

TITLE

**On Racism: An Interrogation of the Canonical Theory of Knowledge of Anti-
Racism Politics**

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A Dissertation submitted to the Faculty of Graduate Studies in Partial
Fulfillment of the Requirements for the Degree of Doctor of Philosophy

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2023

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ABSTRACT

There are multiple ways of framing the analysis of racism and racial discrimination as public problems. Crucial differences in scope, ideological positions and theoretical standpoints inform these frames. Despite the tensions and disagreements among these stances, they all embrace four epistemological features: they treat racism and racial discrimination as given realities, which have an independent existence from awareness or recognition; they assume anti-racism and anti-discrimination practices and theories as contestations to those given realities; they all conceive power in terms of differentials in resources, access/opportunities, and capacities to impose a rule, interest or ensure privileges; and they understand subjectivity as relational identities deriving from power disparities. While acknowledging these assumptions' political and intellectual value and being fully aligned with the legitimacy of their purposes, this dissertation problematizes the theory of knowledge that makes them possible. It also proposes an alternative theory of knowledge and discusses the epistemic consequences of embracing a shift in how we understand and mobilize against racism. With the support of the theory of objective validity of the Marburg Neo-Kantian School, and Michel Foucault's work on discourse, power, and subjectivity, I present three main arguments. First, I contend that racism and racial discrimination are not given but become epistemologically established through the discursive practices anti-racism mobilizations embrace. Second, I claim that anti-racist problematizations are not reactive but have constitutive power. This position implies complementing the idea of power as disparity with the idea of power as the possibility of objectifying reality. Finally, this dissertation argues that the subjectivities anti-racism talks about emerge in discourse and only become self-evident through discursive practices. The thesis is structured into four chapters. Chapter 1 critically interrogates the mainstream theory of knowledge of anti-racism politics and introduces the alternative approach I am suggesting. In the following chapters, the dissertation presents three cases that serve to illustrate my theory of knowledge: the First Universal Races Congress of 1911; the conceptual and theoretical transitions in international politics against racial discrimination between the late 1980s and the 1990s; and the emergence and consolidation of the Afrodescendants as a subjectivity in the early 2000s.

DEDICATION

To Dante, Dylan, Charis and Manuela and those who were not afraid to ask difficult questions.

ACKNOWLEDGMENTS

I am very grateful to Professors Gamal Abdel Shehid and David Szablowski for agreeing to serve on my dissertation committee and their mentorship. Abdel-Shehid offered me guidance to navigate the first years of my Ph.D. His kindness and caring personality helped me adapt to a new country and academic culture. His teachings on race and racism studies were formative and still resonate with my research. I had the opportunity to work as a research assistant for Professor Szablowski, and I highly respect his scholarship and intellectual rigour. His insightful observations contributed to my academic growth, and his committed support gave me the foundation to complete my dissertation. I was privileged to have two scholars of such a solid calibre giving me their devoted time and wisdom for so many years. I will always be thankful for their encouraging comments along the way.

I must mention Dr. Silvia Valero, a professor at the University of Cartagena. Over the years, we worked on multiple projects that were formative for me, but most importantly, we have shared a common passion for studying the Afrodescendant mobilization in Latin America, along with a shared theoretical sensibility. We co-edited the book *Identity Politics in Time of Afrodescendancy* and co-organized two international symposiums in which activists and scholars reflected on the achievements and challenges of this continental mobilization. Dr. Valero has been one of the most committed readers of my work on this movement and has been enormously influential in my way of approaching subjectivities and anti-racism as an epistemic movement.

The four chapters of this thesis benefited from the suggestions of various scholars I am indebted to. Professor Matthew Hayes from St. Thomas University read Chapters One and Two and offered recommendations that strengthened my theoretical stance. Doctor Antonio Torres Ruiz, currently a lecturer at the University of Toronto, and Professors Alejandro de la Fuente from Harvard University and George Reed Andrews from the University of Pittsburg reviewed preliminary versions of Chapters Three and Four. They provided valuable insights on sources to consult and theoretical positions to consider. I also acknowledge the comments and suggestions on those chapters I received from the attendants to The Mark Claster Mamolen Dissertation Workshop on Afro-Latin American

Studies that the Afro-Latin American Research Institute at the Hutchins Center, Harvard University, organized in 2016.

It is also imperative to acknowledge the three external members of my defence committee: Professors Vanita Seth from the University of California Santa Cruz and Amar Bhatia and Philip Walsh from York University. They examined my dissertation with great dedication and tested its academic strength. Their insightful questions and comments during the defence session gave closure to my journey as a graduate student. I greatly appreciate how they make this final conversation an unparalleled enjoyable moment of learning and ideas exchange.

No single person's support has been more crucial to completing this dissertation than Professor Radhika Mongia. The evolution of my intellectual trajectory since 2009 has benefited from countless conversations with Dr. Mongia. She patiently and dedicatedly analyzed my ideas and presented me with insightful questions and comments that helped me refine them and sometimes replace them with better ones. Her vast scholarship has been a tremendous help in expanding my theoretical horizons. She systematically advised me on the most current literature in the areas I have delved into, and my research has greatly benefited from her philosophical sophistication and pedagogical skills. On a more personal level, Professor Mongia never gave up on me, even during the long pauses I took to deal with everyday life demands. She had the confidence that I could finish this project even though, at times, that certainty was elusive to me. I am deeply grateful for Professor Mongia's guidance, mentorship and commitment. I will never be able to return this generosity, but I hope to pay it forward.

An extensive project like this can only come to fruition with family support. I am grateful to my mother, Manuela Lourdes Garcia Nicolas, for always encouraging me to advance in my career. I am fortunate to have Charis Kamphuis as a life partner. She supported me in many ways to complete this dissertation. She read and edited significant portions of my work and inspired me to keep working in moments when my resilience was fading away. Her suggestions helped me overcome quite a few intellectual and emotional blocks. She witnessed every process, saw the birth of every idea and stood by me until I drafted the last line of this manuscript. Her empathy and love kept me focused and committed to completing this journey. Finally, Charis had two children during our

Ph.D. studies, Dante (2011) and Dylan (2012). Their coming to this world impacted my life in a way that matched no other event I have experienced. My kids brought new existential meaning into the discussions I share in the following pages. They were inevitably in my mind throughout the intellectual process that made this dissertation possible.

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INTRODUCTION

How is it possible that subjective meanings become objective facticities? Or, in terms appropriate to the aforementioned theoretical positions: How is it possible that human activity (Handeln) should produce a world of things (*choses*)?
Peter L. Berger and Thomas Luckmann *The Social Construction of Reality*

In his acclaimed book, *How to Be An Anti-racist*, Ibrahim X. Kendi argues that some of his most consequential steps toward being an anti-racist have been to arrive at basic definitions. He then states that "to be an anti-racist is to set lucid definitions of racism/anti-racism, racist/anti-racist policies, racist/anti-racist ideas, racist/anti-racist peoples" (Kendi, 2019: 17). Committed to that goal, Kendi proceeds to provide definitions that, in his opinion, are tangible, accurate, and anyone can understand. His purpose is to give victims of racism and those who fight against it a map to understand what it is as a problem and how to spot it properly.

Thirty years earlier, Robert Miles and Malcolm Brown embarked on a similar project. In their book *Racism*, originally published in 1989, Miles and Brown state that their main objective was to set out a case for the continued use of the concept of racism (Miles and Brown, 2004: 3). In particular, these authors argue that because the definition of racism was concretely linked to political and moral debates, it was imperative to reach a reasonable consensus on what constitutes racism. They advise keeping in mind two considerations when establishing that consensus. First, if we define the concept too broadly (e.g., everyone is racist), racism escapes censure, for it becomes nothing else than a product of cultural determinism or an expression of human nature. Second, if we define racism too narrowly (e.g., racism as the belief in racial superiority), then discourses that would otherwise be regarded as racist may attain a degree of legitimacy (Miles and Brown, 2003: 3-4). The way in which they proposed to avoid that conceptual inflation and deflation is by defining racism as an ideology.

The quest to define racism correctly as a precondition for its ultimate eradication has been common practice in anti-racism politics. However, it is well known that there have been, and still are, multiple ways of framing the analysis of racism and racial

discrimination as public problems. For instance, while Kendi and Miles and Brown agree that an adequate definition of racism is required, they embrace different understandings of the best way to allocate meaning to it. Their approaches have crucial differences in their analysis's scope, political positions, and epistemological standpoints.

Those who have studied the literature examining racism and discrimination or the multiple mobilizations to oppose them are aware that there is a lack of consensus regarding what dimensions of reality could be subsumed under the terms racism and racial discrimination, how to determine their causes, organize their history, effectively oppose them, and how to rationalize this very lack of agreement. To illustrate this point further, I will share other five definitions that summarize some positions in this conceptual spectrum.

The first one conceptualizes it as a falsification of scientific knowledge (Banton, 1970: 18). This definition refers to doctrines that supported the claim that there is "a scientific basis for arranging groups hierarchically in terms of psychological and cultural characteristics that are immutable and innate" (Montagu 1972: x quoted by Miles and Brown, 2003: 60). A second characterization describes racism as "any argument, irrespective of form and content, that suggests that the human species is composed of naturally occurring discrete groups to legitimize social inequality." (Miles and Brown, 2003: 83). Here the concept refers to ill-informed intentions and the use of statements of insurmountable biological differences to justify inequalities between human groups. A third approach understands racism as a position that perceives social groups as natural collectivities that are inevitably antagonistic due to their cultural incompatibilities. This natural antipathy is not based on the idea of a cultural or biological hierarchy between these groups (Barker, 1979; Gilroy, 1987; Hall, 1980).

The following definition describes racism as all processes that, intentionally or otherwise, both result in the continued exclusion of subordinated groups or are intended to protect the advantages of dominant groups. This is the meaning mobilized under the term institutionalized racism. The last explanation states that racism is a term that "includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and

scientifically justifiable" (UNESCO, 1979: 62-63). In this case, the term encompasses discriminatory provisions in institutional arrangements, legislation, social practices and attitudes, and social beliefs and doctrines that voluntarily or involuntarily produce inequality between races.

This diverse set of definitions, and we should not forget these five are only a very limited sample, similarly informs a variety of, and sometimes not harmonious, ways to historicize racism (King, 2004). For instance, the definition that identifies racism as a scientific error gives priority to telling the history of how this error emerged, materialized, spread and was normalized, and invites us to scrutinize its irrational foundations and the consequences of such a misunderstanding (see, for instance, Banton, 1977; Huxley, Haddon and Carr-Saunders, 1939). The history of racism, in this account, is not primarily about politics or power but mostly about surveying and debunking philosophical and scientific misconceptions and restoring truth (Lentin, 2011: 7). For their part, definitions that describe racism as either the legitimization of social inequality, the fallacy of insurmountable cultural incompatibilities between human groups or the intricate relationship between ideas, behaviours and institutional arrangements give priority to surveying political processes and arrangements, power relationships, as well as to expose the structural embeddedness of racism (see, for instance, Carmichael and Hamilton, 1967; Arendt, 1973; and Fredrickson, 2002).

Complimentarily, this variety of definitions entails a multiplicity of ways to explain what causes racism, how to assess its consequences and define proper remedies. It also implies the existence of no coterminous considerations of the very purpose of anti-racist mobilization. In some accounts, racism is linked to single causes such as individual prejudices, extremist behaviour, scientific errors, ethical/ideological ill-informed positions or the articulation of class interest (King, 2004). Overcoming racism, then, becomes tied to the effectiveness in dealing with these single causes, e.g. debunking prejudices and scientific mistakes, promoting different ethical foundations, creating the legal, political and economic arrangements to prevent its emergence and, when already existing, undermine its sustainability. Other positions insist on the interconnectedness of multiple causes and emphasize how racism must be understood as a social phenomenon that is an outcome of an ever-changing number of sources including multiple, intersecting

and concurrent oppressions (political, economic, cultural, epistemic, etc.), doctrines (scientific, moral, political) and ideologies (acts of signification), conscious and unconscious processes, social practices and institutional power (Satgar, 2019: 240; Sefa Dei, 1999; Lentin, 2000; DiAngelo, 2012; Goldberg). Fighting racism demands, then, the development of a multifaceted system of dynamic strategies that tie its effectiveness to the capacity to address the shifting nature of racism, its multiple causes, and at the same time, its unified nature. This entails calling it out in all its forms (overt, implicit, everyday forms, intentional, systemic), surveying and/or uncovering both overt and implicit sources that make this complexity possible and developing strategies to track its ability to change targets and morph into new and less obvious forms (Crenshaw et al., 1995; Barker, Alcoff, 2012). In other words, in this approach, any proposition of remedies incorporates an understanding of racism as "an ever-present threat, capable of new metamorphoses and mobilizations, and resistant to a final cure" (Alcoff, 2012: 116).

In addition, several unsolved debates have informed this conceptual and historiographical pluralism. It is crucial to consider that these unsettled debates reveal that the project to define racism has been characterized by processes of mutual disavowal and de-legitimization of alternative approaches and by the formulation of arguments purposely built to undermine commitment to other positions. Among the most prominent debates are past confrontations between universalistic and particularistic visions regarding race (King, 2004), as well as ongoing conversations on topics such as whether racism should be considered a deviation (external) from or an inextricable (constitutive) component of the modern project (Lentin, 2008; Giroux and Goldberg, 2006); or whether the concept of race should be retained in the struggle for social justice (Gilroy, Miles and Brown, 2003; West, 2017; Appiah, 2018; Crenshaw et al., 1995). Another issue of disagreement is whether racism should be analyzed through universalist or culturally particularistic lenses (King, 2004; Bonnett, 2000; Balibar, 1990). There is also a lack of consensus concerning whether racism is an irrational phenomenon linked to cognitive failures and poorly educated judgments or an opportunistic, rational and political one, informed by interest, carefully crafted intentions and the will to dominate (Goldberg, 1987; Miles and Brown, 2002; Crenshaw et al., 1995; Lentin, 2008).

No less significant are the disagreements concerning the understanding of the

concept of race and the interactions that should be of interest to anti-racism (Song, 2014: 110). For some, the concept of race should be used restrictively and only include categories that are organized according to biological components (Banton, 2002). For others, the concept of race must include any manifestation or form of otherness that can be treated as a race (e.g. place of origin, religion, ethnicity, ancestry, language, etc.) While for the former, only the relationships between phenotypically distinctive groups are of interest for anti-racist mobilization, for the latter, any interaction involving racialized otherness should be an object of attention and intervention (e.g. epistemic discrimination, cultural discrimination, migration, and any religious phobia (Wieviorka and Zaslavski, 1994; Barker, 1979).

However, these are not the only difficulties anti-racism politics face in its quest to define racism correctly. Over the past three decades, the opposition to anti-racist politics has generated new epistemic challenges for this mobilization. For instance, we have witnessed the growing appropriation and re-signification of anti-racist terms, ideas, and principles such as equality, freedom, oppression, discrimination, racism, critiques of essentialism, cultural identity and the right to be different to contest anti-racist policies, scholarship and activism. Those terms, ideas and principles have been reframed to blame anti-racists for being the ones promoting discrimination, racism, prejudice, oppression and curtailing freedoms and rights not only of individuals but also of entire groups (Azani, Koblenz-Stenzler, Atiyas-Lvovsky, Ganor, Ben-Am and Meshulam, 2020; Bliuc, Faulkner, Jakubowicz, & McGarty, 2018; Berbrier, 1999; Mullings, 2005; O'Neill, 2009; Lentin, 2011). This appropriation/resignification has opened the door to arguments of reversal and equivalence (Berbrier, 1999: 419), in which those who historically have occupied the place as victims of racism are presented as the victimizers and those who have been in a position of dominance describe their current situation as similar to those who have experienced racism and oppression in the past (Rousso, Golsan and Golsan, 2006: 73). The appropriation/resignification has also facilitated reframing segregationism as a gesture focused on protecting the rights of all races to exist, ensuring their self-determination and preserving their cultural heritage (Berbrier, 1999: 421).

Likewise, in the last decades, we have seen the increasing use of denialism and revisionism to casting doubts and suspicion regarding previously uncontested ideas and

historical findings related to racism and discrimination. This denial entails representing the reality of racism and racial discrimination as imaginary and associating anti-racist statements and ideas with political interest and ideological agendas (Rousso, Golsan and Golsan, 2006: 73). In this case, the target has been undermining the truth status of anti-racist statements and findings, advancing the point of the existence of multiple interpretations and different "versions" of the truth, and seeking to render anti-racist factual arguments useless (Rousso, Golsan and Golsan, 2006: 85). Relatively more recently, we have seen the emergence and mainstreaming of the position that we live in a post-racial era where race-based claims have become morally irrelevant or wrong. This stance asserts that racism is not structural or embedded in the system but just "an anachronism that occasionally reappears in the form of individual ignorance or pathology" (Giroux and Goldberg, 2006: 15). This stance has also advanced the argument that now that the playing field is level, any redistribution or other forms of compensatory justice that take race as a criterion (Mullings, 2005: 677) is not only unfair and anti-egalitarian but in itself racist since inequality between individuals is no longer the outcome of racial dynamics (Mullings, 2005: 678). The last position that has seen the light in the last years is the characterization of certain forms of racist and prejudicial speech as legitimate articulations of political/academic debate. This rendering of prejudicial speech as acceptable and valuable is based on the assumption that any speech, expressed in a civil and reasonable way, is beneficial to developing better arguments and promoting democratic values (Sorial, 2015: 303).

This denial, banalization and underestimation of historically accepted facts, appropriation of terms, principles and narratives, and inversion of charges where the victims "become" the victimizers have raised two serious epistemological challenges to anti-racist politics. They have presented the reality and nature of racism and racial discrimination as debatable and made racism and racial discrimination ownable and malleable as signifiers. The stances summarized above have effectively cast doubts on data, experiences and explanations that anti-racism politics had conceived as undeniable. Their epistemic relativism has contributed to rendering racism and racial discrimination as lacking an ultimate meaning and undermining the possibility to develop a shared understanding of their sources, phenomenology and who is entitled to claim to be a

victim. They have also attempted to question anti-racism politics monopoly over who has the right to speak, theorize and request public action about racism and racial discrimination. Their success in moving from the fringes of the political sphere to the public space and its progressive presentation as forms of acceptable speech and intellectual/political debate are two manifestations of this new reality.

The diverse and disparate definitions, unsolved debates, and disagreements I summarized above indicate that the quest to define racism correctly has not been able to develop an approach that can be held to a gold standard of utility or explanatory efficiency (Song, 2014: 109). The latest articulations of the backlash against anti-racist policies and scholarship show that this project takes place in a space of epistemic contestations that seek to undermine its very possibility.

In anti-racist politics, the difficulty to agree upon a set of clear criteria for what constitutes racism and racial discrimination as such has been rationalized in different ways. For instance, some argue that the multiplicity of approaches in anti-racism politics is a consequence of racism and racial discrimination's nature as fluid and shifting phenomena which evade clear and absolute definition in "a once-and-for-all-type of way" (Heschel, 2015; Anthias and Lloyd, 2002: 8; see also, Wiewiorka and Zaslavski, 1994). The literature has also connected the inexistence of proper alignment between approaches to either epistemic/ideological dissonances between explanatory approaches or the necessary and progressive process of trial and error involved in overcoming cognitive or theoretical failures within the anti-racist community (King, 2004; Berman and Paradies, 2008; Sefa Dei, 1999; Crenshaw et al., 1995; Bonnett, 2000; Lentin, 2008; 2014).

Another argument is that the multiplicity of approaches in anti-racism politics is an outcome of the progressive process of overcoming theoretical misconceptions about racism as a social phenomenon (Goldberg, 1987; Crenshaw et al., 1995; Bonilla-Silva, 2003; Lentin, 2000). In this case, the emphasis lies on how the production of multiple and not necessarily reconcilable explanations could be better described as the progressive process of trying to correct the cognitive and theoretical inaccuracies/mistakes/oversights of those who have failed to provide a versatile and time tested explanation of the being and phenomenological articulations of racism. Said differently, this position conceives the multiplicity of definitions as the inevitable consequence of the quest to develop

theories that resolve previous conceptual and theoretical inaccuracies and provide a definitive epistemological frame that will allow anti-racism to both historize and explain racism adequately and create efficient strategies to resist it (Goldberg, 1990).

On the other hand, anti-racism politics have rationalized the epistemological challenges generated by those who oppose this mobilization, as the coping mechanisms people in a position of dominance have adopted to contest the dismantling of the supremacist structures that privilege them. Despite the consciousness that the latest iterations of this reaction could bring some disruption to decades of successful knowledge production and dissemination, and social change, there is a consensus that this is only the latest chapter in the project to perpetuate the existence of racism and racial discrimination. In short, the literature conceives these new stances as manifestations of the adaptability, fluidity and shifting nature of racism (see for instance, Cerase and Santoro, 2018; Burke, 2017; Sorial, 2015; Lentin, 2011; 2018; Bliuc, Faulkner, Jakubowicz, & McGarty, 2018; Doane, 2017; Bonilla-Silva, 2003; Bonilla-Silva and Dietrich, 2011; Giroux and Goldberg, 2006; Mullings, 2005; Rousso, Golsan and Golsan, 2006; Berbrier, 1999; O'Neill, 2009; Berbrier, 1999;)

In these rationalizations, there is a conviction that, despite facing complex challenges, anti-racism politics are participating in an unfolding process of trial and error through which the latent truths of racism and racial discrimination are continuously uncovered. Equally believed is that this mobilization has been able to produce, on the one hand, substantial knowledge on the ontology and phenomenology of racism and racial discrimination, and their historical and contextual mutations; and, on the other, effective cognitive tools to identify, classify, and organize strategies to resist racism. Similarly, there are no doubts in anti-racism politics that the cognitive failures of the past can be corrected and that the epistemic models used to analyze racism and racial discrimination improved/adjusted.

1 Research questions and main arguments

Even though anti-racism politics have failed to create a gold standard of explanatory efficiency, they have continued to treat this standard as an achievable goal. Although the shifting nature of the object or the limitations of the cognizing subject and their epistemic strategies seem to be insurmountable barriers, and the definitive definition

and, therefore, understanding of racism and discrimination elusive, anti-racism politics have not questioned their convictions. Instead, they are treated as inevitable. It is intriguing to see that in an intellectual and political mobilization where there is a culture of permanent questioning of foundational aspects (what, when, how and why), there is a lack of a conscientious and detailed conversation on the epistemic merit of the convictions summarized above and the pertinence of exploring alternative paths.

This dissertation seeks to activate that conversation. It critically discusses the epistemic merit of the beliefs anti-racism politics have embraced and its foundations. It also explores alternative paths to make sense of anti-racism politics as a knowledge formation project. I frame this discussion and examination by answering the following questions: What epistemic foundation informs the convictions I summarized above? How does this theory shape anti-racism politics' understanding of the relationship between knowledge and reality, power, knowledge and social action, and subjectivity? What aspects or dimensions remain unexamined by adopting such a stance? And finally, what would be an alternative theory of knowledge to address those limitations and make a better sense of anti-racism politics as an epistemic project?

This dissertation organizes its answers into four arguments. I first claim that anti-racism politics have adopted a theory of knowledge that presupposes four interrelated principles, namely: the existence of things that are given, in this case, racism and racial discrimination; the understanding of cognition as a consequence of the existence of something given to perception and intuition (once again racism and racial discrimination); the existence of a transcendental knowing or receptive subject (in this case the anti-racists) who materializes the act of cognition; and the principle that the givenness of things-in-themselves (racism and racial discrimination) are the starting place for a critique of knowledge. In this theory, the place of knowledge is to ensure the proper representation/mirroring of racism and racial discrimination as given things. Subject and object are separated entities, being the former the one that, through experience, intuition and consciousness, apprehends the given existence of the latter.

Anti-racism politics have commonly assumed that the terms racism and racial discrimination are just signifiers that describe a reality that is given. While these politics engage in a complex debate about the nature of that reality and its historical vicissitudes,

they suspend any doubt about its existence. Anti-racism confronts problems whose veracity it assumes as undeniable and independent of our awareness (they exist regardless of whether we acknowledge them or can adequately understand them) and volition (we cannot 'efface' them). Their existence appears as already objectified and does not require verification. In any case, they demand proper definition, interpretation and understanding. They are simply there, compelling us to accept their factic presence and inviting us to activate our cognitive skills.

Anti-racism politics have typically centred their attention on the ontology, phenomenological articulations, causations and consequences of racism and racial discrimination. For instance, a regular undertaking of this mobilization has been to determine what racism and racial discrimination are, a project aiming to reveal their reality and unique properties. Both Kendi and Miles and Brown's books are illustrations of this endeavour. It will also be familiar to see activism and scholarship inquiring about how racism and racial discrimination have come to be and what factors play an ultimate role in their causation. Equally customary is the attempt to identify and explain their manifestations. For example, most of the conversation on systemic racism that has become so dominant in the last twenty years could be summarized as a meticulous examination of the complex phenomenology of those social problems. Finally, another prominent theme in anti-racism is the social, political, economic, cultural and psychological consequences of racism and racial discrimination. Even though there is no consensus regarding when racism and racial discrimination originated, there is an agreement that these a priori realities have an independent life, with their own evolutive processes. In short, this mobilization shares the conviction that racism and anti-racism are given, have distinctive attributes, causality and history.

Second, regarding how this theory of knowledge has informed the way anti-racism politics understand power, subjectivity, and the relation between knowledge and social action, I argue that power and subjectivity in this theory are also conceived as given. Power is understood as property, specifically of those who make racism and racial discrimination possible. It is the capacity or resources that allow advancing the interest of some over others or ensure some have privileges that are limited to others. Subjectivities, on the other hand, are linked to particular relational attributes, those of being in a

dominant, dominated or contesting position. Anti-racism politics take for granted the existence of three modalities of subjects: racists, victims of racism and anti-racists. Although the classification of who or what falls within these categories has changed over time and is linked to political, economic and cultural contexts, they are conceived as realities that can be identified and known. As a matter of fact, identifying and effectively examining those who fall within these categories is an essential element in the understanding of racism and racial discrimination as problems.

The relation between knowledge and social action, in this standpoint, is both reactive and emancipatory. Anti-racism politics typically conceive their practices and theories as a reaction to the existence and consequences of discriminatory acts, racist doctrines, regulations, structures, and policies that can be attributed to historically and spatially located subjects. In this equation, anti-racist intellectual and political actions are treated as reactive rather than proactive. In other words, it is a shared conviction that anti-racist knowledge and practices are only a posteriori contestation/reaction to the givenness of racism and racial discrimination, particularly to the political, economic, cultural, psychological, and legal arrangements behaviours and doctrines through which they materialize.

At the same time, anti-racism scholarship and activism understand knowledge and political practice as avenues for exposing and dismantling racism and racial discrimination. There is a generalized conception in this mobilization that gathering knowledge about racism and racial discrimination and engaging in political action against it are ways to expose, suspend, and overturn the power relations that racism activates. The ultimate purpose of knowledge is to accurately represent what racism and racial discrimination are and expose the multiplicity and, sometimes, elusive ways they manifest. On the other hand, political action is the articulation of that knowledge into concrete disruptive or contesting practices.

Concerning what aspects or dimensions remain unexamined by adopting this theory of knowledge, my third argument is that with the adoption of this theory as inevitable, anti-racism politics have excluded the possibility of critically reflecting on their conception of objectivity and their understanding of knowledge as reflective, their idea of subject/object dualism, and their notion of power and subjectivity as relational attributes.

I argue that this theory of knowledge has made it challenging to consider a different understanding of the relation between cognition and reality. In particular, the theory of knowledge that anti-racism politics have uncritically embraced has led this mobilization to overlook the question of whether the reality of racism and racial discrimination is constituted or reflected through knowledge.

In addition, this theory of knowledge has prevented a critical interrogation of the idea that racism and racial discrimination are pre-conceptual realities whose presence and manifestations are confirmed, scrutinized and opposed by transcendental subjects. Specifically, the assumption of the Cartesian dualism object/subject as inevitable has precluded these politics from considering other epistemic traditions in which this polarity is contested. Likewise, I argue that this theory of knowledge overlooks alternative understandings of the ideas of power and subjectivity. For instance, it leaves unexplored accounts of power that do not refer to differentials in resources, access/opportunities, and capacities to impose a rule or interest or ensure privileges. It ignores as well conceptions of subjectivity that do not focus on relational identities deriving from power disparities.

Finally, there is the question about the alternative theory of knowledge to address those limitations successfully and provide a better sense of anti-racism politics as an epistemic project. My last argument is that this theory of knowledge should be rooted in four principles: first, the replacement of the conception that racism and racial discrimination are given, by the position that they are an outcome of discursive practices; second, the substitution of the idea that anti-racism mobilization and problematizations of racism and racial discrimination in general are a contestation to ready-made or self-evident realities, by the understanding of anti-racism politics and problematizations as constitutive of the reality of racism and racial discrimination; third, the complementarity of the stance of power as property or attribute with a conception of power as productive and constitutive; and forth, the substitution of the common conception of subjectivity as given and linked to relational attributes by the thesis that subjectivities are produced and stabilized discursively. In the following paragraphs, I describe these principles.

The theory of knowledge I propose takes distance from the common recognition of racism and racial discrimination as signifiers that identify already constituted realities. Racism and racial discrimination, in this approach, are not things already constituted,

which we just merely spot, name, cover with reflexive categories, conceptual frames, and theories. In other words, this theory does not assume racism and racial discrimination to be ready-made things that await to be revealed by the appropriate intellectual approach. Besides, this theory does not understand the existence of racism and racial discrimination as preceding the multiple and not necessarily coordinated discursive practices that have been developed to make them visible, reveal their inner truth and stabilize them as objects that we can know, problematize and oppose.

This epistemic stance does not perceive the multiple discursive practices that have emerged to spot racism and racial discrimination, name them, know them, problematize them, and oppose them as a reaction to an already constituted reality. Instead, in this theory, the emergence and existence of racism and racial discrimination are contingent on the development of manifold discursive practices articulated to spot them, name them, explain them, reveal their inner truth and stabilize them as objects of knowledge and action. Put differently, the position this dissertation proposes conceives racism and racial discrimination as an outcome of discursive acts that do not uncover a pre-existing reality but instead provide frames that determine what questions are asked, what information is collected, what is noticed, how problems are defined, and what course of action is proposed (Washington, 2010: 8). These discursive acts fix the reality of the affairs, relations and entities they address by organizing them as belonging to a particular order of events, making sense of their ultimate linkages, establishing causalities or signalling conditions of possibility, and setting up certain ways to look at, reason, speak and act against them as common-sense. In short, this theory substitutes the focus on the givenness of phenomena we commonly identify as racist and discriminatory by an emphasis on the processes that make it possible that we can see those phenomena as self-evident manifestations of racism(s) and racial discrimination.

In this alternative theory, the discursive establishment of racism and racial discrimination works as a system of dispersion rather than as a system of convergence. This means that the constitution of racism and racial discrimination as objects of knowledge and intervention is an outcome of a multiplicity of statements, and conceptual and theoretical choices that emerge, juxtapose, transform and eventually disappear. It also entails the coexistence of heterogeneous, dispersed, and sometimes mutually exclusive

statements, objects, concepts or thematic/theoretical choices. Understanding this discourse in terms of dispersion helps this approach address the insurmountable difficulty of consolidating a sustainable grand theory of racism and racial discrimination. In particular, it provides an alternative rationalization for the difficulty of agreeing upon what racism is, without associating this challenge either with the complexity and mutability of the object or the cognitive failures of the subjects.

It is necessary to clarify that this proposed approach does not question the facticity of phenomena per se. The multiple doctrines, social structures, individual, group and institutional behaviours, attitudes and actions that have been recognized as part of the phenomenology of racism and racial discrimination are all verifiable. For example, racial lynching and ethnic "cleansing", the project of erasing Indigenous ways of knowing and being in colonial settings, the historical institutionalization of systems of exclusion, mistreatment or exploitation based on biological traits or ethnic singularities, the existence of disparities based on those same grounds in the access to power, wealth, opportunities and cultural recognition, and everyday life stereotyping and prejudices based on race, colour, ethnicity, ancestry, religion or place of origin are undeniably concrete and tangible. What this approach suggests is that these phenomena are not given as racists or discriminatory themselves, but rather become self-evidently racist and discriminatory when they become facts of discourse, or what is the same, it is only through the emergence and consolidation of the discourse on racism and racial discrimination that those phenomena become intelligible as inherent manifestations of racism(s) and racial discrimination.

A third principle that informs this alternative theory is the critique of the familiar belief that anti-racism mobilization and problematizations of racism and racial discrimination, in general, are contestations to ready-made or self-evident realities. The point it advances is that, epistemologically speaking, racism and racial discrimination do not pre-exist the historically situated intellectual and political mobilizations emerged to spot, know, contest, and hopefully eliminate them. These mobilizations are rather the key sources that make several affairs, beliefs, doctrines, relations, normative and institutional arrangements and subjectivities intelligible as part of a particular order/system that they identify under the terms racism and racial discrimination.

Directly related to the previous, this alternative stance takes distance from the tradition that represents power exclusively as property and/or the capacity/resources that allow some people to impose their interest over others or ensure that some people have privileges limited to others. This theory proposes that power should not only be understood as oppressive or exclusionary but also as productive/constitutive. This entails focusing on how power materializes in the constitution, stabilizing and dissolution objects of knowledge and subjectivities, and determining courses of action. In this theory, power, for instance, becomes explicit in things such as the epistemic frames that enable us to distinguish true and false statements about racism and racial discrimination; develop and accumulate knowledge about racism; determine whom/what has the authority to make statements, organize conceptual systems and provide theories regarding racism, and invest that knowledge in decisions, institutions, and practices; and define the subjectivities we can identify and inhabit when we speak of racism.

The fourth and final principle is that this theory of knowledge does not take subjectivities as given but conceives them as one of the prime effects of the constitutive power of discourse. My approach considers the discourse on racism and racial discrimination as the condition of possibility for the constitution of certain dispersed bodies, existences, experiences, gestures, intentions, interests, attitudes and desires as subjects. It is that discourse, for example, what creates the conditions of possibility that allow us to overcome the concreteness, manifoldness and plurality of these bodies, existences, experiences, gestures, intentions, interests, attitudes and desires by grouping them into distinguishable units (racists, victims of racism and anti-racists) with non-interchangeable qualities and attributes.

I consider it essential to clarify that my critique of the prevalent approach in anti-racism politics does not entail trivializing its political and intellectual value. The discursive practices of this approach have been fundamental in making sense of concrete and complex phenomena such as the violent separation of communities, the commodification of people along phenotypical lines, forced labour, targeted exercises of exploitation, exclusion, state terror and brutality, unequal distribution of political, economic and cultural capitals, the dismantling of entire modes of living and organizing spirituality and cultural domination, and the creation and dissemination of doctrines of

biological difference and hierarchy, to only name a few. No less relevant is this stance's usefulness to make sense of experiences of suffering, unfair treatment, lack of recognition, harm to dignity, social rejection, self-hatred and disempowering associated with those phenomena, and to express those feelings in a way that is publicly legitimate and dignifying. It has also been crucial to establish relations between those phenomena and experiences and, equally important, to define courses of action to confront them. I am part of this tradition and strongly support the need for its existence. My focus on discussing this approach's silences or epistemic limitations should be read as an act of honouring rather than as an act of dismissal. Criticizing does not mean rejecting. There is no better way to show my debt to this tradition of thinking and acting than by revisiting its epistemic foundations to identify unexplored questions and survey ways to deal with the shortcomings of their absence.

Now, it is inevitable that some questions arise. What is the benefit of critically interrogating the canonical approach to racism and racial discrimination? Isn't it this canon what has allowed us to understand power relations, unmask ideologies of domination, form a community and mobilize against systemic processes of injustice? Why should we question what is familiar and helpful to embark on new and uncertain paths? In summary, why should anyone read these pages or pay attention to such unorthodox arguments?

I understand that questioning what is familiar is always challenging. Disturbing our certainties and dearest convictions is a difficult task. I acknowledge how unsettling it is to reveal the limitations of a way of thinking that has been so theoretically insightful and politically emancipatory. However, interrogating what remains unexplored or unexamined is not at odds with the history of the social justice struggle. We must not forget that seeking societal transformation is not only a political project but also an epistemological one. Rethinking and dismantling what once appeared unassailable axioms have always defined the *raison d'être* of those who seek to create better worlds. Avoiding theoretical complacency, asking new questions, and being open to new answers foster knowledge progression and contribute to building novel and potentially more promising approaches to social change.

At the same time, the fact that the canon has played a vital role in contesting

ideologies and theoretical fallacies, facilitating political mobilization, and challenging power structures, does not imply that it is the only possible way to carry out these actions. In other words, usefulness and convenience should not lead us to conclude that a different approach won't be equally or more effective in constituting meaning, contesting practices and theories, mobilizing political action and delivering more promising outcomes.

Examining the mainstream politics of anti-racism will enable us to reflect on what it often does not take notice of itself: our understanding of reality and the epistemes that make it feasible. As I will discuss in the coming sections, anti-racism politics constitute reality and almost simultaneously become unaware of their constitutive power. In so doing, they conceive the reality they have objectified as inevitable. The fact that it is hard to imagine an alternative reflects more the constraining power of their discursive practices than the constraining condition of reality itself. In enhancing our acquaintance with these projects of reality-building, we lay down the foundations to welcome new considerations about what counts as an admissible problematization, theoretical and conceptual choice, or a legitimate course of action. No less important is that this interrogation gives epistemology a crucial role in a conversation that usually focuses on politics. Epistemology here shapes and provides the frame where the political becomes possible.

Surveying the canonical stance entails making anti-racism one of the key variables when analyzing racism and racial discrimination. The positioning of anti-racism at the centre involves seeing it as constitutive rather than reactive and considering its epistemic choices, interactions, boundaries and modalities of enunciation as crucial dimensions in how racism and racial discrimination come to be something we can speak of and think about. Questioning the canon, in other words, will allow us to test its inevitability and determine whether we can improve it or even replace it. In so doing, we will have a ground to decide whether there is a meaningful need to interrogate the pillars of our knowledge further or if contemplating different quests for social change is not only possible but necessary.

In sum, I extend an invitation to read these pages precisely because they challenge what seems inevitable to us. They offer novel questions about racism, racial discrimination and anti-racism politics and establish unusual connections between subject

and object, knowledge and reality, and knowledge and subjectivity. This dissertation honours the practice of interrogating certainties and reifications. It promotes curiosity and invites its readers to face and maybe accept unexpected and uncomfortable conclusions.

2 Positioning this dissertation theoretically

The key arguments of this dissertation resonate with discussions that have been part of and inspired both philosophical inquiry and the sociology of knowledge for more than a century. In particular, this dissertation participates in the long lasting conversation on the relationship between knowledge and reality, subjectivity and objectivity and the relevance of historical analysis when addressing that relationship (Berger and Luckmann, 1991, 13; Philips, 1974: 59-60). While its focus on dimensions such as the underlying basis of knowledge on racism and racial discrimination, the genealogy (emergencies, consolidations and replacement or dissolutions) of statements and conceptual and theoretical choices and its modes of verification and justification links this dissertation to philosophy, or to be more precise epistemology, its attention to the specific ways in which the discourse on racism is tied to social conditions puts this thesis in the orbit of the sociology of knowledge. In other words, this dissertation locates itself in the intersection between epistemology and sociology of knowledge by surveying the discursive conditions of possibility of racism and racial discrimination and the social processes by which those discourses come to be established.

Before proceeding further, it is necessary to take a moment to provide more clarity on how this dissertation establishes a dialogue between these two fields of thought. There has been a general agreement that the sociology of knowledge is concerned with the relationship between human thought and the social and historical context within which it arises (Berger and Luckmann, 1991: 16; Hekman, 1987: 337; Demeter, 2012: 41). Another way to describe it is to say that this subfield of sociology is concerned “with the general ways by which ‘realities’ are taken as ‘known’ in human societies” (Berger and Luckmann, 1991: 14). However, there have been different definitions of its nature, focus and scope.

Despite the agreement that there is “some sort of relationship between thought and an ‘underlying’ reality other than thought” (Berger and Luckmann, 1991: 18), there is a lack of consensus among sociologists of knowledge regarding how social factors enter as

determinants of knowledge (Philips, 1974: 69). Two positions have dominated the debate. On the one hand, adopting a model of efficient causation, some affirm that knowledge is socially determined. Said otherwise, they claim that what we call knowledge is the direct product of the particular social and historical situation in which particular human beings find themselves (Hekman, 1987: 334). In the words of Peter Berger and Thomas Luckmann: “What remains sociologically essential is the recognition that all symbolic universes and all legitimations are human products; their existence has its base in the lives of concrete individuals, and has no empirical status apart from these lives” (Berger and Luckmann, 1991:146). This stance presupposes a direct connection between the facts of society and intellectual phenomena (Demeter, 2012: 41; Millstone, 1978: 117). Sociologists who follow this approach take the articulations of that social causation as the object of their analysis.¹

On the other hand, there is a second approach to the sociology of knowledge that diverges from the presupposition of a direct connection between the facts of society and intellectual phenomena (Demeter, 2012: 41). Despite assuming that it is impossible to adopt beliefs and knowledge in total independence of our social conditions, this position argues that social conditions provide the occasions for constructing social ideologies but do not cause them (Millstone, 1978: 121). In other words, there is no doubt that a relationship between the state of society and prevailing theories of knowledge exists. However, that relationship is complex and cannot be adequately described in causal terms (Millstone, 1978: 121).

Since, in this second approach, not all causes of belief and knowledge are social, its advocates suggest that the focus of a sociology of knowledge is not a search for causes of belief, but rather a search for the ways beliefs and knowledge can be related to social conditions in ways distinct from causality (Millstone, 1978: 120). Some argue that the thesis of the social determination of knowledge does not require that all contents of consciousness, without exception, should have been informed by socially determined

¹ The literature commonly places Marxism within this position (Demeter, 2012). It also identifies the sociologist of science David Bloor and his colleagues in the University of Edinburgh Science Studies Unit as proponents of this approach (Colin, 2011). Berger and Luckmann’s seminal *The Social Construction of Reality. A Treatise in Sociology of Knowledge* deserves a place in this list as well.

² This is the position of three key figures of the early years of sociology of knowledge: Max Scheler, Karl Mannheim and Georg Lukács. For instance, Scheler argued that “‘real’ factors regulate the conditions under which ‘ideal’ factors can appear in history but cannot determine the content of the latter” (Varacalli,

subjective categories (Child, 1941: 403).² Others consider that the sociology of knowledge “should not just portray beliefs as causal consequences of material and social conditions, but should capture the richness of the interactions between thought and reality” (Millstone, 1978: 113). This latter stance recognizes knowledge and beliefs not just as epiphenomenal but also as critical factors in creating, sustaining, or undermining social relations and institutions (Millstone, 1978: 113).

The differences between these two approaches regarding determination and efficient causation, also make them diverge on their stance about epistemology. The first approach considers that epistemological concerns and questions (the rationality of beliefs, the limits of knowledge, theoretical language and the basis of justification and validation of truth) are socially mediated or constituted. The idea of social mediation means that reality both informs epistemological concerns and supplies the framework in which these concerns are couched. While the natural (no social) order provides the external stimulus, the social order offers the terms of the response (Collins, 2011: 41). The main argument is that society provides the conditions of possibility for both the emergence of knowledge(s) and the maintenance of the reality that knowledge(s) produces. This thesis is based on three interrelated premises. First, all human knowledge, whether it be a body of generally valid truths or whatever passes as knowledge, is developed, transmitted and maintained in social situations (Berger and Luckmann, 1991: 15). Second, what we identify as real (phenomena that we recognize as independent of our volition) is a consequence of particular bodies of knowledge that are socially established. This means that reality is socially produced (Berger and Luckmann, 1991: 15). Third, what is considered knowable and knowledge itself are learned in the course of socialization and

² This is the position of three key figures of the early years of sociology of knowledge: Max Scheler, Karl Mannheim and Georg Lukács. For instance, Scheler argued that “‘real’ factors regulate the conditions under which ‘ideal’ factors can appear in history but cannot determine the content of the latter” (Varacalli, 1982: 199). Put differently, for Scheler, society determines the presence but not the nature of ideas (Berger and Luckmann, 1991: 20). Lukács and Mannheim did not see intellectual phenomena as arising directly from social and economic relations or reflecting them. Instead, they traced intellectual production back to a worldview (*Weltanschauung*) or style of thought (Demeter, 2012: 41; Mannheim, 2012: 189; Lukács, 1988: 40). In their epistemology, *Weltanschauung* was used to refer to a priori conditions of possibility of cognition and intellectual production in the broadest possible sense of the terms (Demeter, 2012: 40). This position also resonates with Quentin Skinner’s point that “...a study of the contextual conditions of making statements can in any sense be regarded as a sufficient or even appropriate methodology for the understanding of statements made” (Skinner, 1969: 44). They rather should be “treated as an ultimate framework for helping to decide what conventionally recognizable meanings, in a society of that kind, it might in principle have been possible for someone to have intended to communicate” (Skinner, 1969: 49).

maintained as real by social processes (Berger and Luckmann, 1991: 83-84). Theorizing knowledge and reality, therefore, means surveying the processes that make them possible socially and historically. This entails inquiring into their social foundations, emergence, institutionalization, reification,³ socialization and internalization (Berger and Luckmann, 1991).

By not assuming a direct relationship between intellectual and social phenomena, the second approach embraces a different understanding of the role of epistemology. In this view, intellectual production is the outcome of worldviews (*Weltanschauung*) that are subjectively given. Although they are historically, socially, and spatially situated, they have a life in their own. These worldviews provide the *a priori* conditions of possibility of cognition and representation, in the broadest possible sense of the terms, within given social circumstances (Demeter, 2012: 40; 41). The survey of sociological relations, in this position, only focuses on why a worldview emerges and evolves the way it does. In addition, epistemological analyses provide the tools to explore the criteria and standards that, in certain worldviews, are relevant to build processes of validation of knowledge claims, the genesis of ideas, and the disposition to perceive reality in a particular way. It becomes equally relevant to investigate how a worldview is the only source to explain why a given kind of representation is legitimate, desirable, or satisfactory (Demeter, 2012: 44).

This dissertation is more aligned with the second approach. Even when it fully recognizes the relationship between the ideas of racism and racial discrimination and social and historical conditions, it takes the position that these ideas have some autonomy from context. In more concrete terms, I adopt a sociological stance to survey social institutions, statuses, and concrete events that play a role in producing and stabilizing knowledge on racism and racial discrimination. However, I grant significant attention to epistemological dimensions in their own right.

Two main theoretical sources will provide the basis to organize the critique of the

³ According to Berger and Luckmann, reification is “the apprehension of human phenomena as if they were things, that is, in non-human or possibly suprahuman terms. Another way of saying this is that reification is the apprehension of the products of human activity as if they were something other than human products - such as facts of nature, results of cosmic laws, or manifestations of divine will. Reification implies that man is capable of forgetting his own authorship of the human world, and, further, that the dialectic between man, the producer, and his products is lost to consciousness” (Berger and Luckmann, 1991: 106).

mainstream model to think, speak and act regarding racism and racial discrimination and justify the invitation to embrace an alternative theory of knowledge. The first one is the Marburg Neo-Kantian School's objective validity theory. The second one is Michel Foucault's work on discourse, knowledge, subjectivity, and power. Additionally, I will rely on Quentin Skinner and Vanita Seth's stance to historicize ideas, and Ian Hacking's thesis on the "making up of people," to support the approach I am proposing in this dissertation.

The philosophical stance of the Marburg school will offer me the foundations to critically interrogate the conception that there are things that are given, the idea that knowledge is reflective and the subject/object dualism that is prevalent in anti-racism politics. The Neo-Kantian approach will also provide me the elements to discuss cognition as the source of objectification of racism and racial discrimination and to the monism of cognition as an *a priori*.

The Foucauldian notion of discourse will give me the basis to scrutinize the conditions of possibility of the constitution (identification, naming, framing, analysis and explanation) of racism and racial discrimination and the processes that seek to stabilize them as objects of knowledge and intervention/regulation. The Foucauldian approach to power will inform my replacement of the stance of power as property or attribute by a conception of power as productive and constitutive. Finally, his theory on subjectivity will be my footing to substitute the idea of subjectivity as given and linked to relational attributes by the thesis that subjectivities are constituted discursively.

Quentin Skinner's (1969) and Vanita Seth's (2020) stances on the historicizing of ideas will provide me with the philosophical foundations that should inform the analysis of racism and racial discrimination from a historical perspective. Their theses will be of great value in avoiding common theoretical mistakes in understanding and describing the emergence and genealogy of ideas and practices. Ian Hacking's (2006) thesis on the *making up of people* will play a crucial role in my discussion on the formation and consolidation of subjectivities in collective consciousness, and the constitutive power of anti-racism.

In summary, this dissertation critically examines the theory of knowledge that informs how anti-racism speaks and thinks about racism and racial discrimination as

realities. It also scrutinizes the formation, consolidation and dissolution of discourses that validate knowledge claims about racism and racial discrimination and provide the conditions of possibility to experience their facticity. Finally, the dissertation discusses the role discourses play in forming, perpetuating, or transforming social relations and institutions.

3 Methodological considerations

Although the focus of this dissertation is not to tell the history of the discourse on racism and racial discrimination, it relies on historical analysis to advance its main arguments. Since this dissertation does not endorse a social deterministic understanding of knowledge or cognition, it is the historicity of the discourse and the social institutions, statuses and concrete events that play a role in its production and stabilization what becomes relevant. Said otherwise, the only history that is relevant for this dissertation is the one that focuses on the emergence, consolidation and eventual replacement or disappearance of ways of speaking, thinking, and acting, the theoretical and conceptual choices that informed them and the concrete social instances that played a role in their existence. Also of interest is the history of how discursive formations shape social relations, positions, and institutions.

It is necessary to clarify four points. First, this dissertation does not seek to historicize racism and racial discrimination as given realities. Its focus is not on reconstituting what racism and racial discrimination themselves are in their historical evolution. Instead, this dissertation uses history to explore and understand discursive processes and modalities that have participated in the constitution of racism and racial discrimination as a reality that can be spoken about, analyzed, known, and intervened in. Second, my analysis of the discursive modalities only focuses on those explicitly mentioning racism and racial discrimination as objects of scrutiny and intervention. This decision implies that this study does not include modalities that, loosely, could be described as "tacitly or unconsciously" anti-racist. In so doing, my goal is to avoid the danger of dissolving or overlooking singularities and dissimilarities between discursive practices by portraying them under the light of an apparent but misleading familiarity (Skinner, 1969: 27). Third, the effort to explore and understand discursive processes and modalities that have participated in the constitution of racism and racial discrimination as

a reality does not entail building a complete genealogy of these processes or modalities. Obviously, this dissertation cannot hope to achieve such a goal in any definitive way. Rather, it confines itself to discussing historical vignettes that provide insights into the emergence, consolidation, operation, and dissolution of discursive practices.

The information I gathered to put these historical vignettes together was the result of meticulous archival analysis. The justification for choosing this method was the assumption that the archive is the best way to access what is explicitly said or expressed in discourse, or in Foucauldian terms, its *positivity* (Foucault, 1972: 125; Power, 2011: 46). In other words, in its documentary manifestations, the discourse becomes accessible in its own terms, enunciations, silences, and emphases. More specifically, the information the following pages discuss resulted from a qualitative content analysis of a diverse typology of historical documents, namely, the conference proceedings of the First Universal Races Congress of 1911, newspaper articles, scientific memorandums issued by United Nations' agencies, governmental reports presented to the Committee on the Elimination of Racial Discrimination, international normative documents such as United Nations' declarations and treaties, international legal decisions, and intergovernmental action plans such as the Latin American Regional Conference Against Racism and the 2001 World Conference against Racism, Racial Discrimination declarations and action plans. These documents offered abundant and detailed information about the way actors, in concrete forums and historical moments, spoke, thought, and proposed courses of action about racism and/or racial discrimination as objects of knowledge and action in their own right. They also provided concrete information on the definitions, concepts, themes and theoretical decisions that have been in common use in those moments and forums.

The analysis of these documents examined the presence and absence of themes and concepts, the explicit meaning attached to them, and the ways these concepts related to each other. My goal was not to search for hidden or implicit connotations. I did not seek to find meanings or ideas beyond openly recognized theories and the words and definitions plainly said. Neither did I seek to reveal intentions that escaped the self-awareness of those whose voices the documents registered. My archival work was, rather, interested in surveying what Quentin Skinner calls "utterances" (Skinner, 1969:49),

namely, explicitly recognized intentions, literal definitions, and occurrences and statements plainly declared. It also sought to identify what the documents did not say, not to find what was implicitly communicated, but to specify the conceptual and theoretical choices that were simply non-existent then. In other words, the inquiry I conducted only paid attention to what those documents explicitly expressed and do not say in the statements and conceptual and theoretical frameworks they purposely embraced. The center of my attention were the concrete concepts, definitions, statements, and theories that made racism and racial discrimination intelligible as objects of knowledge and political mobilization in particular moments and forums. Aware of the risk of anachronism (Skinner, 1969: 7; Seth, 2020: 363), I avoided looking for ideas, themes, concepts, definitions and theories before their actual appearance and adopted the practice of circumscribing them to the concrete moments and forums in which they were named, discussed, and actively used as such. I also worked in alignment with the principle that no idea, theme, concept, definition and theory could be understood except in its own terms.

A last relevant clarification is how this dissertation understands the space of social materialization of racism and racial discrimination. This dissertation's rejection of understanding racism and racial discrimination as given informs its lack of interest in scrutinizing how they materialize in particular places or locations. In any case, its focus is on the cartography of discursive formations. In more simple terms, what this dissertation finds it necessary to map is the space of dynamic interactions where discursive processes take place, in particular, the processes through which concrete affairs and relations become intelligible as racism and racial discrimination. This position explains why the chapters I will summarize in the following section do not address any particular political jurisdiction. In other words, instead of examining the discrete jurisdictional frameworks where racism and racial discrimination operate and are contested, this dissertation pays attention to the networks, both loosely and tightly coupled, of social positions (individual and collective), institutional domains, normative frames, statements and theoretical and conceptual choices that allow us to speak, think and act against racism and racial discrimination. Unlike the way we conceive jurisdictions (the city, the region and the nation), these discourses and networks are not circumscribed to concrete physical territories. The actors involved in those networks are not necessarily coterminous with

populations living in particular political jurisdictions, and discourses do not belong to specific territories, they are their own dynamic territories.

4 Summary of contents

The content of this thesis is distributed in four chapters. Chapter 1 interrogates both the theory of knowledge that informs the assumption that racism and racial discrimination are given and the belief that their scrutiny and problematization are preceded by the existence of racism and racial discrimination themselves. This interrogation is followed by a critique of the epistemic model that supports those assumptions and a discussion about the alternative theory of knowledge to understand racism and racial discrimination. To conduct that interrogation and outline the new approach, the chapter introduces and discusses the main theses of the Marburg Neo-Kantian School regarding the theory of objective validity, and Michel Foucault's work on discourse, knowledge, subjectivity, and power. It also addresses Quentin Skinner's critique to the history of ideas, Vanita Seth's stance on historicizing racism and Ian Hacking's thesis on the making of peoples. The chapter concludes with some responses to hypothetical criticisms this alternative model is at risk to receive.

In the following chapters, the dissertation will present three historical vignettes that set the ground to interrogate the emergence, consolidation, operation, and dissolutions of discursive practices. Chapter 2 examines a model of problematization of the relations between races in which the term racism was conspicuously absent. Specifically, the chapter discusses how 19th and early 20th century humanitarian politics addressed race-related social relations, by making certain practices and legal, political and social arrangements intelligible as social wrongs, but without articulating these in terms of what would later become intelligible as racism. The chapter takes the papers presented in the First Universal Races Congress, a meeting that took place in London, England, in 1911, as its main object of analysis. This conference summarizes the moral, epistemic and political orientation that Humanitarian political and intellectual activism developed to contest what they identified as the prominence of interracial problems. The chapter examines how Humanitarianism used the idea of *interracial problems* to label a number of doctrines, beliefs, sentiments, practices, and legal, political and social arrangements as social wrongs and to define courses of action. In so doing, my objective is to determine

whether the idea of ‘interracial problems’ and the realities it objectified are interchangeable with the realities the discourse on racism has objectified through the usage of the term racism. In other words, I seek to delimit whether the fundamental elements that inform the latter concept were already present, consciously or unconsciously, in the idea of interracial problems. The purpose of this chapter is to show how the existence of racism as an object of knowledge and intervention is conditioned by the existence of discursive practices that constitute it as an object in its own epistemic right; something that we can speak about, think about, know thoroughly and act on.

Chapter 3 discusses the theoretical implications of adopting an alternative model to the practice of historicizing racial discrimination. Specifically, the main focus of this chapter is to interrogate the common position that historicizing racism and racial discrimination entails uncovering the reality of its givenness. Taking the Cuban Government’s reports to the International Committee on the Elimination of Racial Discrimination as a point of entry, the chapter explores international politics against racial discrimination between the mid-1940s and the early 1990s. The chapter conducts a content analysis of several international conventions, memorandums, reports and studies, and international declarations to facilitate this exploration. This examination provides a foundation to the argument that historicizing racial discrimination must involve surveying the emergence, consolidation, and dissolutions of the discursive regularities that play a role in the constitution of racism and racial discrimination as objects in their own right, or things that we can identify, speak about, know, and intervene in. Lastly, the chapter explores how the “anti” in anti-racism does not uncover racial discrimination empirically but constitutes it through statements and conceptual and theoretical choices that make the empirical possibility of seeing it and experiencing it cognitively and politically feasible.

Chapter 4 critically interrogates two of the most established assumptions in anti-racist politics: first, anti-racism mobilization addresses already given subjectivities; and second, anti-racism mobilization is reactive or responsive rather than constitutive. The chapter uses the emergence and consolidation of the category Afrodescendants in the early 2000s as a case of analysis. It discusses how anti-racism does not just unveil already constituted subjectivities with reflexive categories, conceptual frames, and theories. Instead, it shows how anti-racist politics simultaneously constitute subjectivity and

progressively make it epistemologically self-evident and, therefore, empirically inevitable. The chapter also takes the case of the Afrodescendants to illustrate the constitutive power of anti-racism. Specifically, it addresses how the constitution of subjectivities is an outcome of the creation of a field of knowledge that allows speaking and thinking about identity, life experiences and defining the methods of observation, techniques of registration and classification, and the procedures to properly research a subjectivity.

Finally, the dissertation concludes with a summary of the ideas addressed in the chapters and reiterates some theoretical clarifications that are relevant to justify the main argument. In addition, the conclusion provides a response to potential criticisms of the approach this dissertation proposes, reflects on its benefits, and discusses two potential theoretical topics that it opens for inquiry and development.

CHAPTER ONE: An Alternative to the Canonical Theory of Knowledge of Anti-Racism Politics

"There are only two ways," says Kant, "in which we can account for a necessary agreement of experience with the concepts of its objects: either experience makes these concepts possible or these concepts make experience possible. ... A middle course may be proposed between the two above mentioned, namely, that the categories are neither self-thought first principles a priori of our knowledge, nor derived from experience, but subjective dispositions of thought. Ernst Cassirer, *Hermann Cohen, 1842-1918*

This chapter discusses and interrogates the mainstream theory of knowledge of anti-racism politics. It examines how this theory is based on an approach to objectivity that informs the assumption that racism is something given and the epistemic foundation of the belief that the scrutiny and problematization of racism are preceded by the existence of racism. Furthermore, the chapter discusses whether we should preserve this theory of knowledge and the courses of action that derive from it or explore alternative ways. In so doing, I reflect on what would be the epistemic consequences of adopting a different model.

The chapter begins by discussing the lack of consensus in the anti-racist mobilization regarding the definition of racism, the ways to understand what causes it, how to address it historically, and how to assess its consequences and define proper remedies. This analysis also includes some unresolved debates that have informed the conceptual and historiographical pluralism that has characterized anti-racism as an intellectual project. This first section ends with a discussion of the two ways in which the anti-racist mobilization has rationalised the difficulty to agree upon a set of clear criteria for what constitutes racism as such. The second section analyzes the four common assumptions I argue that anti-racist mobilization shares regarding racism as an object of knowledge and social regulation. This description is followed by a critique of the epistemic model that supports those assumptions and a discussion of an alternative theory of knowledge to understand racism, subjectivity, and power. In my analysis, I will mostly rely on two theoretical sources as a foundation to conduct this interrogation: the main theses of the Marburg Neo-Kantian school regarding the theory of objective validity and the idea of the given, and Michel Foucault's work on discourse, knowledge, subjectivity,

and power. Besides, my analysis will be informed by Quentin Skinner's critique of the history of ideas, Vanita Seth's interrogation of current trends in the way of historicizing racism and Ian Hacking's thesis on the making of peoples. I will conclude the chapter with some responses to hypothetical criticisms this alternative model is at risk to receive.

1 The Lack of Common Grounds in the Approaches to Racism

As stated in the Introduction of this dissertation, there are multiple ways of framing the analysis of racism. To illustrate this point, I will share five definitions that summarize some positions in this conceptual spectrum. The first one conceptualizes it as a falsification of scientific knowledge (Banton, 1970: 18). This definition refers to doctrines that supported the claim that there is "a scientific basis for arranging groups hierarchically in terms of psychological and cultural characteristics that are immutable and innate" (Montagu 1972: x quoted by Miles and Brown, 2003: 60). A second characterization describes racism as "any argument, irrespective of form and content, that suggests that the human species is composed of naturally occurring discrete groups in order to legitimize social inequality." (Miles and Brown, 2003: 83). Here the concept refers to ill-informed intentions and the use of statements of insurmountable biological differences to justify inequalities between human groups. A third approach understands racism as a position that perceives social groups as natural collectivities that are inevitably antagonistic due to their cultural incompatibilities. This natural antipathy is not based on the idea of a cultural or biological hierarchy between these groups (Barker, 1979; Gilroy, 1987; Hall, 1980).

The next definition describes racism as all processes that, intentionally or otherwise, both result in the continued exclusion of subordinated groups or are intended to protect the advantages of dominant groups. This is the meaning mobilized under the term institutionalized racism. The last explanation states that racism is a term that "includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable" (UNESCO, 1979: 62-63). In this case, the term encompasses discriminatory provisions in institutional arrangements, legislation, social practices and attitudes as well as social beliefs and doctrines that voluntarily or involuntarily produce

inequality between “races”.

This diverse set of definitions, and we should not forget these five are only a very limited sample, similarly informs a variety of, and sometimes not harmonious, ways to historicize racism (King, 2004). For instance, the definition that identifies racism as a scientific error gives priority to telling the history of how this error emerged, materialized, spread and was normalized, and invites us to scrutinize its irrational foundations and the consequences of such a misunderstanding (see, for instance, Banton, 1977; Huxley, Haddon and Carr-Saunders, 1939). The history of racism, in this account, is not primarily about politics or power but mostly about surveying and debunking philosophical and scientific misconceptions and restoring truth (Lentin, 2011: 7). For their part, definitions that describe racism as either the legitimization of social inequality, the fallacy of insurmountable cultural incompatibilities between human groups or the intricate relationship between ideas, behaviours and institutional arrangements give priority to surveying political processes and arrangements, power relationships, as well as to expose the structural embeddedness of racism (see for instance, Carmichael and Hamilton, 1967; Arendt, 1973; and Fredrickson, 2002).

Complimentarily, this variety of definitions entails a multiplicity of ways to explain what causes racism, and both how to assess its consequences and define proper remedies. It also implies the existence of no coterminous considerations of the very purpose of anti-racist mobilization. In some accounts, racism is linked to single causes such as individual prejudices, expressions of extreme behaviour, scientific errors, ethical/ideological ill-informed positions or the articulation of class interest (King, 2004). Overcoming racism, then, becomes tied to the effectiveness in dealing with these single causes, e.g. debunking prejudices and scientific mistakes, promoting different ethical foundations, creating the legal, political and economic arrangements to prevent its emergence and, when already existing, undermine its sustainability. Other positions insist in the interconnectedness of multiple causes and emphasize how racism must be understood as a social phenomenon that is an outcome of an ever-changing number of sources including multiple, intersecting and concurrent oppressions (political, economic, cultural, epistemic, etc.), doctrines (scientific, moral, political) and ideologies (acts of signification), conscious and unconscious processes, social practices and institutional power (Satgar, 2019: 240; Sefa

Dei, 1999; Lentin, 2000; DiAngelo, 2012). Fighting racism demands, then, the development of a multifaceted system of dynamic strategies that tie its effectiveness to the capacity to address the shifting nature of racism, its multiple causes, and at the same time, its unified nature. This entails calling it out in all its forms (overt, implicit, everyday forms, intentional, systemic) surveying and/or uncovering both overt and implicit sources that make this complexity possible and developing strategies to track its ability to change targets and morph into new and less obvious forms (Crenshaw at all, 1995; Barker, Alcoff, 2012). In other words, in this approach, any proposition of remedies incorporates an understanding of racism as “an ever-present threat, capable of new metamorphoses and mobilizations, and resistant to a final cure” (Alcoff, 2012: 116).

In addition, several unsolved debates have informed this conceptual and historiographical pluralism. It is important to take into account that these unsettled debates reveal that the project to define racism has been characterized by processes of mutual disavowal and de-legitimization of alternative approaches, and by the formulation of arguments purposely built to undermine commitment to other positions. Among the most prominent debates are past confrontations between universalistic and particularistic visions regarding race (King, 2004), as well as ongoing conversations on topics such as whether racism should be considered a deviation (external) from or an inextricable (constitutive) component of the modern project (Lentin, 2008; Giroux and Goldberg, 2006); or whether the concept of race should be retained in the struggle for social justice (Gilroy, 2002; Miles and Brown, 2003; West, 2017; Appiah, 2018; Crenshaw et al., 1995). Another issue of disagreement is whether racism should be analyzed through universalist or culturally particularistic lenses (King, 2004; Bonnett, 2000; Balibar, 1990). There is also lack of consensus concerning whether racism is an irrational phenomenon linked to cognitive failures and poorly educated judgments or an opportunistic, rational and political one, that is informed by interest, carefully crafted intentions and the will to dominate (Goldberg, 1987; Miles and Brown, 2002; Crenshaw et al, 1995; Lentin, 2008).

Finally, it is important to mention the disagreements concerning how to understand the concept of race and what interactions should be of interest to anti-racism (Song, 2014: 110). For some, the concept of race should be used restrictively and only include

categories that are organized according to biological components (Banton, 2002). For others, the concept of race must include any manifestation or form of otherness that can be treated as a race (e.g. place of origin, religion, ethnicity, ancestry, language, etc.). While for the former, only the relationships between phenotypically distinctive groups are of interest for anti-racist mobilization, for the latter, any interaction involving racialized otherness should be an object of attention for anti-racism (e.g. epistemic discrimination, cultural discrimination, migration, any kind of religious phobia (Wieviorka and Zaslavski, 1994; Barker, 1979).

This difficulty to agree upon a set of clear criteria for what constitutes racism as such has been rationalised in two different ways. On the one hand, there is a position, articulated through two main explanations, which shares in common the belief that the multiplicity of approaches in anti-racism politics is a consequence of the nature of racism as a “fluid and shifting phenomenon which evades clear and absolute definition in a once-and-for-all-type of way” (see for instance, Anthias and Lloyd, 2002: 8; Wieviorka and Zaslavski, 1994). This position defines racism in the plural (racisms) rather than in the singular, with this plurality explained as a result of the different contextual, historical and political articulations of racism as a phenomenon (Solomos, 2014). There is one explanation that argues that contexts define contents (see for instance, Van Den Berghe, 1978; Sefa Dei, 2000; Lloyd, 1998; Lentin, 2000, 3; Bowser, 1995). Specifically, this characterization conceives the variety of definitions and interpretations of racism as a result of the different approaches developed to deal with the situational and contextual variations of racist oppression (see for instance, Sefa Dei, 2000, 44; Lentin, 2008, 3). A second explanation ties the multiplicity of anti-racist accounts to the epistemological project of spotting and stabilizing a phenomenon that mutates in form and content (e.g. from explicit to implicit, from intentional to unintentional, from color-based to colorblind, etc.) as a result of the political capacity of supremacist models to adapt and endure (see, for instance, Bonilla-Silva, 2003; Goldberg, 2008; Lentin, 2008, 2014; Crenshaw et al, 1995). The overall assumption in this position is that this condition of fluidity and mutation prevents the development of a unified and permanent cognitive strategy capable of grasping simultaneously the permanent traits of racism and its multiple historical, geographical and political articulations (see for instance, Lentin,

2008; 2012; Bonilla-Silva, 2003; Crenshaw et al, 1995; Cole, 2016; Anthias and Lloyd, 2002: 8; Sefa Dei, 1999: 18; Melamed, 2011: 220; Harris Combs, 2018: 39; Song, 2014: 107).

On the other hand, the literature has connected the inexistence of proper alignment between approaches to either epistemic/ideological dissonances between explanatory approaches or the necessary and progressive process of trial and error involved in overcoming cognitive or theoretical failures within the anti-racist community. Some authors, for instance, argue that the multiplicity of definitions and approaches to racism is a result of crucial differences among those who study and confront it in terms of the political and epistemological standpoints adopted (King, 2004; Berman and Paradies, 2008; Sefa Dei, 1999; Crenshaw et al, 1995; Bonnett, 2000; Lentin, 2008; 2014). While, for instance, Marxist and Neo-Marxist analyses of racism will give priority to power (class relations), ideology and political economy (Miles and Brown, 2002; Outlaw; Satgar, 2019; Solomos, 2014), a liberal approach will consider it crucial to address how racism prevent individuals from succeeding in liberal economies and experience formal equality (both individual and collective/cultural) in jurisdictions in which they are legally recognized as citizens (Sefa Dei, 1999 Solomos, 2014; Gilroy, 2016; Lentin, 2008; 2014). If critical race theory assumes that the primordial object of analysis is the ways supremacist models persist beyond formal processes of desegregation (Crenshaw et al, 1995; Bonilla-Silva, 2003; Goldberg, 2008), a human rights standpoint is concerned with how certain institutional practices and legal arrangements work as obstacles for certain populations to have access to basic entitlements (Fredman, 2001).

Another argument is that the multiplicity of approaches in anti-racism politics is an outcome of the progressive process of overcoming misconceptions at both the level of definition and explanation of racism as a social phenomenon (Goldberg, 1987; Crenshaw et al, 1995; Bonilla-Silva, 2003; Lentin, 2000). In this case, the emphasis lies on how the production of multiple and not necessarily reconcilable explanations could be better described as the progressive process of trying to overcome the cognitive and theoretical inaccuracies/mistakes/oversights of those who have failed to provide a versatile and time tested explanation of the being and phenomenological articulations of racism. Said differently, this position conceives the multiplicity of definitions as the inevitable

consequence of the quest to develop theories that resolve previous conceptual and theoretical inaccuracies and provide a definitive epistemological frame that will allow anti-racism to both historize and explain racism adequately and create efficient strategies to resist it (Goldberg, 1990).

2 Commonalities Despite the Differences

Despite the lack of consensus that exists in anti-racist mobilization regarding what dimensions of reality could be subsumed under the terms racism and racial discrimination, how to determine their causes, historize them and effectively oppose them, or even regarding the ways to rationalize this very lack of consensus, those who oppose racism and racial discrimination share four common assumptions: First, they rely in the belief that racism and racial discrimination are things in themselves that have an independent existence from social awareness or recognition. Second, they share the understanding that anti-racist problematizations are contestations or reactions to the material determinedness of racism and racial discrimination as things in themselves. Third, they have in common the treatment of subjectivity as given. And, fourth, they tend to conceive power as property and link it to an unbalanced relation between subjectivities. These four assumptions are described in detailed below.

Regardless of the way racism and racial discrimination are defined, anti-racists have operated under the criterion that racism and racial discrimination pre-exist the mobilization against them. In other words, there is a tacit agreement in anti-racism that racism and racial discrimination are given, or using David Theo Goldberg's words, that they are "a complex 'social object' that calls for an explanation" (Goldberg, 1987: 59). This means that the material existence of racism and racial discrimination is taken for granted, even if they have not yet been properly grasped, conceptualized, deciphered, or that they have been widely recognized as non-static, permanently evolving and open to permutation.

Although racism and racial discrimination has proven to be resilient, given their contextual and historical permutability, the effectiveness of racists and racist structures to reinvent them, and the failure to create a gold standard of explanatory efficiency, there is a conviction in anti-racist mobilizations that racism's processes, phenomenology, systems of relations, constants and linear successions, developments and readjustments,

underlying tendencies, ultimate causalities, and consequences can be dissected, explained and resisted. There is also a certainty that, even though racism and racial discrimination are unstable and dynamic, it is possible to grasp their latent and transcendental unity. This becomes manifest in the widespread belief that, despite the never-ending historical and contextual mutations of racism and racial discrimination, there is always a possibility to spot, name and expose them. Put otherwise, there is a tacit agreement that some elements of their nature remain stable beyond their continuous evolution.

It is also relevant to mention the common agreement on conceiving the knowledge of racism as following the path of progressive refinement. Despite the widespread consensus that racism and racial discrimination do not cease to evolve, that the priorities of what must be known/resisted seem to be forced to adapt to historically and contextually shifting realities, and that it is widely recognized that anti-racism is not free from disagreements and tensions, a tacit agreement exists in anti-racism. This common understanding is that this mobilization has been able to produce, on the one hand, a substantial knowledge on the ontology and phenomenology of racism and racial discrimination, and their historical and contextual mutations; and on the other, effective cognitive tools to identify, classify, and organize strategies to resist racism. Similarly, there is a conviction that the cognitive failures of the past can be corrected, and that the epistemic models used to analyze racism and racial discrimination can be improved/adjusted. In other words, the way knowledge formation is conceived in anti-racism could be best described as the unfolding process of trial and error through which latent truths of racism and racial discrimination become progressively uncovered.

Complementing the agreement on the givenness of racism and racial discrimination, it is a common practice to conceive them as a reality that has an independent history (the dynamic unfolding of several interrelated sets of events, actors, actions and behaviours, doctrines, regulations, social structures, and consequences, etc.) or, what is the same, a reality whose history could be addressed in its own right without subordinating it to other histories (e.g. the history of class politics, modernity, geopolitics, science, morality, etc.) Despite there being no consensus on the temporal sequences, the moments of emergence and transformation/permutation, what to include in and exclude from the chronological narrative, or how to organize the succession of

events, explain them, and define their causality, there is not in anti-racist mobilizations any doubt that the existence of racism and racial discrimination has a history and that knowing that history is a necessary condition to uncover its truth.

The second commonality in anti-racist mobilizations is to conceive the problematization (scrutiny and actual resistance strategies) of racism and racial discrimination as a contestation or reaction to an already existing reality. In other words, it is a common conviction that anti-racist knowledge and practices are only a posteriori contestation/reaction to the givenness of racism and racial discrimination, and particularly to the political and legal arrangements, behaviours and doctrines through which they materialize. It is common, for instance, to treat anti-racist problematizations as nothing other than attempts to survey and expose the singularities and complexities of racism and racial discrimination (see, for example, Lentin, 2008; 2012; Lloyd, 1998; Goldberg, 1990; 2008; Harris Combs, 2018; Kendi, 2019) or highlighting persistent inequities between communities while focusing on relations of domination and subordination (Sefa Dei, 2000; 41). In some other accounts, anti-racists problematizations are linked to either uncovering exclusionary values, norms, institutions, and actions (Goldberg, 1997: 635), or disrupting stabilized deceitful knowledge (Sefa Dei, 1999: 406; Banton, 1977). Yet it is also usual to portrait anti-racist practices focused on seeking justice, remedying past or present 'social wrongs' related to racism or advancing strategies that contribute to enabling people who have been historically victimized to heal and to overcome their inherited situations (see for instance Freedman, 2001; Sefa Dei, 1999 Solomos, 2014; Gilroy, 2016; Lentin, 2008; 2014; Crenshaw et al, 1995; Bonilla-Silva, 2003; Goldberg, 2008).

A third point in common in anti-racism is the understanding of knowledge and political practice as avenues for the disruption of and opposition to power. Stated differently, there is a generalized conception that gathering knowledge about racism and racial discrimination and engaging in political action against it are ways to expose, suspend, and overturn the power relations that racism activates. Knowledge, in this account, constitutes the means to scrutinize and expose the phenomenology of racism, its ultimate ontological foundations, the interests and intentions it both conceals and materializes and the ideological mystification through which the powerful or those who

benefit from power unbalances make their control mechanisms/advantages effective/possible. Political action against racism and racial discrimination is treated as the materialization of that knowledge and the concrete articulation of the disruption of unbalanced power relations and its effects.

This understanding of knowledge and political action is based on three main assumptions: the problematization of racism and racial discrimination is epistemologically neutral and reactive, rather than constitutive/proactive; the history of how racism and racial discrimination have been explained and resisted is a consequence, and therefore is subordinated, to the history, articulations, and permutations of racism as a ready-made object; and, finally, anti-racism's agency is only the capacity to find the best ways to scrutinize, react and contest racism and racial discrimination, or what is the same, that anti-racists exercise agency exclusively when they either promote epistemic awareness regarding the ways racism and racial discrimination naturalize and perpetuate power and oppression, weigh their options to contest racist doctrines, structures, beliefs, and practices, or engage in concrete actions to resist, interpellate, or overcome racism and racial discrimination.

A fourth point in common in anti-racist mobilizations is the agreement on the existence of three modalities of subjectivity: Racists, victims of racism and anti-racists. Regardless if racists are understood as persons or as impersonal structures, they are the agents/sources who anti-racist scholarship and activism unanimously grant authorship of racist statements, the constitution of the topics of racist discourse, the organization of conceptual systems, the provision of racist theories, the investment of discourse in decisions, institutions, normative systems and practices, and the promoters and guardians of power unbalances between human groups. On the other hand, in anti-racist politics, the victims of racism are both the immediate product of racism, and the subjects who become the casualties of its doctrines and ideas, institutional arrangements, rules, and practices. Racists and victims of racism occupy the positions of the subject (sovereign) and the object (subjected) respectively. They are the signifiers of an imbalance of power that is also understood as given.

In this account, the anti-racists commonly occupy the place of the subject of knowledge, disruption and remedy. Anti-racist scholarship and activism regularly

conceive anti-racists as an outcome of racism and racial discrimination, given that their existence is a result of their opposition to something that precedes them. However, unlike the victims of racism who are only considered as an immediate product, beings in themselves, anti-racists are understood as a reaction that emanates from self-awareness processes, or as beings for themselves. In other words, this mobilization represents anti-racists simultaneously as the agents who react to, generate knowledge about, and contest the existence of racism and racial discrimination or seek solutions to their consequences. For example, they summarize the possibility of transcendental consciousness, or what is the same, they are the subjects who grasp and make intelligible the deepest condition and effects of racism and racial discrimination, the ones who police and expose its elusive being, find unity in the dispersion of its concrete articulations. In short, they are the subjects who reveal the truth of racism and racial discrimination by knowing, explaining and exhibiting them. Although there is a consensus on the dynamism and the mutability of these three modalities of subjectivity, they are conceived as realities one can know and expose and with which one can identify. In other words, the generalized understanding is that they are fully formed entities that activists and scholars merely identify, classify, cover with reflexive categories and reveal their interconnected histories.

Finally, it is also a consistent feature in anti-racist mobilization to conceive power as an unbalanced relation between already constituted subjectivities and as a prerogative some people possess. On the one hand, activists and scholars who militate in this political and intellectual movement commonly associate racism with models of domination/oppression. In particular, they link it to structures and agendas created to, among other things, misrepresent reality for political gains, establish hierarchies between human groups, extract resources and labour, facilitate political subordination, ensure the supremacy of certain cultural and epistemic models over others, create and legitimize differences in access to rights, resources and opportunities, and preserve historical advantages and privileges. On the other hand, a tacit agreement exists in anti-racist intellectual and political mobilizations that racism and racial discrimination always entail either directly/intentionally or indirectly/unintentionally an unbalanced relation between subjects either in recognition, treatment, access or rights. In other words, power is conceived either as a prerogative or a resource a group possesses or a condition that

voluntarily or involuntarily simultaneously produces advantages and disadvantages for different groups.

3 A Different Approach

The previously described agreements are relevant for several reasons. They illustrate how in an intellectual and political field defined by the regular practice of introducing new calls to rethink theoretical foundations or political practice itself, there seem to be no attempts to question the shared understanding of objectivity, knowledge and the relation between subjectivity and reality. In particular, this consensus shows that in the history of this political and intellectual mobilization, a critical debate about the givenness of racism has been absent. It also shows the lack of examination of the assumption that the existence of racism and racial discrimination precede their problematization. Similarly, it suggests that there has not been, at least openly, a discussion on the epistemic legitimacy of the prevalent model of assuming subjectivities as given. Finally, it illustrates how in this intellectual and political field there has not been enough scrutiny of the way the concept of power is commonly understood.

Going against what has been common in anti-racist scholarship and activism, in the following pages I address and problematize the four assumptions summarized above. This means that I critically interrogate the theory of knowledge that informs both the assumption that racism and racial discrimination are something given and the belief that the problematization of racism and racial discrimination is preceded by racism. I also examine the common practice of extending this givenness to the understanding of subjectivity, and the well-established practice of conceiving power as both property and as an unbalanced relation between already constituted subjectivities. I complete my problematization by introducing an alternative theory of knowledge to understand racism and racial discrimination.

In my analysis, I will rely on two theoretical sources: the main theses of the Marburg Neo-Kantian school regarding the theory of objective validity and the idea of the given, and Michel Foucault's work on discourse, power and subjectivity. The question inevitably arises as to why I refused to work with or ignored more established names in the field of anti-racism. Some could also ask why I adopted two theoretical sources that

do not directly relate to the discussion on racism. I have two answers to these questions.

I decided not to work with established authors in the vast literature on racism because of their lack of engagement in a conscientious and detailed conversation on the merit of the central epistemic convictions of anti-racism politics. These authors are the very spokespersons of those certainties and the guarantors of their sustainability. In more simple words, they are the ones who have made it possible to treat those convictions as self-evident and inevitable. Adopting or using the theses and theoretical and conceptual decisions of those sources as mediations to conduct my analysis would have made my interrogation of the epistemic foundations of anti-racism policies impossible.

My decision to use authors not associated with anti-racism is explained by my need to have sources that directly address the main elements of my theoretical inquiry. For instance, I justify choosing the Marburg School as one of my two primary sources because these elements were at the forefront of its philosophical stance. They scrutinized the conditions of cognition's relation to reality (p. 34); interrogated the subject/object dichotomy; and examined the epistemic relationship between theory and praxis, or to be more precise, whether we should understand theory/knowledge as the condition of possibility for the existence of praxis or its consequence. On the other hand, Foucauldian theory offered me critical elements to analyze theoretical and conceptual contingency, dispersion and genealogy, and the links between knowledge, power and subjectivity. In summary, these two sources provided me the basis to organize both my critique of the mainstream model to think, speak and act regarding racism and my reflection on an alternative theory of knowledge.

I have structured this theoretical discussion as follows. First, I will offer a summary of the main arguments the Marburg School and Foucault advanced regarding objectivity, subjectivity, knowledge and power. Next, I will provide an analysis of how these two sources are relevant to the critique of the main epistemic positions embraced in mainstream anti-racist activism and scholarship. Finally, I will discuss an alternative way to organize a theory of knowledge that addresses racism and racial discrimination.

3.1 The transcendental Method of the Marburg Neo-Kantian School

The Marburg School was one of the branches of a philosophical movement that

took place in Germany from the 1870s until the 1920s. This philosophical movement, commonly identified under the name of Neo-Kantianism,⁴ consisted of a return to Immanuel Kant's Philosophy as an alternative to speculative metaphysics, empiricism, naturalism, and materialism (Heis, 2018: 1).⁵ Useful for my analysis are the reflections of the members of the Marburg School on the theory of knowledge, specifically, their theses on the relationship between cognition, subjectivity, and objectivity (Heis, 2018b: 8).

The Marburg Neo-Kantians devoted their attention to questioning the theory of knowledge predominant in speculative metaphysics, empiricism/materialism, and positivist science. In their point of view, that theory was based on the consideration that the objects themselves (which includes, among other things, phenomena, the philosophical notion of being and the scientific idea of natural reality) were independent from and without any original relationship with the conceptual world and thought in general (Heis, 2018). According to the Marburgers, such a theory of knowledge entailed three interrelated principles. First, it was based on the presupposition of independence of a metaphysical object (Gordon, 2012: 52), or the existence of *things* that were directly found in themselves. This involved a certainty on the determinedness of those *things* in both a material and a non-material sense.

The second fundamental principle in this theory of knowledge was that what is thinkable is always something, a *Being*, (Crowell, 2010: 155) which means that something must be given to thought for it to become cognition (Holzhey, 2010: 35). Stated differently, the idea of cognition is understood as a consequence of two

⁴ Neo-Kantianism's connection to the name of Kant could be misleading (Makkreel and Luft, 2010: 1). It refers to a range of philosophers in the late 19th century and early 20th, under a rubric of inquiry devoted, in a broad way, to Kant's critical philosophy (Makkreel and Luft, 2010: 6). Despite being connected to the philosophy of the German philosopher, their interpretation of his theoretical contributions differed in many respects and focused on different dimensions. Besides, Kant was not the only focal point of the movement. Some of these scholars even attempted to go beyond him while remaining true to the spirit of its critical philosophy (Makkreel and Luft, 2010:12). More precisely, even though one of their paramount intentions was to conduct analyses in a Kantian fashion, their scholarship self-consciously went beyond the letter of Kant's texts (Makkreel and Luft, 2010: 12). This departure from Kant resulted from the philosophical problems they addressed and the intellectual context in which they developed their theories.

⁵ It is not my intention in this thesis to analyze whether the Marburg School honoured Kant's thought. It is irrelevant for my analysis to scrutinize the validity of their understanding or interpretation of Kant. I am not interested in examining or adopting the theses of this school as a mediation of a system of thought that precedes it. It is not Kant with whom I am interested in establishing a dialogue, but with the Marburg school. I approach this school on its theoretical merit or, in other words, valuing the singularity of its philosophical stance.

interrelated preconditions: the existence of something given to perception and intuition (defined as the relation of consciousness to something given), and the existence of a transcendental knowing or receptive subject, who materializes the reality of the moment of cognition. In a model like this, thinking does stand on one side of a divide whose opposite side would be a merely given, perceptible world (Crowell, 2010: 150), that is originally unconceptualized, and precedes thinking itself. Both subjects and objects, and any putative distinction between them, are taken as a completed existence.

Complementing the previous, this theory of knowledge was based on the principle that the *givenness* of natural realities or *things-in-themselves* should be considered the starting place for a critique of knowledge since this notion of a *thing-in-itself* is the foundation to explain aboutness, truth, and objectivity (Heis, 2018). This means that knowledge could only be legitimate if it is about the object as a theoretical given (Heis, 2018). Likewise, it entails that a representation of the object is true if it properly copies or mirrors that object as it is independent of thinking (Gordon, 2012: 53). In other words, what is given to perception and consciousness justifies empirical knowledge-claims, and judgments are warranted in the effectiveness to mirror the given (Crowell, 2010: 152). Finally, it implies that the objectivity of knowledge depends on the object as an independent standard of correctness for that very knowledge (Heis, 2018: 8-9).

In open opposition to the theory of knowledge described above, the Marburg school proposed a different one, informed by what their members identified as the *transcendental method*, a philosophical standpoint focused on interrogating the logical justification of the conditions that govern the construction of reality through cognizing acts (Luft, 2010: 63). In more concrete terms, the theory of knowledge this school proposed was organized around three pillars: A critique of the conception of the *given* as understood in speculative metaphysics, empiricism, materialism and positivistic science; an understanding of cognizing acts as constitutive rather than reflective; and the substitution of the subject/object dualism with the monism of thought as an *a priori*.

The critique of the Marburg School to the mainstream understanding of the *given* had its foundation in the argument that the consideration that the objects (which included objective *Beings*, natural reality, or any material entity understood as a

completed existence) can be found in themselves and exist outside and independently of all thought/cognition, or without any original relationship with it, was epistemologically naïve (Kuhn, 2010, 116; Heis, 2018; Moynahan, 2013; Stolzenberg, 2010: 138; Luft, 2010). Such an affirmation was based on the argument that the mainstream understanding of the given overlooked that to assert or make true claims about objects required the existence of *a priori* elements that could only be found in thought/cognition. In other words, in the Marburg School's view, objectivity depended on judgments that make it possible to move from appearance to reality. Without those judgments, they argued, there will be only appearances and we would not be able to speak about independent objects and their properties (Heis, 2018: 9).

One of the signature positions of the Marburg School was that of taking distance from the existence of a presupposed and unverifiable metaphysical object-independence, a *thing-in-itself* (Gordon, 2012: 52) or, what is the same, seeing the object as an *explanatory primitive* or unchallenged unit of explanation. When addressing the given, the Marburgers argued, “we should not focus on the material determinedness of already existing objects, but in the logical structure of principles of thought” (Kuhn, 2010: 116). In their approach, this meant two things. First, the assumption that every *Being* was in the first place a product and a result of the operation of thought and its systematic unity (Moynahan, 2013: 7). Second, that the *factum* was not a *factum brutum*, but itself cognition (Luft, 2010: 63), because there was “no being, no objectivity, no ‘nature of things’ that did not originate in thought. In short, any reality outside the sphere of thought and exempted from its principles and conditions is a meaningless concept” (Cassirer, 1943: 224-225).

The denial of any reliance on something *given* that was not conceptual in nature informed the Marburg School's position on the relation between cognition and reality and its account on objectivity and truth. Regarding cognition, the Marburgers refused to accept that thinking stands on one side of a divide whose opposite side is a merely *given*. In their view, the *factum*, and reality in general, was something that was made through cognizing acts, instead of reflected through cognizing acts (Luft, 2010: 63). Likewise, in their theory of knowledge, the operation of our conceptual capacities constituted the objects of experience and not the other way around (Crowell, 2010: 157).

Turning the mainstream notion of the *given* on its head, the Marburg School argued that instead of focusing on existing realities, and particularly the existence of things, and their causal interrelations as a point of entry to discuss objectivity, a legitimate theory of knowledge should grant the status as an *a priori* to the relations between truths (laws, axioms, and category-like patterns of consistency) created in thought (Moynahan, 2013: 7; Kuhn, 2010: 117).⁶ The members of this school recognized that phenomena were plural, manifold, and concrete, and they argued that the acts of cognition established more or less permanent relationships between appearances (the way things/phenomena appear in a certain way from our subjective point of view), and, consequently, ensured the unity of several appearances in a particular or same object (Heis, 2018b: 8-9). This unity, they argued, made possible the prescription of correct paths to follow and ensured permanence, since it produced objects that stay the same, despite the changes of the appearances (Heis, 2018: 9). When permanence and unity were achieved, the cognitive act acquired the status of a law. As Paul Natorp, one of the leading voices of the Marburg school argued, “the object signifies the law; it signifies the lasting unity in which the changing manifold of appearance is unified and determined in thought” (Natorp 1887: 4 cited by Heis, 2018b: 9). This process in which phenomena lose their concreteness, manifoldness, and plurality through cognizing acts is what the Marburg school understood as *objectification*.

Since in their theory of knowledge there was not an object that was independent of thinking, they did not conceive the idea of the truth as the knowledge/judgment that accurately represents/copies the object (Gordon, 2012: 53). In other words, they did not warrant knowledge-claims and judgments in the effectiveness to mirror things that were presented to perception and consciousness (Crowell, 2010: 152). In contrast, they considered that the relationship between cognition and reality should be exclusively grounded on the thought-medium of reality (Holzhey, 2010: 34) or what is the same on

⁶ It is relevant to mention that the Neo-Kantians from Marburg did not argue in favour of an absolute transcendental *a priori*. Instead, they described the cognizing acts that make objectivity possible as shaped by culture and history. In other words, they did not perceive the *a priori* as static, but as a dynamic evolving and shifting foundation, that in its transformations not only generate new concepts but also revise concepts that are deemed as fundamental (Heis, 2018b: 12). In other words, in the Marburg school’s understanding, the cognizing acts on which the idea of objectivity depends, together with the concepts and objects they make possible are all a result of historical and developmental processes. As such, they were conceived as a variable, open to permutation, and even radical transformation (Moynahan, 2013: 12).

the objectifying condition of cognition. Stated otherwise, the Marburgers argued that the truth should be found in the processes of *objectification* that allow us both to move from appearance to reality and speak about independent objects and their properties. They related those processes of objectification to how one part of the content of knowledge justifies another, rather than to the relations between a pre-conceptual reality and perception/consciousness (Heis, 2018: 11).

A final distinctive point of the School of Marburg's theory of knowledge was its stance regarding the subject/object dualism. As discussed extensively in previous paragraphs, the idea of the object as a *thing in itself* lacked epistemic value for the Marburgers. This devaluation of the object inevitably brought about the epistemic devaluation of the *subject* as well, understood as the transcendental entity that, through experience, intuition and consciousness apprehends the *object in itself*, as is there, independent of all subjectivity. Specifically, the nonexistence in this theory of things that were unconceptualized and introspectively available made irrelevant the existence of minds to think them, confirm their presence, and scrutinize their nature.

As a result of their critique of the mainstream idea of the given, the Marburgers considered that neither the subjects nor objects in the world, nor any putative distinction between them, could be taken as a 'completed existence', but they should be rather recognized as defined through processes of thought (Moynahan, 2013: 7). They hold that what was available to an individual's reflection was always already objectified through cognizing acts, (Heis, 2018: 1) and that the objects of knowledge were not discovered empirically because there were substantive *a priori* principles that make experience possible. Another common consideration they shared was that the only content that could justify a thought must itself be something thinkable, since "knowledge is only grounded through other knowledge" (Natorp 1887: 168 cited by Heis, 2018: 11). In other words, their denial of the given was a denial of content that was not conceptual or dependent on what was conceptual (Heis, 2018: 11).

One of the principal arguments of this dissertation is that mainstream anti-racist activism and scholarship have conceived racism in a way that resonates with what the Marburg Neo-Kantians defined as the theory of knowledge predominant in speculative metaphysics, empiricism/materialism, and positivist science. In particular, I claim that

anti-racism mobilizations have adopted the four interrelated principles the Marburgers identified in those philosophical traditions (Heis, 2018), namely: the presupposition of the existence of things that were directly found in themselves, in this case, racism and racial discrimination; the understanding of cognition as a consequence of the existence of something given to perception and intuition; the existence of a transcendental knowing or receptive subject (in this case the anti-racist) who materializes the reality moment of cognition; and the principle that the givenness of natural realities or things-in-themselves (racism) should be considered the starting place for a critique of knowledge, since this notion of a *thing-in-itself* is the foundation to explain aboutness, truth, and objectivity.

Anti-racist mobilization has commonly treated racism as an *explanatory primitive*. In particular, activists and academics that participate in this movement conceive racism and racial discrimination as *factum brutum* whose nature does not originate in cognition, but is reflected/mirrored in cognition. In their account, racism and racial discrimination exists as a *thing in themselves*, even when it has yet not been properly grasped, conceptualized, deciphered. In other words, there is a tacit consensus that this *givenness* as indisputable, even though the periodical transformations and contextual articulations of racism permanently demand new and malleable, yet sometimes openly in conflict, cognitive and political strategies.

At the same time, anti-racist activism and scholarship conceive racism and racial discrimination as, using Jeremy Heis's words, independent standards of correctness for knowledge (Heis, 2018: 8-9). Specifically, the starting place for both the critique of knowledge and the definition of strategies of social action is precisely the success in grasping the *reality* of racism and racial discrimination. In this point of view, the only legitimate knowledge is the one that subordinates its efforts to the proper representation/mirroring of racism and racial discrimination as *things in themselves*, and the only plausible political action is the one that is based on that accurate representation/mirroring. Likewise, it is a common ground in anti-racist mobilization to consider that the theories and conceptual frames it uses to explain racism and racial discrimination are nothing else than abstractions that seek to reveal fully formed and given *things*. This entails that the content, scope, and direction of both the search for knowledge and social change are determined by an independent and already constituted

reality.

By adopting this theory of knowledge anti-racist activism and scholarship have replicated the main epistemic feature that the Marburgers problematized, namely, overlooking the *a priori* conditions that factor into the possibility of experience and the constitution of objectivity. In particular, this theory of knowledge has led anti-racism mobilization to ignore any critical reflection on how those who problematize racism make true claims. This entails, not to engage in a reflection on whether the *factum*, and reality in general, are made or reflected through cognizing acts. It also implies the neglect of any critical interrogation of the subject/object dualism, and the common practice of understanding subjects and objects in the world, as *completed existences*.

What would be the theoretical consequences for anti-racism scholarship and activism if we follow the suggestion of the Marburg School to renounce any theory of knowledge that does not grant a priori status to the relations between truths (laws, axioms, and category-like patterns of consistency) created in thought? How would this change or affect the way we understand racism, its facticity and its relations to cognition? How would the notions of knowledge, truth, and subjectivity be altered? And finally, how would a new theory of knowledge modify the way we understand anti-racism and its epistemic and political strategies?

An approach based on the *transcendental theory* would dismiss any understanding of racism as existing outside and independently of all cognition/thought. This entails, that it would abandon all focus on the material determinedness of racism as an already existing thing, and would embrace the view that racism is something that is constituted through cognizing acts, instead of reflected through cognizing acts. In any sense, this is not meant to deny the tangibility of the plural, manifold and concrete events, behaviours, attitudes, doctrines, and structural arrangements that have shaped the dynamic phenomenological repertoire of what historically has been understood as racism. For instance, the deliberative project to exterminate human beings considered to belong to a disposable kind, the explicit or tacit differentiated regulations of human groups according to alleged natural or ethnic singularities that result in practices of exclusion, mistreatment or exploitation, the doctrines of superiority and inferiority based on biological traits that proliferated at the end of 19th century, or the disparate access to power, recognition and

economic wellbeing that human groups have experienced due to the way they have been racialized, to only mention few examples, are indisputably concrete and verifiable. What the statement mentioned above implies is that such an approach would consider the cognizing acts linked to the problematization of racism as constitutive of more or less permanent relationships between appearances (in this case the repertoire of behaviours, attitudes, doctrines, structural arrangements they identify as conforming to the phenomenology of racism), and, consequently, as the source that guarantees the unity of several appearances in a particular or same thing (racism). In summary, the cognitive acts linked to the problematization of racism make its objectification possible by undermining the concreteness, manifoldness, and plurality of phenomena through the constitution of a previously inexistent unity.

This unity is what makes possible the prescription of correct paths to follow to both advance knowledge and organize social mobilization, and ensure permanence, since it produces an object (racism) that stay the same, despite the changes of the appearances (Heis, 2018: 9). A redefinition like this would demand that instead of focusing on the givenness of racism as an independent standard of correctness for knowledge, we focus on the relations between the processes created in thought that have made its *objectification* possible. In other words, we should put emphasis on the practices and routes that transformed previously independent appearances into a self-evident unity (racism), and ensured its permanence and epistemic sustainability.

Likewise, the *transcendental theory's* approach to racism would replace the idea of truth as referred to the knowledge/judgment that accurately represents/copies the object (racism), by the conception of the truth as found in the processes of objectification that allow us to move from appearance to reality and speak about racism as an independent object with its distinctive properties. Since cognition is not reflective but constitutive, and reality does not precede cognition but is established through it, the understanding of the truth as an act of discovering or exposing the properties and nature of racism would lose its meaning. Rather than focusing on the relations between the “pre-conceptual reality of racism and perception/consciousness” (Heis, 2018: 11), the understanding of the notion of truth would focus instead on the processes through which one part of the content of knowledge about racism justifies and warrants another.

Finally, a Neo-Kantian's understanding of racism would avoid any articulation of the subject/object dualism. The renunciation to understand racism as a pre-conceptual and introspectively available given thing would make it irrelevant to consider the existence of a transcendental subject who confirms its presence and scrutinizes its nature. What would become important are the substantive a priori principles, developed in thought, that make it possible to speak about both racism as an independent object with its distinctive properties, and the subjectivities that are associated to its existence, namely, the racists, the victims of racism and the anti-racists.

While the *transcendental theory* provides us insights regarding the implications of redefining the a priori conditions that factor into the constitution of the objectivity of racism, the relationship between cognition and the reality of racism, and the very understanding of the notion of truth, we still need to answer two fundamental questions. First, why, if the reality of racism is constituted through cognizing acts, those who problematize racism have not been able to constitute permanent relationships between appearances and, consequently, ensure a definitive unity of those appearances in a particular or same object (racism)? And, second, why the object and the prescription of a correct path to follow to both advance knowledge and organize social mobilization these cognition acts have constituted could be better described in the plural rather than in singular terms? Said otherwise, why, in the case of the problematization of racism, the logical structure of principles and conditions of thought have not been able to constitute a single, stable and unified object? Michel Foucault's understanding of the notion of discourse and discursive formation, discussed below, becomes very useful to answer those questions.

3.2 Discourse, Knowledge, Subjectivity and Power in Michel Foucault's Theory

The second theoretical source that informs how this dissertation organizes its stance on the mainstream approach to racism is Michel Foucault's work on the notions of discourse, knowledge, subjectivity and power. In particular, the way Foucault addresses these notions are useful for the critique of the theory of knowledge of mainstream anti-racism, and the construction of an epistemological alternative to the understanding of racism and racial discrimination. Although in Foucauldian theory concepts tend to be

opaque and sometimes elusive given his preference to define concepts and ideas by stating characteristics they do not have, a way to make the notion of *discourse* intelligible is by scrutinizing the meanings and scope he attached to it in the first two distinctive phases of his theoretical work: the archaeological and the genealogical approaches.

a. Discourse, Knowledge and Subjectivity in the Archaeological Approach

In the *Archaeology of Knowledge*, Michel Foucault provides an approach to the notions of discourse, knowledge and subjectivity that contains some interrelated insights that are relevant to the understanding of racism I am proposing in this dissertation. I divide these insights in three groups: the ones that pertain to the singularities of discourse and knowledge as concepts; the insights that refer to discourse formation and the proper ways to understand its historical course; and those that address the place of subjectivity in discourse analysis.

i. Discourse and knowledge

Michel Foucault characterizes *discourse* as a set of relations between statements, objects, concepts, types of enunciation, strategic choices and themes or theories (Foucault, 1972: 69). He clarifies that *discourses* are not the expression of a worldview that has been coined in the form of words, nor the translation of an interest that is articulated through a theory. He argues instead that discourses must be described as systematically different ways of establishing a relationship between statements, treating objects (delimiting them, regrouping or separating them, linking them together and making them derive from one another), arranging forms of enunciation (choosing them, placing them, constituting series, composing them into great rhetorical unities), manipulating concepts (giving them rules for their use, inserting them into regional coherences, and thus constituting conceptual architectures), and constituting themes and theories (Foucault, 1972: 69-70).⁷

In Foucauldian theory, there is no knowledge (*savoir*) “without a particular

⁷ Complementing the previous, Foucault describes discourse as “...that on the basis of which coherent (or incoherent) propositions are built up, more or less exact descriptions developed, verifications carried out, theories deployed. They form the precondition of what is later revealed and which later functions as an item of knowledge or an illusion, an accepted truth or an exposed error, a definitive acquisition or an obstacle surmounted” (Foucault, 1972: 182).

discursive practice; and any discursive practice may be defined by the knowledge that it forms” (Foucault, 1972: 183). This involves four interrelated arguments: knowledge (savoir) is not the sum of what is thought to be true, but that of which one can speak in a discursive practice, or, put differently, the whole set of practices, singularities, and deviations of which one could speak in discourse. Knowledge is the space in which

the subject may take up a position and speak of the objects with which he (sic) deals in his (sic) discourse. Likewise, knowledge is the field of coordination and subordination of statements in which concepts appear and are defined, applied and transformed (Foucault, 1972: 182-183).⁸

Likewise, in this approach, discourses are not a reflection or rationalization of "a reality" that is already constituted, but rather "practices that systematically form the objects of which they speak" (Philips, Zorn and Blattberg, 2002: 32). Foucault suggests that those who work with the notion of discourse should avoid

...trying to reconstitute what [the object] itself might be, in the form in which it first presented itself to some primitive, fundamental, deaf, scarcely articulated experience, and in the form in which it was later organized (translated, deformed, travestied, perhaps even repressed) by discourses, and the oblique, often twisted play of their operations. (Foucault, 1972: 47).

Instead, resonating with the Marburgers' theory of knowledge, Foucault argues that it is fundamental to understand that there are not objects, fully formed and armed, that discourses merely list, classify, name, select, and cover with reflexive categories, principles of classification, normative rules, and institutionalized types. Specifically, it would be a mistake to see discourse as a place where previously established objects are laid one after another (Foucault, 1972: 43), because there are not "things" anterior to discourse but the formation of objects that emerge only in discourse (Foucault, 1972: 47).

⁸ The grounding of knowledge in discursive formations leads Foucault to argue that knowledge may not only be found in demonstrations that belong to the domain of scientificity but also in fiction, reflection, narrative accounts, institutional regulations and political decisions (Foucault, 1972: 182-183). In fact, he goes on to state that “Discursive practice does not coincide with the scientific development that it may give rise to; and the knowledge that it forms is neither an unfinished prototype nor the by-product to be found in daily life of a constituted science” (Foucault, 1972: 183). Instead of understanding knowledge as a result of science, Foucault proposes to understand science as located in a field of knowledge, resulting from a discursive formation, and playing a role in it (Foucault, 1972: 184). In other words, Foucault understands science as existing in a discursive practice, functioning among other practices, and playing the role of contributing to the structuring of certain objects of knowledge, systematizing certain enunciations, and formalizing certain concepts and strategies (Foucault, 1972: 185).

In other words, discourses produce the interplay of the rules that make possible the appearance of objects during a given period.⁹ It would be a mistake to treat the outcomes of discourses' reflexive categories, classification principles, normative rules, explanatory strategies, and institutionalized types as things themselves rather than as *facts of discourse* (Foucault, 1972). At the same time, it is necessary to assume, Foucault warns, that "There is not (...) a sort of ideal discourse that is both ultimate and timeless, and which choices, extrinsic in origin, have perverted, disturbed, suppressed, or thrust towards a possibly distant future" (Foucault, 1972: 70).

One important recommendation in Foucauldian theory is that we should understand discourses as systems of dispersion rather than as systems of convergence; or what is the same, we must accept that, in the first instance, discourses concern only a population of dispersed events (Foucault, 1972: 22; 31). This recommendation finds support in four main arguments. The first one asserts that statements in discourse do not refer to a simple object that is formed once and for all.¹⁰ On the contrary, what singularizes a discourse is the interplay of the rules that make possible both the appearance of a multiplicity of objects during a given period and their transformations (their non-identity) through time. The second argument is that discourses do not have a determined form of statements, but entail the coexistence of heterogeneous, disperse, and not necessarily harmonious statements, that undergo transformations and even replacements. The third argument is that we should not perceive discourses as supported by a determined system of permanent and coherent concepts. Instead, the most accurate way of characterizing them is by acknowledging that the concepts that appear in discourses are heterogeneous, which means that sometimes they are incompatible with each other, and face the possibility of

⁹ As Foucault puts it "...the object does not await in limbo the order that will free it and enable it to become embodied in a visible and prolix objectivity; it does not pre-exist itself, held back by some obstacle at the first edges of light. It exists under the positive conditions of a complex group of relations" (Foucault, 1972: 45).

¹⁰ Foucault defines statements as the elementary unit of discourse (Foucault, 1972: 78). He argues that this elementary unit should not be confused with a proposition, a sentence or a speech act, or what is the same, when defining it we should not use any of the models borrowed from grammar, logic, or 'analysis' (Foucault, 1972: 83). Rather, we should understand it as a manifestation of the particular 'structures and possible unities' that form a particular discourse (Hardy, 2013: 98). Statements, for example, define observable structures and the field of possible objects, prescribe the forms of description and the perceptual codes that it can use, reveal the most general possibilities of characterization, and thus open up a whole domain of concepts to be constructed, and, lastly, while constituting a strategic choice, leave room for the greatest number of subsequent options (Foucault, 1972: 147).

substitution or disappearance. Finally, the last argument addresses the identity and permanence of themes. In particular, it points out that rather than defining discourses in terms of the permanence of themes through time, it would be a better characterization to describe them as fields opened to opposed strategies, irreconcilable interests and the dispersion of the points of choice (Foucault, 1972: 30-37).

Moreover, according to Foucault, we should not treat contradictions as accidents of discourse, but as constitutive of its very law of existence:

it is on the basis of such a contradiction that discourse emerges, and it is in order both to translate it and to overcome it that discourse begins to speak; it is in order to escape that contradiction, whereas contradiction is ceaselessly reborn through discourse, that discourse endlessly pursues itself and endlessly begins again; it is because contradiction is always anterior to the discourse, and because it can never therefore entirely escape it, that discourse changes, undergoes transformation, and escapes of itself from its own continuity. Contradiction, then, functions throughout discourse, as the principle of its historicity (Foucault, 1972: 155).

ii. The formation of discourses and the path to historicize them

The Foucauldian approach to the emergence of discourse is best encapsulated in the notion of *discursive formation* (Foucault, 1972). A discursive formation becomes tangible when, first, we can establish the emergence of regularities (an order, correlations, positions and functionings [sic], transformations) in a system of dispersion between statements, object(s), conceptual systems, themes/theories (Foucault, 1972: 38);¹¹ second, we can show how these regularities find in a discourse their place and their law of emergence; and third, we can show how that discourse may give birth simultaneously or successively to mutually exclusive statements, objects, concepts or thematic/theoretical choices, without having to modify itself (Foucault, 1972: 44).

When describing the historical course of discourse, Foucault suggests, it is important avoiding both temporal succession and sequence and the *schemata of evolution* (Foucault, 1972: 166). Specifically, the analysis should ignore the temporal relations that

¹¹ Foucault defines a system of formation as follows: "... a complex group of relations that function as a rule: it lays down what must be related, in a particular discursive practice, for such and such an enunciation to be made, for such and such a concept to be used, for such and such a strategy to be organized. To define a system of formation in its specific individuality is therefore to characterize a discourse or a group of statements by the regularity of a practice" (Foucault, 1972: 74). He clarifies that a rule of formation is neither the determination of an object, nor the characterization of a type of enunciation, nor the form or content of a concept, but the principle of their multiplicity and dispersion (Foucault, 1972: 173).

may be manifested in those formations and seek only the general rules that are uniformly valid in the same way and at every point in time (Foucault, 1972: 166). This entails that any scrutiny of discourse should use chronology only in three situations. First, as a recourse to pinpoint the moments of emergence (the moment at which a discursive practice achieves individuality and autonomy) and disappearance of these formations (Foucault, 1972: 166); second, to describe “how a succession of events may, in the same order in which it is presented, become an object of discourse, be recorded, described, explained, elaborated into concepts, and provide the opportunity for a theoretical choice” (Foucault, 1972: 166), a practice that Foucault names ‘*evential*’ engagement (Foucault, 1972: 168); and third, to address what Foucault calls *thresholds*, or otherwise put, the irregular and heterogeneous emergence, succession and coincidence of discursive formations.

Complimentarily, the analysis of discursive formations should understand discontinuities, ruptures, gaps, the emergence of entirely new forms of positivity, and sudden redistributions as constitutive elements of discourse rather than as anomalies. The appearance of a discursive formation, for example, should be conceived as often correlative with a vast renewal of objects, forms of enunciation, concepts, and strategies (Foucault, 1972: 170-171). It is also important to understand discourses themselves as “wrapping up” different levels of events: statements, appearances of objects, types of enunciation, concepts, strategic choices, the derivation of new rules of formation, etc. Foucault recommends that people who analyze discourse should understand the substitution of one discursive formation for another as a simultaneous process of disappearance and appearance of a form of *positivity* rather than as an improvement of an existing *positivity*.¹² In short, the purpose of examining discontinuities, ruptures, gaps, emergence/disappearance of forms of positivity, and redistributions in discursive formations should not be to overcome or reduce them to an elusive but latent continuity

¹² It is important to clarify that Foucault does not conceive this substitution as an emergence of a whole world of absolutely new objects, enunciations, concepts, and theoretical choices, but as a general transformation of relations that it does not necessarily alter all elements. In other words, a substitution implies that statements will be governed by new rules of formation, rather than all objects or concepts, all enunciations or all theoretical choices disappear or are replaced as a whole by new ones (Foucault, 1972: 173). One of these elements - or several of them-, Foucault explains, may remain identical (preserve the same division, the same characteristics, the same structures), yet belong to different systems of dispersion, and be governed by distinct laws of formation (Foucault, 1972: 173).

but to reveal them, describe them, analyze them in their own right and to determine how they operate (Foucault, 1972: 170-171).

Foucault considers it a fundamental principle that those who seek to historicize discourse refrain themselves from the assumptions that are common in the tradition of the history of ideas, namely, understanding the practice of historizing discourse as the unfolding process of trial and error through which latent truths become uncovered; seeking to expose the continuous transition that relates discourses, on a gentle slope, to what precedes them, surrounds them, or follows them; crediting discourse with coherence; and conceiving discourse as a result of the authorship and precedence of a transcendental subject (Foucault, 1972: 138-139). What this means is a call to abstain from all hermeneutic impulses in the practice of historizing, and only focus on the *positivity of discourse*.¹³

This history should also focus on surveying the emergence, consolidation, and dissolutions of regularities, not only those about statements, objects, concepts or thematic/theoretical choices (a discursive formation) but also those that belong to the modalities of enunciation (subject statuses, sites, and positions that are located in discontinuous planes). Finally, a historical analysis should treat contradictions in discourse as objects to be described in their own right, and not as appearances to overcome, nor secret principles to be uncovered (Foucault, 1972: 151).

iii. Subjectivity and Discourse

When surveying a discourse, Foucault argues, it is important to link the formation of statements, objects, concepts and themes/theories to the modalities of enunciation or subject statuses, positions and institutional sites that make that formation possible. In other words, it is fundamental to determine how the configuration of discourse is linked to aspects such as: who has the authority to make statements, constitute objects of discourse, organize conceptual systems, provide theories; who can invest discourse in decisions, institutions, and practices; what statuses and positions make those entitlements

¹³ “things actually said (...) statements in their dispersion, in all the flaws opened up by their non-coherence, in their overlapping and mutual replacement, in their simultaneity, which is not unifiable, and in their succession, which is not deductible; in short, it has to take account of the fact that discourse has not only a meaning or a truth, but a history, and a specific history that does not refer it back to the laws of an alien development” (Foucault, 1972: 127).

possible; which criteria of competence and knowledge are considered legitimate to have the right to speak (produce statements, constitute objects and conceptual systems, and advance themes and theories); what institutional sites/domains, pedagogic norms, and normative conditions give the right and lay down certain limitations to practise and to extend one's knowledge (Foucault, 1972: 50); how the typologies of statuses, positions and institutional sites that make a discursive formation possible condition the strategic knowledge choices that inform discourse; which are the institutional sites from which discourses derive their legitimate source and points of application (Foucault, 1972: 51); and what are the perceptual situations (listening, observing, questioning) that the subjects occupy concerning the various domains or groups of objects of discourse (Foucault, 1972: 51).

In Foucauldian theory it is important to recognize that this set of modalities of enunciation is not 'unified' and does not cohere in a single rational project or a striving toward a single goal (Phillips, Zorn and Blattberg, 2002: 35). Neither does it imply a single *positionality* from which a transcendental subject of discourse speaks, thinks, and consequently advances knowledge about things in themselves or fully formed objects. Instead, the existence of various enunciative modalities manifests the dispersion of the subject (Phillips, Zorn and Blattberg, 2002: 35). Specifically, Foucault proposes that those who analyze discourse must adopt a model that understands it as the result of various subject positions/statuses/sites operating in different and no necessarily connected planes that in dispersed ways make possible the appearance of objects of discourse during a given period. This entails recognizing that there is not a transcendental and unified subject who is behind the production of discourse and that the subject of discourse must be perceived as a field of regularity of various statuses, sites, and positions located in discontinuous planes (Foucault, 1972: 55). In short, we should understand the subject as necessarily situated and dependent on discourse, and never figure it as the titular (either as a transcendental activity or as empirical consciousness) (Foucault, 1972: 183).

The analysis of discourse should also address relations between discursive formations and *non-discursive domains* (Foucault, 1972:162).¹⁴ Foucault warns that the

¹⁴ It is necessary to clarify that *non-discursive domains* do not refer to the institutional spaces and/or subject

purpose of this consideration should not be to isolate the mechanisms of causality (e.g. to what extent those domains determine consciousness, values, interest, perception, and style of rationality) that inform the emergence of a discursive formation, but rather to determine how the rules of formation that govern a discourse may be linked to non-discursive systems (Foucault, 1972: 162). In other words, when taking into account non-discursive domains analysts should try to answer the question of how and in what form they take part in conditions of emergence, insertion, and functioning of discursive formations, rather than the question of how they have determined their meaning and form (Foucault, 1972: 163).

In particular, Foucault recommends we examine the relations between discursive formations and non-discursive domains in aspects such as the delimitation and division of objects of discourse (the fields that those non-discursive domains opened for the mapping of objects, for instance); the statuses accorded to certain professions that become the exclusive enunciators of discourse (e.g. the form of institutional relations between subjects or between subjects and their activities, the modalities of teaching and diffusion that are prescribed or authorized for this knowledge); and, lastly, the function that is attributed to the discourse or the role that is required of it (Foucault, 1972: 164). In summary, when addressing non-discursive domains, the focus should be on showing how discourse as a practice concerned with a particular field of objects, finding itself in the hands of a certain number of statutorily designated individuals, and having certain functions to exercise in society, is articulated on practices that are external to it, and which are not themselves of a discursive order (Foucault, 1972: 164).

b. Power/Knowledge, Truth and Subjectivity in the Genealogical Approach

In his genealogical phase, Michel Foucault developed an exploration of the notions of power, truth and revisits the notion of subjectivity. In more specific terms, in this

positions that a discourse grants the authority to speak, make statements, constitute objects of discourse, and organize conceptual systems. These institutions and subject positions are only relevant in specific discursive formations, or *epistemes*. Non-discursive domains are neither *surfaces of emergence* or fields within which a discourse finds a way of limiting its domain, of defining what it is talking about, of giving it the status of an object and therefore of making it manifest, nameable, describable (Kennedy, 1979: 276). These domains are better described as conditions (political, economic and social events, and shift in economic, political and social practices, and processes) that might have an impact in the emergence or transformation in the general configuration of knowledge.

phase, his work took a turn toward examining what he defines as *power/knowledge*: the *effects of truth* that power produces and circulates, and the ways those *effects of truth*, in turn, reproduce power. He also devoted his attention to the analysis of subjectivity as an effect of the constitutive power of discourse (Foucault, 1980).

Moving away from the mainstream tradition that understands the idea of power in juridical terms, Foucault proposes to avoid both embracing the idea of power as property and linking the concept of power to the notion of interest (Foucault, 1980: 119). In particular, he suggests that we should perceive power as exercised rather than possessed. This entails considering power as the overall effect of dispositions, manoeuvres, tactics, techniques that take shape in a network of always tense relationships rather than as a privilege acquired or preserved by a ruling subject. Likewise, he proposes understanding power as defined by innumerable points of confrontation and pockets of instability informed by conflict, struggles and at least transitory inversion of power relations (Foucault, 2002: 28), rather than as a well-organized group of strategies informed by a consistent, coherent and carefully articulated set of interests. Finally, Foucault recommends renouncing a conception of power purely and simply as an obligation or a prohibition, to those who "do not have it". In his point of view, it would be more accurate to conceive it as a set of conditions that invades the subjects, passes through them and makes those who fight against it, relying on those conditions to organize their practices of resistance (Foucault, 2002: 27).

In this genealogical phase, Foucault also advocates for abandoning the tradition, historically fostered in political philosophy, that represents power and knowledge as antagonistic, or, as he eloquently puts it, "that there can be no knowledge except where power relations are suspended and that knowledge can only develop outside the threats, demands, and interests of power" (Foucault, 2002: 28). He also suggests that we should avoid the common understanding that the knowledge that emanates from power should be conceived as an ideological mystification through which the powerful make their control mechanisms more effective over those to whom they dominate.

Specifically, he proposes to recognize that power and knowledge directly involve each other. This means that there is no power relationship without a correlative constitution of a field of knowledge, nor of knowing that it does not suppose and does not

constitute at the same time power relations (Foucault, 2002: 28). Otherwise stated, one of the main ideas in Foucauldian theory is that relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation, and functioning of a discourse of truth.¹⁵ What makes power hold good, what makes it accepted, is simply the fact that it does not only weigh on us as a force that prohibits, inhibits, punitively regulates and limits those under its rule. It also traverses and produces statements and things/objects, forms knowledge (Foucault, 1980: 119), and defines a certain field of empirical truth (Gordon, 1980: 237).¹⁶ At the same time, the possibility of producing discourses of truth, or what is the same, defining and organizing a field of objectivity, isolating objects/things, setting factuality, shaping and constituting subjects, and forming notions that allow establishing a causality system, constitutes in itself a sign of the presence/existence of power. In short, the notion of *power/knowledge* entails that we are subjected to the production of knowledge (truth) through power and, simultaneously, that we cannot exercise power except through the production of knowledge (truth) (Foucault, 1980: 93).

In line with this refusal to understand power in terms of sovereignty, Foucault also recommends refraining from the common practice of focusing on formal political and economic apparatuses through which the sovereign enforces its rule.¹⁷ Instead, when addressing power/knowledge, it is more pertinent to survey apparatuses that effectively

¹⁵ In Foucauldian theory, *truth* is understood as “a system of ordered procedures for the production, regulation, distribution, circulation, and operation of statements.” (Foucault, 1980: 133). Besides, *truth* is linked in a circular relation with systems of power, which produce and sustain it, and to effects of power which induce it and which extend it. Foucault calls this relation, a ‘*regime*’ of *truth* (Foucault, 1980: 133).

¹⁶ Foucault argues that “Power never ceases its interrogation, its inquisition, its registration of truth: it institutionalises, professionalises and rewards its pursuit. We must produce truth as we must produce wealth, indeed we must produce truth to produce wealth in the first place. We are also subjected to the truth in the sense in which it is the truth what makes the laws, produces the true discourse which, at least partially, decides, transmits and itself extends upon the effects of power. In the end, we are judged, condemned, classified, determined in our undertakings, destined to a certain mode of living or dying, as a function of the true discourses which are the bearers of the specific effects of power” (Foucault, 1980: 93-94).

¹⁷ It is necessary to clarify that in his later work on *governmentality* and *biopolitics*, Foucault’s approach to power recovered ideas such as population control, technologies of governing, disciplinary mechanisms and governance, and brought back both the modern state and its rationalities as a focus of analysis (see for instance *The Will to Knowledge* specifically the chapter entitled “Right of Death and Power over Life”; *Security. Territory, Population, and Society Must Be Defended*). However, even in this later iteration, Foucault distanced himself from ‘juridico-discursive’ or sovereign-based conceptualisations of power as repressive and negative, and favoured an approach that emphasized power’s productive or ‘positive’ capacities (optimization, prosperity, health, productivity).

participate in the installation of what he calls the politics or the *regime of truth* (Gordon, 1980: 237). In particular, Foucault recommends paying attention to the institutions and mechanisms which enable one to distinguish true and false statements and the ensemble of rules that make that distinction possible, how each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the strategies used for the formation and accumulation of knowledge, the methods of observation, techniques of registration and classification, the procedures for investigation and research, and the status of those who are charged with saying what counts as true and false (e.g. speaking, discoursing subjects, subjects of experience and knowledge) (Foucault, 1980: 102, 131). In short, the modalities, strategies, and procedures Foucault urges analysts to scrutinize are the ones that produce the normalisation of a regime of truth (Foucault, 1980: 106).¹⁸

The last relevant element of the Foucauldian stance on *power/knowledge* is that of the *subject*. In the genealogical phase of Foucauldian theory, the subject is understood as an effect of the power of discourse. Replicating the Marburgers' critique to the idea of the *given*, in Foucauldian theory there are not given subjects. They are rather conceived as one of the prime effects of the constitutive power of discourse. In other words, in his approach, discourse creates the conditions of possibility for the identification and constitution of certain dispersed bodies, existences, gestures, and desires into subjects (Foucault, 1972: 98). This does not mean that discourse and the regime of truth it activates give birth to actual people. It means, instead, three things: that the production of truth is charged with effects on how actual people come to be constituted gradually, progressively, really and materially as subjects (Foucault, 1980: 215); that power regularly promotes and utilises a 'true' knowledge about subjects and indeed in a certain manner constitutes the very field of that truth (Gordon, 1980: 239); and that these subjectivities are not only a consequence of power but also the vehicles of power, the venues that facilitate the circulation of power (Foucault, 1980: 98).

Another element in Foucault's understanding of subjectivity is the process of its constitution. In his genealogical approach, the material constitution of the subject takes

¹⁸ It is important to clarify that these power/knowledge relationships cannot be analyzed from a subject of knowledge that is free from the system of power. On the contrary, the subject who knows, the objects to know and the modalities of knowledge are one of the many other effects of the fundamental implications of power/knowledge and its historical transformations.

place through the interactions, not necessarily coordinated or necessarily cohesive, between the multiplicity of institutions, positions, modalities, forces, and statements that participate in the production of the regime of truth (Foucault, 1972: 97). The subject, then, is a result of the historically situated intersection of these positions, modalities, and statements. Consequently, we should not treat it as preceding this intersection but only as evolving within the limits the regime of truth that makes it possible created.

c. Racism and Racial Discrimination, Discourse, Knowledge, Power and Subjectivity

The proposal to understand racism as discourse is everything but a novelty. Influential authors in the field of the study of racism, such as David Theo Goldberg, Cornel West, and Edward Said, have explored this option.¹⁹ Even Michel Foucault himself developed a theory of racism based on his conceptual and epistemological apparatus. In the particular cases of Goldberg and Said, for example, the use of Michel Foucault's work on discursive formations has been one of their most important contributions to the field of racism studies. On more than one occasion, Goldberg has proposed that racism should be considered a *field of discourse* (Goldberg, 1987: 60; 1990: 296). Said, on the other hand, found in the notion of discourse, together with the Gramscian concept of *hegemony*, a theoretical foundation to explain his signature concept of *Orientalism*.

Goldberg justifies his decision to use the concept of *field of discourse* by claiming that this is the most efficient way of explaining racism as “a complex ‘social object’ that calls for an explanation as such without recourse to the oversimplifications of reductionism” (Goldberg, 1987: 51). Complimentarily, in his opinion, “a well-defined field of (racist) discourse arises out of a ‘discursive formation’” (Goldberg, 1987: 60; 1990: 297). The usefulness that Goldberg gives to the concepts of *field of discourse* and *discursive formation* is that of establishing a general theory that allows us to both cognitively and theoretically grasp the disparate phenomena that are commonly

¹⁹ Other high-profile authors who have relied on Michel Foucault's concepts to explain racism and its articulations are Stuart Hall (1992) and Robert J.C. Young (1995). In this dissertation, I will only focus on Goldberg, Said, and West because the similarities in the theory of knowledge all these five authors use make it unnecessary to examine them all.

considered racist and provide an effective way to resist racism.²⁰

Goldberg also believes that the effective way to historize racism as a *discursive formation* must conform to the principles of Michel Foucault's *archaeological method*. In particular, he proposes that the analysis of the evolution of racism should incorporate the breaks and fractures in the structure of the history of discourse and the critique of the ideas of discursive stability and coherence (Goldberg, 1987: 61). In his understanding, he also includes Foucault's suggestion to consider the convergence of non-reducible and mutually determining values, and the interplay of factors as those he identifies as legal, political, economic, aesthetic, and philosophic (Goldberg, 1987: 67).

Goldberg's approach embraces, as well, the idea of pre-conceptual grounds, a concept that he defines as the factors of power, including dominant values, that directly enable the expression of racist discourse, for example, classification and order, value and hierarchy, differentiation and identity, discrimination and identification, exclusion and domination, subjection and subjugation, entitlement and restriction, and violence and violation (Goldberg, 1990: 301). It is also relevant to mention Goldberg's interest in the general politics of truth, the topic of the formation of subjectivity (otherness, the racist subject) and particularly the intersection of social discourses in the body (Goldberg, 1990: 310). Finally, the concept of *discursive formation* becomes equally important in his approach to the modes of resistance or contestation to racism. Goldberg argues that resistance to racist discourse requires dissolving that discourse itself, which entails the development of appropriate counter-discourses to racism across every domain: social, political, linguistic and grammatical, legal, economic, historical, cultural, biological, moral and any form of subjective racist expression (Goldberg, 1990: 313).

²⁰ In Goldberg's point of view "as a theoretical construct, the field of discourse of racism is sufficiently broad to include all the various entities constitutive of racism: Expressions, where these are to be interpreted as covering not simply beliefs and verbal outbursts (e.g., epithets, slurs, and so on) but also their underlying conceptual structure, and more overtly, acts and their consequences, as well as institutions (or at least the principles on which they are based). "Field of discourse" can accommodate equally all those discussions of racism, the burgeoning body of texts that undertake to analyze and explain racism's occurrence and logic, its origins and history (Goldberg, 1987: 59-60). Regarding the concept of *discursive formation*, Goldberg argues that "This object, racism, exists as the effect of that which is given rise to by established and determined relations between subjects and institutions, economic and social practices; by patterns and principles of conduct and ethics; by classificatory systems and technologies. Yet racism is not simply present in these relations, not reducible to them or anyone of their constitutive elements. This highlights the failure of any attempted explanation of racism solely in terms, for example, of economic determinism, sociological or biological reductionism" (Goldberg, 1987: 61).

As for Edward Said's theoretical work, the notions of discourse and discursive formation are useful to examine "the enormously systematic discipline by which European culture was able to manage-and even produce-the Orient politically, sociologically, militarily, ideologically, scientifically, and imaginatively during the post-Enlightenment period" (Said, 1979: 3). In particular, the *discursive formation* Said calls *Orientalism* describes processes of knowledge production, a knowledge that he identifies as simultaneously political, philological and lexicographic, scientific, historiographical, artistic, economic, ethnological. The concept also addresses a configuration of power relations, in particular, the political, economic, cultural and epistemic domination by Europeans over their colonial domains in the "East" in the past, and, Westerners over their "Oriental others" in the contemporary era. *Orientalism*, as a *discursive formation*, also refers to dynamic processes of formation of subjectivities, or what is the same, the simultaneous and dynamic formation/production of the West and the Westerners, and the Orient and the Orientals (Said, 1979). Similar to Goldberg, Said develops a history of Orientalism in tune with the principles of the archaeological method. In particular, he explores the intellectual and political processes and events that gave life to the idea of the East, the discursive instabilities that sustained the formation of subjectivities (the Oriental ones) and the various fields (legality, philosophy, science, economics, literature) that contributed to the epistemological stabilization of Orientalism as a discourse.

In his book, *Prophesy Deliverance*, Cornel West includes two chapters on the genealogy of modern racism and, in particular, white supremacy. In the second chapter of his book, West devotes a section to offer theoretical considerations to what he calls the genealogical approach, in which he pays special attention to the concepts of discourse and power from a perspective that he defines as Nietzschean and especially Foucauldian. Specifically, when analysing the history of white supremacy, West subscribes to a conception of power that resonates with Michel Foucault's refusal to understand it as based on individual psychological needs or collective political and economic interest. He seeks to show that the idea of white supremacy emerges partly because of the powers within the structure of modern discourse: "-powers to produce and prohibit, develop and delimit, forms of rationality, scientificity, and objectivity which set perimeters and draw boundaries for the intelligibility, availability, and legitimacy of certain ideas" (West,

2002: 49). In his approach, the powers behind a discourse are subjectless, as they have a life and logic of their own (West, 2002: 49).

Regarding discourse, West adopts a Foucauldian stance by describing it as “the controlling metaphors, notions, categories and norms that shape the predominant conceptions of truth and knowledge” (West, 2002: 50). Of special interest for him are the restrictive powers of discourse to delimit theoretical alternatives and strategic options to address and make sense of reality. In particular, the notion of discourse becomes especially useful to describe the formation, historic undertakings and distinctive features of modern racism, and specifically, the genealogy of the conceptions of truth and knowledge emanated from philosophy, natural history, anthropology, phrenology, craniology, physiognomy, and aesthetics that made its existence possible.

In the final sections of this chapter, Cornel West discusses the structure of the modern discourse as a condition of possibility for the emergence and consolidation of the idea of white supremacy. In his understanding, that structure provided the controlling metaphors, notions, categories, and norms that shape the predominant conceptions of truth and knowledge in the modern West (West, 2002: 50). He identifies the two stages of the emergence of the idea of white supremacy. The initial one took place in the intersection between the recovery of classical aesthetic and cultural norms and the rise natural history. According to Cornel, these three discursive articulations played a crucial role in laying down the normative gaze that would rule the measurement, classification, comparison and hierarchically ordering of human beings according to their body characteristics (West, 2002: 53-54). The second stage occurred in the rise of phrenology and physiognomy, two disciplines that served as an open platform of the idea of white superiority in terms of aesthetics, character and capacity (West, 2002: 57).

In the third chapter, West examines the contestations that Afro-Americans have offered to modern racist discourse and the justifications of the idea of white supremacy. This response encompassed diverse conceptions of self-determination and self-image. It entailed as well contestations to long-term processes of economic and political exclusion, diminishing subjectification, systemic violence and cultural dispossession. West organizes this counter discourse in four ideal types of distinct Afro-American traditions of thought and action: exceptionalism, assimilationism, marginalism and humanism

(West, 2002: 70). The exceptionalist tradition claims a *sui generis* status for African American life in regard to form and content and makes claims of the racial superiority of people of African descent. The assimilationist tradition considers Afro-American culture and personality as pathological and stresses the inability of Afro-Americans to create adequate mechanisms to cope with their dire condition (West, 2002: 70). The marginalist position posits a candid acceptance of personal marginality to both Afro-American culture and American society, and an invitation to revolt from both (West, 2002: 85). Finally, the humanist tradition extolls the distinctiveness of Afro-American culture and personality and focuses on the ways in which creative Afro-American cultural modes of expression embody themes and motifs analogous to cultural forms of other racial, ethnic or national groups (West, 2002: 71).

The last example of understanding racism as discourse comes from the very theoretical work of Michel Foucault, who uses his genealogical method to analyze the emergence of racist discourse in the late 19th and early 20th centuries. In his book *Genealogy of Racism*, Foucault engages in a project of tracing back the history of the discourse on the *war of races* from the seventeenth century to explore the emergence of state racism in the early twentieth century. He argues that the expression "racism" or "racist discourse" should be reserved for something that is only one episode, particular and localized, of the discourse of *war of races* (Foucault, 1998: 59). According to Foucault, the discourse of the *war of races* can be defined as the set of relations between statements, objects, concepts, types of enunciation, strategic choices and themes or theories that since the late 17th century till the 19th century replaced the discourse that focused on the history of sovereignty and the racial unity between sovereigns and their subjects, with the history of the confrontations between races (e.g. conquerors vs. conquered, and nations vs. their sovereigns or ruling classes) (Foucault, 1998: 62).²¹

Foucault considered that the discourse of racism emerged as a reconversion or diversion of the form, purpose and the very function of the discourse of the *war of races*.

²¹ The term race here does not have a biological connotation. In the *war of races* discourse the notion of race is used to refer to groups that do not have the same local origin, the same language and often not the same religion; or groups that have formed a unity and a political whole only at the price of wars, invasions, conquests, battles, victories and defeats, violence (Foucault, 1998: 69). The term race also refers to groups that, despite cohabitation, have not mixed because of differences, asymmetries, obstacles due to privilege, customs and rights, the distribution of fortunes and the way of exercise of power (Foucault, 1998: 69).

In his understanding, racism replaced the theme of historical war between groups, by the biological theme of the struggle for life: differentiation of the species, selection of the strongest, and conservation of the best races. Similarly, the emergence of the discourse of racism entailed the replacement of the theme of a society divided into foreign groups by language, origins or rights who were in permanent confrontation, by that of a biologically monistic society defined by a civil war between those who represent a threat to that biological order and those who wish to preserve it in its purity. In particular, the discourse of racism substituted the war of races' central idea that the other race is the one that came from outside and for a certain time was triumphant and dominating, by the idea of the other race as the one that the social body reproduces permanently and incessantly within and from the social fabric. Stated otherwise, according to Foucault, the discourse of racism emerged when the emphasis on the existence of a society defined as a polarity between races strange to each other, was replaced by an emphasis on the splitting of a single and same race, defined in biological terms, into a super-race and a sub-race. It emerged, likewise, when the idea of a confrontation between foreign races was supplanted by that of a war between a race set as the true and only one (the one that holds the power and is the holder of the norm) and those within that were identified as dangerous to the biological patrimony (Foucault, 1998: 56). This emergence became further possible by the progressive materialization of disciplinary devices and biopolitical strategies that worked as defense mechanisms of society, and specifically, as instruments to curtail the degeneracy of the true and only race, ensure segregation between super and sub-races, and enforce the normalization of that social order (Foucault, 1998: 56-57). Finally, racism reached its materialization by becoming a form of *power/knowledge*, with its particular (sociobiological) ways of classifying, organizing, and managing populations, for social conservatism, and, at least in some cases, colonial domination (Foucault, 1998: 59).

While this dissertation acknowledges the intellectual value of these four approaches and recognizes its debt with their theoretical proposal to understand racism as a *discursive formation*, it takes a very different stance regarding how to establish a conversation between the notion of *discourse* and that of racism. In particular, it takes distance from the theory of knowledge that Goldberg, Said, West and Foucault himself

embrace when explaining racism as a discourse.

In their approaches, these authors replicate the epistemic path that the Marburgers criticized in their philosophy of knowledge. Specifically, in their accounts, racism is defined as a very complex object that emerged, primarily in the modern Western World, as a consequence of the formation and circulation of statements, the establishment of forms of enunciation, creation of conceptual architectures, the development of themes and theories, and the implementation of political, economic, epistemic and cultural arrangements. They use the notion of *discourse* as a signifier that reflects or rationalizes the complexity of that “object”. In other words, they use the concept of *discourse* to describe the material outcome of the historical confluence of very specific epistemic, political, economic, and aesthetics occurrences.

These authors also share the view that the existence of racism precedes the cognizing acts they have developed to explain it, reveal its inner truth and stabilize it as an object of knowledge. In other words, their approaches have in common the conception of this discourse as a *factum brutum* whose existence does not originate in the epistemic frames they use to explain it but is reflected/mirrored in those frames. Their conceptualizations of racism/Orientalism as a discourse serve the purpose of developing a grand theory that effectively explains (mirrors) racism/Orientalism as something that is already constituted. None of these authors openly recognize their cognitive enterprise of surveying and exposing the singularities and complexities of racism/Orientalism as an outcome of a discursive formation itself. They seem to understand their explanations of racism as merely the intellectual initiative of revealing a fully formed and given object, or a group of abstractions, reflexive categories, and principles of classification and causation that just mirror an already constituted reality. Far from seeing their project of scrutinizing racism as a constitutive or objectifying process, they conceive it as a re-constitutive one where racism is finally revealed through the proper cognitive approach. Likewise, none of these authors addresses the question whether their thinking is an a priori condition to the constitution of racism as a discourse. They conceive both cognition and the problematization of racism/Orientalism as epistemologically neutral and reactive, rather than constitutive/proactive. Put differently, those authors characterize cognition and problematization as a reaction to a ready-made reality. This entails, that they do not

challenge the common practice in anti-racism of not engaging in a reflection on whether racism is constituted or reflected in cognition.

This treatment of the discourse of racism as *given* extends to the way Goldberg, Said, West, and Foucault understand the history of that discourse. Although all of them follow the Foucauldian principles of focusing on how particular statements, object(s), conceptual systems, themes/theories find in a discourse its place of emergence, and they emphatically pay attention to the interplay of processes that make possible the appearance of racism during a given period, all of them engage in the intellectual initiative to try to reconstitute what racism as discourse might be, in the form in which it is presented to experience, and in the form in which it was later organized by further discursive developments. These authors seem to assume that they could certainly interrogate the being of racism as a discourse, its contents, its truth in historical contexts in which racism was not even named, defined and explicitly discussed such as the 18th and 19th centuries. In their accounts, the discourse of racism has a moment of emergence that does not necessarily coincide with the moment in which it was first named and scrutinized as a reality in its own right, the 20th century.²² For instance, they recognize the *discourse of racism* in the philosophical disquisitions of the Enlightenment movement, in the *race science* and its biological doctrines of racial superiority, in the arguments that served as a foundation to the European second wave of imperialism, and in the emergence of *biopolitics* as a form of governmentality at the end of 19th century. In short, when historicizing racism, paraphrasing Habermas (Habermas, 1998: 241), they succumb to the hermeneutic impulse to spot it in contexts and periods in which its positivity was not effectively established. In so doing, Goldberg, Said, West, and even Foucault put themselves at odds with the Foucauldian observation that it would be a mistake to talk of

²² According to Robert Miles, the term racism only became of generalized use in Europe in the late 1920s and early 1930s (Miles, 2003: 58-59). He argues that there is no reference to the word in the *Oxford English Dictionary* (OED) of 1910 and the OED supplement of 1982 recorded the first appearance of the term in English Language in the 1930s. In French language, Miles states, the term *racisme* started to be used in late the 1920s to criticize German nationalism (Miles, 2003: 58-59), while in German, the first explicit appearance of the word appeared in Magnus Hirschfeld's book *Racism* published in 1933-34 (Miles, 2003: 59). Michael Banton, Ali Rattansi and George M. Fredrickson share a similar position. All these authors argue that the word racism entered the English and French languages only in the 1930s as a way to describe a doctrine that asserts that race determines culture (Banton, 2002: 23; 1977: 156) a response to the Nazi project of making Germany 'clean of Jews' (Rattansi, 2007: 4) and name the theories on which the Nazis based on their persecution of the Jews (Fredrickson, 2002: 5).

realities, in this case, racism, in the absence of statements that named them, divided them up, described them, explained them, traced their developments, indicated their various correlations, judged them, and possibly gave them speech by articulating, in their name, discourses that are to be taken as their own (Foucault, 1972: 32).

This dissertation embraces a very different approach to the notion of *racism as a discourse*. In particular, it seeks to avoid the epistemic limitations the Marburgers identified in their philosophy of knowledge. *First*, taking distance from the previously described positions on *racism and racial discrimination as a discourse*, and following the Neo-Kantians' insights about the *given*, the approach I propose in this dissertation abandons the common recognition of racism as a signifier that identifies already constituted realities. Racism, in this approach, is not a *reality* that is already constituted, which we just merely name, cover with reflexive categories, conceptual frames, and theories. In other words, I do not assume racism to be a ready-made thing that awaits to be revealed by the appropriate intellectual approach. Besides, I do not understand the existence of racism as preceding the multiple and not necessarily coordinated discursive practices that have been developed to make it visible, reveal its inner truth and stabilize it as an object that we can know, problematize and regulate.

I use the notion of discourse to make sense of both the conditions of possibility of the constitution of racism and racial discrimination (identification, naming, framing, analysis and explanation of its emergence and logic, phenomenology and ontology, history and consequences, and related subjectivities) and the processes that seek to stabilize them as objects of knowledge and intervention/regulation. My approach to the notion of discourse renounces a conception that sees the multiple discursive practices that have been created to spot racism and racial discrimination, name them, know them, problematize them and regulate them as a mere reaction to a "reality" that is already constituted. Instead, it argues that the emergence and existence of racism and racial discrimination is related to the development of a set of manifold discursive practices that have been articulated to spot them, name them, explain them, reveal their inner truth and stabilize them as objects of knowledge and action. In other words, in this dissertation, racism and racial discrimination emerge and become stabilized in discourse, rather than reflected and rationalized in discourse.

Likewise, in the approach I propose, the project of knowing racism and racial discrimination is no longer understood as the process of revealing, mirroring their truth as things or trying to reconstitute what they might be in themselves. It rather refers to the processes through which racism(s) and racial discrimination come to be constituted and further epistemologically stabilized in their own right as (an) object(s) of knowledge and action. In other words, knowing is conceived as the processes that make possible the appearance and consolidation of racism and racial discrimination as objects of which one can speak about, which can be known, and with which one can interact materially. Also, this approach does not assume the knowledge about racism and racial discrimination to be the sum of what has been proven to be true about them, but that of which we can speak about within the *discourse on racism and racial discrimination*. Put differently, knowledge is the field of interaction, coordination and subordination of statements, conceptual frames, themes and theories that allows us to speak about racism and discrimination as self-evident objects.

I considered it essential to abandon the understanding that (racist) phenomena pre-exist the discursive practices that have made it possible to “overcome” their concreteness, manifoldness, and plurality to constitute them as manifestations of racism and racial discrimination. This means the avoidance of using the notion of *racism as a discourse* to talk about a repertoire of pre-conceptual phenomena that were anterior to the conversion of those phenomena into *facts of discourse*. It also involves renouncing the disconnection of these phenomena from the processes that, in a particular moment in history, determined what doctrines, systems of beliefs, attitudes, behaviours, actions, events, and social structures we could and should identify, frame, and explain as manifestations or the factual repertoire of racism. It entails, in summary, the avoidance of focusing on the givenness of phenomena we commonly identify as racist and emphasizing our attention on the processes that have made possible that we can see those phenomena as self-evident manifestations of racism and racial discrimination.

It is important to clarify, that this proposed approach does not question the facticity of phenomena per se. The multiple doctrines, social structures, individual, group and institutional behaviours, attitudes and actions that have been recognized as part of the phenomenology of racism and racial discrimination are all verifiable. What this approach

suggests is that these phenomena are not given as racists or discriminatory themselves, but rather become self-evidently racist and discriminatory when they become facts of discourse, or what is the same, it is only through the emergence and consolidation of the discourse on racism and racial discrimination that those phenomena become intelligible as inherent manifestations of racism(s) and racial discrimination.

Second, the approach I suggest in this dissertation also embraces the understanding of discourse as a *system of dispersion* rather than as a *system of convergence*. This means that it does not conceive the discourse on *racism and racial discrimination* as a system that constitutes the reality of racism once and for all, but as a system that produces a multiplicity of statements, objects and conceptual and theoretical choices that appear, disappear or juxtapose and transform.²³ Something similar can be said about knowledge. In particular, the *savoir* about racism could contain and mobilize particular *connaissances* that are not necessarily analogous or harmonious.²⁴

This multiplicity of objects and knowledge, paraphrasing Foucault, is the result of the interplay between numerous and continuously emerging statements that name racism, describe it, explain it, look forward to stabilizing it as something knowable, trace its emergence and development, indicate its various correlations, and problematize its *raison d'être* and its consequences. In other words, the understanding of discourse as a system of dispersion also means that the *discourse on racism and racial discrimination* accommodates the coexistence of heterogeneous, disperse, and sometimes mutually exclusive statements, objects, concepts or thematic/theoretical choices. The approach I propose, then, conceives the *discourse on racism and racial discrimination* as a field opened to incompatible and even opposed strategies, irreconcilable understandings and

²³ For instance, the objects and *facts of discourse* that emerged as a consequence of the scientific statements that UNESCO commissioned in the early fifties are not identical with the ones that emerged in the definition provided by UNESCO in its 1978 *Declaration on Race and Prejudice*; the objects and *facts of discourse* that the UNESCO made intelligible in its 1978 *Declaration on Race and Prejudice* are not necessarily a natural progression from the ones constituted in the scientific statements that UNESCO commissioned in the early fifties. Similarly, the realities that are put together through the concept of institutional racism are not the realities that are at issue either in the definition of racism as a falsification of scientific knowledge nor in the realities named, classified, explained and problematized in the cultural differentialist perspective. We are facing very different objects and facts of discourse in each of these cases.

²⁴ The earlier knowledge (*savoir*) of racism activated in the UNESCO scientific inquiry contained particular knowledges (*connaissances*)—such as the anthropological, genetic, psychological, etc.—that are now almost absent from other *savoir* of racism, which give priority to *connaissances* such as legal, historical, sociological, political etc.

principles of organization, inclusion and exclusion, emphases and obliterations, and disperse points of conceptual and theoretical choice.

Understanding this discourse in terms of dispersion helps this approach to address the insurmountable difficulty to consolidate a sustainable grand-theory of racism that is consistent with the idea that racism is not given. In particular, it helps this approach to provide an alternative rationalization for the difficulty of agreeing upon a set of clear criteria for what constitutes racism as such, without associating this challenge either with the complexity and mutability of the object or the cognitive failures of the subjects to efficiently explain the object.²⁵ Since in this dissertation no object or reality in itself precedes discourse, cognition of racism is not subordinated to its nature as a *thing* but the result of the epistemic singularities of discourse. In other words, the fact that discourses cannot avoid producing dispersion is what explains why racism, as a fact of discourse, cannot exist if it is not in a state of dispersion.

Third, another key consideration in the approach this dissertation proposes is the importance of linking the formation and stability of racism as an object of knowledge and action to the *modalities of enunciation* or subject statuses, positions and institutional sites that make that formation and its stability possible. This entails determining whom/what has the authority to make statements, organize conceptual systems, provide theories on racism; whom/what can invest this discourse in decisions, institutions, and practices; what set of normative frames make those entitlements possible; which criteria of competence and knowledge are considered legitimate to have the right to speak (produce statements, constitute objects and conceptual systems, and advance themes and theories) about racism; what institutional sites/domains, pedagogic norms, and normative conditions give the right and lay down certain limitations to practise and to extend one's knowledge on racism; and how the typologies of statuses, positions and institutional sites that make the *discourse on racism and racial discrimination* possible condition the strategic knowledge choices that inform that discourse.

²⁵ As I mentioned earlier, the most common explanations to the multiplicity and disparate problematizations of racism have described this lack of unity and consistency either as a consequence of the nature of racism as a “fluid and shifting phenomenon which evades clear and absolute definition in a once-and-for-all-type of way”; the failure to develop an efficient theory that explains the mutating nature of racism; the existence of epistemic/ideological dissonances within the anti-racist community or the necessary and progressive processes that are involved in overcoming cognitive or theoretical failures.

Likewise, this approach considers of utmost importance to recognize that the set of enunciative modalities that have participated in the production of the *discourse on racism and racial discrimination* is not unified and does not cohere in a single rational project or a striving toward a single goal. This entails the understanding of this discourse as the result of various subject positions/statuses/sites operating in different and not necessarily connected planes that in dispersing ways make possible the appearance of a multiplicity of statements, conceptual frames, themes and theories, and objects during a given period. The composition of this field of modalities is dynamic rather than static, since the subject positions/statuses/sites appear, disappear, are displaced, or go into processes of transformation.²⁶ The operation of these subject positions/statuses/sites in different and not necessarily connected planes generate a multiplicity of scenarios, from situations where these modalities are loosely coupled and to some extent almost free of mutual influence, to situations where they either enter into open conflict or establish collaborative relationships. The recognition of this dispersion entails an acknowledgment that there is not a transcendental and unified subject who is behind the production of the *discourse on racism and racial discrimination* and that this subject must be better described as a field of regularities of various statuses, sites, and positions located in discontinuous planes.

This understanding of the subject positions/statuses/sites in terms of dispersion, and the assertion that there is not a transcendental and unified subject who is behind the production of the *discourse on racism and racial discrimination* are also useful to explain the difficulty to agree upon a set of clear criteria for what constitutes racism as such. In particular, the interactions between the modalities that converge at a given time and place create the conditions of possibility for the formation of certain statements, conceptual

²⁶ The modalities of enunciation that participated in the objectification of racism as a scientific error, for instance, were not the same that those that have participated in the objectification of racism as all processes that, intentionally or otherwise, both result in the continued exclusion of a subordinated group or are intended to protect the advantages of a dominant group. While in the former, the modalities of enunciation were fundamentally associated to the scientific disciplines (specifically the disciplines of biology and anthropology, and consequently, biologists, geneticists, physical and cultural anthropologists), and international agencies focused on global education in the areas of science, culture and human rights (e.g. UNESCO); in the latter, the leading subject positions/statuses/ and institutional sites involved were, among others, those of the legal profession and legal education (and consequently lawyers and legal scholars), the social sciences (specifically sociology and political science and therefore sociologists and political scientists), humanities (e.g. linguistics, religious studies, philosophy and aesthetics) and rights activists.

frameworks, themes and theories, and not others. Each one of these modalities brings to this arena of interactions its epistemological thresholds, principles of interrogation of reality, styles of description, association, causation and correlation, regulatory standards of what counts as competence, what may or may not be said or who may or may not have an authority to speak, and what concrete actions should or should not be taken. The circumstantial ways in which these subject positions/statuses/sites interact and the hierarchies they establish among themselves, ultimately define the field of interactions, coordination, and subordination of statements, conceptual frames, themes and theories that allows speaking about racism(s) in certain ways, and not in others. Stated otherwise, the history of the *discourse on racism and racial discrimination* has been characterized by the frequent emergence, disappearance, and transformation of the enunciative modalities. The convergence of these modalities in certain contexts and historical moments generate fields of regularities, which, in turn, produce different accounts of what is meant by racism. As it is not possible to prevent the emergence, disappearance, transformation of these fields of regularities, it is also not possible to prevent the multiplicity and dispersion that has characterized the *discourse on racism and racial discrimination* throughout its history. Because there is not a unified transcendental subject working according to a single rational project or a striving toward a single goal, it is not possible to generate a golden standard through which racism becomes finally constituted as an object of knowledge and mobilization once and for all.

Complementing the previous, I argue that the analysis of the *discourse on racism and racial discrimination* should also address its relations with non-discursive domains (e.g. institutions, political events, economic practices, and processes). The purpose of this consideration should be to try to answer the question of how and in what form these non-discursive domains take part in conditions of emergence, insertion, and functioning of the *discourse on racism*; the delimitation and division of objects of discourse (the fields that those non-discursive domains opened for the mapping of objects, for instance); the delineation of the subject positions/sites that become the exclusive enunciators of discourse (e.g. the form of institutional relations between subjects or between subjects and their activities, the modalities of teaching and diffusion that are prescribed or authorized for this knowledge); and, lastly, the function that is attributed to the discourse

or the role that is required of it.

Acknowledging non-discursive domains forces us to return to one of the core debates in the sociology of knowledge: the relationship between circumstance and thought. As the introduction of this thesis stated, two positions have dominated how sociologists of knowledge understand the relationship between context and thought. While on the one hand, some conceive the relationship as tightly coupled and describe the context as decisive in the way we think and know, others argue that context informs the conditions of possibility and imposes constraints but does not determine thought. Also, as the introduction declared, my proposed approach aligns with the second position. This alignment entails that, while I recognize that non-discursive domains provide conditions of possibility for the existence of the discourse on racism and racial discrimination, I also consider that they do not determine the morphology and content of this discourse in a particular moment or context. Mutual influence and a loosely coupled relationship better define how they interact.

Fourth, also of great importance in the approach I am proposing is how we should analyze racism from a historical perspective. In addition to Foucault, Quentin Skinner's critique of the history of ideas and Vanita Seth's reflections on the historicization of racism provide me crucial insights to support my standpoint. In Foucauldian theory, historicizing a discourse entails surveying the emergence, consolidation, and dissolutions of regularities, not only those that refer to statements, objects, concepts or thematic/theoretical choices but also those that belong to the modalities of enunciation (statuses, sites, and positions located in discontinuous planes).

In his seminal essay "Meaning and Understanding in the History of Ideas," Quentin Skinner presented a critique of what he identified as philosophical limitations in the history of ideas approach (Skinner, 1969: 4). In his view, historians of ideas focused on the study of "timeless elements," in the form of "universal ideas," even a "dateless wisdom" with "universal application." (Skinner, 1969: 4) They committed to the quest of how best to gain an understanding of such elements. According to Skinner, this position leads to historical absurdity or, said differently, the creation of mythologies that do not meet the standards of rigour of history as a discipline.

The first of those mythologies -the *mythology of doctrines*- occurs when the

historian mistakes scattered or incidental remarks and thoughts for a doctrine. The second one is the *mythology of coherence*, namely, finding consistency, central themes, and inner messages in those remarks, which never attained or meant to attain that consistency nor were aligned with those alleged themes or messages (Skinner, 1969: 17). This mythology also refers to the trivialization of self-evident contradictions in order to find higher unified meanings. The third one -the *mythology of prolepsis*- arises when the historian is more interested in the retrospective significance of a given historical work or action than in its meaning for the original actors themselves (Skinner, 1969: 22). A fourth mythology is that of *parochialism*. This stance materializes when the observer applies its own familiar criteria of classification and discrimination to an alien argument and may, consequently, provide a misleadingly familiar-looking description (Skinner, 1969: 23-24). In this case, there is always the danger that the historian may conceptualize an argument in such a way that its alien elements are dissolved into an apparent but misleading familiarity (Skinner 1969: 27).

Skinner proposes concrete courses of action to avoid these mythologies and their misleading representation of history. First, he recommends abandoning not only looking for the essential meaning of ideas but also refusing to think of any essential meaning at all (Skinner, 1969: 37). Second, he suggests that instead of studying the meaning of words, we should focus on their use. In particular, those historizing ideas should track their meaning in their multiple uses (Skinner, 1969: 37). Third, Skinner considers it crucial to prioritize the analysis of the occurrence and concrete usage of statements which denote the given idea and their original intention (Skinner, 1969: 37-38). Instead of working with words, the historian's center of attention should be the various statements made with the given expression (Skinner, 1969: 39) and their relations. A final recommendation is that the understanding of texts should presuppose the grasping of both what they were intended to mean and how this meaning was intended to be taken (Skinner, 1969: 48). Skinner argued that "the appropriate methodology for the history of ideas must be concerned, first of all, to delineate the whole range of communications which could have been conventionally performed on the given occasion by the utterance of the given utterance, and, next, to trace the relations between the given utterance and this wider linguistic context as a means of decoding the actual intention of the given

writer" (Skinner, 1969: 49).

An excellent example of the relevance of this approach to analyze the historicization of racism is the article by Vanita Seth, "The Origins of Racism: A Critique of the History of Ideas". In this paper, Seth discusses how Skinner's influential critique helps identify the pitfalls of the current discussion about the origins of racism—particularly, the position that tracks back its roots to premodern times. During the last thirty years of the 20th century, the dominant position in the scholarship on race signalled that race was both modern and Western. It also tethered the origins of racism to "the rise of centralized states, nationalism, anthropology, and biological science—in other words, the appendages of modernity" (Seth, 2020: 344). In the early 2000s, a new trend emerged, questioning whether racism was a product of Western modernity or had its roots in the ancient and premodern past (Seth, 2020: 343-344). Specifically, scholars of antiquity and medieval and Renaissance Europe sought to challenge that mainstream position detailing the prevalence of racism in the ancient and premodern past and insisting that the legacy of these histories informed nineteenth-century racial thought as well as our own (Seth, 2020: 345).

Seth argues that the efforts to secure race and racism's conceptual and material origins and, especially, the recent attempt to locate their roots in premodern times share some crucial similarities with the limitations Skinner identified in the history of ideas (Seth, 2020: 349). In particular, she claims this trend has replicated the mythologies of doctrines, coherence, parochialism and prolepsis described above. For instance, according to Seth, the location of race and racism in premodern times is based on the assumption that a fully developed form of the doctrine [of race] was always, in some sense, immanent in history (Seth, 2020: 349). Likewise, this stance identifies the presence of race, through unfamiliar vocabularies and languages, in contexts where the term was conspicuously absent and contends that even in circumstances when the word race did not exist, racist practices did (Seth, 2020: 350). At the same time, it assumes that the agents in the past were engaging in actions and motivations that they would not or could not have accepted as an account of what they were doing (Seth, 2020: 351). Finally, the defence of a premodern origin of race and racism is, Seth argues, not just a historical argument but a contemporary politics embedded in a narrative of continuity that insists

on the relevance of the medieval past to the racial configurations of our current moment (Seth, 2020: 345). From her point of view, the driving force behind the efforts to locate that origin in times predating modernity

stems from the desire for, and an insistence on, political relevance—that ancient, medieval, and early modern history (whether in reference to art, philosophy, literature, or politics) continue to have a bearing on, and/ or are foundational to, the making of our contemporary moment (Seth, 2020: 360).

Those assumptions show the epistemic consequences of pursuing conceptual histories that presume upon an ethereal form and a timeless essence (Seth, 2020: 368). Specifically, it leads to seeing fully formed doctrines in scattered or incidental remarks; finding a recognizable coherence and tight ties between ideas and actions that are not self-evidently connected; imposing thoughts, concerns, and practices on a past that may not, in fact, have shared or even conceived of such thoughts, concerns, or practices; conceptualizing arguments on race and racism in such a way that dissolves alien or contradictory historical elements into an apparent but misleading familiarity: and substituting historical rigour with an emphasis on political relevance.

To avoid these pitfalls, Seth proposes engaging the history of racism in ways that resonate with Skinner's recommended courses of action. Particularly, she advises acknowledging the alterity of the past without ignoring the impact of our hermeneutical approach to history (Seth, 2020: 364). In more concrete terms, this suggestion implies a number of interrelated actions. First, it entails acknowledging that despite some ideas and practices in the past may have some resemblances with that of racism, we must understand them in their own historical singularity. Second, this recommendation comprises refusing to extract, abstract, and translate vocabularies into conceptual familiarities that presume continuity and misleading resemblances between racism and other concepts (Seth, 2020: 355). Third, Seth invites us to recognize that tracking the history of the idea of racism consists in paying attention to its explicit utterances rather than its tacit enunciations. Fourth, she suggests that an effective way to evade the danger of prolepsis is to be aware of how our desire to find political relevance in the past may lead us to sacrifice historical accuracy (Seth, 2020: 360). Finally, a rigorous scrutiny of

both the possibilities and constraints of the epistemic and political frameworks that inform our understanding of the ideas and practices of our predecessors, and the contingent condition of our political concerns and priorities becomes critical. Regarding the latter, a crucial task is to interrogate crediting the past with factually anachronistic views that make sense to current political struggles.

Historizing the discourse on racism and racial discrimination in the approach I am proposing involves incorporating Foucault's, Skinner's and Seth's theoretical considerations. A key principle emerging from these theoretical sources is that historizing racism and discrimination does not comprise reconstituting what racism itself might be in its historical evolution, from its first articulations to its more current manifestations, because there is/are not racism(s) anterior to discourse, but only as a result of discourse. Rather, the project is to explore and systematize historically the shifting regularities of discursive processes and modalities that have participated in the constitution of racism(s) as a reality that can be spoken about, analyzed, known, and regulated.

Another fundamental principle when historicizing the *discourse on racism and racial discrimination* is to pay attention to the *positivities* and *utterances*, or what is explicitly said or expressed in the statements and conceptual and theoretical frameworks. As described above, it has been a common practice to historicize racism as a fully constituted reality to which those who seek to know and problematize, only spot, name, classify, cover with reflective categories, place in a chronology, and explain through conceptual frames and theories. It has not been atypical, in the same way, that anti-racist scholarship (e.g. the works of Said, Goldberg, West, Foucault I discussed above) recognizes the existence of racism in contexts prior to the coinage of the term since it assumes that racism can be latent as a thing or immanent even before any awareness of its "presence". In such accounts, scholarship treats racism as something that has an existence in itself and historically precedes the processes of awareness that have allowed us to spot it, name it, and know it.

By requesting to pay attention to the *positivities* or utterances, the approach proposed in this dissertation seeks to take distance from that position. Particularly, it adopts the epistemic stance that the practice of historicizing the *discourse on racism and racial discrimination* should be circumscribed by the statements, conceptual and

theoretical frameworks in which racism is named as such, analyzed as a thing in itself, treated as a knowable object in its own right, and the enunciative modalities and non-discursive domains that have explicitly participated in the production of those statements, conceptual and theoretical frameworks. Following Skinner, the approach I am proposing does not seek to explore how the essential meanings of the ideas of racism and racial discrimination were revealed or discovered but how these terms have been historically used to convene meaning and incentivize action (Skinner, 1969: 37). In conversation with Seth, I consider essential to be aware of how our desire to find political relevance in the past may lead us to sacrifice historical accuracy and force the concepts to enunciate meanings that are anachronistic or alien to their original intentions.

The analysis of the appearance of racism, for instance, entails the interrogation of the interplay of regularities (discursive, subjective and non-discursive) that made possible the appearance of racism as an object in its own epistemic right (something regarded as spottable, identifiable, targetable as an object of conversations and thought, and knowable) during a given period. In following this standpoint, my approach seeks to avoid embracing the idea that we can historicize racism(s) as preceding the emergence of a discourse that constituted it/them as something we can speak about, and remain consistent with the principle that the formation of things emerges only in discourse.

Thus, the purpose of historicizing racism as discourse is to pinpoint the moments of emergence,²⁷ transformation, diversification and juxtaposition, and, eventually, perhaps, the disappearance of such a discourse. It is also a goal to scrutinize the regularities (discursive, subjective, and non-discursive) that make those moments possible. Finally, another purpose is to survey the emergence, consolidation, interplay, and dissolutions of regularities, not only those about statements, objects, concepts or thematic/theoretical choices but also those that belong to the modalities of enunciation (statuses, sites, and positions located in discontinuous planes).

Complimentarily, I argue that the examination of these processes of emergence, transformation, diversification, juxtaposition, and eventual dissolution should renounce the law of development and evolution and embrace the principle of discontinuity, alterity and rupture. Specifically, following Foucault, I consider fundamental to conceive both,

²⁷ The moment at which a discursive practice achieves individuality and autonomy.

the emergence of the *discourse on racism* and the systematic emergence of new regularities, for example, as correlative with a vast renewal not only of objects, forms of enunciation, concepts, and strategies but also of what is possible to be spoken about, thought and known. This means that the analysis of the *discourse on racism* should understand both its emergence and the replacement of regularities as a simultaneous process of disappearance and appearance of *positivities* rather than as an improvement of existing *positivities*. The purpose of examining the history of these regularities should not be to overcome or reduce them to an elusive but latent continuity but to reveal them, describe them, analyse them in their own right and to determine how they were formed, consolidated, and eventually dissolved with the emergence of other regularities that produced entirely new forms of *positivity*. In alignment with Seth, my approach acknowledges that, although some ideas and practices in the past could have resemblances with the terms racism and racial discrimination, we must understand them in their circumstantial singularity. It also refuses to extract, abstract, and translate vocabularies into conceptual familiarities that presume continuity and misleading resemblances between racism and other concepts.

Embracing the principle of discontinuity, alterity and rupture is also an invitation to refrain from understanding the practice of historicizing the *discourse on racism* as the project of revealing its continuous progression from a state of primitive emergence to a state of knowledge accumulation and systematic learning, in which the latest regularities of statements, and conceptual and theoretical frames and choices incorporate the outcomes of previous regularities. The approach this dissertation proposes does not conceive the history of the *discourse on racism* as a gentle slope of progression, in which a transcendental subject perfects its abilities to identify, describe, understand and therefore know racism as a given thing. It can be better described as a history of dispersion, non-coherence, multiple usages, overlapping and replacement not only of statements, objects, concepts or thematic/theoretical choices but also of enunciative modalities. In short, the purpose of examining the history of this discourse is to reveal, describe, and analyze its discontinuities, ruptures, gaps, and the emergence/transformation/disappearance of forms of *positivity* or utterance.

Fifth, this approach argues in favour of an alternative understanding of how anti-

racism politics have commonly addressed the idea of subjectivity. As discussed previously, there is an agreement in anti-racist mobilizations about the existence of three modalities of subjectivity (racists, victims of racism and anti-racists). These subjects are conceived as *given* and are linked to the place they occupy regarding racism, as authors (racists), as sufferers (victims of racism) and as contestants (anti-racists). In that account, these identities, although not conceived as static, are treated as fully formed and independent of the knowledge used to reveal them and explain them. Taking distance from this position, the approach to the *discourse on racism and racial discrimination* that this dissertation proposes does not take these subjectivities as *given*, but as one of the prime effects of the constitutive power of discourse. Put differently, this approach conceives the *discourse on racism and racial discrimination* as the condition of possibility for the constitution of certain dispersed bodies, existences, experiences, gestures, intentions, interests, attitudes and desires as subjects.

In addition to Foucault's theorization of subjectivity, my approach relies on Ian Hacking's thesis on the *making up of people*. In his work on social categorization, Ian Hacking interrogates the creation of typologies of people (Hacking, 2006). He focuses on how *human kinds* are formed and moulded through categories that affect and constrain actions and choices. His exploration extends to the malleability of those typologies, and their genealogical ramifications. In particular, Hacking discusses how these typologies are not definite classes defined by definite and given properties, but dynamic. He emphasizes the need to abandon the idea of social categories as *natural kinds*, or, said otherwise, that the beings or instances social categories name and identify are naturally given (Hacking, 1991: 282). In its place, he proposes to focus on how names interact with the named and open the door for the organization of experiences, the fostering of interactions, and the delimitation of ways of being. Hacking also recommends to scrutinize both the multiple processes and actors that contribute to the formation, transformation and validation of meanings and their social implications (Hacking, 2006). A final point in Hacking's theoretical approach that will be relevant to my analysis is what he defines as the three *engines for making up people*, namely, engines of discovery, practice and administration (Hacking, 2006). These are the mechanisms that "reveal" human kinds by counting, quantifying, creating norms, and correlating people; stabilize

these kinds by normalizing these people qua people; and manage these kinds by bureaucratizing ways of being and the interactions involved in their sustainability (Hacking, 2006).

It is necessary to clarify that the idea of making of people and institutionalization do not entail that the *discourse on racism* and the regime of truth it activates do themselves give birth to actual people, experiences, gestures, intentions, interests, attitudes, and social structures. All of them are verifiable in their concreteness. It entails, instead, that the *discourse on racism on racism and racial discrimination* makes possible the gradual material constitution of actual people, and their experiences, gestures, intentions, interests, attitudes, and social structures into self-evident subjects. This discourse, for example, creates the conditions of possibility that allow us to “overcome” the concreteness of these instances' manifoldness and plurality by grouping them into distinguishable units (racists, victims of racism and anti-racists) distributed in discrete assemblies of non-interchangeable qualities and attributes. By grouping them, distinguishing them and establishing relational ties between them, and gradually producing knowledge about them as subjects, this discourse in a certain manner constitutes the very field of their truth, or what is the same, constitutes them factually as inherent features of the reality of racism(s). Without the intervention of this discourse and the factual repertoire it activates, those subjectivities become epistemologically unsustainable and therefore unintelligible.

Another important element in this stance on subjectivity is the understanding of its process of constitution. In anti-racist mobilizations, it is common to present these three subjectivities as shifting, since they are conceived in close relation to the changing condition of racism and racial discrimination. It is common, for example, to conceive the mutable condition of racism as an indicator of the mutable condition of what racists (individuals, groups and social structures) have done historically and contextually. In turn, the changing manifestations of what racists have done historically and contextually has a direct impact on the perception of who, historically and contextually, have suffered the effects of those actions and the dimensions involved in that suffering. Likewise, it has an impact on the understanding of what has historically and contextually counted as a response to the articulation of those racist acts.

Taking distance from that position, as in the case of the formation of racism as a *fact of discourse*, this approach conceives the constitution of the three above-identified subjectivities as a result of the interactions between disperse, heterogeneous and sometimes mutually exclusive statements, concepts or thematic/theoretical choices and the dynamic interactions between a non-static set of enunciative modalities. In the same way that this system of dispersion produces a multiplicity of objects, it also generates a multiplicity and sometimes mutually exclusive accounts of what these three categories of subject imply. Although these categories of subjectivity have been encapsulated in three names that have remained unchanged over time, the interactions between them are not necessarily coordinated or necessarily cohesive enunciative modalities and discursive practices that participate in the production of its regime of truth or makes inevitable the production of different understandings of who and what is assumed to be racist, who or what is affected by it, and who or what counts as contesting it. In short, as in the case of the constitution of racism as a thing, the heterogeneous conditions that inform the formation of these subjectivities prevent the generation of a golden standard through which they are uniformly and permanently constituted once and for all.

Finally, I consider it critical to follow Foucault's recommendation of taking distance from the tradition that represents power as both a privilege acquired or preserved by a ruling sovereign and as antagonistic to knowledge. Accordingly, I support the position of understanding power as exercised rather than as possessed and the idea that power and knowledge directly involve each other. Regarding the former, the approach I propose, for instance, moves beyond the focus on the analysis of power as an unbalanced relation between subjects. Similarly, it does not prioritize the analysis of how power is achieved, preserved, and contested. It rather focuses on how the exercise of power materializes in the emergence of regularities in the constitution, circulation and regulation of objects of knowledge and action and subjectivities.

For instance, in my approach, power becomes explicit in the mechanisms that enable us to distinguish true and false statements about racism and racial discrimination, and the ensemble of rules that make that distinction possible; the strategies used for the formation and accumulation of knowledge about racism, the methods of observation, techniques of registration and classification, and the procedures for investigation and

research on racism. Likewise, the exercise of power becomes manifest in the definition of whom/what has the authority to make statements, constitute objects of discourse, organize conceptual systems, provide theories regarding racism, and normalize regimes of truth; who/what can invest discourse in decisions, institutions, and practices or what is the same, institutionalize, professionalize and reward the pursuit of the truth of racism; which criteria of competence and knowledge are considered legitimate to have the right to speak about racism (produce statements, constitute objects and conceptual systems, and advance themes and theories); what institutional sites/domains, pedagogic norms, and normative conditions give the right and lay down certain limitations to practise and to extend one's knowledge about racism. My approach, finally, links the notion of power to the practice of defining what subjectivities could be identified and inhabited when we speak of racism and what kind of relationships between those subjectivities could be recognized as existing and knowable.

At the same time, in this approach power and knowledge are conceived as directly involving each other. This means that the constitution of a *field of knowledge* (in this case the knowledge about racism) supposes the existence of power, and, at the same time, that we cannot talk about power without recognizing a correlative constitution of a *field of knowledge*. In particular, the notion of *power/knowledge* as applied to racism implies assuming that the definition and organization of the *field of objectivity* of racism, the isolation of objects/things, the setting of factuality and the field of empirical truths about racism, the shaping and constitution of subjects (racists, victims of racism, and anti-racists), and the formation of notions that allow establishing a causal system to explain racism, for instance, constitute in themselves a sign of the exercise of power. At the same time, this power could only be established, consolidated and implemented/exercised through the constitution, production, accumulation, circulation, and functioning of a regime of truth about racism.

3.3. Epistemological and political challenges

A model like the one I am proposing is not free from epistemological and political challenges. In particular, the full endorsement that this model makes of the Marburg School theory of knowledge and the Foucauldian theory of discourse, knowledge,

subjectivity, and power, can make it face the same epistemic, ethical and political criticisms that these two theoretical positions have historically experienced (see, for instance, Habermas, 1998; Baudrillard, 1994; Spivak, 1988).

Regarding the epistemological dimension, a potential critique of my approach is the risk it faces of being trapped in the very theoretical foundations it uses to describe racism. For example, as I discussed previously, this approach replaces the focus on racism as a *thing in itself* by the focus on the relations between the processes created in thought that have made the objectification of racism possible. In so doing, it seeks to avoid embracing the idea of *the given*. Some critics might say that this epistemic shift fails to reach that goal since it does not recognize that *the processes created in thought* could be interpreted as another manifestation of the idea of *the given*. Likewise, this approach claims that racism is constituted in cognition, and more specifically, in discourse. However, potential critics could contend that this entails neglecting to recognize that the way this approach understands racism can be interpreted as a discourse that does not reflect, but rather constitutes the reality that it claims to describe. In particular, it could be argued, my approach establishes relationships of epistemic dependency between plural, manifold, and concrete practices and ideas that, without its intervention, would not necessarily be connected.

Another criticism that this approach might receive is that it inadvertently re-enacts the subject-object binary. As I addressed previously, the shift this dissertation proposes includes the abandonment of an anthropocentric understanding of racism and its substitution by a model in which the subject is conceived as both a consequence of discourse and as enunciative modalities. Stated otherwise, in this approach there is no transcendental subject who is either behind the exercise of racism or behind the processes of knowing racism as a fully formed thing. The criticism that this model potentially faces, using this time Spivak's observation about Foucauldian theory (Spivak, 1988: 69), is not recognizing that its claims about reality, knowledge, truth, power, and subjectivity still imply a relationship between the knowing subject, the discourse analyst/examiner, and the object of knowledge, the *discourse on racism*. Besides, some could claim, this approach recovers the transcendental subject when its proponent both, does not renounce to find the ultimate set of principles that gives meaning to things and presents a

theoretical account that does not abandon the criteria of universal validity.

Closely linked to the above, a third potential criticism could address the lack of consistency of this approach regarding its dismissal of hermeneutics and the way it understands the idea of truth. Earlier, I briefly commented that this approach does not embrace the hermeneutic project of identifying racism in circumstances where its positivity (enunciation) was absent. Some people, using a Habermassian stance (Habermas, 1998: 277), might argue that any renunciation of hermeneutics to address racism is a failed project, since the analysis of racism itself cannot avoid being made from the analyst's hermeneutic starting point. In regards to the idea of truth, this approach faces the risk of being criticized because it does not manage to escape the *will to truth*. Stated otherwise, potential dissidents of this way of understanding racism could say that this is nothing more than another attempt to decipher the ultimate truth of racism or to be truer than other attempts to reach the truth of racism.

In regard to the political dimension, a first potential criticism might emerge precisely from the way this approach undermines the epistemological principle of understanding racism as a given. Some might point out that in this approach there is no purpose in political action because racism is nothing other than a discursive effect resulting from regularly-shifting statements, concepts, theoretical choices, and enunciative modalities that seek to constitute and stabilize racism(s) as (an) object(s) of knowledge and intervention/regulation. In other words, any opposition, criticism and mobilization against racism are just a contestation to realities that those who oppose, criticize and mobilize against them have discursively created. There is not in this approach, critics might add, an overarching political meaning because political stances are just an outcome of our disparate and always emerging discursive creations. Likewise, in this stance, there is not any political project that is more legitimate - in itself - than others, because the legitimacy of politics is subordinated to the reality produced in discourse.

A second potential political critique, embracing a Habermassian stance once again, is that the approach this dissertation proposes promotes a gaze that depoliticizes power. Particularly, it could be pointed out that its adoption of the Foucauldian understanding of power might lead this approach to dangerously overlook concrete and historically

documented relationships of domination between tangible subjects, as well as widely proven interests, intentions, and privileges. This, in turn, could make difficult to legitimize justice claims and therefore to disrupt social structures of inequality and oppression. Besides, the move this approach makes to embrace the idea of *power/knowledge* puts it in a situation of ignoring how the knowledge that racists have historically disseminated is precisely an ideological mystification through which they have sought to make their control mechanisms more effective over those whom they dominate. It is equally problematic because it hinders the recognition of how the knowledge that the anti-racist mobilization has produced has been crucial for the exposition of relations of oppression that without its articulation would have remained invisible and therefore uncontested.

Finally, this approach can be accused of inadvertently being complicit in preserving supremacist arrangements, by offering racists another argument in favour of the non-givenness of racism. It may also be criticized for placing all responsibility for the existence of racism on the discursive practices of those who seek to expose and eradicate it. In other words, this approach can be utilized by the supremacist system itself, and, consequently, undermine the political capacity of anti-racist mobilizations to sustain the criticism that it has historically developed as a foundation for social change.

These critiques are important and deserve proper and careful answers. Concerning the epistemological dimension, first of all, it is necessary to insist that the approach this dissertation proposes has little interest in the ontology of racism; its interest lies in the epistemic conditions of possibility that have to exist so that we can speak about, think about, and act against racism. In other words, it is not my priority to try to explain what racism is but to inquire into how we make true claims about racism and preserve its epistemic condition, or how we constitute its objectivity. Likewise, it is crucial to understand that this approach is not interested in assessing what causes racism, but in determining how, in certain circumstances, some cognitive/discursive practices are better suited to make the objective validity of racism possible.

Second, I do not deny that this approach understands the constitutive character of knowledge and problematization as given. As a matter of fact, it openly treats the relations between truths created in discourse as an *a priori*. What it refuses to understand

as *a given* is the outcome that these cognitive acts and problematizations make possible, in particular, racism. Said differently, the way this approach questions the *given* just refers to the givenness of natural realities or things-in-themselves that pre-exist discourse. Third, I do not consider an epistemic failure or inconsistency the fact that this approach has a constitutive or objectifying condition. On the contrary, this condition only exemplifies the argument that objectification materializes through cognitive or discursive practices. Precisely, one of the most important contributions of this approach is that it brings awareness of the constitutive power of both cognition and problematization.

Fourth, I reject any allegation that this approach re-enacts the object-subject binary, since the objects of knowledge, in this case, the discursive processes that participate in the constitution of racism, do not exist “out there” in an unconceptualized way, nor are they the representations of a transcendental mind that thinks them. It is important to insist that in this approach the objects of knowledge are not introspectively available, and also that there is not such a thing as a mind, or bare experience, that is free from a priori principles. It rather holds that what is available to reflection, knowledge, and experience is always mediated through some knowledge that is already given. In other words, this approach does not presuppose the existence of a transcendental subject, but just the circumstantial convergence of statements, conceptual frames, and thematic and theoretical choices that ensure the unity of several appearances in a particular or same object, namely, the discursive processes that participate in the constitution of racism.

Regarding potential political criticisms, it is necessary to clarify that this approach does not seek to undermine the purpose of political mobilization. It rather endeavours to draw attention to the links of dependency that exist between anti-racism politics and racism as a discursive formation. As discussed previously, this approach avoids understanding anti-racist politics as practices of resistance emerging from bare political and ethical experience. Hence, it rejects the idea that there is a pre-discursive political experience that is not made possible by substantive a priori principles, in particular, discourses.

This emphatically does not mean that anti-racist mobilization is only a result of discursive disquisitions, and therefore lacks purpose in itself or is arbitrary. We should remember that in this approach discourses are not a representation of reality or an

ideological creation of a transcendental subject, but the way through which reality becomes objectified. What this link between politics and discourse entails is that the realities objectified in discourse create the conditions of possibility for political mobilization and, in particular, its motivations, strategies, and courses of action. In other words, political mobilization cannot avoid being based on what discourses have constituted as observable, the ways they have shaped the field of possible objects and prescribed the most general possibilities of characterization and action (Foucault, 1972: 147). Likewise, the link between politics and discourse does not mean that political mobilization is only a passive articulation of discourse. Political action contributes to the constitution and sustainability of discourse through the structuring and stabilization of certain objects of knowledge and social intervention, the systematization of certain enunciations, and the formalization of certain concepts, theories, and strategies.

Second, it would be a mistake to think that this model depoliticizes the concept of power. It would be more accurate to say that it redefines the meaning of what is political, by expanding the concept of power to include dimensions that were previously considered foreign to it. Specifically, it de-neutralizes the concepts of knowledge and truth by recognizing them as intertwined with, not as a negation of, the concept of power. Besides, it recognizes both knowledge and truth as political not because they defy power, but because they are constitutive dimensions of power.

Likewise, this re-signification of the political does not entail a denial of the repressive functions of power (Isenberg, 1991). While this approach acknowledges concrete practices of domination, discrimination, and ill-treatment between parties, it considers it imperative to expand the meaning of power by complementing its repressive connotation with a productive one, which comprises the capacity to constitute, among other things, fields of knowledge, and mechanisms to determine objectivity, factuality, subjectivities, and systems of causality. This emphasis on the productive dimension of power is what makes this approach not to give priority to the explanation of relationships of domination, exclusion, and differential treatment between parties *per se*, but to the inquiry about how discourse makes true claims about those relations and constitutes their objectivity and facticity. Stated differently, this approach does not advocate for stopping the scrutiny of concrete relations between parties, it rather proposes to pay attention to

the constitution, production, accumulation, circulation, and functioning of the regimes of truth that seek to expose, characterize, and explain those relations as manifestations of racism, in particular, racist domination, exclusion, and differentiated treatment.

Finally, there is the point that this model is at risk of being complicit with the supremacist model since it places all responsibility for the existence of racism on the discursive practices of those who seek to expose and eradicate it. I find this critique unfounded for two reasons. On the one hand, as previously commented, I do not conceive of the concept of discourse as a subjective representation of what is real, but as the *processes* by which reality is objectified, in this case, the reality of racism. In other words, in my approach, racism is not a mere illusion or the whimsical creation of a transcendental subject, but something about which, thanks to complex processes of objectification, one can speak, think, know and act; something, in turn, that has material and existential consequences. In short, this dissertation does not endorse any form of *denialism*, especially the denial of the existence of racism; it just avoids replicating an understanding of racism according to the empiricist, positivist, and realist theories of knowledge.

On the other hand, the criticism of risk of complicity is naïve, given that is based on two main assumptions. First, that theories developed to confront injustice and promote social change can remain immune to appropriation, specifically in a way that not only distorts their purposes but also undermines them. Second, the belief that is possible to claim authorship and political/epistemic exclusivity over theories. Although it is common to expect that theories be automatically protected from misappropriations, given the clarity of their purposes, their contents, and the sources that participated in their development, there is no guarantee that we can prevent their polyvalence. Theories cannot function politically and epistemologically in only one and unique sense. As in any other case of intellectual creation, they can be rethought and redefined to fulfill other purposes, including goals that go against their original intent. Similarly, authorship does not shield these theories from adoption by people sharing points of view that are oppositional to those of the sources. The growing capacity of anti-anti-racist mobilizations to undermine the political effectiveness of anti-racist claims by using ideas such as racial disenfranchisement, reverse discrimination/racism, and racial victimization

as a consequence of state excess (Melamed, 2011; Harry Combs, 2018; Song, 2014; Lentin, 2012), is an illustration of this reality. I am aware that the approach this dissertation proposes is not free from the risk of appropriation. My response to this political and epistemic hazard is to use every venue to clarify the original intent of this approach to minimize as much as possible ill-motivated interpretations and misuses.

The next chapter focuses on the argument that racism emerges and becomes stabilized rather than reflected and rationalized in discourse. Specifically, it weaves two arguments. First, it discusses how the cognizing and problematizing acts that different discursive formations activate make phenomena lose their concreteness, manifoldness, and plurality in different ways. Second, it contends that in the absence of discursive practices that constitute racism as a thing in its own epistemic right, or something that we can speak about, think about, know thoroughly and act on, racism does not become a self-evident reality.

CHAPTER 2. Humanitarianism and the Discourse on Racism. Interrogating the Idea of Racism as Given

...the thing that, by means of the fable, is demonstrated as the exotic charm of another system of thought, is the limitation of our own, the stark impossibility of thinking that.

Michel Foucault, *The Order of Things*

Although, as Vanita Seth (2020) has eloquently discussed, there is no consensus on how to historicize racism, those who have been devoted to its study agree that in the nineteenth century and the first decades of the twentieth century its existence on a planetary scale is undeniable. The imperial expansion of some European governments to territories previously free from their influence, the emergence of political doctrines that not only justified but also glorified that expansion, the displacement and genocide of indigenous populations, the implementation of forced acculturation practices in colonial and postcolonial domains, the rise of race science and the mainstreaming of its main “findings”, the creation of segregated models of citizenship and the emergence of belligerent nationalisms have led many scholars to conclude that perhaps there is no other moment in the history of humanity where racism has been so vigorous and blatantly explicit.

It is reasonable to assume that if racism as a phenomenon predates its problematization, its existence would have been somehow evident to those who, throughout this very distinctive period, were opposed to its manifestations. Nor will be difficult to agree that if racism were an *a priori* fact and anti-racism only a reaction to it, intellectual and political mobilizations that were openly critical of practices, doctrines, beliefs, and feelings that nowadays are labeled as racist, would not have produced understandings that anti-racism has either discarded or openly confronted as racist.

What would be the theoretical consequences, then, if we find evidence that belies these assumptions? In other words, how to understand an opposition to the manifestations of what we define today under the term of racism, which, on the one hand, does not recognize racism as a phenomenon in itself, and, on the other, is organized under premises that simultaneously share and contradicts the fundamental ideas that serve as a common ground for the anti-racist movement? What might be the relevance of a case like

this for the study of racism and mobilizations against it?

This chapter addresses those questions through the analysis of a discursive trend that problematized the outcomes of the 19th century imperialism, race science, and interactions between ethnically diverse populations: Humanitarianism. This mobilization, which emerged and consolidated in the hundred years following 1750 (Haskell, 1985: 339), originally organized around the theme of the ‘misfortunes’ of those defined as “the neglected and perishing branches of the human family” (Rainger, 1980: 712),²⁸ namely, the enslaved people, the poor or degraded underclasses, the insane, the criminal, the abused workers, the aborigines and the ‘backward races’ (Lester, 2000: 282; Laqueur, 1989; Haskell, 1985). In more concrete terms, Humanitarianism focused on the specific forms of suffering and misery of these subjects, the social causes of their occurrence, and the ways to ameliorate these misfortunes and enhance the welfare of all members of ‘mankind’.

Resulting from what Michael Banton has called the “racializing of the world” (Banton, 1977), by the end of nineteenth century, the idea of race became unavoidable in planetary debates regarding politics, science, morality, history, culture, and economics. These debates covered disparate topics such as land occupation, identity, morality, governance of populations, nation formation, access to resources, group relations, entitlements, ‘civilizing’ mandates and strategies, and the ontological nature of humankind as a species and its history. Despite the self-understanding of Humanitarianism as having already addressed the ‘wrongdoings’ associated with both transatlantic slavery and settler colonialism, this planetary conversation was the trigger factor in incorporating issues associated with race in its agenda of social justice and change.

Maybe there is not a better venue to see this discursive formation in place than in the *First Universal Races Congress*. This unprecedented meeting, which took place at the University of London, England, in 1911, summarized the moral, epistemic and political

²⁸ Following my methodological commitment to represent discourse in its own terms (positivity/utterances), in this chapter I will use expressions, concepts, and phrases that were in common use in the early 20th century. Many of those expressions, concepts, and phrases are absolutely unacceptable today from epistemic and moral points of view. To signal that they are anachronistic, throughout the text I will set these expressions, phrases and concepts apart with single quotation marks (‘’). I will use double quotation marks to indicate direct quotes taken from secondary and primary sources.

orientation that Humanitarian political and intellectual activism developed in order to contest what they identified as the prominence of *interracial problems*. Taking the papers presented in the Congress as the main object of analysis, this chapter examines how Humanitarianism used the idea of interracial problems to label a number of doctrines, beliefs, sentiments, practices, and legal, political and social arrangements as social wrongs, and to define courses of action. In so doing, it seeks to determine whether the idea of interracial problems and the realities it objectified are interchangeable with the realities the discourse on racism constituted through the usage of the term *racism*. In other words, it seeks to delimit whether the fundamental elements that inform the latter concept were already present, consciously or unconsciously, in the idea of interracial problems.

As I discussed in the first chapter, the idea of racism has been defined in different and not necessarily congruent ways. In order to facilitate the process of comparison, I will work with the five definitions I previously described. As a reminder, the first definition of racism refers to doctrines that supported the claim that there is “a scientific basis for arranging groups hierarchically in terms of psychological and cultural characteristics that are immutable and innate” (Montagu 1972: x quoted by Miles and Brown, 2003: 60; Banton, 1970: 18). The second definition describes racism as “any argument, irrespective of form and content, that suggests that the human species is composed of natural occurring discrete groups in order to legitimize social inequality” (Miles and Brown, 2003: 83). The third definition understands racism as a theory of human nature that perceives social groups as natural collectivities, and the antagonism between them as inevitable, even when that mutual antipathy is not based on the idea of hierarchy (Barker, 1981; Gilroy, 1987; Hall, 1980). The next conceptualization describes racism as all processes that, intentionally or otherwise, both result in the continued exclusion of a subordinated group or are intended to protect the advantages of a dominant group. The last definition states that racism is a signifier that “includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable” (UNESCO, 1979: 62-63).

In order to corroborate whether the terms interracial problems and racism are just two different names that identify the same reality, it is necessary to contrast them. The fundamental purpose of this comparison is to be able to determine if the idea of interracial problems and the realities it objectified meet the requirement of reasonable and indisputable equivalence with the concept of racism and its own objectifications, beyond apparent resemblance. A finding of equivalence needs to be based on the principle that the Humanitarian idea of interracial problems and its epistemic aftermath did not contain dimensions that are absolutely non-existent in the discourse on racism or do not contradict its core statements, conceptual frames, theoretical and thematic choices.

By determining whether the idea of *interracial problems* meets the requirement of reasonable and indisputable equivalence with the idea of *racism*, this chapter seeks to clarify whether there are any elements to conclude that racism, as a phenomenon, resulted self-evident to Humanitarianism as a discursive formation. However, this finding is not yet sufficient to support the main thesis of this dissertation, namely that racism needs the constitutive intervention of discursive practices to become possible as an phenomenon in its own right. It is also necessary to verify that the Humanitarianism was not a victim of false consciousness, or of a sort of epistemic incapacity to see something that existed objectively. This clarification will be very useful to determine whether the existence of racism is conditioned by the existence of discursive practices that constitute it as an object in its own epistemic right – as something that we can speak about, think about, know thoroughly and act on.

The chapter is structured in three sections. The first one is devoted to examining Humanitarianism as a discursive formation, as such. In particular, it describes the Humanitarian model of problematizing the social and its political, epistemic and moral foundations and its distinctive ways of defining courses of action. In the following section, this chapter surveys how the Humanitarian discursive formation applied its regular themes to the debates around the idea of race that became ubiquitous at the end of the nineteenth century. Using the papers of the *First Universal Races Congress* as object of analysis, this section provides a detailed account of the ways this mobilization defined the idea of interracial problems, understood its nature and consequences, and imagined remedies to solve them. In the third section, the chapter compares the ideas of interracial

problems and *racism* to determine whether they are epistemologically and politically equivalent. Specifically, I contrast these ideas to see if the Humanitarian problematization of *interracial problems* was indeed a problematization of *racism*. In so doing, the section reflects on the epistemic condition of the idea of racism. The final reflections are devoted to analyzing the relevance of the chapter's findings to the overall argument this dissertation puts forward.

1 The Politics of Humanitarianism

The politics of Humanitarianism emerged and were consolidated in the hundred years following the mid eighteenth century,²⁹ with the abolition of slavery as their most prominent target. Most of the enunciative modalities that made Humanitarianism possible operated within the boundaries of formal political jurisdictions, namely independent nations and imperial/colonial territories (Haskell, 1985). However, it is only through the recognition of a network that was not coterminous with political jurisdictions that the geographical contours of this discursive formation can be fully elucidated (Lambert and Lester, 2004).

This mobilization was a result of the interactions between a plethora of agents, including anti-slavery advocates, moral philosophers, social reformers, peace advocates,

²⁹ The formation of Humanitarianism by the mid-eighteenth century was related to the convergence of a number of factors. Without the ambition to be exhaustive, I will highlight three of these circumstances. First, there was the appearance of new epistemic regularities in the field of morality. During that period, ideas such as the natural human impulse toward benevolence, the understanding of compassion and sympathy for the suffering of others as an inherent trait of human nature, and the classification of pleasure in inflicting pain to others as unnatural became familiar tropes in British, Western European and North American moral philosophy. For instance, well-known moral philosophers such as Adam Smith and David Hume and politicians such as Thomas Jefferson and Benjamin Franklin were proponents of these positions. The dissemination of these ideas contributed to the progressive adoption, in some intellectual and religious circles, of compassion and sympathy as philosophical and psychological dogmas and as touchstones not only of true civility but of human status itself (Fiering, 1976: 198). Second, by the mid-eighteenth century, in the British isles, a revolution in industry and agriculture caused the destruction of former modes of production. This economic shift was complemented by a rapid increase in population and the emergence of new industrial settlements due to the migration of people from corporate towns. The unpreparedness of the State and Church to function as ameliorative agencies or protect unrooted or distressed peoples played a fundamental role in the emergence of unprecedented forms of social concerns and private generosity (Klingberg, 1942: 261). Third, there was the emergence of social interest in the situation and treatment of people living in bondage in Europe and principally in the Americas and the moral impoverishment and dehumanization of slave traders and owners. Complimentary, new concerns appeared towards “how to deter criminals, relieve the poor, cure the insane, school the young, and deal with primitive peoples” (Haskell, 1985: 339). Together with other factors that I have not described here, these circumstances produced new social ideas and experimental proposals for social reform (Klingberg, 1942: 261) that by the end of nineteenth century will be commomnly encapsulated under the rubric of Humanitarianism.

philanthropists, members of European parliaments, colonial officials, missionaries, educators, socio-legal scholars, magistrates, anthropologists, philologists, ethnologists, and diplomats. All these parties, either directly or indirectly, addressed trans-jurisdictional problems and shared, regardless their geopolitical locations, several common reformist goals and hopes. In other words, none of these actors, though geopolitically dispersed, operated in absolute conceptual, axiological and strategic disconnection from other actors located beyond their own jurisdictional demarcations.

The existence of these extended networks becomes evident in the Humanitarians' militant efforts to convert their activism into a universal reference point for anyone concerned with the principle of responsibility for members of the 'human family', regardless of their geographical location. These networks also become particularly manifest due to the preceding description of the way that Humanitarians, despite their place of origin and areas of expertise, imagined similar channels to advance their agendas, adopted analogous moral philosophies, contested like practices and, eventually, physically gathered together in official meetings (Lambert and Lester, 2004).

The three pillars of the Humanitarian doctrine were the *misfortunes* of some members of the human family, the *ethical conception of fraternity*, and the belief in the *inherent rational personality of human beings*. This unprecedented and multidimensional mobilization organized originally around the theme of the 'misfortunes' of those defined as 'the neglected and perishing branches of the human family' (Rainger, 1980: 712; Davey, Borton and Foley, 2013: 6-7), namely, the enslaved people, the poor or degraded underclasses, the insane, the criminal, abused workers, and the aborigines (Lester, 2000: 282; Laqueur, 1989; Haskell, 1985; Nworah, 1971, Blackstock, 2000). Humanitarians showed interest in the specific forms of suffering and misery of these subjects, the social causes that made them possible, and the ways to ameliorate these misfortunes and enhance the welfare of all members of 'mankind'. Their interest and, to be more precise, concern about 'misfortunes' was related to the assumption of the essential unity of 'mankind' and the profound connection and irreducible humanity of every human being on the planet. It is important to note that Humanitarianism assumed the existence of a hierarchy among the members of 'mankind' regarding their 'degree of civilization, religion, education, mental abilities, mental health, decency, virtue, and wealth'.

However, they considered that such hierarchy did not prevent members of ‘mankind’ to be constitutive parts of the same group. One crucial trope that Humanitarian politics used extensively was that of ‘the family’. The use of this analogy offered them the framework to organize, in a coherent and harmonious way, the disparate cultural, political, economic, technological and spiritual features of the different ‘divisions of mankind’. In other words, the trope of ‘the family’ worked as an explanatory tool to address the existence of transcendental commonalities, despite differences in ‘political, spiritual, economic and technological development’.

In order to assist those experiencing suffering and misery, Humanitarians built a model for “the intelligibility of misfortune directed to prompt empathy and outline the possibilities of action” (Laqueur, 1989: 176). They advanced an unprecedented secular explanation of ‘misfortune’ that embraced a theory of causality as socially determined (Laqueur, 1989: 192; Haskell, 1985). This entailed an understanding of human calamities not in terms of “the inevitable nature of things, misadventure, or the outcome of sacred designs” (Laqueur, 1989). Rather, these politics perceived suffering, pain and misery as a result of social environmental causes and, in some cases, of specific human practices, decisions and interactions.

In Humanitarianism, there was a shared consensus that the distinctive singularities between different members of ‘mankind’, regarding civilization, religion, education, mental abilities, mental health, decency, virtue, and wealth, were more a result of basic processes of adaptation to dissimilar social and natural settings than an expression of fixed attributes. Complimentarily, they linked the ‘misfortunes’ of the enslaved people, the poor or degraded underclasses, the insane, the criminal, the abused workers, and the aborigines to the actions of the ‘privileged members of mankind’. For example, Humanitarians considered that the ‘backwardness’ of those groups was also a result of the transgressions of the privileged members of the ‘family of man’ of basic social rules of coexistence, social indifference towards the suffering of others, refusal to assist the unprivileged, and/or failure to recognize ties of duty and responsibility between members of the ‘human family’ (Lester and Lambert, 2004: 333; Haskell, 1985: 358).

This understanding of social and environmental causation opened the possibility to argue that the moral, economic, political and ethical ‘backwardness’ of certain people

was not a reason to represent them as incapable of improvement or unable to reach the same level of civilization, virtue, refinement, and rationality of the ‘most advanced’ members of ‘mankind’. It also facilitated both the shaping and promotion of a doctrine of ‘moral responsibility’ and the configuration of a model for precise social action (Laqueur, 1989: 178; Lambert and Lester, 2004: 325). With the representation of ‘misfortune’ as socially determined and the identification of indifference as complicit with its preservation, an ameliorative action was not only represented as possible and effective, but also as a moral imperative (Laqueur, 1989: 178; Haskell, 1985). Complementarily, the idea of social causation, as Thomas L. Haskell puts it, provided a frame to talk and think about cause and effect, specific social wrongs and specific corrective actions (Haskell, 1985: 358).

Let us now turn to the analysis of the two other pillars of the Humanitarian doctrine of moral responsibility, namely, the ethical conception of *fraternity*, and the belief in the *inherent rational personality of human beings*. Two interrelated ideas, based on the principle of ‘the essential unity of mankind’, informed the Humanitarianism conception of fraternity: First, the recognition of “the existence of mutual ties of duty and responsibility between members of mankind” (Lambert and Lester, 2004: 332); and second, that the apparent differences between its members did not justify practices of subjugation, mistreatment, exclusion, spoliation, harassment, and bad faith, whereby ‘privileged groups’ could take advantage of those lacking the means to overcome their ‘misfortune’.

Humanitarian mobilization was generally concerned about the increasing gravitation of the members of the ‘human family’ into victim and victimizer roles. The observation that human beings could perform roles as victimizers and victims in relation to each other provided the Humanitarians with the foundation to talk about *human wrongs*, *human sufferings* and *human duties*. In dialogue with the previous idea, Humanitarianism used the conception of fraternity to survey the fate of human beings who, as a consequence of ignorance or bad faith, were not treated in a humane fashion. Simultaneously, it was very useful to pave the way for the formulation of arguments in favour of the moral imperative that ‘the most advanced groups of mankind’ should show empathy, take responsibility and assume duties toward those living in ‘misfortune’.

Humanitarians linked these duties and responsibilities to showing interest in acting in 'civilized' and 'civilizing' ways, correcting 'moral failures', preventing and eradicating 'social wrongs' and bringing harmony to the 'human family'.

More specifically, the idea of fraternity informed the conversation about the failure of some members of the 'family of man' to experience empathy toward others. It served as a framework to identify the failures of the 'most privileged parties of mankind' to act according to the principles of compassion and goodwill. In other words, this conception provided the foundation to evaluate the actions of people who, either as a consequence of 'bad faith' or ignorance, were not able to recognize the humanity of all members of the 'family of man'.

At the same time, the ethical conception of fraternity played a key role in the goal of instilling a sense of 'prudence and pity' in those whom Humanitarianism identified as privileged, namely, the 'civilized', the 'free from bondage and servitude', the settler, the 'mentally healthy', the employer and the 'morally virtuous'. In particular, it worked as the foundation to demand the accountability of 'the most advanced members of mankind', taking into account that they were the ones in a position to perpetrate 'wrongdoings' and generate suffering. In that sense, the conception of fraternity informed the proposition of regulations directed to ensure the responsible administration and proper treatment of 'less fortunate or backward members of humanity' and, also, their happiness and prosperity. More specifically, it inspired the creation of standards for the protection of workers, the adoption of models for the humane treatment of the criminal and the 'mentally ill', the design of rules directed to regulate practices of settling and trading between 'divisions of mankind' living in disparate 'levels of development', together with the call to put into surveillance institutional, legal and administrative practices that were incompatible with genuine 'civilizing or uplifting' strategies in both colonial and independent territories.

Humanitarians complemented the ethical conception of fraternity with the belief in the "inherent rational personality of human beings" (Caldecott and Litt, 1911: 311). This understanding rooted its foundations in three interrelated ideas. First, that there was a natural inclination in members of 'mankind' to embrace reason under the proper cognitive stimuli. Second, that reason could become elusive under the effects of

prejudice. Finally, that ‘real knowledge’ would facilitate the work of reason.

In the Humanitarian problematization of the social, the concern about the lack of goodwill and absence of a sense of responsibility on the part of ‘privileged members of the human family’ came together with the concern about how these feelings were a result of a lack of proper knowledge. They critically interrogated the widespread idea that differences in economic, political achievements, civilization, together with moral virtue, were a result of sacred design, natural predisposition or contingency. Humanitarianism associated this understanding to untested opinions born from ignorance and misunderstanding. It was a shared belief in this mobilization that these untested opinions were distorting and obfuscating the truth, and, as a consequence, feeding the non-collaborative and even unfriendly relations between members of ‘mankind’.

Based on the feelings of empathy and compassion, together with the ethical conception of fraternity and the principle of inherent rational personality, Humanitarians developed a model for social action distributed in two sets of distinctive recipes for intervention (Haskell, 1985: 360). They were recipes directed at generating sympathy and drives to intervene (Laqueur, 1989: 202) and to produce Humanitarian sentiment and reform (Laqueur, 1989: 197). Complimentarily, they proposed some recipes to ameliorate the ‘misfortunes’ of the ‘neglected and degraded’.

In order to promote sympathy, empathy, and identification, this mobilization attributed great value to the creation of public campaigns to promote a universal understanding of suffering, offences to human dignity and transgressions of social norms (Lambert and Lester, 2004: 331). These campaigns extensively used the trope of ‘the family’ to assert a common identity between those living in privilege and those living in ‘social neglect’ and to insist on the ties of duty and responsibility of the former regarding the latter (Lambert and Lester, 2004: 331).

One of the regularities of Humanitarian discourse was the goal to draw the attention of people in positions of authority towards inhuman practices of subjugation, mistreatment, coercion, exploitation and lack of commitment to self-evident moral standards. Specifically, Humanitarians considered it crucial to make human suffering and human wrongs visible to decision-makers in an effort to inspire mercy, piety and empathy, and to trigger condemnation and social intervention (Haskell, 1985: 358). In

their understanding, the common human capacity to empathize with suffering and be antagonistic toward social wrongs was an effective means of activating a sense of the unity of the human species and relativizing differences between members of the ‘family of man’.

In addition, Humanitarians promoted public inquiries with the purpose of exposing the dangers and outcomes of human practices and institutions that had not been previously condemned or become a topic of public interest, namely: slavery, the treatment of the insane and the criminal, the regulation of labour conditions, the lack of public support to the poor, and the abuse of power toward aboriginal people by settlers and colonial officials (Haskell, 1985). The previous was accompanied by appealing to popular opinion to exert its proper influence in advancing the cause of justice (Rainger, 1980: 708).

There was also an interest in Humanitarianism in embracing science as a philanthropic enterprise. Since ignorance was one of the sources of negligence, apathy, and lack of good will, Humanitarians considered necessary the enlightenment of the public. In conversation with these ideas, they emphatically defended the creation of venues to expose ‘mankind’ to ‘real knowledge’. With this ‘enlightenment of the public’, this mobilization hoped that any ‘unfriendly feelings’, apathy towards the less fortunate, and ‘cultural and moral arrogance’ would be less in evidence, and any distortion of truth would become evident. As a corollary, they anticipated that mutual understanding, harmony and, definitely more important, engagement in ameliorative actions would finally come to the ‘family of man’.

This enlightenment of the public entailed the spread of real knowledge based on empirical and scientific findings. Humanitarians embraced empiricism and veracity, as a path to provide details, facts, and minute observations about those living in degradation and neglect (Rainger, 1980: 702; Laqueur, 1989: 177). They hoped that this marriage with science would provide not only a clinical description of the suffering of these people but also would help to debunk false assumptions about the impossibility of their eventual ‘improvement’ (Rainger, 1980: 709). They also understood science as a crucial tool to unveil causal links between evil acts, specific victims of those actions, and potential benefactors (Laqueur, 1989). As Rainger and also Thomas Laqueur point out, in

Humanitarianism it was hoped that such a way of inquiring may produce a real representation of the experiences of suffering peoples, that, together with powerful feelings of sympathy, instill in those who were in the position to provide help, the need to do something (Rainger, 1980: 712; Laqueur, 1989, 177).

Regarding remedies to ameliorate the misfortunes of the 'weaker members of the human family', Humanitarians advocated for four main paths: the removal of practices and institutions that prevented all members of 'mankind' to live with dignity and respect; the improvement over old practices that were deemed as 'barbarous' (Haskell, 1985: 339); the adoption of measures to protect the 'defenseless'; and the upliftment of the 'degraded and primitive' (Blackstock, 2000). More specifically, Humanitarianism promoted the abolition of slavery as a way to release enslaved people from their dehumanizing condition. With the hope of overcoming inhumane labor conditions, they organized campaigns in favor of creating standards for the safety of workers laboring in factories, plantations and mines. This mobilization also targeted the treatment of the 'insane', by demanding healing models based on compassion and recognition of their dignity, and advocated for the cultivation of self-reliance of the prisoners and turning prisons into places for 'moral upliftment' rather than simply places for harsh punishment (Haskell, 1985: 359).

Furthermore, Humanitarians requested an enlightened and efficient legislative system that would provide basic legal and political rights to 'natives' (Rainger, 1980: 708). They also demanded the regulation of settlements in areas under colonial domination, promoted measures in favour of the prevention of genocide of 'primitive people', called for the surveillance of colonial practices leading to the moral corruption of indigenous, and the creation of safeguards toward freedom from re-enslavement (Rainger, 1980). Finally, Humanitarianism supported solutions focused on the 'upliftment' of the 'primitive and the degraded' (Rainger, 1980: 709), a goal summarized in the motto 'to civilize the uncivilized'. They identified moral education and instruction, in general, as crucial. This mobilization perceived evangelization, literacy of children and training in modern work ethics as the cornerstone of the 'moral upliftment' and social betterment of 'aboriginal' populations and in general of people living in 'degradation'.

In summary, Humanitarians mobilized around the theme of the misfortunes of those

defined as ‘the neglected and perishing branches of the human family’. Their concern about these individuals’ ‘misfortunes’ was related to the assumption of the essential unity of ‘mankind’. In order to assist those experiencing suffering and misery, Humanitarians built a model for the intelligibility of ‘misfortune’ directed to prompt empathy and expose the possibilities of action. They advanced an unprecedented secular explanation of ‘misfortune’ that embraced a theory of causality as socially determined. This understanding of social causation opened the possibility to argue that the moral, economic, political and ethical ‘backwardness’ of certain people was not considered a reason to represent them as incapable of ‘improvement’ or unable to reach the same ‘level of civilization, virtue, refinement, and rationality of the most advanced’ ones. It also facilitated both the shaping and promotion of a doctrine of moral responsibility and the configuration of a model for intentional social action (Laqueur, 1989: 178; Lambert and Lester, 2004: 325).

The two pillars of the Humanitarian doctrine of moral responsibility were the ethical conception of fraternity, and the belief in the inherent rational personality of human beings. Based on that doctrine, they developed a model for social action distributed in two sets of distinctive recipes for intervention, those directed to generate sympathy, sense of responsibility and drives to intervene, and those focused on ameliorating the misfortunes of the neglected and degraded members of the ‘family of man’.

2 Humanitarian Politics of Racial Harmony: The International Races Congress

The racial problem was never more prominent than now. So far from the day of the probation of the races being past, their struggle for supremacy has become a thrilling drama watched by anxious nations. After ages of isolation the yellow man has come forward and defeated a white nation; and the negro, a century ago either a slave in a foreign land, or living unknown in a remote continent, is now free and demanding equality, or waking to progress in a land partitioned among the European Powers.

Joseph Burt, *First International Congress of Races*



Figure 1. Participants to the First Universal Races Congress seated outside the Imperial Institute, in London

The Humanitarian intellectual, moral and political mobilization would retain its distinctive themes in their approach to the debates around the idea of race that became ubiquitous at the end of the 19th century. They would focus on the specific forms of suffering and misery of subjects who did not previously appear in the Humanitarian's typology of 'the neglected and perishing branches of the human family': 'the backward or weaker races'. They would also invest their efforts to inquire into the social causes of the 'misfortunes' and 'backwardness' of these populations, to raise awareness about the relations and duties of 'advanced' races to 'inferior' ones, and to mobilize to alleviate the suffering of the latter and enhance their welfare. At the same time, Humanitarians would engage in this conversation about race by bringing their conviction in the essential unity of 'mankind', their environmentalist understanding of human difference- summarized in the thesis of *the plasticity of the types of man*-, their ethical conception of fraternity and their philosophical understanding of rational personality (Caldecott and Litt, 1911: 311).

As commented in the introduction of this chapter, there is maybe not a better venue

to grasp the singularities of the Humanitarianism's approach to the debates around the idea of race than the *First Universal Races Congress*. This meeting took place at the University of London, England, from July 26th to July 29th of 1911. Following the principles of "international good will and peace" (Weardale, 1911: vii), approximately 2100 individuals gathered together with the purpose to discuss, in the light of science and the modern conscience, the general relations subsisting between the peoples of the West and those of the East, between so-called white and so-called coloured peoples, "with a view to encouraging between them a fuller understanding, the most friendly feelings, and a heartier co-operation" (Spiller, 1911: 5).

With a scientific and Humanitarian orientation, the *Races Congress* sought to map areas of conflict between 'whites' and 'coloured-peoples', and between Western (European) and Eastern (Chinese, Japanese, Indian, Turkish and Persian) societies, in order to promote "the furtherance of international good will and peace as the highest of all human interests" (Spiller, 1911: 5).

According to a report published in *The Crisis*, the official magazine of the National Association for the Advancement of Coloured People, the Congress received the support of no less than fifty countries, over thirty presidents of parliaments, the majority of the members of the Permanent Court of Arbitration and the delegates to the Second Hague Conference, twelve British governors and eight British premiers, over forty colonial bishops, some hundred and thirty professors of international law, the leading anthropologists and sociologists, the officers and majority of the council of the Interparliamentary Union, and other distinguished personages (*The Crisis*, 1911: 200).

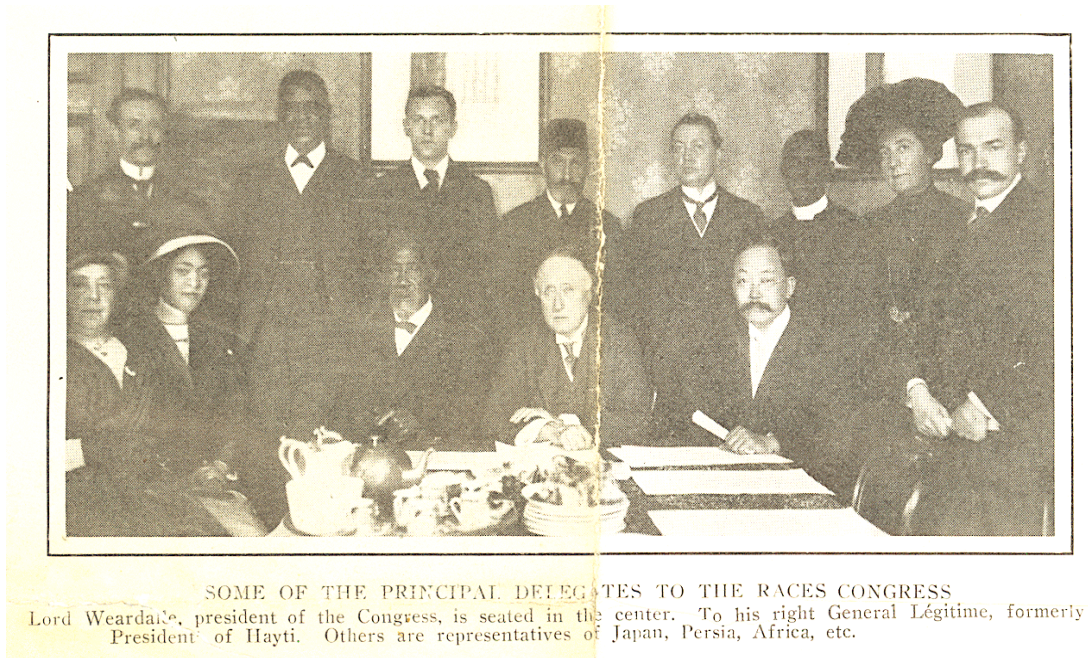


Figure 2. Some of the delegates to the First Universal Races Congress

Public servants, colonial officials, missionaries, former anti-slavery advocates, social and moral reformers, moral philosophers, educators, socio-legal scholars, magistrates, philosophers of history, anthropologists, sociologists, philologists, ethnologists, peace advocates, diplomats, and philanthropists were some of the parties involved in this gathering.³⁰ Among the members of the general committee of the Congress deserve special attention familiar names such as Emile Durkheim, Georg Simmel, John Dewey, Lucien L vy Bruhl, and George H. Mead. These different disciplinary modalities generated heterogeneous scientific, historical, political, philosophical, economic, spiritual problematizations of social and historical events, group relations and behaviours, social and moral doctrines. However, these various orientations did not prevent these actors from focussing on similar social conditions, relations, and

³⁰ As presenters, this Congress included “representatives from over twenty civilizations, and every paper referring to a particular people was prepared by some one of high standing belonging to that people” (The Crisis, 1911: 200). Some notable names among the presenters were the ones of scholars such as Ferdinand Tonnies, Felix Adler, and Franz Boas; social reformers such as W. E. B. DuBois, the Nigerian Yoruba Baptist minister Mojola Agbebi, the 1909 Nobel Peace Prize Baron D’Estournelles de Constant, and the World Peace Foundation’s Chief Executive Officer Edwin Mead. There were also high profile public servants such as the Governor of Jamaica, Sydney Olivier, the German judge at the Permanent Court of International Justice in The Hague, Walther Schucking, the undersecretary of the French Ministry of Foreign Affairs, Jarousse de Sillac, the British colonial administrator, Sir Henry Hamilton Johnston, and General L gitime, Former President of the Republic of Haiti.

practices and, more importantly, to participate in the circulation of analogous concerns, ways to speak and think, similar hopes, and appropriate ways to organize courses of action.



Figure 3. Some of the presenters in the First Universal Races Congress

This event epitomized the emergence of a planetary concern for the future of humanity in the context of imperial expansion, nation formation, and the rise of racial prejudices in both political and scientific fields. In other words, the Congress presenters embraced the compassionate moral approach that Humanitarians had supported in an effort to facilitate fraternal relations between human beings. At the same time, they advocated for assuming as a moral imperative the incorporation of the problems surrounding race and interracial relations into one of the main objects of Humanitarian social analysis, inquiry and action.



Figure 4. From left to right, Abdu'l-Bahá, François Denys Légitime, Felix Adler and Franz Boas

2.1. The Humanitarian Concept of *Interracial Problems*

A close reading of the presentations at the *First Universal Races Congress* shows that the Humanitarian idea of interracial problems can be dissected into three interrelated meanings.³¹ The first one was the rising of mutual distrust, hatred and aloofness between ‘divisions of mankind’ and the open threat such a situation entailed to the achievement of peace and order in the world. The second meaning referred to the way *civilized* nations were governing colonies and *dependencies*; the mistreatment of *less developed* peoples and communities by the ‘most advanced divisions of mankind’; and the disadvantaged world-position of the ‘Negro and aboriginal people’ as a consequence of “imposed

³¹ The Races Congress hosted the presentation of fifty-eight papers, divided into eight sessions. These covered topics as heterogeneous as: the lack of scientific evidence for the racial superiority thesis; the anthropological differences between ethnic groups and the cultural irreducibility of each one to the ontology of the other; key strategies to confront growing global practices of exclusion based on culture and ‘race’; the need for an inclusive model of international jurisprudence to promote mutual understanding among members of different ‘races’ and nationalities; and the creation of pedagogical models for teaching cultural diversity and the equal value of different cultures. Each session was further divided into six groups: 1) “Fundamental Considerations” dealt with the meaning of anthropological categories of race, tribe and nation, the anthropological and sociological standpoints on race, and the problem of racial equality; 2) “General Conditions of Progress” divided into two panels (general and special problems), addressed topics related to, on the one hand, geographic, linguistic, cultural, mental, climatic and intellectual differences between races, and, on the other, the specific cases of the “Oriental” countries, Haiti and Hungary; 3) “Special Problems of Inter-racial Economics” covered topics related to investments and loans, wages and immigration and the impact of opening markets to foreign investment; 4) “Peaceful Contact between Civilizations” analyzed the activities developed by science and art, literature, the press, private initiatives and some governmental institutions; 5) “Modern Conscience in Relation to Racial Questions”, divided in two panels (general and special), covered a number of diverse topics such as inter-racial ethics, the Jewish ‘race’, the treatment of dependent communities and peoples, the colonial government, the influence of missions, indentured labor, and the position of the “Negro” and the North American Indian in the Americas; 6) “Positive Suggestions for Promoting Inter-racial Friendliness” included presentations on interracial respect, international law, treaties and peace conferences, the press as an instrument of peace, the role of education and ethical teaching with regard to races, and cosmopolitan and international organization for inter-racial goodwill (Spiller, 1911: 6-7). All fifty-eight presentations were published in: Spiller, G. (1911) *Inter-Racial Problems*, Orchard House, The World Peace Foundation, London-Boston.

disabilities” (Dubois, 1911: 362). The final meaning was the emergence and mainstreaming of doctrines and ideas about human bio and socio diversity that Humanitarians considered fallacious. In particular, those doctrines referred to the theories emanating from late nineteenth century race science, of “the irreconcilable contentions prevalent among all the more important races of mankind that their customs, their civilisation, and their race are superior to those of other races” (Questionnaire, 1911: XV; see also Rhys Davids, 1911: 64; Ting-Fang, 1911: 131), and the misrepresentation of ‘the least advanced divisions of the family of man’ as ‘permanently backward’ for the purpose of political domination. The following pages will discuss in detail these three meanings.

a. Interracial Problems as Mutual Distrust, Hatred and Aloofness Between Humans

Several papers presented at the *First Universal Race Congress* argued that in the history of humanity there was a tendency of mutual distrust, hatred and aloofness between races, nations, civilizations and religions (see for example Tevfik, 1911; Zamenhof, 1911; Lange, 1911; Davids, 1911; Sergi, 1911; Tönnies, 1911; Fouillée, 1911; Bruce, 1911; MacDonnell, 1911; Weardale, 1911). A related argument was the one that the history of human civilization was the history of the conflicts between races (Bruce, 1911: 280; Weardale, 1911: vii; Tevfik, 1911: 457). There was a shared understanding in the Congress that those were historic times in which these negative sentiments were becoming more pressing. Some presenters pointed to the growing tensions that were manifesting in commercial rivalries between nations. Others showed concern about the emergence and consolidation of nationalist ideologies, racial pride and the dissemination of doctrines of racial superiority. Finally, there were many who observed that the growing exploitation, dispossession and displacement of ‘weak races by stronger ones’, as a result of the expansion of European imperialism, was generating an atmosphere of extreme animosity and resentment between races. In the opinion of most participants, there was a credible threat that these feelings of mutual aversion, which were not aggressive by nature, could become a potential source of war between civilizations,

nations and races.³²

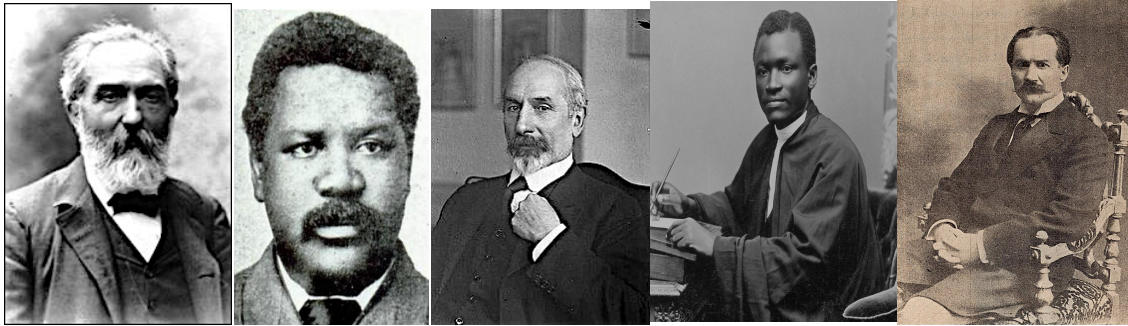


Figure 5. From left to right, Giuseppe Sergi, John Tengo Jabavu, Lord Olivier, Mojola Agbebi, Riza Tevfik

In dialogue with this concern, attendees at the Congress used the concept of interracial problems to address the link between these trans-historical feelings and both its open threat to peace and order in the world and the creation of obstacles to the cause of true civilization at a planetary scale (see for example, Seal, 1911: 13; Ting-Fang, 1911: 131; Tevfik, 1911: 455, 457, 459). Specifically, this situation was considered problematic because it meant an open transgression of basic social rules of coexistence. It also signified the failure of the ‘races of mankind’ to relate to each other in peaceful, respectful, empathetic and constructive ways. What was more relevant in Humanitarian terms, such a context entailed the existence of disharmonies at a planetary scale that represented a clear sign that humans were failing to live a ‘virtuous life’ based on the principle of fraternity. As a consequence, there was a widespread belief at this meeting that the emergence of these feelings and, more important, its potential dangerous outcomes should become one of the main targets of Humanitarian mobilization.

b. Interracial Problems as the Negative Outcome of the Relations Between Divisions of Mankind Living in “Different Stages of Civilization”

As discussed previously, Humanitarians were interested in surveying the fate of human beings who were not treated in a humane fashion as a result of negligence or bad faith. They also shared the common belief that despite certain ‘divisions of mankind’ being favoured by chance and good fortune or enjoyed technological, moral, economic,

³² It is worth bearing in mind that three years after this gathering, Europe experienced one of the most devastating wars in human history, the First World War.

political, intellectual and spiritual advantages over others, this did not imply that ‘less developed divisions’ should be exploited and mistreated or that the ‘most advanced divisions’ should be indifferent to the fate of those who have been left behind (Haskell, 1985: 365).

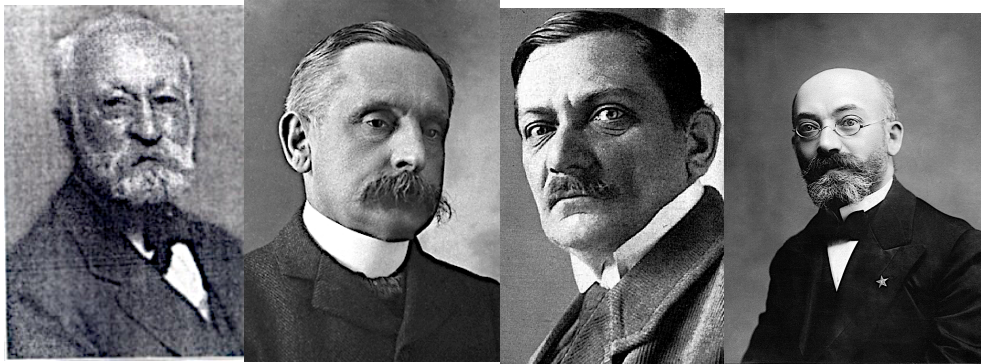


Figure 6. From left to right, Edwin Mead, Paul Balluet d'Estournelle de Constant, Walther Schucking, Ludwik Lejzer Zamenhof

In direct conversation with this Humanitarian constitutive frame, one of the main topics of attention in the *First Universal Races Congress* was the unbalanced relationship between people in different ‘degrees of civilization’ in the context of imperial expansion, colonialism and nation formation. Participants at this meeting expressed their unease about the conditions prevailing in the interactions between ‘stronger and weaker divisions of mankind’, a concern directly connected to their focus on the specific forms of suffering, misery and mistreatment of the ‘neglected and perishing branches of the human family’.

In more concrete terms, some presentations at the Congress discussed the ways “civilized brutality and greed” (Mead, 1911: 446) together with the historically ingrained unfriendly sentiments between races were behind the inhumane treatment of colonized peoples and communities (see for instance, Jabavu, 1911; Macdonell, 1911; Dilke, 1911; Burt, 1911; Hobson, 1911). Others engaged in a dialogue regarding the failures in the fulfillment of Humanitarian standards in the government of colonies and ‘dependencies’ (see for example MacDonell, 1911). A third group showed interest in exposing the difficulties which stood in the way of Humanitarian dealing with the ‘Negro and the Aboriginal’ in independent territories (Eastman, 1911; Dubois, 1911; Spiller, 1991). Finally, some were concerned about the way in which the ‘most advanced racial groups’

were fulfilling their moral imperative to show empathy, responsibility and embrace duty regarding the ‘backward races’. Those concerns informed the second meaning of the term interracial problems: the negative outcomes of the relations between ‘divisions of mankind’ living in ‘different stages of civilization’.

It is relevant to take into account that in Humanitarianism it was common to perceive colonization and imperialism *per se* as far from harmful (Lester, 2002: 282). Instead of questioning their legitimacy, Humanitarians understood the nature of imperialism and colonialism as essentially benign, portraying these enterprises as fertile opportunities to bring civilization to ‘the least fortunate races of the family of man’. What troubled them regarding colonialism and imperialism was the perversion of this progressive mission. In specific, participants in the Congress showed anxiety about the potential failures of colonial and imperial agents –namely settlers, colonial officials, missionaries-, in recognizing their ‘civilizing duties’ and consequently the possibility of engaging in wrongdoings against the ‘weaker divisions of mankind’. In other words, they understood imperialism/colonialism as a necessary ‘program of civilization’ that could be mishandled, compromising the safety and well-being of the ‘weaker races’.

Embracing this line of reasoning, attendees at *the First Universal Races Congress* engaged in a conversation regarding some conspicuous miscarriages of the colonial/imperial enterprise. They discussed dimensions such as the failures of ‘the advanced races’ to embrace a sense of prudence and pity, be aware of their performance as perpetrators of both wrongdoing and suffering, and efficiently surveying institutional, legal and administrative practices that were incompatible with genuine ‘civilizing or uplifting’ strategies.

Specifically, they perceived with accentuated pessimism how some articulations of the European colonial/imperial enterprise, instead of contributing favorably to the ‘improvement’ of those under their control or influence, had had a devastating negative impact over them. On the one hand, they found disturbing how ‘well-intentioned projects of moral upliftment’ associated to evangelization campaigns, and expeditious processes of economic and political modernization had caused the destruction of “previously operational modes of living, and the wholesome restraint of natives’ organizations, laws, customs and morality” (Jabavu, 1911: 337. see also Macdonell, 1911: 405 and Dilke,

1911: 316).

On the other hand, those same voices discussed how colonial powers were failing to regulate the prevalence of economic and political self-interest over the mandate to assist or contribute to "the welfare and enlightenment of indigenous subjects". In particular, a number of presentations problematized the links between European practices of trade and land spoliation and the impoverishment of native people's lives in colonial settings (see for instance Hobson, 1911: 230; Macdonell, 1911: 406). Others addressed how the interest of the Europeans for the "natives" did not go beyond mercilessly exploiting their labor for the European's own benefit and advantage, taking their lands and converting them into buyers of goods (Jabavu, 1911: 337; Macdonell, 1911: 406; Dilke, 1911: 316; Burt, 1911: 338).

This discussion on the 'social wrongdoings' of the 'dominant races' also dealt with the situation of 'aboriginals and Negroes' in the United States. Particularly, two presentations tackled directly the situation of these groups: "The North American Indian" by the physician and social reformer Dr. Charles A. Eastman and "The Negro Race in the United States of America", by former Professor of History and Political Economy at Atlanta University, Dr. W. E. B. DuBois. On the one hand, the conversation regarding the 'American Indians' developed around the devastating political, economic and cultural effects of their unbalanced relations with Europeans and their descendants. The reflection about the 'Negroes', on the other hand, covered the mistreatments linked to slavery and the inhumane limitations imposed upon them after the formal dismantling of this disgraceful institution. Those 'races' were depicted as people without rights and privileges in a land where they belonged by origin or "birth and descent" (Dubois, 1911: 361-362). They were also portrayed as living in a situation of 'imposed disabilities' and discriminations, summarized in practices such as forced reclusion, engineered moral corruption (Eastman, 1911: 373-374), "public discourtesy, civic disability, injustice in the courts and economic restriction" (Dubois, 1911: 361-362).

For those attending the Congress, such 'wrongdoings' were problematic because they were the result of social causes, particularly, an outcome of the convergence of 'negligent, ill-intentioned practices lacking goodwill'. In other words, they perceived a direct connection between these experiences and negligent and/or intentional

transgressions of self-evident moral standards and internationally settled duties on the part of ‘dominant races’, European settlers and imperial powers in general (see for instance MacDonell, 1911; Jabavu, 1911; Dilke, 1911). They also portrayed these ‘wrongdoings’ as a sign of the extended failure to recognize the humanity of all members of the ‘family of man’ (Dubois, 1911: 364). Finally, there was the conviction that the pain inflicted on the ‘backward races’ should be explained as a lack of proper understanding of both the severity of their suffering and the depth to which their human dignity had been offended.

c. Interracial Problems as a Consequence of Fallacious Doctrines about the Differences between *Divisions of Mankind*

In addition to the previous concerns, attendees to the *First Universal Races Congress* linked the idea of interracial problems to what they identified as the effects of fallacious doctrines about the differences between members of the ‘family of man’. They engaged in a critical reflection about widely spread ideas such as the insurmountable differences between races/civilizations, the classification of ‘divisions of mankind’ in terms of fixed inferiority and superiority, and the representation of certain ‘races’ as ‘permanently backward’. They also discussed how these fallacious doctrines were a result of either untested knowledge, open ignorance or a misleading strategy that the ‘advanced races’ used to justify agendas of domination of the ‘weaker members of the family of man’.

In the point of view of most participants, these doctrines were problematic for two reasons: First, they prevented the recognition of the transcendental unity of ‘mankind’ and the essential equality among its members on the grounds of capacity and potential. And second, they contributed to the failure of the ‘races of mankind’ to relate to each other in peaceful, respectful, empathetic and constructive ways. Said otherwise, these ideas promoted disharmonies at a planetary scale and made it difficult for members of the human family to live a virtuous life based on fraternity, rationality and truth. Following core principles of Humanitarian politics, they believed that by spreading the creed of human transcendental unity and equality, the idea of the ‘brotherhood of mankind’ would become appealing and, therefore, universally embraced. In their opinion, the ultimate pacification and unification of humanity would only become possible by developing

fraternal and compassionate feelings among the members of the 'family of man'.

At the same time, they portrayed the belief in the existence of insurmountable differences among humans as an open obstacle to the recognition of all members of the 'family of man' as constitutive parts of the same unit. In their point of view, such a belief was a foundation for the persistence of feelings of distrust and aversion, the justification of tyrannical impulses and the corruption of the moral imperative of the 'most advanced' groups to show empathy, responsibility and embrace their duty towards the 'backward' groups.

Despite their insistence on the idea of unity, it was apparent to Humanitarians that the human race was not homogeneous regarding their political, economic, technological, cultural and spiritual traits. How did they reconcile the conception of ontological similarity with that of phenomenological disparity? The way those who attended the Congress addressed that challenge was by advancing an understanding of bio and socio diversity that resonated with Humanitarian principles.

Two main positions surfaced at this meeting to address the phenomenology of human diversity. The first one was based on the technological, military, cultural, moral, political and economic differences between 'races', civilizations and nations. Most presenters followed the late nineteenth-century evolutionary model that explained human diversity in terms of different stages of the same trajectory of intellectual, moral and social development in which 'European civilization' occupied the most advanced position. They separated 'divisions of mankind' according to categories such as 'civilized, semi-civilized, and backward/primitive/savage'. While the category of 'civilized race/nation/civilization' was a signifier to identify the development of some divisions of 'mankind' in the form of 'material achievements', 'intellectual and moral sophistication' and 'high standards of civility', the categories of 'primitive and backward peoples' worked as a way of naming either cultural traits considered 'basic', 'precarious' and attached to the contingency of the 'least refined survival or a stage of moral primitiveness or degradation'.³³ Semi-civilized divisions, consequently, were those who

³³ Attendees to the Congress identified as 'primitive/barbarous' those peoples living in tropical or semi-tropical parts of the world, such as some American 'Indians', the 'aborigines' of the West Indian and Pacific Islands, the 'Negroes or Negroid' peoples of Africa, Australians, the Pilipino, the Malay and the Maori. The characterization that Humanitarians made of those peoples described these populations as living

shared characteristics of the groups located on both sides of the spectrum (see MacDonell, 1911: 407; Sergi, 1911: 69; Ting-Fang, 1911: 131, Hobson, 1911: 230; Olivier, 1911: 295, Eastman, 1911: 370; Schücking, 1911: 388).³⁴ Other presenters, though a minority, refused to define differences in terms of stages of development from ‘savagery to civilization’ (See for instance Charles S. Myers, Riza Tevfik, Ludwig Lazarus Zamenhof, John Mackinnon Robertson, Felix Von Luschan, Mojola Agbebi, Gustav Spiller, John MacDonell, and Mohamed Sourour Bey, 1911).³⁵ Rather, they recognized human socio-diversity as a reality in and of itself and framed their understanding in the differences between humans in terms of the plurality and variability of discrete cultures.

In any case, attendees to the Congress seemed to agree that the differences between members of the ‘family of man’ were not insurmountable. This entailed a consensus

in ‘mental, moral, spiritual political and economic backwardness’. They were depicted as “excelling in mere mechanical learning, in preference to rational learning” (Myers, 1911: 74); “possessing a poor intellect and weak in logic and abstract thinking, like children” (Von Luschan, 1911: 15); with an organization of their social life “linked to a system based on no formal education and customary courts judged by the chiefs” (Olivier, 1911: 299). It was also common to associate this population with “an absolute backwardness as regards modern science and progress” (Yahya, 1911: 150). On the subject of spirituality, Humanitarians described ‘primitive peoples’ as practicing ‘archaic forms of religion’. In particular, there was a common identification of the ‘primitive/savage’ with “fetishism, and a gross and anthropomorphic religion swarming with contradictory superstitions” (Tevfik, 1911: 459). Politically and economically ‘primitive/barbarous peoples’ were portrayed as living “the semi-conscious life of a sensual and almost animal nature” (Yatchenko, 1911: 196). The politics of Humanitarianism also paid attention to what their advocates identified as the equivalent of ‘primitive/barbarous’ peoples in post-colonial America: ‘Negroes’ and ‘Indians’.

³⁴ Within this category it was included a vast aggregate of non-European ‘nations’, and ‘communities’ that some perceived simultaneously as ‘backward but civilized’ (Hobson, 1911: 232). In particular, the category applied to ‘Eastern’ states, such as China, Japan, Turkey, Persia, India, Siam, Afghanistan and the small independent States of the Himalaya, Bhutan, Nepal, and the small Arabian States; African countries and dependencies such as Egypt, the states of Ethiopia, Liberia, Abyssinia, Morocco; and the American ‘Negro’ republic of Haiti. The category also comprised some communities of the ‘hamitic’ branch of the ‘Caucasian race’, such as the ‘Moors’. In general terms, those who used the category described these ‘semi-civilized’ nations as being in their way of ‘remodeling’ their civilizations in European lines. The ‘semi-civilized’ divisions of mankind were portrayed, then, as experiencing the tension between on the one side, progressively adopting the standards of modern life and, on the other, retaining important features of their previous ways of living. There was a consensus that ‘semi-civilized divisions of mankind’ could be best described as historically linked to governments that were ‘patriarchal and autocrat’ in character, and defective in the management of public affairs. They also portrayed these ‘divisions as backward as regard their industry’ –with a working population that had “not yet learned modern methods and industrial organization” (Sourour Bey, 1911: 177)-, commerce, martial qualities and modern science; ‘traditional’ in social matters such as education –which was also described as not compulsory-, morals and religion; and organized along the lines of family, caste, sects and ethnicity rather than along the lines of individuality, ‘the modern class system and the modern nation’.

³⁵ Gustav Spiller, for instance, argued that “Privation and affluence, refinement and degradation, leave their traces on uncivilised and civilised alike” (Spiller, 1911: 35).

regarding the idea that differences among ‘races’ were nothing other than “accidental modalities of a common species” (Spiller, 1911: 36); that these disparities were both ephemeral and contingent on the impact of environments; and that the ‘backwardness’ of certain divisions was not fixed and that civility was not in any regard a patrimony of any particular ‘division of mankind’. Specifically, a common position in this gathering was to assert that the differences in development between the ‘divisions of mankind’ were only an outcome of the stages demanded by the adaptation, survival and reproduction to their particular social and natural environments. Some participants to the Congress discussed the links between climate and the dissimilarities among "members of mankind" regarding somatic features and ability (See, for instance, Lionel W. Lyde, Franz Boas, Feliz Von Luschan and Charles S. Myers, 1911). Franz Boas, for example, developed an argument that just as geographical environment had an influence upon the body’s form, it must also influence mental capacity. In other words, the disparities in the ability of ‘the races of man’ had to be explained in terms of geographical conditions, rather than in the terms of heredity. This belief gave him the foundation to claim that the old idea of "absolute stability of human types must be given up and with it the belief of the hereditary superiority of certain types over others" (Boas, 1911: 103).

By recognizing that both social and biological differences were "accidental and external, rather than internal and essential" (Yastchenko, 1911: 195-196), attendees to the Congress not only assumed that these disparities were both ephemeral and relative, but also that widespread trends of assigning discrete characteristics to each ‘division of mankind’ were a scientific mistake (Boas, 1911: 103; MacDonell, Spiller and Myers, 1911). In their point of view, this erroneous understanding portrayed each ‘division of mankind’ as “made up of races all of a piece” (MacDonell, 1911: 406). Simultaneously, it conceived these ‘divisions’ as essentially dissimilar from each other. This meant that each ‘division of mankind’ had a set of distinct and fixed features, which precluded them from sharing transcendental or even ordinary commonalities between each other.

However, this conversation about insurmountability did not end by describing ‘backwardness’ as a temporary and surmountable condition. It also fueled the problematization of the alleged superiority of some ‘divisions of mankind’ in relation to others and informed the questioning of both the widespread ideas that the ‘races of man’

had different abilities, and that those abilities as such were something permanent and static. Some presenters in the Congress discussed how the classification of certain members of the ‘family of mankind’ as ‘backward’ entailed a fallacious assumption that civility was a patrimony of those who did not fit into this category. The main organizer of this meeting, Gustav Spiller, for instance, observed that “Privation and affluence, refinement and degradation, leave their traces on uncivilized and civilized alike” (Spiller, 1911: 35). He was one of the multiple voices who argued that all ‘divisions of mankind’ were capable of performing both ‘civilized and uncivilized acts’. In arguing this, he, like others, questioned the assumption that ‘backwardness’ should be understood as the absence of civilization. In particular, these voices considered that ‘civility’ should be linked to acts and practices, rather than to the constitutive nature of certain populations. Correspondingly, they perceived ‘backwardness’ not as a condition pertaining to certain ‘members of mankind’, but as a set of practices and actions that were not elusive to any ‘race or civilization’.³⁶

Some presentations, embracing a more political edge, linked the idea of a ‘fixed backwardness’ of some ‘divisions of mankind’ to a wilfully misleading representation. According to this position, this distorted version of reality worked as a justification to legitimize agendas of economic expansion, displacement of populations, exploitation of labour and political domination of the “weaker members of the family of man” (see Robertson and D’Estournelles de Constant, 1911).³⁷ In a similar tone, some presenters defended the idea that the ‘least developed divisions of mankind’ had not reached all their potential, not precisely as a consequence of their ‘inherent apathy, idleness, or negative racial traits’, but as an outcome of decisions and practices imposed upon them by the

³⁶ As discussed previously, a common topic at the Congress was discussion of the brutal, even ‘barbaric’ acts, perpetrated by the ‘civilized divisions of mankind’ in their pursuit of profits and new markets, religious conversion and political ruling. Several presentations denounced the links between the European imperial enterprise and the illegitimate, ‘dehumanizing’, and some would even say ‘uncivilized’ ways of governing certain populations (see Mojola Agbebi, Tengo Jabavu, Ting-Fang, John A. Hobson, Charles Bruce, Giuseppe Sergi, John M. Robertson, D’Estournelles de Constant, and John MacDonell, Edwin D. Mead, 1911).

³⁷ For some presenters, the idea of ‘predetermined backwardness’ was a justification to represent certain ‘divisions of mankind’ as naturally incapable to progress, not able to make proper use of their resources, permanently unprepared to handle self-government, and deserving of full tutelage of a ‘superior race or civilization’. Robertson, for instance, addressed the argument that ‘certain races were permanently unprepared to self-govern’, by discussing that it was basically a strategy to justify an everlasting domination of ‘certain divisions of mankind over the others’ (Robertson, 1911: 42-43).

‘most advanced divisions’. This situation specially referred to the cases of the "Negroes and Indians" in the Americas (Dubois, 1911; Eastman, 1911, Zamenhof, 1911; Bruce, 1911).³⁸

Beyond the differences in the way of understanding the causality of the ‘backwardness’ of certain members of the ‘human family’, those who attended the Congress reached consensus on five points. First, that ‘backward nations and races’ were capable of ‘improvement’. Second, that the capacities of the ‘primitive/backward and semi-civilized people’ were not nonexistent, but dormant. This was complemented by a widely shared assumption that the ‘least advanced branches of mankind’ could be industrious, well behaved and would be able to participate as equals in a ‘civilized’ social, economic and political order, if they received the proper assistance. And, finally, that, in the presence of the right stimuli, the possibility of those people to ‘catch up’ with ‘the civilized divisions’ was a matter of time.³⁹

In conclusion, participants in the *First Universal Races Congress* linked the idea of interracial problems to what they identified as the effects of fallacious doctrines about the differences between members of the ‘family of man’. In particular, they identified both, the lack of knowledge empirically supported and purposively misleading agendas as the ways of explaining why ordinary people, imperial and colonial officials and scientists working within certain venues of physical anthropology, cultural ethnology and philosophy of history not only emphasized ‘the fixed, discrete and essential dissimilar nature’ of races and nations (See for instance, Myers, Spiller, MacDonell, Tevfik and Von Luschan, 1911), but also encouraged animosity and justified practices of domination between members of ‘mankind’. They agreed that the alleged insurmountable differences between races/civilizations, the definition of ‘divisions of mankind’ in terms of fixed

³⁸ Ludwik Lejzer Zamenhof claimed that instead of portraying ‘Negroes’ as a ‘backward race’ in itself, it was fairer to portray them as a ‘race forced into backwardness’ (Zamenhof, 1911: 428-429). Charles Bruce linked the ‘self-evident backwardness’ of ‘Negroes’ to past practices of compulsory migration, the imposition of methods of forced servitude, and the passions of greed, cruelty, lust and moral torture that had prevented this ‘race’ to ‘naturally develop in all its potential’ (Bruce, 1911: 290).

³⁹ Charles Bruce, for instance, provided some examples that showed how “Negroes could overcome their deep ignorance and poverty, and even reach comparable levels of civilization, any time they had been released from external control or severe repression” (Bruce, 1911: 290-291). In his opinion this was a remarkable proof that, in the right political, economic and social environment, ‘Negroes’ were capable of assimilating into modernity, as well as capable of competing on a footing of equality of opportunity with ‘the most advanced divisions of mankind’ (Bruce, 1911: 290-291).

inferiority and superiority, and the representation of certain ‘races’ as permanently ‘backward’ were a result of ‘a lack of proper knowledge’. In other words, the participants in this gathering identified ignorance as the source preventing the understanding of ‘mankind’ as bonded by a ‘transcendental unity’.⁴⁰

2.2. Humanitarian Remedies and Courses of Action

What were the remedies attendees to the *First Universal Races Congress* proposed to the ‘evils’ they identified? In other words, what courses of action did they suggest to deal with the rise of tensions and conflicts between ‘divisions of mankind’ and the open threat to peace and order in the world? How did they conceive regulating the way ‘civilized’ nations governed colonies and dependencies and preventing the mistreatment of ‘the less developed peoples and communities’? What were the strategies these actors recommended to debunk fallacious doctrines and ideas about human socio and bio diversity?

Based on feelings of empathy and compassion, the conceptions of fraternity and moral duty, and the belief in the inherent rational endowment of human beings, attendees at the *First Universal Races Congress* proposed a model for social action focused on the achievement of three interrelated goals: the advancement of planetary peace and the establishment of bonds of solidarity among ‘divisions of mankind’ and nations; the development of humanitarian models of governing the ‘backward divisions of mankind’; and the enlightenment of the public on Humanitarian principles, knowledge and ideals.

a. The Advancement of Planetary Peace

One of the most recurrent goals of the Congress was to discuss effective ways to reach the ultimate pacification and unification of humanity (Yastchenko, 1911: 195).

⁴⁰ The support for this claim was to a certain extent a result of the way most presenters in the Congress had accumulated firsthand experiences regarding inter-cultural exchanges between ‘advanced and backward members of mankind’. Most of them had been involved in either working with, ruling, directly observing, closely surveying, or converting “primitive/backwards/semi-civilized races” into “civilized standards”. Others themselves “belonged” to one of these ‘non-civilized or semi-civilized races’. In their positions as anthropologists, ethnographers, missionaries, colonial officials, governors, diplomats, and ‘insiders,’ participants in this Congress had had access to primary sources of information and insights that provided them a sense of empirical expertise on the realities of the ‘family of man’. Supported by this firsthand knowledge, in some presentations at the Congress there was a feeling of entitlement to distinguish between truthful and fallacious ideas and statements on related topics, and to challenge what they identified as untested and prejudicial assumptions about ‘divisions of mankind’ both ‘advanced and backward’.

Attendees showed a special interest in promoting a fuller understanding between civilizations, improving their friendliest feelings and heartier co-operation. This entailed finding the ways of extinguishing, or at least of lessening, mutual hatreds and conflicts between members of ‘the family of man’, while surveying the ways in which ‘men of all races’ may have better personal acquaintance with each other (Mead, 1911: 449). These inquiries were inspired by the firm belief that once mutual respect and trust were established, difficulties of every type would be sympathetically approached and readily solved (Object and Nature of the Congress, 1911: xiii).

Two remedies were most supported to accomplish these goals: the formation of peace advocacy institutions and the creation of an international language. Regarding the first remedy, many presentations agreed in recognizing the creation of institutions designed to promote ‘interracial amity’ as indispensable mechanisms to contest antihumanitarian tendencies, national chauvinism, national aggressiveness, and war (Seal, 1911: 13). The discussions regarding this remedy developed around the kind of institutions and associations needed for the maintenance of peace, as well as their scope and goals. Some attendees also reflected on the pertinence of developing and consolidating existing institutions and associations. Others talked about the creation of new organizations.

Complementing the previous, there were some voices that demanded the creation of a universal language, which in their opinion would facilitate the cultivation of good understanding among divisions of mankind and create, therefore, a better prospect for interracial respect and peace (see for instance, Henry La Fontaine, Ferdinand Tönnies, Wu Tin-Fang and specially Ludwig Lazarus Zamenhof, 1911). Those who supported this remedy considered the creation of a universal language necessary to make the peaceful contact between nations and races stronger and more effective, to promote a good understanding between all nations, and to bring some closeness between members of ‘the family of man’.

b. The Development of Humanitarian Models of Governing of the Backward Divisions Of Mankind

One of the strongest agreements in the First Universal Races Congress was that the achievement of harmony at a planetary scale was not possible if the existence of social

wrongs in the treatment of ‘the least advanced races’ persisted. There was also a consensus around the idea that no solution to the race question was possible without embracing “the desire to develop every race to its highest capacity” (Mead, 1911: 452). In other words, participants in this gathering agreed that in order to advance the agenda of planetary peace and ‘racial’ harmony, it was imperative to promote a model of governing ‘backward members of the family of man’ based on Humanitarian principles, and to deal with the problem of how ‘backward races’ may best be assisted in their ‘upward progress and development’.

A common point among the attendees to the Congress was the necessity to introduce as much humanity as possible into the relations between ‘divisions of mankind’ engaged in contacts, and promote international interventions that guaranteed interracial justice at a planetary scale. They translated this goal into two concrete actions. The first one was that of promoting a new set of principles and duties that should guide the interactions between the ‘most advanced divisions of mankind and the backward races’. The second one was the creation of the institutional and legal foundations for the accomplishment of these duties.

Some of the presenters were in favour of a universal recognition that imperial and colonial powers should interact with ‘weak nations and subject races’ in accordance with a particular set of duties (see, for instance, Sir John MacDonell, D’Estournelles De Constant, Sydney Olivier, Felix Adler, Anton Willem Nieuwenhuis, Joseph Burtt and Giuseppe Sergi, 1911). Those defending this claim linked these duties to the international commitments that the colonizing and imperial powers had already made during the peak of European expansion in the late 19th century. They argued that colonial powers had made commitments to improve the lives of indigenous population as compensation for the loss of independence and the material deprivation that these populations experienced.⁴¹ They also considered that this burden forced colonial powers to become somehow accountable and to introduce regulations to ensure that the practices of settling, trading and colonial administration were indeed bringing improvement, happiness and

⁴¹ The duties to which the attendees of the Congress referred were the agreements emerging from the *Berlin Conference* of 1884-85. In particular, they had in mind the ethical responsibilities some European leaders agreed to follow when dealing with native populations in colonized territories.

prosperity to the life conditions, and moral and material well-being of the subordinated 'divisions of mankind'. In other words, most participants in the Congress considered that colonizing/imperial projects should entail simultaneously the positive transformation of the material and spiritual lives of native people and the promotion of the responsible and 'civilized' administration of growing 'subordinated populations'. This required that the 'dominant races' should become objects of a regime of moral surveillance created to ensure that they were actually behaving as both 'civilizing and civilized agents'.

Despite the presenters who supported this understanding had some disagreements regarding the way of defining these duties, they basically agreed in the main goals of these commitments. In their opinion, for instance, colonial methods of government should be directed and influenced not merely by considerations of the commercial benefit of the colonists or citizens of the sovereign nation, but also by considerations of philanthropy and humanity (see for instance, Olivier, 1911: 293). There were also claims that the task of 'ruling' populations must not chiefly be understood as administering and legislating, and certainly not these alone. Ruling should be rather understood, first and foremost, as the guidance of the 'backward' members of the 'family of man' and for the sake of leading them to a healthy elevation of their standards of social, economic, intellectual, and ethical life (See for instance, Nieuwenhuis, 1911: 259).

In order to make the achievement of those duties possible, some attendees to the Congress proposed the creation of institutional and legal frames. The most recurrent suggestions turned around the creation of institutions of international scope and the design of a new set of international regulations and treaties. Regarding the former, there was a generalized consensus among participants that in order to advance the goal of 'interracial harmony' and, most important, to prevent the tyranny of 'superior peoples over weak peoples', it was necessary to create institutions of a new kind. Some attendees discussed the necessity of creating institutions of permanent character and broad scope, which would contribute to root colonialism and the imperialist enterprise in Humanitarian values. Three types of organizations received most of the support: the agencies/commissions/associations/courts/tribunals of international arbitration, the societies for protection of the 'weaker races', and institutional platforms that facilitated the access of subordinate races to public forums.

People advancing the proposition of arbitration agencies conceived them as entities specialized in the settlement of differences between ‘races’, in cases in which diplomacy or direct negotiations did not succeed (see, for example, Lange, 1911: 122; Baha, 1911: 156; Adler, 1911: 262; Schücking, 1911: 393; MacDonell, 1911, De Sillac and Mead). In specific, they had in mind committees of ‘interracial justice’ and arbitration, working under the principles of *interracial fraternity* and peace, whose main competence would be in solving disputes between ‘races having disparate levels of development’ (See Mead, 1911; MacDonell, 1911; 1912).

In addition to the arbitration agencies, another type of institution that received wide support in the Congress was the societies for the protection of the ‘weaker races’ (see De Constant, 1911; Mead, 1911).⁴² The promoters of these societies imagined them as entities specialized in activities of surveillance and supervision, sort of watchdogs, dedicated to safeguarding ‘backward and primitive’ people’s cultural and physical integrity in colonial settings. This included overseeing fair dealings between colonial agents and “aboriginal populations”, ensuring that colonial practices met the standards of a ‘civilized’ enterprise, attempting to mitigate colonial and ‘aboriginal’ calamities, and giving support to ‘backward races’ to overcome their suffering and to succeed in their struggles for achieving a human treatment.

Finally, another common proposition was that of creation of institutional platforms

⁴² Two organizations served as points of reference: the Congo Reform Association and the Aborigines Protection Society. The Congo Reform Association was an organization active in the first decade of the 20th century. It was formed by a web of twin associations in Britain, France, Switzerland and the United States dedicated to exposing the crimes committed by the Belgian colonial government of Leopold II in Congo. The Aborigines Protection Society was founded in 1837, in Great Britain. It was the outcome of the work of a Committee of the House of Commons "to consider what measures ought to be adopted with regard to the native inhabitants of countries, where British settlements are made, and to neighbouring tribes, in order to secure to them justice and the protection of their rights. This Society was created to promote the interests of so-called ‘native races’, in particular those under British control. Its main purposes were to provide reliable information about the treatment of aboriginal people in colonial settings, to extend reports to the Government and to Parliament when appeals were needed, and to activate public opinion as a source of influence in advancing the cause of justice (Oats, 1985:11). Although the Aborigines Protection Society played a role that was more symbolic than effective, it generated a sort of moral pressure that prevented British colonial officers, settlers and traders from acting with absolute impunity. It did so by promoting a Humanitarian gaze toward the native populations under British rule. The Society endorsed an imperial policy based on the principles of aboriginal people self-determination and ‘voluntary’ cultural uplifting. It stated that “...natives should have a right to maintain those social, religious, political, and other institutions which they had established among themselves, subject only to such changes as: they might voluntarily have agreed to under ‘superior guidance’” (Nworah, 1971: 85). In this sense, this association supported the idea that native institutions of government were essential to native prosperity and should not be undermined by colonial settlers and administrative regulations.

that allow ‘subordinate races’ to access public forums to make their voices heard. John Mackinnon Robertson, for instance, considered that the progress of the backward races must be accompanied not only by being given the opportunity to think and judge, but also by the possibility of evaluating the way they were ruled (Robertson, 1911: 41-42). He then claimed as necessary that the ‘ruling races’ should be open to the constructive assessments of those who they governed. John MacDonell shared a similar point of view. He believed that since the ‘non-dominant races’ were not prepared yet to have parliaments, they might have, at least, voices (MacDonell, 1911: 408).

Regarding the design of a new set of international regulations and treaties, the propositions around this remedy advocated for the formation of special agreements by which some of the ‘chief states’ of the world bind themselves to perform duties towards the ‘non-dominant races’. These special treaties should be based on the recognition of imbalances of power between ‘civilizations and races’ with different degrees of material resources and technological development (Schucking, 1911: 393, and MacDonell, 1911: 402-403). John MacDonell, the most fervent defender of this remedy, argued that the grounds for ‘interracial contracts’ had already been established with the creation all along the nineteenth century of a number of treaties that gave some recognition to the duties of ‘great States’ to ‘weak and subject races’. In MacDonell’s point of view, these existing treaties showed that the path for some recognition of the duties of ‘great States’ to ‘weak and subject races’ had already been paved. They also showed some recognition of the need of joint action and the achievement of some basic agreement as to these duties.

As commented at the beginning of this section, some participants in the Congress also agreed in that no solution of the interracial problems was possible which was “not based upon the desire to develop every race to its highest capacity” (Mead, 1911: 452). A general consensus existed in this mobilization that to advance the agenda of planetary peace and ‘racial harmony’ it was imperative to deal with the problem of how ‘the backward races’ may best be assisted in their upward progress and development. In other words, Humanitarians believed that the ‘uplifting of backward races’ was imperative as a solution to ‘interracial animosities and distrust’. Two main discussions informed the proposition of this remedy. On the one hand, there was a conversation around the kind of transformation that was needed to uplift the ‘least advanced members of the family of

man'. On the other, some participants in the Congress addressed the ways of conducting the 'upliftment'.

Regarding the former, the most common change that participants in this gathering advocated for was on the grounds of intellectual/mental development; education (particularly a switch from family based or traditional education to modern public education); morality (a transition from family and clan oriented ethics to civic responsibilities); technology and science (specifically the progressive adoption of modern science and technology); institutional arrangements (particularly the adoption of modern public institutions to manage public issues); economy (specifically the modernization of industry, labour and commerce); and politics (summarized in the transition from despotism and absolutism to democratic rule either constitutional government or parliamentary rule, the incorporation of the semi-civilized, backward and primitive races to the concert of international relations and regulations, and the transition of the 'subject races' from foreign rule to self-government).

The discussions regarding the ways to conduct 'the upliftment of the backward races' included proposals on the measures that needed to be taken to achieve this end, and suggestions on ways to proceed according to Humanitarian values. The conversation about how to best contribute to 'the awakening of the dormant capacities of the uncivilized and semi-civilized races' developed around three propositions, namely, the transformation of the social environment of 'non fully civilized human divisions', the implementation of 'civilizing pedagogies', and the encouragement of 'practices of self-upliftment'.

Concerning the first proposition, there was a consensus in the Congress that the upliftment of the 'backward races/civilizations' was only possible through the modification of their social environments (see, for instance, Myers, Boas, Bruce, Dubois, Spiller, Sourour Bey, Fouillee, Yahya, Takebe and Kobayashi, Eastman, and MacDonell, 1911). For example, some argued that exposing 'the least advanced races' to science and civilization would gradually bring their mental status out from lethargy (see Sourour Bey, 1911: 178; Fouillee, 1911: 28).⁴³ Others claimed that the 'upliftment' of the 'least

⁴³ The presentations of John Gray, Mohamed Sourour Bey, and Hadji Mirza Yahya were good examples of this discussion, regarding the cases of 'semi-civilized nations' such as China, Egypt and Persia. Charles

developed members of the family of man' was necessarily connected to the elimination of the obstacles that pushed these people into a 'handicapped' status (see for instance, Bruce, 1911: 290; Dubois, 1911; Eastman, 1911).

The second idea was to develop pedagogical practices that would help to 'civilize' those who had been left behind. Some presenters contended that to equalize the intellectual standing of all 'races of mankind' it was necessary to develop an efficient educational system that provided a good course to the dormant but indisputable capacities of the less developed ones (Gray, 1911: 85). There was another position that considered that in the dealings with the 'uncivilized races', 'the civilized members of the family of man' should apply methods of 'race pedagogy' or, what is the same, the strategies used to educate 'aboriginal' people (e.g. systematic agricultural and industrial training, evangelization) (Adler, 1911: 267). In particular, this entailed recording successful experiences in the schooling of 'primitive communities', and replicating them on a planetary scale (Adler, 1911: 267).

The last proposal was that of promoting 'self-upliftment'. For some participants, people belonging to 'advanced races' should not carry out directly the education of the 'backward ones'. In their opinion, the communities would be more open to a civilizational change if the members of the community themselves could lead this transformation autonomously (see Jabavu, 1911: 340; MacDonell, 1911: 408). Specifically, this position claimed that educating certain luminaries of the 'least civilized races', who, in turn, could enlighten the masses, could be a more fruitful method since the communities would not see the transformation of their culture as a foreign imposition. As Tengo Jabavu argued, "The solution of the problem seems to consist in instructing the masses in the vernacular, while concentrating on the few who are to be the leaders and

Bruce addressed a similar analysis focused on the 'Negro race'. John Gray, for instance, argued that the Chinese in order to reach a very high place in "the scale of the intellectual standing of the races of mankind" needed to develop an efficient educational system that provide good course to their dormant but indisputable capacities (Gray, 1911: 85). Sourour Bey, using a similar logic, analyzed the case of Egypt. He argued that that "...it would be wrong to regard the mental status of the Egyptian as permanent or not susceptible of modification under the pressure of influences in his environment. On the contrary, the present situation leads us to predict with confidence that changes in the system of education and in public opinion, due in a great measure to constant and increasing contact with the West, will transform and improve this mental aptitude at no distant date" (Sourour Bey, 1911: 178). Alfred Fouillee advocated for exposing "the least advanced races to science and civilization in order to gradually reform them" (Fouillee, 1911: 28). Charles Alexander Eastman, following what he defined as "an unanswerable logic", replicated Richard Henry Pratt's statement: "To civilise the Indian, get him into civilisation!" (Eastman, 1911: 375).

uplifters of the rest” (Jabavu, 1911: 340).

As far as ways of conducting the upliftment according to Humanitarian values, the most common suggestions addressed the need that the ‘backward races’ had the right to judge, and consequently, to show dissatisfaction with the ‘civilizing’ processes to which they were being subjected to. It was common at this gathering to find positions that advocated for granting ‘the backward races’ the opportunity of evaluating the performance of ‘civilizing’ agents, and questioning them if they were failing to fulfill their duties to act humanely (Robertson, 1911: 42). Complementing the above, there were calls that the ‘civilizing’ project should take place in a respectful fashion and without violence (Sergi, 1911: 72). One recommendation was that the ‘civilized’ nations should influence ‘non-civilized’ ones by example and persuasion (showing the immediate usefulness of civilized customs and forms of social life) rather than by force or coercion (Sergi, 1911: 73).

c. The enlightenment of the public on Humanitarian principles, knowledge and ideals

Consensus was strong in the Congress around seeing the spread of Humanitarian values, ideals and knowledge as an effective way to transform positively the interactions among ‘races and civilizations’. As John MacDonell expressed: “The walls of racial prejudice will not yield to mere organisation; the spread of knowledge, the spirit of charity, and new ideals are the only solvents” (MacDonell, 1911: 399). A regular proposition was to make Humanitarian values, first hand experiences, and scientific findings the leading principles at a planetary scale in both the ways to manage interactions between races and the ways some ‘races/civilizations’ applied their rule upon others. This remedy rooted its foundations in three interrelated ideas that informed the Humanitarian belief in the inherent rational personality of human beings. First, that reason could become elusive under the effects of prejudice. Second, that real knowledge would facilitate the work of reason. Third, that there was a natural inclination in members of ‘mankind’ to embrace reason under the proper cognitive stimuli.

Attendees to *the First Universal Race Congress* considered it imperative to spread out the Humanitarian principle of the essential unity of ‘mankind’. This entailed normalizing the idea that only through the recognition of ‘mankind’ as one, would

empathy, planetary harmony, and mutual respect become feasible. The way they chose to achieve this goal was proposing a definition of ‘race and civilization’ that resonated with Humanitarian principles. This meant the adoption of an understanding that included the “appreciation of the essential likeness of the various races and classes, in spite of their points of superficial differences” (Mackenzie, 1911: 435). This also entailed conceiving such points of difference as results of the human adaptation to diverse physical and social environments. They shared a hope that by introducing this change, the general public would inevitably perceive bad faith practices of subjugation, mistreatment, exclusion, spoliation, and harassment, as illegitimate and immoral.

The actions that participants in this gathering most commonly supported were the dissemination at a planetary scale of a better and more accurate *interracial* knowledge and the education of members of the ‘civilized divisions of mankind’ in the spirit of Humanitarianism, especially, settlers, scientists and politicians (Tevfik, 1911: 461; Legitime, 1911: 181; MacDonell, 1911: 401). Since most attendees to the Congress considered ignorance, lack of goodwill and unreflective beliefs as the main causes of interracial problems, some presenters emphatically defended the exposure of ‘mankind’ to ‘real knowledge’ as a crucial solution. The general expectation behind this position was that the ‘enlightenment of the public’ would help to debunk any misrepresentation of truth and undermine any ‘unfriendly feelings’ associated with prejudice. Likewise they were based on the belief that the corroboration of ‘mankind’ as a unity that transcended ‘civilizations’ would foment the emergence of a fertile ‘brotherhood’, and therefore the achievement of peace at a planetary scale.

The second action that attendees widely supported was that of promoting a model of moral and intellectual education of the members of the ‘most advanced divisions of mankind’ under the assumption that a ‘civilized man’ with low moral and intellectual standards will always be a serious danger, not only for other races but also for ‘his own’ (Mackenzie, 1911: 434). Within this position, there was a group of presenters who advocated for making the ‘civilized divisions of mankind’ aware of its insufficient knowledge about the ‘uncivilized’ people. In their opinion, the ‘advanced races’ knew very little about “the interesting and complicated psychology of most of the backward ones” (Von Luschan, 1911: 23; see also Seal, 1911). In their understanding, such

knowledge would bring “respect towards and consideration for the less developed races and their institutions” (Agbebi, 1911: 343). Others advocated for the creation of specialized institutions, gatherings, and journals whose main objective was the moral and intellectual education of the ‘advanced divisions of mankind’ (Tonnie, 1911, 242; MacDonell, 1911: 242; Seal, 1911: 13). Another extensively supported suggestion was the promotion of personal contacts between people belonging to ‘different civilizations/races’, assuming that this would provide the proper experiential path to educate judgment and contest widespread untested assumptions and fallacies.

3 Humanitarianism and the Discourse on Racism

As discussed in the previous section, the idea of *interracial problems* summarized the way Humanitarians mobilized against the increasing animosities between ‘races/nations/civilizations’, the suffering of ‘the backward or weaker races’, and the emergence and circulation of fallacious doctrines about the nature of the ‘family of man’. Humanitarians based their analysis of those problems on a theory of causality as socially and environmentally determined. This understanding of social causation gave them the foundation to argue that the moral, economic, political and ethical ‘backwardness’ of certain races/nations/civilizations and their phenotypic differences were not a reason to represent these collectivities as incapable of improvement, unable to reach the same level of civilization, virtue, refinement, and rationality that the ‘most advanced’ ones, or different from a genotypic point of view. It also provided them the epistemic and moral basis to visibilize and legitimize the suffering of the ‘backward races/nations/civilizations’, survey and expose the wrongdoings of the ‘advanced races’, and shape and promote a doctrine of moral responsibility.

Based on those assessments and principles, Humanitarians developed a model for social action with two interrelated targets, the promotion of empathy and identification between ‘races/nations/civilizations’, and the progressive eradication of the ‘backwardness’ of the ‘least developed members of the family of men’. Regarding the former, they considered it crucial to make the suffering of the ‘backward races/nations/civilizations’ visible to the general public to inspire mercy, pity, and compassion. They also promoted public inquiries on the wrongdoings of the ‘advanced races/nations/civilizations’, and the creation of institutional and normative frames

specifically created for the protection of the ‘weaker members of the family of men’.

Moreover, Humanitarianism concerned about *interracial problems* advocated for embracing education as a key part of their philanthropic enterprise. They identified the enlightenment of the public through the exposure of ‘mankind’ to ‘real knowledge’ as a precondition to overcome the ignorance that was at the root of ‘interracial’ animosity, negligence, apathy, and lack of good will. A common proposition in this mobilization was to make Humanitarian values and scientific findings the leading principles in the interactions between ‘races/nations/civilizations’. In particular, a regular proposition in Humanitarianism was that of adopting a model of moral and intellectual education of the members of the ‘most advanced divisions of mankind’, under the assumption that a proper knowledge about the ‘backward races/nations/civilizations’ would help to debunk any misrepresentation of truth and undermine any ‘unfriendly feelings’ associated with prejudice. Regarding the upliftment of the ‘backward races/nations/civilizations’, Humanitarians considered necessary to adopt measures that help ‘the awakening of the dormant capacities of the uncivilized and semi-civilized races’. As I discussed in detail in previous pages, the three most salient ideas were the transformation of the social environment of ‘non fully civilized human divisions’, the implementation of ‘a civilizing pedagogy’, and the encouragement of ‘practices of self-upliftment’.

After thoroughly analyzing Humanitarian politics, is there any ground to conclude that what they defined as *interracial problems* could be considered equivalent to what, since World War II, has been identified as racism? Are there elements that demonstrate that the realities that the concept of racism made intelligible since the 1940s were self-evident consciously or unconsciously in the Humanitarian concept of *interracial problems*? Does the presence of these elements offer a strong case in favour of the idea that Humanitarian politics were a movement contesting racism?

As stated in the introduction of this chapter, the proper way to answer these questions is to contrast the concept of *interracial problems* with that of *racism*. In so doing, I expect to reveal the similarities and differences between both ideas, and, more important, to test if the concept of *interracial problems* fulfills the requirement of reasonable and indisputable equivalence with the concept of racism, beyond apparent resemblance.

As I indicated earlier, to facilitate the process of comparison between the ideas of *interracial problems* and *racism*, I will work with five definitions of the latter term: First, the idea that racism is a falsification of scientific knowledge about human biology (Banton, 1970: 18); second, the understanding of racism as “any argument, irrespective of form and content, that suggests that the human species is composed of naturally occurring discrete groups to legitimize social inequality” (Miles and Brown, 2003: 83); third, the approach that identifies racism as a theory of human nature that perceives social groups as natural collectivities, and the antagonism between them as inevitable, even when that mutual antipathy is not based on the idea of hierarchy (Barker, 1981; Gilroy, 1987; Hall, 1980); forth, the conceptualization that describes racism as all processes that, intentionally or otherwise, both result in the continued exclusion of a subordinated group or are intended to protect the advantages of a dominant group; and finally, the definition that understands racism as the “ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable” (UNESCO, 1979: 62-63).

When looking in detail at the issues identified under the term *interracial problems*, it will not be difficult to notice that despite some apparent differences some of them have a striking resemblance to the five definitions of racism I described above. For instance, Humanitarians critically addressed the doctrines that supported the insurmountable biological differences between human beings. Specifically, one of the main targets of the Humanitarian mobilization were the theories of misleading ideas about the nature of human bio and socio diversity. These meanings show that the idea of *interracial problems* and the first definition of racism share clear similarities.

Even though Humanitarians understood social ‘wrongdoings’ mostly as a consequence of ignorance and indifference, rather than as an outcome of rationally constituted agendas, they also discussed how ‘bad faith and negligent legal, political and social arrangements’ informed the inhumane ways "civilized races/nations/civilizations" governed colonies and "dependencies", and mistreated "the less developed members of the family of man." Here, the parallels with the second definition of racism are evident. Humanitarian politics also used the concept of *interracial problems* to address the

tendency of ‘mutual distrust, hatred, and aloofness between races, nations, civilizations, and religions’, which, in a certain way, resembles the thesis of cultural differentialism summarized in the third definition of racism. Likewise, some similarities may be apparent between the idea of institutional racism and the way Humanitarians linked the misfortunes of the ‘backward races’ to ‘unintentional actions’ such as, for example, social indifference, refusing to act in favour of the unprivileged and the failure to recognize both a common identity, as well as mutual ties of duty and responsibility between members of ‘the human family’.

Finally, Humanitarians associated the existence of *interracial problems* to factors such as prejudice, misleading assertions based on bad science, intentional attitudes such as the transgressions of basic social rules of coexistence, acting in bad faith and the failure of some members of the ‘advanced races’ to follow internationally agreed Humanitarian standards and duties. They used the concept of *interracial problems* to activate a conversation about ‘human wrongs’ and ‘human sufferings’, or what they called the misfortunes of those defined as ‘the neglected and perishing branches of the human family’. This mobilization also pioneered the emphasis on the importance of embracing regulatory institutions and international rules to govern inter-group relations and, in particular, to prevent those prejudices, misleading assertions, and attitudes to flourish. Those statements and propositions have parallels with some of the dimensions of the fourth definition of racism.

On the other hand, if we focus on the distinctive language and scope of the concept of *interracial problems*, it will not be difficult to notice apparent disparities with the language and scope used in the different conceptualizations of the term racism. However, if we only pay attention to these disparities, there is not a substantial ground to argue that Humanitarians did not develop an early form of anti-racism. Actually, the five definitions of racism discussed above are not free from nuances and disparities themselves. At the same time, through the concept of *interracial problems* Humanitarians developed some statements and, more importantly, a tradition of problematizing reality that these definitions of racism would later replicate to a certain extent. For instance, the Humanitarian concept of *interracial problems* and those conceptualizations of racism are aligned regarding the idea that human bio and socio-diversity result from environmental

causes and that all human beings belong to the same species. Therefore, they share that any explanation of human diversity and condition or treatment of human beings that do not follow that understanding deserves open criticism and intervention.

However, the singularity of Humanitarian politics goes beyond some slight and insubstantial differences in language and scope. It is, instead, a result of a combination and interdependence of understandings, propositions, statements, conceptual frames, and theoretical and thematic choices, like those enumerated above, together with others, which the previous five definitions of racism either did not take into consideration, discarded or, more relevant, openly or tacitly confronted.

Arguably, the two core characteristics that the multiple and not necessarily convergent definitions of racism previously discussed have in common are that they identify racism as a phenomenon in itself, and avoid, in a conscious way, any kind of racist slips. The five conceptualizations described above treat racism as a phenomenon in itself, with its ontological foundation and moral connotations. In other words, they do not perceive racism as an epiphenomenon of another more transcendental reality, but as a reality *in itself* that can be successfully spotted, defined, diagnosed, surveyed, problematized, and challenged through social intervention. Complementing the previous, these conceptualizations successfully circumvent moral and epistemic contradictions that make them appear as both fighting and embracing racism. In other words, all of them, from the most reductionist to the most encompassing ones, embrace this principle as non-negotiable and keep a minimal level of consistency. What provides the foundation to identify these five definitions as belonging to the same discursive formation is precisely the interplay between this epistemic/moral/political consistency and the recognition of racism as a self-sufficient reality that can be known in its own right.

Humanitarians, in contrast, were not focused on recognizing racial issues in themselves, nor did they maintain the moral, political, and epistemic consistency that anti-racism adopted. On the one hand, Humanitarians did not treat *interracial problems* as a self-sufficient object, but just as another manifestation of both, the suffering of “the neglected and perishing branches of the human family” and the wrongdoings of the “most advanced divisions of mankind”. In other words, they conceived *interracial problems* more as a symptom of a bigger problem than as a reality in its own right. More

specifically, the term *interracial problems* was just an expression that signified the failure of the ‘races of mankind’ to relate to each other in peaceful, respectful, empathetic, and constructive ways. It also meant the existence of disharmonies at a planetary scale that represented a clear sign that the world was not operating according to Humanitarian principles or, what is the same, one of the multiple signs that humans were failing to live a virtuous life based on fraternity, rationality, and truth. In other words, these politics concentrated on the way *interracial problems* were obstacles to establishing Humanitarianism as the dominant moral, epistemic, and political model of organizing relations between ‘races/nations/civilizations’.

On the other hand, the concept of *interracial problems* accommodated a harmonious convergence of ideas that anti-racism has deemed antithetical. For instance, Humanitarians criticized the existence of fixed and insurmountable differences between humans regarding capacities and intelligence. They even pioneered the dismissal of the existence of biological hierarchies between the ‘races of man’, and advocated for an understanding of human heterogeneity as a consequence of an adaptation to different environments. However, in a position that sets them apart from anti-racism, the concept of *interracial problems* was at peace with the affirmation that the political, cultural, social, spiritual, military, and moral heterogeneity of the ‘members of the family of man’ could and, to a certain extent, should be organized hierarchically.

As I described in the previous section, Humanitarianism used the litmus test of modernity to classify human beings as civilized, semi-civilized, and backward/primitive/savages. By so doing, they supported the idea that the existence of different cultural, political, moral, religious, and economic models was an expression of uneven levels of development between the members of ‘the family of man’. This entailed a belief in the intellectual, political, economic, religious supremacy of some human groups. They also conceived the history of human civilization as, paraphrasing Anibal Quijano (2000: 542), a trajectory that departed from a state of nature and culminated in modernity. In this understanding, every single civilization was classified according to their ‘degree of maturity’ and located in a unilineal evolutionary frame.

Furthermore, Humanitarians expressed genuine concerns for the situation of the ‘least fortunate members of the family of man’, a feature that resembles anti-racism’s

concerns about populations subjected to discrimination, violence, and misrepresentation. However, adopting a different stance, they linked this situation of ‘misfortune’ not only to the set of ‘imposed disabilities’ these members acquired as a result of negative interactions with colonizers, imperial agents and ‘advanced races’ in general, but also to the political, economic, religious and cultural ‘yet untamed backwardness’ of certain ‘divisions of mankind’. This last position is at odds with two well-established understandings in anti-racism politics, namely that cultural and spiritual differences between humans could better be explained by environmental adaptation; and that the economic and political inequalities between ‘races’ are not a result of their distinctive being, but exclusively a consequence of either unfair relations of domination or the existence of social obstacles that prevent some populations from developing in all their potential. In the multiple theoretical articulations that anti-racist politics has activated, the idea of cultural, economic, political difference between racial groups has never been a synonym of the idea of superiority/inferiority, and the term hierarchy has only made sense as a signifier to address power disparities and domination. .

Humanitarianism also showed enthusiastic support for the project of ‘civilizing’ backward *divisions of mankind*. In particular, Humanitarians perceived the *backward races* in a condescending way, representing them as a group in need of assistance, like children needing the guidance of well-developed adults. They assumed that civilizing the *backward races* was one of the main ways to help some members of the *family of man* to overcome their *misfortunes*. They also perceived this as a philanthropic responsibility. Despite some people within these politics advocated for *self-upliftment*, certainly another group supported the need to ‘civilize the uncivilized’, their leading voices identified the *advanced races* as the main duty bearers in the project of *uplifting* the *backward* ones. Specifically, Humanitarianism described *modern divisions of mankind* not only as groups located in different stages of human political, economic, religious and moral development, but set the standards of civility and, more importantly, also decide who shared the responsibility to bring ‘the less advanced divisions of mankind’ out of their *backwardness*.

This validation of the idea of superiority and inferiority situates Humanitarianism in a moral and epistemic position that is not coterminous with the intellectual and political

mobilizations that, since the 1940s, have organized around the concept of *racism*. It is unthinkable in anti-racism to try to harmonize the dismissal of biological hierarchies and the welcoming of cultural, political, spiritual, economic ones. In all its articulations, anti-racism has remained impermeable to the possibility of embracing any kind of hierarchy among humans or organizing them in a unilineal evolutionary trajectory. It would be also very difficult to reconcile anti-racism with the Humanitarian ‘civilizing project’, and all its patronizing and condescending connotations.

Last, but not least, Humanitarianism evaluated imperialism and colonialism in positive terms. As discussed previously, Humanitarian politics praised colonial and imperialistic enterprises rather than opposed them. Even though they criticized the ‘bad deeds’ of imperialism and colonialism, a position that any post-war definition of racism would have somehow endorsed, they applauded their valuable contribution to human progress. The concept of *interracial problems*, for instance, accommodated discordant ideas such as that of mutual respect between ‘races and/or civilizations’, and that of the legitimacy of imperialism as a modernizing and ‘uplifting’ initiative. Humanitarian politics even praised the positive technological, political, economic, religious, and pedagogical impacts of these enterprises to the life of ‘backward divisions of mankind’. Their only criticism of colonial/imperial enterprises was directed to the circumstances in which the interest to protect, uplift, and contribute to the well-being of the “weaker races” was not the leading value informing the occupation of territories, exploitation of labour, extraction of resources, and political domination.

The combination of similar and not only different but also incompatible points of view between Humanitarian and later anti-racist politics creates challenges to support the idea that these two mobilizations are coterminous. Rather, the two might be described as similar in some regards, but fundamentally distinctive in others. How can we explain these similarities and differences? What prevented Humanitarians to gravitate to the same rationale that informed anti-racist politics some decades later, even though both mobilizations were organized against the same behaviours, practices, and doctrines?

If we embrace the presupposition that things-in-themselves are the foundation to explain aboutness, truth, objectivity and social action, the answer to those questions is simple: Humanitarianism was only the prelude to the anti-racist mobilization, and, as

such, simultaneously presupposed the advent of the latter, but lacked its epistemological and political refinement. Likewise, a legitimate explanation of the racist slips of Humanitarianism will be to link them to the epistemic immaturity of this mobilization to avoid reproducing racist prejudices in its assessment of racism as a problem. In other words, the mainstream theory of knowledge would explain the differences between these two mobilizations in representing and confronting reality as a result of the progressive process of production and accumulation of knowledge about racism as a given.

However, if we take a distance from seeing reality as an unchallenged unit of explanation, the answer to the questions presented above will be very different. In particular, if we adopt the thesis that the formation of truth claims about reality is subordinated to the existence of a priori elements that we can only find in thought/cognition/discourse, it becomes difficult to conceive the knowledge and problematizations that Humanitarianism and anti-racism activated as two sequential moments in the representation of the same reality. Instead, they would become constitutive acts of two distinctive realities. This means that the differences between these mobilizations are not in their disparate degree of success to grasp what was given but in the constitutive effects of their objectifying practices. Stated otherwise, the adoption of a theory of knowledge that is based on the objectifying condition of cognition prevents us from identifying Humanitarianism and anti-racism as sequential moments of the same political, moral, and epistemic conversation, in which Humanitarianism presupposed or announced the future existence of anti-racism, and anti-racism is nothing other than an improved and corrected version of Humanitarianism. Instead, this theory of knowledge leads us to perceive these mobilizations as different and non-sequential discursive formations, with distinctive objectifying projects with very different consequences.

Regarding the similarities between Humanitarianism and the discourse on racism, this theory of knowledge would conceive the latter as a form of positivity that did not alter all the objects, enunciations, concepts, and theoretical choices of the former. Instead, it would conceive the discourse on racism as a general transformation of relations that altered some of the core elements of Humanitarianism, while adding others that did not exist in that discursive formation. In other words, in the discourse on racism, the objects,

enunciations, concepts, and theoretical choices of Humanitarianism would work according to new rules of formation and articulation. In any sense, this entails that the discourse on racism improved or perfected Humanitarianism's representation of reality. What it means is that despite the discourse on racism adopting some of the objects, enunciations, concepts, and theoretical choices of Humanitarianism, it established a system of relations and interactions between them that would objectify reality differently. For instance, in the discourse on racism, these objects, enunciations, concepts, and theoretical choices would play a role in the constitution of racism as a thing in its own right. Such an outcome did not take place in the way they interacted in Humanitarian politics.

Moreover, this theory of knowledge would be at odds with the idea that Humanitarianism was a mobilization defined by epistemic naiveté and political false consciousness. On the one hand, it would lead us to reject the idea that people embracing these politics failed to see what has been self-evident to anti-racists. This means that, in this theory, Humanitarians would not be victims of a flawed understanding that prevented them to grasp the true nature of the reality they were facing and confronting. It would rather understand Humanitarianism's approach to reality as a discursive formation that compelled this mobilization to see, think, speak, feel, and act as Humanitarians, not as anti-racists.

In other words, this theory would lead us to conceive Humanitarianism, not as the first step in the project of revealing, mirroring the truth of racism as a thing. It would even lead us to renounce seeing it as part of the discursive formation that constitutes racism as something that we can identify, speak, think about, and mobilize to organize our actions. Humanitarian knowledge would rather refer to the processes through which the misfortunes of some members of the 'human family', the wrongdoings of the others, and the imperative to ameliorate these misfortunes and wrongdoings and enhance the welfare of all members of 'mankind' came to be constituted and stabilized as objects of knowledge and action in their own right. Humanitarianism, in other words, was the field of interaction, coordination and subordination of statements, conceptual frames, themes and theories that allowed, from the end of the 18th century to the beginning of the 20th century, to think, talk and act about human misfortunes, human wrongdoings, and human

responsibility towards the enhancement of the welfare of all members of ‘mankind’.

More specifically, Humanitarianism summarized a multiplicity but confluent efforts to inquire into and confront the social causes of ‘the misfortunes and backwardness’ of “the neglected and perishing branches of the human family’. In this discursive formation, the idea of *interracial problems* was nothing more than another manifestation of the repertoire of ‘sufferings and wrongdoings’ that monopolized the attention of Humanitarians. Likewise, the ‘backward and advanced races’ did not occupy an exclusive place of interest, nor were they subjects in their own right. This mobilization, politically, morally and epistemologically speaking, conceived the ‘backward races’ in a similar fashion as the way it perceived the enslaved people, the poor or degraded underclasses, the insane, the criminal, and the abused workers. Their critique of the actions of “the advanced races” belongs to the same order of statements that informed their critiques to the slave-owners and slave-traders, the penitentiary system, the mental asylum, and the abusive employers. Finally, their call to act compassionately towards the ‘backward races/civilizations’ was only another manifestation of their general call to take responsibility and assume duties toward those living in ‘misfortune’. The racist, the victim of racism, and the anti-racist were absent in this discourse. If one could speak of a triad of subjectivities in Humanitarian discourse, it would be one formed by the ‘neglected and perishing branches of the human family, the privileged members of the family of man’, and the Humanitarians.

In summary, Humanitarians did not fail to see what eventually became self-evident decades later. The reality their cognition and problematizations objectified defined its contents, principles, and even its silences in terms of discursive regularities that did not survive in anti-racism politics. Humanitarianism was epistemologically obvious and, I would add, inevitable for all the people who mobilized under that banner because it provided a framework that efficiently established more or less permanent relationships between life experiences, social events and claims, doctrines, and moral expectations, as well as, intelligible paths for political mobilization. Said differently, the acts of cognition and problematization through which Humanitarians established more or less permanent relationships between appearances, and, consequently, ensured their unity in a particular reality were not coterminous with the acts of cognition and problematization that became

regular in anti-racism.

On the other hand, in the theory of knowledge I am proposing, the fact that Humanitarianism accommodated statements, theoretical choices, and mobilization targets that are too ambiguous or even unacceptable for people fighting racism is not a sign that the Humanitarians were victims of false consciousness. It is neither an indication that they were unconsciously racists or involuntary accomplices of racism *per se*. Their usage of the litmus test of modernity to classify human beings as civilized, semi-civilized, and backward/primitive/savages, their praise of colonial and imperialistic enterprises and their enthusiastic support of the ‘civilizing’ project were epistemologically consistent with the three leading principles that triggered and guided their intellectual, political and moral mobilization: human misfortunes, human wrongdoings, and human responsibility to ameliorate misfortunes and enhance the welfare of all members of ‘mankind’. Their hierarchical distinction between “divisions of mankind” was in harmony with the idea that some members of ‘the family of man’ had achieved a plausible degree of political, economic, spiritual wellbeing and ‘refinement’ while others lived in ‘misfortune and abjection’. Their understanding of imperialism and colonialism as intrinsically positive was a result of their position that those were enterprises that would allow those living in ‘backwardness’ to ‘enhance their welfare’. Finally, the civilizing project was the necessary means ‘to uplift the divisions of humanity that had remained behind’.

The accommodation of these statements, theoretical choices, and mobilization targets were in no way a sign of a political misrepresentation of dominant social relations. Nor was Humanitarianism a discursive formation afflicted by a sort of unconsciously political and moral ambiguity.⁴⁴ Rather, the confluence of these ideas was a consequence of the ways of thinking, knowing, speaking, and acting as Humanitarians. It was the emergence and consolidation of new regularities in the way of constructing ethical judgments, associating appearances, defining objects of knowledge, and political mobilization that undermined the legitimacy of this harmony. In other words, this

⁴⁴ This does not entail that Humanitarianism, as a discursive formation, was not a system of dispersion. Humanitarianism did not constitute the reality of human misfortunes, human wrongdoings, and human responsibility once and for all, but it produced a multiplicity of accounts that appeared, disappeared, or juxtaposed and transformed. The First Universal Races Congress, for instance, was not a space of unanimity, but one in which the attendees shared very different understandings of what could be defined as human misfortunes, human wrongdoings, and human responsibility.

congruent convergence of ideas would only become a self-evident problematic accommodation with the materialization of a new way of constituting reality through cognitive and problematizing acts. It was, in the same way, the emergence of a new discursive formation, that on racism, that would create the conditions of possibility to identify, think and speak about this confluence of ideas in terms of moral and epistemic ambiguity.

Conclusion

As a case study, Humanitarianism shows that knowing and problematizing reality is not merely a way of mirroring or reacting to things that are already given but are in themselves acts of reality constitution. Humanitarian politics emerged and consolidated in a context where “the racial problem was never more prominent”, in the words of Joseph Burt, an attendee of the First Universal Races Congress (Burt, 1911). In other terms, this mobilization took place during a historical period in which all the elements that triggered anti-racism as a mobilization decades later were in place in its purest form. As such, Humanitarians and anti-racists sought to confront problems that in appearance resemble each other. However, the former generated an account that does not fulfill the requirement of reasonable and indisputable equivalence with the one that anti-racists developed later.

The ideas of *interracial problems* and racism established different relationships between performances, beliefs, attitudes, social, cultural, legal, and political arrangements and doctrines. The cognizing and problematizing acts that these discursive formations activated made phenomena lose their concreteness, manifoldness, and plurality in distinct ways. Stated otherwise, each one produced different objectifications or distinctive accounts of what could be regarded as identifiable and targetable as objects of conversations, thought, and mobilization.

Humanitarianism as a case study also illustrates that racism is not given but constituted in discourse. The way Humanitarianism organized its statements, conceptual frames, theoretical and thematic choices, and called for concrete actions does not endorse the belief in the material determinedness of racism. Specifically, it leads us to see that in the absence of discursive practices that produce racism as a thing in its own epistemic right, or something that we can speak about, think about, know thoroughly and act on,

racism does not become a self-evident reality. It also shows us that it is only through discourse that we can guarantee the unity and coherence of several appearances in a particular or same thing (e.g. *interracial problems* and *racism*). It is important, once again, to insist that in any sense, this means the denial of the tangibility of the plural, manifold and concrete events, behaviours, attitudes, doctrines, and structural arrangements that the idea of racism has brought together. It rather entails that these events only become self-evidently racist as facts of the discourse on racism.

Humanitarian's problematization of human misfortunes, human wrongdoings, and the promotion of human responsibility constituted more or less permanent relationships between appearances (behaviours, attitudes, doctrines, and structural arrangements) that did not survive in anti-racism's problematizations, at least in its original configuration. The discourse on racism redefined the concreteness, manifoldness, and plurality of phenomena that triggered Humanitarianism, and progressively shaped the dynamic phenomenological repertoire of what historically has been understood as racism. It also entailed the emergence of entirely new forms of positivity, and a vast renewal of objects, forms of enunciation, concepts, and strategies. Humanitarians were epistemologically unable to see racism as a self-evident reality, even though they faced appearances (concrete events, behaviours, attitudes, doctrines, and structural arrangements) that are now unanimously identified as manifestations of one of the most explicitly racist periods in modern history. Once a different discourse emerged decades later, racism surfaced for the first time as an intelligible object of knowledge, analysis, and regulation and as a clear cause for social mobilization.

The following chapter explores how the phenomenological and ontological shifts of racial discrimination as a thing are an outcome of discursive transitions rather than changes in the givenness of reality. Likewise, the chapter critically interrogates the practice of historicizing racial discrimination as the uncovering of a continuous progression, whether of social phenomena or the processes of knowing them.

CHAPTER 3. Racial Discrimination as a Discursive Formation: A Critique of Historizing Anti-Racism as Progressive Awareness

Thus in the place of the linear chronology of reason which was invariably traced back to some inaccessible (sic) origin, there have appeared scales that are sometimes very brief, distinct from one another, irreducible to a single law, scales that bear a type of history peculiar to each one and which cannot be reduced to the general model of consciousness that argues, progresses and remembers.

Devereaux Kennedy Michel Foucault: *The Archaeology and Sociology of Knowledge*

Even if it begins by modestly assigning to its constructs merely heuristic status, it all too frequently ends by confusing its own conceptualizations with the laws of the universe.

Peter Berger and Thomas Luckmann *The Social Construction of Reality*

In 1981, the international Committee on the Elimination of Racial Discrimination (CERD) received the fifth periodic report of the Cuban Government (General Assembly, 1981: 111).⁴⁵ Members of the Committee expressed their satisfaction with the report, and praised the Government of Cuba for both complying with the obligations the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) imposed on the Signatory States and promoting the ideals of this treaty at the international level.

Committee members noted that the Cuban government had adopted anti-discrimination focused articles in its Constitution as well as in its Criminal Code (General Assembly, 1981: 110). They highlighted, as well, that Cuba was in the vanguard of the struggle against racism and colonialism in the international arena. Specifically, they celebrated that the Cuban government had been an enthusiastic supporter of national liberation movements in southern Africa and had become a signatory party to the

⁴⁵ Signatory States of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) submitted their reports to the Committee every two years. In 1988, the Committee decided to accept the proposal of the States Parties that submission of comprehensive reports should only take place every four years, and a brief updating report in the two-year interim (General Assembly, 1997: 88).

International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly, 1981: 110). Likewise, they congratulated Cuba for complying with the condemnation and criminalization of all supremacist propaganda and all organizations by adopting articles in its Criminal Code that penalized the support of doctrines of racial superiority and racial segregation. Another favourable comment from the Committee was acknowledging that Cuban legislation explicitly recognized the obligation of the state to protect the rights and fundamental freedoms of all citizens, regardless of their race, colour, and ethnic or national origin (General Assembly, 1981: 110-111). The Committee also praised the effort of the Government to eliminate any economic disparity and all forms of racial discrimination, which had been inherited from the colonial era. Finally, several members commended Cuba for its educational system guaranteeing equal opportunities for future generations, and its social security system and labour legislation (General Assembly, 1981: 110).

During the session, members of the Committee raised questions to the Cuban representative regarding aspects in the report that, in their view, needed further clarification. Among other things, they inquired about the measures Cuba was taking to ensure the advancement of its black population. They demanded, as well, more details on the protection of civil and political rights, and requested further information on whether the Cuban Government provided protections and remedies to foreigners visiting Cuba who suffered racial discrimination (General Assembly, 1981: 110). The representative of Cuba diligently replied to all these questions. Concerning the inquiry of the advancement of the black population, he stated that in Cuba the protection of equality and equity had gone beyond the theoretical, since the government organized all its actions according to the principle of solidarity of all human beings, regardless of their colour or ethnic origin (General Assembly, 1981: 111). Referring to the protection of rights, the representative explained that the Cuban government had fully embraced the defense of the best interest of the Cuban people as its guiding principle. For example, he argued that the Revolution had established a strong social security system, created a country that was free from unemployment, illiteracy, and economic and social disparities, and in which the political system was at the service of the working class. Finally, the representative clarified that the Cuban Constitution and Criminal Code provided remedies for victims of racial

discrimination and guaranteed the same protections to foreigners as the ones offered to Cuban citizens (General Assembly, 1981: 112). According to the records of the General Assembly, the Committee found those answers satisfactory and did not seek further explanations or issue any recommendations.

Six years later, the CERD received the seventh periodic report of the government of Cuba (General Assembly, 1987: 44). Once again, the Committee praised Cuba's record in the struggle to eliminate racial discrimination both domestically and internationally (General Assembly, 1987: 44). Members of the Committee recognized, as well, that the report complied with the Committee's guidelines and provided relevant information about laws and constitutional provisions that were particularly useful in the fight against racial discrimination.

Following its mandate, members of the CERD sought further clarifications regarding how the Cuban Government was complying with the provisions of the Convention. For instance, they were interested in knowing about the demographic distribution of the Cuban population. They also wished to learn how the Government incorporated international human rights conventions into internal laws and requested further information on the special measures it had taken to promote the rights of sections of the population that had suffered discrimination in the regime that predated the Revolution. The Committee showed curiosity, as well, about the type of penalties the Criminal Code imposed on individuals guilty of discrimination and requested the Cuban representative to provide information on whether there had been any cases in which the judicial system had imposed those penalties. Regarding the protection of rights, among other things, Committee members wanted to learn whether people of darker complexion were being recruited to the ranks of the ruling party and hired as teachers, two measures that in their opinion were necessary to enhance equality among all sections of the population. They also showed interest in receiving information about whether the existence of a single trade-union federation in Cuba meant that an ethnic group that wished to form its trade union would not be permitted to do so (General Assembly, 1987: 44).

Another request from the Committee was that of receiving information about the protection of rights. Specifically, it asked whether Cuba had adopted effective protections

and remedies against any act of racial discrimination and violations of fundamental rights public officials committed. Members of CERD showed curiosity, as well, as to whether the Cuban Government provided specific courses on the concept of human rights for students, police officers, and members of the legal profession. Finally, they asked whether the Cuban political system might be willing to recognize the competence of the CERD to deal with communications and complaints from individuals related to racial discrimination and violations of fundamental rights (General Assembly, 1987: 44).

In her reply to those questions, the Cuban representative said that in her country the ICERD had acquired the force of domestic law. She commented that the Penal Code prohibited and punished discrimination or encouragement to discriminate, and typified apartheid as a serious offence carrying severe penalties (General Assembly, 1987: 45). The representative also explained that since the beginning of the Revolution, Cuba had been striving to eliminate distinctions based on class, sex, and race inherited from the old regime. She clarified that the 3rd Communist Party Congress, celebrated in 1985, stressed the need for proportional representation of women and all races within the ranks and leadership of the Communist Party and in economic and social life. Concerning the question about the formation of unions, the representative argued that there was no ethnic group that sought to form a trade union of its own (General Assembly, 1987: 45). As a final point, she explained that the Cuban Constitution and the Penal Code provided remedies to any Cuban who considered himself (sic) to be the victim of a violation of his (sic) human rights, and prescribed prison terms and fines to offenders. As in the case of the 1981 report, the Committee found those answers satisfactory and did not seek further explanations or issued recommendations.

In 1987, the government of Cuba presented its ninth periodic report. This time, the tone of the assessment from the Committee would be different. Far from the praise for the performance of the Cuban government that had characterized past evaluations, the members of the Committee questioned the Cuban model of understanding racial discrimination, and they were more incisive in demanding concrete evidence on the fulfillment of Cuba's duties as Signatory State of the Convention. Until the late 1980s, the Cuban Government had commonly described racial discrimination on a societal scale as non-existent in its territory. In his preliminary response, for the first time since Cuba

began reporting to the CERD, the representative admitted that manifestations of racial discrimination did occur on the island. However, he labeled these acts as vestiges inherited from the regime that preceded the Revolution. The representative stated that the Cuban people regarded such manifestations as disgraceful and rejected them. He also argued that his government had always been proactive in using due legal measures to eliminate those vestiges and promote the necessary changes in the attitude of its population.

Although the Committee expressed their appreciation of the cooperative behaviour of the Government of Cuba, it considered it necessary to challenge that approach. It first noted that it was a mistake to characterize racial discrimination only as a vestige of the past since no society was completely free of it. Members of the CERD then inquired whether the Cuban Government had considered that certain types of racial discrimination that still existed on the island were a result of differences in the status of its various ethnic groups. It also questioned whether the Cuban Penal Code was responsible for the disproportionate number of blacks in the prison population (General Assembly, 1991: 32).

Regarding the compliance with duties under the Convention, the CERD wished to receive demographic information reflecting the distribution of economic resources, as well as the representation of each of the main ethnic groups in the public administration, the educational system, and the judicial system (General Assembly, 1991: 32). It requested information, as well, concerning the proportion of Blacks (sic) at each level of education (General Assembly, 1991: 32) and on any programmes that the state was carrying out to promote particular sectors of the population, and how such programmes were benefiting the Black population (sic) in particular (General Assembly, 1991: 32). Going beyond inquiring whether Cuba had both condemned apartheid and racial segregation in the international arena and prohibited their existence in the national territory, the Committee demanded concrete information on the penalties the government of Cuba had adopted to fight the crime of apartheid. Lastly, the Committee made some inquiries on cultural rights. In particular, it requested information regarding the steps the government had taken to ensure that all population groups, especially Blacks (sic), had access to all aspects of cultural life. Besides, members of the CERD asked whether the

history curriculum, both at school and university, included the study of different ethnic groups and cultures (General Assembly, 1991: 33).

The Cuban representative struggled to provide satisfactory replies to all these questions and requests. Following established practices, he tried to offer the same answers that until late 1980s had characterized the position of the Cuban Government before the Committee. For example, he argued that in Cuba, all citizens, without distinction as to race, enjoyed the same rights and legal protections. He stressed as well that children of all races and all sectors of society had access to education on an equal footing (General Assembly, 1991: 33). However, it is necessary to highlight that his response introduced nuances that would be slightly different from the historical way in which the Cuban Government had constructed its narrative on the non-existence of racial discrimination in its territory. Specifically, the representative recognized that despite Cuba embracing the principle of equality without distinction as to race, all racial groups were not evenly represented in the economic structure and the prison system. For instance, the representative recognized that Blacks (sic) were highly represented in the prison population and explained that this reality was a result of the fact that Blacks (sic) were particularly numerous among the poorest sectors of the population.

The Cuban representative also recognized that there were some requests that he was not able to address due to the lack of data on the matter. He promised that the Cuban Government would provide that information in future reports. This included submitting material on the economic status of the different groups, and the proceedings that had already been brought under the Penal Code regarding offences against racial equality (General Assembly, 1991: 34). In its concluding observations, members of the Committee commented that the government of Cuba had maintained a constructive dialogue and acknowledged that it was taking active steps to combat racial discrimination. It also stated that it hoped that Cuba would supply additional information in the next periodic report (General Assembly, 1991: 34).

Nothing in the records of CERD shows that this change of tone and, consequently, of assessment had anything to do with Cuba *per se*. From 1987 to 1989, no social events had taken place in the island that triggered the emergence of previously non-existent manifestations of racial discrimination. Nothing had changed in the way the Cuban

government confronted racial discrimination domestically and internationally. The Cuban Government had neither neglected its duties nor modified its willingness to abide by international standards and expectations. What factors, then, can explain the events described in the previous paragraphs? How do we make sense of the situation that in four years, the Cuban Government went from being a successful example of the fight against discrimination to being labeled as a country that needed legal and redistributive interventions and even revisions of its approach to rights protection? How do we understand that the same actions and arguments of the government would provoke such different reactions in such a short time?

If we assume that racial discrimination is a given, there are five possible answers for this change. The first three are based on the behaviour of the government of Cuba; the last two are related to either a change in the nature of racial discrimination or the evolution of the cognitive process that made sense of it. A first possibility is that societal changes in Cuba had triggered new forms of racial discrimination and that the Committee was able to make them explicit. A second answer is that the Cuban state was neglecting its duties under the International Convention and, consequently, CERD was playing its role as an overseeing mechanism to expose the shortfalls. A third hypothesis is that the Cuban state was no longer effective in hiding the true reality of discrimination on the ground of race in the island, and the Committee was finally uncovering the truth. Fourth, another option is that this transition was perhaps a result of changes in the very phenomenology of racial discrimination. In particular, it was possibly the moment in which racial discrimination evolved from a visible or direct articulation to a more latent or indirect one, as an adaptive mechanism to resist the international mainstreaming of legislations and policies fostering formal equality. A final possible explanation is that this change was an outcome of the progressive refinement at the planetary level of an understanding of racial discrimination as a problem. In summary, our answers would focus on the intentionality and performance of certain actors, the characteristics of racial discrimination as a phenomenon, or the processes of awareness that identify the progressive cognition of something that is given.

Now, how can we explain this transition if we use the Marburg School's theory of objective validity and givenness, Michel Foucault's work on discourse, and Quentin

Skinner emphasis in utterances and intentional uses rather than in essential meanings? Said differently, how would we understand these changes, if we abandon the idea that racial discrimination is a given? How would we make sense of them if we accept the principle that there are not "things" anterior to discourse and realities beyond utterances? What explanation would we get if we refrain from understanding the practice of historicizing racial discrimination as the unfolding process of trial and error through which its latent truths become uncovered? This chapter focuses on answering these questions.

Taking the Cuban Government's reports to the Committee as a point of entry to analyze the simultaneous appearance and disappearance of discursive formations, this chapter presents an alternative way of analyzing racial discrimination from a historical perspective. Specifically, it avoids reconstituting what racial discrimination itself might be in its historical evolution, from its past articulations to its more current manifestations. Instead, this chapter surveys the emergence, consolidation, and dissolution of discursive regularities and modalities of enunciation that constituted the reality of racial discrimination as an object in its own right: one that we can identify, speak about, know, and in which we can intervene. In addition, this chapter pays attention to the transformation of positivities or utterances, or the shifts in the ways of enunciating and constituting objects, and building conceptual and theoretical choices. In so doing, I avoid engaging in the hermeneutic impulse of revealing the ultimate truth of racial discrimination and focus on the concrete articulations/modulations of discursive practices that, in the period, made it possible to identify, name, know, problematize and regulate racial discrimination.

The chapter begins with an overview of the formation of the international politics against racial discrimination, and present a summary of their main characteristics during their first 40 years of existence. This summary serves as a starting point to analyze the discursive transformation this chapter discusses. The second section describes the changes that took place in those politics between the end of the 1980s and the early years of the 1990s. The third section revisits the CERD's assessments of the Cuban government anti-discrimination performance to illustrate how to conduct an alternative historical analysis of racial discrimination as an object of knowledge and intervention. The chapter concludes with a reflection on the theoretical implications of adopting this model of

historicizing racial discrimination.

1 The Formation of the International Discourse on Racial Discrimination

The formation of the international politics against racial discrimination took place between mid-1940s and early 1980s. During those 40 years, these politics created the normative and epistemic frameworks that would lay the foundations and principles that still inform the international action against racial discrimination. In particular, during this period these frameworks constituted, at international scale, the idea of racial discrimination as an independent object that could be identified, scrutinized, and properly understood. They also established the foundations for speaking and thinking about remedies, international duties, and delineated the benefits of an international intervention against racial discrimination. To make this process of formation more intelligible, I will divide it in two phases. The first one will cover the creation of its normative and conceptual foundations. The second one will describe the development of the normative and institutional frames specifically targeting racial discrimination.

1.1. The Creation of the Conceptual Foundations 1940s-1950s

Between the mid 1940s and 1960, this mobilization developed the knowledge foundations that constituted discrimination, in general, and racial discrimination, in particular, as things in their own epistemic right. Early in 1949, The Economic and Social Council (ECOSOC) requested the Secretary General of the United Nations “to organize studies and prepare analyses designed to assist the Sub-Commission on Prevention of Discrimination and Protection of Minorities in determining the main types of discrimination which impede the equal enjoyment by all of human rights and fundamental freedoms” (Secretary General, 1949: 1). The request was based on the assumption that once the nature, manifestations, and causes which lead to discriminatory behaviour were known, the international community would be able to work toward its prevention and suppression (Secretary General, 1949: 7).

That year, the Secretary-General issued a memorandum entitled *The Main Types and Causes of Discrimination*. The memorandum played a crucial role, first, in establishing the framework that, for decades, has guided the way we think and talk about

discrimination, its causality and the ways to prevent and suppress it. In more concrete terms, it constituted the foundational statements, objects, and conceptual and theoretical frames that would inform the discourse on discrimination. Second, the memorandum established the rationale to talk and think about causality and typologies. Finally, it provided the rules and principles that would guide the definition of courses of action against discrimination. I discuss these three contributions in more detail below.

The memorandum would develop the first conceptual and theoretical frame that resulted from an international collective effort on and scrutiny of the idea of discrimination.⁴⁶ It described discrimination as “...a detrimental distinction which does not take account of the particular characteristics of an individual as such, but take into account only collective qualifications deriving from his (sic) membership in a certain social or other group” (Secretary-General, 1949: 26). The memorandum argued that this “detrimental distinction” could take three different forms: first, an unequal and unfavourable treatment resulting from the denial of rights or social advantage to members of a particular social category (imposing disabilities); second, the imposition of special burdens on members of a particular social category (imposing odious burdens); third, the granting of favours exclusively to the members of another category (granting privileges), creating in this way inequality between those who belong to the privileged category and the others (Secretary-General, 1949: 26). The study also introduced the practice of identifying distinctions that should not be considered discriminatory.⁴⁷

Of relevance here is the idea of collective qualifications. The memorandum provided the rationale to understand discrimination as an action that takes place because individuals are perceived as belonging to certain groups on “natural grounds” (e.g. race,

⁴⁶ The memorandum summarized a systematic organization of the findings of experts who, since the beginning of the century, had conducted studies in the field. In preparing the memorandum, the Secretary-General office examined numerous studies that psychologists, sociologists, anthropologists, economists, historians, political scientists, jurists and statisticians made on the topics of discrimination and prejudice (Secretary-General, 1949: 1). Familiar names that the memorandum listed in the bibliography included Gordon W. Allport, Herbert Aptheker, Hannah Arendt, Franz Boas, Juan Comas, John Dewey, W.E.B. Dubois, Sigmund Freud, Magnus Hirschfeld, Paul Lazarsfeld, Vladimir Lenin, Bronislaw Malinowski, Karl Mannheim, Margaret Mead, Robert K. Merton, M. F. Ashley Montagu, Gunnar Myrdal, Fernando Ortiz, Robert R. Park, Talcott Parsons, Max Scheler, Giuseppe Sergi, Gerog Simmel, Pitirim Sorokin, Gustav Spiller, Ferdinand Toennies, and Max Weber.

⁴⁷ In the category of non-discriminatory acts, the memorandum listed differences of conduct imputable or attributable to idleness, carefulness or carelessness, decency, indecency, merit or demerit; lawfulness or delinquency; and differences in individual qualities not imputable to the person, but having a social value, for example, physical or mental capacity (Secretary-General, 1949: 26).

colour, or sex) or certain generic social categories (for instance, language, political affiliation, religion, national or social origin, property, cultural circle, social status), which have no relation either to individual capacities or merits, or to concrete behaviour of the individual person (Secretary-General, 1949: 9). In other words, discrimination occurs when some people use specific grounds of the kind listed above to place others in a distinctive category and, subsequently, either deny them widely shared rights, impose special burdens on them, or grant them favours or privileges. What motivates the discrimination is not the individual *per se* but a perceived *categorical ground* that serves as a pretext. Those grounds are not “natural” categories but, according to the memorandum, socially, historically and culturally founded.

The second crucial contribution of this memorandum was to provide a rationale to talk and think about the causality of discrimination. In particular, it established a link between discrimination and the idea of prejudice. The memorandum argued that while discrimination was a conduct outwardly manifested that in most cases originates from prejudice (Secretary-General, 1949: 10), discriminatory practices may breed prejudice, since they act, in a way, as a medium of indoctrination or habit creation (Secretary-General, 1949: 10). It also put forward the argument that there were cases in which only one – discrimination or prejudice – exists. Specifically, it stated that there were different degrees of intensity of prejudice, and that not all these articulations materialize in outward expression or conduct.⁴⁸ This was the case when prejudice was mild and did not take the form of external behaviour, or when there were legal restrictions that prevented its outward manifestations.

Moreover, the study addressed types of discrimination that were devoid of prejudice. It discussed, for instance, the case when individuals unwillingly participate in acts of exclusion as a result of group conformism or the fear of ostracism. It also

⁴⁸ The report classified social prejudice as follows: “Prejudice which is merely an opinion which is not given outward expression either in words or by positive conduct of hostility or contempt toward members of a particular group, but which consists rather in a negative attitude of avoiding contact; Prejudice which consists of internal opinion but which is expressed outwardly in some relations with the members of a disliked group, such as showing a definitely cold attitude toward them; Prejudice which does not go so far as to deny legal rights to the members of a disliked group, but which leads to some form of social discrimination; Prejudice which leads to discriminatory acts, denying rights to individuals belonging to the group discriminated against; Prejudice which leads not only to discriminatory behaviour, but goes further and gives rise to propaganda for further discrimination; and Prejudice which leads to acts of violence against the members of a group” (Secretary-General, 1949: 13).

examined detrimental distinctions resulting from calculated economic interest, or desire for exploitation (Secretary-General, 1949: 27). A final example was that where a power differential allows dominant groups to deny rights, impose burdens to others, and grant privileges to themselves. In all these cases, the existence of detrimental distinctions was just an outcome of the bare exercise of power.

These theoretical developments were of upmost importance to define the strategy to fight discrimination and prejudice that would inform the international politics of anti-racism in subsequent years. In particular, they contributed to the establishment two main principles: first, that the fight against discrimination encompassed the fight against prejudice; and, second, that the project to eliminate discrimination needed to be aware of the complexity of prejudice, and, in particular, the diversity and nature of its articulations.

A third contribution of this study was that of establishing the first internationally agreed typology of discriminatory acts. The memorandum divided them in two main groups, namely, those that were expressed in acts that deny legal rights,⁴⁹ and those that were purely social (treatment that does not entail the denial of rights). Regarding the former, the report defined legal rights as those related to the principles of equality established in the *Charter of the United Nations* and the *Universal Declaration of Human Rights*. In more specific terms, they referred to human rights and fundamental freedoms such as equality before the law,⁵⁰ the right to security,⁵¹ and the fulfillment of political,⁵² civil,⁵³ economic, social and cultural rights.⁵⁴ The memorandum sub-divided this

⁴⁹ It is relevant to mention that in the memorandum, the idea of denial of rights encompassed unequal treatment in the form of disabilities, unequal treatment in the form of privileges, and unequal treatment in the form of odious obligations.

⁵⁰ This refers to the right to equal treatment before the tribunals and all other organs administering justice.

⁵¹ The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

⁵² In particular, the right to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.

⁵³ In particular, the right to freedom of movement and residence within the border of the State; the right to leave any country, including one's own, and to return to one's country; the right to nationality; the right to marriage and choice of spouse; the right to own property alone as well as in association with others; the right to inherit; the right to freedom of thought, conscience and religion; the right to freedom of opinion and expression; the right to freedom of peaceful assembly and association.

⁵⁴ In particular, the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; the right to form and join trade unions; the right to housing; the right to public health, medical care, social security and social services; the right to education and training; the right to equal participation in cultural activities; the right of access to any place or service intended for use by the general public, such as

discriminatory conduct into two groups: denial of rights committed by official authorities and denial of rights perpetrated by private people.⁵⁵ Under the category of denial of rights committed by official authorities, the study summarized practices such as the adoption of laws and regulations that legally established or permitted acts of discrimination, and law enforcement practices and administrative measures that limited the exercise of rights and freedoms of individuals because they were perceived as belonging to certain natural grounds or certain generic social categories.⁵⁶ Under the category of discrimination by private persons, the memorandum identified forms of personal behaviour that implied an unjustified denial or restriction of the rights of others. Specifically, the study named the involvement of individuals, in their condition as citizens, proprietors, managers, employees (sic), landlords, supervisors, and teachers, in acts that deny the access to employment, goods, services, amenities, property, culture, and education; intentional libel against individuals of particular social groups; arousal of public opinion to restrict the free exercise of legal rights of individuals of particular groups; incitement of violence against individuals of particular groups; and teaching of discrimination of any kind (Secretary-General, 1949: 41-42).

Under the category of discriminatory acts that were purely social, the memorandum located behaviours with a discriminatory background and intention that *per se* did not imply the denial of fundamental rights and freedoms. The report named practices such as external expression of ideas, sentiments and opinions; personal likes and dislikes; avoidance to engage in interactions or establish any kind of relations with individuals of out-groups (e.g., friendship, intimacy, any sort of transactions, collaborations); and the inclination to only engage in social interactions and relations with in-group members.

The final contribution of the memorandum was that of establishing the epistemic rules and principles that would guide the ways to think and talk about preventing and suppressing discrimination. The study provided the rationale to define what courses of

transport hotels, restaurants, cafes, theatres and parks.

⁵⁵ By official authorities, the memorandum understood the central, regional, provincial or municipal governments; legislative, administrative or judicial organs, and any government agent.

⁵⁶ With respect of types of discrimination that public officials committed, the report created an extensive list that summarized the ways in which both governmental institutions and agents could engage in discriminatory acts against one or more particular social groups. The list covered the specific articulations of how public actors could deny the human rights and fundamental freedoms the Charter and the Universal Declaration of Human Rights protected.

actions were possible, how these actions should complement each other, and what approach could be counterproductive. This rationale was based on two principles. First, the memorandum recommended that any intervention aimed at fighting discrimination should be carried out in accordance with the principle of maintaining the balance between the multiple rights that the *Charter* and the *Universal Declaration* protected. Said differently, the memorandum considered of utmost importance that the prevention or suppression of discrimination should be carried out without threatening the protection of any fundamental rights and freedoms. For example, while the report considered that it was necessary to criticize and discourage the existence of prejudiced opinions, preferences and feelings that may produce very harmful effects, it also considered crucial that any action against these manifestations of discrimination did not violate the rights to freedom of conscience, expression, and opinion.

In that sense, the memorandum recommended that legal measures be used only to prevent or suppress acts that imply specific limitations of rights (imposition of disabilities, imposition of odious burdens, and granting of privileges). Everything related to the sphere of diversity of opinions and thought had to be handled with other measures.⁵⁷ It is necessary to take into account that the ultimate goal of this equality before the law was to provide all individuals with the protection necessary to allow them to enjoy the same opportunities. In this view, the way individuals use their opportunities was up to them, and personal success and failure were a product of personal work ethics. In other words, the main purpose was to remove any legal obstacles that prevent them becoming booming achievers.

Second, the study recommended that in the same way that there were different types of discriminatory acts, their prevention and suppression should take different forms. This meant that the only successful strategy to combat discrimination was that of implementing interventions tailored to the nature of each of its manifestations. In more concrete terms, the memorandum considered that when adopting measures it was crucial

⁵⁷ The memorandum stated that “Important as is the prevention of discrimination, individual freedom is at least equally important. Individual freedom does not of course include the right to commit acts which are clearly and unequivocally defined as offences. But in the case of freedom of speech and all the other forms of expression of opinion, there are zones in which it is both very difficult and dangerous to draw the line between legitimate and illegitimate exercise of liberty. The legal-judicial mechanism is particularly ill-equipped to draw a line between proper comment or legitimate criticism on the one hand, and malicious libel of a group on the other hand.” (Secretary-General, 1949: 44)

to differentiate between discrimination that cannot be compulsorily restrained by the law, and discrimination which may be eradicated by legal measures (Secretary-General, 1949: 41). It then advised that forms of discrimination which deny legal rights may and should be fought by legal measures, while those which comprise merely social treatment must chiefly be fought by education and by other social measures (Secretary-General, 1949: 9).⁵⁸ In particular, the memorandum would inaugurate the practice of responding to discrimination as the interplay between three actions: legal intervention,⁵⁹ administrative measures,⁶⁰ and educational actions.⁶¹

In 1950, the Commission on Human Rights, Sub-Commission on Prevention of

⁵⁸ The way the memorandum justified this recommendation was by arguing that “The law (...) can control prejudice only indirectly because it is a matter of the mind which is and should be outside the action of the legal rules. Nor can discrimination be eradicated by law alone. There are also many subtle forms of discrimination against which coercion is of little use.” (Secretary-General, 1949: 44)

⁵⁹ The report listed as possible legal measures the enactment and enforcement of legislation which abrogate all laws which permit or entail any discrimination related to the protected rights and fundamental freedoms, and legislation that prohibit and penalize discrimination that entailed the denial, restriction or violation of human rights by both official and private persons (Secretary-General, 1949: 45).

⁶⁰ Regarding public administrative measures, the memorandum recommended the following actions: adoption of concrete measures and policies that contribute to level the field for individuals who had experienced discrimination (E.g. provision of services, redistributive measures, development of programs of support, etc.); setting up administrative bodies with a view of decreasing inter-group tensions; setting up of independent and objective legal aid services that assist individuals of the group discriminated against to enforce their rights under existing laws in civil and criminal cases; giving special attention to improve the attitudes of judges and the police; promotion of studies on the results of co-operation between individuals belonging to different groups; and incentivizing adequate representation of all ethnic, religious and social groups in public institutions (Secretary-General, 1949: 48-49).

⁶¹ The memorandum conceived educational measures as a way to prevent discrimination from materializing. In particular, it introduced the argument that education was the ideal path to fight prejudices, since it was the way to disseminate correct information and to counteract false beliefs that may engender acts of discrimination. The report also saw education as way to abolish or at least diminishing forms of discrimination that could not be attacked legally (Secretary-General, 1949: 50). When discussing the educational principles for the prevention of discrimination, the memorandum emphasized the importance of presenting factual information that correct any distorted and unfair information or images about social groups and that expose the contributions different groups are made. It also highlighted the importance of providing education on ethical and legal principles that support the ideas of human dignity, individual freedom, equality of men (sic), fraternity and justice (Secretary-General, 1949: 51). Finally, the memorandum discussed the fields of education or venues where anti-discriminatory learning should take place. It considered it necessary that anti-discriminatory education take place in and outside schools. In schools, education should focus on the development of programmes based on ethical principles, the cultural contributions of different social groups, and the creation of a real sense of solidarity; the elimination of any articulation of segregationist structures, the hiring of teaching staff representatives of all social groups; and the publishing of text-books that disseminate anti-discriminatory content. Outside of schools, education should be focused on developing general campaigns of enlightenment in the means of mass communication; and designing programmes that target spheres such as parents’ organizations, labour relations, trade unions, sports and recreational groups (Secretary-General, 1949: 51-55). The study recommended, as well, the stimulation of contacts between members of different social groups as a mean to break down barriers between them (Secretary-General, 1949: 56).

Discrimination and Protection of Minorities of the UN commissioned a study on the definition and classification of minorities. The study produced a homonym memorandum that offered a summary of the findings of the social and political sciences with respect to minorities. The memorandum covered aspects such as the multiple dimensions that informed the concept of “minority”⁶² and the criteria for its classification (Secretary-General, 1950).⁶³ Of relevance to the formation of the discourse on racial discrimination were the definition of the idea of a minority and the distinction the memorandum established between minorities according to their desires. Regarding the former, the report argued that even though it was difficult to give a clear-cut definition of the term minority, it was safe to say that the term applied to communities with certain characteristics (ethnic, linguistic, cultural, or religious) whose members feel they constitute a distinctive group/nation, which is different from the predominant group in the political jurisdiction in which they reside (Secretary-General, 1950: 9).

Concerning the differences between minorities according to their desires, the report identified minorities whose members desired equality with dominant groups in terms of total access to the rights and fundamental freedoms set forth in the *Universal Declaration of Human Rights*. The memorandum stated that individuals in those minorities did not wish to preserve the particular characteristics, which distinguished them from the dominant group (Secretary-General, 1950: 2). The memorandum identified a second type of minority. In this case, in addition to not (or despite) feeling discriminated against, these groups embrace and want to preserve their difference and request the recognition of certain special rights and the rendering of certain positive services.⁶⁴

The introduction of the idea of minorities and the distinction the memorandum established between them according to their desires had a crucial impact on the principle

⁶² It discussed, for example, ideas such as community, society, nation and state; the categories of minorities and their aspirations, and the question of the conditions under which minorities are incorporated within the state.

⁶³ The memorandum analysed classifications from the following viewpoints: quantitative, contiguity, citizenship, national characteristics of the State, origin and situation in relation to the State, circumstances under which minorities were included within the State, and according to the desires of the minority.

⁶⁴ According to the memorandum, the special rights and services these minorities felt they must have were the provision of primary and secondary education in their own language and cultural traditions; provision for maintenance of their culture through cultural and educational institutions; the provision of adequate facilities to them for the use of their language in the legislature, before the courts, and in administration; provision for respect of their family law and personal statuses, religious practices and interests; and provision of a certain degree of autonomy (Secretary-General, 1950: 2-3).

of equality of treatment for all. As discussed in the previous report on the *Main Types and Causes of Discrimination*, the idea of discrimination here referred to any act or conduct that denied equality of treatment to certain individuals because of their alleged belonging to particular groups in society. Thus, the prevention of discrimination meant the adoption of negative actions (suppression and discouragement) that ensure that individuals exercise their rights and fundamental freedoms. With the recognition of minorities as collectivities, that considered themselves distinctive and the identification of some of them as willing to embrace their difference, the memorandum on the *Definition and Classification of Minorities* added new elements to both the idea of what was necessary to protect internationally, and the actions that were necessary to ensure that those protections were effective. In particular, the memorandum advanced the argument that it was also necessary to focus on the protection of the desire of certain collectivities to be different through the adoption of positive action in the form of special rights and services. This addition expanded the meaning of the principle of equality of treatment for all, from only signifying equal treatment to incorporate the idea of treatment as equals. Such an understanding would inform the standard the international community would use in the coming decades to assess the progress of the anti-discriminatory agenda.

1.2. Creation of the Normative and Institutional Frames against Racial Discrimination 1960s -1980s

Between the late 1950s and 1960, this mobilization adopted normative mechanisms that granted legal value to the principle of non-discrimination. These mechanisms established the international commitment to provide universal protection of the fundamental rights and freedoms for all individuals on the planet, regardless of their race, language, national origin, or religion. The idea of protection encompassed equal entitlements to rights and freedoms in dimensions such as equality before the law, the right to security, and the fulfillment of political, civil, economic, social, and cultural rights. These normative frames sought to define these protections as natural rights, or what is the same, as inherent attributes of humans, regardless of whether they are recognized in state domestic laws (Organization of American States, 1948).

In 1958, the International Labour Organization (ILO) adopted the first international treaty exclusively focused on discrimination: *C111-Discrimination (Employment and*

Occupation) Convention No III. This treaty provided the first international legally binding definition of the concept of discrimination, and the first international legally binding list of States' duties related to the prevention/suppression of discrimination or unequal treatment, specifically in the area of employment. By so doing, this convention set the model in the international arena to talk and think about both discrimination and expectations and responsibilities related to its suppression and prevention, from a normative point of view.

In 1960, the UNESCO adopted the *Convention against Discrimination in Education*. This treaty replicated almost verbatim the definition that, two years before, the ILO presented in its *Employment and Occupation Convention*. The main difference between these two treaties was that the one from the UNESCO would focus on education, and would add more grounds to its list of protections. Similarly to the Convention from ILO, the treaty on discrimination in education would also provide a list of legally binding duties related to the protection of equal treatment. However, going further, it would also include a section on the protection of the right of national minorities "to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language" (United Nations Educational Scientific and Cultural Organizations, 1960). This addition would be the first time that the protection of the right to be different or, in other words, the right to be treated as an equal, acquired a legally binding status.

Between the early 1960s and the 1980s, the United Nations Organization developed normative frames specifically focused on racial discrimination and created the institutional domains that would monitor their implementation. In 1960, the United Nations adopted the *Declaration on the Granting of Independence to Colonial Countries and Peoples*. This statement introduced the theme that the subjection of peoples to alien subjugation, domination and exploitation was a denial of fundamental human rights, contrary to the Charter of the United Nations, and an impediment to the promotion of world peace and co-operation (General Assembly, 1960). It also presented the statement that all peoples had the right to self-determination and were free to determine their political status and freely pursue their economic, social and cultural development (General Assembly, 1960). Moreover, the declaration openly confronted paternalistic

views and violent acts that prevented the fulfillment of the duty to respect self-determination, and disqualify the previously acceptable argument that political, economic and social inadequacy and educational lack of preparedness were legitimate pretexts for delaying independence (General Assembly, 1960). Finally, it requested the transfer of all powers to people in Trust and Non-Self-Governing Territories, without any conditions or reservations and without any distinction as to race, creed or colour (General Assembly, 1960).

Shortly thereafter, in 1963, this organization adopted the first international *Declaration on the Elimination of All Forms of Racial Discrimination*. This was the first statement the United Nations exclusively assembled as a response to discrimination on the ground of race, or put otherwise, this international statement opened the way to think and speak of racial discrimination as a reality in its own right. Its drafting was a reaction to what the UN defined as the alarming existence of manifestations of racial discrimination that certain Governments imposed by means of legislative, administrative or other measures, in the form of apartheid, segregation and separation (General Assembly, 1963).⁶⁵ The Declaration outlined the rationale the international community would use to problematize racial discrimination from then on. For instance, it introduced the idea that discrimination between human beings on the ground of race, colour or ethnic origin was an offence to human dignity, to be condemned as a denial of the principles of the Charter of the United Nations, a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples (General Assembly, 1963).

Echoing the *Declaration on the Granting of Independence to Colonial Countries and Peoples*, this statement would typify colonialism and all practices of segregation and discrimination associated therewith as a denial and violation of fundamental human rights (General Assembly, 1963). Moreover, this statement would inaugurate the practice of treating the characterization of any doctrine of racial differentiation or superiority as scientifically false, morally condemnable, and socially unjust and as dangerous to the

⁶⁵ Another reason for the drafting of the declaration was the concerns the UN had regarding the promotion and dissemination of doctrines of racial superiority and expansionism linked to those Governments (General Assembly, 1963).

fundamental principle of the international legal standards on racial discrimination (General Assembly, 1963: 1). The last contribution of this international statement was to provide the first comprehensive list of calls or actions to fight racial discrimination. In alignment with the framework the UN first developed in the late 1940s, this list included a call on states, institutions, groups and individuals not to discriminate on the basis of race; the duty to take affirmative action when necessary; the eradication of racial discrimination in access to civil and political rights, and to social and economic rights (education, housing, employment); the eradication of apartheid and racial segregation; and the promotion of education, the condemnation of supremacist propaganda and the illegalization of racist organizations (General Assembly, 1963: 2-5).

Two years later, in 1965, this international mobilization moved from merely a declaration to the adoption of the first-ever convention solely focused on racial discrimination: The *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD).⁶⁶ The ICERD provided the first internationally agreed definition of the concept of racial discrimination.⁶⁷ It also codified international law pertaining to the fight against racial discrimination. Specifically, it outlined both the individual and collective rights and the governmental and international duties/obligations concerning anti-discrimination on the grounds of race.⁶⁸ This Convention's approach, emphases and calls to concrete actions were aligned with the epistemic foundations the United Nations first advanced in the late 1940s on the topic of discrimination. The Convention also took as a reference the legal developments (UNESCO and ILO treaties on discrimination, and the declarations on colonialism and racial discrimination) that came into existence since the late 1950s.

⁶⁶ ICERD was adopted in 1965 and entered into force in 1969.

⁶⁷ By "internationally agreed definition" I mean the agreement between the states that participated in the drafting of the Convention and the states that later became signatory members.

⁶⁸ The international treaties/conventions that codify rights and duties concerning racial discrimination at a planetary scale are the following: The International Labour Organization Convention No. 111 Discrimination in Employment and Occupation (1958); the UNESCO Convention against Discrimination in Education (1960); the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Economic, Social and Cultural Rights (1966); the International Covenant on Civil and Political Rights (1966); the International Convention on the Suppression and Punishment of the Crime of Apartheid (1974); The Convention against Apartheid in Sports (1985); The International Labour Organization Convention 169 Indigenous and Tribal Peoples (1989). At the regional level, the treaties that codify rights and duties regarding discrimination are the following: The European Human Rights Convention (Article 14 Prohibition of Discrimination), and The American Convention on Human Rights (Article 1. Obligation to Respect Rights).

The treaty defined racial discrimination as any

...distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (United Nations Human Rights Office of the High Commissioner, 1965).

With this definition, the United Nations established its stance that racial discrimination was a problem that called for planetary intervention because it prevented humans from accessing and enjoying natural rights (civil, political, economic, social, and cultural) and freedoms. The *Convention* clarified that the international community of nations should not deem as racial discrimination any special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection. The ICERD characterized these measures as necessary to ensure the equal enjoyment or exercise of human rights and fundamental freedoms of such groups or individuals (United Nations Human Rights Office of the High Commissioner, 1965).⁶⁹ With this definition, the *Convention* introduced new elements into the rationale for the problematization of racial discrimination that the *Declaration* had first outlined.

Besides providing the definition that would frame racial discrimination as an object in its own right, articles 2 to 7 of the *Convention* established the ultimate list of the international duties to suppress its existence and prevent it from re-emerging. In its second article, it identified the following obligations:

...undertake to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; (...) undertake not to sponsor, defend or support racial discrimination by any persons or organizations; (...) take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; (...) prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization; (...) undertake to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers

⁶⁹ However, the convention clarified that those measures should be discontinued once the objective of securing the advancement of previously unprotected groups had been achieved (United Nations Human Rights Office of the High Commissioner, 1965).

between races, and to discourage anything which tends to strengthen racial division (United Nations Human Rights Office of the High Commissioner, Article 2, 1965).

Also in this article, the convention encouraged signatory states, when necessary, to take concrete social, economic and cultural measures “to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms” (United Nations Human Rights Office of the High Commissioner, Article 2, 1965).⁷⁰

In its articles 3 and 4, the ICERD outlined the position signatory states must adopt regarding the fight against systems of formal segregation and apartheid. Specifically, it demanded that signatory states should condemn racial segregation and apartheid and undertake measures to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction; and to consider an offence punishable by law all propaganda and organizations based on ideas or theories of racial, colour, and ethnic origin superiority (United Nations Human Rights Office of the High Commissioner, Article 3, Article 4, 1965).

Articles 6 and 7 listed duties related to the provision of remedies to victims of racial discrimination and the prevention of its main source, racial prejudice. Article 6 established both the duty to adopt effective protections and remedies through the competent national tribunals against any acts of racial discrimination and the obligation to offer adequate reparations for any damage suffered as a result of discrimination on the ground of race (United Nations Human Rights Office of the High Commissioner, Article 6, 1965). Article 7 focused on the actions State Parties must take to combat prejudices leading to racial discrimination and to promote understanding, tolerance, and friendship among nations and racial or ethnic groups. To achieve these goals, the Convention prescribed that state parties should undertake effective measures in the fields of teaching, education, culture, and information (United Nations Human Rights Office of the High Commissioner, Article 7, 1965).

⁷⁰ Also in this case, the convention clarified that those measures should be discontinued once the objective of securing the advancement of previously unprotected groups had been achieved (United Nations Human Rights Office of the High Commissioner, 1965).

Moreover, the ICERD would further advance the objectification of the idea of racial discrimination by establishing the foundations for its international system of governance. Part II of the convention announced the establishment of the institutional mechanism in charge of monitoring State Parties' compliance with their anti-racial discrimination duties: The Committee on the Elimination of Racial Discrimination. This section also described the functions and structure of this mechanism and outlined the processes involved in monitoring State Parties.⁷¹ In so doing, the convention brought into existence the institutional modality whose ultimate aim would be to regulate at a planetary scale the ways of thinking, reporting, and acting regarding racial discrimination.

In 1966, the General Assembly adopted the *International Covenant on Civil and Political Rights*. This convention outlined the duties states agreed to embrace regarding the protection of civil and political rights of individuals within their jurisdictions. It charted, as well, the responsibility of the international community to recognize that all peoples had the right of self-determination, or said differently, to freely determine their political status and pursue their economic, social, and cultural development (United Nations, Human Rights Office of the High Commissioner, 1966). The relevance of this treaty for our discussion is that this was the normative mechanism that recognized and mandated the international duty to ensure protection to persons belonging to ethnic, religious, or linguistic minorities. In article 27, the Covenant would demand State Parties in which ethnic, religious or linguistic minorities existed, not to deny persons belonging to such minorities the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language (United Nations, Human Rights Office of the High Commissioner, 1966). As such, the treaty sought to ensure that those persons had the prerogative to decide whether

⁷¹ In more concrete terms, Articles 8 to 16 of the ICERD delineated dimensions such as the establishment of the Committee and its terms of reference: The Committee would be integrated by eighteen impartial experts, who States Parties elected from among their nationals. These experts were expected to serve in their personal capacity, and not as state representatives (United Nations Human Rights Office of the High Commissioner, Article 8, 1965). Those articles also described the terms of reference that informed the election of Committee members and the duration of their tenure, the responsibilities and system of governance of the Committee, the processes and duties related to State Parties' report submission, and the processes related to reports review and issuing of recommendations (United Nations Human Rights Office of the High Commissioner, Article 8-16, 1965).

to live according to the desire to preserve their difference. This, in turn, opened the possibility for those individuals to request the recognition of their special rights and the rendering of certain positive services. This article would be the legal materialization of the principles that the memorandum on the *Definition and Classification of Minorities* had established sixteen years before.

The ICERD was not the only treaty that constituted racial discrimination as a reality that demanded international intervention. In its Preamble, the 1961 *European Social Charter* stated “that the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin” (Council of Europe, 1961). In 1966, the *International Covenant on Economic, Social and Cultural Rights*, Part II. Article 2, Section 2., demanded that its signatory states guarantee that second generation rights were exercised without discrimination in grounds of race, colour, language and religion. That same year, the *International Covenant on Civil and Political Rights* stipulated that the protection of first generation of rights in signatory states of the covenant must take place without distinction of race, colour, language, national origin and religion (United Nations, 1966). The *American Convention on Human Rights*, adopted in 1969, recognized in its Article 1. The obligation of its signatory parties to respect rights and freedoms recognized in the treaty and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, language and religion.

Likewise, between the 1960s and 1980s, the international community engaged in a campaign against the formal systems of racial segregation that existed in Southern Africa. In 1967 and 1970, respectively, the Commission on Human Rights and the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities conducted some studies on the topic of formal racial segregation. The former focused on revealing consistent patterns of violations of human rights in the policy of apartheid in the Republic of South Africa and racial discrimination in Southern Rhodesia. The latter sought to develop a mechanism for dealing with communications from individuals and groups dealing with consistent patterns of gross and reliably attested violations of human rights (Buergenthal, 1997: 710). The main goal of that action was the codification of apartheid

and similar practices of racial segregation and discrimination as a crime under international law. Two treaties summarized the success of those efforts. In 1974, the General Assembly adopted the *International Convention on the Suppression and Punishment of the Crime of Apartheid*; nine years later, it embraced the International Convention against Apartheid in Sports. These treaties established, as well, the international duties to suppress and/or prevent systems of formal racial segregation and the guidelines for the constitution of an international anti-apartheid system of governance.

It is also necessary to mention that establishing a new way of thinking and talking about race played a crucial role in the constitution of racial discrimination as a reality in its own right. Before the emergence of the International Politics against Racial Discrimination in the late 1940s, there were two dominant positions regarding the idea of race. On the one hand, there was a declining one, inherited from the nineteenth-century race science, that endorsed the existence of racial types, innate and insurmountable differences between human groups, ordering of human types in superior and inferior clusters in terms of intelligence, ability and morality, and social Darwinism. On the other hand, there was a rising one, rooted in Humanitarian stances and twentieth-century scientific developments, which emphasized environmentalist causation of biodiversity and was critical of any articulation of racial thinking. From the early 1960s, the community of states that supported the fight against racial discrimination adopted a unified understanding of the idea of race as a social idea rather than as a biological given. In particular, they agreed that this concept should only refer to the erroneous nineteenth-century doctrine that people belonged in racial categories and that this belonging had a determining influence upon social ability and position (Banton, 1992: 52). A fundamental aspect of this consensus was to treat this mistake as a social ground of reference or as a perception of difference, rather than as a distinctive dimension of human identity/condition or actual and natural difference.⁷² As a matter of fact, all production of knowledge that took shape between the 1940s and 1989 around the idea of race, focused on building the case in favour of understanding this concept just as a ground or point of

⁷² It is of relevance to clarify that in this understanding the ground of race encompassed other sub-grounds such as colour, descent or national or ethnic origin.

reference without any real substance from a scientific point of view (Banton, 1996: 52).⁷³ This way in which the international action objectified the idea of race informed the understanding of racial discrimination as the acts some humans committed against others because the former mistakenly perceive the latter as belonging to a race.

This period also witnessed the formation of the modalities of governance that would regulate the forms through and in which to speak, think, and act regarding racial discrimination. Despite the fact that some of the institutional mechanisms that have played an important role in the fight against racial discrimination predated the Second World War,⁷⁴ the building of the system of governance of the international action against racial discrimination formally began in the mid-1940s. The first development took place with the establishment of the agencies that derived their mandates from charters and human rights declarations, or what is the same, the mechanisms that would be in charge of providing universal and regional protections to individuals independently of their race, colour, place of origin, religion, and language.⁷⁵ In those same years, this international action established the institutional mechanisms that would be in charge of advancing knowledge production on anti-racial discrimination related topics.⁷⁶ In so doing, this mobilization constituted the criteria to define who or what institutional domains had the

⁷³ Of relevance for our analysis are the reports, studies, declarations that UNESCO commissioned since late 1940s. Some few examples are *the Statement on Race* (1950); UNESCO's *Statement on the Nature of Race and Race Differences* (1951); *The Race Question in Modern Science* (1956); *Proposals on the Biological Aspects of Race* (1964); UNESCO's *Statement on Race and Racial Prejudice* (1967); Proceedings of the Meeting of Experts on the *Concept of Race, Identity and Dignity* (1972); UNESCO's *Race, Science and Society* (1975); Draft *Declaration on Race and Racial Prejudice* (1978), *Declaration of Athens* (1981); Proceedings of the International Seminar on *Theoretical Issues of Race and Ethnicity* (1985); *Declaration of Principles on Tolerance* (1995).

⁷⁴ This is the case of the International Labour Organization, whose creation took place in 1919. It is also relevant to mention that, in certain extent, the system for dealing with petitions related to the violation of rights of ethnic minorities that the League of the Nations adopted in 1919 preceded and informed the system that the international community of states implemented after the Second World War for the presentation of complaints, performance evaluation and design of remedies in the area of racial discrimination (See Buerghenthal, 1988, pp. 8-11).

⁷⁵ The formation of the UN General Assembly and the Economic and Social Council took place in 1945, the Human Rights Commission one year later. In 1947, the Sub-Commission on Prevention of Discrimination and Protection of Minorities was established. At regional level, it is necessary to mention that in the Americas during this period took place the creation of the Organization of American States (1948), the Inter American Commission of Human Rights (1954) and the Inter-American Court of Human Rights (1979); in Europe, the Council of Europe (1949), the European Commission of Human Rights (1954), and the European Court of Human Rights (1959) were established. In Africa, the creation of the Organisation of African Unity (1963) took place in 1963.

⁷⁶ The creation of UNESCO occurred in 1946. In 1947 the Sub-Commission on Prevention of Discrimination and Protection of Minorities was established.

authority and competence to make informed statements, organize conceptual systems, and develop legitimate theories related to racial discrimination.

The creation of the institutional system specialized in combating racial discrimination would follow those previous institutional developments. The Committee on the Elimination of Racial Discrimination (CERD) was established in 1970. Following the terms of reference in the *Convention on the Elimination of All Forms of Racial Discrimination* outlined five years earlier, the Committee would monitor the implementation of the ICERD by its signatory States. Particularly, it was in charge of receiving and examining reports on how signatory States were fulfilling their anti-discrimination duties,⁷⁷ addressing concerns, and issuing recommendations to the State parties in the form of “concluding observations”. This supervisory authority of the Committee made it the principal source of normalization at the international scale of the ways to speak, think, and organize courses of action that the ICERD sought to promote. It informed, as well, its position as the leading enunciative modality that advanced an authorized interpretation of the principles and values of the *Convention*.

By the first half of the 1980s, the actions I have described above had established and internationalized principles, standards, and political/legal expectations that contributed to the constitution of racial discrimination as a reality in its own right. Put otherwise, they had created and consolidated, at the international level, modes to speak and think about racial discrimination as an independent thing that could be identified, scrutinized, properly known and problematized, with appropriate strategies for intervention. They had built, as well, the frames to determine who had the authority and competence to make informed statements, organize conceptual systems, and develop legitimate theories related to racial discrimination. Finally, they had identified and codified anti-racist discrimination duties and outlined procedures for the supervision of states’ performances. They had codified, as well, the legal obligations concerning the fight against racial discrimination and also the procedures for the supervision of states’ performances.

Moreover, by the mid 1980s, these actions had established the institutional

⁷⁷ ICERD prescribed that signatory States should submit their initial report one year after acceding to the Convention and then every two years.

mechanisms that would be in charge of overseeing at a planetary scale the accomplishments of duties related to the suppression and prevention of racial discrimination. These modalities gradually normalized paths for the international examination of domestic anti-discrimination policies and practices. Specifically, they institutionalized the principle that states formally committed to fight discrimination on the ground of race must publicly explain their actions (successes and shortfalls) to eradicate it and prevent it and be willing to accept recommendations to improve their performances. Likewise, these modalities established desirable goals that informed not only the actions of the Signatory States but also made the Non-signatory States aware of the progressive normalization of this stance (Buergenthal, 2006; 791). In other words, the fact that most members of the international community of nations accepted these normative frames as guidelines for their performance created pressure for the Non-signatory States to face reputational damage for their lack of formal commitment to fight discrimination (Buergenthal, 2007: 789).

1.3. Discourse on Racial Discrimination During the Formative Years

What were the singularities of the discourse on racial discrimination during this period? Said differently, what were the ways to talk, think, and act regarding racial discrimination as a thing in its own right? The answer to these questions demands the scrutiny of the interplay between discursive articulations, enunciative modalities, and non-discursive domains. In other words, it is fundamental to determine the links between the formation and configuration of that discourse and aspects such as who had the authority to make statements, organize conceptual systems, and provide theories on racial discrimination; and who invested discourse in decisions, institutions, and practices. It is similarly necessary to interrogate the relations between non-discursive domains (for example, political events, practices, and processes) and the conditions of emergence, insertion, and functioning of that discourse. Let us begin our analysis with this last relationship.

One distinctive feature of this formative period was the influence of international politics in aspects such as the delimitation and division of objects of the discourse on racial discrimination, the typology of enunciators of that discourse, and the social roles

that were required of it. During these years, political considerations, the bargaining power of different political blocks, and the dominance of a state-centered model of planetary politics played an important role in shaping the international action against discrimination (Buerghenthal, 2006: 791). Said otherwise, the combination of alliances and disagreements between political players at the international level and the centrality of the nation-state as the main actor in the political arena impacted the design, adoption, implementation, and enforcement of standards, the establishment of institutional mechanisms, and the production of knowledge this mobilization made possible.

It is necessary to bear in mind that the emergence and consolidation of this action took place during a convulsive political time. This was the period in which the Cold War, decolonization, the creation of the state of Israel and the subsequent political polarization of the Middle East, and the implementation of the apartheid regime in the southern part of the African continent and its gradual international condemnation took place. As Michael Banton points out, a political tri-polarity defined those years (Banton, 1996: 56). The first position was that of state representatives from Western countries (The United States, Western European countries) and their allies. State representatives from this bloc defended an understanding of human rights as both individual civil and political rights that could be exercised against the State (Banton, 1996: 56).⁷⁸ A second position was that of the state representatives from Eastern Communist countries, which mostly focused their attention and political action on the protection of economic and social collective rights.⁷⁹ A third position was that of the state representatives from the Afro-Asian group, which gave priority to decolonization, self-determination, protection of sovereignty, and cultural and religious rights.⁸⁰

The distinctive characteristics and scope of the international action against racial discrimination during that period was largely a result of the tensions between these parties. Representatives from the Western and the Eastern Communist States usually clashed on the subject of the primacy of some rights over others. Representatives from

⁷⁸ It is necessary to mention that during those years some of the states belonging to this bloc had colonial domains in Africa, Asia, and the Americas.

⁷⁹ Countries of the communist bloc usually considered that the enjoyment of political and civil rights was futile in the absence of the state protection of economic and social rights (Banton, 1996: 56).

⁸⁰ The Cuban State had the unique status of being an honorary member in both the Communist and the Afro-Asian blocs.

the Afro-Asian bloc and some representatives from the Western States commonly engaged in an adversarial relation regarding the subject of colonialism and the legacy of imperialism.⁸¹ The regular opposition of the Afro-Asian and Eastern blocs to the views of the Western group led them to usually form alliances (Banton, 1996: 56). Furthermore, differences between these blocs were overt regarding the use of the law, their political approaches to ideas such as the state and its roles, the place of the individual and the collective in the priorities of states' protections, the ultimate goal of justice, and the very stance on the definition of racial discrimination the international community had adopted. These differences shaped the content and interpretation of international declarations and treaties.⁸² They impacted, as well, the performance of the international mechanisms in charge of the governance of this action.

Regarding the international normative mechanisms, the disagreements between the parties had a crucial impact on the normative frames this international mobilization adopted during that period. These differences informed not only the content of the anti-discrimination declarations and treaties but also their interpretation and the way the parties recognized their legitimacy. Before discussing how these disagreements impacted the normative frames, it is relevant to address the content of these differences. First, while representatives from the Western bloc conceived racial discrimination mostly as a reality emerging from interpersonal behaviours and prejudice that were universal and transcended particular historical circumstances, representatives from the Eastern Communist and the Afro-Asian blocs understood it as an outcome of economic, social, and political conditions related to specific economic and political regimes (e.g. capitalism, colonialism, imperialism) (Banton, 1996: 59) (Banton, 1996: 58).⁸³ Second,

⁸¹ While the Afro-Asian bloc defended the position that colonialism was in itself the most serious articulation of racial discrimination since it was based on the idea of national and racial superiority, the Western delegations regularly denied that colonialism and racial discrimination were inevitably associated (Banton, 1996: 58-59).

⁸² They informed as well what States became signatory members or endorsed those normative mechanisms.

⁸³ Michael Banton has summarized these approaches in two metaphors: the idea of racial discrimination as a disease and the idea of racial discrimination as a crime. The former, the one the Eastern and the Afro-Asian blocs commonly used, was based on the argument that racial discrimination was like a social disease that emerged as consequence of the appearance and consolidation of modern imperialism and capitalism. The nature of that disease was intrinsically related to these two sources and no other causation was behind its existence. As any common disease, its birth and development could be traced historically and if treated correctly it could be eradicated/terminated. The idea of racial discrimination as a crime, a position that the Western bloc advocated for, was distinctively different. It encompassed seeing racial discrimination as any

representatives from the Eastern and the Afro-Asian blocks focused on distinctions, exclusions, restrictions, preferences, or impositions of duties, which nullified or impaired the equal recognition, enjoyment, or exercise of economic, social, and cultural rights, as well as the political right of national sovereignty. Representatives from the Western States were more concerned about the threats those exclusions, preferences, and impositions represented to the enjoyment of individuals' political and civil rights. Moreover, they conceived the struggle against racial discrimination as a project focused on ensuring the creation of legal mechanisms to regulate interpersonal discriminatory behaviour and governmental refraining from inciting and/or participating in discriminatory acts. Representatives from the other two parties linked that fight to the elimination of any form of subjection that entailed the subordination of some groups to others, for instance through particular political modalities such as colonialism and imperialism, and/or the removal of economic and social arrangements that generated inequalities between groups.

These divergences had a crucial impact on the type of legal frames and the international action developed during its first 40 years. A close look at the different declarations and treaties that came to life during that period shows the bargaining power of the blocs to produce frames that resonated with their understanding of racial discrimination. For instance, the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (1960), the *International Convention on the Suppression and Punishment of the Crime of Apartheid* (1974), and the *International Convention against Apartheid in Sports* (1985) were mostly the results of the political advocacy of the Afro-Asian bloc with the support of the Eastern Communist bloc. The *Declaration on the Elimination of All Forms of Racial Discrimination* (1963) and The *International Convention on the Elimination of All Forms of Racial Discrimination* (1965) were the outcome of the crafted negotiations between the three geopolitical parties.

A close analysis of the ICERD, for instance, will show how this treaty was the result of the complex and tense negotiations between the different views I described in

other crime, which means that it was part of human condition and the inevitable tendency humans have to deviate from the norm. This act of deviance was conceived as timeless rather than historically located, and it was not necessarily linked to a particular political model. As any other crime, it could be controlled but not fully eradicated/terminated (Banton, 1996: 59).

previous paragraphs. A close examination of the preamble of the treaty will show that it included a diverse range of considerations and convictions associated with the diverse stances of the geopolitical blocs, namely, the observance of human rights and fundamental freedoms, the condemnation of colonialism and segregationism, the scientific, moral, and social invalidation of doctrines of racial superiority, and the understanding of racial discrimination as a threat to peace and security. Also, the very definition of racial discrimination accommodated the two positions concerning the ultimate reason why racial discrimination was harmful. Specifically, this treaty brought together the understanding of racial discrimination as the nullification or impairment of the exercise of first generation rights and fundamental freedoms and the one that represented discrimination as preventing access of entire groups to second generation rights.

Another illustration of how the ICERD was a result of the complexities of the politics of consensus building was that it housed calls to action that not all the blocs supported. For example, under the veil of a unified planetary consensus, article 3 of the convention identified the condemnation of regimes of apartheid and racial segregation as a key action states should commit to eliminating racial discrimination, a point that was aligned with the position of the communist and Afro-Asian blocs, but that did not have the unanimous support of all members of the Western bloc.

It is necessary to mention that the lack of agreements between the parties not only conditioned dimensions that the treaty would list in its content, it also shaped its silences. Scholars who have closely studied the history of ICERD, such as Michael Banton (Banton, 1996, 60-61), have discussed how in the process of designing this treaty, the delegates of the different blocs could not reach an agreement whether or not to include a typology of the different articulations of racial discrimination. This lack of consensus was the result of different debates. There was, for instance, the tension between the stance that refused to associate racial discrimination with particular regimes (Nazism, apartheid, colonialism, imperialism), which was the one the Western bloc embraced, and the view that argued that racial discrimination was a direct result of the existence of these regimes, which most countries of the communist and Afro-Asian blocs adopted. There was also the debate about whether the convention should be formulated in general terms so that it

would apply to the entire world or only focused on the already known forms of racial discrimination (Banton, 1996: 61). Another debate related to manifestations of racial discrimination that monopolized the attention of the parties but that did not inform the final content of the convention was whether Zionism was a manifestation of racism (Banton, 1996: 61).

Equally relevant was the way in which the community of states, according to their geopolitical affiliations, understood the legitimacy of these normative mechanisms. Although the moral guidance of these legal developments was widely undisputed,⁸⁴ it was a common practice during this period that the state parties only recognized as legitimate provisions of those regulatory frameworks that resonated with their understanding of racial discrimination and the courses of action to fight against it. Sometimes, state parties even disputed the nature of these obligations (Banton, 1996: 50). When reporting to the Committee on the Elimination of Racial Discrimination (CERD) about their duties under the ICERD, for example, representatives from the Eastern and the Afro-Asian blocs regularly argued that discrimination was something practiced in a few pariah political regimes (imperialism, colonialism, and apartheid) and that none of their own practices qualified as such. While representatives from the Eastern bloc linked racial discrimination solely to contexts where the political, economic and social (including legal) treatment of people on the ground of race was unequal, representatives from the Afro-Asian bloc commonly embraced the position that their experience of racial discrimination was only that of suffering from it at hands of others (Banton, 1996: 58). Likewise, a common argument from delegates of the Afro-Asian blocs was that their religious beliefs and cultural foundations made their people abhor racial discrimination. All these arguments provided the foundations to countries from these two blocs to regularly claim that they did not find it necessary either to adopt or introduce special legal provisions in their jurisdictions or accept that racial discrimination was practiced in their countries. They rather conceived the international normative standards and institutional mechanisms as a means to condemn racial discrimination practiced in other countries, particularly those they identified as imperialist, colonialist, and segregationist.

⁸⁴ For instance, very few countries did not ratify (Palau and the United States) or sign (Holy See, Iran, Somalia, Sudan, Tonga) ICERD.

Representatives from the Western bloc, on the other hand, refused to see racial discrimination as a structural problem and did not establish a link between racial discrimination and unequal access to the second generation of rights. In their opinion, social and economic inequalities were a result of the inevitable diversity in merit and capabilities of human beings rather than the intentional practices deriving from rigged or perverse systems. Moreover, this bloc rejected the idea that some political systems were intrinsically discriminatory. Its members commonly supported the position that racial prejudice and discrimination were phenomena that could arise at any time and in any jurisdiction and, as such, were more open to recognizing the existence of racial prejudice and discriminatory acts in their territories. They linked racial discrimination to human beliefs and interpersonal relations. Specifically, delegates from Western countries conceived racial discrimination as a consequence of the natural tendency of human beings to embrace prejudicial beliefs and attitudes towards out-groups. Said otherwise, in their opinion, discriminatory acts were only one of the outcomes of the fallacious doctrines that some individuals followed.

At the same time, they viewed with reservations the idea of criminalizing hate speech propaganda, banning supremacist organizations, and condemning ideologies of racial superiority. First, the Convention recommended that any intervention aimed at fighting discrimination should be carried out in accordance with the principle of maintaining the balance between the multiple rights that the *Charter* and the *Universal Declaration* protected. In their understanding, the criminalization of speech, propaganda and associations could threaten the principle that any action against manifestations of discrimination should not violate the rights to freedom of conscience, expression, assembly and opinion. Although representatives from these countries agreed that the doctrines of racial superiority had no scientific basis, they believed that the States should not have the prerogative to control civil liberties of individuals, including those who embraced prejudicial beliefs. Only in the cases in which these beliefs and attitudes transitioned from individuals or small groups to the big-scale organizations with harmful consequences to the civil and political rights and fundamental freedoms of other individuals, racial discrimination acquired for them a political connotation. In other words, only when individual or low profile acts of moral deviance turned into large-scale

crimes, did these countries accept the need for political intervention. This approach informed the way this bloc approached the ICERD. For its members, as in the case of the other two geopolitical blocs, the Convention was only legitimate in those aspects that were aligned with their understanding of racial discrimination.

Another element of relevance is that, during this period, the strategy of preventing and suppressing discrimination was state-centered. This means that State parties bore most of the responsibility to make these actions possible. State representatives participated in drafting the anti-racial discrimination declarations and treaties and were their source of legitimacy by becoming signatory parties of those normative documents. They also participated in drafting proposals for the configuration of the mechanisms in charge of supervising the implementation of the treaties. Likewise, they provided legitimacy to these mechanisms by accepting to submit anti-discrimination performance reports to these institutions and receive recommendations from them. They also had the agency to interpret the meaning of declarations and treaties' calls to action and provisions and to decide how to fulfill their obligations. Finally, since international treaties in the area of discrimination were not enforceable, representatives of the states had the discretion to determine what aspects from the international institutional mechanisms' recommendations and observations were worthwhile considering and which ones necessary to implement.

This centrality of the state played a crucial role in the way this international mobilization spoke and thought about racial discrimination as an object of knowledge and action. The discretion of state representatives to make interpretations of internationally agreed legal expectations and decide how to fulfill them limited the possibility to have unified criteria to assess the existence and manifestations of racial discrimination in national settings. As such, domestic nuances informed those assessments. At the same time, that discretionary power limited the capacity of the international mechanisms of governance to impose a transborder standard of conduct towards racial discrimination. In other words, the centrality of the state compromised the authority of those mechanisms to fulfill the ends for which the international community of nations created them.

These political polarities and the centrality of the state created the conditions of possibility for the international action against racial discrimination to work with

standards that all parties were able to recognize as legitimate. On the one hand, the international mechanisms in charge to monitor states compliance with the obligations imposed by international treaties/conventions adopted a *de facto* interpretation of the definition of racial discrimination and protection of minorities that did not generate discrepancies between the geopolitical blocs and that signatory states could not oppose. Specifically, these mechanisms understood racial discrimination as the distinction, exclusion, restriction, preference, or imposition of duties based on race, colour, descent, or national or ethnic origin, which had the purpose of nullifying or impairing the principle of formal equality or equality of treatment. This definition limited the international mechanisms' area of influence to identify and condemn regimes, legal arrangements, policies, and practices that formally endorsed inequality of treatment resulting in the denial of rights, the imposition of special burdens or the granting of privileges.⁸⁵

On the other hand, the international mechanisms adopted an understanding of the protection of minorities that State parties could accept without major reservations. These mechanisms mainly focused on monitoring that signatory States adopt measures to override laws, and policies that deny the right of individuals who belonged to ethnic, religious and linguistic minorities to preserve their distinctiveness. It was also a common practice that those mechanisms requested State parties to adopt positive actions in the form of special rights and positive services. A regular demand was that of asking states to provide information on whether they offered multi-linguistic education in order to protect the right of individuals from linguistic minorities to preserve their language if that was their desire. Moreover, a well-established protocol was to request reports on the concrete actions signatory States had adopted to allow persons from religious minorities to practice their faith without coercion.

This way of speaking and thinking about racial discrimination and the protection of minorities made it possible for international mechanisms to grant some signatory States the status of being free from racial discrimination. In other words, it facilitated that these

⁸⁵ One point of widespread agreement between the blocs was that the legitimacy of condemning regimes of formal segregation as the ones embraced in Southern Africa. In particular, one of the areas in which the signatory nations of ICERD unanimously accepted to be accountable to the Committee on the Elimination of Racial Discrimination was that of whether they kept diplomatic and economic relations with the regime of apartheid in South Africa.

mechanisms identified as a successful example of suppression and prevention of racial discrimination any State that was able to prove that they had overridden legal arrangements, policies, and practices that formally endorsed inequality of treatment, adopted laws and policies that guaranteed formal equal treatment, or ensured the protection of the desire of individuals to be culturally, religiously or linguistically distinctive

2 The New International Approach to Racial Discrimination

During the 1990s, the problematization of racial discrimination in the international arena changed dramatically. To a certain extent, the emergence of this new problematization resulted from a combination of two factors. The first one refers to a major political restructuration that occurred on a global scale following the end of the Cold War, the fall of the apartheid regime in Southern Africa and substantial advances in the disarticulation of formal colonial rule. The second factor is the subsequent consolidation of human rights politics, at both the international and domestic level, as the dominant model for problematizing social injustice. I will briefly discuss each of these in turn.

In the early 1990s, two of the most notorious systems of race based political rule were in clear decline. On the one hand, the political changes in Southern Africa in the first few months of 1990 would create the conditions for the progressive elimination of apartheid. On the other hand, anti-colonial struggles around the world had brought formal colonial rule to the point of near extinction. These events were significant given that, since approximately the 1960s, there was not only an international consensus condemning these forms of discrimination, but they were in fact one of the primary focus of international anti-discrimination efforts. The success of the international community in countering these two problems was accompanied by the dismantling of the policies, normative frames and institutional foundations that supported direct racial discrimination, segregation and the dissemination of doctrines of racial superiority (General Assembly, 1994: 1).

As apartheid and colonialism were coming to an end, the Cold War was also fading away. As a result, the epistemic and political tensions that had defined global intergovernmental relations since the late 1940s progressively ceased to inform the

international discourse on racial discrimination.⁸⁶ In this post-Cold War, post-apartheid and post-colonial world, international human rights politics, for the first time since its inception, had the opportunity to mainstream its rhetoric, episteme and courses of action in the international arena. This mainstreaming took place through the *universalization of human rights*, a project which organized around two initiatives. The first one was an effort to secure universal accession to the binding legal mechanisms already in existence. This meant encouraging states that had not yet acceded to treaties such as the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) to join signatory states in accepting the obligations therein. Second, there was a push for the *universality of implementation* (General Assembly, 1991: 77), which meant persuading states that the accession to binding mechanisms was not only to combat discrimination practiced by other states, being apartheid in South Africa and Rhodesia the clearest reference, but also to recognize and eradicate racial discrimination in their own countries. In that sense, the new iteration of human rights politics emphasized “the improvement of the implementation of standards already adopted and on strengthening of existing international mechanisms for monitoring the implementation of those standards at the national level” (General Assembly, 1992-1: 99).

This project of *universalization* gave rise to a series of further demands. First, international human rights mechanisms pressured all states to follow the same set of international principles when organizing their legal systems for the purposes of combating racial discrimination. Second, this project called for the use of a common legal language to address topics related to racial discrimination and racism (General Assembly, 1991: 77). Third, international human rights mechanisms requested that states adhere to

⁸⁶ The *de facto* politics of the Cold War meant that the normative instruments cited above were used opportunistically, in that their interpretation was influenced by the political and ideological tensions informing the Cold War. As a consequence, those provisions that were useful to dominant political agendas received wide support, while others remained totally neglected. For instance, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is the most important treaty regarding racism and racial discrimination since the 1960s. During the Cold War, only its provisions related to negative duties received wide international attention and support (see for example articles 2(e), 3, 4 and 5). Beyond providing formal support for article 6, concerning effective protection and remedies, states parties achieved very little of substance on this issue. Finally, positive duties were ignored, including those encapsulated in articles 1(4), 2(2), and 7 (see General Assembly, 1981; 1987; 1988; 1990). For a detailed analysis of the international anti-racism politics of the Cold War, see: Michael Banton (1996, 2002), Sandra Fredman (2001), Kevin Boyle & Anneliese Baldaccini (2001), Dimitrina Petrova, (2001), and Theo Van Boven, (2001).

the primacy and precedence of international law over domestic law. This entailed that any anti-discrimination normative modality at the national level should be an extension of the international binding normative modalities in both its principles and language.⁸⁷ Fourth, this project put forward the request to recognize and affirm that all human rights derive from the dignity and worth inherent in the human person and that it was the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms (United Nations Human Rights Office of the High Commissioner, 1993).

As discussed in the previous section, during its formative years, the international mobilization against racial discrimination was highly shaped by the centrality of the State to interpret in their own terms the meaning of anti-racial discrimination declarations and treaties' calls to action and provisions and to decide how to fulfill their obligations. Representatives of the States also had discretion to determine what aspects from the international institutional mechanisms' recommendations and observations were worthwhile considering and which ones necessary to implement. That discretion limited the possibility to have unified criteria to assess the existence and manifestations of racial discrimination in national settings and limited the capacity of the international mechanisms of governance to impose transnational standards of conduct towards racial discrimination. At the same time, the political polarities between States conditioned the international action against racial discrimination to work with standards that all parties were able to recognize as legitimate and accept without major reservations.

The global political restructuring in the early 1990s and the concurrent rise of human rights politics as the dominant social justice model opened the door to a new stance for problematizing racial discrimination. These events facilitated the emergence of new processes of objectification of racial discrimination as a reality in its own epistemic right. Specifically, they paved the way for developing a new international consensus on how to speak, think about the manifestations and causalities of racial discrimination as a problem, and define remedies and interventions to confront it. Three dimensions, in particular, deserve our attention: the emergence of a new understanding of the concept of

⁸⁷ It is necessary clarify that my purpose in describing this shift is not to discuss the implementation of these requests by the State parties but to expose the changes in the goals and intentions of the International Human Rights regime.

race; the redefinition of the notions of discrimination and equality; and the re-signification of the idea of public duty. I will discuss each one of these elements in the following pages.

2.1. A New Definition of Race

During its first forty years, the international discourse on racial discrimination understood race as a perception of difference rather than a distinctive dimension of human identity/condition or actual difference. It is important to remember that this discourse understood discrimination as the acts some humans committed against others because the former mistakenly or opportunistically perceive the latter as belonging to a race. Said otherwise, the idea of race in this discourse only made sense as an error and/or a pretext. It was an error because this idea was based on an unfounded understanding that prevented apprehending the irreducible singularity of individuals. It was a pretext because it entailed placing individuals in particular categories to either deny them widely shared rights, impose unique burdens on them or grant them favours or privileges.

In the late 1980s, other ways of speaking and thinking about race would begin to complement this well-established understanding.⁸⁸ This emergent position was based on the argument that the consciousness of having a separate identity could be a determinant for classifying a group as a race. In particular, the international discourse on racial discrimination would begin to recognize people who perceive themselves as having a separate identity in terms of ethnicity, religion, language, descent, social, national and ethnic origin, historical criteria and socioeconomic status as a race (Boyle and Baldaccini, 2001: 152). Despite not overtly/explicitly challenging the modes of conceptualizing and theorizing race that had been prevalent since the 1940s, the entry of this new way to speak and reason about race entailed a revision of the well-established conviction that such a concept was exclusively an imposed label. In this new view, race stopped being a pernicious act of dehumanization by othering, becoming an identity that persons and even entire groups could embrace as part of recognizing shared lived experiences, history,

⁸⁸ Some of the general recommendations that CERD issued all along the 1990s played an essential role in recognizing self-identification as a valid and even fundamental principle for classifying a group as a race. See CERD's General Recommendation VIII concerning the interpretation and application of article 1, paragraphs 1 and 4 of ICERD (General Assembly, 1991: 79). Also see Boyle and Baldaccini, 2001: 152.

similar cultural traits and socioeconomic status.

Also, during these years, a consensus emerged in the United Nations that racism and discrimination affected not only individuals, but also entire collectivities. This development informed the determination of who could be considered a subject of rights. Before the 1990's, the discourse on racial discrimination only considered individuals as recipients of entitlements and legal protection in international anti-racial discrimination law.⁸⁹ The (re)definition of 'race' to include collectivities facilitated the treatment of entire groups and persons belonging to distinctive groups as legitimate subjects of rights and recipients of protection under international anti-racism law (Boyle and Baldaccini, 2001: 152).

This change began in 1989, when the *International Labour Organization's Convention Concerning Indigenous and Tribal Peoples in Independent Countries* (ILO 169) recognized entire groups, some of them trans-border communities, as entitlement holders. ILO 169 replaced the *Indigenous and Tribal Population Convention 107* that ILO adopted in 1957. The new Convention emerged to address a number of concerns related to the outdated assimilationist vision of its predecessor. *ILO 169* incorporated four elements into its preamble that did not exist in the 1957 Convention. The first expressed the aspirations of indigenous and tribal peoples "to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live" (International Labour Organization, 1989). The second recognized the difficulties that indigenous and tribal peoples in many parts of the world experienced "to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live" (International Labour Organization, 1989). The third element was the observation that indigenous and tribal people's "laws, values, customs and

⁸⁹ The only human rights mechanism that identified groups as right holders prior to this was the *African Charter on Human and Peoples' Rights*, which entered into force in 1986. This regional treaty contains a number of articles that identify the rights of *peoples* to existence, self-determination, economic, social and cultural development, the disposition of their wealth and natural resources, peace and security, and a generally satisfactory environment favourable to their development. The inclusion of *peoples* in the African Charter was part of the anti-colonial agenda of the leading factions within the Organization of African Unity. Peoplehood in this treaty articulated the concerns of formerly colonized groups. It condemned the existence of regional arrangements of racial domination (such as apartheid) and the persistent threat of foreign political, cultural and economic domination. Further, it sought to provide legitimacy to struggles in favour of emancipation from oppression, both domestic and foreign.

perspectives have often been eroded” (International Labour Organization, 1989). Finally, *ILO 169* incorporated a call for attention “to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding” (International Labour Organization, 1989).

In 1992, the United Nations adopted the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (Declaration on Minorities), the first international statement exclusively devoted to this subject. This declaration fully materialized the ideas, principles and expectations the Secretary-General of the United Nations first presented in 1950 in its memorandum on the definition and classification of minorities. Until then, the legal protection of persons belonging to ethnic, linguistic, religious and cultural minorities was only supported in Article 27 of the *Covenant on Civil and Political Rights*. As I discussed previously, this article prescribed the duty of State Parties to protect the right of persons belonging to such minorities to enjoy their own culture, to profess and practise their own religion, or to use their own language. However, it did not provide concrete directions on how the international mechanisms and the Signatory States should ensure that protection or offer any clarity about the nature of the right to be differentiated. In the absence of formal guidelines, international mechanisms’ representatives used their discretion to create de facto standards, assess governmental performances, and offer recommendations on desirable courses of action. The signatory states, on the other hand, only followed the suggestions that aligned with their understanding of what should and could be accommodated culturally, religiously and linguistically.

Opening a new approach, the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* offered concrete directions on how to ensure protection to minorities and addressed the different dimensions that informed the right to be different. For instance, in its first article, this international statement requested that States should not only protect the existence but also encourage conditions for the promotion of the national or ethnic, cultural, religious and linguistic identity of minorities. It established, as well, that States had the duty to adopt appropriate legislative and other measures to achieve those ends. Moreover, in its second and third

articles, the declaration provided a detailed account of the entitlements of persons belonging to minorities, and the conditions in which they could exercise those rights (The General Assembly, 1992).⁹⁰ The remaining articles (4, 5, 6, 7 and 8) presented a thorough list of the measures that states must take regarding the protection of persons belonging to minorities.

The adoption of *ILO 169* and the *Declaration on Minorities* advanced a conception of rights that offered new interpretations to old standards and entitlements. In particular, they modified longstanding ways of understanding civil, political, social and economic rights, such as the right to culture, property, self-determination, physical integrity, nationality, labour, social security, adequate standard of living, health and education. In this respect, *ILO 169* and the *Declaration on Minorities* contributed to substantially redefining the subjectivities at play in the discourse on racial discrimination.

As discussed earlier, before the 1990s, only individuals embodied natural and universal entitlements, and only the denial of individual rights, the imposition of special burdens on individuals or the granting of privileges to individuals, all of these on the grounds of race, were considered manifestations of racial discrimination. The established practice was to insist in the essential sameness of all individuals, regardless their natural and social characteristics, and to recognize that fundamental similarity through equal treatment. In this order of things, governments were the subjects in charge of protecting those individual rights by derogating legal arrangements, policies, and practices that formally endorse inequality of treatment of individuals, and adopting legal frames that explicitly condemn and criminalize racial discrimination against individuals. This understanding was coterminous with the existence of three subject positions: individuals as right-holders, governments as duty-bearers; and promoters of legal arrangements, policies and practices that endorsed inequality of treatment as rights violators.

⁹⁰ These rights were the following: to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination; to participate effectively in cultural, religious, social, economic and public life; to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation; to establish and maintain their own associations; and to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties (The General Assembly, 1992).

ILO 169 and the *Declaration on Minorities* played a decisive role in redefining these subject positions. First, they constituted peoples and persons belonging to minorities into self-evident human rights-holders. This means that these normative mechanisms created the possibility for entire groups to be universally and inalienably entitled to be different and receive protection not only to ensure their collective integrity but also to maintain their distinctiveness. As such, it became possible for entire groups, in the case of *ILO 169*, and persons belonging to certain collectivities, in the case of *the Declaration on Minorities*, to receive legal treatment similar to that afforded to individuals under international human rights law. These legal mechanisms also identified the distinctiveness of these groups and persons as an element to take into account when interpreting the meaning and scope of human rights provisions. In *ILO 169* the term *peoples* became something more than the sum of persons. Rather, peoplehood meant cultural distinctiveness and unity, and this corporate unit was itself cast as a recipient of rights. *The Declaration on Minorities*, on the other hand, considered that persons belonging to collectivities in condition of non-dominance within a nation-state should be considered the subjects of special rights due to their distinctive membership in those collectivities. In that sense, both legal mechanisms took an approach that broke free from the principle of emphasizing human sameness that had dominated the international discourse on racial discrimination since its inception.⁹¹

Second, the emergence (peoples) or full recognition (minorities) of these new rights-holders would transform the role and substance of governments as duty-bearers. *ILO 169* and the *Declaration on Minorities* demanded that signatory governments abstain from actions that could violate the rights of culturally distinctive groups and persons. Notably, this cultural distinctiveness applied not only to spiritual dimensions, but also to political and economic ones, thereby requiring an unprecedented level of restraint on the signatory States' exercise of power. These legal mechanisms also prescribed that signatory States should protect the rights of entire communities and fulfill the full realization of their social, economic and cultural rights. Furthermore, they stipulated that governments must carry out these duties with the participation of the peoples and persons

⁹¹ Although some countries had constitutionally endorsed collective rights in their respective territories decades before, see the case of India and Canada for instance, it is only in the 1990s that collective rights received focused legal support on the international sphere.

concerned, showing respect for their social and cultural identity, customs, traditions and institutions. They also established conditions that informed the provision of governmental assistance to these groups. In particular, both prescribed that any governmental initiative in the area of economic development, social welfare or governance of political matters should be compatible with these groups and persons' aspirations and ways of life.

Complimentarily, *ILO 169* and the *Declaration on Minorities* opened an unprecedented path for understanding and defining citizenship. The recognition of the legal validity of the distinctiveness, as rights-holders, of indigenous, tribal people and persons belonging to minorities, concomitantly problematized and subsequently redefined the concept of national identity. *ILO 169* and the *Declaration on Minorities* played an important role in opening up the concept of citizenship to include content beyond that of a community of individual right holders and duty bearers who share a national ethnicity. This made it possible to reconcile citizenship, at least in principle, with the existence of multiple ethnic foundations within nation-states. As I pointed out in previous paragraphs, these documents demanded that governments incorporate the recognition of cultural difference into their legal and policy operations.

2.2. A New Approach to the Notion of Equality

Complementing that conceptualization, the new international discourse on racial discrimination began to critically interrogate the focus on equality of treatment, which had characterized the fight against discrimination on the ground of race in the international arena prior to the 1990s.⁹² This emphasis on equality of treatment was comprised of two aspects. First, it purported to treat individuals on the basis of their

⁹² Prior to the 1990s, equality of treatment was the dominant principle in the international law governing racism and racial discrimination. This was the only principle that enjoyed the wide support of states, and it was present in all of the most significant normative mechanisms on the subject: the United Nations Charter of Rights, the Universal Declaration of Human Rights, the International Labour Organization Convention concerning Discrimination in Respect of Employment and Occupation or Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Declaration against Apartheid in Sports, the UNESCO Declaration on Race and Racial Prejudice, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The only exception in the international community to the rule of equal treatment was that citizens could receive more favourable treatment than non-citizens.

personal qualities and achievements, and not on the basis of their race. Second, it dismissed difference and endorsed sameness (Fredman, 2001a: 3) for the reason that it perceived difference of treatment as creating legal avenues for inferiorization or exclusionary practices. In this view, distinctions were discriminatory *per se*.

The new international approach to racial discrimination revised the principle of equality of treatment on the basis of two criticisms. While it did not disregard the idea that equality of treatment was necessary to confront racial discrimination, it supported the view that it was not sufficient to address all of the problematic axes of that phenomenon. In other words, the new perspective recognized that while equality of treatment played a useful role in prohibiting blatant prejudice, direct forms of discrimination and segregationist organizations, it did very little to address the substance of social disadvantage. In particular, it seemed to be of little value *vis-à-vis* redistributive and restructuring goals. Second, the new discourse advanced the proposition that, in some cases, equality of treatment could entrench disadvantage, reinforce stereotypes and promote cultural and religious discrimination. I will examine each of these critiques in turn.

In the 1990s, international multilateral organisms such as the UN put forward the argument that, in contemporary societies, persons belonging to ethnic, national, linguistic and religious minorities, and Indigenous peoples had unequal access to resources, employment, property, social status, representation and power. As a result, they were disproportionately represented in the workforce, educational system, class structure and decision-making positions. These disparities existed both in countries that had formal segregationist arrangements, and in countries whose legal systems forbade discrimination on the grounds of race. The new discourse linked these disparities to historical practices of discrimination at global and domestic scales, the planetary failure to build pluralistic models of citizenship, and the existence of indirect discrimination.

According to this approach, the principle of equal treatment overlooked the fact that both historic and indirect discrimination “could make it inordinately difficult for members of particular groups to fulfill the threshold condition of similarity required to trigger the right to like treatment” (Fredman, 2001b: 20). This understanding identified the model of equality of treatment as potentially unable to address disparities between

racial, ethnic, national, linguistic and religious groups and the situation of systemic disadvantage suffered by entire groups, such as Indigenous peoples, and persons belonging to minorities. In other words, the treatment of “unlike people alike” did not involve taking measures to ensure that persons and groups from all sections of society genuinely had an equal chance to satisfy the criteria required to access resources, employment, property, status, representation, cultural legitimacy, and power (Fredman, 2001b: 21).

At the same time, the new international approach advanced the argument that the emphasis on equal treatment prevented the understanding that racial discrimination was frequently embedded in the structure of society. Specifically, it promoted the view that racial discrimination was structural and not only a consequence of prejudice, interest, or erroneous understanding on human bio and socio diversity. One idea that informed this approach was the significance of inequalities of origin and their consequences. The idea of inequalities of origin refers to the historical disadvantages persons belonging to ethnic, linguistic and religious minorities, Indigenous peoples and entire racial groups face when attempting to take advantage of social rights and opportunities.

Regarding the consequences, the main argument the new international perspective on racial discrimination put forward was that when a social order overlooks dissimilar starting points, it may involuntarily contribute to the preservation of historic inequalities. Said otherwise, the new discourse advanced the position that the formal neutrality of treating unlike people alike put the guarantee of equality at risk. Specifically, it presented the statement that denying positive differentiated treatment to those who had systemically suffered the effects of discrimination created a permanent risk of leaving intact the obstacles that caused different racial groups to remain economically, educationally, politically, and socially unequal. In summary, it considered that an exclusive focus on legal equality could play an active role in perpetuating substantive inequality. This stance further implied that in a global social order characterized by inequalities of origin, ensuring that persons belonging to minorities, Indigenous peoples and historically disadvantaged racial groups can flourish according to their own needs required more than merely derogating legal arrangements, policies, and practices that formally endorse inequality of treatment or adopting legal frames that explicitly condemn and criminalize

racial discrimination against individuals. It was necessary, as well, to promote substantive equality or equality of results.

2.3. A New Approach to the Geography of Racial Discrimination

Another crucial development in this new international approach was advancing a new understanding of the political geography of racial discrimination. In particular, the international multilateral organisms developed the argument that no society was free from racial discrimination. According to this position, the multi-racial, multi-cultural (multi-ethnic, multi-lingual and multi-religious) nature of late 20th century states made it inevitable that at least some of the multiple groups living in their jurisdictional borders were in some condition of disadvantage or subjected to some form of assimilation, discrimination, denigratory stereotyping, hatred, persecution or even cleansing (General Assembly, 1991; 1992; 1994; 1995; 1996; 1997; 1998; 1999). In short, the revisited definition of race I discussed above created the basis to argue that all societies were racist to some degree and that the international community should consider racial discrimination as a ubiquitous and universal problem.

This understanding changed the pre-1990s conversation or, to be more precise, debate, on what countries or political models could be identified as nurturers of racial discrimination and which ones could be considered free of that evil. Specifically, it made it unacceptable for some States to argue that racial discrimination was a practice only attributable to other states while ignoring the existence of similar or comparable violations and ideologies in their own domestic scenes. Similarly, it made it untenable to argue in the international sphere that racial discrimination was a phenomenon of the past or merely an innocuous vestige of former regimes, incapable of impacting societies that were committed to protecting equal legal treatment (Van Boven, 2001: 113). In short, the assertion of the ubiquity or universality of racial discrimination challenged States' prerogative to determine whether racial discrimination existed in their particular jurisdictions. Instead, this idea facilitated the understanding that the existence of racial discrimination was factually independent of any form of official State acknowledgement (Petrova, 2001: 48). Going even further, in this view, States' denial of racial discrimination in their territories became to be recognized not only as an abdication of

moral responsibility (Van Boven, 2001: 114) but also as both an act of compliance and a manifestation of institutional racism (Petrova, 2001: 45).

2.4. The Redefinition of the Idea of Public Duty

The recognition of racial discrimination as ubiquitous and the focus on equality of results and substantive equality led the new international approach to promote an unprecedented way to think and speak about responsibilities. Specifically, the new discourse advocated for the redefinition of the negative and positive States' obligations to tackle discrimination. Regarding negative duties, this approach argued that the community of nations should reconsider the ultimate meaning of the idea of freedom from discrimination, create more effective normative and governance mechanisms and establish more appropriate remedies for the victims of racial discrimination. Regarding positive duties, the new international discourse promoted imposing states the obligation to promote substantive equality actively.

One crucial argument that became mainstream in the 1990s was that the idea of freedom from discrimination should encompass much more than the prohibition of blatant prejudice, dissemination of racist ideas, institutional and private discriminatory attitudes, and segregationist institutional and normative arrangements. To be more inclusive and responding to developments in the understanding of the concept of race and substantive equality, this idea should also include principles such as freedom from ethnically or racially motivated violence, ineffective judicial remedies to protect individuals and entire groups (minorities and peoples),⁹³ cultural segregation in education, direct and indirect obstacles to the enjoyment of culture, and impediments to the participation of minorities and peoples in decision making related to their economic, social, political and cultural lives.

Another point this emerging international approach advanced was that the States' negative duties should entail the responsibility to create more effective normative and institutional mechanisms and judicial practices. In terms of normative mechanisms, the

⁹³ Effective judicial remedies in this context refer to transparent and accessible recourse procedures, awareness of the vulnerability of victims of racial acts, proper information about rights and recognition of the existence of linguistic and other barriers that prevent victims of racial acts from seeking legal remedies (Boyle and Baldaccini, 2001: 163).

new approach argued that fighting discrimination with preambles or interpretive sections in national constitutions prohibiting segregation, exclusion, and blatant prejudice was not sufficient (Boyle and Baldaccini, 2001). It requested the enactment of anti-discrimination-focused legislation aimed at regulating racial discrimination, not only in the criminal sphere but also in the arena of civil and administrative law. This anti-discrimination legislation would have as a target the prohibition of public and private institutions and individuals from racially discriminating against other individuals and persons belonging to minorities and indigenous peoples in every area of their social, cultural, economic and political life (Van Boven, 2011: 124). These normative mechanisms were also intended to provide a mandatory reference point for the design and implementation of public policies and institutional practices.⁹⁴

Further, the new approach promoted the position that anti-discrimination legislation should be vested with the power to nullify any law or practice that, directly and indirectly, was responsible for the creation or perpetuation of racial discrimination. To achieve that goal, it considered it necessary to strengthen the role of administrative or other bodies in charge of enforcing anti-discrimination laws (Boyle and Baldaccini, 2001: 163-4).⁹⁵ Particularly, from the early 1990s, international human rights organisms began requesting signatory States to adopt specialized institutional bodies in charge of reviewing government policies to identify failures in the protection against racial discrimination; monitoring legislative compliance with the provisions of the ICERD; educating the public about the obligations of States parties to the ICERD (General Assembly, 1994: 116-117); advising legislative and executive authorities on topics related to racial discrimination; providing assistance in litigation on behalf of victims of

⁹⁴ In 1991, the Secretary-General of the United Nations General Assembly issued a document called Model Legislation Against Racism And Racial Discrimination. This document offered states an ideal framework for designing anti-discrimination legislation. It invited states to enact legislation to ensure adequate protection for victims of racism and racial discrimination, criminalize racist acts, develop recourse procedures, and establish independent national bodies to monitor implementation. It also recommended that states use ICERD as a blueprint for designing anti-discrimination legislation (General Assembly, 1992-1: 100).

⁹⁵ Efforts to establish a human rights institutional infrastructure, including, for example, the creation of national bodies for the promotion and protection of the human rights anti-racism agenda, first came into existence in the late 1980s (see General Assembly, 1987; 1988). However, it wasn't until the early 1990s that such a suggestion became a requirement. To promote this change, in 1993, the CERD issued the Recommendation XVII (42) "On the Establishment of National Institutions to Facilitate the Implementation of the Convention" (see General Assembly, 1994: 116-117).

racial discrimination; facilitating recourse to the courts; and adjudicating complaints through amicable solutions or in binding and enforceable decisions (Boyle and Baldaccini, 2011: 163-4).

The final request regarding negative duties was the establishment of more adequate remedies for the victims of racial discrimination. This request entailed a reformation of domestic judicial systems to incorporate sensitivity toward historical disadvantage and cultural diversity. For example, the new discourse on racial discrimination supported the modification of recourse procedures to make them more accessible to indigenous peoples and minorities. They endorsed as well making legal processes more transparent, enhancing awareness of the vulnerability of victims of racial discrimination in legal decisions, taking into account victims' lack of information regarding their rights; and removing cultural barriers these victims might face when seeking legal remedies (Boyle and Baldaccini, 2001: 163).

In addition to these negative duties, the new international approach demanded that states fulfill positive responsibilities.⁹⁶ Fundamentally, this request involved imputing states with the obligation to promote substantive equality actively.⁹⁷ As such, the idea of positive duties was built around the notions of racial discrimination and equality I discussed above. The new approach defined positive duty as the obligation to adopt measures to overcome structural discrimination, including economic, political and social disadvantages and cultural subordination. Such a goal entailed restructuring institutions, normative domains, policies, and society as a whole (Fredman, 2001: 26). The new approach identified governments, non-governmental organizations and inter-

⁹⁶ We can find attempts to promote positive duties to protect minorities in the late 1980s: see, for instance, CERD's 1987 Annual Report (General Assembly, 1987). However, the international human rights organisms only adopted this interpretation of public responsibilities after the end of the Cold War. This new version found its legal foundations in a reinterpretation of preexisting provisions of international anti-discrimination law. For instance, CERD began to read the state's duty to protect the rights of groups and collectivities into articles 4, 5 and 6 of ICERD.

⁹⁷ This conception of positive duties found its legal foundations in a new understanding of previously existing provisions. In the early 1990s, CERD began approaching articles 2(2) of ICERD with new eyes. These provisions required that states, "when circumstances so warrant, take...special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms". In the 1990s it became common for CERD to rely on article 2(2) to support its recommendation that states adopt positive actions in order to facilitate the social integration of disadvantaged groups (see General Assembly, 1991-98). CERD also similarly recovered article 7 of ICERD, which requires states to combat prejudices that lead to racial discrimination through measures in the fields of education, culture and information.

governmental entities (financial and human rights-related) as the entities best positioned to fulfill these responsibilities.

International human rights organisms identified and promoted the adoption of four main positive responsibilities. The first one was gathering information to enhance the visibility of groups in need of public support, along with the particular problems they confronted. In the late 1980s, human rights monitoring bodies such as the CERD invited State parties to ICERD to consider collecting data on the racial composition of their populations (see General Assembly, 1987; 1988). However, in the 1990s, this invitation became a formal request, and the CERD began to label any state's lack of cooperation in this regard as an act of complicity with racial discrimination (see, for instance, General Assembly, 1994). In more concrete terms, these international bodies mainstreamed the expectation that states had the duty to develop, update and disseminate disaggregated indicators by race, colour, national origin, ethnicity, language, religion, and descent. They also expected states to gather comprehensive and comparable data linking these identity categories to economic,⁹⁸ administration of justice,⁹⁹ political,¹⁰⁰ education,¹⁰¹ culture¹⁰²

⁹⁸ Concerning economic indicators, the primary goal was to trace the economic disadvantage of racial, ethnic, and religious groups. CERD requested states to gather quantitative and qualitative information on the distribution of resources, rates of unemployment and rates of extreme poverty. It also asked for data on governmental poverty-alleviation programs, policies to promote the equitable allocation of jobs in the public and private sector, and funds to support disadvantaged ethnic groups (see General Assembly, 1991-99). There were also stipulations for information on property regimes and their sensitivity to the particular demands of indigenous peoples.

⁹⁹ Regarding the administration of justice, the purpose was to trace the legal disadvantage of racial, ethnic, and religious groups in law enforcement and access to judicial remedies. CERD requested states to gather quantitative and qualitative information concerning the representation of these groups in law enforcement, incarceration rates, and detention. It also asked for information on the transparency and accessibility of recourse procedures, judicial awareness of the vulnerability of victims of racial acts, the existence of proper knowledge about domestic and universal rights, and the recognition of the barriers that victims of racial acts face in seeking legal remedies (see General Assembly, 1990-99).

¹⁰⁰ The goal of political indicators was to make racial, ethnic and religious political disadvantages visible. CERD requested that states collect data regarding the degree of representation of these groups in the political structure of their respective societies and their participation in decision-making processes affecting their well-being.

¹⁰¹ The purpose here was to trace the educational disadvantage of certain ethnic, racial and religious groups to reveal how this disadvantage impacted their capacity to access equal opportunities. There was also an interest in receiving information on educational policies that recognized cultural diversity. To this end, CERD required states to collect disaggregated data on illiteracy rates and educational levels. It also requested data concerning educational models sensitive to ethnic and linguistic diversity, such as whether history curricula included the perspectives of different cultural groups.

¹⁰² One of the key features of this knowledge-building project was to make cultural and religious discrimination visible. This goal required states to measure the extent to which they took the principle of cultural, linguistic and religious diversity into account in policy and executive decisions in the areas of the economy, administration of justice, access to power and education. This involved collecting information

and health¹⁰³ indicators. Such a request sought to construct the knowledge foundations needed to monitor racial discrimination as a worldwide phenomenon with domestic manifestations and ensure State parties' accountability.

The second positive duty was the protection of substantive cultural equality. This responsibility entailed recognizing most States' multicultural/multiethnic composition and acknowledging the pressure Indigenous people and ethnic minorities had historically faced to assimilate into mainstream cultures. It also referred to the removal of obstacles that prevented Indigenous people and ethnic minorities from enjoying their cultural, linguistic and religious heritage in all their fullness.¹⁰⁴ The new approach requested State policymakers and legislators to reform programs and legal provisions that directly or indirectly hindered the right to access cultural, linguistic and religious heritage. It demanded as well the inclusion of the principles of cultural diversity, vulnerability, and disadvantage as variables in the design of policies and legislation. Likewise, the new ethos promoted the monitoring of policies and legislation on the domestic and international levels to determine their effectiveness in promoting cultural equality.¹⁰⁵

The third positive obligation encompassed changing the approach to the governance of the fight against racial discrimination. This goal involved facilitating the access of victims of discrimination, historically marginalized and culturally subordinated people to relevant decision-making processes.¹⁰⁶ The new international approach endorsed and promoted the idea that effective policies, legislations and programs against

regarding the respect of traditional modes of production and property, the acceptance and protection of culturally distinctive political organization and modes of administering justice and the provision of multilingual and intercultural curricula (General Assembly, 1991-99).

¹⁰³ The purpose of collecting information on health was to determine the existence of racial and ethnic disadvantages in determinants of health. This data-gathering exercise involved collecting disaggregated information on life expectancy, infant mortality, and mortality (General Assembly, 1991-99).

¹⁰⁴ The CERD, for instance, began to read the article 2 of ICERD as requiring governments to be sensitive to the rights of persons belonging to ethnic groups, particularly to their right to lead lives of dignity, to preserve their culture, to share equitably in the fruits of national growth, and to play their part in the government of the country of their citizenship (see General Assembly, 1990-1997).

¹⁰⁵ The way the discourse conceived the accomplishment of those goals was, first, by promoting the knowledge of the cultural singularities of ethnic groups and Indigenous peoples and adopting the principle of culturally sensitive treatment. In the 1990s, the CERD adopted the position that differentiated treatment did not constitute discrimination if the criteria for such differentiation were legitimate or fell within Article 1, paragraph 4 of ICERD (General Assembly, 1994: 114).

¹⁰⁶ From the late 1980s, the CERD began requesting state parties to provide information on the participation of minorities and indigenous people in the public and political life of their countries (General Assembly, 1987). In the 1990s, this request became a standard feature of CERD's monitoring responsibilities (see General Assembly, 1990, 1991, 1992, 1994, 1995, 1996, 1997, 1998 1999).

racial discrimination required a partnership between governments and beneficiaries of those policies, legislations and programs. In operational terms, this idea of multipartite anti-racial discrimination governance consisted of incorporating disadvantaged and culturally excluded people into diagnosing problems, formulating legal and policy responses, monitoring the effectiveness of strategies and modifying courses of action when needed. The new discourse perceived these forms of participation as crucial to ensuring that anti-discrimination policies and legislation at the domestic and international levels were culturally sensitive and accommodated the perspective of historically marginalized collectivities.

The fourth and final obligation was to undertake educational and informative programs to combat prejudice, promote tolerance and propagate human rights principles. While the new international approach found the legal basis for this proposal in an already-existing provision (see article 7 of ICERD), its approach to this goal would have a very different foundation. Before the late 1980s, the duty to provide anti-racist and human rights education mainly focused on propagating a proper understanding of universal rights, fundamental freedoms and governmental duties and promoting a culture of respect for individual rights. On the other hand, the rationale of the perspective that emerged in the late 1980s, on the other hand, was that structural changes in economic, political, cultural and social life would not be sustainable over time without a public comprehension of the structural condition of racial discrimination. Such knowledge would require actions such as: promoting an adequate understanding of the premise that no nation-state was utterly free of racial discrimination; disseminating the principle that racial discrimination not only affected individuals but entire groups; and facilitating the understanding of both the distinction between formal and substantive equality – not only in the economic and political arenas but also in the cultural, linguistic and religious ones – and the difference between direct/intentional and indirect discrimination. A related objective was to promote a global ethnic, linguistic, and religious pluralist culture. Finally, the ultimate goal of these educational programs was the creation of a global shared frame to think, speak about and act against racial discrimination that did not depend on the will or discretion of governments, their ideological alignments, or the political singularities of national contexts.

The operationalization of these educational goals involved the implementation of culturally sensitive educational programs at all levels of the education system. It also demanded that public authorities actively disseminate studies evidencing economic, political, social and cultural discriminatory practices in their political jurisdictions. Furthermore, there was an expectation that the states should use the media to publicize their international commitments to fight racism and racial discrimination. Concerning the public sector, the new international approach advocated for the provision of human rights training to teachers, law enforcement officials, judges and other public figures working in sectors where racial/ethnic tensions might be an issue.¹⁰⁷ Taking into account the multiple dimensions involved in the duty to educate, the new perspective proposed the creation of specialized national institutions to be in charge of coordinating these activities.

2.5. The New Approach: A Summary

The epistemic developments I discussed in the previous pages substantially redefined the international human rights regime's approach to racial discrimination. They did so by advancing new understandings of race, discrimination, equality, and the idea of public duty. Race, for instance, became a term to talk and think about the consciousness of having a separate identity based on shared ethnicity, national origin, and descent and defined by a similar historical experience. This expanded its previous conceptualization as a socially imposed label or as an epistemic and moral misrepresentation. Discrimination, in this perspective, entailed much more than the distinction, exclusion, restriction, preference, or imposition of duties based on identity categories, which had the purpose of nullifying or impairing the principle of formal equality or equality of treatment. In the post-1990s international approach, discrimination encompassed as well policies, normative arrangements and social structures that indirectly generated economic, political and cultural disparities between groups and the systemic marginalization of some of them.

¹⁰⁷ This training would introduce these public actors to the specific problems of groups in conditions of disadvantage and cultural subordination. It would also familiarize them with the traditions, worldviews and spirituality of the various ethnic and religious groups living in their political jurisdictions. This training was further intended to inform these actors of their role in securing structural changes in economic, political and social life. See, for example CERD's General Recommendation XIII (42nd session, 1993) on the training of law enforcement officials in the protection of human rights, which also urged states to include information on the implementation of this recommendation in their periodic reports (Boyle & Baldaccini, 2001: 165).

At the same time, the new perspective recognized that equality of treatment played a valuable role in prohibiting blatant prejudice, direct forms of discrimination and segregationist organizations. However, it considered that such understanding of equality did very little to address the substance of social disadvantage persons belonging to ethnic, national, linguistic and religious minorities and Indigenous peoples faced regarding the access to resources, employment, property, social status, representation and power. In particular, it identified the model of equality of treatment as potentially unable to address disparities between racial, ethnic, national, linguistic and religious groups and the situation of systemic disadvantage suffered by entire groups. Finally, the new international approach promoted an unprecedented way of thinking and speaking about States' responsibilities. Specifically, it proposed adopting obligations ranging from creating racial discrimination-focused normative and governance mechanisms to embracing measures to overcome structural discrimination.

This epistemic framework made it possible for the international mechanisms to challenge the statement that some States could be free from racial discrimination. Specifically, it allowed them to define the eradication of racial discrimination as a work in progress rather than a goal that some countries had already achieved. Likewise, it allowed those mechanisms to understand racial discrimination in both the absence of intentional behaviour and the presence of formal equality and equal treatment. Racial discrimination stopped being solely a synonym for segregation and formalized denial of widely shared rights, imposition of special burdens, or granting favours or privileges to some at the expense of others. Instead, it expanded its meaning to include negligence in addressing historical disadvantages, the lack of protection the access of Indigenous peoples and ethnic/linguistic/religious minorities to the enjoyment of their culture, and the uneven participation of Indigenous peoples and ethnic/linguistic/religious minorities in decision-making processes associated with their economic, political and cultural lives.

Perhaps one of the most salient consequences of these developments was challenging the legitimacy of the States as the ultimate authority to make statements, organize conceptual systems and build their theories on racial discrimination. Said differently, the undertaking I described above challenged the monopoly of the States to translate statements, concepts and theories regarding racial discrimination in decisions,

institutions and practices. Specifically, the new approach undermined the centrality of the State in three crucial ways. It established the principle that the right to live free from racial discrimination was inherent to the human person regardless of its recognition by the States. It promoted at a global scale the endorsement of the idea that the States were duty bearers rather than right holders who, under the principle of sovereignty and self-determination, discretionally decided the scope and nature of the rights of their citizens.¹⁰⁸ And, lastly, it limited the monopoly of the State as a duty bearer by linking the success of the protection of human rights to a collective effort that also included non-governmental organizations and individuals (United Nations Human Rights Office of the High Commissioner, 1993).

From an operational point of view, these developments strengthened the international human rights mechanisms' legitimacy to identify and condemn domestic structures, legal arrangements, policies, and practices that indirectly created or preserved disparities between racial, ethnic, national, linguistic and religious groups. They also gave them a better foundation to go beyond the protection of formal equality and request signatory States to override or enact laws and policies and adopt positive actions to promote substantive equality.

The international human rights organisms socialized this approach by issuing considerations on States' anti-discrimination reports, publicly sharing decisions and recommendations in annual reports, and developing and disseminating working papers and statements (see for instance the Reports of the CERD from 1991 and 1994). That socialization sought globally targeting governments to adopt this approach and ensuring that the whole international human rights system would become onboard and aligned with the objectification of this perspective. In more concrete terms, it looked forward to advance the statements, objects, and conceptual and theoretical choices I discussed above as the mainstream way to speak and think about racial discrimination in the international arena. For instance, they promoted the objectification of the concept of race as a signifier of both an erroneous perception of difference and the consciousness of having a separate

¹⁰⁸ For instance, a review of reports issued annually by CERD from 1981 to 1997 suggests that the consolidation of this moral authority impacted the States' reporting behaviours. From the beginning of the 1990s, a progressive shift in signatory States' reporting patterns suggests that they were responding to increased pressure to fulfill their obligations under ICERD (General Assembly, 1981-1999).

identity based on shared ethnicity, national origin and descent, and established ethnic/linguistic/religious minorities and Indigenous peoples as legitimate subjects of rights. In addition, this socialization process sought to normalize the stance that structural discrimination, historical disadvantage, cultural subordination, lack of means of political participation, and equality of results were key dimensions in the problematization and definition of goals related to racial discrimination. Finally, it aimed to expand the meaning of negative and positive duties to incorporate the dismantling of systemic discrimination as a key target. In particular, the proposition that structural problems required the implementation of normative, social and institutional restructuring measures, together with the adoption of positive state duties, had become an uncontested international standard.

3 Making Sense of the CERD's Assessments on the Cuba Government's Anti-Discrimination Performance

As I discussed in the introduction to this chapter, between the late 1980s and the early 1990s, the Committee on the Elimination of Racial Discrimination transitioned from praising the performance of the Cuban Government in fighting racial discrimination domestically and internationally to highlighting its flaws and shortfalls in fulfilling its obligations under the International Convention. Moreover, the CERD abruptly disqualified the validity of arguments and evidence the Cuban representatives had historically presented to prove their country's good track record in its struggle against racial discrimination, and the Committee had previously accepted without reservations.

As I also commented in the introduction, if we assume that racial discrimination is a given, there are five possible answers for this change. The first three would address the Cuban Government's behaviour; the last two would be related to either a change in the understanding of racial discrimination or the evolution of the cognitive process that made sense of it. A first explanation would be that societal changes in Cuba had triggered new forms of racial discrimination and that the Committee was able to make them explicit. A second answer would be that the Cuban State had neglected its duties under the International Convention and the CERD exposed the shortfalls. A third hypothesis is that the Cuban Government was no longer effectively hiding the ultimate reality of racial discrimination on the island, and the Committee finally uncovered the truth. Fourth,

another option is that this transition was perhaps the result of changes in the very nature of racial discrimination at a planetary level. In particular, it summarizes the moment in which racial discrimination evolved from a visible or direct and manifest articulation to a more latent or indirect one as an adaptive mechanism to endure the international mainstreaming of legislations and policies fostering formal equality. A final possible explanation is that this change resulted from the progressive refinement, at the planetary level, of the understanding of racial discrimination as a problem. In summary, our answers would focus on the performance and intentionality of certain actors, the nature of racial discrimination as a phenomenon, or the processes of awareness that are inevitable in the progressive cognition of something that is given.

However, if we abandon the idea that racial discrimination is a given, we are forced to find other ways to make sense of this transformation. Specifically, we would have to abandon any explanation linking this change with intentionality and performance, the nature of racial discrimination as a phenomenon, or awareness processes. Such a path entails questioning the validity of the explanations I summarized in the previous paragraph. It also encompasses making sense of it, considering the principle that racial discrimination does not precede discourse but constituted in discourse. Furthermore, we will be refraining from understanding the practice of knowing racial discrimination as the unfolding process of trial and error through which its latent truths become uncovered. Finally, we will need to forgo the position that racial discrimination has a life in itself and embrace the stance that any change in how racial discrimination behaves should find its explanation in the transformation of discourse. Let us analyze each of these points.

Regarding the behaviour of the Cuban Government, the Committee did not identify any societal transformation in Cuba as the source for the change of tone of its assessment, nor did it associate the phenomenological changes of racial discrimination in Cuba with any specific social change or event. Second, in its overall assessment, the CERD recognized the diligent behaviour of the Cuban State under the International Convention. Not even the negative judgement the CERD issued in 1991 contained any statement that the government of Cuba had neglected its duties or modified its willingness to abide by international standards and expectations. Third, in 1989 nothing had changed in how the Cuban State had confronted racial discrimination domestically and internationally

compared to 1981 or 1987. This consistency was not a sign that the public authorities were hiding a reality they were already aware of. It only means that the Cuban State was following the same strategy that had garnered praise from CERD in previous years. In summary, the “shortfalls” of Cuba did not have anything to do with its government’s actions and decisions or lack thereof.

Now, what to do with the hypotheses that this transition was a result of changes in the very nature of racial discrimination or that this change was an outcome of the progressive refinement at the planetary level of the understanding of racial discrimination as a problem? If we follow the Neo-Kantian, Foucauldian and Skinner’s approaches these two possibilities are ruled out. On the one hand, they will put us at odds with the idea that racial discrimination was already available for the reflection of international politics and knowledge. Specifically, they inevitably will lead us to argue that this mobilization, in effect, objectified racial discrimination through discursive acts. In other words, the international politics did not *uncover* racial discrimination empirically but *constituted* it through statements, conceptual and theoretical choices that made the empirical possibility of seeing it feasible. It is important to clarify that with this position I am not arguing that the phenomenology that informed the idea of racial discrimination has no material basis. The existence of exclusionary laws and policies, feelings of hostility towards other groups, predetermined ideas about bio-diversity and socio-diversity, doctrines of racial superiority and the disparities of political, economic and cultural power between human groups are all verifiable. The point these theoretical stances will lead us to propose is that the phenomena that informed the idea of racial discrimination were plural, manifold, and concrete and that it was the acts of cognition, conceptualization and theorization advanced by international institutional mechanisms, normative and knowledge modalities that established more or less permanent relationships between those appearances and, consequently, what ensured their unity in a particular and same object: racial discrimination. In particular, this unity was made possible by the complex interactions between the statements, object delimitation and conceptual and theoretical choices these mechanisms and modalities made possible, and their impact on the ways of thinking, speaking and acting against racial discrimination.

On the other hand, these theoretical stances would question the idea that the change

of CERD's assessment was a consequence of the progressive refinement, at the planetary level, of the understanding of racial discrimination as a problem. Since racial discrimination is not given but constituted in discourse, the exposure of its truth since the late 1940s was not in any sense the outcome of a knowledge/judgment that accurately represented/mirrored it. Its truth could be better found in the processes of *objectification* that allowed this international mobilization to move from appearance to reality and speak about, both, racial discrimination as a self-evident thing and to delineate its properties. It is also necessary to recognize that there was not a transcendental entity that, through experience, intuition and consciousness apprehended racial discrimination as a reality *in itself*. The normative knowledge modalities and normative mechanisms I have analyzed above did not mirror what racial discrimination "actually" was. Rather, they established the ways in which it was possible to think, talk about and mobilize against it.

But how can we explain the change if we adopt this position? What explanation can we propose if we refrain from assuming that racial discrimination is given and understanding the practice of knowing racial discrimination as the unfolding process of trial and error through which its latent truths become uncovered? My main argument is that this change was an outcome of the simultaneous emergence and disappearance of certain discursive ways to constitute racial discrimination as a thing in its own right.

As I discussed in the previous sections, two very distinctive discursive frames informed the ways of speaking, thinking and acting about racial discrimination before and after the early 1990s. On the one hand, between the 1940s and the late 1980s, the established way of framing racial discrimination was as an action that took place because individuals were perceived as belonging to certain groups, either on certain "natural" grounds (race and colour) or certain social generic categories (language, political affiliation, religion, national or social origin, property, cultural circle, social status). In this rationale, these alleged memberships did not have a relation either to individual capacities or merits, or to concrete behaviours of the individual person. Discrimination occurred when some people – using legal mechanisms, policies, personal actions, or doctrines – place others in particular categories and subsequently either deny them widely shared rights, impose special burdens on them or grant them favours or privileges. What motivates these actions was not the individual *per se* but a perceived *base* that served as a

pretext. In this way of speaking and thinking, the elimination of racial discrimination meant the adoption of negative (suppression and discouragement) and positive (promotion and enactment) actions focused on removing/adopting legal mechanisms, policies, personal actions, or doctrines that prevent/ensure individuals are treated equally regardless of their colour, race and place of origin.

The frame that emerged and consolidated in the early 1990s, on the other hand, would give life to a different reality. It is necessary to clarify that it did not alter all the former approach's objects, enunciations, concepts, and theoretical choices. Instead, it is more accurate to describe it as a combination of a re-signified version of some core elements of the former perspective and previously non-existing objects, concepts, enunciations and theoretical choices. Specifically, this new frame adopted a concept of race that connoted not only an erroneous perception of difference but also the consciousness of having a separate identity based on shared ethnicity, language, national origin and descent. Likewise, in addition to individuals, it considered minorities, entire racial groups and Indigenous peoples as subjects of rights and therefore of protection.

Moreover, it expanded the focus on denial of individual rights, the imposition of unique burdens on individuals or the granting of favours or privileges to individuals to include ideas such as structural discrimination, historical disadvantage, cultural subordination, equality of results and substantial opportunities. Finally, this new discursive frame redefined the very understanding of remedies to eliminate racial discrimination. While negative and positive duties focused on fostering formal equality remained valuable, it envisioned positive duties whose ultimate goal was to dismantle structural discrimination, historical disadvantages and cultural subordination and ensure equality of results and substantial opportunities.

We should not understand these two frames as sequential moments of the same approach. Only if we assume that racial discrimination is merely given and precedes thinking itself can we assert that those frames are two moments in the representation of something given, in which the latter is an improved or corrected version of the former. However, if we embrace the thesis that cognition and discourse constitute or objectify reality, we should explain any change in the description of reality as a shift in cognition and discourse rather than a shift in reality itself.

If we follow this approach, it will be reasonable to arrive at three conclusions. First, the frame that emerged after the 1990s was not an improved or corrected version of the one that preceded it. Second, the prevalent model from the late 1940s to the late 1980s did not presuppose or anticipate the one that emerged in the early 1990s. Third, in any regard, the frame that existed before the 1990s failed to see what the one emerged in the last decade of the twentieth century considered self-evident.

Although these two frames targeted a social problem under the same name, racial discrimination, they established different relationships between plural and manifold phenomena using different forms of enunciations and conceptual and theoretical choices. Paraphrasing Skinner, the *use* of this concept and the statements that build its meanings were different in those circumstances (Skinner, 1969: 37). Each generated its distinctive sense of what could be considered obvious and what could be seen, named and scrutinized. Each one embraced a different definition of what counted as appearances. Their emphases and even silences were not necessarily coterminous. These differences explain why each produced different standards and goals and consequently distinct modes to assess performances and achievements. In other words, the 1990's frame was not a more accurate understanding of racial discrimination but just another process of objectification.

If we revisit the Cuban Government's reports to the CERD that I discussed in the introduction of this chapter, it will become apparent that the approach the Committee followed to assess the ones from 1981 and 1987 fully resonates with the formative years of the international discourse on racial discrimination. In those evaluations, the CERD understood racial discrimination as the distinction, exclusion, restriction, preference, or imposition of duties based on the grounds of race, colour, descent, or national or ethnic origin, which had the purpose of nullifying or impairing the principle of formal equality or equality of treatment of individuals. This stance supported considering as a sign of success the elimination of legal arrangements, policies, and practices that formally endorse inequality of treatment resulting from the denial of rights, the imposition of unique burdens or the granting of privileges. It also involved recognizing as an achievement the adoption of legal frames that explicitly condemned and criminalized racial discrimination against persons, groups of persons, or institutions; and the adoption

of measures to educate the public on the principle of non-discrimination. Since the Cuban Government had diligently followed all those measures, it was reasonable and expected that the CERD adopted a celebratory tone to refer to that government's performance.

The normative and knowledge transformations that took place since the late 1980s played a fundamental role in normalizing a new understanding of the idea of race, a new theorization of the nature of racial discrimination, a new approach to the notion of equality and the redefinition of the idea of public duty to eradicate racism. This worked as a condition of possibility for the abrupt change of the CERD's approach in 1991. In particular, that renewal informed both the Committee's position that the Cuban Government was failing to fulfill its obligations under the International Convention and the position that the arguments and evidence the Cuban representatives had historically presented to prove their country's sound performance in its struggle against racial discrimination were for that moment on unacceptable. That discursive transition was also behind the characterization as a mistake of the idea that racial discrimination was only a vestige of the past since no society was completely free of it. Finally, this simultaneous dismantling and implementation of ways to speak, think and act about racial discrimination informed the new focus of the Committee on cultural rights, in particular, on making inquiries on the steps the Cuban Government was taking to ensure that all population groups, especially Blacks, had access to all aspects of cultural life.

In summary, two different ways to objectify racial discrimination informed those assessments. The CERD's evaluations during the 1980s resulted from a discursive frame that understood racial discrimination in terms of arbitrary distinctions, exclusions, restrictions, preferences or impositions, which had the purpose of nullifying or impairing the principle of formal equality or equality of treatment of individuals. The assessment of the Cuban report of 1989, on the other hand, was an outcome of the idea that racial discrimination was not exclusively linked to formal inequality or intentional arrangements of exclusion preferences, impositions or nullification of rights. Whereas the CERD's approach in the 1980s embraced the idea of race as a mistake or pretext that States Parties should not endorse, the one issued in 1991 added an understanding of race as the consciousness of having a separate identity based on shared ethnicity, national origin and descent. Finally, in its first two assessments, the CERD understood racial

discrimination as something states could solve by focusing on the elimination of legal arrangements, policies, and practices that formally endorsed inequality of treatment among individuals and the adoption of legislation prohibiting the denial of rights, the imposition of special burdens or the granting of privileges to individuals based on the ground of race. The 1991 evaluation, on the other hand, was informed by ideas such as the ubiquity of racial discrimination, the expansion of the status of subjects of rights to include entire groups, and the positive duties to foster structural change and substantive equality.

Conclusion

By the second half of the 1990s, the new approach to racial discrimination had successfully mainstreamed its epistemic frames and ways to conceive courses of action in the international arena. The international community had widely accepted the concept of race to signify both an epistemic and moral mistake and a signifier to talk about ethnicity, national origin and descent. Minorities and Indigenous peoples had become legitimate categories to talk about subjectivity, while the idea that entire groups and persons belonging to collectivities were subjects of rights had become normalized. At the global level, signatory states of human rights treaties had accepted the reshaping of the concept of citizenship to accommodate, at least in principle, the existence of multiple ethnic foundations within their nations. At the same time, the need to consider the distinctiveness of these groups and persons when interpreting the meaning and scope of human rights provisions had become common knowledge. Furthermore, the international human rights apparatuses had mainstreamed the assertion that racism and racial discrimination were ubiquitous and structural in nature. Similarly, structural discrimination, disadvantage, cultural subordination, equality of results and substantial opportunities had become key terms to signify the problems and goals of social justice.

Adding to these rhetorical and epistemological transformations, at the dawn of the twenty-first century, the idea of multi-partite governance had received wide recognition as the appropriate method for managing social justice and well-being issues. Finally, the proposition that structural problems required the implementation of normative, social and institutional restructuring measures and the adoption of positive state duties had come to receive broad international support.

The Cuban government did not submit reports to the CERD in 1991, 1993 and 1995. After nine years of silence, in 1997, it would present its thirteenth report to the Committee, which included a consolidated version of the three missing ones. In this communication, the Cuban representative would repeat narratives from the past, such as that racism was a consequence of the colonial and slave-owning period, the Cuban Revolution's deep anti-racist roots and commitment to foster an egalitarian society, and the pledge of the domestic legal and judicial systems to prohibit and punish any form of racial discrimination. However, the way of thinking and talking about racial discrimination that emerged in the late 1980s would become evident in its twenty pages.

First, the report declared that Cuba had adopted a policy of promotion of Blacks, women and young people to managerial positions at all levels within the country (1997: 4). Second, the report described state-sponsored research on the causes of the persistence of racial prejudice on the island and the socio-cultural disadvantages of "Blacks and mulattos" (1997: 5). Likewise, it outlined the organization of workshops on the ethnic composition of the peoples of America, the social and cultural impact of the slave trade and the intersection between race, gender and class (1997: 7). Third, the report addressed the demographic makeup of Cuban society. In particular, it provided the first official assessment of the racial composition of the Cuban population, the data collection strategy followed by the government, and the challenges it confronted in gathering information on race (1997: 6). This demographic makeup allowed the Cuban government to discuss in the report the topic of proportional representation in the educational system. The statistical analysis of racial demographics entailed, as well, the recognition of the existence in Cuba of multiple ethnic groups (people of the Canary Islands, Catalans, Galician, Basques, Chinese, Haitians, Jamaicans, Japanese) in the forms of small communities or families (1997: 5). Finally, the report included an entire section on the topic of culture. In this section, the Cuban government discussed its cultural policies and the strategies it followed to foster the recognition of Cuban multicultural foundations (1997: 18). Among the state's efforts in that regard, the communication listed the official celebration of "Africa Days," the display in public museums of the contribution of the various ethnic and racial components of the country to Cuban culture and nationhood, and the creation of centers focused on the study and dissemination of national figures

who in the past championed anti-racist sentiments.

These initiatives signalled a change in the approach of the Cuban government to racial discrimination. In particular, they revealed the country's alignment to the discursive developments the international human rights had heralded since the late 1980s. By considering "Blacks" as poorly represented in managerial positions and promoting actions to overcome that reality, the government endorsed the adoption of positive duties as the most effective path to foster structural change and substantive equality. The sponsoring of research on the persistence of racial prejudice indicated that the authorities of that country had embraced the idea that formal equality was not enough to uproot structural racial discrimination and that inaction and lack of adequate inquiries could be complicit with the preservation of prejudicial sentiments. The gathering of demographic data disaggregated by race showed that the Cuban State had incorporated within its anti-discrimination duties the gathering of information that would facilitate the visibility of racial groups and ethnic minorities in need of public support, along with the particular problems they confronted. Finally, the acknowledgment of the multi-ethnic composition of its population indicated that the Cuban government had incorporated the celebration of cultural diversity and the importance of recognizing ethnic minorities' contributions as a dimension of its anti-discrimination goals.

However, we should not see the meaning of this alignment between the Cuban government and the discursive developments of the late 1980s merely as the incorporation of Cuba into the epistemological orbit of the new perspective. It is also necessary to understand it as Cuba's contribution to the objectification of an unprecedented way of thinking, speaking and acting on racial discrimination. Like other signatory states, Cuba strengthened the constitutive power of this new approach by recognizing its epistemic inevitability in determining what can be perceived as real and what pattern of behaviour could be reasonable. By acknowledging the legitimacy of those standards, the Cuban authorities joined the international community in supporting the new understanding of racial discrimination as undeniably factual and external to volition and awareness.

The next chapter will discuss the idea of subjectivity. Specifically, it will critically interrogate the well-established stance in anti-racist politics that subjects are given and

their status linked to the place they occupy regarding racism: as authors/perpetrators (racists), as sufferers (victims of racism) and as contestants (anti-racists). Taking distance from this common position, the chapter will examine subjectivity as one of the prime effects of the constitutive power of anti-racist discourse.

CHAPTER 4. The Constitutive Power of Anti-Racism: The Case of the *Afrodescendants* as a Subjectivity

It was therefore necessary to expand the dimensions of a definition of power if one wanted to use this definition in studying the objectivizing of the subject.
Michel Foucault *The Subject and Power*

...we should try to discover how it is that subjects are gradually, progressively, really and materially constituted through a multiplicity of organisms, forces, energies, materials, desires, thoughts etc. We should try to grasp subjection in its material instance as a constitution of subjects.
Michel Foucault *Power/Knowledge*

In December 2000, the Latin American Regional Conference Against Racism took place in Santiago de Chile. In this meeting, later dubbed the Santiago Conference, its participants, from governmental and civil society delegations, designed the Latin American regional agenda to be presented to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in Durban, South Africa. The Santiago Conference was significant because it was the venue at which the international adoption of the category of *Afrodescendant* took place: a term intended to identify people born in Latin America whose ethnic ancestors were Africans (Lao-Montes, 2009: 223; Romero Medina, 2004: 7), and whose ‘ethnic/racial’ roots were believed to constitute an indicator of economic, political and cultural exclusion and subordination.

At this gathering, there was also a call to recognize the validity of three key demands. The first claim was for the recognition of the multiracial, multicultural and pluralist character of the Americas. This claim was presented in opposition to previously dominant narratives of ethnic and ‘racial’ homogeneity that defined ways of articulating peoplehood in the region. Second, some delegates argued that the denial of racism and racial discrimination at all levels contributes both directly and indirectly to the perpetuation of practices of racism and discrimination (Organizaciones Mundo Afro, 2006: 109). In this view, any silence in this regard was complicit in the commission of acts of racism. Third, a consensus emerged regarding the proposition that the struggle against racial discrimination would be futile without the active commitment of states to take the lead in recognizing vulnerable groups, such as *Afrodescendants*, and in

generating concrete policies to eliminate racism.

The concrete articulation of these demands and propositions took place in a declaration and plan of action, dubbed the *Santiago Declaration and Plan of Action*. These documents presented a complete rationale of what would later become the fundamental principles for understanding *Afrodescendants* as subjects of rights and as a category with legal status. In particular, the Santiago Declaration and Plan of Action offered an itinerary of the rights that individuals and groups recognized as *Afrodescendants* could claim. These entitlements included the rights to participation, development, identity, religious freedom, property, and education (Organización de los Estados Americanos, 2011a: 27-29).

The delegates in this regional conference agreed that *Afrodescendants* qualify as peoples in the same sense that the international community recognized indigenous populations as such (Romero Medina, 2004: 7). Consequently, they positioned *Afrodescendants* as a group with distinctive ethnic roots, or in human rights terms, as a group that embodied a distinctive non-reducible culture. The equation of *Afrodescendants* with Indigenous populations in this regard was meant to provide *Afrodescendants* with the right to occupy a particular cultural space within their respective nation-states and grant them the status of subjects with special prerogatives such as the right to cultural self-determination and special property rights related to the land.

The *Santiago Declaration and Plan of Action* also included a list of commitments that it urged states to make concerning the *Afrodescendants*. Most notably, the drafters of the document advocated for a state duty to recognize the existence of *Afrodescendants* as culturally, politically and economically distinctive peoples; assigned states the role of facilitators for the inclusion of the *Afrodescendants* as full citizens in the nation's social fabric; advocated state responsibility to include considerations in the administration justice of the cultural, political and economic singularities of the *Afrodescendants* as people; and articulated a state duty to implement affirmative action policies that contribute to the development of *Afrodescendant* communities in their respective territories (Organización de los Estados Americanos, 2011d: 31-38).

The Latin American Regional Conference Against Racism's main statements concerning the *Afrodescendants* received robust support at the *World Conference Against*

Racism, celebrated in 2001 in Durban, garnering the endorsement of some of the most influential intergovernmental and non-governmental agencies and civil society organizations working on human rights and development-related issues. In fact, the Durban Conference issued a *Declaration and an Action Plan* that replicated the *Afrodescendant*-related prescriptions delineated in Santiago de Chile (Lao-Montes, 2009). The *Durban Declaration* further shared the view that a new political approach was needed to cope with the current condition of the *Afrodescendants*. In the years that followed, the *Durban Declaration and Plan of Action* made a decisive contribution to converting this category into a globally established brand.

In 2002, the Commission of Human Rights established the Working Group of Experts on People of African Descent, a collective of five independent individuals appointed based on equitable geographic representation. The Working Group assumed the mandate to: study the problems of racial discrimination faced by people of African descent living in the diaspora; propose measures to ensure full and effective access to the justice system by people of African descent; submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent; make proposals on the elimination of racial discrimination against Africans and people of African descent in all parts of the world; address issues concerning the well-being of Africans and people of African descent contained in the *Durban Declaration and Programme of Action*; and elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent (United Nations Human Rights Office of the High Commissioner, n/d).

In the years following Durban, the international community progressively adopted the term *Afrodescendant*. The United Nations and all of its subsidiary human rights and development-oriented agencies, and the organs of regional intergovernmental organizations such as the Organization of American States, begun using the term. Most non-governmental and civil society organizations working on related issues in Latin America also began to employ the category. Further, the term appeared in intergovernmental, governmental and philanthropic financial and funding institutions whose area of interest was related to ethnic relations. Finally, most governments in the Latin American region also use the category when addressing racial and ethnic

discrimination.

Throughout the same period, an ever-growing number of soft intergovernmental laws, jurisprudence and domestic regulations were issued all over Latin America to address the existence of the *Afrodescendants* and to support the specificity of their need for protection. Simultaneously, constitutional reforms took place to recognize the multicultural configuration of most Latin American nation-states.

These reforms often laid the groundwork for the recognition of *Afrodescendants* as peoples. In addition, a growing number of intergovernmental, civil society and academic conferences reaffirmed the existence of the *Afrodescendants* as an object of inquiry by discussing a range of topics related to their condition as an ethnic group, their prerogatives as subjects of rights, and the strategies available to promote the enforcement the legal protections that target this community. Finally, a growing number of scholars from diverse disciplinary fields such as anthropology, sociology, economy, political science, legal studies and linguistics, infused the category of *Afrodescendant* with academic relevance.

The belief that the *Afrodescendants* were beings in themselves or a naturally constituted group informed these developments. The actions that the international community has authored to recognize and protect this *given* community have also been based on the idea that adopting the term and the perspectives described above was a sign of a moment of transcendental consciousness. In other words, these legal, political, academic and social developments represented a moment in which the international community grasped and made intelligible the most profound nature of that community, exposed its previously elusive being and the effects that material subordination, exploitation, exclusion have had on its members, and found its unity in the dispersion of its concrete articulations in national jurisdictions. In summary, the dominant position regarding the *Afrodescendants* conceives them as a fully formed collective entity that the international community merely identified, covered with reflexive categories and revealed in its historical and ontological condition.

This chapter takes issue with this consensus. First, it challenges the position that the *Afrodescendants* were already constituted subjects that the international community merely made visible. Instead, I conceive them as an effect of the constitutive power of

human rights discourse and identity politics activism. In other words, this chapter argues that the discourse on human rights and identity politics activism shaped the conditions of possibility for the identification and constitution of certain dispersed bodies, existences, needs, and aspirations into the category of *Afrodescendants*. Their amalgamation in the early 2000s allowed the international community to “overcome” the concreteness of multiple individuals and the plurality of their life experiences and group them into a distinctive unit (the *Afrodescendants*) and assign them non-interchangeable qualities and attributes. By grouping them, distinguishing them, establishing relational ties between them, and gradually producing knowledge about them, the human rights discourse and that activism constituted the field of the truth of *Afrodescendants* as subjects, or said otherwise, constituted them factually. Without their intervention and their objectification practices they activated, the *Afrodescendants* would have been epistemologically unsustainable and therefore unintelligible as subjects.

Second, this chapter disputes the idea that what makes *Afrodescendants* a subject is their common ancestral origins and similar life experiences. Expressly, it refuses to search for the source of that subjectivity in a material reality that was already constituted but dormant. This chapter’s position is that this subjectivity was instead an outcome of a discursive practices that organized, gave sense, filled with content, and established more or less permanent relationships between concrete, manifold and plural experiences. Those discursive articulations shaped the statements, objects, conceptual and theoretical choices that allowed the international community to speak and think about the *Afrodescendants* in terms of individuals tied to common ancestry and similar political, economic and cultural life experiences.

Third, this chapter rejects the mainstream position that the actors (Inter-Governmental agencies, activists, Non-Governmental Organizations) who, since the early 2000s, have devoted their attention to visibilize, protect, and advocate for the *Afrodescendants* were apprehending that subjectivity through experience, intuition and consciousness. Instead, this chapter understands the material constitution of the *Afrodescendants* as a result of the interactions between a multiplicity of institutions, positions, and modalities that participated in the production of its regime of truth. Said otherwise, the stance this chapter advances is that the *Afrodescendants*, as a subjectivity,

resulted from the historically situated intersection of the epistemic contributions of these institutions, positions, modalities, and statements. Consequently, I argue that we should not treat the *Afrodescendants* as preceding these intersections but only as evolving within the limits these intersections made possible.

These points are relevant for this dissertation because they provide a foundation for critically interrogating two of the most established assumptions in anti-racist politics: first, that anti-racism mobilization addresses already given subjectivities; and second, that anti-racism mobilization is reactive or responsive rather than constitutive. As I discussed in chapter 1, anti-racist politics have commonly understood subjectivity as given and defined it according to three places people occupy in relation to racism, namely, as authors/perpetrators/facilitators (racists), sufferers/targets/recipients (victims of racism) and as contestants/opponents (anti-racists). Anti-racism politics treat these identities as independent of the knowledge used to reveal them and explain them.

In chapter 1, I presented a critique of these assumptions. I critiqued the point on the *givenness* of subjectivity by arguing that it is one of the principal effects of the constitutive power of discourse. My approach conceived the discourse on racism as the condition of possibility for the constitution of certain dispersed bodies, structures, existences, experiences, gestures, intentions, interests, attitudes and desires as subjectivities. The recognition of the centrality of discourse means avoiding using the notion of subjectivity to talk about a repertoire of ready-made entities that are anterior to discourse. This stance involves renouncing the disconnection of these subjects from the processes that, in a particular moment in history, determine what doctrines, systems of beliefs, attitudes, bodies, existences, experiences, gestures, intentions, interests, desires and social structures we could and should identify, frame, and explain as subjectivities in the factual repertoire of racism. It entails, in summary, avoiding a focus on the *givenness* of entities we identify as subjects and emphasizing our attention on the processes that have made it possible that we can see those entities as self-evident subjects in the conversation on racism.

Finally, in chapter 1, I also provided theoretical arguments to question whether anti-racism is reactive rather than constitutive. I discussed how the idea that racism is *given* places anti-racism in the position to be a political and cognitive reaction to a reality

that precedes it. I also addressed how agency and performance in this account are limited to get a proper understanding or organize an effective response to something that anti-racists can challenge and know but cannot change ontologically. In contrast, I argued that anti-racism has a constitutive power, since it is the source where the ontology, phenomenology and subjectivity of racism are determined.

In this chapter, I argue that the case of the *Afrodescendants* provides supportive empirical elements to the arguments I outlined in the previous paragraphs. I claim that the adoption and promotion of the category *Afrodescendants* and the major social and political shift they triggered illustrate, on the one hand, how subjectivity is constituted in discourse rather than reflected in discourse. I also argue that the emergence and further consolidation of this category show how we should better understand anti-racism as a constitutive rather than a reactive mobilization.

To conduct my analysis on the constitution and objectification of the *Afrodescendants* as a subjectivity, in addition to using Foucault's approach to subjectivity and the Marburg School discussion on objectification, I will rely on Ian Hacking's thesis on the "making up of people" and Berger and Luckmann's stance on *institutionalization*. As I discussed in the first chapter, Ian Hacking interrogates how *human kinds* are formed and moulded through categories that affect and constrain actions and choices. He discusses how these typologies are not definite classes defined by definite and given properties, but dynamic. He emphasises the need to abandon the idea of social categories as *natural kinds*, or, said otherwise, that the beings or instances social categories name and identify are naturally given (Hacking, 1991: 282). In its place, he proposes to focus on how names interact with the named and open the door for the organization of experiences, the fostering of interactions, and the delimitation of ways of being. Another point in Hacking's theoretical approach that is relevant to my analysis is what he defines as the three *engines for making up people*, namely, engines of discovery, practice and administration (Hacking, 2006). These are the mechanisms that "reveal" human kinds by counting, quantifying, creating norms, and correlating people; stabilize these kinds by normalizing these people qua people; and manage these kinds by bureaucratizing ways of being and the interactions involved in their sustainability (Hacking, 2006).

Complementing the previous stance, I will use the theoretical approach of Peter

Berger and Thomas Luckmann to the idea of institutionalization to analyze the processes of objectification of this subjectivity. These authors discuss social order as a result of human activity. Specifically, they focus on the formation and progressive consolidation of social institutions, or their “thickening” and “hardening” (Berger and Luckmann, 1991: 76), through two sequential social processes. Berger and Luckmann name these processes as *habituation* (when actions become or generate patterns), and *institutionalization* (when these patterns become progressively typified and accepted, and generate a system of social control by setting up predetermined patterns of conduct) (Berger and Luckmann, 1991: 71-72). In their theoretical standpoint, when social institutions are nascent, their objectivity remains tenuous and easily changeable, and their status as socially built instances is still self-evident (Berger and Luckmann, 1991: 76). Progressively, through socialization and wide transmission, the objectivity of those institutions solidifies and attains firmness in collective consciousness. Eventually, they reach a condition analogous to the reality of the natural world. They present to experience as undeniable facts, become external to volition and awareness, and acquire coercive power given they determine what we can perceive as real (Berger and Luckmann, 1991: 78).

In summary, Hacking’s theoretical stance, together with Foucault’s, will provide me with the foundations to support my point that the Afrodescendants as a subjectivity is socially constructed rather than naturally given. They will be helpful as well in my discussion on the constitutive power of anti-racism. On the other hand, Berger and Luckmann’s approach will offer me the elements to address the processes of solidification of the Afrodescendants as a self-evident subjectivity in collective consciousness.

This chapter is divided into four sections. It begins with an analysis of the conditions of possibility for the emergence of *Afrodescendants* as subjects. Specifically, it explores how the transformations in the human rights politics’ rhetoric, epistemology and ways of assigning value and defining courses of action that took place between the late 1980s and the 1990s facilitated the emergence of a new form to conceive subjectivity. The chapter next examines the emergence of the *Afrodescendants* and the different statements that inform its content. In so doing, it examines how the category

sought to establish more or less permanent relationships between concrete, manifold and plural experiences. The chapter then follows with a discussion on how this subjectivity became sustainable through the interactions between statements and actions that progressively established its regime of truth. In particular, this section seeks to survey the processes through which the *Afrodescendants* became a sustainable self-evident subjectivity. The chapter concludes with a reflection on the constitutive power of anti-racist politics.

1 The Conditions of Possibility for the Emergence of Afrodescendants as a Subjectivity

As highlighted in the introduction to this chapter, delegates in the *Santiago Conference* conceived the *Afrodescendants* as a group with distinctive ethnic roots, or in human rights terms, as a group that embodied a distinctive non-reducible culture. They also advocated for global recognition of the *Afrodescendants* as politically and economically distinctive peoples. Moreover, those delegates believed that the *Afrodescendants*, as a collective, were subjects of rights. In addition to the rights to participation, development, religious freedom, property and education, they claimed that the *Afrodescendants* had the right to occupy a particular cultural space within their respective nation-states and to claim the status of subjects with special prerogatives, such as the right to cultural self-determination. Finally, delegates to the Conference agreed that it was the state's responsibility to include considerations in the administration of justice of the cultural, political and economic singularities of the *Afrodescendants* as people and implement affirmative action policies that contribute to their development.

These ways of thinking and speaking did not make their first appearance in that international gathering. Instead, they emerged during the 1990s as a consequence of two major political, and more important, epistemic developments, namely, on the one hand, the materialization of substantial changes in international human rights politics; and, on the other, the emergence and consolidation, between the late 1980s and the 1990s, of particular articulations of identity politics activism in Latin America, specifically around the understanding of Black/Afro subjectivity. I will describe these developments below.

1.1. Changes in International Human Rights Politics

Four important changes took place in the human rights regime in the 1990s that would establish the foundations for new ways of thinking and speaking about subjectivity, rights and public duties. The first one was a new understanding of the idea of race. The second transformation was the recognition of entire groups and collectivities as subjects of rights. The third change was the production of a new way of problematizing racism and racial discrimination as social problems. Finally, the last modification was the formation of a new political economy. Since I discussed the first three developments in the previous chapter, I only will dedicate a few paragraphs to summarize them. Most of the attention of this section will be devoted to describing the fourth makeover.

a. A New Understanding of Race and Rights

As discussed in the previous chapter, during the 1990s, the international human rights regime progressively adopted the argument that the consciousness of having a separate identity could be a legitimate determinant for the classification of a group as a race. Such a position advanced the idea that peoples who perceived themselves as having a separate identity in terms of ethnicity, religion, language, descent, social, national and ethnic origin, historical criteria and socioeconomic status could claim they were race (Boyle and Baldaccini, 2001: 152). This new view complemented the pre-1990s position that race was a pernicious act of dehumanization by othering, with the one that race could also be conceived as an identity that persons and even entire groups could embrace, as part of a process of recognizing shared life experiences, history, similar cultural traits and socioeconomic status. An international convention and an international statement encapsulated the new approach: the International Labour Organization's *Convention Concerning Indigenous and Tribal Peoples in Independent Countries* (ILO 169) and the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (Declaration on Minorities).

The ILO 169 and the *Declaration on Minorities* also opened the door in the international arena to consider that racial discrimination affected not only individuals but also entire collectivities. This development informed the criterion of who could be

considered a subject of rights. Before the 1990s, the discourse on racial discrimination only considered individuals as recipients of entitlements and legal protection in international anti-racial discrimination law. The (re)definition of race to include collectivities facilitated the treatment of entire groups and persons belonging to distinctive groups as legitimate subjects of rights and recipients of protection under international anti-racism law (Boyle and Baldaccini, 2001: 152). It also contributed to redefining the concept of national identity by reconciling the idea of the nation with the existence of multiple and irreducible ethnic foundations.

These two normative developments inaugurated, as well, new modes to speak and think about collective rights and public duties. Regarding the former, they contributed to normalizing the idea that entire groups could be universally and inalienably entitled to be different and receive protection to ensure their collective integrity and maintain their distinctiveness. They incorporated, as well, into the conversation on racial discrimination, the view that peoples and minorities had legitimate aspirations to maintain and develop their identities, languages, and religions within the framework of the states in which they lived. Furthermore, these legal mechanisms identified the distinctiveness of these groups and persons as an element to consider when interpreting the meaning and scope of human rights provisions.

Concerning states' duties, the *ILO 169* and the *Declaration on Minorities* opened new regularities of the form in which to conceive negative and positive responsibilities of the state. For example, they helped to normalize the demand that signatory governments should abstain from actions that could violate culturally distinctive groups and persons' cultural, civil, political and economic rights. Moreover, these normative modalities created new frames to understand the positive role of the signatory states. They, first, advanced the idea that the States bear the responsibility not only to protect the existence but also to promote the distinctiveness of collective subjects. They introduced, for instance, the practice to request the recognition of the distinctive contributions of ethnically distinctive peoples to the cultural diversity and social harmony of humankind. Second, the *ILO 169* and the *Declaration on Minorities* established the expectation that governments must carry out their positive duties with the participation of the peoples and persons concerned, showing respect for their social and cultural identity, customs,

traditions and institutions. Likewise, they provided the epistemic frame to define how to extend governmental assistance to these groups.

The new definition of race and the incorporation of entire groups and persons belonging to collectivities into the human rights regime supplied those who attended the Santiago Conference a framework to constitute certain dispersed bodies, existences, experiences, gestures, intentions, interests, attitudes and desires into subjects: the *Afrodescendants*. In particular, these epistemic shifts gave those delegates the frame to objectify a diverse population in terms of a transborder collectivity with a common cultural core, whose multiple variations of language, ethnicities, traditions and political and economic forms of organization did not undermine the communal and transcendental unity of the group. Furthermore, the Santiago Conference echoed the conceptualization of the idea of “race” as a reference to speak of ancestry/descent and social, national and ethnic origins. Delegates to this gathering also recognized self-perception or self-identification as a legitimate criterion for racial classification.

It should also be mentioned that these conceptual and legal developments provided the foundations to link this cultural core with a set of cultural, political and economic entitlements that would inform the constitution of the *Afrodescendants* as a subject. Finally, it is relevant to mention that the *Declaration and Plan of Action of Santiago*, likewise, supported the treatment of entire groups and people belonging to distinctive collectivities as legitimate subjects of law and legal protection. In addition, they conceptualized racism as a social problem limited not only to skin colour but also in reference to aspects such as ethnicity, religion and language.

b. A New Understanding of Racial Discrimination and Racism

As discussed in the previous chapter, in the 1990s, the human rights regime adopted and progressively normalized a new perspective on racism and racial discrimination in the international arena. The main points of this perspective were: the supplementation of the focus on direct discrimination with an emphasis on systematic discrimination; an understanding of racism and racial discrimination as geographically ubiquitous; a new approach to the notion of equality; and the redefinition of the idea of public duty regarding racism and racial discrimination.

The first point the human rights regime contributed to standardizing in the 1990s was recognizing that the international community should not only perceive discrimination in terms of explicit, formalized and intentional acts of denial of rights, imposition of odious burdens or granting overt privileges. It was also necessary to take into account structural conditions that in the absence of ill intentions or formalized exclusion contributed to the denial of rights of, the imposition of burdens to or the granting of unfair privileges to entire groups. This acknowledgment also involved supplementing the focus on the psychological causation of discrimination, manifested in early human rights politics' scrutiny of the nature of prejudice, with an emphasis on historically ingrained structures, practices and epistemologies that systemically and inevitably generated political, economic and cultural discrimination.

The second point revolved around the argument that no society was free from racial discrimination and racism. According to this perspective, the multi-racial and multi-cultural (multi-ethnic, multi-lingual and multi-religious) makeup of late 20th century nation-states made it certain that at least some of the multiple groups living in those jurisdictional borders were in some condition of disadvantage or subjected to some form of assimilation, discrimination, denigratory stereotyping, hatred, persecution or even cleansing.

The third point was the problematization of the idea of equal treatment and the plea for the principle of substantive equality. The new perspective recognized that while equality of treatment played a valuable role in prohibiting blatant prejudice, direct forms of discrimination and segregationist organizations, it did very little to address the substance of racial disadvantage. In particular, it seemed to be of little value vis-à-vis redistributive and restructuring goals and indirect and systemic racial discrimination. Moreover, the new perspective advanced the proposition that, in some cases, equality of treatment could entrench disadvantage, reinforce stereotypes and promote cultural and religious discrimination. This stance further implicated that in a global social order characterized by inequalities of origin, securing that persons belonging to minorities, Indigenous peoples and historically disadvantaged racial groups can flourish according to their own needs required the promotion of substantive equality or equality of results.

The final point the human rights regime adopted and normalized in the 1990s was a

new way to think and speak about remedies and public responsibilities. The primary aim of this new understanding was to improve the relative position of particular minorities, racial groups, and Indigenous peoples. In particular, the focus was on providing these groups with the support necessary to fulfill the condition of substantive equality. In addition to the duty to protect the principle of equal treatment, which was linked to the prohibition of direct discrimination, the new perspective advocated for the protection of the right of distinctive groups to be treated as equals and the proactive dismantling of the historical, cultural, economic and political disadvantages those groups had experienced. Furthermore, the new approach emphasized the public obligation to address structural discrimination, including disadvantage, disparities and cultural subordination. Specifically, this duty required states to restructure institutions, normative domains, policies and society as a whole. The new discourse advanced the point that governments, non-governmental organizations and inter-governmental entities (financial, development, human rights) were the entities best positioned to fulfill these positive duties.

All these new ways to speak and think ultimately became the normative, political and epistemological context within which the *Afrodescendant* category came to life. The attendees of the Santiago Conference embraced those points to problematize the situation of the *Afrodescendants* and to justify the legitimacy of their calls to action. Specifically, in the *Declaration and Plan of Action of Santiago*, they supported the position that any fight against racism would be futile if the states did not make an active commitment, to recognize the vulnerability of certain racial and ethnic groups and to generate concrete policies that contribute to improving the living conditions of those groups, their access to decision-making processes and the possibility of fully enjoying their own culture.

c. The political economy of human rights

At the end of the 1980s, human rights politics introduced an unprecedented dialogue between the ideal of social justice and the organization of the economy at both international and domestic levels. This particular conjunction, which I refer to as the *human rights political economy*, was structured around the concepts of *development*, *sustainability*, *social integration*, *poverty* and *participation*.¹⁰⁹ The human rights political

¹⁰⁹ A series of United Nations declarations were among some of the legal mechanisms that made this new political economy possible. These were the 1986 Declaration on the Right to Development, the 1992

economy played an essential role in the formation of the way of thinking, speaking and defining courses of action about economic justice and economic management. These developments informed the content of the concept of *Afrodescendants*, not only as an identity-building category but also as a category that carries particular economic connotations. This section will review the four key dimensions of this political economy: development, lack of social integration, poverty, and participation. The first three of these are central to how the political economy of human rights conceives of economic justice, while the final dimension speaks to its approach to economic management.

i. Development

Development is the key concept in the human rights political economy. In a departure from the state-centred model of economic progress that dominated the international arena before the 1990s, some international legal mechanisms defined development as a comprehensive economic, social, cultural and political process, aiming at the constant improvement of the well-being of the human person (United Nations General Assembly, 1986: Article 2; United Nations General Assembly, 1995: Annex I, paragraph 7; United Nations Sustainable Development, 1992). By situating people as the central subjects of development, this definition casted persons and groups as active beneficiaries of and participants in policies focused on improving and enhancing their quality of life.

Legal instruments such as the United Nations declarations I referred to above described this people-centred approach to development as having distinctive political, economic, social, environmental and cultural features. From a political perspective, a people-centred model of development entails a supportive and stable political and legal

Program of Action from Rio (Agenda 21), the 1992 Rio Declaration on Environment and Development, and the 1995 Copenhagen Declaration on Social Development and Program of Action of the World Summit for Social Development. A significant number of United Nations resolutions concerning poverty further accompanied these declarations. These resolutions include ones related to international cooperation for the eradication of poverty in developing countries: Resolution 43/195 of 20 December 1988, Resolution 44/212 of 22 December 1989, Resolution 45/213 of 21 December 1990, Resolution 46/141 of 17 December 1991 and Resolution 47/197 of 22 December 1992. Added to these, Resolution 47/196 of 22 December 1992 entitled “Observance of an international day for the eradication of poverty”; Resolution 48/183 of 21 December 1993 entitled “International Year for the Eradication of Poverty”; Resolution 51/178 of 1996 entitled “First United Nations Decade for the Eradication of Poverty”; and the 1998 Commission on Human Rights’ Resolution on “Human Rights and Extreme Poverty” C.H.R. res. 1998/25, ESCOR Supp. (No. 3) at 94, U.N. Doc. E/CN.4/1998/25 (1998).

framework focused on promoting the mutually reinforcing relationship between democracy, development, and human rights and fundamental freedoms. It further comprises political and social processes and public policies designed to avoid exclusion and overcome disparity while respecting pluralism and diversity, including religious and cultural diversity. Finally, it involves the broad-based participation of civil society in the formulation and implementation of decisions that have consequences for the functioning and well-being of their societies (United Nations General Assembly, 1995: Annex I, paragraph 8).

From an economic perspective, a people-centred model of development requires the equitable and non-discriminatory distribution of the benefits of growth among social groups and countries, together with the expanded access to productive resources for people living in poverty. It envisions the adoption of broad patterns of sustained economic growth and sustainable development. From a social perspective, the centrality of people in this model entails an emphasis on poverty eradication. The latter, in turn, encompasses expanded access to knowledge, technology, education, health-care services and information, as well as the implementation of public policies that empower people to enjoy good health and productivity throughout their lives. Finally, from an environmental point of view, a people-centred model of development would care for the protection and conservation of the natural environment, in harmony with the idea of sustainability.

ii. Lack of Social Integration

Critically, the primary purpose of the human rights political economy was to normalize the concept of development as a human right, while showing consideration for all human rights in development policies (United Nations General Assembly, 1986, United Nations General Assembly, 1995). This goal explains why the concept of people-centred development incorporated aspects such as culture, ecology, economics, politics and even spirituality. In conversation with its primary purpose, the human rights political economy also proposed that the achievement of social development, the eradication of widespread poverty and the full enjoyment of economic, social, cultural, civil and political rights, were all interrelated goals.

The legal instruments that made this political economy possible set the international economic agenda for social justice, which identified the lack of social integration and

poverty as its two main targets. The international community understood the lack of social integration as the failure to create inclusive societies on a global scale. The human rights political economy considered this failure to result from some problematic conditions, which can roughly be divided into two types of practices, those that qualify as acts of open exclusion and those that constitute failures to enable full inclusion. In the first category, the exclusionary practices most relevant for the purposes of this dissertation are: intolerance and incitement to racial, ethnic, religious and other forms of hatred; lack of respect for cultural, ethnic and religious diversity; and inequality and other forms of discrimination.

In the second category, the focus is on: the failure to protect the rights of indigenous peoples, vulnerable groups and persons, and persons belonging to national, ethnic, religious or linguistic minorities; and the failure to ensure the full participation of all these groups in all aspects of the economic, social, religious, cultural and political life of their countries (United Nations General Assembly, 1995: Annex I, paragraph 20).

iii. Poverty

While the lack of social integration was prominent, the idea of poverty possibly received the most focused attention in the human rights political economy. In the late 1980s and throughout the 1990s, the legal instruments enumerated above expressed concern for the increasing gap between rich and poor, within developed and developing countries and between developed and developing countries. In response, these declarations and resolutions built epistemic and political foundations that problematized poverty at the domestic and international levels. In doing so, they fixed the meaning of poverty as a public problem, they identified the persons and peoples who fall into the category of “the poor”, they provided a rationale for tracing the causes of poverty, and they defined strategies for its reduction or even elimination.

In this framework, poverty is a problem because of its negative impact on the enjoyment of political, economic and social rights. The 1998 Resolution on Human Rights and Extreme Poverty of the United Nations Commission on Human Rights, for instance, rationalized the link between poverty and the violation of fundamental rights (Resolution 1998/25). It argued that people living in extreme poverty are denied fundamental human rights such as the right to an adequate standard of living, including

food and housing, the highest attainable standard of physical and mental health, and education. It also asserted that people living in poverty are often socially excluded and marginalized from political power and processes; in other words, their right to effectively participate in public affairs is adversely affected.

This political economy model also considered poverty a problem because no country was free from it. The *Copenhagen Program of Action*, for instance, discussed how the ubiquity of poverty could be traced to its occurrences, either as mass poverty in many developing countries, as pockets of poverty amid wealth in developed countries, as the loss of livelihoods as a result of economic recession, as sudden poverty as a result of disaster or conflict, as the poverty of low-wage workers, or as the utter destitution of people who fall outside family support systems, social institutions and safety nets (Program of Action of the World Summit for Social Development, 1995: paragraph 19).

In addition to the characterization of poverty as ubiquitous, this political economy advanced a comprehensive description of its nature. For example, the *Copenhagen Program of Action* stated that this social phenomenon was related to:

lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and civil, social and cultural life (Program of Action of the World Summit for Social Development, 1995: paragraph 19).

Poverty, then, was more than a lack of material resources that jeopardize the physical integrity of individuals. It also entailed the scarcity of political, social and cultural capital.

In addition, the human rights political economy put into circulation the proposition that poverty affected individuals and entire groups (e.g. indigenous groups) and individuals in their capacity as members of groups (ethnic, cultural and religious minorities).¹¹⁰ Complementing this, it introduced the concept of vulnerability, which directed governments to also conceive of poverty in terms of propensity. The concept of

¹¹⁰ In particular, the following United Nations documents contributed to developing this idea: the Copenhagen Declaration on Social Development, 1995; the Program of Action of the World Summit for Social Development, 1995; the Declaration on the Right to Development, 1986; and the Program of Action from Rio (Agenda 21), 1992.

vulnerability signified the predisposition of certain persons and peoples to be disproportionately impacted by economic, social and natural calamities. It also linked race, social status, ethnic background, gender and age, and susceptibility to environmental, political, social, and economic disadvantage. In sum, human rights policies endorsed and promoted the idea that there is a correlation between belonging to a particular class of people and collectivities and the risk of becoming poor.

The human rights political economy also provided a rationale for the causes of poverty. Its overarching explanation was that poverty results from the absence of a people-centred model of development. By this, human rights politics referred to some problems in previous models of development. The first was the failure to ensure an equitable and non-discriminatory distribution of the benefits of growth among social groups and countries. The second problem was the lack of success in securing disadvantaged people's access to productive resources.¹¹¹ The third one was the nonexistence of official channels for civil society's participation, especially the poor, in decision-making processes that concerned their well-being. This problem included the failure to make civil society and the poor genuine partners in development. The human rights political economy linked these constraints to the lack of consistency between domestic legal and political frameworks and international law and obligations regarding democracy, human rights and fundamental freedoms.

In its quest for solutions to the problems of a lack of social integration and poverty, the human rights political economy advocated for a number of interrelated remedies. To address the lack of social integration, it proposed that development policies and strategies must consider the interdependent and mutually reinforcing relationship between the values of tolerance, non-violence, pluralism, democracy, human rights and non-discrimination. Within the bounds of human rights politics, implementing such measures depended on the extent to which domestic legal frameworks might become consistent with international law and obligations (Program of Action of the World Summit for Social Development, 1995).

To remedy the problem of poverty, human rights politics prescribed that

¹¹¹ This includes credit, capital, land, education and training, technology, knowledge and information, as well as public services and social connections.

governments should adopt the principle that the primary objective of economic and social development is the reduction of poverty. Further, this comprehensive approach focused on targeting vulnerable groups and persons. As such, it demanded that governments design their poverty-oriented policies to effectively reach those whose race, social status, ethnic background, gender and/or age were implicated in their condition of vulnerability or poverty (United Nations General Assembly, 1995: Annex II).

Finally, the human rights politics' political economy endorsed the position that government interventions to remedy poverty should involve the poor in their design to ensure that these interventions met the poor's specific needs.¹¹² This required reinforcing the means and capacities of disadvantaged and/or vulnerable people to participate in the formulation, implementation, monitoring and assessment of national strategies and programs for poverty eradication.¹¹³ It also involved "encouraging and assisting people living in poverty to organize so that their representatives [could] participate in economic and social policy-making and work more effectively with governmental, non-governmental and other relevant institutions to obtain the services and opportunities they need" (Program of Action of the World Summit for Social Development, 1995: paragraph 28 (e)). For this model, it was crucial to educate disadvantaged and vulnerable people about their rights, political and legal systems, and the availability of poverty eradication programs.

In support of these remedies, human rights politics encouraged constructing the knowledge foundations needed to define the poor and poverty as worldwide phenomena. This construction involved introducing and coordinating new practices, at the domestic and international level, of developing, updating and disseminating disaggregated indicators of poverty and vulnerability, as well as indicators that facilitate scientific

¹¹² In the United Nations system, the World Bank was the pioneer of the proposal to treat the poor as active co-designers of development rather than passive recipients of relief (World Bank, 1990: 4). In its 1990 World Development Report, this financial institution recommended that governments involve the poor at the design stage and during the implementation of development-focused policies. Mirroring the Declaration on the Right to Development, the World Bank supported the idea that the poor had a say in political and economic decision-making, particularly in all dimensions concerning their well-being. In so doing, it put into circulation the idea that incorporating popular participation in economic development-oriented policies and programs would largely contribute to their success.

¹¹³ This involved ensuring that such programs reflect the priorities of those categorized as disadvantaged and or vulnerable by, among other things, respecting their dignity and culture and making full use of their knowledge, skills and resourcefulness (Program of Action of the World Summit for Social Development, 1995: paragraph 28 (e)).

explanations of the national and international underlying causes of poverty (United Nations Sustainable Development, 1992: paragraph 3.9; Program of Action of the World Summit for Social Development, 1995: paragraph 28). Human rights politics endorsed requesting states to gather comprehensive and comparable data relevant to poverty and monitor the achievement of related goals and targets agreed to in international arenas.¹¹⁴ At the international level, human rights politics called for the strengthening of international data collection and statistical systems to support countries in monitoring social development goals (Program of Action of the World Summit for Social Development, 1995: paragraph 28). This matrix of indicators accompanied an invitation to universities and research institutions to mobilize the resources necessary to advance a greater understanding of poverty's causes and solutions.

iv. Participation

The principle of participation is the last component of the human rights political economy model examined here. As discussed previously, this model is based on the idea that development policies and anti-poverty strategies need their beneficiaries' active and free participation. The corollary of the recognition of the human person as the central subject of the development process was to make people more than passive recipients of efforts to enhance their quality of life. Indeed, human rights politics asserted that people should become the main participants in designing and evaluating policies and strategies concerning their social and economic development. Legal instruments such as Agenda 21, the *Declaration on the Right to Development*, and the *Copenhagen Declaration and Program of Action* opened the door to a conception of economic governance based on these principles.

In particular, these documents facilitated the normalization of the idea that effectively addressing development and poverty requires a partnership between governments and the beneficiaries in the form of a multi-partite model of economic governance, decision-making and resources management. In concrete terms, this consisted of a number of interrelated measures. First, it demanded developing or strengthening national arrangements to consult with people regarding programs affecting

¹¹⁴ States were requested to disaggregate data by ethnicity, gender, disability, family status, language groupings, regions and economic and social sectors.

or concerning them. In the case of indigenous peoples and minorities, this involved incorporating their needs, values, traditions, knowledge and practices in national policies and programs (United Nations Sustainable Development, 1992: paragraph 26.6.). Second, the idea of multi-partite governance cast governments as partners or co-managers rather than the actors in charge of decision-making processes and resource management. Third, it required strengthening the ability of local communities and groups to develop their own organizations, manage their own resources, and propose policies relating to social development (United Nations, 1995: Commitment 4 (j)).

These normative instruments considered that governments should become aware of the aspirations and world visions of their ‘associates’. In particular, governments should respect and consider their partners’ cultural and spiritual conception of the improvement of their quality of life. In doing so, they should acknowledge how these groups’ identity, traditions, forms of social organization and cultural values inform this conception. This acknowledgement involved empowering people to make choices that enabled them to retain their cultural identity while nonetheless participating in national, economic and social life (Program of Action of the World Summit for Social Development, 1995: paragraph 75 (g)).

The relevance of the human rights political economy to the subject matter of this section is revealed by the ways it informed the contents of the category of *Afrodescendants*. First, this political economy created the frame for speaking and thinking about the links between the economy and social justice that proponents of the category would embrace in the early 2000s. Second, it provided the proponents of the *Afrodescendants* category -namely activists, intergovernmental agencies, and non-governmental organizations- a rationale to define socially-oriented economic goals, such as sustainable development, reduction/elimination of poverty and social integration. Third, this political economy supplied them the framework for problematizing the economic order, including aspects such as social stratification, social exclusion, and the distribution of economic, social, cultural and political resources. Moreover, it offered a rationale for the causality of these problems and the available grounds for articulating related economic remedies. Finally, the human rights political economy provided the particular frame that those supporting the category would use to understand subject

positions and the expected relations between them in the economic game: the poor/disadvantaged (a subject position in which the *Afrodescendants* were located), categorized as the rights holders; and states and intergovernmental entities, defined as the duty bearers.

1.2. Identity Politics Activism in Latin America around Black/Afro subjectivity between late 1980s and the 1990s

Concurrently with the changes in the human rights regime, and in dialogue with them, from the last years of the 1980s to the late 1990s, significant political developments in Latin America would further contribute to the advance of the way of thinking, speaking and acting on that paved the way for the emergence of the category of *Afrodescendants* in the year 2000. Specifically, I am referring to the emergence and consolidation of new understandings of Black/Afro subjectivity in the region as a result of a transborder identity politics activism.

In the late 1970s and early 1980s, a constellation of social movements that explicitly defined themselves in racial terms (black and/or Afro), affirmed ethnic pride and highlighted their African roots and unique history began to emerge informally in Latin America and the Hispanic Caribbean (Lao Montes, 2009: 222; Garcia, n/d: 51). By the late 1980s and early 1990s, some of these movements began to have political relevance at the local and national levels (Lao Montes, 2009: 222; Rangel, 2008: 7-20). In particular, they managed to move from local grassroots organizations, to articulate national networks of social movements and weave transnational networks.¹¹⁵

¹¹⁵ In 1994, the Continental Network of Organizations Afro emerged in Montevideo, Uruguay. This network brought together organizations from Honduras, Costa Rica, Perú, Colombia, Uruguay, Argentina, Paraguay, Brasil, Ecuador and the United States. Its more salient objectives were to establish links that respond to the needs and aspirations of black communities; develop strategic plans for the advancement of those communities; promote projects for the eradication of racism and discrimination; promote projects for the full incorporation of black communities in the social and political life of their respective countries. In 1996, Afroamerica XXI came to existence. This network, constituted by organizations from Peru, Brazil, Honduras, Venezuela, Colombia, Argentina, United States America, Bolivia, Ecuador, Mexico, Uruguay and Nicaragua, focused on promoting social and economic policies directed to the alleviation poverty in black communities. Finally, the Latino Caribbean Global Alliance, emerged in New York in 1999. This network was made up of organizations from Mexico (Third Root Organization), Honduras (Central American Black Organization-ONECA), Uruguay (Afro World), Venezuela (Fundación Afro-America), Peru (Black Association of Human Rights ASONHED), United States (Caribbean Cultural Center). The objective of this group was to establish a permanent lobby before multilateral organizations (Organization of American States, Inter-American Development Bank, etc.) to influence political orientations towards Afro-Latin American sectors (Garcia, 2001: 51-52).

According to Agustin Lao Montes, many of the leaders of these movements had been previously affiliated with the political left (labour movement, communist/socialist/reformist parties) but eventually became disillusioned with the class reductionism, colour blindness and unconscious and conscious racial prejudices of the white/mestizo members of those political groups (Lao Montes, 2009: 222). As part of this ideological transition, these new social movements adopted unprecedented themes and methods of political action, in part, as a result of the influence of indigenous and other political mobilizations (environmentalism, gender equality, and human rights) that became mainstream not only in the region but also at global scale (Lao Montes, 2009: 222). Specifically, they rallied around topics such as cultural identity and recognition, ethnic-racial and intercultural education, land rights, economic justice, ecological integrity, ancestral knowledge and political representation (Lao Montes, 2009: 222-23). They also supported and promoted campaigns to alleviate poverty, give access to black communities declare Latin American states as multi-ethnic and multicultural. In so doing, they challenged the founding discourse, established since the early 20th century, that the countries in the region were a group of *naciones mestizas* (biologically and culturally *miscegenated* nations) in which the preservation of racial and ethnic identities was considered a threat of the fundamental unity of the nations.

As a consequence of these mobilizations, from the late 1980s throughout the 1990s, some states in the region begun recognizing black populations as an ethnic group with inalienable rights. For instance, legal changes took place in countries such as Nicaragua, Brazil, Colombia and Ecuador, in which the states committed to acknowledge and protect the territorial rights, unique cultural identity and the right to development of black communities (Mosquera and Hoffman, 17). In 1987, the Nicaraguan government adopted the Law 28, *Statute of autonomy of the regions of the Atlantic coast of Nicaragua* Statute of autonomy of the regions of the Atlantic coast of Nicaragua, which stipulated that the inhabitants of the Atlantic Coast had,¹¹⁶ among others, the right to preserve and develop their languages, religions and cultures and to use, enjoy and enjoy the waters , forests and communal lands within national development plans (Asamblea Nacional de la Republica de Nicaragua, 1987. In the case of Brazil, the 1988 Constitution recognized, for the first

¹¹⁶ This is the region where the majority of Afro-Nicaraguans live.

time in the history of that country, the right of descendants of slave-era *quilombos* (maroons communities) to receive lands from the state.¹¹⁷ In so doing, the Constitution granted these communities a status as collective property rights holders. In Colombia, the state adopted the Law 70 (Law of the Blacks/Ley de Negritudes) in 1993. The law officially recognized Black Colombians as a distinct ethnicity and provided a legal foundation for the defense of their territorial rights and the state duty to promote their economic and social development (Mosquera and Hoffman, 17). In Ecuador, the Constitution adopted in 1998 acknowledged the multicultural and pluri-ethnic nature of that nation, and committed to protect Blacks or Afro-Ecuadorians' right to maintain, developing and strengthening cultural, social, political, economic and linguistic identity and traditions; preserve their collective property, and to participate in political and economic decisions related to the management of their resources (Asamblea Nacional Constituyente, 1998).

These political developments were relevant to the emergence of the *Afrodescendants* as a subjectivity for several reasons. First, they brought a significant shift in the understanding of Black/Afro subjectivity. Particularly, they promoted the replacement of the way that postcolonial republics in Latin America had understood black peoples as individuals who were members of national *miscegenated* polities (Colombians, Brazilians, Nicaraguans, etcetera) with a different one, which characterized them as a group with culturally distinctive traits, regardless their national affiliations, which was entitled to collective rights, more precisely economic, cultural and political ones, given that distinctiveness. This ethnicization of Black subjectivity (Restrepo, 2013: 14) came together with an understanding of blackness as a transborder self. The political developments I summarized above opened the door to conceive Blackness as an identity located in national jurisdictions but not constrained by them, since that subjectivity summarized similar experiences and unfulfilled rights and similar state duties across national borders. Also, the very formation of transnational networks with common goals represented the emergence and consolidation of a trans-jurisdictional political identity with national articulations.

¹¹⁷ Article 68 of the Constitution stated: "Final title shall be recognized for the remaining members of the former fugitive slave communities who are occupying their lands, and the State shall grant them the respective deeds." (Constitute Project, 2022: 186)

2 Who are the *Afrodescendants*?

Which statements, relational ties, conceptual and theoretical choices constituted the field of the truth of *Afrodescendants* as subjects? What relational system of truths and engines for “making up people” participated in the constitution of certain dispersed bodies, existences, gestures, and desires into *Afrodescendants*? What particular transcendental qualities and attributes, discursively objectified, allowed the international community to “overcome” the concreteness of multiple individuals/groups and the plurality of their life experiences and assembly them into a distinguishable unit (the *Afrodescendants*)? This section focuses on the multiple assertions that gradually produced the *Afrodescendants* as a collective subject in its own epistemic right.

Etymologically, the term *Afrodescendants* referred to a community made up of people born in Latin America, whose ancestors came from Africa. However, the documents that formally revealed and sanctioned their existence, the *Santiago Declaration and Plan of Action* and the *Durban Declaration and Plan of Action*, went beyond that connotation. They shaped the meaning of the category amalgamating the rhetoric and conceptual and theoretical choices of human rights politics with the understanding of Black subjectivity that identity politics activism in Latin America had promoted since the late 1980s.

First, the category *Afrodescendants* as presented in the *Santiago Declaration and Plan of Action* and the *Durban Declaration and Plan of Action* would conceptualize race in alignment with the way human rights discourse and identity politics activism had framed it in the previous decade. Second, the term *Afrodescendants* in those documents became a signifier to talk about unfulfilled entitlements and victimization in alignment with the human rights’ political economy and the Latin American transborder activism’s understanding of social justice. Third, the declarations and plans of action used the category *Afrodescendants* to talk about structures, events and life experiences in a sense that mirrored human rights and identity politics activism’s stances on collective identity and discrimination. Finally, these normative documents treated the category as a signifier to talk about collective rights and public duties, two of the pillars of political human rights discourse and the 1990s Latin American identity politics mobilizations. Let us now analyze those conceptual and theoretical layers in more detail.

2.1. *Afrodescendants* as a Race

The category *Afrodescendants* would amalgamate the two dominant meanings that human rights politics has embraced to speak and think about race: race as a *ground* and race as a consciousness of having a collective self.¹¹⁸ On the one hand, the founding documents, the Santiago and Durban Declarations and Action Plans, used the term to talk about a group who shared the commonality of being treated as a race. In particular, these documents pointed out that individuals in that group were perceived as belonging to specific natural groups – defined by colour – which had no relation to their capacities, merits, character or concrete behaviour. Placing individuals in these groups served the purpose of finding a justification to deny them rights, impose unfair burdens on them and put them in a situation of permanent disadvantage.

Simultaneously, in direct alignment with the perspective of the Latin American identity politics mobilization, the category of *Afrodescendants* sought to describe a group of individuals whose common experiences created a consciousness of having a distinctive collective self. The foundational experience that informed that awareness is the diasporic condition of the group. The prefix “Afro” functioned as a reference to identify both a common ancestral origin and the distinctive traumas of forced migration and forced labour. In other words, it served the purpose of visibilizing the population of African descent whose ancestors were brought to the Americas by force during the long-lasting process of transatlantic slavery.

The prefix “Afro” also entailed a critical interrogation of the existence of different local names (*negro*, *Moreno*, *Prieto/preto*, etcetera) to call a community that had a common ancestry and history (Departamento de Derecho Internacional, 2011c: 7). In fact, the adoption of the prefix sought to portray these various local names as an attempt, with different degrees of success, to obscure the trans-historical realities that unify the community (Garcia, 2013). In using the prefix, the point was to highlight that these local iterations of the community shared a common geo-ethnic origin, a founding and lasting trauma and a long-term condition of subordination, regardless of the geopolitical location

¹¹⁸ As I discussed in the previous chapter, in the human rights regime, the term *ground* means the social placing of individuals in categories according to generic social (language, religion, status, etcetera) or biological characteristics (colour, sex, phenotype).

where they had been forced to organize their diasporic existence (Departamento de Derecho Internacional, 2011c: 7).

At the same time, the category *Afrodescendants* sought, as well, to “make visible” other experiences that created a consciousness of having a distinctive collective self. In particular, the term encapsulated an identity organized around the following commonalities: First, the condition of having been treated as a race in a way that misrepresented the real self of the group; second, the circumstance of having experienced the same economic deprivations, exclusions, burdens, and disadvantages, which means a common experience of victimization and vulnerability; third, the situation of occupying the same position of non-dominance within their respective nation-states; fourth, a similar experience of cultural *invisibilization* that denied them a proper recognition of their contributions; and, finally, shared stigmatization of their traditions, and spirituality.

However, the category of *Afrodescendants* did not only link this consciousness of racial identity to a shared experience of economic, political and cultural subordination. Beyond establishing the path to identify a victimized population, the term sought to make a common ancestral origin and a cultural distinctiveness “visible”. In other words, this signifier also referred to a distinctive sense of self, which involved identifying a population that was more than just an aggregate of individuals or a collectivity without a unifying substrate. Expressly, the category referred to a people with a common ancestry and an irreducible culture, whose amalgam of multiple identities (rural, urban, linguistic, religious) and geopolitically localized bodies were not a sign of the group’s lack of transcendental unity.

The category also sought to highlight a distinctive cultural self. Specifically, it aimed to identify a set of spiritual, gnoseological and axiological principles originated in Africa that enslaved people introduced in the Americas and their descendants subsequently re-created/re-invented during colonial times. Moreover, this cultural distinctiveness included the evolution of these principles due to their adaptation to European-oriented post-colonial value systems, gnoseology and spirituality, and the different socio-political jurisdictions where colonial and post-colonial arrangements placed people of African descent. Although dispersed in multiple jurisdictions, Africa worked as a signifier to talk about a dispersed but essentially unified community with

shared cultural values, spiritual foundations and a unique history and origin. Despite the broken historical ties between those who stayed in the motherland and those who suffered a violent separation, Africa remained critical to speak about a resilient unity.

2.2. Afrodescendants as a Victimized Collective Subjectivity

The *Santiago* and *Durban Declarations and Plans of Action* defined the category of *Afrodescendant* in a way that integrated the political economy of the human rights politics and the idea of collective rights anti-racist transborder activism in Latin America mainstreamed in the 1990s. These documents paved the way to conceive the *Afrodescendants* as distinctive subjects with unfulfilled entitlements. Specifically, the term *Afrodescendant* sought to name a community that had been the object of systematic economic, political and cultural oppression. This status included a greater vulnerability to experience extreme poverty, which translated into aspects such as lower rates of education, employment, health and housing, a high rate of infant mortality, and a low life expectancy.

Moreover, the category sought to identify a group with limited political agency to participate in public decision-making processes on matters that directly concerned and affected it. Finally, the Santiago and Durban Declarations and Action Plans used the term *Afrodescendants* to depict a collectivity in a condition of cultural subordination. The recognition of this subordination entailed asserting that its values, folkways and spirituality had been systematically suppressed and its contributions to humankind not recognized or purposely made invisible or trivialized.

Santiago and Durban's statements and action plans understood these multiple instances of subordination as a sign that the *Afrodescendants* were a community that historically had not thoroughly enjoyed their political, social, economic, and cultural rights. Thus, when addressing the causality of these unfulfilled entitlements, those declarations and action plans embraced both the ideas of formal and systemic discrimination as explanatory choices. On the one hand, they linked the situation of subordination that *Afrodescendants* experienced to the historical detrimental and targeted treatment that this population suffered because they were perceived as biologically and socially different. That perception worked as a justification to deny them widely shared

rights, impose special burdens on them and put them in a situation of permanent disadvantage.

On the other hand, although the Santiago and Durban documents recognized that the formal arrangements of detrimental treatment of the past were no longer in place, they considered that the long-term effects of these arrangements made the *Afrodescendants* a group with entrenched political, economic and cultural vulnerabilities. Since the *Afrodescendants'* political, economic and cultural disadvantages were either invisible to or not adequately recognized by officials in their respective states, that condition of vulnerability became perpetuated throughout the postcolonial period. The Santiago and Durban declarations and action plans linked then the Afrodescendants' unfulfilled entitlements to the public lack of recognition, and therefore neglect, of their historical disadvantages. In other words, they considered the systemic lack of governmental support to the *Afrodescendants* to overcome their overrepresentation in the poorest and least educated sectors of society, cultural invisibilization, and challenges in the areas of health, labour, housing, access to justice, public services and political participation as a fundamental barrier for this population to exercise their fundamental rights fully.

2.3. Afrodescendants as a Mode of Historizing Politics and Life Experiences

In direct dialogue with the conceptual and theoretical foundations of human rights discourse and the previously discussed Latin America identity politics activism, the *Afrodescendant* category activated an unprecedented way of understanding and articulating regional history.¹¹⁹ The Santiago Declaration and the Plan of Action defined the communities referred to as *Afrodescendants* by describing their history of unfulfilled entitlements. For instance, both called for the "...recogni[tion] that people of African descent have for centuries been victims of racism, racial discrimination and enslavement

¹¹⁹ It is relevant to mention that this new history would reproduce all the mythologies Quentin Skinner identified in his seminal article (Skinner, 1969). This articulation of regional history treated scattered or incidental historical remarks, events and thoughts as signals of an already constituted doctrine of identity (*mythology of doctrines*). This history would find consistency, central themes, and inner messages in remarks, thoughts and events in a way that was not previously imaginable in precedent times (*mythology of coherence*). The focus of this new history was revealing the retrospective significance of events and experiences that were not necessarily meaningful for the original actors themselves (*mythology of prolepsis*). Those involved in shaping this history applied their own familiar criteria of classification and discrimination to the past and, consequently, dissolved all alien elements into an apparent but misleading familiarity (*mythology of parochialism*).

and of the denial by history of many of their rights” (United Nations, General Assembly, 2001: 8). This claim, in particular, identified this group as having a shared long-standing history. However, it also entailed that a specific set of reprehensible events defined the content of this history and that this systematic and externally generated condition had subordinated this group and caused them to become vulnerable as a class of subjects.

In particular, the term opened the possibility to focus on the evolution of a distinctive community whose existence had been troubled and tragic (World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance 2001, 13). In this evolution, Africa occupied the place of the lost motherland. The crime of forced separation and the brutality of slavery were considered the primary cause of the persistent disadvantages of this group. Also, in this history, hardships did not end with the trans-Atlantic trade and the colonial regimes. It conceived the post-colonial republican period as a time of dashed hopes, of citizenships blind to ethnic specificity and forced acculturations.

However, the category facilitated a way of giving content to the past that not only focused on the hardships, sufferings, humiliations and misfortunes of a people. It also created the path to attach great importance to exposing the resistance, rebellions, progressive mobilizations and contributions of a trans-border community. In more concrete terms, by seeking to make the existence of a diasporic community “visible”, the term enabled a conversation on emancipation, particularly “maroonage”, active participation in independence wars, and movements in favour of promoting ethnic self-awareness and improving the living conditions of a people. In the same way, it facilitated the recovery of stories of memorable individuals of African descent and brought to light their significant contributions in politics, the arts, literature, and science. The recovery and visibility of these experiences intended to dignify a “race” that had historically been considered abject and incapable of merit.

It is necessary to take into account that this way of thinking and speaking about history and inaugurating a new way of understanding the past also critically interrogated other ways of historizing it, especially those that emerged from nationalist and Marxist historiographies. The term *Afrodescendants* constituted a collective actor that did not exist in those traditions. This act paved the way to interrogate their concepts, emphases

and silences. On the one hand, the focus on making a diasporic community “visible” entailed a detour from the Latin American nationalistic tradition of organizing history as the progressive transition from the pre-colonial period, passing through the formation, consolidation and dismantling of colonial models, and concluding in the creation and consolidation of republican regimes. This detour involved taking a distance from an approach that linked the *raison d'être* of history to the inevitable creation and consolidation of independent and sovereign republics based on the principle of individual-centred citizenships. It also involved questioning the glorified Eurocentrism of this approach, its praise for *miscegenation* (*mestizaje*), and its intentional overlooking of ethnic and racial economic, political and cultural differences. In the same way, the criticism extended to the common practice of understanding ethnicity only in terms of national identity and formal equality before the law as the primary way of assessing social justice.

In the case of the Marxist approach, the rationale behind the term *Afrodescendants* activated a stance on history that confronted the idea that racism and racial discrimination were epiphenomena of capitalism. In alignment with human rights politics, this rationale disputed that these social problems were only a consequence of or were solely linked to a socio-economic regime. It also embraced the idea that no nation was free from racism and racial discrimination, and only by recognizing their resilience, could their removal be possible. Consequently, the historical stance that resulted from this position refused to subordinate the history of the victimization and unfulfilled entitlements of the *Afrodescendants* to the history of international capitalism. Instead, the history of that victimization and lack of access to rights was conceived as having an independent existence and unique historical path. Another point of disagreement with the Marxist approach to history was regarding the centrality of class as subjectivity. While the Marxist position organized its teleology around the class struggle, the historical account linked to the *Afrodescendants* category questioned whether the concept of class could effectively accommodate that of ethnic community in all its articulations (national, linguistic and religious) (see Duncan, n/d; and Duncan, 2015).

2.4. Afrodescendants as a Signifier to Talk about Group Rights, Strategies of Empowerment and Public Duties

Finally, human rights stances on race, discrimination and political economy and identity politics activism's position on Blackness as a collective identity provided the foundations to present the *Afrodescendant* category as the simultaneous process of subjectivity making and unmaking, particularly the conversion of a jurisdictionally, politically and personally dispersed population into a transcendental community. They also offered the basis to use the category as a materialization of a new way to talk and think about public duties regarding a previously not recognized collective subject.

One of the purposes of creating the category of *Afrodescendants* was replacing and undermining the subjectivities that emanated from colonial (*negros, morenos, Zambos, Prietos/pretos, mulattoes*) and postcolonial social, economic and political arrangements (national identity, the individual, and the proletarian). To a certain extent, this creation involved a process of disaffiliation or disassociation with previous identity categories since they were perceived as misrepresentations of a population's true self. In particular, both the colonial and postcolonial subjectivities did not recognize that this population was indeed a collective subject, with inherent and inalienable entitlements. On the contrary, they either purposely denied those rights by refusing to recognize the humanity of that population or bastardized those rights by just recognizing the inherent and inalienable entitlements of individuals, citizens or the members of an economic class.

Simultaneously, another purpose of creating the category was to promote the recognition of a different subjectivity; in particular, conceiving that population as a *people*, in a similar way as human rights politics since the late 1980s had subjectified Indigenous peoples as such. The main project was to portray the *Afrodescendants* as a collective subject with the primordial cultural ties that international human rights conceived as deserving of inherent and inalienable rights. As discussed in previous paragraphs, the adoption of the term *Afrodescendants* involved a process of "recovering" and "revalorizing" traditional cultural forms of a community that had remained historically "invisible". It also entailed recognizing a common history, ancestral traditions, spiritual practices and languages, modes of self-governance and a unique relationship to nature and, specifically, to the land.

Being *Afrodescendant* meant not only being a distinctive *people* in their respective nation-states. It also referred to a cross-border similarity that captured a common core and foundational aspects. It denoted, as well, a shared feeling of having participated in an identical political, economic and cultural journey, which transcended individualities and also generations. Furthermore, embracing the category sought to “awaken” a constitutive identity whose existence was independent of its members’ self-consciousness but depended on their self-awareness to thrive. In other words, using a Hegelian expression, it sought to trigger a transition from a group that was a unit in itself to a group that was a unit for itself.

This process of identity redefinition became a source of political mobilization and empowerment. In particular, it helped to promote the claim that the population identified under the category *Afrodescendants* had the rights to

... culture and their own identity; to development in the context of their own aspirations and customs; to keep, maintain and foster their own forms of organization, their mode of life, culture, traditions and religious expressions; to maintain and use their own languages; to the protection of their traditional knowledge and their cultural and artistic heritage; to their ancestrally inhabited land (United Nations, General Assembly, 2001: 8).

Linked to that cultural core were also civil, political and economic entitlements.

They referred to the rights

...to participate freely and on equal conditions in political, social, economic and cultural life (...) to the use, enjoyment and conservation of the natural renewable resources of their habitat and to active participation in the design, implementation and development of educational systems and programmes (sic), including those of a specific and characteristic nature (United Nations, General Assembly, 2001: 8).

It is necessary to recognize that the term *Afrodescendants* entailed a dialogue between a redistributive conception of justice and a culturalist emphasis. Redistribution was one of the foci of political action that informed the adoption of the category. Specifically, the emphasis on past distributive injustices in the political and economic spheres, and the defence of the redistributive remedy par excellence, affirmative actions, would become two of its accompanying tropes. At the same time, the term *Afrodescendants* involved speaking about cultural injustice, specifically acculturation, and the possibility of recovering a subjugated ancestral culture. In this light, redistribution was perceived only as a way to remove people of African descent from

their political, economic and social oppression while maintaining their group specificity. The purpose of material and power restructuring was to promote equality while maintaining difference, or in other words, ensuring the economic and political equivalence of culturally distinctive communities.

The representation of this human population as a group whose inherent and inalienable rights needed to be properly fulfilled, framed them, consequently, as a group that deserved focused attention and protection from public actors, such as states, multilateral human and financial rights organizations, and non-governmental organizations. This understanding, in addition, requested the need to speak of redistribution of resources and opportunities and self-determination. In particular, it highlighted the public obligation to establish affirmative policies that considered historical disadvantages in the cultural, political and economic spheres. It also outlined the need to recognize the government's obligation to promote models of democratic governance that ensured the participation of that population in decision-making on issues that could potentially affect them.

2.5. The Afrodescendants "Revealed"

These Declarations and Action Plans "revealed" a subjectivity, in an Ian Hacking sense, by correlating people ancestrally, politically, and culturally and creating norms that prescribed paths to conceive them qua subjectivity. The statements, conceptual and theoretical choices these Declarations and Action Plans adopted laid the foundations for constituting certain dispersed bodies and existences into a new subjectivity: the *Afrodescendants*. They outlined the qualities and attributes that defined that transcendental and distinguishable subject. At the same time, the conceptualizations and theorizations of what it meant to be an Afrodescendant became a point of reference to organize experiences, foster interactions, and delimit ways of being. They also provided a frame to set and constrain actions and choices.

As I discussed in the previous sections, the Afrodescendants did not emerge as a one-dimensional typology but as a multilayered one. Its appeal and success as a "people-making" term were significantly due to this multilayered condition. The myriad of meanings attached to the category opened up multiple possibilities for making sense of

different life experiences and historical events. They also facilitated linking identity to political and economic structures and unique cultural traits. No less important, these meanings provided foundations to reflect on and reimagine collective ties and develop a sense of social belonging. In other words, the typology Afrodescendants opened up multiple possibilities for organizing a sense of self.

However, "revealing" the Afrodescendants as subjectivity was not enough to ensure the survival of this typology. Stabilizing those ways of being demanded the articulation of other interventions and practices. Specifically, they needed actions directed to facilitate their "thickening" and "hardening" (Berger and Luckmann, 1991: 76). Without them, this subjectivity would have remained tenuous and easily replaceable, and its status as socially built still self-evident (Berger and Luckmann, 1991: 76). The next section addresses some of the interventions, practices, actions and mechanisms that facilitated the progressive objectification of the Afrodescendants as subjectivity.

3 Objectifying the *Afrodescendants* as Subjectivity: The Contribution of the Interamerican System

After the conferences of Santiago and Durban, the category of *Afrodescendants* had a fragile objectivity. Only those directly related to its coinage in Santiago and later endorsement in Durban were familiar with its meaning, purpose and scope. The reality the category sought to identify and "awake" from its dormancy was not apparent for governments and, more important, millions of individuals in Latin America who until that period self-identified as *negros*, *mulatos*, *zambos*, *prietos/prettos* and *morenos* and who did not necessarily conceive themselves as belonging to a transborder community. Without a more intentional and coordinated effort to make its meaning apparent and embracing possible, this subjectivity did not have any guarantee of survival.

The final revelation, stability, administration and further sustainability of the *Afrodescendants* as a subjectivity resulted from the work of multiple intergovernmental agencies, national governments, local and regional activisms, non-governmental organizations, lawyers, anthropologists, sociologists, political scientists, and linguists. During the ten first years after the Santiago conference, those who proposed this new subjectivity devoted their activism and political action to ensuring its institutional *thickening* and *hardening*, to use Berger and Luckman's words (Berger and Luckmann,

1991: 76), until the point of constituting the *Afrodescendants* as a self-evident and inevitable subjectivity.

Below, I address the contributions of the Inter-American System, between 2005 and 2011, to the promotion, stability, and further sustainability of the *Afrodescendants* as subjectivity. I chose the Inter-American System as a case study because the decisive role it played in the hemispheric revelation, dissemination, normalization and administration of the *Afrodescendants* category and its epistemic and political constitutive implications. Specifically, the Organization of American States' (OAS) statements, declarations, reports, and assessments were essential in the transborder recognition of this category, not only by governments but also by the communities. No less important was the role this system had on the reconfiguration of governmental and intergovernmental institutional and normative domains in order to legitimize the existence of this distinctive community. In particular, the Organization of American States, using Ian Hacking's words, activated engines of discovery, practice and administration (Hacking, 2006). It actively participated in the further "revealing" of the *Afrodescendants* by encouraging their statistical visibilization. It contributed to their stabilization by generating knowledge about their characteristics as distinctive peoples and subjects of rights and by activating of cross-border processes of socialization. Finally, it bureaucratized that subjectivity by promoting the creation of standards and mechanisms of governance specifically focused in its protection. Let's discuss each of those actions.

3.1. The Inter American System's Contribution to the Hemispheric Making of the Afrodescendants

One of the main targets of the Inter-American System in the years that followed the Santiago and Durban conferences was to promote that its member states and communities in the region recognize and embrace the *Afrodescendant* category in all its epistemic and political implications. The three strategies the OAS developed to achieve that goal were the promotion of the statistical visibility of people of African descend, the encouragement of individuals who until then were socially labelled as *negros*, *mulatos*, *zambos*, *prietos/prettos* and *morenos* to self-identify as *Afrodescendants*, and the fostering of the understanding that the populations identified under that category were distinctive subjects with unfulfilled entitlements, which required state's protection.

In 2005, the Inter-American Commission created the Rapporteurship on the Rights of Afrodescendants and against Racial Discrimination. The role of this Office was the stimulation, systematization, reinforcement and consolidation of the actions of the Inter-American Commission concerning the rights of people of African descent (Organization of American States, n.d., b). It was also in charge to generate awareness among member states regarding their duty to respect *Afrodescendants'* human rights and provide specialized advice to the Commission in the management of claims related to the violations of those rights.

During its first five years, the Rapporteur undertook site visits to countries throughout the region, where the Office contacted governmental authorities, civil society organizations, and communities it identified as having African descend. The purpose of these visits was to observe the problems that affected people discriminated against on the ground of race, particularly groups that the Rapporteur identified as *Afrodescendant*. The provision of recommendations to States generally followed the Rapporteur's visits (Organization of American States, n.d., e). Another focus of the Rapporteur was conducting studies about the rights of the *Afrodescendants* and their experiences of racial discrimination. The primary goal of studies of this nature was to contribute to the development of human rights legislation and policies focused on the protection of that population. These visits and studies contributed to the familiarization of governments and communities in the region with the category and paved the path to recognize it as a signifier to talk about identity, entitlements, history and public responsibilities.

In 2011 the Rapporteur prepared a questionnaire for member states and civil society in an effort to “visibilize the situation, and address the problems and challenges faced by the *Afrodescendants*” (Organization of American States, n.d., c). The Office systematized and examined the information it received and included its observations, conclusions and recommendations in a thematic report called *The Situation of Persons of African Descent in the Americas*. This report, which the Inter-American Commission endorsed and used as point of reference in its human rights monitoring role, offered a general evaluation of the situation of persons of African descend in the Americas (Inter-American Commission of Human Rights, 2011: vi). It presented a comprehensive account of the philosophy behind the Inter-American Commission's approach to the topic and a rendition of the

policy strategies and goals it was pursuing to promote the *Afrodescendants* as subjects of rights.

Throughout this document, the Rapporteur discussed the need to encourage racial self-identification as a precondition to make people of African descent visible. It also focused on the need for protection-oriented policies based on objective statistics. However, the report revealed the Rapporteur's concerns regarding the incongruence between the actual number of *Afrodescendants* in the Americas and official state-managed statistics. For example, while the Rapporteur calculated that people of African descent constituted around 30% of the total population, the numbers states in the region had calculated were significantly lower. The report attributed this inconsistency to states' failure to adopt, in their censuses or other data collection mechanisms, proxy categories, such as skin colour and ancestry, that might effectively allow people of African descent to self-identify as belonging to a transborder/translocal category. Said differently, the Office of the Rapporteur attributed the low number of *Afrodescendants* in state-managed statistics to the state members' lack of proper understanding of what constituted this group as a subjectivity and also their unpreparedness to help people of African ancestry to become aware of their transcendental identity.

The living conditions of *Afrodescendant* populations comprised another thematic area addressed in the report. The document presented a detailed account of African descend people's status as a group who occupied a position of subordination and marginalization within its respective nation-states. The Office of the Rapporteur examined the structural discrimination *Afrodescendant* populations suffered, in spite of state obligations to ensure equality and nondiscrimination (Inter-American Commission of Human Rights, 2011: viii). It cited the dramatic disadvantages that people of African descent experienced regarding their economic, social, cultural, political and civil rights. The specific examples the report addressed were their lack of access to adequate housing; high risk to experience state violence and criminal profiling; lack of access to health, education and access to honourable employment, especially at the managerial and upper levels; lack of recognition of property rights; insufficient access to domestic judicial remedies; underrepresentation in politics; and a lack of adequate means for participating in the formation of public policies designed to improve their own situation (Inter-

American Commission of Human Rights, 2011: viii).

The report's recommendations contemplated measures such as including *Afrodescendants*-related variables into public registries, population censuses and household surveys. Regarding the population censuses, the Rapporteur insisted that this was a crucial method to give statistical content to the *Afrodescendants* category and make the vulnerability of people of African descent visible. It recommended that states create channels for civil society participation in the adequate design of the categories used in the self-identification questions (Inter-American Commission of Human Rights, 2011: 80).

The report also supported the development of sensitization campaigns as a foundation to build meaningful statistics. The Office of the Rapporteur argued, "States must carry out sensitization campaigns for civil society and training for the interviewers in order to create the necessary conditions to allow *Afrodescendants* to identify themselves as such" (Inter-American Commission of Human Rights, 2011: 80). It recommended doing this by making them aware of the continuity of the patterns of racial discrimination that they were subjected to. It suggested, as well, that in these campaigns, the vulnerability of groups with African ancestry should be explained in terms of human rights standards, with an emphasis on the aggravated vulnerability of *Afrodescendant* women. Moreover, the Rapporteur advised that *Afrodescendants* communities should receive information about the rights that international standards protected and the actions and mechanisms that they were entitled to activate if a violation of these rights occurred. According to the Commission, sensitization campaigns must also be used "to sensitize and train State officials, especially State law enforcement agents, judges and justice operators" (Inter-American Commission of Human Rights, 2011: 81).

Another initiative focused on encouraging the regional recognition and embracing of the *Afrodescendant* category materialized in the form of a resolution: the *Recognition of the International Year for People of African Descent*, passed in 2010. This decree involved the Organization of American States General Assembly's acknowledgment of the United Nations' proclamation that aimed to strengthening national action and regional and international cooperation for the benefit of people of African descent. With this endorsement, the Inter-American System committed to request its state members to ensure these people fully enjoy economic, cultural, social, civil and political rights,

participate and integrate in all political, economic, social and cultural aspects of their societies. It also supported the promotion of a greater knowledge of and respect for their diverse heritage and culture. In summary, the resolution became a very helpful resource to raise awareness about the *Afrodescendants* as a subjectivity, the challenges those under that banner were facing and the duties of the state members should assume to address them (Department of International Law, n.d., b).

Finally, it is relevant to mention that the Department of International Law (DIL) organized workshops focused on capacity-building and empowering people of African descent. By 2011, the DIL had trained approximately 300 leaders and representatives from different communities on themes related to the participation of *Afrodescendants* in OAS processes and the Summits of the Americas. Furthermore, in academic courses and workshops that it periodically organized for legal scholars, the DIL included themes related to the situation of the *Afrodescendants* in Latin America.

3.2. The Reconfiguration of Governmental and Intergovernmental Institutional and Normative Domains

The second group of actions that contributed to objectify the *Afrodescendants* as subjectivity focused on institutional and normative change at both state and intergovernmental levels. The work of the Inter-American Commission and the Department of International Law targeting governments in the region, and ensuring that the whole Inter-American System would become onboard and aligned with this process of objectification deserved special attention here.

In the report *The Situation of Persons of African Descent in the Americas*, I introduced previously, the Rapporteur on the Rights of *Afrodescendants* included the theme of the legal and policy measures that states in the region had adopted to comply with their obligations to the *Afrodescendants*. On the subject of law, the Rapporteur recognized that the legislation certain member states introduced in previous years had contributed to preventing racial discrimination in its most open manifestations. However, despite these gains, the Rapporteur argued, states in the region had not fully assumed their obligation to undertake a comprehensive review of their domestic legislation in order to explicitly address the issue of racial discrimination and the vulnerable status of

people of African descent (Inter-American Commission of Human Rights, 2011: ix-x).¹²⁰ In particular, the report pointed out that member states had not taken enough measures to ensure that *Afrodescendants* effectively had access to first-generation human rights, such as political participation in public institutions and decision-making and second-generation rights, such as access to health, housing, education and work. It noticed as well the absence, in national human rights legislations in the region, of an explicit recognition of the *Afrodescendants* as a vulnerable group, their cultural distinctiveness, and the imperative to conceive them as subjects with special entitlements.

Turning to public policies, the report noted that states in the region had taken various measures to combat racial discrimination and help improve conditions for *Afrodescendant* populations (Inter-American Commission of Human Rights, 2011: ix-x).¹²¹ However, the report argued that member states had not implemented positive and affirmative action measures directed to improving the living conditions of persons of African descent in the areas of health, education, employment, access to justice and substantive political participation (Inter-American Commission of Human Rights, 2011: x).

To address those limitations, the report offered some legal and policy recommendations. Regarding the former, the Rapporteur suggested that state members should revise their legislation to remove provisions that directly or indirectly have a discriminatory impact on the *Afrodescendants*. It also recommended the adoption of legislation specifically focused on *Afrodescendants* that ensure their right to equality and sanction acts of racial discrimination against them. Additionally, the report issued four recommendations regarding racial bias in the judicial system. First, it recommended revising domestic public security legislations "in order to identify and eradicate the use of racial profiling as a valid mechanism of detention and investigation of persons" (Inter-American Commission of Human Rights, 2011: 82). Second, it urged

¹²⁰ Specifically, the Commission recommends that states pay close attention to: "i) identifying and abolishing provisions that entail direct or indirect discrimination, and ii) passing legislation that expressly and comprehensively punishes racial discrimination" (Inter American Commission of Human Rights, 2011: vii).

¹²¹ For instance, it observed that "progress has been made with the implementation of measures aimed at diversifying curricula in favour of more inclusive education and with activities designed to protect and promote *Afrodescendant* culture in its various manifestations" (Inter-American Commission of Human Rights, 2011: x).

... States to design performance protocols that sanction racial discrimination as an institutionalized performance pattern, and to implement adequate control and monitoring mechanisms regarding the effective implementation of these practices by law enforcement agents (Inter-American Commission of Human Rights, 2011: 82).

Third, the report urged states to establish and execute adequate mechanisms to sanction law enforcement agents who racially profiled *Afrodescendants*. Finally, it suggested that states implement measures to remove or modify any regulations or practices in the criminal system that might lead to racial bias (Inter-American Commission of Human Rights, 2011: 82).

In summary, the Inter-American Commission on Human Rights, through the Office of the Rapporteur, promoted changes in regional regulatory frameworks to incorporate *Afrodescendants* into its system of protections. Specifically, it requested comprehensive reviews of regional and national legislation focused on protecting human rights to explicitly include the *Afrodescendants* as a vulnerable group, the recognition of their cultural distinctiveness, and the need to conceive them as subjects with special entitlements. In this way, it facilitated the state members adoption of human rights legal frameworks sensitive to this group's situation and specifically aimed at their protection.

Concerning policies, the Rapporteur recommended that states modify school curricula in order to recognize the contribution of *Afrodescendant* people to countries in the region. It further suggested adopting policies that ensure that *Afrodescendants* had adequate access to justice (Inter-American Commission of Human Rights, 2011: 82). In this regard, the Rapporteur required states to remove the obstacles that *Afrodescendants* faced when pursuing complaints pertaining to racial discrimination (Inter-American Commission of Human Rights, 2011: 82). To support those policies, the report requested that states in the region create specialized institutions charged with implementing affirmative action measures that guarantee that *Afrodescendants* could exercise their full rights as citizens. It also emphasized that states should adopt monitoring mechanisms to evaluate the impact and achievements of affirmative action measures and identify potential barriers. No less important was the recommendation to create institutions specialized in advancing the *Afrodescendant* cause.

Complementing the work of the Commission, the Department of International Law concentrated in advancing the international literacy about the human rights standards that

pertain to the protection of people of African descent. To accomplish this task, the DIL reviewed the standards and state duties articulated in the Declarations of Santiago and Durban, and in Resolutions of the OAS General Assembly (Departamento de Derecho Internacional, 2011a: 11), and summarized them into nineteen entitlements, which included the rights to participation, development, identity, land, property, education, and religion (Departamento de Derecho Internacional, 2011b: 4).¹²²

One purpose of this systematization was to provide both states, as the duty bearers of international law and the main actors in its development, and *Afrodescendants*, as rights-holders, with a didactic map that offer them some clarity about the content of each of these standards and the possible strategies available to facilitate their enforcement (Departamento de Derecho Internacional, 2011a: 12). Another objective was to incorporate this "ready-to-use" knowledge into international law, human rights, development and international relations academic courses (Departamento de Derecho Internacional, 2011a: 12).

As a compliment to the systematization of human rights standards, the DIL also identified general and specific States' duties pertaining to the protection of the *Afrodescendants*. Specifically, the DIL produced a detailed compilation of States' general duties as facilitators of *Afrodescendants*' participation in all aspects of their respective societies' political, economic, social and cultural lives. These general duties were: the commitment to recognize the existence of *Afrodescendants* as a minority/people; the promise to admit that all people of African descent were frequently the targets of racism, racial discrimination and other forms of intolerance; the obligation to treat *Afrodescendants* with equity and respect of their dignity; the adoption of legal and

¹²² The DIL's full list of rights follows: First, it has identified general rights, described as the right of *Afrodescendants* to participate in all aspects of their respective societies, in particular, in the decision-making processes that affect them directly and in the design of development and education policies. General rights also refer to the right of *Afrodescendants* to participate with absolute freedom and equality in the political, economic, social and cultural life of their countries. In international law, these rights are classified under development rights and first and second-generation rights. Second, the DIL outlined specific rights, including some entitlements that reaffirm *Afrodescendants*' uniqueness as a minority/people that occupy specific social enclaves. The DIL lists of specific rights included the right to one's own identity; the right to have, keep and foment one's own ways of organizing, one's own way of life, one's own culture, one's own traditions, and one's own religious manifestations; the right to keep and use one's own languages, the right to the protection of traditional knowledge, the right to the protection of cultural patrimony (which includes the right to land and the right to use and conserve removable natural resources), and the right to protection of artistic legacy (OAS-DIL-Estándares, 2011: 13-14).

administrative measures to foment equality; the derogation of laws and administrative dispositions that may have discriminatory outcomes; the commitment to recognize the economic, political and cultural contributions of people of African descent to their respective countries; the duty to examine the political and legal systems that did not reflect the multiracial, multiethnic, multi-linguistic and multicultural reality of countries in the Americas; and finally, the obligation to promote a democratic governance model that include *Afrodescendants*, through consultation with their elected representatives in decision making processes that may potentially affect them as a group (Departamento de Derecho Internacional, 2011a: 15-16).

The DIL also identified the special measures that states should adopt to protect the civil, political, economic and social rights of *Afrodescendants* as a people. It linked these specific responsibilities to the grounds of access to justice, eradication of poverty, access to education, access to health, equal employment opportunities, access to information, gender,¹²³ slavery,¹²⁴ and the sensitization of their respective populations with respect to *Afrodescendants* theme.¹²⁵ The DIL understood all of these responsibilities to be necessary measures to ensure the full access of people of African descent to the services, opportunities, resources and treatment that every democratic state, conscious of its human rights duties, must provide. However, the duties to eradicate poverty and recognize the impact of slavery deserve special mention. These two duties were informed by the principle that *Afrodescendants* must receive equal treatment as their fellow citizens and that their governments should treat this population as a vulnerable group. This principle meant that they required focalized and specific supportive measures. These two state duties directly related to the implementation of affirmative action measures.

¹²³ Member states had the duty to treat *Afrodescendant* women as victims of aggravated or multiple discrimination due to the intersection between their ethnic/racial condition and their gender. It also entails that states design policies by taking into account the vulnerable position of *Afrodescendant* males, particularly in the administration of justice (Departamento de Derecho Internacional, 2011a: 20-21).

¹²⁴ This essentially refers to recognizing the decisive legacy that Transatlantic slavery has had in the ongoing racial, ethnic, linguistic and cultural inequalities between people of African descent and the rest of society, with the exception of indigenous peoples (Departamento de Derecho Internacional, 2011a: 21).

¹²⁵ It refers to the States' duty of promoting public awareness of the existence of the *Afrodescendants* and respect for the cultural patrimony of people of African descent. In that regard, the states are expected to promote a responsible performance of the mass media and to examine the content of textbooks and educative programs in order to, on the one hand, eliminate any element that may promote racism, racial discrimination, xenophobia and any related form of intolerance, and on the other, to highlight the contributions of the *Afrodescendants* to the history of humankind and the formation of national and regional identities (Departamento de Derecho Internacional, 2011a: 22).

In addition, the Department of International Law (DIL) played a decisive role in consolidating the *Afrodescendants* issue in the inter-American system as a whole. In particular, the DIL provided its agencies with an educational map that would make intelligible the content of the regulations that protect *Afrodescendants* and the strategies available to facilitate compliance. Likewise, it systematized and disseminated the specific obligations that had to be assumed to protect the civil, political, economic and social rights of Afro-descendants as people. Through these actions, the DIL facilitated the adoption of norms and duties concerning the *Afrodescendants* and, consequently, institutionalized those norms and duties as critical elements of human rights policies at the domestic, regional, and international levels.

In this vein, in 2008, the DIL began the Project for the Incorporation of the *Afrodescendant* Theme in the Policies and Programs of the OAS. This Project sought:

to raise awareness of the problems that assail Afro-descendants in the region; promote inclusion of this group as a cross-cutting element in the design of OAS policies and programs; and, finally, offer technical and policy recommendations to the main political organs of the inter-American system. The overarching objective of the Project is to increase democratic governance in the Hemisphere by including these vulnerable groups, with increased awareness for their rights and basic needs (Department of International Law, n.d., a).

Under the auspices of this Project, the DIL produced a number of documents. It created a Manual that sought to mainstream the *Afrodescendants* topic into all OAS projects. The Manual's principal audiences were OAS officials in charge of managing projects at the General Secretariat, and its primary purpose was to *visibilize* this group and its specific demands and to ensure that they receive priority attention in the activities of the inter-American system (Departamento de Derecho Internacional, 2011c: 2). The DIL also published a group of documents that discussed legal issues and made legal recommendations related to the experience of people of African descent. These documents included a compilation of domestic legislation, best practices, affirmative action policies, and other public policies countries in the region had implemented concerning people of African descent. The DIL also produced publications on issues of racial hatred, the administration of justice in cases of racial discrimination, and strategies to fight against racial discrimination in employment (Departamento de Derecho Internacional, 2011c: 3).

3.3. The Contribution of the Inter-American System to the Consolidation of the *Afrodescendants* as a Subjectivity

Although the Santiago and Durban declarations and action plans brought to life the *Afrodescendants* as subjectivity, actions such as the ones I described above gave it stability and ensured its objectification. The Inter-American System, referencing Hacking's terms, activated engines of discovery, practice and administration (Hacking, 2006). It further "revealed" the category through statistical visibilization, enactment of international declarations and plans of action; stabilized it through knowledge production and cross-border socialization, and bureaucratized it through the creation of standards and mechanisms of governance specifically focused in the protection of this subjectivity. The Inter-American System generated declarations, manuals, and reports that contributed to understand a vast and diverse population as a trans-border community that shared the same geographic origin, similar customs, a common spiritual universe, and experiences and similar experiences of cultural, political and economic domination. Said differently, the System contributed in a significant way to re-signify at regional level the life experiences of a diverse community into a transcendental identity.

Furthermore, the Inter-American System played an important role in solidifying the stance that the *Afrodescendants* were a people with unfulfilled entitlements. Particularly, its actions spread the understanding that communities under that category occupied a position of subordination in their respective societies and had been prevented from enjoying the right to thrive in accordance with their distinctive self. Accordingly, the agencies within the Inter-American System conceptualized the experiences of this community as one characterized by exclusions and imposition of burdens that had prevented its members from enjoying their political, civil, social, economic and cultural entitlements. By endorsing and emphasizing the idea that the *Afrodescendants'* entitlements were unfulfilled, the Inter-American System contributed to consolidate the position that this community should be considered a subject of inherent rights. The Organization of American States contributed to normalizing the recognition of the Afrodescendants as holders of the rights to property, self-determination, protection of their physical integrity as a group, development, health, and education according to their cultural foundations. In addition, the Inter-American System paved the conditions to

prescribe the state protection of those rights.

Moreover, the Organization of American States' actions contributed to normalizing the idea that member states should consider as violations of international law all prejudicial acts, the exercise of functions and mandates, policies, practices and institutional/legal provisions that both intentionally and unintentionally prevented the *Afrodescendants* from accessing their political, civil, social, political, economic and cultural entitlements. In this way, the Inter-American System contributed to the stabilization at the regional level of the principle that the protection of the *Afrodescendants* should encompass the removal of non-intentional actions, regulations, and standards that adversely affected them as a people.

No less important is that the Organization of American States helped to objectify the category of *Afrodescendants* as a way to talk about and activate positive duties. The Inter-American System advocated for the implementation of measures directed to the recognition of this community as a people entitled to special rights. In particular, it played a key role in establishing new standards for its member states. For instance, the Inter American System contributed to establishing the position that the states in the region had the responsibility to eliminate prejudicial acts, the exercise of functions and mandates, policies, practices and institutional/legal provisions that voluntarily and involuntarily prevented the *Afrodescendants* from accessing their political, civil, social, political, economic and cultural entitlements. In alignment with international human rights politics, the OAS also contributed to solidifying the category *Afrodescendants* as a way to talk about the imperative to assign resources and opportunities according to particular social trajectories and cultural singularities. No less important, the System supported the creation of institutions specialized in the protection and advancement of the *Afrodescendants*, the promotion of awareness campaigns about their rights and distinctive cultural self for both civil society and public servants, the revision of school curricula and the administration of justice to make them more sensitive to the historical experiences of this community.

As a complement to the previous, the Inter-American System militantly promoted the idea that an inclusive model of citizenship in the Americas should take into account the existence of distinctive groups and legally recognize the moral imperative of

assigning resources and opportunities to these groups, following their particular social trajectories and their cultural singularities. In this way, the OAS endorsed a multicultural model of citizenship, with differentiated prerogatives and obligations within the nation-state.

However, through this definition of the state as a duty bearer, the Inter-American agencies sought more than to assign new responsibilities in the practice of governing. Instead, it could be said that they tried to promote the transformation of the nature of the state itself. In particular, they fostered the view that the state constituted a terrain for articulating economic, political, and social demands rather than a source of identity formation, e.g., national ethnicity, jurisdictionally based citizenship. In their understanding, identity could only legitimately emanate from the groups themselves.

Likewise, these agencies sought to promote the criterion that the condition of rights holder was not necessarily or exclusively related to the jurisdiction of the nation-state. For example, one of the main objectives of the Inter-American System's agencies was to inform *Afrodescendants* about the international human rights protections they could benefit from, as well as about the international mechanisms that they could activate if they experienced violations of those entitlements. This approach put that population in contact with a regional and global legal order that transcended jurisdictions based on nation-states, or, in other words, an order in which collective rights were no longer state-defined and state-based. The definition of those entitlements took place following international normative sources that states were obliged to abide by.

The actions of the Inter-American System played a vital role in validating the meanings associated with the term *Afrodescendants*. Further, they ensured its success as a system of social control by prescribing personal and collective modes of behaving. In particular, the System established paths to identify and quantify people, set up state and intergovernmental duties, and instituted ways to relate to history and social justice. Through active socialization and wide promotion, the Inter-American System contributed to the consolidation of this category in collective consciousness,(Berger and Luckmann, 1991) and contributed to shaping its facticity by portraying this population as having an existence external to volition and awareness. In so doing, paraphrasing here Berger and Luckmann, the System participated in the generation of a system of social control by

setting up predetermined patterns of conduct from entire communities, governmental institutions and international agencies (Berger and Luckmann, 1991: 71-72).

Conclusions

This chapter critically interrogated the idea that the *Afrodescendants* are beings in themselves or a *natural kind* (Hacking, 1991: 282). Specifically, it questioned two arguments: First, the idea that adopting the term *Afrodescendants* and acknowledging its attributes were a sign of a moment of transcendental consciousness. And second, the idea that the legal, political, and social developments described in previous sections represented a moment in which the international community, through experience and awareness, grasped and made intelligible the deepest nature of a community, exposed its previously elusive being and the effects that material subordination, exploitation, exclusion have had on its members, and found its unity in the dispersion of its concrete articulations in national jurisdictions.

In open opposition to these arguments, I analyzed how the material constitution of the *Afrodescendants* was a result of the discursive practices coming from human rights politics and the identity politics activism that emerged and consolidated in Latin America between the last years of the 1980s and the late 1990s. The chapter described how the historically situated presence of those statements conceptual and theoretical choices facilitated three interrelated processes: the epistemic dissolution of concrete individuals and the plurality of their life experiences; the grouping of these individuals and experiences into a self-evident unit (the *Afrodescendants*); and the linkage of this unit with non-interchangeable qualities and attributes. The chapter also discussed how the term *Afrodescendant* did not name a tacit community, nor did it made intelligible something that already existed. It instead summarized the convergence of particular ways to speak and think about race, victimization, history, rights, and public duty. In other words, being *Afrodescendant* or undertaking actions towards the *Afrodescendants* entailed activating the network of concepts, statements and theoretical choices that human rights politics and the identity politics activism I discussed in previous sections promoted since the late 1980s.

Moreover, in this chapter I thoroughly examined the actions that the inter-American system adopted to objectify the *Afrodescendants*. I explored how concrete action plans,

treaties, training workshops, comprehensive assessments, and requests directed to member states to adopt legislation and policies contributed to normalize the *Afrodescendants* qua people and bureaucratize the interactions involved in their sustainability. My analysis covered how the Inter-American System contributed to mainstream and solidify regionally the position that speaking and thinking about the *Afrodescendants* entailed acknowledging the existence of a people with unfulfilled entitlements whose full realization required their recognition as inherent subjects of rights. It discussed, as well, how the OAS fostered the stance that the *Afrodescendants* were a people with unfulfilled entitlements, particularly a community who both occupied a position of subordination in their respective societies and had been prevented from enjoying the right to thrive in accordance with their distinctive self. Furthermore, I addressed the ways the Inter-American System's policies, treaties and capacity-building initiatives contributed to establishing across national borders the term *Afrodescendants* as a signifier to talk and think about states' duties. In short, I discussed how the actions of the OAS facilitated the transition of this subjectivity from a nascent, tenuous and easily changeable status to what Berger and Luckmann have called its solidification and firmness in collective consciousness (Berger and Luckmann, 1991: 78).

The paramount relevance of these findings for this dissertation is that they provide a foundation to critically interrogate two of the most established assumptions in anti-racist politics: First, that anti-racism mobilization addresses subjects that are already given; and second, that anti-racism is reactive rather than constitutive. The case of the *Afrodescendants* is an eloquent illustration of how subjectivity is not given but constituted in discourse. The *Afrodescendants* were not an already constituted subject before the Santiago Conference. In the years that preceded that gathering, there were an array of dispersed bodies, existences, life experiences whose identities were organized according to other subjectivities: the citizen, the individual, the nationally located Black, the proletarian. The *Afrodescendants* were rather born as a fact of discourse, specifically as an outcome of the amalgamation between the modes of speaking and thinking of human rights politics and identity politics activism. Their distinctive attributes only materialized as a consequence of the progressive consolidation of that fusion. Their epistemic stability was only possible by undermining other competing subjectivities and

the displacement of other discourses. These discursive foundations generated the framework to build the facticity of the *Afrodescendants*, or said otherwise, they constituted their self-evidence.

This chapter described in detail how this concrete articulation of anti-racism did not just named or unveiled an already constituted subjectivity with reflexive categories, conceptual frames, and theories. It rather showed how anti-racist politics simultaneously constituted an entire subjectivity and progressively made it epistemologically inevitable. I provided an account of the different statements, conceptual and theoretical choices, and concrete actions that played a role in that process of objectification. Likewise, the chapter exposed how this subjectivity emerged and solidified its intelligibility in the interplay of engines of discovery, practice and administration (Hacking, 2006). The Afrodescendants were “revealed” through naming and quantification; stabilized through knowledge production and the activation of cross-border processes of socialization, and bureaucratized through the creation of standards and mechanisms of governance specifically focused in their protection as subjects.

The information examined in this chapter also provided elements to question the assumption that anti-racism is reactive rather than constitutive. The idea that racism is given places anti-racism in the position to be a political and cognitive reaction to a reality that precedes it. Agency and performance in this account are limited to get a proper understanding or organize an effective response to something that anti-racists can challenge and know but that they cannot change ontologically. The complex reality shifts this chapter described in the previous pages is at odds with that stance.

One of the inevitable conclusions of the analysis I carried out in this chapter is that the anti-racist mobilization has an undeniable constitutive power. The case of Afrodescendants is once again one of the best examples. Once the human rights politics and the identity politics activism that took place in Latin America since the late 1980s succeeded in mainstreaming their understandings of race and social justice in the international arena, new ways of defining who could be the subject of rights, an unprecedented dialogue between social justice and the economy, a novel way to define the ‘ought to be’ of the governance of social justice, and the articulation of a new rationale for defining racism and racial discrimination as public problems materialized. These events instituted ways of

speaking and thinking about social justice that provided a foundation upon which the category of *Afrodescendant* would eventually flourish.

A change like this cannot be described as a cognitive and political reaction but rather as an instance of reality production. Said differently, these events did not make intelligible something that already existed. Instead, they summarized the simultaneous dissolution and emergence of ways of thinking and talking about subjectivity, social, justice and political action. Thus, it could be said that human rights politics and the identity politics activism did not interact with a manifest or even tacit reality, but it constituted the reality in which their rhetoric, conceptual and theoretical choices became not only intelligible but inevitable.

Perhaps the constitutive power of these discursive frames better becomes explicit in the creation of the field of knowledge that allowed speaking and thinking about the *Afrodescendants* as a subjectivity. In particular, I am referring here to the setting of the facticity and the field of empirical truths about that subjectivity. Human rights politics and identity politics activism put forward the statements, conceptual and theoretical choices that provided the conditions of possibility to talk about the *Afrodescendants* and their attributes. They shaped the rationale to use the term *Afrodescendants* as a signifier to talk about race, justice, history, entitlements and public duties. Likewise, they outlined how that subjectivity could be inhabited and experienced and how its attributes should be publically recognized. They also produced knowledge about the *Afrodescendants* by setting the epistemic foundations to distinguish true and false statements about them, outlining the strategies for forming and accumulating knowledge about them, the methods of observation, techniques of registration and classification, and the procedures to properly research that subjectivity. Likewise, these frames determined whom/what had the authority to make statements, organize conceptual systems, provide theories regarding the *Afrodescendants*, and normalize its regimes of truth.

Regarding public duties and action, the discursive frames that human rights politics and identity politics advanced set the foundations to propose policies and legislation for the *Afrodescendants*, and to demand from the international community an unconditional recognition of their existence. Furthermore, those frames also determined what courses of action could be conceived and activated. Without the presence of these frames, the

Afrodescendants would have become epistemologically unintelligible as a thing.

In 2013, the United Nations proclaimed 2015-2024 as the *International Decade for People of African Descent*. The organization made this announcement “citing the need to strengthen national, regional and international cooperation concerning the full enjoyment of economic, social, cultural, civil and political rights by people of African descent, and their full and equal participation in all aspects of society” (United Nations, International Decade for People of African Descent 2015-2024. n/d) The United Nations would conceive this proclamation as the materialization of the calls to action and principles of the *Durban Declaration and Plan of Action*, and consequently as the global endorsement of the ideas first discussed in Santiago de Chile at the beginning of the century. By the moment the *Decade* became officially active, after fifteen years of international and domestic legislation, policymaking, capacity-building and committed activism, the term *Afrodescendants* had become an inevitable signifier to talk and think about identity, history, and inherent and inalienable entitlements and public duties. More important, the *Afrodescendants* as subjectivity had erased the traces of its conventionality, become external to volition and awareness, and acquired coercive power through the determination of what features, experiences, aspirations, histories, relations and duties could be perceived as real.

CONCLUSIONS

This dissertation interrogated and problematized the theory of knowledge used to think and talk about and act against racism and racial discrimination in mainstream anti-racism politics. It also explored an alternative theory of knowledge and discussed the epistemic consequences of embracing a shift in how we understand and mobilize against racism.

Chapter 1 laid out the theoretical foundations of the mainstream understanding of racism and racial discrimination. It first described the lack of consensus that characterizes anti-racism politics regarding the definition of racism, its causes, how to historize it, and how to oppose it effectively. Further, I discussed how despite this lack of consensus, people who participate in anti-racism mobilization share four epistemic assumptions: they treat racism and racial discrimination as things in themselves that have an existence independent of social awareness or recognition. They understand anti-racist problematizations as contestations or reactions to the material determinedness of racism and racial discrimination as things in themselves. They treat subjectivity as given. Finally, they conceive power as property and link it to an unbalanced relation between subjectivities. The chapter conceived these agreements as an illustration of how in an intellectual and political field defined by the regular practice of introducing new calls to rethink theoretical foundations or political practice itself, there seem to be no attempts to question this shared understanding of objectivity, knowledge and the relation between subjectivity and reality.

Next, the chapter problematized these four assumptions and introduced an alternative theory of knowledge to understand racism and racial discrimination. This critical scrutiny and proposal relied on five theoretical sources: the main theses of the Marburg Neo-Kantian school regarding the theory of objective validity and the idea of the given, Michel Foucault's work on discourse, power, and subjectivity, Quentin Skinner's critique to the History of Ideas approach, Vanita Seth's critical stance on the new trends to historize racism and Ian Hacking's theory on the making of people. Specifically, the section discussed three arguments: first, that racism and racial discrimination are established through discursive practices instead of reflected in discourse; second, that anti-racism's problematizations are not reactive but have a

constitutive power; and third, that anti-racism's discursive practices shape the subjectivities anti-racism talks about.

Concerning the first argument, using the Marburg Neo-Kantian school approach, the chapter analyzed how the cognitive acts that seek to explain racism do not reflect what racism is. They instead objectify it by dissolving the concreteness, manifoldness, and plurality of phenomena through their reorganization and constitution in an independent epistemic unity. Moreover, the chapter proposed the replacement of the idea of truth as referred to the knowledge/judgment that accurately represents/copies the object (racism) by the conception that truth becomes possible in the processes of objectification that allow us to move from appearance to reality and speak about racism and racial discrimination as independent objects. Finally, the chapter discussed how the refusal to understand racism and racial discrimination as pre-conceptual or introspectively available makes the existence of a subject that confirms their existence and scrutinizes their nature irrelevant.

Regarding the second argument, this time using Michel Foucault's theoretical perspective, I embraced the concept of discourse to make sense of both the conditions of possibility of the constitution of racism and racial discrimination (identification, naming, framing, analysis and explanation of its emergence and logic, phenomenology and ontology, history and consequences, and related subjectivities) and the processes that seek to stabilize them as objects of knowledge and intervention/regulation. My approach to the notion of discourse sought to take distance from the mainstream conception in anti-racism politics that sees the multiple approaches to racism and racial discrimination as a mere reaction to a "reality" that is already constituted. Instead, I argued that the emergence and existence of racism and racial discrimination are related to developing a set of manifold discursive practices that name them, establish the rules to spot them, explain them, reveal their inner truth and stabilize them as objects of knowledge and action. In other words, I claimed that racism and racial discrimination emerge and become stabilized in discourse rather than reflected and rationalized in discourse.

Furthermore, following Foucault again, I understood the discourse on racism and racial discrimination as a system of dispersion rather than a system of convergence. Understanding this discourse in terms of dispersion helped me discuss the

insurmountable difficulty of consolidating a sustainable grand theory of racism and racial discrimination. In particular, it provided a different explanation for the difficulty of agreeing upon a set of clear criteria for what constitutes racism and racial discrimination without associating this challenge either with the complexity and mutability of racism and racial discrimination or the cognitive failures of those who seek to explain them. Mainly, I described the discourse on racism and racial discrimination as a system that does not objectify them once and for all. Instead, I conceived it as a system that produces a multiplicity of statements, objects and conceptual and theoretical choices that appear, disappear or juxtapose and transform. This position entailed the perception of the discourse on racism and racial discrimination as a field opened to incompatible and even opposed strategies, irreconcilable understandings and principles of organization, inclusion and exclusion, emphases and obliterations, and dispersed points of conceptual and theoretical choice.

Chapter 1 presented two final arguments. First, it stated that the subjectivities that anti-racism politics recognizes (racists, victims of racism, and anti-racists) are not given but are one of the prime effects of the constitutive power of the discourse on racism. Put differently, I identified the discourse on racism as the condition of possibility for the constitution of certain dispersed bodies, existences, experiences, gestures, intentions, interests, attitudes and desires as, variously, racists, victims of racism, and anti-racists. Second, the chapter considered it critical to renounce the tradition in mainstream anti-racism politics that represents power exclusively as a privilege acquired or preserved by a ruling sovereign who is antagonistic to knowledge. Accordingly, I supported the Foucauldian stance that power is exercised rather than possessed and the idea that power and knowledge directly involve each other.

Chapter 2 focused on the argument that racism emerges and becomes stabilized rather than reflected and rationalized in discourse. The chapter established a comparison between Humanitarianism and anti-racism to support that argument. I selected Humanitarianism as a case study because this mobilization took place during a historical period in which all the elements that triggered anti-racism as a mobilization, decades later, were in their purest form. Taking the papers presented in the First Universal Races Congress as the main object of analysis, the chapter examined how Humanitarianism

used the idea of *interracial problems* to label some doctrines, beliefs, sentiments, practices, and legal, political and social arrangements as social wrongs, and to define courses of action. In so doing, it sought to determine whether the idea of *interracial problems* and the realities it objectified were interchangeable with the realities anti-racism has addressed through the usage of the term racism. In concrete terms, it discussed how, although Humanitarians and anti-racists confronted problems that in appearance resemble each other, the former problematized reality in a way that does not fulfill the requirement of reasonable and indisputable equivalence with the interrogations and critiques that anti-racists developed decades later. The chapter did not attribute this difference to the Humanitarians' false consciousness or epistemic immaturity but to the discursive differences between these two mobilizations. The cognizing and problematizing acts that these discursive formations activated made phenomena lose their concreteness, manifoldness, and plurality in different ways. Stated otherwise, each one produced different objectifications or distinctive accounts of what could be regarded as identifiable and targetable as objects of conversations, thought, and mobilization.

This case study helped me show that the way Humanitarianism organized its statements, conceptual frames, theoretical and thematic choices, and called for concrete actions does not endorse the belief in the material determinedness of racism. Specifically, it led me to argue that in the absence of discursive practices that constitute racism as a thing in its own epistemic right, or something that we can speak about, think about, know thoroughly and act on, racism does not become a self-evident reality.

Chapter 3 explored how the phenomenological and ontological shifts of racial discrimination as a thing were an outcome of discursive transitions rather than changes in the givenness of reality. Taking the Cuban Government's reports to the International Committee on the Elimination of Racial Discrimination as a case of analysis, the chapter paid particular attention to how these shifts are linked to the emergence, transformation, diversification, juxtaposition, and replacement/disappearance of discursive practices. In particular, I examined how the international politics of racial discrimination did not objectify racial discrimination once and for all but produced accounts that appeared, juxtaposed and transformed or disappeared.

Likewise, the chapter critically interrogated the practice of historicizing racial

discrimination as the uncovering of a continuous progression, whether of social phenomena or the processes of knowing them. Specifically, the chapter examined the transition between two models of identifying, naming, and speaking about racial discrimination and organizing calls to action to eradicate it. My focus was to show how the changes in making sense of racial discrimination in the international arena were not a result of a transformation of racial discrimination as a social phenomenon or an improvement in its understanding. The change, instead, was an outcome of the emergence of new discursive regularities that either redefined or replaced previous statements and conceptual and theoretical choices used to frame racial discrimination as an object of knowledge and intervention.

Chapter 4 discussed the idea of subjectivity. Using the Afro-descendants as a case study, the chapter critically interrogated the well-established stance in anti-racist politics that subjectivity is given and linked to the place individuals occupy regarding racism: as authors/perpetrators (racists), as sufferers (victims of racism) and as contestants (anti-racists). Taking distance from this established position, the chapter examined subjectivity as one of the prime effects of the constitutive power of discourse. Specifically, I discussed how human rights politics provided the conditions of possibility for the constitution of certain dispersed bodies, existences, experiences, gestures, intentions, interests, attitudes and desires in Afrodescendants. Moreover, the chapter described how those politics created the conditions of possibility to “overcome” the concreteness of multiple experiences and existence by grouping them into distinguishable units distributed in discrete assemblies of non-interchangeable qualities and attributes. In short, the chapter discussed how, without the intervention of the discourse on racism and the factual repertoire it activates, the subjectivities that anti-racism commonly addresses become epistemologically unintelligible and therefore unsustainable.

It is crucial to emphasize, once again, that the theoretical stance I have proposed in this dissertation does not question the facticity of phenomena and appearances per se. The multiple doctrines, social structures, individual, group and institutional behaviours, attitudes and actions we recognize as part of the phenomenology of racism and racial discrimination are verifiable. What my approach suggests is that these phenomena are not given as racist/discriminatory themselves but rather become self-evidently

racist/discriminatory when they become facts of discourse, or, said otherwise, it is only through the emergence and consolidation of the discourse on racism and racial discrimination that those phenomena become intelligible as inherent manifestations of racism and racial discrimination.

It is equally important to clarify that the argument that racism and racial discrimination are an outcome of discursive practices does not mean that anti-racism constitutes racism and racial discrimination from a position of pure agency. Nor does it imply the presence of a transcendental subject that objectifies racism and racial discrimination in a coordinated, cohesive and intentional way. Anti-racism does not invent or create racism and racial discrimination. Neither are they an outcome of an ideological stance. Instead, anti-racism establishes the conditions of possibility for the constitution of dispersed phenomena into “something” that can be spotted, named, defined, known and intervened in. However, as I showed in the previous chapters, the objectification of that “something” occurs in dispersed ways through a multiplicity of statements, conceptual frames, themes and theories resulting from the operation of multiple subject positions/statuses/sites. In short, the discursive practices that make racism and racial discrimination possible as things that can be spotted, known and intervened in are a result of statements, conceptual and theoretical choices, and modalities of enunciation or subject statuses, positions and institutional sites that are not necessarily coordinated, unified, or that cohere in a single rational project or strive toward a single goal.

Recognizing this lack of coordination, unity, and cohesion entails acknowledging that there is no transcendental and unified subject behind the production of the discourse on racism and racial discrimination. Furthermore, the assertion that there is no transcendental and unified subject behind the production of the discourse on racism and racial discrimination is also helpful in explaining the difficulty of agreeing upon clear criteria for what constitutes racism and racial discrimination.

A final point that I must revisit is the potential epistemological and political challenges this approach could face. The opening chapter of this dissertation discussed how the endorsement this thesis makes of the Marburg School theory of knowledge and the Foucauldian theory of discourse, subjectivity and power could face four potential

epistemic criticisms: First, this approach is at risk of overlooking that the processes created in thought could be interpreted as another manifestation of the given. Second, this understanding of racism and racial discrimination does not reflect but constitutes the reality it claims to describe. Third, this stance may inadvertently re-enact the subject-object binary. Fourth, and finally, this way of depicting racism and racial discrimination is nothing more than another attempt to decipher the ultimate truth of racism or be more trustworthy.

From a political point of view, my approach could receive three potential criticisms. First, it could be perceived as lacking political purpose since it conceives racism and racial discrimination as nothing but a discursive effect of anti-racism. A second possible critique is that this stance depoliticizes power and overlooks concrete and historically documented relationships of domination between tangible subjects and widely proven interests, intentions, and privileges. Third, this understanding of racism and racial discrimination may be accused of inadvertently preserving supremacist arrangements by offering racists another argument favouring the non-givenness of racism and racial discrimination.

Concerning the epistemological critiques, I clarified that this approach does not explain what racism and racial discrimination are. Instead, it inquires about how claims of truth about racism and racial discrimination are made, the epistemic validity of these claims preserved, and their objectivity constituted. Furthermore, I explained that this stance is not focused on assessing what causes racism but on determining how, in certain circumstances, some cognitive/discursive practices become successful in objectifying racism and racial discrimination better than others. Regarding the second criticism, the stance I have proposed openly treats the relations between truths created in discourse as an *a priori*. The way I question the given only refers to the givenness of natural realities or things in themselves that pre-exist discourse. Third, I am fully aware of my approach's constitutive or objectifying condition. Precisely this condition serves as an exemplification of the argument that objectification materializes through cognitive or discursive practices. Fourth, in response to the subject/object criticism, my stance does not presuppose the existence of a transcendental subject but only the circumstantial convergence of statements, conceptual frames, and thematic and theoretical choices that

ensure the unity of several appearances in a particular or same object, namely, the discursive processes involved in the constitution of racism.

In chapter 1, I also addressed the potential political criticisms listed above. I first clarified that my understanding of racism and racial discrimination does not seek to undermine the purpose of political mobilization. Instead, it draws attention to the links of dependency between anti-racism politics and racism and racial discrimination as realities that emerge in discourse. Specifically, this model shows how the realities objectified in discourse create the conditions of possibility for political mobilization and, in particular, inform its motivations, strategies, and courses of action. Furthermore, this link between politics and discourse does not mean that political mobilization is only a passive articulation of discourse. Instead, the former also contributes to the constitution and sustainability of discourse by structuring and stabilizing particular objects of knowledge, subjectivities, strategies of social intervention, the systematization of enunciations, and the formalization of concepts and theories. Chapters 3 and 4 of this dissertation illustrated this point.

Regarding the critique that my stance could depoliticize the concept of power, it is more accurate to say that it redefines the meaning of what we could identify as political by expanding the concept of power to include a dimension that anti-racism has considered foreign to it, namely, the constitutive power of knowledge. This re-signification of the political does not entail a denial of the repressive functions of power; instead, it expands the meaning of power by complementing its repressive connotation with a productive one, which comprises the capacity to constitute, among other things, fields of knowledge, and mechanisms to determine objectivity, factuality, subjectivities, and systems of causality. In other words, this approach does not advocate for stopping the scrutiny of concrete relations between parties; instead, it proposes to pay attention to the constitution, production, accumulation, circulation, and functioning of the regimes of truth that seek to expose, characterize, and explain those relations as manifestations of racism, in particular, racist domination, exclusion, and differentiated treatment.

Previously, I also presented two arguments in response to the point that my proposed approach could be complicit with those who oppose anti-racism. On the one hand, in my stance, racism and racial discrimination are not a mere illusion or the

whimsical creation of a transcendental subject, but something we can speak and think about, know and act on thanks to complex processes of objectification. Moreover, once discursively constituted, racism and racial discrimination have material and existential consequences. In short, this approach does not deny the existence of racism and racial discrimination; it avoids replicating empiricist, positivist, and realist approaches that conceive them as pre-conceptual *a priori*. On the other hand, I clarified that I was aware that this dissertation's approach is not free from the risk of misappropriation. I also explained that regardless of their original intentions, theories could be rethought and redefined politically and epistemologically to fulfill purposes and goals that are against their original intent. The response to this political and epistemic hazard is to use every venue to clarify the original intent of this approach and critically contest ill-motivated interpretations and misuses as much as possible.

Now is the time to return to crucial questions: what is the benefit of this theoretical model? In other words, what do we gain by admitting ideas such as that racism and racial discrimination are an outcome of discursive practices or by accepting that the subjects that anti-racism identifies are an effect of the constitutive power of discourse? Furthermore, what are the theoretical and political consequences of adopting this approach?

The stance this dissertation has discussed gives us elements to become self-reflective about the problematizing strategies we use when we think, talk about and act against racism and racial discrimination. One of the most important contributions of this approach is, precisely, that it brings awareness of the constitutive power of both knowledge and the ways we problematize phenomena. Specifically, it opens the door to survey the projects of reality-building involved around the concepts of racism and racial discrimination, particularly the divergences and confluences between different paths to identify, define, scrutinize, and conceive remedies against them.

Furthermore, this approach opens the possibility for exploring the epistemic processes that play a role in defining what phenomena we take into account and which ones are overlooked or even silenced in a specific context or period. It is equally helpful to explore the genealogy of how those involved in anti-racism determine what causalities are considered plausible, what kind of mobilizations become necessary and which ones

should be prevented, and what kind of social remedies are considered logical or illogical, inevitable and necessary or superfluous. This understanding also could help us make sense of the processes of reification, through which historically situated discursive formations become treated as something other than socially created products.

No less important is that by moving from givenness to cognition/discourse, this model offers a plausible rationale for addressing aspects such as the “resilience” of racism and racial discrimination, their “dynamic” condition, and the failure to create a gold standard to explain them efficiently once and for all. In particular, it facilitates understanding those features as a consequence of the inherent singularities of objectification processes rather than the nature of racism and racial discrimination as given things.

My stance also provides a rationale for understanding how racism and racial discrimination are open to re-signification and appropriation. As I discussed in the introduction of this dissertation, in the last three decades, supremacist, nationalists and far-right movements have appropriated and re-signified some of the concepts, theoretical choices and strategies anti-racist mobilization has created. Commonly, we explain those appropriations and re-significations as the reaction of dominant groups who see their hegemony under threat. Although this political explanation can help us understand the motivations behind these actions, it barely offers insights into how concepts, strategies and theoretical choices can become appropriable or re-signifiable by those who those very concepts, strategies, and theoretical choices have sought to criticize.

We can only make sense of these processes by inquiring into the epistemological conditions that make it possible to speak, think, and act about and against racism and racial discrimination. For instance, we should consider the formation of concepts and theories and their genealogy. In other words, the best way to approach these appropriations and re-significations is by analyzing how theoretical and conceptual choices come into existence, transform, are subject to revision, ramify, and are always open to change. Said otherwise, an epistemological explanation will give us a better understanding of how, from their very inception, conceptual and theoretical choices and their constitutive properties are always open to appropriation and re-signification (Gordon, 2012: 4). The stance I propose opens the door for analyses of this nature.

Regarding its consequences, my approach makes anti-racism one of the key variables when analyzing racism and racial discrimination. The positioning of anti-racism at the centre entails seeing it as constitutive rather than reactive and considering its epistemic choices, interactions, boundaries and modalities of enunciation as crucial dimensions in how racism and racial discrimination come to be something we can speak of and think about. Third, this stance gives epistemology a crucial role in a conversation that usually focuses on politics. Epistemology here shapes and provides the frame where the political becomes possible. Finally, it brings awareness regarding the precarious condition of our objectification processes. In more concrete terms, this understanding of racism and racial discrimination shows that there is nothing inevitable in how we have objectified them. The only factors that guarantee their existence as objects of knowledge and intervention are the discursive practices that dissolve the concreteness, manifoldness, and plurality of phenomena through their reorganization and constitution in an independent epistemic unity. In the absence of these discursive practices, racism and racial discrimination become unintelligible and collapse as realities whose tangibility is self-evident.

Paraphrasing Quentin Skinner, my approach shows the extent to which understandings that we accept as "timeless" truths may, in fact, be the merest contingencies of our discursive frames. Indeed, it emphasizes that there are no immanent realities we reveal through timeless concepts but only discursive practices that generate transient realities. As Skinner pointed out, this insight leads us to be aware of "the distinction between what is necessary and what is the product merely of our own contingent arrangements" (Skinner, 1969: 53). This learning is simultaneously emancipatory and humbling since it deflates any illusion of developing total and definitive knowledge about realities that await to be discovered.

Needless to say, the analyses this dissertation has provided are not exhaustive. Nothing is more foreign to my approach than providing definitive answers or paths. It won't be difficult to see that my arguments open up several theoretical topics for inquiry and development. Although this is not the place to provide a complete list of these topics, I would like to address two that complement the theses I have proposed.

On the one hand, this dissertation has focused on discursive practices in forums

purposely organized to discuss racism and racial discrimination as objects of knowledge and intervention. Although this emphasis has been necessary to explore discursive formations in their most intellectual articulations, it does not exhaust all possible instances where these formations materialize. One of these instances is everyday life situations. Future research could, for instance, concern itself with how racism and racial discrimination are constituted discursively in everyday life settings. This inquiry may cover the circulation of statements and modes of enunciation, the conceptual and theoretical choices available and embraced, and the definition of courses of action that take place in ordinary circumstances. This exploration of everyday life's world would help clarify the foundations of objectification processes that constitute knowledge of racism and racial discrimination at the common-sense level.

On the other hand, this dissertation has recognized that the discourse on racism and racial discrimination is a system of dispersion that accommodates the coexistence of heterogeneous and not necessarily harmonious statements and conceptual and theoretical choices. However, despite acknowledging that the discourse on racism and racial discrimination is loosely coordinated and does not produce outcomes free of tension or inconsistencies, the approach adopted in this dissertation has only paid attention to processes that entail the use of reason, regardless of how inconsistent or non-harmonious they are.

A theoretical path that would be interesting to explore is focusing on affective and value-based dimensions that play a role in the discursive constitution of reality. In other words, going beyond the rational layer, this interrogation could survey how the axiological and emotional/affective layers play a role in the constitution of racism and racial discrimination as objects of knowledge and intervention. Such an approach could address threads that do not presuppose a rationally articulated relation to the world. For instance, instead of exclusively paying attention to conceptual and theoretical choices, it would emphasize the relevance of affective, emotional, and value-based choices in the processes of objectification of racism and racial discrimination. Equally important would be to explore those elements in their lack of unity, blended interactions, and sometimes competitive and conflicting relations.

The analysis of the theory of knowledge at the foundation of anti-racist politics has

been long overdue. These pages have sought to defamiliarize the way we think, speak and mobilize against racism and racial discrimination by addressing that silence. In this respect, I have honoured the sociological tradition committed “to render the familiar strange.” My stance has critically interrogated the theory of knowledge that has become the inevitable means of interpretation and conceptual and theoretical over-determination in anti-racism politics. In so doing, I have extended an invitation to reconsider and perhaps abandon entrenched ways of thinking. I understand the uneasiness of leaving what is usual, and I have tried to offer an alternative. I do not expect an immediate endorsement of my heterodox ideas. My only hope is to fuel enough curiosity to raise new and more insightful questions.

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