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David Theo Goldberg

Discourse and Identity

The intertwining of personal and social identity is fashioned significantly in terms of the conceptual order prevailing at given historical moments. How we comprehend others and conceive our social relations and how we thus come dialectically to some sort of self-understanding are molded by concepts central to the dominant socio-discursive scheme. The social formation of the subject involves, in large part, thinking (of) oneself in terms of—literally as—the image projected in prevailing concepts of the discursive order. These concepts incorporate norms of behavior, rules of interaction, and principles of social organization. The values inherent in these norms, rules, and principles exercise themselves upon individual and social being as they are assumed, molded, indeed sometimes transformed in their individual and social articulation.

Thus the social (self-)conception of the subject is mediated, if not quite absolutely cemented, by the set of discursive practices and the values embedded in them. It is not just that the fact of discourse defines our species as meaning-making, as both pro-

ducer and product of these meanings and their embedded values, but that particular conceptual systems signify in specific ways, encode values that shape thought in giving voice, even silently, to their speakers. Dominant discourses—those that in the social relations of power at a given moment come to assume authority and confer status—reflect the material relations that render them dominant. But (and, more significantly, for the purposes of my unfolding argument) they articulate these relations, conceptualize them, give them form, express their otherwise unarticulated and yet inarticulate values. This capacity to name the social condition, to define it, to render it not merely meaningful but actually conceivable or in short comprehensible, at once constitutes power over the condition, to determine after all what it is (or is not), to define its limits. To control the conceptual scheme then is to command one's world.

If language is now widely taken as the primary vehicle of conception, then discourse is the mode of communicative practice that enables its effectivity. And though it is dominant practices that will obviously be most effective, they need not always determine the entire social structure. For if they did there could be no space, conceptually speaking, for resistance. Such a pessimistic picture flies in the face of vast historical counterevidence.

Conceptual command can never be exhaustive; what Bourdieu and Passeron (4) refer to as the hegemony of symbolic violence is seldom complete. Conceptual hegemony turns not only upon the totally imposed order of terms in defining the social subject, but also upon the subject's acceptance of the terms as her own in self-definition and conception. And in the shift from imposition to self-interpretation, received terms are rarely if ever entirely synonymous with self-assumed ones. Resistance is not simply a "material" undertaking: indeed, what is traditionally marked as material resistance is probably impossible—again, inconceivable?—without discursive counteraction. For conceptual counteraction is necessary, at the very least, to conceiving the ordered imposition of the terms of social subjectivity as symbolic violence, necessary to *seeing* the given conditions of subjectivity as domination, as subjectification. To command change of one's world one needs first of course to understand it, basically to apprehend that change is needed.

Discursive counteraction may assume various forms. In gen-

eral we can distinguish between changes *within* a discourse and changes *of* a discourse. The former involve more local changes in some constitutive feature or element of the discourse; the latter shift from one discourse or discursive formation to another. Countering elements within a discourse may involve substituting a new term for some standard one local to the discourse, or assigning new meaning to an established term. But it may also involve conscious disavowal of grammatical or phonetic or conversational conventions, flying in the face of communicative fashion. One may choose to use the singular form of the verb with a plural pronoun as a pointed instance of resistant solidarity, to accent some basic term so as to establish distance from received usage, to speak simply or elliptically or loudly or casually where convention would have one do otherwise (Grillo 160–61, 179). To change a discourse obviously requires more fundamental shifts, shifts in whole ways of worldmaking. Changes within a discourse might add up to basic changes, though predicting such transformations is risky business. Switches in one strand might well prompt changes in other strands of the web of belief. Such domino changes may be prompted by a concern to preserve conceptual consistency, or by functionalist considerations where systemic changes will enable things to work better. For example, a discursive shift from communism to capitalism as a legitimating economic doctrine (it wasn't so long ago that many took the reverse shift for granted) will prompt both conceptual and material changes at the social, political, legal, and cultural levels, just as changes in the latter terms will affect the former. And the combined effects of this nexus of alterations will simultaneously prompt and turn upon transformations in the ways agents are conceived subject to the new discursive order, and how they come to see themselves.¹

It is not unusual to identify a small set of very fundamental changes of discourse, of worldview and self-image, in the Western tradition: from classical to Christian; from the doctrinal philosophy of an agrarian age—the closed world—to the “evidence-revering epistemology” of the scientific—the infinite universe (Gellner 79; Koyré); from the industrial and utilitarian nineteenth century to the atomic and electronic twentieth. Each of these shifts involved a range of complex relations. They did not come all of a piece but were staggered. So the change from a predominantly bodily form of discipline, from overt violence and brutal-

ity to technologies of surveillance and internalized constraint (“the anguish of responsibility”) identified so dramatically by Foucault in *Discipline and Punish* is made possible as he says by the emergence of the gaze of scientific epistemology, yet is at once a cornerstone of the modern bureaucratic *Weltanschauung*.² The more local but large shifts within these discursive orders—for example, from early to late medieval, from the age of doubt to that of egalitarian enlightenment and emancipatory revolution, or from the certitude of Newtonian mechanics to the relativity of Einstein’s general theory and the randomness of quantum—may themselves constitute smaller discursive fields. The sum total of these intradiscursive shifts could add up to or prompt transdiscursive alterations. By contrast, very general concepts can stretch across any number of discursive orders, acquiring new interpretations as they assume the values inherent within each, waxing and waning in strength across the stretch of time. The “great chain of being” seems a case in point. The more general the expression the more malleable and pliant it may be, but also the more susceptible to practical manipulation. To begin to show just this underlies the general task I have set myself here in mapping the moral cultures of race.

Morality and Subjectivity

To begin to see that *race* has been and more subtly remains a chameleonic and theoretically parasitic notion consider its relation to the primary concepts in our tradition of moral discourse. Contemporary moral theorists in the liberal tradition (traced back to Hobbes and Kant) now insist that *race* is “a morally irrelevant category.” A morally irrelevant difference between persons is one which they cannot help, for which they thus cannot be held responsible. To count as relevant the persons in question must have had “a fair opportunity to acquire or avoid [the property or capacity]” (Feinberg 103). The property or capacity, in other words, must have been earned. Accordingly, it is basic to the dominant portrait of social identity in modernity that moral subjects must avoid choices that appeal to “those contingencies [like race] which set men at odds and allow them to be guided by their prejudices” (Rawls 19).

Now this picture must surely represent the experience of race only *ideally*. For otherwise the overwhelming historical record of moral appeals to race, appeals by the greatest figures in the liberal tradition, can only imply that morality is irrelevant, that in the case of race it has no force. Instead of denying this history, of hiding it behind some idealized, self-promoting, yet practically ineffectual dismissal of *race* as a moral category, we might better confront just what it is about the notion of race that since the sixteenth century has both constituted its hold on social relations and prompted thinkers silently to frame their conceptions of morality in its terms.

Moral notions tend to be basic to each socio-discursive order for they are crucial in defining the interactive ways social subjects see others and conceive (of) themselves. Social relations are constitutive of personal and social identity, and a central part of the order of such relations is the perceived need for subjects to give an account of their actions. These accounts may assume the bare form of explanation, but they usually tend more imperatively to legitimate or to justify acts (to ourselves or others). Morality is the scene of this legitimation and justification.

Philosophical reflections on the ethical have sought to reconstruct the principles underlying popular moral conceptions while at once furnishing idealized rational principles to guide individual behavior and social relations. In this way, moral theory has served as both mirror and counsel. The kinds of person embodying the respective historical conjunctures are fleshed out, given content, and by extension value, in terms of these moral concepts. The primary examples in the Western philosophical tradition have been well documented: *virtue* as central to classical social identity; *evil* or *sin* as basic to medieval Christianity; *autonomy* and *obligation* as defining morality in the Enlightenment shift from Christian to secular ethics; *utility* as the primary concern of the emerging nineteenth-century bureaucratic technocracy; and *rights* as definitive of the contemporary insistence upon the autonomous and atomic individual (MacIntyre, *After Virtue* 62–78).

Moral discourse has both reflected and refined social relations, centrally defining changed images of social subjectivity across time and place. Indeed, the differences between these images are suggested by the syntax of their basic terms: we are

virtuous; we sin; we have obligations; we bring about or effect utility; we are the bearers of rights.³ Historically dominant pictures of moral nature have been keys in forming both social self-conception and the figure of the Other: what each agent at a given conjuncture could be, expect, and achieve. And the forms of exclusion each enables are perfectly general. Insofar as they exclude at all, they may do so in terms of varying forms of related group membership: class, ethnicity, gender, national or religious affiliation. The form I am centrally interested in here is racial. My concern is to see how in fact racial exclusions have been effected, what their relations are to these other forms of exclusion, how they have been legitimated and may disturbingly be justified in terms of the historically prevailing conception of moral subjectivity.

Race, Morality, and Subjectivity

The first thing to notice is that *race* is a morally irrelevant category in the Greek social formation but on empirical grounds not normative ones. There are no exactly *racial* exclusions in the classical Greek social formation, for there is no racial conception of the social subject. And while things are more complex, I want to suggest that this is also the case for the medieval experience. The word *race* is sometimes used in translation of classical and medieval texts, but the term translated is almost invariably *species* and what is intended is not “race” but “peoples” or “man” generically.⁴ I do not mean to deny that discriminatory exclusions were both common and commonly rationalized in various ways in Greek and medieval society, only that these exclusions and their various rationalizations did not assume racialized form. The concept of *race* enters European social consciousness more or less explicitly in the fifteenth century. While the first recorded reference to the notion of Europe as a collective “we” is in papal letters of the mid-fifteenth century, the first recorded English usage of *race* occurs in 1508. It is only from this point on that social differentiation begins increasingly to take on a specifically racial sense. Not only did the Greeks have no concept for racial identification, strictly speaking they had no conception of race. There is

considerable evidence of ethnocentric and xenophobic discrimination in Greek texts, of claims to *cultural* superiority, yet little evidence that these claimed inequalities were generally considered to be determined biologically (Hall ix). In the absence of both the term and the conception, the social sense of self and other can hardly be said to be racially conceived, nor can the social formation be one properly considered racist.

The primary objects of Greek discrimination and exclusion were slaves and barbarians, indeed, relatedly so. (Significantly, women were conceived in representational terms not dissimilar to slaves and barbarians.) As a general category of discriminatory socio-legal exclusion, “barbarianism” was the invention of fifth-century Hellenism. A barbarian possessed emphatically different, even strange language, conduct, and culture, and lacked the cardinal virtues of wisdom, courage, temperance, and justice. The principal distinction was political. Hellenic democracy was contrasted with barbarian despotism and tyranny. The democratic state alone was deemed a free one, the state where political relationships and distinctly human virtues could flourish. The polis, as the embodiment of democracy, was the state where citizens ruled themselves; that is, it was properly a political state in which subjection was ruled out. Stripped of self-determination, barbarianism was close to statelessness, then. The freedom of Hellenic citizenship was thus sharply contrasted with barbarian servility: virtually all slaves of the Athenian polis were barbarian (Hall 101–59). The distance from the increasingly racialized post-Renaissance political space and relations is most succinctly reflected in the fact that slaves in Greek society could be virtuous, possessing not the virtues of citizens, of course, but those defining service. As Aristotle noted in the *Politics* (1255a3–1255b15), slaves are slaves but are also human. Defined as barbarians, slaves perhaps are virtue-less; however, the role of slave entails virtues defining excellence embodied in it. This role, and its associated virtues, may be given by the order of things, either by its place in the cosmic hierarchy or in terms of the legally enforced political order.⁵ Accordingly, though barbarians were held to be inferior, this belief did not evolve out of the notion of biological determinism but was politically and culturally conceived. Yet this condition expresses the onset of the more general consideration that I wish to em-

phasize: namely, that discriminatory exclusions were principally effected in terms of the prevailing moral discourse—here in terms of the virtues. In short, these exclusions were authorized in the very name of the moral.

In medieval thought, by contrast, individuals and groups were conceived as the subjects of theological categories, and discriminatory characterization and exclusion came to serve a different order. A range of strange, exotic beings, often falling between the human and the animal, appears in medieval literature and art representations. These representations in part refer to and are influenced by mythological figures in early Western literature and art. But they were also tenuously imagined and invented on the basis of those observed as dramatically different both among themselves (for example, deformed births) and beyond the group. In the first century A.D., Pliny the Elder (who is thought to have died of asphyxiation in the volcanic destruction of Pompeii) constructed a catalog of these human and quasi-human figures that remained influential throughout the medieval period.⁶ The more extreme mythological and fabulous figures listed by Pliny include the Amyctyrae or “unsociable” who have lips protruding so far as to serve as sun umbrellas, Amazons or women who cut off their right breasts so as to shoot arrows more accurately, the Blemmyae or men in the deserts of Libya whose heads are literally on their chests, Giants, Hippopodes or “horse-footed” men, horned men, and so on. Pliny also listed those peoples whose identities were established on geographical or physical or cultural grounds. These included Albanians, Ethiopians, Pygmies, but also speechless, gesturing men, many types of hairy men and women, Troglodytes or cave-dwellers, Ichthiophagi or fish-eaters, “wife-givers,” and so on. Often, of course, peoples were constructed on the basis of some combination of these various categories (Friedman 9–15).

In general, the exotic peoples of the Middle Ages were referred to as *monstra* (monstrous). As the duality in Pliny’s catalog suggests, the category of *monstrum* was subject to two interpretations: on one hand, the prophetic but awful births of defective individuals and, on the other, strange and usually mythological people. Defective births were taken as an ominous sign of the destruction of celestial and earthly order. Observers were thus

overcome by awe, repulsion, and fear of the implied threat to spiritual life and the political state. This concern translated into vigorous debates about the proper treatment of strangers both in religious terms (could they be baptized and so saved as rational creatures having a soul) and in political terms (how are they to be treated juridically). Some insisted that human form is the mark of rationality and by extension of civil liberty, of the capacity to follow the law. Pygmies, for example, were deemed to represent a stage in the development of man, a step below humanity in the great chain of being, higher than apes but lacking true reason. True reason was thought to consist in the Aristotelian ability to formulate syllogisms and to derive conclusions from universals. Pygmies were considered capable only of speaking instinctively, from the perception of particulars, not from universals. They thus lacked the discipline of rationally controlling instinct and imagination. By contrast, others claimed that social custom is the mark of man, or that both ordinary and deviant humans could originate from the same parents and so share a common humanity. In this view humanity could be perceived more inclusively, though here too God's word would be imposed upon the unobliging, seemingly against their will (cf. Friedman 178–92).

This defining of humanity in relation to rationality clearly prefaces modernity's emphasis on rational capacity as a crucial differentia of racial groups. And the concern in medieval thought with rationally defined categories of inclusion and exclusion seems to mirror later racial categorizations. But while the medieval experience furnished models that modern racism would assume and transform according to its own lights, we need to proceed with care in labeling this medieval *racism*. As we have seen, there was no explicit category of race or of racial differentiation—no thinking, that is, of the subject in explicitly racial terms. More fundamentally, the place such exclusions occupy in medieval thought is very different from the space of racial thought in modernity. Late medieval experience was marked by increasing contact with peoples geographically, culturally, and seemingly physically different from people of familiar form. Over time, then, the Plinian categories grew increasingly empty: the folk monster of the earlier period was replaced by a new category, the *Savage Man*. This figure was pictured usually as naked, very hairy

though without facial or feet fur, ape-like but not an ape, carrying a large club or tree trunk (a version perhaps of what has become the contemporary cartoon character of the caveman dragging off a woman by her hair). The generic image of the savage represented violence, sexual license, a lack of civility and civilization, an absence of morality or any sense of it. Thus, with the psychological interiorizing of the moral space in late medieval thinking, the savage man comes to represent the wild man within—sin or lack of reason, the absence of discipline, culture, civilization, in a word, morality—that confronts each human being. The other that requires repression, denial, and disciplinary constraint was taken first and foremost to be the irrational other in us, and only by extension did it come to refer to those not ruled (or lacking the capacity to be so ruled) by the voice of Reason, the purveyor of the Natural Law. It follows that the primary forms of discrimination were against non-Christians or “infidels”: those subjects who were seen to fail in constraining themselves appropriately would either have discipline imposed upon them or would be excluded from God’s city. For example, the primary objection of medieval Christians to Islam was stated in theological terms—that is, in terms first of the absence of miracles from Muhammad’s experience in contrast with Christ’s, and second, in terms of the emphasis on the Trinity as basic to Christian theology and its denial in Islamic thought (Netton 24). Similar sorts of distinction were seen to define the differences between Christian and Jew. These doctrinal differences were taken in turn by medieval Christianity as signs of the cultural (or moral) incapacity of others to reap the fruits of salvation. In short, medieval exclusion and discrimination were religious at root, not racial.

If premodernity lacked any conception of the differences between human beings as racial, modernity comes increasingly to be defined by and through race. The shift from medieval premodernity to modernity is in part that shift from a religiously defined to a racially defined discourse of human identity and personhood. Medieval discourse has no catalog of racial groupings, no identification of individuals or groups (or animals for that matter) in terms of racial membership; by the late nineteenth century, on the other hand, Disraeli could declare without fanfare that “All is race” (*Tancred*). In three and a half centuries the world

had become a dramatically different place, and a central strand of that difference was the growing impression race made upon notions of human self-identity, and upon identification, both human and animal.

The influential classical ethnographers Pliny and Strabo had both thought the equatorial regions unfit for human habitation. This view crumbled in the late fifteenth century, first as West Africa was explored, conquered, and its peoples enslaved by the Spanish and Portuguese, and then as the “New World” was discovered, subjugated, and plundered. The sixteenth century thus marks the divide in the rise of race consciousness. Not only does the concept of race become explicitly and consciously applied, but one begins to see racial characterization emerging in art as much as in politico-philosophical and economic debates. Hieronymus Bosch’s provocative *Garden of Earthly Delights* (1500) ambivalently reflects the shift from religiously to racially conceived identity in his pictorial allusions to black devils. The eyelines of the numerous black figures throughout the three panels of the triptych are directed at no particular objects depicted within the work; the various groupings of white figures by contrast gaze explicitly, even quizzically, at the respective black figures, curious about “objects” seemingly so different yet at once enchanting and enticing. (Of course, the signification in Western metaphysics of evil as black and good as white is as old at least as Pythagoras, but the identification of this color symbolism with racial groupings is a mode only of modernity.) In 1492, the European year of discoveries (not only the Americas but also the southern tip of Africa, the Cape of Good Hope!), Antonio de Nebrija armed Isabella of Spain with the first grammar of a modern European language, expressly as an “instrument of empire,” the very mark of civilization (Hanke 8). The imperial force of language—colonizing minds, not just bodies and territory—was quickly realized. But the shift is most clearly captured in the unfolding debate in Spain over how to manage the spreading empire properly, a debate that assumed moral dimensions as much as it did economic, political, and legal ones.

The issue was defined almost at the outset of the drive to empire in terms of the conditions for a just war. In 1510, Aristotle’s doctrine of natural slavery in the *Politics* (Book PP) was first

suggested as a justification for applying force in Christianizing the Indians. The following year, a Dominican priest registered the first major public protest against Spanish treatment of the Indians. The seriousness with which the Spanish took their imperial mission in the Americas is revealed by the fact that this protest led almost immediately to the Laws of Burgos (1512) which regulated the conditions of Indian Christianization, labor, daily treatment (no beatings or whippings), and indeed reference (no names other than their proper ones were to be used, and explicitly to be called dog was forbidden). The signs of civil treatment were marked as much by the bounds of polite language as by limits on physical force. The contrasting positions with respect to Indian treatment and the vested interests they reflected were most clearly articulated in the remarkable debate of 1550 at Valladolid between Sepulveda and Las Casas over the justice of methods in extending empire.⁷

Sepulveda, a noted Aristotelian scholar who had translated the *Politics* into Latin, represented the interests of commerce and the conquistadores. New World Indians were widely portrayed, even by renowned Spanish humanists of the day, as a stupid and impoverished race, lacking culture, kindness, and most of all incapable of Christianity. For the Aristotelian in the sixteenth century, hierarchy was the definitive feature of the universe: domination of inferior by superior was considered a natural condition, and so of slaves by masters, of Indians—like monkeys—by men. Indians were portrayed as cannibalistic, as slavish in their habits, as engaging in barbarity and not just barbarian. A war against Indians and their subsequent enslavement were justified, therefore, upon the basis of their slavish disposition to obey, and in order to prevent their barbarism, and so to save from harm their innocent victims. But above all they were justified to enable the spread of the Christian Gospel. The “natural” European drive to conquer and enslave the racial Other assumed accordingly the force of a moral imperative. Yet, insofar as this imperative was still religiously defined and so required the annihilation of vast numbers for the sake of principle (to save but a single soul), Sepulveda’s view can be said in this sense quite properly to represent the dying Aristotelian order of the Middle Ages.

Las Casas, the Dominican missionary, by contrast and per-

haps ironically signals the beginning of a shift of discourse from the insistence upon religious principle to the modernist value of individual equality. The life of a single human being, one even of a different race, is more important than his or any other's salvation. Equality, not hierarchy, defines humanity: all—Christian as non-Christian, European as non-European, whatever their color or culture—are ruled, in the words of Las Casas, by the common “natural laws and rules of men.” This equality is ultimately the capacity of each to become Christian. Monogenic biological equality is reflected in a cultural univocity defined and represented by Christianity. The egalitarian conclusion is that Indians could not be enslaved. It must be stressed that this is the onset and not the high point of modernity, for it is the capacity to be Christianized that constitutes the egalitarian principle here, and the inherent resistance of peoples of Islam to Christianization was taken to “justify” their condemnation by Las Casas “as the veritable barbarian outcasts of all nations.”⁸

This debate marks the watershed in my periodization of modernity in another, perhaps more instructive sense, for both Sepulveda and Las Casas premised their positions upon the unquestioned racial difference between European, Indian, and Negro. Different “breeds” or “stocks” were taken to determine, as they were characterized by, differing traits, capacities, and dispositions. In this sense, the debate signals the onset of that peculiar configuration of social and natural qualities that is a mark of much racial thinking. However, the humanism of Las Casas's incipient egalitarianism was perhaps still less racial than it was religious, for it consisted in the capacity of the Indians to be Christianized even as Las Casas celebrated their racial difference.

By the seventeenth century, whatever tensions might have existed between the racial and the religious as modes of identity and identification had largely been resolved in favor of the former. Imperatives of European empire and expansion entailed territorial penetration, population regulation, and labor exploitation. The institution of racialized slave labor in spite of, indeed in the name of, Las Casas's Christian humanism seemed necessary for exploiting the natural resources offered by the new territories. Nevertheless, it is important to notice that slavery also turned fundamentally on the conception of indigenous peoples as a nat-

ural resource, as part of the spoils acquired in the victorious but “just” wars of colonial expansion. So though it is in part true that “[r]acial terms mirror the political process by which populations of whole continents were turned into providers of coerced surplus labor” (Wolf 380–81), any reductive account of racial categorization and subjugation should be rejected. For while slavery may be explained largely (though not nearly exhaustively) in economic terms, one must insist in asking why it was at this time that racial difference came to define fitness for enslavement, and why some kinds of racial difference rather than others. After all, strictly economic determinations should be indiscriminate in exploiting anyone capable of work. Racial definition and discourse, I am suggesting, have from their outset followed an independent set of logics, related to and intersecting with economic, political, legal, and cultural considerations to be sure, but with assumptions, concerns, projects, and goals that can be properly identified as their own.

Consider here John Locke’s philosophical reflections on “race,” slavery, property, the just war and their influence on the emerging Enlightenment. The opening sentence of Locke’s justly famous *First Treatise on Government* (published with the *Second Treatise* in 1689 but probably written in the early years of that decade) unmistakably rejects slavery or property in other persons as a justifiable state of civil society, rejects it interestingly as un-English and ungentlemanly. Human beings are free, and equally so, by virtue of equal endowment in and command by rationality. Many commentators have pointed out that Locke seems to contradict this repudiation of slavery in the name of liberty, equality, and rationality in both his comments on slavery in the *Second Treatise* and his practice as a colonial administrator. For in the *Second Treatise* (II, #22–24), Locke specifies the conditions under which he considers slavery justifiable: namely, for persons otherwise facing death, as in a just war when the captor may choose to delay the death of the captured by enslaving them. And as secretary to the Carolina Proprietors (South Carolina), Locke played a key role in drafting both that colony’s Fundamental Constitution of 1669 and the Instructions to Governor Nicholson of Virginia: the former considered citizens to “. . . have absolute power over [their] negro slaves” and the latter considered the enslavement of

Negroes justifiable because they were prisoners of a just war and had “forfeited [their] own Life . . . by some Act that deserves Death.” Locke considered the slave expeditions of the Royal Africa Company to be just wars in which the “Negroes” captured had forfeited their claim to life.⁹

Nevertheless, not only did Locke here commit no inconsistency, his view on this point reflects widely held European presuppositions about the nature of racial others and by extension about human subjectivity. First, it is a basic implication of Locke’s account that anyone behaving irrationally is to that degree a brute and should be treated as an animal or machine. Hence, rationality is a mark of human subjectivity and thus a necessary condition for being extended full moral treatment (*Two Treatises*, I, #58; II, #172). Rational capacity, in other words, sets the limit upon the natural equality of all those beings ordinarily taken to be human. To see that this really was Locke’s view, we need turn no further than to his epistemological essay (which was published in the same year as the *Two Treatises on Government*).

Locke’s empiricist anti-essentialism led him to reject the notion of properties essential to the constitution of any object. For essences, Locke substitutes the notion of a “nominally essential property,” that is, any contingent property of an object conventionally designated by speakers of a language to be essential. Any property in this sense can be so nominated, and choices are a function of speakers’ interests. For seventeenth-century English speakers, and for speakers of European languages in general, color was considered such a property of human beings, and on Locke’s view it was taken on grounds of empirical observation to be correlated with rational capacity. Thus, Locke could conclude that in formulating a concept of *man* for himself, an English boy would rationally fail to include Negroes (*Essay*, III, vi, #6; IV, vii, #6). It follows not only that Negroes could be held as chattel property; in their enslavement they could justifiably be treated as brutes and animals. Van Dyck’s *Henrietta of Lorraine* (1634) portrays a young black and garishly dressed slave boy gazing adoringly up at the tall, elegant, ghost-white mistress. Her mannered hand on his shoulder keeps him firmly in his place: behind, inferior, and subservient—the paradigm of European “Mother Country and [Negro] Child Colony” (Dabydeen 30–32).

Thus, Chomsky (92–93) and Bracken (250) are on firm ground in concluding that classical empiricism could offer no conceptual barrier to the rise of racism, that historically it “facilitated the articulation of racism.” Yet, because their concern is with criticizing empiricism in the name of rationalism, they too fail to notice an enduring and significant feature of the nature of race: the concept of *race* has served, and silently continues to serve, as a boundary constraint upon the applicability of moral principle. Once this is acknowledged, the critical concerns of Chomsky and Bracken can be seen to be too narrowly cast, for it is not only empiricism that has failed to furnish a “modest conceptual barrier” to the articulation of racism. The criticism tugs at the very heart of the Enlightenment’s rational spirit. The rational, hence autonomous and equal subjects of the Enlightenment project turn out, perhaps unsurprisingly, to be exclusively white, male, European, and bourgeois.

Locke is representative of the late seventeenth century, and not just of English empiricists at the time, in holding this set of assumptions about race. Locke’s influence upon the Enlightenment is pervasive, and is not just perceived in empiricists like Hume. Emphasis upon the autonomy and equality of rational subjects is a constitutive feature of eighteenth-century thought, though qualified by the sorts of racial limits on its extension that we have identified as a condition of Locke’s conception. This is not to endorse the error that empiricism is solely responsible for Enlightenment racial exclusion. The contemporaneous innatism of Leibniz’s rationalism, for example, is clearly reflected in his remark that “. . . the greater and better part of humanity gives testimony to these instincts [of conscience] . . . one would have to be as brutish as the American savages to approve their customs which are more cruel than those of wild animals” (I, ii, #17; I, i, #76 and #84). This should give pause to anyone accepting Bracken’s and Chomsky’s further claim that rationalism offers “a modest conceptual barrier to racism.” Empiricism encouraged the tabulation of perceivable differences between peoples and from these perceptions drew conclusions about their natural differences. Rationalism proposed initial innate distinctions (especially mental ones) to explain the perceived behavioral disparities. This contrast between Lockean empiricism and Leibnizean rationalism

on the nature of racialized subjectivity and the implications for the domain of the moral stands as a prototype of the contrast between the two great philosophical representatives of the Enlightenment, Hume and Kant, half a century later.

Subjugation perhaps properly defines the order of the Enlightenment: subjugation of nature by man's intellect, colonial control through physical and cultural domination, and economic superiority through mastery of the laws of the market. The confidence with which the culture of the West approached the world to appropriate it is reflected in the constructs of science, industry, and empire that foremostly represent the wealth of the period. This "recovery of nerve," as Gay (8) aptly calls it, was partly a product of the disintegration of customary social hierarchies and their replacement by egalitarian sentiment. This recovered confidence was both expressed in, and a consequence of, the epistemological drive to name the emergent set of conditions, to analyze, catalog, and map them (Gay 8; Kiernan 86–116). The scientific catalog of racial otherness, the variety of racial alien, was a principal product of this period.

The emergence of independent scientific domains of anthropology and biology in the Enlightenment defined a classificatory order of racial groupings—subspecies of *Homo sapiens*—along correlated physical and cultural matrices. Enlightenment thinkers were concerned to map the physical and cultural transformations from prehistorical savagery in the state of nature to their present state of civilization of which they took themselves to be the highest representatives. Assuming common origin, biology set out in part to delineate the natural causes of human difference in terms primarily of climatic variation. Anthropology was initially concerned to catalog the otherness of cultural practices, though as it became increasingly identified as "the science of peoples without history," it turned foremostly to establishing the physical grounds of racial difference.

Thus, general categories like "exotic," "oriental," and "East" emerged, but also more specific ones like "Negro," "Indian," and "Jew" (as racial and not merely religious other), and modes of being like "negritude" and epistemological subdisciplines like "sinology." Where the exotic of the medieval order had been placed in times past or future, the exotic of the Enlightenment

occupied another geography, namely the East or South, places indicative of times past. Indeed, these spatial distinctions defined differences within the order of the exotic. The East was acknowledged as possessing civilization, language, and culture, but generically it is also represented as a place of violence and lascivious sensuality, its rape thus invited literally as well as metaphorically. Africa to the South, by contrast, was the Old World of prehistory: supposedly lacking language and culture, the Negro was increasingly taken to occupy a rung apart on the ladder of being, a rung that as the eighteenth century progressed was thought to predate humankind. Yet, in cataloging the variety of racial aliens, Enlightenment science simultaneously extended racial self-definition to the West: Western Europeans were similarly classified on the hierarchical scale moving upward from dark-skinned and passionate Southern Europeans to the fair-skinned and reasonable Northerners. The catalog of national characters emerged in lock-step with the classification of races. Racial and national identities, it could be said, are identities of anonymity, identities of distance and alienation, uniting those in expanding and expansive social orders who otherwise literally have nothing to do with one another. These identities are at once prelude to and expression of the drive to marginalize and exclude, to dominate, and to exploit.¹⁰

Those critics committed to the moral irrelevance of race tend to assume that racists inevitably combine these two strains, aesthetic values and natural qualities, into a spurious causal principle. If this were so, sophisticated Enlightenment philosophers would have been committed to the claim that racial membership defines both one's degree of beauty and one's intellectual capacity, so that where an observer has access to one the other may be deduced. Yet this fails to recognize that more careful racial theorists have sometimes expressed other forms of racial thinking.

For example, Hume had begun to think of mind and nature as merely correlated in various ways. Hume distinguished between the moral and physical determinants of national character. The latter are those physical elements like climate and air that eighteenth-century monogenists so readily perceived to be the sole determinants of perceived human difference. By moral causes Hume meant social considerations like custom, govern-

ment, economic conditions, and foreign relations that influence the mind and manners of a people. Hume insisted that national character is composed almost completely of moral causes. Thus, Jews in general are “fraudulent” (Hume was careful enough to emphasize that what we now call stereotypes admit of exceptions), Arabs “uncouth and disagreeable,” modern Greeks “deceitful, stupid, and cowardly” in contrast with both the “ingenuity, industry, and activity” of their ancestors and the “integrity, gravity, and bravery” of their Turkish neighbors. Superior to all others were the English, in large part because they benefit from their governmental mixture of monarchy, aristocracy, and bourgeois democracy. In general, Hume agreed with the earlier judgments of Bacon and Berkeley that inhabitants of the far north and of the tropics are inferior to inhabitants of more temperate regions (mainly Europe) owing largely, however, not to physical causes but to matters of habit (industry, sexual moderation, and so forth).

Nevertheless, while national differences for Hume are social, racial differences are inherent. All “species of men” other than whites (and especially the Negro) are “naturally inferior to the whites.” Hume’s justification of this footnoted claim was empirical: only whites had produced anything notable and ingenious in the arts or sciences, and even the most lowly of white peoples (ancient Germans, present Tartars) had something to commend them. Negroes, even those living in Europe, had no accomplishments. Like Locke, the only probable explanation of this “fact” Hume could find is an original natural difference between “the breeds.” Thus, Hume concludes, “In Jamaica they talk of one negroe as a man of parts and learning; but tis likely he is admired for very slender accomplishments, like a parrot, who speaks few words plainly” (244–58). Inherent nature admits of no exceptions.

Like Hume, Kant’s reflections on national characteristics (Kant, *Observations* IV; Hume 97–116) proceed from a catalog of national characters to a characterization of racial difference. Where Hume had identified the English as superior among all national characters Kant predictably elevated Germans above all others, finding in them a synthesis of the English intuition for the sublime and the French feeling for the beautiful. Germans were

thus thought to avoid the excesses of either extreme. Of the peoples of the Orient—what Kant elsewhere (“On the Different Races” 18) calls the “Mongolian race”—the Arabs were deemed most noble (“hospitable, generous, and truthful” but troubled by an “inflamed imagination” which tends to distort), followed by the Persians (good poets, courteous, with fine taste), and the Japanese (resolute but stubborn). Indians and Chinese, by contrast, were taken to be dominated in their taste by the grotesque and monstrous, with the former committed to the “despotic excess” of sati.

Nevertheless, compared to “Negroes,” “Oriental races” fared relatively well in Kant’s scheme.¹¹ Kant’s remarks about “Negroes” and their position in relation to his moral theory need to be read against the general discourse of racialized subjects that defined the Enlightenment. “Savages” are wanting in “moral understanding,” and “Negroes,” in Kant’s view, are the most lacking of all “savages” (American Indians—“honorable, truthful, and honest”—were considered the least lacking of “savages”).¹² As a moral rationalist, Kant turned Hume’s empiricist endorsement of racial subordination into an *a priori* principle: “So fundamental is the difference between [the Negro and white] races of man, and it appears to be as great in regard to mental capacities as in color. . . . The blacks are vain in the Negro way, and so talkative that they must be driven apart from each other by thrashings” (*Observations* 111).

Hume’s correlation of race and nature was reworked by Kant back into a strictly causal relation. This enabled him to conclude logically that “the fellow was quite black from head to foot, a *clear proof* that what he said was stupid” (*Observations* 113; my emphasis).¹³ Kant could therefore consider himself to have derived a “Negro’s stupidity” from the fact of his blackness.

This outcome of Kant’s reckoning is perhaps less surprising if we recall that he had set out assuming the acceptability of “commonsense morality” in the Judeo-Christian tradition and, as we have seen, racial differentiation and subordination were basic to it at the time. So, in establishing the justificatory conditions for commonsense moral value, Kant would also be justifying racially defined discrimination. Kant aimed to show that the concepts of autonomy and equality entail the (self-)imposition of moral obligation. Kant was concerned with a notion of morality possible on

its own terms, that is, without justifying appeal to God or self-interest, human benevolence or happiness. This entailed that self-interest must be governed by moral reason. And this required demonstrating that practical reason is necessarily self-motivating: moral reason must be independent of self-interest but also of any such Humean moral sentiment as benevolence or sympathy. Kant set out to establish what conditions must hold for subjects if moral reason is to provide them with its own motive to act. The shift from religious to secular morality is reflected in the fact that Kant began by assuming that ordinary moral judgments in the Judeo-Christian tradition may legitimately claim to be true. The difference between the religious and the secular, then, is in the conditions appealed to in justifying the claims as true. So, in representing his undertaking as moving from “commonsense morality” to “philosophical morality,” Kant reads Reason in its application to practical affairs in terms of a single unchanging principle of right conduct, a principle freely chosen by subjects themselves, and so for which they turn out to be fully responsible. The circumstantial application of this single moral law commands rational agents, imposes upon them an obligation to undertake impartial action, to act as any rational agent faced by suitably similar options would. Though constrained, actions done from duty are nevertheless free or autonomously chosen because the principles of duty are self-legislated: they are consistent universalizations of the subject’s own motives. Rational agents are accordingly seen to be free and self-determined. In legislating rationally for themselves, subjects legislate for all other rational agents. The impartiality and practicality of Rousseau’s dictum of rational self-determination, interpreted from the standpoint of the individual subject rather than the body politic, echoes through Kant’s conception of the moral self: “. . . each one uniting with all obeys only himself and remains as free as before” (Kant, *Foundations*; Goldberg, *Ethical Theory* 98–103).

Kant’s voice reverberates not just through the Enlightenment but across the moral domain of modernity. Self-commanding reason, autonomous and egalitarian, but also legislative and rule-making, defines in large part modernity’s conception of the self. Given these very different terms in virtue of which the subject is constituted, we can expect to find altogether changed (and

perhaps changing) forms of exclusion throughout modernity, and indeed altered forms of legitimation for the exclusions that do take place. One way for Enlightenment philosophies committed to moral notions of equality and autonomy to avoid inconsistency on the question of racialized subordination was to deny the rational capacity of blacks, to deny the very condition of their humanity. This implication is borne out even if we interpret generously the Enlightenment commitment to universalistic moral principles. It is true that vigorous movements emerged at the time opposing race-based slavery, movements that justified their opposition precisely in the name of universalist Enlightenment ideals. However, we should recognize that this resistance, valuable as it may have been at the time, presupposed and reproduced recognition of racial difference. And the standard by which any measure of equality was set remained uniform and unchanged: it was, namely, European and Western. Local values became fixed as universal; in issuing moral commands autonomous agents may impose upon others their own principles, and impose them in the name of universality and objectivity. Cloaking themselves in the name of the natural, the certain, and the timeless, racial discrimination and exclusion imprinted themselves as naturally given and so as inoffensive and tolerable.

If there is any content to the concept of cultural chauvinism then it does not lie simply in the refusal to recognize the values of other (in this case non-European and non-Western) cultures; it lies also in the refusal to acknowledge influences of other cultures on one's own while insisting on one's own as representing the standard of civilization and moral progress. This became the nineteenth-century modernist legacy of the Enlightenment project, and it was in the name of the principle of utility emerging from the Enlightenment that this was carried forward.

Bentham inverted the Kantian line of thought that the institution of morality depends upon the imposition of moral principles on an otherwise recalcitrant self, the molding of delinquent human nature by moral reason. The basic premise of classical utilitarianism, rather, is that moral consideration is and can only be an implication of individual psychology. Humans, insisted Bentham, are by nature psychologically motivated to do whatever produces pleasure or pain; these empirically are the sole motives

there are of human action. It follows, as Bentham quickly noted, that the only acceptable ground of moral action, acceptable because practicable, is the principle of utility: act to produce the greatest happy consequences (interpreted strictly as pleasure) for the greatest number, or failing which to minimize unhappiness (pain). Morality is thus deemed derivative from and shaped by empirical psychology.

So those acts, rules, policies, or institutions (in a word, expressions) would be required that tend to increase the happiness of all subjects likely to be affected by them more than by any other viable alternative, or failing this, whatever would tend to diminish unhappiness more. In this moral calculus, each individual is to be considered equal. Here, utilitarianism walks a narrow neutral line between egoism and altruism: whether I pursue my or another's interest will be determined impartially by whatever one maximizes utility. The single consideration at stake is the balance in quantity of pleasure or pain (to be) experienced: no consequence is considered superior in kind to any other.¹⁴

Subjects' motives, as John Stuart Mill recognized, are irrelevant on this view to establishing the morality of expressions, pertinent though intentions are to a judgment of the subject's character. More recent commentaries have recognized that character of a certain kind may be conducive to maximizing utility, that the principle of utility may therefore require character dispositions of a certain sort on pragmatic grounds. The younger Mill seems implicitly to advance something like this view in recommending (ironically in *On Liberty* 135–36) that it is in the utilitarian interests of subjects not-yet-civilized (“races [which] may be considered as yet in their nonage”) to be governed by the civilized until the former are sufficiently developed to assume self-direction. It may be objected that Mill was here contradicting his warning in the earlier *Principles of Political Economy* (1848) that explanations in terms of “inherent natural differences” are vulgar. Yet, it seems that his remark about “races . . . as yet in their nonage” is intended not so much as a claim about *inherent* racial capacity as a historical observation about the state of certain peoples. While Mill could thus insist on sustaining the empirical foundations of his value claims, it is clear that this was possible only by imputing value-laden suppositions to his empirical claims.

This makes explicit what should already be theoretically obvious: that in the eyes of classical utilitarian beholders autonomy may be sacrificed to utility, and by extension the self-governance of some in the nineteenth century to the imperial direction of others. This was an implication of great import given the key contribution of utilitarian methodology to bureaucratic decision-making, both locally and colonially. It is not just that the principle of utilitarian impartiality may well have partial effects; it may also be partially applied.

The principle of utility, that morality is a matter of producing “the greatest happiness of the greatest number,” furnishes no principled restriction of racially discriminatory, exclusionary, or violent acts, policies, or institutions. In weighing up utility, the theory does insist on treating each social subject affected equally and impartially, and it therefore rejects paternalistic expressions. Subjects are considered the best judges of their own happiness, of the goals they set themselves and of what they take their happiness to consist in. Utilitarianism, for example, does not exclude anyone as a proper object of obligatory aid: on the face of it strangers and aliens have as much claim to aid as those at hand (Brock 227).

There are accordingly severe limits to utilitarian benevolence and self-determination. First, we find ourselves mostly better able to aid those we know, whose needs we are more readily able to identify, empathize with, and satisfy. So, utilitarian considerations are very likely to have us aid those in close proximity to us, spatially and culturally. But there are more straightforward racial delimitations on the principle’s applicability. Bentham and his followers admitted racial difference as having at least “secondary” influence on utility. “Race” or “lineage” was treated by Bentham in Humean fashion not as climatically determined but as “operating chiefly through the medium of moral, religious, sympathetic and antipathetic biases” (310–11n1, 62–63). This interpretation exercised great influence on British colonial bureaucracy, indeed, through the direct hand of James Mill and his son John Stuart.

It has often been pointed out that were the calculus of pleasure and pain to establish it, slavery and severe racist treatment of a minority by a majority would be obliged by utilitarian consider-

ation. The acceptability of slavery and racism for utilitarianism depends on the number of beneficiaries and extent of their benefits from such practices and institutions. A utilitarian might argue that the disutility from enslavement and racism would likely always be so severe as to outweigh any utility these social institutions or expressions may generate. But as a matter of empirical fact this is questionable, and, as Bernard Williams insists, the rejection of such practices should not turn on contingent matters of this sort. Moreover, any attempt to exclude “antisocial” or “fanatical” desires or interests from the calculus can only succeed as unmotivated exclusions of anti-utilitarian preferences (B. Williams 86–87; MacIntyre, *Short History* 237–38). More damaging still to the utilitarian position is John Stuart Mill’s justification of past slavery as historically the only means of enabling sufficient economic development to bring about general human progress and benefit. Slavery, in his view, ceases to be acceptable with advance in civilization. While Mill thought that subjects in the early nineteenth century should be committed to abolition, he insisted that slave owners ought to be compensated for their lost investment: slaves were considered to be like property appropriated by the government for public benefit (*Principles*, vol 1, 233; cf. Ryan 190).

The same paternalistic logic was used by both James and John Stuart Mill and by their administrative followers to justify colonial rule, namely, the general civilizing and utilitarian benefits of capitalist development for the sake of the colonized so as to broaden the scope of the latter’s liberty. James Mill entered the East India Company in 1819; after eleven years as assistant examiner, he became examiner in the chief executive office. As such, he effectively became the most powerful Indian administrator of his day. In these capacities he was able to institute the principles of administration for India he had insisted on in his celebrated *History of British India*. Here Mill attacks the “hideous state” of “Hindu and Muslim civilisation” that prevailed in India. Like the Chinese, Indians were found to be “tainted with the vices of insincerity, dissembling, treacherous . . . disposed to excessive exaggeration . . . cowardly and unfeeling . . . in the highest degree conceited . . . and full of affected contempt for others. Both are, in the physical sense, disgustingly unclean in their persons and

houses." Indians and Chinese, in short, were found completely lacking in morality. This state of affairs Mill ascribed to underlying political causes, namely, the shortcomings of "oriental despotism." Incapable of representative democracy, the Indian government should thus submit to the benevolent direction of the British Parliament (II, 135, 166–67; cf. Stokes 48, 53–54).

John Stuart Mill followed his father into colonial service in 1823, conducting the correspondence with India in the Department of Native States, one of the Company's important divisions. He later succeeded the older Mill as examiner, remaining with the Company until its abolition shortly after the Indian Rebellion of 1857–58. Like his father, John Stuart insisted that India required direction by colonial government, for he deemed the principles of *On Liberty* applicable only where civilized conditions ensured the settling of disputes by rational discussion. The younger Mill's distinction between civilized and uncivilized peoples appeals implicitly to the standard of the white European. In principle, if not in fact, Mill acknowledged that India should exercise self-government once it had assumed civilized forms of social life, and he saw nothing in the nature of its people preventing it from developing in this direction (Stokes 48, 298–99).

Both James and John Stuart Mill thus viewed natives as children or childlike, to be directed in their development by rational, mature administrators concerned with maximizing the well-being of all. Natives ought not to be brutalized, to be sure, nor enslaved but directed—administratively, legislatively, pedagogically, and socially. In this view, paternalistic colonial administration was required until the governed sufficiently mature and throw off the shackles of their feudal condition and thinking to assume the civilized model of reasoned self-government. It was therefore in the name of the natives' own happiness, their future good defined in utilitarian terms, that they should have been willing to accept this state of affairs. This conclusion is established, in Taylor's fitting phrase, by utilitarianism's "homogeneous universe of rational calculation" (83). Though each sentient subject is in principle equal, "civilized" subjects furnish the criterion of calculation and hence control the outcome. This method is characterized by its drive for power and control, the subjugative drive of/over

physical and human nature that is central to the modernist legacy of the Enlightenment.

For utilitarians, accordingly, nothing in principle, save a subject's good intention, stands in the way of racially discriminatory or exclusionary undertakings. And as I noted earlier, though intentions are on John Stuart Mill's own admission relevant to judgments of character, they are irrelevant to establishing the rightness or wrongness of any act. Indeed, even judgments of intention and character were a matter of racial definition in a social milieu in which the Episcopal Bishop of Kentucky could unself-consciously declare (in 1883) that "[i]nstance and reason, history and philosophy, science and revolution alike cry out against the degradation of the race by the commingling of the tribe which is the highest [whites] with that which is the lowest [blacks] in the scale of development" (qtd. in Stember 38). Not only does the principle of utility offer no effective delimitation of discriminatory exclusion; we have seen how such exclusion was mandated by its staunchest proponents in the name of the principle itself. Utilitarianism rationalized nineteenth-century racial rule in two related senses, then: it laid claim to a justification of racialized colonialism, and it systematized its institution.

Where utility fails, the application of "rights" has been thought to succeed. Articulation of the concept in various important ways can be traced back to the seventeenth century and earlier, and the contemporary emphasis upon legal and moral rights needs to be understood in light of this tradition. Yet, it should also be realized that the great popular authority which the concept of *rights* has come to exercise in defining the space of social subjectivity and especially the effectivity it has enjoyed in combating racial discourse both followed World War II. The (self-)conception of the social subject predominantly as the bearer of rights—that is, in the name of those rights vested in and borne by the subject—has only come to prevail in the latter half of the twentieth century. It is pertinent, then, that the contemporaneous critical attack on racial discourse and definition has been authorized in terms of rights: witness, most notably, the United Nations Declaration on Human Rights, the Civil Rights movement in the United States, and the various United Nations Statements on Race.

In recent history, insistence on rights has served as a rallying point for the oppressed and has given pause to oppressors. By contrast, oppression has been carried out not in virtue of a commitment to rights but under the banner of their denial. This suggests the semantic relation between “rights” and “justice” that is attributable to their common derivation from the Latin *jus*: a right is what is (considered), at least in the context, just. But even where justice and so rights are naturalized, as in the history of their initial co-(e)mergence (“natural rights,” the “rights of man,” “human rights”), there were considered to be limitations on their referential range, a range which by extension was also naturalized. Slaves, as we have seen, fell outside this scope, and the criteria of enslavability and rights-applicability were racialized.

Thus, rights are in their very formulation relative to their social recognition and institution. In this sense, they are never absolute or universal: rights exist and empower, if at all and even where they claim universality, only on the basis of some socially constructed and civil system already established by a specific process of politics and law (Mackie 174; MacIntyre, *After Virtue* 65). It follows that even where a discourse of rights purports to include and embrace, in its application and range of reference it is open to circumscription and constriction. The reformulation of moral space in the twentieth century, in terms of radically atomized and isolated individuals vested with rights on the basis only of their contractual relations, has made conflicts of rights and dispute resolution central to moral and legal (self-)conception. In what MacIntyre calls this “culture of bureaucratic individualism,” utility defines bureaucratic rationality, and rights service the social invention of the autonomous moral individual (*After Virtue* 68). Racialized and national identifications have served as modernist compensations for the merely “agglomerative” and instrumental social identities that this radically individualist and atomistic order entails (Taylor 413). Rights-assertion accordingly has come to re-fract these social identities, “delimiting certain others as ‘extrinsic’ to rights entitlement.” The objects of the contractual arrangement, those excluded from this contract or from contracting as such, have no rights (P. Williams 424).

So, subjects assume value only insofar as they are bearers of rights, and they are properly vested with rights only insofar as

they are imbued with value. The rights others as a matter of course enjoy are yet denied people of color because black, brown, red, and yellow subjectivities continue to be devalued; and the devaluation of these subjectivities delimits at least the applicability of rights or their scope of application people of color might otherwise properly claim. "Where one's experience is rooted not just in a 'sense' of illegitimacy but in being illegitimate" (P. Williams 417), in literally being outside the law, the rights to which one might appeal are erased. The space in which a subject might construct rights and their conceivable range of possibility are severely circumscribed.

Part of the difficulty with rights-application is the conflict that it not only implicitly presupposes but that it serves in part to generate. This conflict may assume either conceptual or substantive form. Conceptually, by a right, one subject may intend a liberty, another a claim, or entitlement, or power. Substantively, one person's liberty may conflict with another's, or one's liberty or claim with another's entitlement or power, and so on. Where these conflicts are racialized, whatever gains and losses, or inclusions and exclusions there are will be exacerbated, magnified, emphasized, and accentuated. We have already seen an example of this in terms of property rights and slavery. For those influenced by Locke, the right to property is as basic as the rights to life and liberty, and the former right was taken to entail under certain constraining conditions a right to property in another person. Slavery, recall, was deemed justifiable by Locke when the slave, in losing a just war, had alienated his own rights to liberty and property (and in the extreme to life also). But slavery was further rationalized in the case of those considered on racial grounds not to be the kinds of subjects bearing full social rights.

Neither condition for the justification of property rights in human beings is now found acceptable. Nevertheless, there continue to be conflicts between subjects' interpretations and assertion of rights, conflicts that are deepened in assuming racialized form. The Civil Rights Act of 1964 instituted preferential treatment programs for those suffering racial discrimination. The rights-claim to be treated preferentially and the entitlement to be admitted to colleges or hired preferentially generated, a decade later, the counterclaim of reverse discrimination supposedly suf-

ferred, as a result, by whites. Preferential treatment programs, it was charged, violate the right of all to equal opportunity: entitlement right of one subject conflicting with entitlement or claim right of another, each assuming racial definition in the context. Similarly, the right of all to protected speech may be taken to entail the right (liberty) of racist expression, at least in the non-public domain, but not the (claim or entitlement) right or empowerment to be shielded from such expression. (This turns on the standard but questionable interpretation of racist expression as merely offensive, never harmful.)

For reasons of this sort, MacIntyre (*After Virtue* 68) condemns rights, like utility, as a moral fiction. Moral fictions purport to furnish us with an objective and impersonal criterion of morality but in practice do not. I have argued that the primary concepts in terms of which social subjectivity has been set in our moral tradition are fictive in this way. That they are open to abusive interpretation and application is a function of their inherently social character. Postmodernist accounts of ethics emphasize this latter point, but largely as an instrument in criticizing the hegemonic authority of the prevailing moral order. Postmodernist thinkers have for the most part been notably silent about a positive ethics, largely in order to avoid repeating the errors that the disciplinary reason of moral modernism commits in issuing its categorical commands. Postmodernist attempts to develop accounts of the ethical have mostly appealed to communitarian rather than atomistic considerations. MacIntyre's account is probably the most coherent, for he spells it out in terms of a tradition alternative to the one that culminated in the prevailing modernist conception of subjectivity. Thus, he identifies a core structure to the notion of the virtues across five accounts: Homer's, Aristotle's, Christianity's, Jane Austen's, and Benjamin Franklin's. This common structure is supposed to furnish the basis for identifying standards of social excellence. MacIntyre, however, admits that exclusion is central to every one of the five accounts: "Every one of these accounts claims not only theoretical, but also an institutional hegemony . . ." (*After Virtue* 173–74).¹⁵ It follows that MacIntyre can find no principled barrier, theoretical or institutional, to racialized exclusion. This is borne out by MacIntyre's definition of "a practice" as "a coherent and complex form of socially established

cooperative human activity” which is “fundamental to achieving standards of excellence” (*After Virtue* 175). If racially defined exclusion is established as (a set of) practices necessary at a stage of a community’s history for it to achieve excellence, it must on MacIntyre’s account be virtuous at that stage.

The centrality of moral notions to social conception and self-conception enables and constrains actions of certain kinds but also those basic categories of distinction between self and other that promote and sustain thinking in the terms of exclusionary discrimination. In this sense, formal moral notions of any kind are perniciously fictive in respect to racial and racializing discourse (whatever their redeeming value in authorizing or constraining some kinds of expression and disciplining subjects). I have suggested that this fictive character has to do both with the nature of the concepts themselves and with the concept of race in its conceptual and historical relation to this tradition.

As Hobbes noted, expressions that a moral order does not prohibit it permits. In the case of discriminatory exclusions, it can be strongly concluded that what the moral order fails explicitly to exclude it implicitly authorizes. The moral formalism of modernity establishes itself as the practical application of rationality, as “the rational language and the language of rationality” (Grillo 6) in their practical application. Modernist moralism is concerned principally with a complete, rationally derived system of self-justifying moral reasons logically constructed from a single basic principle. But in ignoring the social fabric and concrete identities in virtue of which moral judgment and reason are individually effective, in terms of which the very contents of the moral categories acquire their sense and force, moral modernity fails to recognize the series of exclusions upon which the state of modernity is constituted (Taylor 76–77; B. Williams 116–17; Foucault, “Political Technologies” 146, 150–51). So, though the formal principles of moral modernity condemn and discourage some racist expressions, they fail, and fail necessarily, to condemn and discourage such expressions exhaustively. Indeed, where they fail in this way, they extend discriminatory racialized expression either indirectly and inadvertently by seeming to condone and approve what they do not explicitly disapprove, or directly by enabling racialized expression and effectively authorizing dis-

criminatory racial exclusions on the basis of the principle of moral reason itself.

I have stressed that the primary principles of our moral tradition—virtue, sin, autonomy and equality, utility, and rights—have been delimited in various ways by the concept of “race,” and that the moral reason of modernity has been colonized by racialized discourse, its differentiations and determinations assuming at once the force of discrimination. It should be clear also that one could make out the same argument in respect to moral method, that is, whether the moral principles are produced out of and so justified by appeal to social contract, or to pure reason in its practical application, or to the appeal to consequences, or to the standards of a community tradition. In each case, race is conceptually able to insinuate itself into the terms of the moral analysis, thereby to delimit by defining the scope of the moral. In this way, the imperatives of race are inadvertently lent the authority of the moral domain, even as the moral domain in modernity places race beyond its scope. In rendering race morally irrelevant, modernist morality thus falls mostly silent on the very set of issues that has colonized the domain of modernist identity.

Notes

1. On the distinction between subject and agent, see Smith.
2. See, for example, the transition in Foucault’s analysis from “Docile Bodies” (135–69) to “The Means of Correct Training” (170–94) in *Discipline and Punish*.
3. That we may more commonly speak of having rights indicates the logical closeness of rights and duties as well as the historical closeness of their emergence as concepts defining the moral space of modernity.
4. See, for example, the translation of Aristotle’s *Politics* (1252a27). The title of Friedman’s book, *The Monstrous Races in Medieval Art and Thought*, also furnishes evidence of this, as does Sherwin-White’s *Racial Prejudice in Imperial Rome*. The argument of the latter bears out my point.
5. MacIntyre (*After Virtue*) fails to acknowledge this point—indeed, mistakenly denies it.
6. Friedman, especially in chapter one, calls the figures so cataloged “Plinian races,” but this again imposes race retrospectively upon a form of thinking for which there was not yet such a concept.
7. For a fuller characterization of the exchange between Sepulveda and Las Casas, see Todorov, 146–67, and Hanke.
8. It may also be pointed out that Las Casas initially supported Negro slavery; indeed, he owned a few African slaves while consistently opposing Indian en-

slavement. In all fairness, he did reject Negro slavery after 1544—and on the same grounds that he opposed Indian slavery—but he hardly raised his voice against the former as he did so energetically against the latter. As one might expect, there was little opposition to Negro slavery throughout the sixteenth century (Hanke 9).

9. See the editor's footnote to Locke, *Two Treatises*, II, #24; also see Gay (II, 409–10) and Higginbotham (163–64). The percentage of blacks in the population of the Carolinas was greater than in any other North American colony of the time.

10. Of course, where these are assumed, are consciously taken on, as modes of resistant self-identification, it may be for the sake of countering marginality, exploitation, and domination.

11. In 1794, William Robertson grouped Indians with most Europeans as “commercial peoples.” See Marshall, “Taming the Exotic” (54–55).

12. Jean-Jacques Rousseau's view, by contrast, is notable for the absence of a catalog of national characters and pernicious characterization of racial others. Rousseau's “noble savage” and “primitive man” are portrayed positively as possessing desirable uncorrupted characteristics. But these concepts are exemplified for Rousseau by American and African “natives,” and they form part of the Enlightenment discourse of exoticism. The precivilized and primitive lack reason and autonomy, and so they cannot be party to the general will and civil society.

13. Some may object that this is an early, pre-Critical, and so immature work, and that this sort of reasoning does not appear in the Critical and, especially, moral writings with which it is inconsistent. To respond, it need only be noted that Kant expresses similar sentiments in his 1775 essay on race and repeats them in his physical anthropology of 1791. The latter are hardly products of an immature mind.

14. In response to criticisms of this, John Stuart Mill distinguished between qualities of pleasure, that is, between the higher or generally intellectual pleasures and the lower or physical ones. But in doing so, Mill was obviously moving away from the strictly empirical basis Bentham had claimed for the theory. In addition, it has commonly been pointed out that the principle of utility is ambiguous, requiring both that the total utility maximized (“aggregate utilitarianism”) and that the number of people enjoying maximal equal utility be maximized (“average utilitarianism”). Bentham tended to endorse the former, Mill the latter. Rightness or wrongness of an expression is (to be) determined by the balance of immediate and distant pleasure or pain that will tend thus to be produced for all the agents, taken equally, who would be affected. Pleasures and pains are to be measured in terms of their intensity, the span of time they last, their certainty of occurrence, nearness or remoteness, and their tendency to promote further pleasure- or pain-promoting expressions.

15. There runs through MacIntyre's account a strong nostalgia for a simpler order, one that is reflected in his Christianizing of Aristotle's virtues and in his explicit embracing in a later work of “Augustinian Christianity” (*Whose Justice?*).

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