

Comparative Racialization: From Subjugation to Resistance and Remedy

This foreword introduces a consortium of articles and essays that emerged from the 2007 South-North Exchange on Theory, Culture and Law, which was held in Rio de Janeiro, Brazil. The annual three-day encounter, entitled Race and Color Across the Americas: Comparative Constructions of Racial and Ethnic Subjugation.¹ The focus of the exchange was to examine the extent to which race and color inform and create social, economic and political realities and inequalities in the U.S., Latin America and the Caribbean; to compare and interrogate established paradigms of racialized realities—specifically color discrimination in the Southern hemisphere and racial discrimination in the Northern hemisphere. The conference provided a dynamic exchange of ideas on the topics of race and color between leading international scholars and researchers in the fields of Law, History, Social Science and Anthropology. The result culminated in this collection of articles and essays.

This consortium focuses first on how people are raced differently across the Americas and explores the texture, dimensions and substance of racial subjugation in a variety of contexts across the African Diaspora. In the first of three essays emphasizing this theme, Professor Ruth Gordon,² uses the tragedy known as Katrina and the pervasive characterization of its largely poor and Black American victims as “refugees,” to highlight similar racial imaging of poor and Black people residing in Third World countries. In her thoughtful piece, *Afro America and the Third World in the Wake of Hurricane Katrina*, she indicts racial subjugation as the common architect of both the conditions within which many in the Third World continue to struggle to survive and the delayed and deficient response to the Katrina survivors. Next, Professor Ana Paula da Silva’s³ article, *King Pele: Race, Professionalism and Football in Brazil*, presents the life and experiences of international soccer star, Pele, as a lens through which to examine the ways in which color and class produce symbiotic experiences that inform political, social and economic realities in Brazil. This section ends with Professor Vincene Verdun’s⁴ essay, *Subtle Racism in Everyday Talk: Were the Imus and Joe Biden Comments Racist?*, explores the ways in which race and its discriminatory uses are constructed by subtle and subconscious racialized expression in daily social interactions within the United States which, as she explains, reveal the character of the society and institutions within which they occur to be color-conscious rather than color-oblivious.

¹ This encounter was co-sponsored by LatCrit, Inc., Instituto Universitario de Pesquisas do Rio de Janeiro, Nucleo de Direitos Humanos & Departamento de Direito, Pontificia Universidade Catolica, and Instituto de Fiosofia e Ciencias Sociais, Universidade Federal do Rio de Janeiro and featured scholarly presentations and participation by professors, researchers, and students from the United States, Brasil, Puerto Rico, and several other Latin American and Caribbean countries engaged in the comparative project of contrasting the construction and consequences of racial and color-based identities and experiences in the U.S. and Brasil.

² Professor Ruth Gordon is a Professor of Law at Villanova University School of Law. BA, JD, New York University, LL.M., London School of Economics and Political Science.

³ Professor Ana Paula da Silva is an Assistant Professor at Centro Universitário Augusto Motta in Brazil.

⁴ Professor Vincene Verdun is an Associate Professor of Law and African-American and African Studies at Ohio State University.

The focus of this consortium then turns to an exploration of comparative personal and collective acts of resistance to racial subjugation by those who experience it. Moreover it is an examination of systemic, structural, rhetorical, and theoretical remedies to race-based oppression. It opens with Professor Robert Westley's⁵ article, *Can Affirmative Action and Reparations Co-exist*, in which he explores the divergent and convergent rhythms of the emergence and evolution of racial and color-derived identities in the United States and Brazil. He examines the extent to which "colorblindness" challenges and informs the theory inherent to both affirmative action and reparations, and offers a provocative interrogation of affirmative action and reparations as culturally and historically appropriate responses to racial and color-based discrimination in the two nations. The next piece, *All Things Being Equal: Affirmative Efforts to Eradicate Racial Inequality in the United States and Brazil*, authored by Professor Tanya Washington,⁶ uses a comparative lens to investigate the extent to which substantive inequality in both nations is attributable to normative whiteness and the light-to-dark hierarchy it produces. The article also examines the extent to which educational diversity focused affirmative action would be successful in Brazil, in light of Brazilian history and orientations toward the concept of difference.

Next, Denise da Silva⁷, in her piece *The End of Brazil: An Analysis of the Debate on Racial Equity on the Edges of Global Market Capitalism*, explores the extent to which the hegemony of liberal political grammar dictates responses to racial subjugation. She compares the conception of racial subjugation as a mechanism of exclusion to its conception as a mechanism of obliteration, and argues that the latter construct more accurately characterizes Brazilian race relations and captures the realities inherent to mass miscegenation in Brazil. Her article contrasts differences in the pathology of racism in Brazil and in the United States and its consequences in each country and urges Brazilian proponents of affirmative action to adopt practices and policies that reflect the unique qualities and character of racial subjugation that define the Brazilian experience. The consortium ends with Professor Seth Racusen's⁸ article, *Identity and Brazilian Affirmative Action*, which considers the challenges inherent in defining the class of beneficiaries, in full view of Brazil's fusionist racial character. Professor Racusen's article proposes a limiting principle that will allow Brazil to target those who have experienced the effects of past and continuing racial discrimination, which is informed by an appreciation of race in Brazil as social, relational and contextual in nature.

This consortium of articles and essays pulls from the broader tapestry of themes explored at the 2007 SNX symposium and, read together, offers a rich comparative discourse on the racial experience, racial subjugation, and the feasibility of reparative and equity-based methods of responding to racialized realities.

⁵ Professor Robert Wesley is a Professor of Law at Tulane Law School.

⁶ Professor Washington is an Associate Professor of Law at Georgia State University College of Law.

⁷ Denise da Silva is an Associate Professor at San Francisco University.

⁸ Associate Professor of Political Science and Criminal Justice, Anna Maria College.