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978-1-107-02486-1 - Racial Subordination in Latin America: The Role of the State, Customary Law, and the New Civil Rights Response

Tanya Katerí Hernández

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## RACIAL SUBORDINATION IN LATIN AMERICA

There are approximately 150 million people of African descent in Latin America yet Afro-descendants have been consistently marginalized as undesirable elements of the society. Latin America has nevertheless long prided itself on its absence of U.S. styled state-mandated Jim Crow racial segregation laws. This book disrupts the traditional narrative of Latin America's legally benign racial past by comprehensively examining the existence of customary laws of racial regulation and the historic complicity of Latin American states in erecting and sustaining racial hierarchies. Tanya Katerí Hernández is the first author to consider the salience of the customary law of race regulation for the contemporary development of racial equality laws across the region. Therefore, the book has a particular relevance for the contemporary U.S. racial context, in which Jim Crow laws have long been abolished and a "postracial" rhetoric undermines the commitment to racial equality laws and policies amid a backdrop of continued inequality.

Tanya Katerí Hernández is a Professor of Law at Fordham University School of Law, where she teaches comparative employment discrimination, critical race theory, intergroup conflict and the law, and trusts and wills. The Fred T. Korematsu Center for Law and Equality awarded Hernández a Non-Resident Faculty Fellowship for 2011–13. She has previously served as a Law and Public Affairs Fellow at Princeton University, a Faculty Fellow at the Institute for Research on Women at Rutgers University, and an Independent Scholar in Residence at the Schomburg Center for Research in Black Culture. In 2011, Hernández was named a Fellow of the American Bar Foundation, and in 2009 she was elected to the American Law Institute. *Hispanic Business Magazine* selected her as one of the 100 Most Influential Hispanics of 2007. Professor Hernández serves on the editorial boards of the *Journal of Legal Education* and the *Latino Studies Journal*. Hernández's scholarly interest is in the study of comparative race relations and antidiscrimination law and her work in that area has been published in the *California Law Review*, *Cornell Law Review*, *Harvard Civil Rights–Civil Liberties Law Review*, and *Yale Law Journal*, among other publications.

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**Tanya Katerí Hernández**

*Fordham University School of Law*



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*For Anani Dzidzienyo,  
who made it possible for me to be a scholar of  
comparative race relations;  
Harlon Dalton, who made it possible for  
me to be a lawyer; and my  
Research Assistants, who help me bring  
it all together.*

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Frontmatter

[More information](#)**CONTENTS**

Maps	<i>page</i> viii
1. Racial Innocence and the Customary Law of Race Regulation . . . . .	1
2. Spanish America Whitening the Race – the Un(written) Laws of <i>Blanqueamiento</i> and <i>Mestizaje</i> . . . . .	19
3. Brazilian “Jim Crow”: The Immigration Law Whitening Project and the Customary Law of Racial Segregation – a Case Study . . . . .	47
4. The Social Exclusion of Afro-Descendants in Latin America Today . . . . .	73
5. Afro-Descendant Social Justice Movements and the New Antidiscrimination Laws . . . . .	102
6. Brazil: At the Forefront of Latin American Race-Based Affirmative Action Policies and Census Racial Data Collection . . . . .	148
7. Conclusion: The United States–Latin America Connections. . . . .	171
Appendix A: Afro-Descendant Organizations in Latin America	183
Appendix B: Typology of Latin American Racial Antidiscrimination Measures	199
Bibliography	201
Index	239

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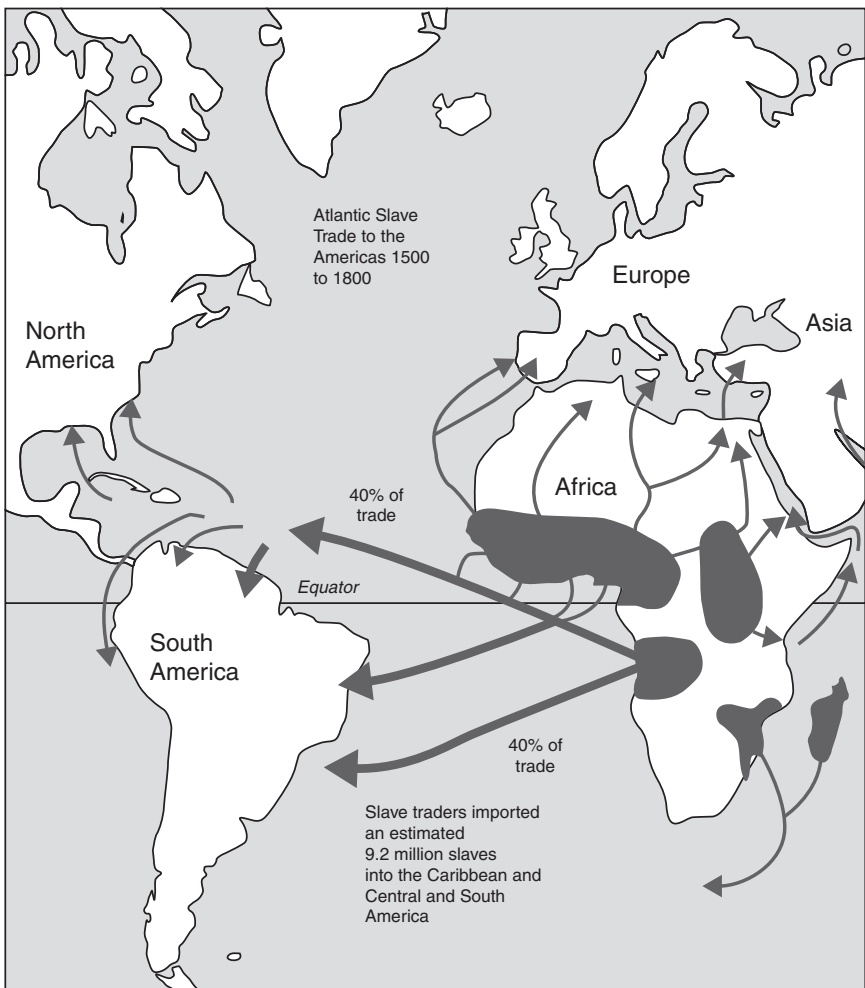
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## MAPS



Map 1. African slave trade routes and numbers. From Williams. *Macmillian Encyclopedia of World Slavery, 1E*. © 1998 Gale, a part of Cengage Learning, Inc. Reproduced by permission. [www.cengage.com/permissions](http://www.cengage.com/permissions)



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Map 2. Afro-descendants in Latin America: How many? Reproduced with permission from Inter-American Dialogue.

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