 71; Stuart B. Schwartz, "The Manumission of Slaves in Colonial Brazil, Bahia, 1684–1745," *Hispanic American Historical Review* 54 (1974): 603–35, 627–30.

¹²⁴ See, for example, Andrews, *Blacks and Whites*, 126–27; Nelson do Valle Silva, "Updating the Cost of Not Being White in Brazil," in Fontaine, *Race, Class and Power in Brazil*, 42–55; Florestan Fernandes, "The Weight of the Past," in John Hope Franklin, ed., *Color and Race* (Boston, 1968), 282–301, 291; Carlos A. Hasenbalg, "Race and Socioeconomic Inequalities in Brazil," in Fontaine, *Race, Class and Power in Brazil*, 25–41, 28–39; Peggy A. Lovell, "Race, Gender and Development in Brazil," *Latin American Research Review* 29 (1994): 7–35, 19–22; Marx, *Making Race and Nation*, 253; Thomas E. Skidmore, *Black into White: Race and Nationality in Brazilian Thought* (1974; Durham, N.C., 1993), 376. As do Valle Silva dryly concluded, "Updating the Cost," 55, "Summarizing our findings, we can say that we now know the cost of not being white in the Brazilian 'racial democracy': about 566 cruzeiros a month in 1976." Updating these figures into the present, Peter Fry has recently brought together an authoritative range of studies that map Afro-Brazilian deprivation along such revealing axes as infant mortality rates, educational attainments, income ("the average income of blacks and mestizoes [mulattos] is a little less than half that of whites"), and incarceration. Fry, "Politics,

Slave creolization is inherently ambivalent. On the one hand, a shared language and a degree of shared cultural experience contribute to diasporan solidarities, while, on the other hand, the same qualifications also provide avenues for the maintenance of planter control. As Schwartz has shown, this ambivalence manifested itself in Brazil as a division between two schools of slaveowners, “those who thought that permitting slaves to maintain their African cultures was a positive way of stimulating differences among them and thus an effective social control, and those who thought that such cultural persistence stimulated rebellion.”¹²⁵ Dividing around such questions, the planters were not, however, divided to an extent comparable to the divisions that fragmented those of African descent. In times of crisis, planters of all persuasions knew only too well where their collective interest lay, and seamlessly closed ranks.

In postcolonial Brazil’s nineteenth-century imperial era, the significance of the divisions that plantation society strove to impose on slaves, ex-slaves, their successors and descendants lies in the simple fact of division itself. Juridically, Afro-Brazilians were divided into slave versus free, with freed slaves in turn being divided into those born free versus those who had been manumitted (*libertos*) and, after about 1830, those who had been released from slave ships intercepted by the British (*emancipados*). After the passing of the free womb law of 1871, children born to slave mothers but destined for freedom became known as *ingênuos*. In addition to these formal juridical distinctions, a range of informal social distinctions obtained: African versus creole; black versus mulatto; Indian versus black, mulatto, and *caboclo* (Indian/white); together with a locally various range of phenotypical oppositions. None of these divisions were coterminal. On the contrary, they cut across each other, broke each other up, and multiplied the fragmentation. In combination, they secured and maintained the dominance of the ruling group, the only group whose divisions could be relied on to dissolve when collective interests were threatened.¹²⁶ The baroque system of nomenclature grew out of and compounded this fragmentation, on whose reproduction across time Brazilian society depended. This is why creole homogeneity presented such a threat, and why, therefore, the number of creole slaves had to be kept in check—which, in turn, is why the number of fresh imports and manumissions had to be kept up. Creolization was a matter of degree—slaves who had been around for a while, like Ira Berlin’s Atlantic creoles, posed more of a threat than those who had not.¹²⁷ Every year on

Nationality, and the Meanings of ‘Race’ in Brazil,” *Daedalus* 129 (2000): 83–118, 92. See also John Burdick, *Blessed Anastácia: Women, Race, and Popular Christianity in Brazil* (New York, 1998), 1–2.

¹²⁵ Schwartz, *Sugar Plantations*, 342.

¹²⁶ “Colonial slave society had created a set of racial and status divisions that effectively interdicted cooperation . . . The distinctions between crioulos and Africans and between blacks and mulattoes were not simply census takers’ conveniences or descriptive designations. They were important categories that described the multiple and complex divisions of Bahian society and circumscribed political action.” Schwartz, *Sugar Plantations*, 473.

¹²⁷ “The characteristics that distinguished Atlantic creoles—their linguistic dexterity, cultural plasticity, and social agility—were precisely those qualities that the great planters of the New World disdained and feared . . . Simply put, men and women who understood the operations of the Atlantic system were too dangerous to be trusted in the human tinderboxes created by the sugar revolution.” Ira Berlin, “From Creole to African: Atlantic Creoles and the Origins of African-American Society in Mainland North America,” *William and Mary Quarterly*, 3d ser., 53 (1996): 263.

Brazilian soil was another year of creolization. Thus we can understand how it should be that a plural but not unduly Gordian set of social classifications should begin to complexify in the nineteenth century, during the very period when Brazilian slavery was finally and decisively shifting, through a period of creole majority, to the impossible situation of an entire slave population that was only distinguishable from the surrounding population by virtue of its slavery.

Since Afro-Brazilian deprivation survived the emancipation decree of 1888, it is important not to exaggerate the significance of that decree.¹²⁸ Nonetheless, along with the juridical condition of slavery, emancipation automatically abolished the juridical distinctions that had previously served to divide Afro-Brazilians. This left the unofficial distinctions, which were predominantly couched in terms of color. In the twentieth century, these informal distinctions effloresced into the full extravagance of the Brazilian baroque.¹²⁹ Clearly, there are significant correspondences between this phenomenon and the post-emancipation racialization of U.S. blacks. In particular, both emancipations signaled an intensification of miscegenation discourse. Yet the outcomes of this intensification could hardly have differed more profoundly between the two societies. Whereas, in the United States, the one-drop rule enforced the most thoroughgoing of racial polarities, the Brazilian baroque obscured an empirical polarity in which African extraction overwhelmingly correlated with deprivation. Where one promoted solidarity among a white majority, the other promoted fragmentation among an Afro-Brazilian majority. In fragmenting, of course, it also contained.

In a very straightforward way, the contrast between the Brazilian and U.S. regimes of difference reflects the bare demographics involved. In Brazil, a one-drop rule would have resulted in instant engulfment for the elite. This consideration casts light on a post-emancipation complement to the color-classification system, the energetic program of white immigration that gathered impetus from the 1880s on.¹³⁰ In terms of conventional economic rationality, the logic of this program is hardly less baroque than that of the color terminology, since the Brazilian economy already had millions of laborers on hand and available to it without the trouble and expense of importing foreigners. Yet this labor force had hardly evinced docility in the run up to emancipation.¹³¹ As an impoverished potential alternative, however, the beneficiaries of emancipation served, by their very presence, to discipline the newcomers.¹³² Indeed, when the immigrants showed signs of having imported disruptive European ideologies such as socialism or syndicalism, they could find

¹²⁸ As David Baronov put it, the decree involved "abolishing the slave while simultaneously failing to emancipate the African." Baronov, *The Abolition of Slavery in Brazil: The "Liberation" of Africans through the Emancipation of Capital* (Westport, Conn., 2000), 166. See also Emília Viotti da Costa, *Da senzala à colônia* (São Paulo, 1966), 466.

¹²⁹ Andrews, *Blacks and Whites*, 249.

¹³⁰ This was the centerpiece of the official policy of "whitening." See Skidmore, *Black into White*, esp. 68; Thomas E. Skidmore, "Racial Ideas and Social Policy in Brazil, 1870–1940," in Richard Graham, ed., *The Idea of Race in Latin America, 1870–1940* (Austin, Tex., 1990), 7–36, 12, 23; Andrews, *Blacks and Whites*, 135–36, 177–78. For an earlier precedent, see Karasch, *Slave Life in Rio*, 321.

¹³¹ A number of scholars have noted that slave and ex-slave dissidence provided a pretext for the immigration program. See, for example, Fernandes, "Weight of the Past," 282–301, 285; Robert M. Levine, "'Turning on the Lights': Brazilian Slavery Reconsidered One Hundred Years after Abolition," *Latin American Research Review* 24 (1989): 201–17, 207.

¹³² Lúcio Kowarick, *Capitalismo e marginalidade na América latina*, 3d edn. (Rio de Janeiro, 1983).

themselves passed over in favor of Afro-Brazilians.¹³³ Such situations were, however, limited exceptions to the rule. In general, Brazilian authorities acted as if, along with slavery, they had also dispensed with the slaves. Ex-slaves in Brazil were much more marginalized than blacks in the U.S. South, whose labor continued to be exploited under changed forms of control.¹³⁴ Thus it is consistent that, unlike U.S. blacks, but like the anomalous Indians and Aborigines within, blacks in Brazil should have been targeted for assimilation under the policy of whitening (*branqueamento*). Even the iconography anticipated the Australian three-generation lap-count to whiteness (see Figure 3).¹³⁵

In sum, the Brazilian system of color classification performs a socially reproductive function complementary to that which, in the slave era, was also performed by the combination of manumission, high mortality, and juridical heterogeneity. These factors operated to prevent a hyperexploited Afro-Brazilian majority from realizing its community. Following the protracted (1851–1888) build-up to emancipation, distinctions of color acquired increased salience as the other factors became obsolete. Subsequently, in combination with the program of white immigration, the elaboration of the color-classification system helped prolong the oppression of Afro-Brazilians into the post-slavery era. Rather than elucidating this situation, historians such as Tannenbaum and Elkins recapitulated Brazilian racial ideology. On the other hand, although Carl Degler's famous "mulatto escape hatch" was not well received by Brazilian critics at the time, we should recognize the value of the insight that the categories intervening between black and white function to discourage non-whites from electing to be the majority.¹³⁶ We should, however, amend Degler's thesis, since the reprieve that counts is not opened up for individual mulattos but for the dominant group as a whole. The Brazilian baroque is a ruling-class escape hatch.

IT FOLLOWS THAT THE BRAZILIAN CATEGORIES are not racial in the sense that applies to the racialization of black people in the United States—after all, full siblings in

¹³³ George Reid Andrews, "Black and White Workers: São Paulo, Brazil, 1888–1928," in Rebecca J. Scott, et al., *The Abolition of Slavery and the Aftermath of Emancipation in Brazil* (Durham, N.C., 1988), 85–118, 103–07, 115–18; Andrews, *Blacks and Whites*, 55, 58, 151. In Bahia and other depressed areas that did not attract white immigrants, high unemployment kept wages down. Moreover, when white immigration was cut back (for instance, during World War I), internal migration from these areas maintained the labor surfeit in more dynamic zones such as São Paulo (Kowarick, *Subjugation of Labour*, 81, 88).

¹³⁴ Florestan Fernandes, *The Negro in Brazilian Society* (New York, 1969); Fernandes, *A revolução burguesa no Brasil* (Rio de Janeiro, 1975); Viotti da Costa, *Da senzala à colônia*, 466.

¹³⁵ João Batista Lacerda, director of the Rio de Janeiro National Museum, included a reproduction of this painting by M. Broccos, of the School of Fine Arts in Rio de Janeiro, in the introduction to the paper that he had been invited to present to the First Universal Races Congress, held in London in 1911. He captioned the image: "The negro passing into the white in the third generation as a result of racial crossing." Taken from Lilia M. Schwarcz, *The Spectacle of the Races: Scientists, Institutions, and the Race Question in Brazil, 1870–1930*, Leland Guyer, trans. (New York, 1993), 3–4.

¹³⁶ For the "mulatto escape hatch," see Degler, *Neither Black nor White*, esp. 224–25. In a critical response, Eduardo de Oliveira e Oliveira suggested substituting the term *alcapao* for the mulatto escape hatch, *alcapao* signifying both an emergency exit and an animal trap: "emergency exit from the system itself, but a prison for the mulatto, incapable of acquiring a sense of himself [*uma consciência própria*]." Oliveira, "O Mulato, um obstáculo epistemológico," *Argumento* 1, no. 3 (1974): 70.



Painting by M. Broccos (see n. 135).

Brazil can be assigned different classifications, and even these vary with the judgments of individuals.¹³⁷ This is the reason for referring to the Brazilian system

¹³⁷ Nearly half a century ago, Oracy Nogueira distinguished cogently between prejudices based on "mark" and on "origin," respectively associated with Brazilian and U.S. social classifications. A prejudice of mark is based on external appearance (hence full siblings can be differently classified), while a prejudice of origin is based, selectively, on heredity, which may or may not harmonize with external appearance, and which necessarily classifies full siblings together. Nogueira, "Preconceito racial de marca e preconceito racial de origem," *Anais do XXXI Congresso Internacional de Americanistas* (São Paulo, 1955); Nogueira, "Skin Color and Social Class," in Pan American Union, *Plantation Systems of the New World* (Washington, D.C., 1959), 164–78.

as one of color rather than of race. For all the stark differences between the systems, however, race in the United States (or, for that matter, in Australia) and color in Brazil are alike in being regimes of difference that reproduce relations of power, whether by maintaining social divisions that would otherwise be incoherent or by effacing social divisions that would otherwise be coherent. To focus on miscegenation discourse is to focus on that incoherence at the point where it is most conspicuous, which is the point at which the ideological resources of a colonial or “post”-colonial society that is premised on distinguishing between colonizer and colonized are most intensely summoned. At that point, those resources become maximally visible. The primary issue is not, therefore, race or sexuality *per se* but the maintenance of social divisions, an imperative that requires difference to be configured and reconfigured in highly contextual manners. By the same token, I am presenting an approach or methodology, not a model. Accordingly, if we were to turn our attention to, say, the differentiation of Loyalist from Republican in Northern Ireland, or of Mizrahi from Palestinian in Israel, or of Anglo- from French-Canadian in Quebec, we should not expect to find differences configured in the ways we have seen them configured in Brazil, the United States, or Australia. Even where the discourses of race and/or color are cognate, we should expect to find context specificity. In South Africa, for example, the Coloured (or “Cape Coloured”) population has occupied a crucial interstitial position whose social and political significance has been far in excess of its numbers. In stark contrast to the Australian case, where an Anglo-Celtic majority embarked on a policy of assimilation, assimilation in South Africa would have threatened white society with disappearance. Hence the need for a barrier category to ensure that the boundaries of whiteness remained rigidly intact. For most of the twentieth century, therefore (and particularly under Afrikaner administrations), the Coloured population has been officially treated, as if immaculately conceived, as a discrete and self-generating third entity rather than a (con)fusion of black and white.

It follows that shifting social divisions should lead to shifts in miscegenation discourse.¹³⁸ The example of the frontier situation in Georgia was noted above. Such examples are crucial to the approach, since structural analyses have only too often been ahistorically static, as if structure and event were mutually exclusive analytical options. As opposed to this unsatisfactory characteristic of traditional structuralism, the approach being advocated here enables us to distinguish between historical shifts that actually transform social relations and those whose practical consequences are more apparent than real. (Reconstruction comes to mind.)¹³⁹ A particularly clear example of structural conditions altering fundamentally over time is provided by the changing situation of Anglo-Indians (or “Eurasians”), who moved from an influential and fairly elevated social position in the eighteenth century to a situation that became increasingly marginalized and depressed as the nineteenth century wore on. It would be hard to find a clearer symptom of the social consequences of a transition from a mercantile form of capitalism—in which Europeans employed creole intermediaries to broker their trading relationships

¹³⁸ See especially Stoler, “Making Empire Respectable.”

¹³⁹ Thus the fortunes of the Coloured group will be an important long-term indicator of how complete a break with the past the ANC government has achieved.

with native producers—to an industrial mode of capitalism in which Europeans directed a system of mines and plantations that employed native labor to produce raw materials to meet the specifications of European factories.

Miscegenation discourse addresses the central contradiction bedeviling any colonial regime of difference, whether framed in terms of race, nation, culture, or otherwise. In broader terms, therefore, miscegenation is but a physical metaphor. In some contexts (one thinks, for instance, of religious conversion in Israel/Palestine), the requisite confusion need not involve constructions of biology. In the situations that we have surveyed here, however (and, it would seem, in the majority of cases), miscegenation discourse recruits biology to install systems of social relations at the level of the individual's own bodily experience. Thus miscegenation discourse is a central site for the myriad mundane ways in which colonial and postcolonial divisions are contested, defended, refurbished, and transformed. At stake in the unending struggle over differentiation is the fundamental issue defining any social system—who exploits whom in the production and reproduction of power, wealth, and privilege?

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