

“I’m Principled Against Slavery, but . . .”: Colorblindness and the Three-Fifths Debate

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ABSTRACT

No longer is it acceptable to rationalize racial hierarchy in explicit terms. Today’s racism substitutes these views for seemingly nonracial ones that diminish structural discrimination and “blame the victim.” Though recent studies uncover the subtle, implicit, and covert discourse of colorblindness, claims of ideological progression have been offered without empirical verification. Examining debate surrounding the three-fifths clause of the U.S. Constitution, I complete a historical ethnographic content analysis that transplants colorblind ideology into historical soil where some presume it does not belong. The data derive from *A Century of Lawmaking for a New Nation*, which is an archival collection held by the Library of Congress. The data set consists of 1,493 pages of congressional record. My findings reveal how colorblindness captured in phrases like “I’m not racist, but . . .” have historical parallels in “I’m principled against slavery, but . . .” This observation merits more theoretical attention because it shows how the very ideology some describe as novel today persisted in a previous era. In other words, colorblindness was not created out of whole cloth in post-1960s America.

KEYWORDS: colorblindness; slavery; racism; three-fifths clause; historical ethnography.

Common vocabularies among those who study racial ideology, with words like “*new racism*” (Barker 1982), “*post-civil rights era*” (Omi and Winant [1986] 1994), or “*modern racism*” (McConahay 1986), emphasize a rupture between the racial past and present. No longer do whites insist upon state-sanctioned, compulsory inequality to preserve racial advantage. Bigotry has been substituted for a “kinder, gentler” anti-black ideology that consists of seemingly nonracial views, which deny structural obstacles and “blame the victim” (Bobo, Kluegel, and Smith 1997). It is as though minority groups (1) no longer face discrimination, (2) should work harder for social mobility, (3) ought to quit demanding inclusion, and (4) have already received more than they deserve (Schuman et al. [1985] 1997). Normative changes have rendered “mean-spirited” racism taboo and subject to public

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sanction (Quillian 2006). The style of racial ideology has shifted so that whites safeguard their interests in subtle, implicit, and covert ways that make their views “more palatable,” often selecting from an expansive menu of colorblind rhetorical strategies to justify racial inequality (Bonilla-Silva and Forman 2000; Lewis 2004).

Studies that document change in racism counter claims that discrimination is no longer a first order cause of racial inequality (e.g., Heckman 2011). Emphasis on change, however, may obscure constancies underneath what transformations have transpired (Henricks 2016; Jung 2015; Mueller 2017). Racist incidents associated with the days of old have persisted and, in some cases, risen during recent years (Harvey Wingfield and Feagin 2012). These include the resilience of biological determinism within academia and the general public (Morning 2011), surging participation in white supremacist organizations (Daniels 2009), and a tendency for whites to subconsciously identify blacks more as ape than human (Goff et al. 2008). Examples like these hardly reflect a racism that is unique from the past.

THE THREE-FIFTHS CLAUSE: A COUNTER-INTUITIVE CASE OF COLORBLINDNESS

If explicit racism persists in a supposedly post-racial world, perhaps the reverse could be true of the past. *Was colorblindness a prevailing ideology when slavery was the dominant racial arrangement?* To answer this question, I have turned to a case study of debates surrounding the three-fifths clause of the U.S. Constitution (see Table 1). It was among the provisions that codified slavery into law, one that revolved around how to enumerate slaves for the sake of congressional representation and direct taxation. If slaves counted toward apportioning congressional representation, then states with many slaves would be advantaged. Meanwhile, if slaves counted toward apportioning direct taxation, then states with many slaves would assume larger tax liability. This framing positioned the North to prefer a zero-fifths ratio for representation and a five-fifths ratio for taxation, whereas the South desired the opposite. A three-fifths ratio was middle ground between these positions, and it represented a compromise over sectional disagreements on the worth of slaves in relation to freepersons.

Questions of “worth” invariably came up in debates over taxation and representation because delegates centered the design of their new government around matters of private property. By default, slavery was the central subject since wealth portfolios of the richest Americans held a bulk of their assets in human bondage (Robinson 1971). Disagreements over how central the institution was, as well as what lengths it ought to be protected, introduced unresolved disputes that contributed to the failure of the Articles of Confederation. These disputes took over a decade to sort out, but they were ultimately settled with the ratification of America’s second constitution. The three-fifths clause fractioned the personhood of slaves, confirmed their dual status as person and property, and endorsed slavery as the normative foundation for a formal racist state (Feagin 2000). These are among the factors that make it a counterintuitive case study of colorblindness. After all, what need is there for subtle, implicit, and covert racism when the country’s founders agreed, with proportional exactitude, that slaves were valued at 60 percent the rate of freepersons?

Table 1. Text of the Three-Fifths Clause in the U.S. Constitution

<i>Provision</i>	<i>Legal Text</i>
Article I, Section 2	Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

THE THEORY AND DATA DIVIDE, WHY HISTORICISM IS NEEDED

A classical/modern dichotomy cannot be conceptualized without referring to two points in time, but a trend among sociologists is to advance historicized claims about racism without empirically anchoring them in a historical context.¹ For example, Eduardo Bonilla-Silva (1997) has offered a theory ("racialized social systems") that explains how racism dynamically changes in patterned and resilient ways. Studies that embrace the framework, however, have not followed a methodology that permits its verification (e.g., Bonilla-Silva [2003] 2014; Embrick and Henricks 2013; Lewis 2003). They rely on interviews and fieldwork to interrogate contemporary racism, but the theory calls for historicism since change takes place over time. Otherwise, a mismatch persists between the long-view theses advanced and the cross-sectional analyses offered.

More than a mismatch between theory and data, the classical/modern dichotomy can impose conceptual distinctions that separate the past and present as though this disruption is clean or total (e.g., Omi and Winant [1986] 1994). This imposition hinders understanding how early racial formations have influenced later ones (Thomas 2010). Within the three-fifths debate, for example, the framers tapped into racisms (plural) often associated with different historical periods. On the tax side of the debate, they asserted cultural stereotypes to denigrate slave labor. Slavery generated more cost than profit, according to them, meaning that slavemasters deserved relief for a tax plan based on population. On the representation side, these same delegates claimed the country could not do without "brutish" slave labor. Economic growth would stop dead in its tracks, and the South would become a wasteland. Other times, the framers channeled religion to declare a divine order whereby G-d² intended whites rule the so-called lesser races.

The classical/modern dichotomy is misplaced because multiple forms of racism can, and perhaps often do, coexist in overlapping epochal moments.³ This means the coexistence of "classical" and "modern" racisms, or the ideologies these terms signify, can *cluster* in their temporal development (see also Mignolo 1995; Thomas 2010). Within the three-fifths debate, the framers exhibited no problem oscillating between multiple ideologies that drew from culture, biology, or religion. At times, they fluently combined these views with colorblindness—espousing a cumulative interplay of them all. A classical/modern dichotomy can impose conceptual boundaries that blur these complexities, overlooking how racisms of the past can be conserved, consolidated, and repackaged over time.

DATA AND METHOD: HISTORICAL ETHNOGRAPHIC CONTENT ANALYSIS

No clear typology marks what is or is not ethnography. In practice, the method is used loosely to connote research that ranges from interviews and participant observation (e.g., Evans and Moore 2015) to prolonged submersion in the field (e.g., Anderson 1990). What I am labeling "historical ethnographic content analysis" (henceforth HECA) is a synthesis of two methods: "historical ethnography" and "ethnographic content analysis." Diane Vaughan (2004) describes the former as a way to understand the experiences of others, as seen from their perspectives, in another time and place through documents. Sharing this emphasis on texts, David Altheide (1987) offers a method that stresses procedure and technique for sampling, analyzing, and interpreting patterns of cultural and structural significance. A synthesis of these approaches is not necessarily novel, as it shares affinities

- 1 Notable exceptions who historicize racism have exhibited reluctance to formalize a methodological strategy (e.g., Collins 2005; Feagin 2000). Instead, these studies have prioritized theoretical development. Placing data and theory on equal planes is important, however, because it can specify under which circumstances a framework can be applied and more carefully distill its comprising elements.
- 2 My spelling of "G-d" is preferred to "God" out of concerns of reverence.
- 3 The coexistence of multiple forms of racism does not mean they share common origins. Religion-inspired racism, for example, predates the early republic. Fredrickson (2002) described it as an outgrowth of anti-semitism during the Middle Ages, in which Jews were seen as the pale of the earth under European expansionism (see also Gilman 1991). Such subjugation entailed a racialization process where Jews were demarcated as black, deemed them a threat to Christianity, and legally barred from intergroup contact.

with methods practiced within anthropology and cultural history (e.g., Comaroff and Comaroff 1992).

HECA is ethnographic in the sense that it emphasizes what people do and say in context. Unlike conventional ethnography, the method does not follow a participatory mode of data collection whereby researchers directly engage those they study. Instead, HECA stresses the translation of text into experience. As Marcus Hunter (2013) describes, it involves thinking of texts as lasting evidence that offer a window into (re)constructing specific sociohistorical moments. The data categories and analyses I apply throughout are tested against what people say and do, paying close attention to “racial projects,” which link representation and action together within the domain of lawmaking (Omi and Winant [1986] 1994).

Sampling Scheme: Deciding What to Study

To study the three-fifths debate, I relied upon the archives entitled *A Century of Lawmaking for a New Nation*. The Library of Congress holds this collection, and it is among the most robust sources of congressional record. It consists of source books that feature primary texts from those who created the Articles and the Constitution. These documents include official proceedings from the secretaries (Charles Thomson during the Articles and William Jackson during most of the Philadelphia Convention), which in some cases were vetted through parliamentary procedure before publication. The collection also includes direct correspondences between delegates as well as notes taken by a handful of representatives.

My focus is narrowed to debates of the three-fifths clause, which unraveled between 1775 and 1788. Documents were sampled according to whether they contained the words “three-fifths,” “three fifths,” or “3/5s.” This procedure yielded a data set that is comprised of 1,493 pages of texts, which feature the discourse of 160 political figures. The participation of these figures, however, was uneven. Over one-third offered few words, simply asked clarifying questions, or restated points already well-established. To preserve the data’s reliability and ensure validity among the analysis, I have followed two strategies of triangulation: (1) cross-referencing multiple sources and (2) calculating intercoder reliability.

A Two-Prong Strategy of Triangulation

Being at least one degree removed from direct observation introduces a major concern: How does one know if the textual accounts are accurate? For example, historians have long considered the notes of the Philadelphia Convention taken by James Madison of Virginia as the authoritative source (Bilder 2015). A known problem with these notes, though, is that Madison revised them until his death in 1836. The end product was published in 1840, covering layers of revision in which Madison changed his interpretation of the Convention, the role he played in the debates, and what stances he took on the Constitution.

While the “father of the Constitution” makes appearances in my analysis, I am less interested in James Madison than I am the collective representations that he and others advanced. I detect the reliability of his notes as well as the notes of others by cross-referencing multiple accounts of the same events. For transparency, the data points featured throughout my analysis are triangulated by two references. These references indicate who recorded the observations cited and where these observations can be located within the archives. Unless otherwise noted, all data points presented hereafter represent patterned observations.

The second strategy of triangulation includes intercoder reliability. Coding was performed by myself and two secondary researchers. Whereas I coded all 1,493 pages of data, the secondary researchers reviewed about 25 percent of the data set. These “triple-coded” documents were chosen purposefully. The texts were arranged in chronological order and divided into twelve equal segments. Then, three segments at the front-, middle-, and back-ends of the data set were selected for the other

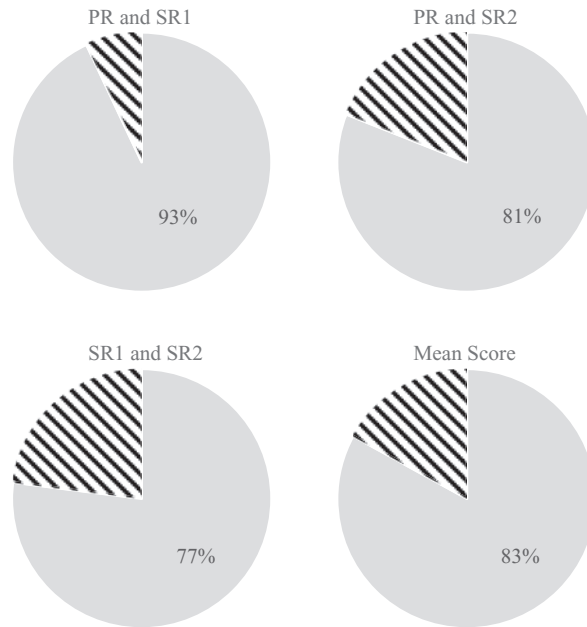


Figure 1. Intercoder Reliability: Percentage Agreement Between Coding Decisions

Notes: PR signifies primary researcher, while SR1 and SR2 signify secondary researchers 1 and 2. The minimum intercoder reliability is a coefficient level of $<.80$.

researchers to review. This procedure ensured they were exposed to a diverse selection that spanned the observed timeline.

Intercoder reliability measures the consistency of coding decisions between independent researchers. The index I relied upon was “Percentage Agreement.” It ranges on a 0-to-1 scale with 0 meaning no agreement and 1 meaning perfect agreement. This index is preferred for its straightforward interpretation, but it has overestimation tendencies (Suen and Lee 1985). I set a minimum level of reliability at a coefficient level of $.80$ to offset this limitation, which is a high threshold acceptable for most qualitative research (Lombard, Snyder-Duch, and Bracken 2002). All coding decisions between myself and the other researchers surpassed this mark (see Figure 1). These decisions consisted of identifying patterns of abstract liberalism, or what Bonilla-Silva ([2003] 2014) describes as the cornerstone of colorblind racism.

THE CONCEPTUAL UTILITY OF “RACISM”

Is racism a concept worth keeping? Some scholars claim that the intertwined development of racism with other concepts such as prejudice, discrimination, and stigma make it difficult to discern, and this development can limit its application to theoretical discussions (Byrd 2011; Quillian 2006). Others point to broad invocation of racism regarding anything that involves racial disparity, which can reduce the term to a blanket concept that does not pinpoint the mechanisms that reproduce inequality (Miles 1989). Borrowing from William Julius Wilson (1973), I have defined racism as “an ideology of racial domination or exploitation that (1) incorporates beliefs in a particular race’s cultural and/or inherent biological inferiority and (2) uses such beliefs to justify and prescribe inferior or unequal treatment for that group” (p. 32). Identifying racism as an ideology of domination or exploitation implies that it is tied to power relations of who can propagate ideas and practices that preserve a

racial order.⁴ Those with the capacity to preserve a racial order during the three-fifths debate included the “founding fathers.”

Because race operates systemically, all the framers were implicated in the rationalization of racial affairs—though not to the same extent (see [Bonilla-Silva 1997](#)). For instance, proslavery framers tended to promote their racial interests overtly and defend slavery outright. Their anti-slavery foes advanced their interests in discretely nonracial terms. Even those who were well-meaning, “tolerant,” and among the most educated supported slavery indirectly by: deferring decisions of commerce to state-level government (Oliver Ellsworth of Connecticut), supporting slave trade in exchange for economic policy that advanced Northern industry (Gouverneur Morris of Pennsylvania), and agreeing to extra congressional representation to commensurate with the South’s disproportionate share of wealth (Rufus King of Massachusetts). Nevertheless, this broad-sweeping implication does not mean the framers shared a coherent racial identity. What they shared was whiteness—a social position within the racial order that conferred common interests ([Hughey 2012](#); [Lewis 2004](#)).

COLORBLIND IDEOLOGY IN A COLOR-CONSCIOUS CONTEXT

Colorblindness is a type of racial ideology that does not ignore race altogether ([Bonilla-Silva \[2003\] 2014](#)). Those who endorse it affirm ideals of liberalism, both in a political and economic sense, and even condemn overt expressions of prejudice. They do so, however, in ways that defend whites’ position in the racial order (see also [Bobo et al. 1997](#)). Individuals are assumed to be makers of their own destiny, and one’s social position is a measure of character and self-worth. The world of colorblindness is understood in ways that diminish racial discrimination so that race is denied as an organizing principle that structures how socially defined rewards and penalties are distributed.

Though slaves were denied basic rights of citizenship and subjected to total white domination often through violence ([Du Bois \[1935\] 1992](#)), the peculiar institution was colorblind to the extent that slavemasters and accommodators alike affirmed appeals to liberalism while they simultaneously diminished the significance of slavery. They used analogous discursive strategies to accomplish these feats. In place of hallowed disclaimers like “I’m not racist, but . . .” ([Bonilla-Silva and Forman 2000](#)), the framers deployed stylistic parallels such as “I’m principled against slavery, but . . .” (Madison’s notes in LDC-XX [1783] 1976:120; see also Thomson’s notes in JCC-XXIV [1783] 1922:948).⁵

The contraction “but” signals a degree of conscious misdirection. It signposts an acknowledgment that the forthcoming claim will not be principally against slavery. After Hugh Williamson of North Carolina uttered these words, he followed them with pleas for low taxes on slaves: “[H]e thought slaves an incumbrance [sic] to Society instead of increasing its ability to pay” (Madison’s notes in LDC-XX [1783] 1976:120; see also Thomson’s notes in JCC-XXIV [1783] 1922:948). Hardly a rejection of human bondage, Williamson used the style of colorblindness to advance fiscal policy that would subsidize slavery with foregone tax revenue.

Though the framers supported policy that advanced slavery, their contradictory words indicate they desired to live in a world without it. They thought America presented opportunities to diverge from a legacy of British monarchy where status was inherited upon birth and mobility was closed off. It presented a chance to fulfill self-evident truths like those captured in the Declaration of

4 Because I have defined racism as an ideology of racial domination or exploitation, the terms “racism” and “racial ideology” are used interchangeably (see also [Bonilla-Silva 1997:467, 473–474](#); [Wilson 1973:32](#)). My conceptualization follows [Bonilla-Silva \(1997\)](#) who has argued that racism (or racial ideology) serves as the discursive medium that rationalizes practical relations of subordination and superordination between racial groups, crystallizing a racial structure or a “racialized social system” in the process.

5 Efforts have been made to contextualize and make transparent the archival material referenced throughout the article with the use of citations (e.g., “Madison’s notes in LDC-XX [1783] 1976:120”). These citations document whose notes recorded the referenced discourse (e.g., “Madison’s notes”), which archival sourcebook contains the cited content (e.g., “LDC-XX”), when the discourse was purported to be said (e.g., “[1783]”), what year the archival sourcebook was published (e.g., “1976”), and the page(s) where the content appears (e.g., “120”). A more detailed citation of each archival sourcebook is included in the Appendix.

Independence. A paradox between liberty and human bondage was not seen by the framers as such, however. Statesmen were not overwhelmed by a sense of wrongdoing because their disposition toward slaves can be described as a non-dilemma (see also DiTomaso 2013). They held a vested commitment to not knowing black plight (see also Mueller 2017) and were apathetic to black humanity altogether (see also Forman and Lewis 2006). From their stance, slavery was rational because slaves did not belong to the body politic.

The framers denied the salience of slavery on at least five counts. One, they argued it was an unfortunate circumstance inherited from Britain and African merchants (John Tyler, Thomas Jefferson, and George Mason of Virginia). Two, many presumed most states opposed the institution and were actively seeking to end it (Thomas Dawes and James Neal of Massachusetts). Three, some thought the slave-master relation was perfection of the human condition, more caring than parent-child relationships, and a noble, nonprofit enterprise of civilizing the racially uncivilized (Rawlins Lowndes of South Carolina and James Jackson of Georgia). Four, others preferred to avoid the topic altogether as mere mention of "slavery" was too politically sensitive for discussion (William Paterson and Jonathan Dayton of New Jersey). And five, a near majority across the sectional aisle prioritized ideals of liberalism over its praxis.

Undergirding Principles of the Infamous Ratio: Abstract Liberalism as Tax Uniformity and Representational Equality

Debates over the three-fifths clause centered on two notions of abstract liberalism: "tax uniformity" and "representational equality." The former regards consistent and fair modes of taxation across varied forms of property, whereas the latter refers to regional balance of political representation with respect to wealth. Briefly, let me locate the context in which these themes originated, detail ways in which they were historically significant to those of the early republic, and explain how they embody the framers' experiences as seen from their viewpoints.

With laws like the "Stamp Act of 1765," British Parliament imposed taxes onto Americans without their consent (Morgan and Morgan [1953] 1995). The Stamp Act required colonists to print materials on paper produced in London that carried a revenue stamp. Specifically, it targeted products commonly used by college students and lawyers in efforts to limit the size of a colonial professional class. This kind of rule evolved into a tax tyranny from colonists' perspectives—a form of political slavery that subjected their will to another's whims. Their livelihood was at the mercy of the British, who could confiscate property through imperial taxation. With these experiences fresh on the founders' minds, they approached the task of constitution making with the understanding that taxes should be uniform both in the sense of what property would be taxed and at what rate.

America is a country born out of tax rebellion, with its revolutionary spirit captured by the phrase "no taxation without representation." Patriots like John Adams of Massachusetts claimed British Parliament had no standing to impose taxes without colonial consultation (McCullough 2001). Being freeborn British subjects, he claimed that such lack of political voice violated the rights of colonists that were protected by the English Bill of Rights of 1689. Weary of unchecked, arbitrary power that had been imposed by the British, elite colonists were sensitized to creating a government where their voices would be heard. They initially tried a "one vote, one state" rule under the Stamp Act Congress and the Articles of Confederation, but it failed miserably for reasons to be discussed below. Namely, the wealthiest states demanded government be represented by those whom they thought committed the most resources to it.

Debates about both representation and taxation centered around slavery given the slave's dual status as person and property, and nearly half the delegates (71 out of 160 or 44.4 percent) framed these debates with colorblind ideology (specifically abstract liberalism, see Figure 2). This adherence was fairly even between the North and South (33 compared to 39). More Southerners than Northerners framed the three-fifths debate under the guise of tax uniformity (31 compared to 22), while the two regions were more balanced when it came to espousing representational equality (23 compared

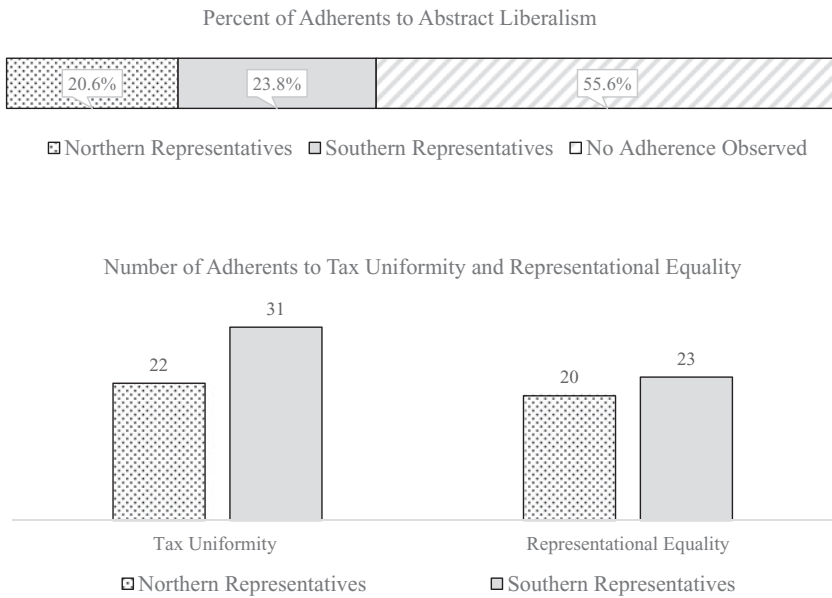


Figure 2. Colorblind Adherence Among the Three-Fifths Debate Participants ($n = 160$)

to 20). With these figures, my intent is not to imply a frequentist logic that suggests the framers evenly participated in discussion and exerted similar levels of influence (see [Small 2009](#)). Both instances were not the case. I offer this overview to give a general sense of how prevalent colorblindness was during the three-fifths debate.

THE THREE-FIFTHS RATIO: ITS HISTORICAL BACKDROP

The infamous three-fifths ratio did not originate from the Philadelphia Convention of 1787. Its roots are planted in America's first constitution and its failure. The Articles of Confederation lacked a central apparatus for financing the War of Independence and relieving debts owed to foreign creditors ([Robinson 1971](#)). Instead, it contained a real estate tax known as Article 8. Introduced by John Witherspoon of New Jersey in 1777, this plan relied upon voluntary compliance from states to develop a standardized means of taxation, reconcile different land valuations, and deliver the proceeds upon congressional request. Article 8 would likely have been unworkable during times of peace ([Einhorn 2006](#)). War made it impossible. Not only did 13 states have unique trade policies and court systems as well as circulate their own currencies, but real estate values fluctuated due to constant occupation or devastation.

Nearly five years after the introduction of a real estate tax, a growing consensus among Congress realized they needed a fiscally sound alternative. Inherently this meant establishing a common currency, stripping states of their power to regulate national commerce, making arrangements with creditors, financing military efforts with supplies, and devising a tax scheme to pay for it all. America was on the brink of ending before it began should a national government not fulfill these tasks. In 1783, James Madison and Alexander Hamilton jointly designed an alternative tax plan they thought might save the nation.

The alternative relied upon an impost and a population-based tax. The former half was an ad valorem duty of 5 percent levied on imports, with higher duties levied on certain goods like wine, spirits, tea, coffee, sugar, pepper, and molasses. Whereas the real estate tax needed a standardized assessment plan, revenues could be immediately generated with the impost wherever imported goods were exchanged. Despite its advances, the impost was vulnerable. Its revenues could be brought to a halt, like they would during the War of 1812, should an enemy blockade port cities and interrupt commerce (see [Figure 3](#)).

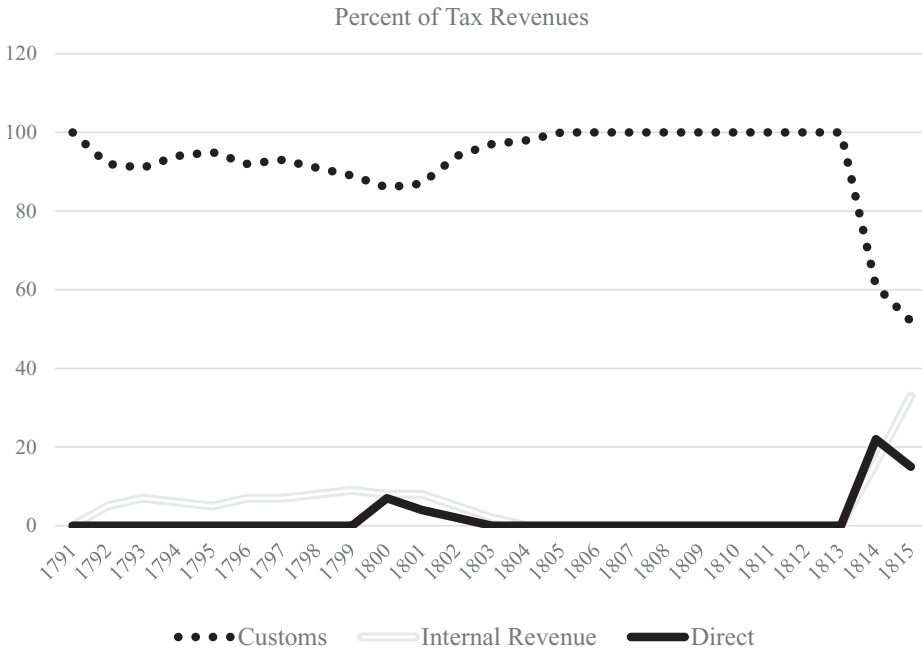


Figure 3. Composition of Federal Taxation by Percent, 1791–1815^a

^aAdapted from Dewey [1903] 1934.

Out of concern for protection, James Madison and Alexander Hamilton pitched a second option: “direct taxation.” This would supplement revenue during moments of national crisis. Unlike the real estate plan that preceded it, Madison and Hamilton moved to use population as a proxy for wealth. A population-based tax seemed like a more practical alternative, so long as framers could resolve differences over how to count slaves. Delegates from the North and South agreed labor was the source of all wealth and that tax privileges should offset supposed poor workmanship on behalf of slaves. Their initial agreement ended there.

TAXATION IN THE NAME OF UNIFORMITY

In early tax debates of the Articles, slavemaster politicians claimed they and their constituents were on the losing end of slavery. William Hooper of North Carolina argued:

A gentleman of three or four hundred negroes don't raise more corn than feeds them. A laborer can't be hired for less than twenty four pounds a year in Massachusetts Bay. The net profit of a negro is not more than five or six pounds per annum. I wish to see the day that slaves are not necessary (Thomson's notes in JCC-V [1776] 1906:1080; see also Adams' notes in LDC-IV [1776] 1976:593).

The trope of slave labor being neither diligent nor productive would be repeated over the years, with delegates like Samuel Chase of Maryland claiming the “young and old Negroes are a Burthen to their owners” (Adams' notes in LDC-IV [1776] 1976:569; see also Thomson's notes in JCC-V [1776] 1906:1080-81) and others saying slaves “did as little as possible, & omitted every exertion of thought requisite to facilitate & expedite it” (Thomson's notes in JCC-XXIV [1783] 1922:949; see also Madison's notes in LDC-XX [1783] 1976:122).

When slaveholders proclaimed themselves victims of slavery, they reworked power relations associated with the institution. These relations were misrecognized as burdensome to slavemasters but

tolerable for slaves. This is a 1700s version of what is known today as “reverse racism,” an idea where whites see discrimination as more of a problem for themselves than minority groups (see [Pierce 2012](#)). Wrapping themselves in a blanket of victimhood, slavemasters retained the general sense that slavery was undesirable. Then, they used this premise to qualify their deservingness of tax breaks that would subsidize human bondage.

One Side Would Evade Taxes the Other Could Not

Samuel Chase “admitted that taxation should always be in proportion to property” (Jefferson’s notes in ED-I [1776] 1836:70; see also Thomson’s notes in LDC-IV [1776] 1976:438). He worried, though, that Northerners would escape taxes the South could not since most of their wealth was tied to personal property such as investments, land, and livestock. “There is no more reason, therefore, for taxing the Southern states on the farmer’s head, and on his slave’s head, than the Northern ones on their farmers’ heads and the heads of their cattle” (Jefferson’s notes in ED-I [1776] 1836:71; see also Thomson’s notes in LDC-IV [1776] 1976:438-9). Since cattle were not members of the state, Chase reasoned, why should slaves be considered as such for taxation? A population-based tax plan disadvantaged slavemasters, from their viewpoint, because it did not uniformly distribute taxes between the North and South.

Nathaniel Folsom of New Hampshire opposed Samuel Chase and others who desired not to enumerate slaves for taxation. He argued that this would permit slavemasters to forego taxes on what made their fortunes possible. In a letter to Meshech Weare of New Hampshire, he wrote:

it appears to me that one third part of the welth [sic] of the Southern States which consists in negroes, is entirely left out and no Notice taken of them, in determining their ability to pay taxes, notwithstanding it is by them that they procure their wealth (LDC-VIII [1777] 1976:300; see also Thomson’s notes in JCC-IX [1777] 1907:947).

James Wilson of Pennsylvania echoed these sentiments, claiming his constituents would resent paying any taxes that slavemasters evaded. That said, these objections to slavery were less about opposition to the institution and more about taxation being a zero-sum gain. So long as Southern wealth was taxed at similar rates as Northern wealth, Folsom and Wilson were satisfied.

Did Northerners Agree, Was Slavery a Burden to Slavemasters?

Even during the early republic, outright endorsements of slavery ran risk of social sanction ([Einhorn 2006](#)). When Thomas Lynch of South Carolina regurgitated Samuel Chase’s argument, and pleaded that slaves should be taxed no more than sheep since both were property, Benjamin Franklin of Pennsylvania replied by observing a crucial difference between the two: “sheep will never make any insurrections” (Thomson’s notes in JCC-V [1776] 1906:1080; see also Adams’ notes in LDC-IV [1776] 1976:570). These words stroked Southern anxiety over disaffected slaves and rebutted claims the antebellum South was idyllic. What these words did not do was advance fiscal solutions for a nation at war and on the brink of collapse.

When slavemaster pleas for tax relief were not met with outright contempt, Northern representatives complained Southerners could recoup their tax costs by driving slaves to the edge of their existence. Gouverneur Morris of Pennsylvania and Elbridge Gerry of Massachusetts bemoaned this would leave the North to pay higher portions of impost revenues since slaves would consume less under lower standards of living. Not only did these counter-arguments shift the topic of discussion, but they failed to challenge negative presumptions about slaves. By highlighting how Southerners could recover losses from unproductivity, Northern delegates reinforced the presumption that slaves were idle, lazy, and unmotivated to begin with.

Affirming negative stereotypes about slave labor, Northern delegates like Francis Dana of Massachusetts claimed slavery burdened Southerners:

the negroes of the Southern States work no longer than when the eye of the driver is on them. Can . . . land flourish like this, which is cultivated by the hands of freemen? and [sic] are not three of these independent freemen of more real advantage to a state than five of those poor slaves? As a friend to equal taxation, [Dana] rejoiced that an opportunity was presented, in this Constitution, to change this unjust mode of apportionment (Minot's notes in ED-II [1788] 1836:38).⁶

When slaves were redefined as a source of poverty rather than wealth, tax privileges for human bondage sounded reasonable and just. To compensate for their "losses," some thought Southerners "deserved" exclusive tax breaks Northerners did not.

Congress was left to decide how much compensation Southerners should receive. They answered this question with a ratio that rated the work of slaves to one freeperson. One-to-four, said Daniel Carrol of Maryland. One-to-three, said John Rutledge of South Carolina. One-to-two, said Benjamin Harrison of Virginia. These were the ratios Southern delegates suggested. Three-to-four, said Oliver Wolcott of Connecticut as well as Stephen Higginson, Samuel Holton, and Samuel Osgood of Massachusetts. This was the ratio upon which Northern delegates agreed. A vote was taken between these positions, counting slaves according to a two-thirds ratio. It failed, setting up James Madison to bridge the divide. "Mr. Madison said that in order to give a proof of the sincerity of his professions of liberality, he wd [sic] propose that Slaves should be rated as 5 to 3" (Thomson's notes in JCC-XXIV [1783] 1922:949; see also Madison's notes in LDC-XX [1783] 1976:121). This kept slavery intact but taxed it fairly, he thought. A majority of others agreed, and they set a precedent for what later became the Constitution's three-fifths clause.

Accommodating a More Perfect Union

The costs of ending slavery were too high for Northern delegates who worried that a lack of compromise would sever the Union. At the New York Ratification Convention, Alexander Hamilton pleaded with Northern colleagues to empathize with slavemasters. He thought it was "the unfortunate situation of the Southern States, to have a great part of their population, as well as property, in blacks" (McKesson and Bancker's notes in ED-II [1788] 1836:237).⁷ Recalling slavery this way, he committed what *W. E. B. Du Bois* ([1935] 1992) labeled "the propaganda of history." The institution was discussed "so impartially, that in the end nobody seems to have done wrong and everybody was right. Slavery appears to have been thrust upon unwilling helpless America, while the South was blameless in becoming its center" (p. 714). Hamilton removed culpability from slavemasters. Rather than being active agents who propagated human bondage for profit, these elites were described more as victims of circumstance. This is not to say that Hamilton or other Northern representatives endorsed slavery on explicit grounds.

"It will, however, by no means be admitted that the slaves are considered altogether as property," declared Alexander Hamilton. "They are men, though degraded to the condition of slavery" (McKesson and Bancker's notes in ED-II [1788] 1836:237; see also footnote six). Wanting a union with slaveholders, though, he went on to ask: "Would it be just to impose a singular burthen, without conferring some adequate advantage?" (McKesson and Bancker's notes in ED-II [1788] 1836:237; see also footnote six). Asking this question, Hamilton reminded those of the North that a tax plan tied to population permitted other forms of wealth to escape taxation. His discourse can be characterized by a "principle-implementation paradox" (Schuman et al. [1985] 1997; Wodtke 2016). Hamilton approved of equality in theory but rejected it in practice. Siding with Southerners, he and

6 Francis Dana's words cannot be verified by multiple accounts, but similar arguments about "equal taxation" were advanced by Alexander Hamilton in the New York Ratification Convention (McKesson and Bancker's notes in ED-II [1788] 1836:237).

7 Alexander Hamilton's words cannot be verified by multiple accounts, but his insistence on accommodating the South was echoed by other New Yorkers at the convention like Melancton Smith. At the Massachusetts Ratification Convention, William Heath advanced likeminded arguments (Minot's notes in ED-II [1788] 1836:115).

others like Francis Dana argued slaveholders were saddled with unfair taxes. They contended the market should determine how resources are allocated, and principles of tax uniformity should reward industry rather than penalize it.

Wanting to advance compromise among fellow New Yorkers, Alexander Hamilton filled out his argument to show how slavery benefitted the interests of “everyone” (except slaves):

The Southern States possess certain staples, tobacco, rice, indigo, &c., which must be capital objects in treaties of commerce with foreign nations; and the advantages they necessarily procure in those treaties will be felt throughout all the states” (McKesson and Bancker’s notes in ED-II [1788] 1836:237; see also footnote six).

Slaves bolstered national prosperity through an agrarian economy that yielded raw materials for Northern shopkeepers and laborers, making possible trade that primed commerce. Seen this way, it is rational for the North to give slavery a pass. It benefitted their welfare too.

Most Northern politicians did not belong to manumission societies like Alexander Hamilton,⁸ but they recognized conflicts over slavery had to be minimized to avert a sectional clash. Accommodation was promoted by appealing to Northern economic interests. Arguments like these eventually worked. “The morality or wisdom of slavery,” Oliver Ellsworth claimed at the Convention, “are considerations belonging to the states themselves. What enriches a part enriches the whole, and the states are the best judges of their particular interest” (Madison’s notes in FR-II [1787] 1911:364).⁹ Even supporters of emancipation, like James Wilson, Gouverneur Morris, and Rufus King, allied themselves with proslavery forces. Northern delegates had convinced themselves a union with slavery trumped no union at all.

REPRESENTATION IN THE NAME OF EQUALITY

When it came to taxes, the framers denigrated slave labor as causing slaveholders to incur more cost than profit. That way they could claim slavemasters deserved compensatory tax relief. Delegates like James Jackson of Georgia and Charles C. Pinckney of South Carolina argued the opposite when it came to representation. They claimed the cultivation of Southern land was impossible without slaves—views that were emblematic of how slavemasters envisioned a racial division of labor. Only slaves were capable of the toil required for an economy built upon tobacco, rice, sugar, indigo, and later cotton. More than that, white Southerners thought slaves were predisposed because of their “brutish” strength. Though these ideas can seem contrary to colorblindness, [Bonilla-Silva \(\[2003\] 2014\)](#) explains that they reinforce notions of nonracialism. It is as though perceived racial differences are natural, inevitable, and unstoppable.

Because slave labor was a vital contribution to wealth, Southern delegates commanded that slaves be fully counted toward the apportionment of congressional representation. Pierce Butler insisted that slave labor of South Carolina was as valuable as free labor of Massachusetts. Therefore, he reasoned “an equal representation ought to be allowed for them in a government which was instituted principally for the protection of property, and was itself to be supported by property” (Madison’s notes in ED-V [1787] 1845:296; see also Yates’ notes in FR-I [1787] 1911:196). When he and others claimed slaves ought to be considered for representation, they did not argue for the enfranchisement of slaves. Rather, they clung to decontextualized notions of representation that served their own interests. Southerners demanded slaves’ contributions to the Union be respected with extra

8 Alexander Hamilton belonged to the New York Manumission Society. Organizations like these were precursors to more radical abolitionist societies of the nineteenth century (see [Menard 2001](#)). Rather than end slavery through state intervention, they preferred individual slavemasters give up slaves out of their own volition or in exchange for compensation.

9 James Madison was the only note taker to record these comments by Oliver Ellsworth, but they are a patterned observation to the extent that Madison observed Rufus King, Gouverneur Morris, and James Wilson make similar points (see ED-V [1787] 1845:276, 290; FR-I [1787] 1911).

Table 2. Enumeration Plans of Southern Congressional Representation^a

	Total Units	Southern Portion	Southern Percentage
Representation plan			
Articles of Confederation (1 representative per state)	13	5	38.0
Total inhabitants (slaves equal to freepersons)	3,929,000	1,962,000	49.9
Freepersons only (slaves not counted)	3,231,000	1,304,000	41.0
Three-fifths ratio (5 slaves equal 3 freepersons)	3,651,000	1,700,000	46.5
Actual apportionment			
Senate			
in 1789	13	5	38.0
in 1792	15	6	40.0
House of Representatives			
in 1789	65	29	44.6
after 1790 Census	105	47	44.8

Note: All population estimates derive from the 1790 Census and are rounded to the nearest thousand.
^aAdapted from Solberg [1958] 1990.

representatives. That way the scales of influence between the two regions could be balanced. *Equality* was all the South wanted, claimed Charles C. Pinckney.

Though sectional conflicts were framed under the guise of equal representation, these debates were about leveraging slavery to maximize political clout (see Table 2). The “one state, one vote” rule under the Articles left the South with only 38.0 percent of the legislative representation (Solberg [1958] 1990). By switching to a plan that counted slaves and freepersons, they stood to gain about 12 points. Estimates from the 1790 Census indicate that 49.9 percent of the U.S. population resided in the South. Were the plan only to consider freepersons, Southern representation would dwindle to 41.0 percent of the Union. Meanwhile, the plan that would be later introduced, the three-fifths clause, would place Southern representation at 46.5 percent. Whichever strategy was pursued, Southerners understood more was to be gained by linking representation to population and counting slaves toward their numbers.

A Coercive Tax State Unrepresentative of the People

Claiming population as a proxy for wealth, and wealth the basis of the body politic, Southerners refused to commit resources to a government that was reluctant to offer proportionate influence. Virginians like James Madison and George Mason worried of usurpation. By underrepresenting slaves or worse, not counting them at all, they argued the South would become disenfranchised. A representation plan that enumerated only whites favored the North since most freepersons lived above the Mason-Dixon Line. At the Philadelphia Convention, Mason elaborated:

If the Southern States should have three fourths of the people of America within their limits, the Northern will hold fast the majority of representatives. One fourth will govern the three fourths. The Southern States will complain; but they may complain from generation to generation without redress (Madison’s notes in ED-V [1787] 1845:294).¹⁰

10 George Mason repeated concerns over usurpation at the Virginia Ratification Convention (Robertson’s notes in ED-III [1788] 1836:285). These worries were shared by Hugh Williamson (Madison’s notes in ED-V [1787] 1845:291) and Charles C. Pinckney at the Philadelphia Convention (Madison’s notes in FR-I [1787] 1911:567) as well as William Davie at the North Carolina Ratification Convention (Hunt and Taylor’s notes in ED-IV [1788] 1836:31).

Southerners like him worried a Northern-majority Congress would dominate the legislative agenda with their own concerns. These representatives would levy whichever taxes they preferred, on whatever objects they deemed, and for however much they desired—threatening laissez-faire-inspired pursuits of life, liberty, and property in the process. From a Southern viewpoint, this was “Northern aggression” that violated tenets upon which the republic was founded. They considered their own situation as “taxation without representation.”

Self-proclaimed lovers of liberty thought some of the most fatal consequences would come from a coercive tax state unrepresentative of the people. Speaking at the North Carolina Ratification Convention, Joseph McDowell cautioned:

The tax-gatherers will be sent, and our property will be wrestled out of our hands . . . At such a distance from their homes, and for so long a time, they will have no feeling for, nor any knowledge of, the situation of the people (Hunt and Taylor’s notes in ED-IV [1788] 1836:87-88).¹¹

These sentiments were echoed at the Virginia Ratification Convention. George Nicholas declared “the people of our country are reduced to beggary by the taxes on negroes” (Robertson’s notes in ED-III [1788] 1836:457).¹² Perhaps the irony was lost on them. Many had just partaken in a revolution whereby they alleged King George III had made slaves out of Americans. Now these statesmen defined their own liberty as the unfettered ability to subjugate others to human bondage. Otherwise, they claimed their status would be soiled and reduced to “beggary.”

An Encroachment Worse than Tyranny

Some thought the three-fifths clause granted too much federal authority that would trample over local sovereignty, individual liberty, and limited governance. Patrick Henry transitioned between political, moral, and religious themes to iterate this point at the Virginia Ratification Convention. Offering a rhetorical arc that meandered from one position to another, he first condemned slavery in ambiguous terms to establish credibility for his later, more controversial argument:

it would rejoice my very soul that every one of my fellow-beings was emancipated. As we ought with gratitude to admire that decree of Heaven which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellowmen in bondage (Robertson’s notes in ED-III [1788] 1836:591; see also footnote 11).

By invoking the words “decree of Heaven,” Henry’s message resonated with three of Virginia’s most influential religious groups (Quakers, Methodists, and Baptists)—all of whom generally favored manumission (Wolf 2006).¹³ Henry spoke to the state’s normative legal climate as well. Virginia had passed a series of manumission laws in 1782 that granted freedom to slaves who fought in the War of Independence and streamlined the procedure for masters to free their slaves. (These laws would be abandoned by 1806 when the cotton economy came into fuller force.)

To Virginians who believed slavery was sinful, Patrick Henry showed sympathy toward manumission when he described slaves with endearment as his “fellow beings.” No special capacities were

11 Joseph McDowell’s words cannot be verified by another source. Only one set of proceedings, those written by John Hunt and James Taylor, details the North Carolina Ratification Convention. That said, delegates like James Galloway, William Goudy, and James Iredell echoed these same anxieties over an unrepresentative, coercive tax state at the state convention.

12 As with the convention in North Carolina, George Nicholas’ words cannot be verified by another source. Proceedings recorded by David Robertson are the only transcript of the Virginia Ratification Convention. According to the proceedings, however, his views were shared and restated by others like Patrick Henry, George Mason, and John Tyler.

13 In Virginia, Baptists were more divided on slavery than Quakers and Methodists during the late eighteenth century (Wolf 2006). Quakers insisted upon natural rights in church and legal doctrine. Methodists required its church members manumit their slaves. Baptists were split between manumission and the continuance of slavery.

granted to freepersons and not slaves since they were all G-d's children. To other Virginians who thought the racial order was divine, Henry's heaven reference paired with his comment on the "necessity" of slavery suggests an another interpretation. It is as though slaves were not equal to whites before the eyes of G-d, making an institution as "deplorable" as slavery nonetheless an ineradicable arrangement (Jordan 1968).

Ambiguity helped Patrick Henry bundle competing stances on slavery and appeal to a broad audience. Once that appeal was established, he offered a more straightforward defense of slavery by asserting the autonomy of localities and their own self-determination:

Let me not dwell on this subject. I will only add that this, as well as every other property of the people of Virginia, is in jeopardy, and put in the hands of those who have no similarity with us. This is a local matter, and I can see no propriety in subjecting Congress to it (Robertson's notes in ED-III [1788] 1836:591; see also footnote 11).

Henry had dressed his desire for slavery in socially acceptable clothing, ones that adorned their color-blind fabric from the sequenced structure in which they were stitched. That is, those who "understood" the local conditions ought to govern them without intervention.

Outsiders who meddled in Southern affairs were infringing upon a way of life only insiders could understand. Virginians would echo this argument several times over the next two centuries. After *Brown v. Board of Education of Topeka* (1954), for example, white community leaders and residents of Prince Edward County opted to shut down their public schools for five years rather than follow desegregation mandates (Bonastia 2011). Among the reasons they cited were principled stands for local governance over federal intrusion. Patrick Henry and others felt the same way during the early republic. They protested that federal intrusion represents an encroachment worse than tyranny itself.¹⁴

If Slaves are to be Represented, Why Not Horses and Cattle Too?

Elbridge Gerry argued that if property determines representation, then Northerners should not be penalized for their lack of slaves: "Blacks are property, and are used to the southward, as horses and cattle to the northward; and why should their representation be increased to the southward, on account of the number of slaves, than horses or oxen to the north?" (Madison's notes in FR-I [1787] 1911:206; see also Yates' notes in ED-I [1787] 1836:406). Those who agreed, like William Paterson of New Jersey, insisted Northerners be placed on equal footing. Under the three-fifths clause, a resident of Massachusetts or New Jersey who owned 500 horses received one vote. A slavemaster of South Carolina who owned 500 slaves received 300 votes, plus his own. Gerry contended, "Horses and Cattle ought to have the Right to Representn [sic]" (Madison's notes in FR-I [1787] 1911:208; see also Yates' notes in ED-I [1787] 1836:406).¹⁵

Rather than engage in give-and-take compromise, Southerners like William Davie, Rawlins Lowndes, and Thomas Lynch of the Carolinas opted for their preferred style of negotiation: hold the debate hostage. When Davie thought scrutiny of slavery was taken too far, for example, he "said it was high time to now speak out. He saw that it was meant by some gentlemen to deprive the Southern States of any share of representation for their blacks. He was sure that North Carolina would never confederate on any terms that did not rate them at least as three fifths" (see Madison's

14 When slavemasters demanded slavery be respected by other localities, among the only ways to ensure the institution's protection was to make it the jurisdiction of national government. They were not advancing causes of local sovereignty, individual liberty, and limited governance in other words. Rather, they were advancing protectionist rights for slavery that superseded the sovereignty of other states where the institution was prohibited.

15 Claiming that slaves and livestock were equals resurfaced later during debates over the fugitive slave clause. Under this law, framers like James Wilson and Roger Sherman objected that Northerners would foot the bill for monitoring, housing, and returning suspected runaway slaves (Robinson 1971). They complained that no comparable law protected runaway livestock.

notes in ED-V [1787] 1845:302-03).¹⁶ The message was unmistakable. Count slaves toward representation (without the franchise), or watch Southern states turn their back on a union.

Those of the North who opposed slavery outright (e.g., Samuel Adams, George Clinton, Oliver Ellsworth, Roger Sherman, Melancton Smith) were at least silent enough to consent to its continuance. Samuel Adams of Massachusetts, for example, was known to defend the freedom of slaves in private and had been regarded among black communities as an ally within the legislative corridor (Locke [1901] 1965). Throughout the state-building process, however, he opted for noninterference outside of Massachusetts. He pursued a strategy that prioritized national unity and left slavery untouched. “These are the difficulties,” claimed other delegates like James Wilson, “[that] must be overruled by the necessity of compromise” (Madison’s notes in FR-I [1787] 1911:587; see also Martin’s notes in FR-III [1787] 1911:187). Others like Rufus King and Gouverneur Morris agreed and insisted that slavery be treated with deference for the sake of country. It was the only option the South offered.

Once Northern representatives acknowledged there would be no United States without slavery, debates shifted to other terrains like procedural arguments over whether taxes were uniform and if representation was equal across states. This further inoculated challenges to slavery because the question was no longer whether the institution should be admissible. When the North conceded to the South that slavery was foundational to the Union, the question became how should slaves be counted toward representation and taxation. What increment of the slave would be appropriate to appease framers from both sides? After more than ten years of debate, three-fifths a person settled that argument.

THE PROBLEM OF THE COLORLINE, THE PROBLEM OF THE COLORBLIND

How does racism operate across history? Does a classical/modern dichotomy accurately describe ideological change? If not, what other queries might we pursue? I do not pretend to have fully answered these questions but introduce them as a problematic beginning for more work to come. They wrestle with the ways present-day racism is commonly contrasted with the past. By taking what we know of racism today and transplanting these insights into historical soil where some presume they do not belong, my goal has been to show why sociologists need to reflexively question our conventional narratives, apply theoretical concepts to varied contexts, and refine them as new empirical insights are accumulated. The point is to draw attention to the fundamental character of racial ideology, so that sociologists can offer more compelling empirical statements that capture the varied dynamics of racism (see also Doane 2006).

A classical/modern dichotomy fails to describe ideological change accurately because it treats periodization as discrete and unidirectional (see also Ray and Seamster 2016). Words like “modern racism” (McConahay 1986) and “new racism” (Barker 1982) denote a sequence where the present breaks from the past. It is as though the ideas and discourses of slavery, as some claim (e.g., Omi and Winant [1986] 1994), no longer exist in the post-Civil Rights era. An analysis that historicizes colorblindness, however, draws attention to a relationship that the implications of our conceptual language want to deny. Racism of the past does not necessarily wither away when its sociohistorical circumstances undergo radical change. It has the capacity to attach itself to new conditions often in unnoticed and taken-for-granted ways (Fields 1982; Jung 2015).

Remarkably different structures, rooted in fundamentally unique political economies, can nonetheless be rationalized by common ideological currents. Not to understate the particularities of racial inequality that vary across time, there are radically different relations between the historical slave and modern employee. As W. E. B. Du Bois ([1935] 1992) explained, the employee is “not real estate.

16 The South often issued ultimatums on slavery when debating the Articles and the Constitution. Eleven years prior to William Davie’s words, for example, Thomas Lynch said: “If it is debated, whether their slaves are their property, there is an end of the confederation” (Adams’ notes in LDC-IV [1776] 1976:569; see also Thomson’s notes in JCC-V [1776] 1906:1080).

The tragedy of the black slave's position was precisely this; his absolute subjection to the individual will of an owner" (p. 10). Under this system, slaves could be bought, sold, and treated like livestock. Slavery maximized profits by means unique from modern exploitation. At the same time, it is important to recognize that racial discourses overheard today, like "I'm not racist, but . . ." (Bonilla-Silva and Forman 2000), have deep antecedents that predate the current epochal moment.

The vocabulary of colorblindness can possess some continuous qualities while the contexts in which it is deployed are dissimilar. Within debate surrounding the three-fifths clause, framers from the North and South did not extend the same basic rights of citizenship to slaves as they did freepersons (Bobo et al. 1997). At varying levels, though, both sides acknowledged outright defenses of slavery were a violation of public norms and subject to sanction (e.g., when Benjamin Franklin stroked Southern fear of slave insurrection). In part, this is why support for the three-fifths clause was routinely qualified with lamentations over the institution's existence. Some like Alexander Hamilton prefaced their support for proslavery policy by insisting slaves of their humanity, while others like George Mason moderated their support of slavery with claims that the institution disgraced mankind and was diabolical.

The framers' ideological strategies meshed seemingly anti-slavery discourse ("I'm principled against slavery, but . . ."; "I wish to see the day that slaves are not necessary"; "Would it be just to impose a singular burthen?") with notions of abstract liberalism (tax uniformity, representational equality) to defend a rigid racial rule. This means the very ideology some describe as novel today actually persisted in the classical era. Colorblindness was not created out of whole cloth in post-1960s America. With origins that predate the current epochal moment, its heavy historical hand shaped political development from the nation's onset—rationalizing slavery as the bedrock upon which the early republic stood. If we look beyond broad historical brushstrokes that dichotomize racism between classical and modern forms, to extend the words of Du Bois ([1903] 2005), then it becomes apparent that the problem of the colorline has long been a problem of the colorblind.

APPENDIX

Archival Texts, Data Key

- ED-I: Elliot, Jonathan, ed. 1836. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787*. Vol. I. Philadelphia: J. B. Lippincott & Co.
- ED-II: Elliot, Jonathan, ed. 1836. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787*. Vol. II. Philadelphia: J. B. Lippincott & Co.
- ED-III: Elliot, Jonathan, ed. 1836. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787*. Vol. III. Philadelphia: J. B. Lippincott & Co.
- ED-IV: Elliot, Jonathan, ed. 1836. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787*. Vol. IV. Philadelphia: J. B. Lippincott & Co.
- ED-V: Elliot, Jonathan, ed. 1845. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787*. Vol. V. Philadelphia: J. B. Lippincott & Co.
- FR-I: Farrand, Max, ed. 1911. *The Records of the Federal Convention of 1787, Volume I*. New Haven, CT: Yale University Press.
- FR-II: Farrand, Max, ed. 1911. *The Records of the Federal Convention of 1787, Volume II*. New Haven, CT: Yale University Press.
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- JCC-V: Ford, Worthington Chauncey, Gaillard Hunt, John Clement Fitzpatrick, Roscoe R. Hill, Kenneth E. Harris, and Steven D. Tilley, eds. 1906. *Journals of the Continental Congress, in June 5–October 8, 1776. Volume V.* Washington, DC: Library of Congress.
- JCC-IX: Ford, Worthington Chauncey, Gaillard Hunt, John Clement Fitzpatrick, Roscoe R. Hill, Kenneth E. Harris, and Steven D. Tilley, eds. 1907. *Journals of the Continental Congress, in October 3–December 31, 1777. Volume IX.* Washington, DC: Library of Congress.
- JCC-XXIV: Ford, Worthington Chauncey, Gaillard Hunt, John Clement Fitzpatrick, Roscoe R. Hill, Kenneth E. Harris, and Steven D. Tilley, eds. 1922. *Journals of the Continental Congress, in January 1–August 29, 1783. Volume XXIV.* Washington, DC: Library of Congress.
- LDC-IV: Smith, Paul H., Gerard W. Gewalt, Rosemary Fry Plakas, and Eugene R. Sheridan. 1976. *Letters of Delegates to Congress: Volume 4 May–August 1776.* Washington, DC: Library of Congress.
- LDC-VIII: Smith, Paul H., Gerard W. Gewalt, Rosemary Fry Plakas, and Eugene R. Sheridan. 1976. *Letters of Delegates to Congress: Volume 8 September 19, 1777–January 31, 1778.* Washington, DC: Library of Congress.
- LDC-XX: Smith, Paul H., Gerard W. Gewalt, Rosemary Fry Plakas, and Eugene R. Sheridan. 1976. *Letters of Delegates to Congress: Volume 20 March 12, 1783–September 30, 1783.* Washington, DC: Library of Congress.

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