

CHAPTER 2

Race 101: How “Whites” Became a Success

Naming a group of humanity with a label that sticks is no small feat. It reflects a significant social achievement. In this chapter, labeling is considered through experience and theory. Drawing upon a classroom experiment where some students are labeled in a way to indicate specialness, key components of making a label stick are identified. Next, labeling theory is drawn upon in order to consider the consequences and responses that result from the attachment of a specific label.

Equipped with tools to help us analyze the attachment of a label and the consequences that derive thereby, law as a labeling institution is explored through the imposition of “whites” as a new category of human organization. The series of laws that asserted and imposed “white” people in the decades following Bacon’s Rebellion suggest a significant disciplining effort. The laws reveal ties between the invention of “whites” and a distinctly white patriarchal rule. The new human category is shown to be the mechanism by which British elites made a connection with European laborers, in part through a claim of shared authority over “white” women. In addition, it worked to divide laborers into free “whites” on the one hand and enslaved black Africans on the other in support of a slave-based capitalism.

Labeling

I have a classroom of thirty-two students.²¹ I announce that the students whose names I call out will hereafter be known as the “pures.” I then proceed to read off seventeen student names. I read every other name on my alphabetized roster, and then the last two. No one cares. They

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think I am silly – perhaps crazy. Next, I separate the students into the “pures” and the rest of the class. I give each group an article that addresses social inequality. The group of pures has an article addressing urban inequality in the U.S. The rest of the class read an article addressing social inequality in Honduras. Each group must respond to the article by critiquing the approach taken by the author to explain the roots of social inequality discussed in the article. When time is up, I have each group submit their written critique.

The critique produced by the pures is much more elaborate, posing questions that challenged the author’s assumptions about the organization of society, about group interaction, and about the distribution of power. The critique offered by the other students is minimal and fundamentally lacking in an understanding of Honduran culture and history. I tell the pures that they are special, that they needed to be pulled away from the others so that they are not stifled in their learning. I let the other students know that they are behind and need remedial work. No one complains about the label imposed. The two groups continue to resist the label by failing to use it in our conversations, finding it silly and insignificant.

I meet privately with the “remedial” group and let them know that because they are not adequately prepared, they will face limitations reflected in the grading scheme for the course. I assign homework and explain that the highest grade that they can receive for the assignment is a C, or 75 percent. I explain that it is possible to get below a C, but not higher. Next, I meet privately with the pures and give them their homework assignment. I let them know that the lowest grade a pure can receive on the assignment is a C or 75 percent. A pure can earn an A, but cannot earn a grade lower than a C. Class is over.

When we meet again, I collect homework assignments and divide the groups up into the “pures” and the rest of the class. Students had discussed the grading framework outside of class, and begin to express concern about how the work will be graded. They are claiming that the grading is not fair. For the first time, students are using the label assigned. I move quickly into a discussion of a current event, and show a news clip. I was prepared for such a moment, and am intentional in my effort to distract and engage them in something else. I grade the assignment after class using the different grading scales

depending upon the student's group assignment. When we meet again, I return the graded papers and the classroom erupts. Students readily deploy the label assigned and challenge the grading scheme as unfair.

This is a crucial point, because students are utilizing the label assigned. Before concluding the exercise, I have each member of the group of "pures" write up a statement of support for her status as a "pure" and to either support or contest her treatment in the classroom. I then have each member of the remaining group of students address whether he too should be a pure, and why, and then to either support or contest his current treatment in the classroom. These statements are often useful discussion starters. I also ask students the following questions: At what point did the labels assigned begin to matter to you? Why? Are there concerns with the social inequality article assignment and how the article critiques were evaluated? Finally, I have students discuss what it felt like to be in their respective groups.

When we discuss the experience, it becomes clear that no one cared about whatever label I imposed until it came with consequences that I had the perceived authority to implement. The authority to impose consequences that impact lives in concrete ways on the basis of a label makes the label matter. It is also interesting that the more consequences a label packs, the more "real" the label becomes as a matter of experience. Because the label translates into concrete material reality, whether as a resource (such as a grading range from A-C) or a deprivation (such as a grading scale range from C-F), the accumulation of that material reality gives a concrete form to the label, so that those who hold a particular label begin to share certain things and look more alike ("A" students). Some of the "pures" shared that they felt good and special. Some from the other group expressed feelings of anger and the desire to resist the label, the implications of being excluded from it, and the treatment that exclusion brought. Others from that group said they felt bad and inferior. Some "pures" stated that they felt bad because they had a sense that the grading scheme was not fair, though none in the class spoke up.

After processing the experience, I have students identify the key elements of what is required for a label to matter, to become "real" to those upon whom it is thrust and those excluded from it. We deduce from the experience that in order for a label to become "real" it must have

consequences that can be readily experienced; the consequences must be such that people generally care about them; the consequences serve to separate some people from others; and these differing consequences are sustained for an adequate amount of time. This exercise in a collective experience of labeling offers important insights that can instruct our consideration of the application of the label "white."

There is a theory within sociology, the sociology of deviance, that is concerned with labels for a "deviant" or "criminal," their successful attachment, and the resulting consequences and responses to the attachment of such a label. This theory was significantly influenced by the work of sociologist Howard Becker. It is called labeling theory, and it is considered to be closely related to interactionist theory.²² A cornerstone of labeling theory is the idea that deviance is not inherent to an act. Instead, labeling theory focuses attention upon the tendency of majority groups to negatively label minority groups or those viewed as deviating from culturally acceptable norms (Becker 1963). Labeling theory is concerned with how one's sense of self is determined or influenced by the imposition of the "deviant" label, and how one's behavior is determined or influenced by the imposition of the "deviant" label.

The concern of this chapter is to examine the imposition of the human category "white" upon certain people. Therefore, we are concerned with the flip side of the labeling theory coin. Rather than examining a label that constructs a "deviant" or "criminal," we are concerned with a label that renders someone "superior" (via whiteness) to those excluded from the group of humanity. A significant difference is that the label "white" was not imposed by a majority on a minority but, rather, was imposed by a small group of elite lawmakers. These lawmakers had significant power wielding authority upon those who, as a result of the category, combined with the elites to constitute a majority group called "whites." Elites shared little else with other "whites" than the label. Despite the significant differences in the conditions of power that impose a label and the label being one that designates superiority rather than deviance, labeling theory is instructive for the questions and concerns it raises regarding self-identity and behavioral changes that result from the imposition of a label – the self-fulfilling prophecy component. In labeling theory, the self-fulfilling prophecy is one of deviancy. In the exploration of the

imposition of the human category “white,” the self-fulfilling prophecy is one of superiority.

The student exercise above suggests what is required for making a label stick. The exercise also suggests the import of the subjective and objective experience of being labeled as special (i.e., “pure”). In these ways, the student exercise will inform the exploration of the imposition of the category “white” that follows. From labeling theory, I draw upon the concern with how identity and behavior may be impacted or influenced by the messages that classify and/or describe the group labeled “white.” As such, I will highlight the ways in which the first generation of “white” people were organized, separated, and prescribed meaning.

Making White People Real

In the decades following Bacon’s Rebellion, colonial Virginia lawmakers utilized law in an extraordinary fashion to constitute “white” people and to discipline all people within the colony into an ideology of whiteness. In other words, these laws worked to promote a set of ideas about reality so as to make it common sense that a person labeled “white” should be in a position of authority relative to a “nonwhite” person. In addition, these laws worked to promote a set of ideas about reality such that those within the group “white” share a commonality based upon that label. In doing so, these ideas rendered “white” culture a taken-for-granted truth.

It should be noted that there was no broad-based evidence of any such mindsets among European laborers at the time of Bacon’s Rebellion (1670s). Rather, the evidence is to the contrary. There is no evidence that European laborers conceived of themselves as rulers over their fellow African laborers. The evidence reveals instead that European and African laborers shared a common experience of labor and daily life and, within this context, friendships and joint ventures, including marriage among the European and African laborers, were neither uncommon nor met with hostility (E. Morgan 1975; P. Morgan 1998; Parent 2003; Smedley 2007).

The set of enactments that Virginia lawmakers passed following Bacon’s Rebellion reveal law to be a creative enterprise that literally makes “white” people into a group creating a degree of shared

experience and a context that can be called “white” culture. Of course, any time one group is rendered distinct and different, in this case special and superior, the metaphoric coin always has a flip side. In this case, the flip side is the rendering of those excluded from the group as inferior and discardable. The consequences of these extraordinary efforts in law were far-reaching, shaping ideology, constituting social structure, and constructing race. Each will be explored in this chapter.

While Maryland lawmakers were the first to utilize the category “white” to reference a specific group of humanity, it is unlikely that most British and other European laborers within the colonies were impacted or concerned about the invention when it first appeared in 1681. Why? Because the components identified by my students as necessary for a label to stick were not present.

Those women, who the day before the enactment of 1681 were called “British or freeborn,” found themselves the day after referenced as “British or other whites” in a law that continued to punish marriage to an enslaved African man. There were no new rewards or punishments for those upon whom the new label was imposed. In other words, the law created no consequences that were unique to the new category of humanity that it invented. It is unlikely that this enactment alone would have produced a successful label, with success being defined as a label that sticks. My students were not concerned that I called them “pures” until the label came with consequences that impacted them in ways they cared about. Similarly, European colonists likely cared little about what lawmakers labeled them when the label came without consequences that they cared about and that were clearly linked to the label.

Bacon’s Rebellion remained in everyone’s mind. Edmund Morgan notes that “[i]f freemen with disappointed hopes should make common cause with slaves of no hope, the results might be worse than anything Bacon had done. The answer to the problem, obvious if unspoken and only gradually recognized, was racism, to separate dangerous free whites from dangerous slave blacks by a screen of racial contempt” (1975: 328). But the question remained: how to create racism and separation where none yet existed? While there can be little doubt that a concept of the British as separate and distinct from Africans and native peoples existed among lawmakers, a concept of race had yet to be formulated, asserted, and digested, even by elite British in the colonies.

In the aftermath of Bacon's Rebellion, Virginia's landowning elite pushed for legislation that established different treatment in law that set "British and other whites" apart from members of native tribes and those of African descent. These laws emerged in the decade following Bacon's Rebellion and continued to build through the first quarter of the eighteenth century, creating consequences that were dramatically different for those labeled "white" from those labeled "negro," "mulatto," or "Indian." The bundle of laws had a dramatic cumulative effect that thoroughly reorganized colonial society.

The package of laws enacted included the prohibition of setting slaves of African descent free and a law making free women of African descent tithable (Hening 1705, 3:87-8; 1668, 2: 267). These laws linked African-ness with a status of servitude. In contrast, parameters and conditions of European labor arrangements of limited bond-servitude were framed by contract law within a corporate context that ensured an agreed-upon termination date extendable only for cause, even if "cause" was loosely interpreted. Another law imposed a prohibition against free blacks holding public office (Hening 1705, 3: 251). Yet another forbade non-Europeans to be owners of Christian bond laborers, with Christian and "white" here overlapping (Hening 1670, 2:280-81). Yet another excluded Africans from the armed militia (Hening 1723, 4: 119). Through such enactments, those of African descent who were established as free members of the colonial community were rendered inferior to both an indentured and non-indentured "white" man. An indentured "white" man held the legal potential of a future position in public office and the ability to own any bond laborer. Through such laws, free people of African descent began to be stripped of the full range of opportunity and resources within colonial society. The messages promulgated by these laws and others include that the privileges of freedom are only fully available to "whites," and that a person of African descent is incapable of being in a position of authority relative to a "white" person.

The laws that prohibited manumission or the freeing of a slave of African descent, that excluded free men of African descent from holding public office, and that prohibited a non-European from owning a Christian bond-laborer, promoted the message that African-ness was positioned below the newly invented group called "whites."

Here the institution of law is exposed as a tool of social reorganization working to put in place a new social hierarchy. The new society would be unlike anything that existed before.

Virginia lawmakers enacted a prohibition against the beating or whipping of a Christian "white" servant while naked without an order from the justice of the peace (Hening 1705, 3:448). This law contrasted with the exclusion of members of native tribes and those of African descent from such requirements, worked to render "white" a special status deserving of protection from humiliation associated with public nakedness and physical punishment. The law began to link "white" with an expectation of due process while denying it to those outside its parameters.

The laws below also contribute to this larger message that "white" people are a special, more deserving group relative to those of African descent. However, the laws that follow had an additional sinister affect. Virginia lawmakers passed an enactment blocking a person of African descent from testifying against a "white" person and another that prohibited free blacks from possessing *any* weapon including a club, gun, powder, or shot, and yet another that subjected a person of African descent to a public lashing for raising a hand against any "white" person (Hening 1705, 3:298; 1732, 4:327, 4:130, 1705, 3:459).²³ These laws combined to render persons of African descent all but completely self-defenseless, especially against violence inflicted by a "white" person. Not only do these laws enforce a human hierarchy that places "white" people at the top, they render the lives of those of African descent less valuable than the most depraved and inhumane "white" person.

Through law, free people of African descent were stripped of the freedoms enjoyed in their status as "free" members of the colonial society. No matter how loyal to the British crown, no matter how faithful to Christianity, no matter how valuable their contribution to the colonial community, people of African descent for the first time faced severe restrictions. They were limited not only in their legal standing within the community, but by virtue of ~~the~~ their very ability to preserve and protect their bodily integrity and that of family members. These laws not only exposed free people of African descent to physical harm but worked to exclude African men and African families from the full patriarchal authority afforded under the common law of marriage.

Recalling that under common law the male head of the household was assumed to represent the interests of the family, and expected to provide materially and to *protect* all women, children, and other dependents within the household, the ability of free men of African descent to protect their family members, much less themselves, was severely narrowed by Virginia lawmakers. These laws largely removed these men and their family members from the rights and privileges of patriarchal authority. At the same time, patriarchal authority for “white” men was expanded through antimiscegenation law and through greater free-range over persons of African descent with little regard for civil or criminal punishment.

The law that prohibited a free person of African descent from being in possession of a gun and gunpowder, the law that stripped from African servants their ability to hold and raise livestock, viewed alongside the enactment that listed the required dues owed to a limited-term “white” bond laborer, helps shed light on the material value being attached by law depending upon one’s status as “white” or not (Hening 1732, 4:327; 1692, 3: 103; 1705, 3:459-60). The freedom dues provided to every “white” male included “ten bushels of corn, thirty shillings in money (or the equivalent in goods), a gun worth at least twenty shillings; and to every woman servant, fifteen bushels of corn, forty shillings in money (or the equivalent in goods)” (Hening 1705, 4:352). These laws combined to render “white” people more valuable relative to those of African descent, whether slave or free. This value or worth attached through judicial action, enforcement, and punishment structures.

Taken as a whole, the laws constitute the scaffolding of a legal structure that served to devalue the dignity and humanity of those seen as other-than-white, in this case those of African descent and sometimes members of native tribes, while inflating that of those seen as “white.” It is worth noting that the laws gave European laborers little more than they had before they were “white.” A big change that the numerous enactments did create was that “white” people were made better off, not so much than they were prior, but rather in relation to those of African descent and members of native tribes who were made far worse off in the decades following the rebellion. In other words, the laws did little to raise “whites” from their standing prior to Bacon’s Rebellion. What the laws did was dramatically lower

the bottom through worse conditions and treatment of non-“whites.” “White” laborers were given little more than the authority to rule over their fellow laborers of African descent and members of native tribes on the premise that they share a superior status with elites – whiteness.²⁴

The inclusion of antimiscegenation law among the series of enactments that created benefits and privileges for “whites” suggests that the law was less of a control mechanism to restrict “whites” than a benefit to them. This claim will be pursued in the section that follows.

The Trade in Women’s Bodies

Antimiscegenation law was among the series of enactments passed by Virginia lawmakers in the aftermath of Bacon’s Rebellion. Virginia’s antimiscegenation law of 1691 was the first to apply its marriage prohibitions to men and women (Hening 3: 453-4). It punished a “white” woman or a “white” man who married a person of African descent or a member of a native tribe by permanently banishing them from the colony. Just a year after the enactment of Virginia’s antimiscegenation law, the Maryland Assembly passed legislation prohibiting both “white” women and men from marrying a person of African descent, whether slave or free (*Arch. Md.* 13: 546-549).²⁵

Even though the letter of the law restricted both women as well as men, it remained a tool to control largely “white” women’s sexuality and relationality, and specifically identified “nonwhite” men. That the law served in this capacity can be shown from the historical roots of the enactment, the statutory language of antimiscegenation laws, and the record of enforcement practices. On its face, the Virginia antimiscegenation law applied equally to men as well as women. While the written law imposed the marriage prohibition upon both “white” men and women, the text of the law addresses only such an infringement by women. Even more telling is evidence of enforcement practices.

Court cases from the antebellum South reveal that antimiscegenation law continued as a legal resource for controlling and punishing largely “white” women who ventured outside of the boundaries of “white” men for sexual and marital relations, while the boundaries for “white”

men who engaged in such an illegal relationship were that it be kept casual and discreet. (Bynum 1992; Bardaglio 1995). According to Bynum's study of the antebellum South:

Magistrates prosecuted primarily white women and black men ... White males claimed the right to govern all women, regardless of race. The sole sexual possession of white women by white men assured perpetuation of the dominant "pure" white race (1992: 98-99).

In this way, antimiscegenation law worked to integrally link whiteness with the control of "white" women's and "nonwhite" men's sexuality and relationality.

As part of the legal package of benefits for "whites" that the Virginia lawmakers passed in the aftermath of Bacon's Rebellion, the benefits derived from antimiscegenation law come to light through the emphasis of control within the language of the law and the enforcement practices that followed. From these, we see that the law largely controlled the sexual and marital relations of "white" women and "nonwhite" men, and simultaneously made more women available to "white" men. Such a trade in women's bodies was nothing new.²⁶

As moral entrepreneurs, the lawmakers cite British nationhood, Christianity, and the prevention of "abominable beings" as rationale for the law (*Arch. Md.* 1664, 1: 526-527; Hening 1691, 3: 86-88).²⁷ The law did far more than control the sexuality and relationality of "white" women and nonwhite men. It created a "criminal." Where a child was born, the law created an "abomination." Virginia's antimiscegenation law of 1691 begins by describing children born of a biological parent understood to be English or "white" and a biological parent who was understood as a "negro, mulatto, or Indian" as "that abominable mixture and spurious issue" (Hening 3: 86-88). Through this descriptive alchemy, the general assembly not only worked to create the human category *white* but also a human body anathema to their colonial society. These children were shaped in law as representative of abomination and false descendents.

Virginia's antimiscegenation law required not only that a free English woman who gave birth to a child fathered by a man from one

of the prohibited classifications relinquish the child, but also that she pay a fine or face five additional years of servitude (Hening 3: 86-88). In this way, the law served a version of capitalism that relied on nonpaid or underpaid laborers and highlights the sexual vulnerability of women laborers.

The law blocked those relationships between "whites" and those of native tribes or persons of African descent that took an intimate and consensual form from being legitimized by the community and from receiving the protections and exercising the responsibilities created by marriage law. In addition, these laws placed the financial burden, as well as the burden of public shame for "mixed" pregnancies, upon women. "White" men who had children with women understood as not "white" did so largely to the advancement of their investment in property or that of the landowner for whom they labored.

The law that linked a child's status as enslaved or free to the status of the mother legitimized the sexual violation of women of African descent, while antimiscegenation law worked to violate the legitimacy of sexuality for all women. The two laws combined, according to Steve Martinot, to make normative the judicially authorized violation of women's humanity by rendering women instruments (2010, 53). Women of African descent were made capital and thus instruments of wealth production. "White" women were made bearers of "purity" and thus instruments of white supremacy.

Virginia's and Maryland's antimiscegenation laws can be understood as disciplinary measures structuring and enforcing social arrangements, including: establishing a laboring class divided by perceived differences that were being reflected in laws in the early 1660s; furthering a human ordering that presumes the superiority of the British and other Christian Europeans; and reasserting the patriarchal authority of British men and those seen as British-like. Virginia's antimiscegenation law stated, in part:

...whatsoever English or other white man or woman being free shall intermarry with a negroe, mulatto, or Indian man or woman bond or free, shall within three months after such marriage be banished and removed from this dominion forever, ... (Hening 1691, 3: 86-88).

The redefinition of sexuality that antimiscegenation law worked to shape was enforced through banishment from the Virginia colony for life. Banishment reflected the severity of the violation to the new community standards being established. These community standards were being built upon ideas about human difference initiated by lawmakers even before Bacon's Rebellion, but implemented in a manner that would successfully impose this difference following the rebellion through the invention and enforcement of a group of humanity called "whites."

The colonial assemblies of Maryland and Virginia played a significant role in the development of antimiscegenation law and the invention of the human category "white." The Maryland antimiscegenation enactments discussed in chapter one and the Virginia enactment examined here provide a formula for antimiscegenation law that was followed for almost three hundred years in the land that would become the United States: "white" married to "nonwhite" equals abomination. By the late eighteenth century, the prohibition of a "white" person marrying a person of African descent and sometimes various other persons considered not "white" was part of the law of every southern colony as well as that of Massachusetts and Pennsylvania.²⁸ The pervasiveness of antimiscegenation law reveals how well it served the economic interests of elites and the prevailing gender hierarchy in colonial North America even as it worked to construct new hierarchies.

Through an exploration of post-Bacon's Rebellion enactments of colonial Maryland and Virginia lawmakers, we witness the invention of an entirely new group of humanity, "whites," and the making of a crime, miscegenation. As reviewed in the previous chapter, the first antimiscegenation laws give us a glimpse into the meanings of whiteness. To summarize, they reveal that "white" was derived from the idea of the British as white and Christian. Just as the British were presumed deserving of rights and privileges from which others may be denied, so too were "whites." Just as British represented freedom and purity, so too did "whites."

Gender, from the very first appearance of "white" people in law, produced very different experiences depending upon whether one was male or female. While "white" promised a superiority for all thought to be within its confines, it was never a fulfilled promise for women. For them, white supremacy was enacted in an environment

of patriarchal authority and therefore could only be solidified through "white" men.

Meanings assigned to "white" skin were not the same for all people. Rather, the meanings assigned within the four corners (i.e. written words of the document) of the law as well as through enforcement practices took a gendered form. Similarly, the privileges offered to "whites" were not guaranteed absolutely but depended both upon the maintenance of a group or groups understood as "other" (e.g., negroes, mulattos, Indians), and required that individual people rendered "white" remain within the gendered confines of what it meant to be a "white" woman or a "white" man. To the extent that antimiscegenation law worked to embed "white" supremacy in law it did so, in part, through an exchange in "white" women's bodies.

Post-Bacon's Rebellion laws reveal gender, class, and race as interconnected systems that support, constitute, and reconstitute each other – intersectionality at work. Where privilege was created for "whites" through antimiscegenation law it was done, in part, through the reinforcement of a gender hierarchy wherein women were rendered inferior to men. Through this law and its enforcement patterns, privilege on the basis of an emerging "race" called "white" is built in and, through privilege and authority, established on the basis of gender. Where authority over women was secured in marriage through common law, it was denied to a tribal man or a man of African descent relative to a "white" woman. Here, racial constructs are enforced through a granting or denial of the prevailing gender hierarchy.

The fact that laboring Europeans and Africans in Virginia married each other with acceptance prior to the post-Bacon's Rebellion period, and the fact that antimiscegenation law subsequently thrived in excess of three hundred years, helps reflect the dramatic social change that was brought about in the decades following the rebellion. What could bring about such a radical transformation among the laboring classes? It is to a consideration of this change that we will now turn.

Label sticking

The elements that my students identified as necessary for a label to stick include the following: it must have consequences that can be

readily experienced; the consequences must be such that people generally care about them; the consequences serve to separate some people from others; and these differing consequences are sustained for an adequate amount of time. The Virginia lawmakers utilized law to create consequences that were readily experienced by bond laborers as well as by those free of servitude. The consequences were not only ones that people generally cared about, influencing quality of life, but consequences that had the potential to impact one's very survival.

Recalling that British, African, and European laborers largely experienced daily life in a similar fashion, these enactments ensured that treatment would become very different soon after their passage. People called "whites" found favorable treatment in law that differed from how these same people were treated prior to the enactments. These same people were not afforded protection from prosecution or liability when the witness(es) to a crime or civil event was of African descent. Nor were those who were rendered "white" forbidden to be beaten naked in public without a court order. Only in and through becoming "white" were they afforded such privileges. Notice that these privileges are only a small improvement from where all laborers stood prior to Bacon's Rebellion.

Law produced consequences that rendered one group of people (whites) the privileged group and other groups of people (most generally, nonwhites) called "negroes," "mulattos," and "Indians," disadvantaged. These laws worked to create a fault line or a gap between laborers that did not previously exist. The fault line was a social separation that can be seen in the colonies beginning in the eighteenth century, and in the United States throughout its history. This separation was not merely linguistic (white and black African or white and Indian) but was reflected in the treatment received as a matter of daily life, creating a dramatic shift from the experience of laborers from Africa and Europe prior to Bacon's Rebellion.

These enactments worked to make "white" people "real" by shaping a range of shared experience and expectation that can be identified as white. The colonial elites had little in common with the European bond laborers who worked for them. With the invention of "white" people they now shared an authority over members of native tribes, and those of African descent built on the promulgation of the

idea that they share a superior status – that of whiteness. Here, "race" is working to reconstitute class. The invention also resulted in "white" men sharing an exclusive marital claim to "white" women, while these women were rendered desexualized bearers of white purity. In this way, the invention of "white" people created a bridge that served to unite the ruling elite with large numbers of laborers despite their vastly different social and economic conditions.

Conversely, the invention separated laborers from themselves and each other. The human category "white" worked to alienate "white" women from their own bodies. As previously discussed, the imposition of "white" through antimiscegenation law combined with the law that made the status of a child dependent upon the status of the mother, worked to desexualize "white" women while locating it in the bodies of African women. "White" women were thus constructed as virtuous vessels upon which the "purity" of "whiteness" depended. Sexuality was traded for virtue and the "virtuous woman" became yet another self-concept and group identity that bridged rich and poor through "whiteness."

Despite the greater similarity of laborers' (African and European) social and economic conditions, even after the post-Bacon's Rebellion enactments, the invention of "white" people resulted in a new tier of labor – poor "whites" (Allen 1997, 248-51). This new label allowed "white" laborers to see themselves as more like the plantation elites than the African bodies over whom they now helped rule. Plantation life was reorganized to reflect the different treatment between "whites" and "nonwhites" that the new laws imposed. Poor "whites" emerged as managers over those of African descent and served as the wedge that kept poor "whites" from seeing that their condition was more similar to that of their fellow African and native people than to the elite of the colony. Bacon's Rebellion represented laborers from Africa and Europe united against the landowning elite. "White" people were the solution to that threat.

White as Ideology, Social Structure, and Race

Through the package of laws passed by Virginia lawmakers following Bacon's Rebellion, colonial lawmakers worked to invent the human category "white" and constituted not just rules that constructed a

boundary between social order and criminality, but the rules of whiteness (Battalora 1999). These enactments shaped ideology and social structure and help explain the staying power of the fiction called “white” people and their racialization. Each of these claims will be discussed separately.

The term *ideology* means a set of ideas about reality.²⁹ Sometimes ideology is understood as a way of looking at something that renders it common sense. Let’s consider this understanding of ideology in relation to the invention of “white” people in the colonial period. Through a series of laws enacted by Virginia lawmakers from 1691 through 1723, “white” people became a label for people seen as sufficiently like-the-British. A label alone does not constitute an ideology. It is the promulgation of ideas that support action and expectations that is key to ideology. These laws worked to justify the legitimacy of the bondage of persons of African descent and the further exploitation of native tribes by relying upon a way of thinking that viewed English and then simply “white” people as essentially free, as “pure,” and as deserving of rights and privileges from which others can be denied.

Let’s first begin with the action and expectation that the series of laws direct. Taken as a whole, they instruct all people to see “whites” as more valuable to the community by rendering them, by virtue of legal consequences, literally more valuable. In this way, the social supremacy of “white” people became a fulfilled prophesy for the group. In addition, the laws direct all “white” people to be in a position of authority over those seen as not white. This message of “white” authority, in turn, shaped perceptions of self, group, and others. It would be hard for those labeled “white” to escape at least some level of internalization of the idea that they are better than those seen as not “white,” impacting one’s sense of self and one’s sense of the group to which they are a part. Conversely, it would be equally as unlikely that one could fully escape internalizing the message that those who are not “white” are less valuable. Finally, the laws direct all “white” people to see themselves as a unified group via this value and authority, and through a claim to purity that attached to their status as “white.”

The meaning of purity was more than having only “white blood” in one’s heritage. The notion of purity that attached to “white” people included an understanding of whiteness as representative of spiritual purity within a Christian context (Ruether 2009: 76). Christian

symbolism of light and dark, representing good and evil, readily accommodated transference upon bodies. Christian notions of spiritual purity provided a psychological and socio-political resource for “English or other whites” to shape a moral “Christian” foundation for a hierarchy of humanity that placed “whites” at the top (Battalora 1999: 57-61). Through these laws and with the aid of religious, economic and psychological resources, the idea of “whites” as a superior group became embedded in the minds of people and shaped expectations and goals. Perhaps the strongest and most disturbing evidence of the internalization of such cultural representations of “white” people is the practice of lynching that will be explored later in the book.³⁰

If enforcement of the laws passed after Bacon’s Rebellion was not enough to impress upon colonists the idea that “white” people are an identifiable group who are essentially different from, in fact superior to, those excluded from the category, then propagandizing efforts imposed by Virginia lawmakers served to clarify. Once each spring and once each fall, parish clerks or churchwardens were required to read in full the laws at the conclusion of Sunday service, while sheriffs were required to do so as well at the courthouse door (Hening 1705, 3:447-62; 1723, 4:126-34). The laws represent a restructuring of colonial society in a way that located all “whites” above Africans and members of native tribes. This restructuring was made common sense through the message that “white” people are superior and ought to be in a position of authority relative to all others, and through laws that imposed such an arrangement.

Ideology alone does not have the staying power that the category “white” has exhibited – some three hundred years. Ideology alone was not the only result of the post-Bacon’s Rebellion enactments in Virginia. The laws also constituted *social structure*. Social structure refers to patterned social arrangements that impact individual actions. How did the Virginia laws structure social arrangements and impact individual action? For those who became “white,” the classification became valuable for the material, psychological, and spiritual privileges it conferred, even if contingently, while failing to comply with its boundaries was costly.³¹ The value and privilege conferred upon “whites” contrasted with the denial of human worth and community privilege for those rendered not “white,” and transformed society by dividing

laborers who previously were united. Virginia society was reshuffled through these laws to create an entirely new tier of laborers, poor “whites,” and an entirely new bottom to the social hierarchy, enslaved persons of African origin and “free” persons of African descent with very narrowed rights of freedom. This new arrangement shaped the actions of laborers in ways that differ sharply from interactions prior to and during Bacon’s Rebellion. Those of African descent were rendered passive to the actions of “whites,” while “whites” were made managers and rulers. The laws that followed Bacon’s Rebellion drove a wedge between “whites” and those labeled other-than-white by creating very different consequences depending upon one’s categorization. These different consequences impacted everyday life in profound ways.

In summary, the decades after Bacon’s Rebellion saw the simultaneous invention of a group called “whites” and the interpretation and assertion of this group as deserving of rights and privileges from which “others” can be denied. The laws literally made “white” people more valuable by allocating more rights and resources to them, largely by stripping them from those of African descent and members of native tribes. The social structural impact of these laws positioned “white” people both symbolically and materially above (or superior to) those rendered not “white.”

According to Omi and Winant, *racial formation* is best understood as a dynamic interaction of both social structure and cultural representation (1994: 56). They explain racial formation as a process or processes “occurring through a linkage between structure and representation” while “racial projects do the ideological ‘work’ of making these links.” (Ibid)³² A racial project is:

simultaneously an interpretation, representation, or explanation of racial dynamics, and an effort to reorganize and redistribute resources along particular racial lines. Racial projects connect what race means in a particular discursive practice and the ways in which both social structures and everyday experiences are racially organized, based upon that meaning (Ibid.).

This notion of racial project is helpful for our purposes but with a few alterations, since “race” is not yet organized but, rather, being

constituted through the post-Bacon Rebellion reorganization of society. The bundle of laws, the meanings they promulgate and the social structure they constitute represent a race-making project. The laws simultaneously represent, interpret and explain an unequal and unfair distribution of resources (i.e., claims to and denial of due process and self defense, possession of a gun, the exercise of political voice in an election) along dividing lines of humanity (i.e., “white” on the one hand and “negro,” “mulatto,” and “Indian” on the other) that worked to render such groups of humanity “races.” As such, the decades after Bacon’s Rebellion represent not only the creation of “white” people but the origins of “race,” including the “white race.”

With this understanding of racial formation, we see the combination of “white” as ideology and “white” as social structure providing the foundation for the construction of “white” people as a racial group. The enactments of the Maryland and Virginia assemblies during the final decades of the seventeenth century and into the eighteenth century reveal the initial legal authorization of a label and its package of ideas that worked to create, perpetuate, and institutionalize representations of bodies made different, specifically, those made “white” and superior in the most general of senses, and those that were not.

Who was “white” was by no means clearly established in the decades following Bacon’s Rebellion, and remains undefined as a matter of law to this day. In this way, “white” held the potential to be crafted and contoured by those who held legislative or judicial power, providing them with the ability to include and exclude.³³ An understanding of “white” as ideology and social structure allows for an important distinction to be made. While “whites” references people thought to be so categorized, “whiteness” refers to much more. It is meant to capture not only “white” people, but more so the ideological underpinning that sustains them and the social structures that support the idea of “white” people, what they represent, and their position within society.

A Return to Social Constructionism

British and European colonists did not experience a genetic transformation in the decades following Bacon’s Rebellion that turned them from Spanish, Dutch, or British into “whites.” The “white race”

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was no more a biological reality then than it is now. The differences between persons of European and African descent did not emerge from their biological condition, but rather through social enactments that demanded they be treated differently. The series of post-Bacon's Rebellion laws help reveal the role of law in making fiction, the "white race," reality. It did so by constructing or inventing a new group of people called "whites," and it made them "real" by creating very specific consequences and social realities separating those within the category from those without it, through ideology and social structure, giving rise to smoke and mirrors that reflect the appearance of race.

The historical record of the emergence of the human category "white" in law reveals that the category was not inevitable and was not the result of nature, but rather was the result of tremendous human activity. Such human activity included writing and enacting many laws, a regular reading of these laws at church and the courthouse, and strict enforcement. In other words, the human category "white" or the "white race" is a social construct.

Discussion Questions:

1. How did the invention of "white" people serve to unify the relatively few plantation owners with large numbers of British and European laborers, despite their dramatically different economic and social conditions?
2. What social hierarchies facilitated the invention of "white" people, and how did these hierarchies work to render the invention acceptable?
3. What social hierarchies today work to make "acceptable" the split between the one percent of the population who hold the vast amount of wealth in the U.S. from the ninety-nine percent who do not?
4. What role did law play in the making of the "white race"?
5. What creates "white" culture today?