

a law prevents it. Although de jure forms of discrimination are less common in the twenty-first century, de facto discrimination on the basis of race remains a part of everyday life (Barnes 2002).

One controversial everyday form of racial discrimination that has evolved since colonial times is the use of derogatory terminology, or racial slurs. Racial slurs are powerful because they invoke the language and history of discrimination that emerged from slavery; some slurs were revived during the Jim Crow era and used against the fight for equality during the civil rights movement (Kennedy 2002). Using racial slurs in certain settings is considered harassment under the law. Some African Americans have attempted to reinvent and take ownership of these words, but this usage remains controversial.

Despite laws against discrimination in education, the workplace, public accommodations, and residential settings, discrimination still continues in more covert forms. Studies have shown that individuals with names or voices perceived to be associated with certain racial or ethnic groups are less likely to get an interview or a job. Predominantly minority neighborhoods are often reflexively described as “unsafe.” Being ignored in social settings or by store clerks is another common form of racism that African Americans experience. Halloween costumes that rely on racial caricatures or stereotypes can reinforce those stereotypes.

Everyday noninstitutionalized and institutionalized racism in the United States has evolved since the nation’s founding. The nation moved beyond the egregious forms of legal discrimination following the abolition of slavery, but subtle forms of de facto racism still occur. Although the Black Codes and Jim Crow laws no longer exist, some observers such as Eduardo Bonilla-Silva (2014) argue that these laws have been reinvented in more modern laws that restrict the rights and liberties of minority groups. Although a number of new rights protections have been provided by Congress and the Supreme Court, some scholars have expressed concerns about the durability of the legacies of the civil rights movement and its antidiscrimination victories. Despite advances in civil rights, both institutionalized and everyday forms of discrimination on the basis of race continue.

**SEE ALSO** *Affirmative Action*; *Brown v. Board of Education*; *Civil Rights Act of 1964*; *Civil Rights Movement*; *Civil War Amendments*; *Fourteenth Amendment: Equal Protection Clause*; *Jim Crow*; *Plessy v. Ferguson*; *Racism*; *School Desegregation*.

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## RACISM

*Racism* can be defined as actions or policies that create or maintain a “racialized social system” (Bonilla-Silva 1997) in which race is an important factor in the unequal distribution of political, economic, and social resources. Throughout the history of the United States, racism has played a key role in the development and maintenance of a system of domination of oppressed racial groups by whites/European Americans. In the 2010s, issues of racism were at the center of debates over policing and the criminal justice system, educational and economic inequality, and other social problems.

At the core of racism is the idea of race—that is, a socially constructed classification scheme based on observable physical differences that have been given social meaning in the context of intergroup conflict and domination. In the United States, racial categories have been enshrined in law and social practice and reinforced in judicial decisions (see the excellent summary in Lopez 2006). At the same time, these categories have been flexible; for example, the racial categories used by the United States Census Bureau have regularly been revised, often as frequently as every decade. The one exception to this flexibility has been the black–white boundary, whereby the “one-drop rule” (a person with any known black African ancestry is viewed as black) has remained relatively rigid (Davis 2001).

Racialized social systems are supported by dominant racial ideologies, belief systems that define racial categories and rationalize and legitimize race-based oppression and inequality. Historically, dominant racial ideologies began by highlighting religious and cultural differences but quickly evolved into placing an emphasis on essential or

“biological” differences (Gossett 1997; Smedley 2012). This “classical racism” asserted that humans could be divided into biologically distinct subspecies; that physical, intellectual, and moral differences existed between these distinct races; and that the white race was superior to other, inferior races. Although classical racism has been discredited, its legacy remains in the form of racial stereotypes. Since the civil rights movement of the 1950s and 1960s and the end of legal segregation and discrimination, new racial ideologies have emerged to “explain” the persistence of racial inequality. These ideologies largely rest on the claim that racism is no longer a significant obstacle to social and economic mobility, which in turn suggests that any current racial issues are the result of nonracial processes or the cultural (not biological) deficiencies of historically oppressed groups. For Leslie Carr (1997), Eduardo Bonilla-Silva (2014), and others, this new racial ideology is best described as “color-blind racism.”

Through the 1950s and 1960s, studies of racism by mainstream social scientists tended to emphasize individual attitudes or racial prejudice (the legacy of classical racism)

on the part of the dominant group, white Americans (Steinberg 2007). This was challenged in the late 1960s and early 1970s by Stokely Carmichael and Charles Hamilton’s (1967) influential introduction of “institutional racism,” the overt and covert practices by governments and organizations that reproduce racial inequality. Since then, an increasing number of social scientists have studied racism as a phenomenon that is systemic or structural and have viewed individual prejudice as a secondary feature of racialized social systems. Yet within public discourse there remains a tendency to reduce racism to individual prejudice and discrimination, which often complicates debates over racism (Doane 2006).

### RACISM IN US HISTORY AND POLITICS

The history of racism in the United States is inextricably intertwined with the overall history of the nation. Likewise, racism has also played a major role in political and judicial institutions. The First Federal Congress passed the Naturalization Act of 1790, which extended the opportunity for citizenship only to “white” immigrants.



*Segregationists rally at the Little Rock, Arkansas, state capitol to protest the desegregation of public schools as ordered by the Supreme Court, 1959. © BUYENLARGE/GETTY IMAGES*

Over several centuries, the establishment and expansion of the British colonies and, postindependence, territory in the United States occurred in concert with the conquest and dispossession (and in some cases elimination) of Native Americans (e.g., the Indian Removal Act of 1830). Similar processes of conquest, dispossession, and unequal treatment were later inflicted on Mexicans in what is now the southwestern United States as well as Native Alaskans, Native Hawaiians, and Puerto Ricans. In each case, government policies and practices were abetted by racial ideologies that promoted white supremacy and justified racial discrimination.

Equally significant in the history of the United States were the importation of enslaved Africans and the development of a racially based system of chattel slavery. Participation in the Atlantic slave trade and related economic activities (i.e., the triangular trade) enabled the United States (including the North) to experience significant economic growth and development (Farrow et al. 2006). In the South the labor of enslaved blacks served as the base of the plantation economy, with the cotton and tobacco produced on plantations being the major products exported by the United States. In the first half of the nineteenth century, cotton served as the primary raw material for the emerging textile industry in the North, which was the engine of the Industrial Revolution in the United States. As the historian Edward Baptist (2014) has argued, race-based slavery played a central role in the economic development of the United States and its emergence as a world power. Throughout this process, legitimation for slavery was provided by racial ideologies that asserted the inherent inferiority of blacks.

From the three-fifths clause in the Constitution to the Fugitive Slave Act of 1850, to the debates over the westward expansion of slavery and the beginning of the Civil War, issues of racism and slavery were ever present in US politics. Following the victory of the Union in the Civil War in 1865, slavery was abolished by the Thirteenth Amendment, and the Fourteenth and Fifteenth Amendments sought to protect the rights of newly freed slaves.

Nevertheless, the South, following the end of Reconstruction in 1877 and with the acquiescence of the North, created a new system of white domination over blacks. Popularly known as Jim Crow, this racial order included political disenfranchisement, legal segregation and social exclusion, structured economic and educational inequality, and a racialized system of police and judicial control (including the notorious convict leasing system). Jim Crow was legitimized by the US Supreme Court's decision in *Plessy v. Ferguson*, 163 U.S. 537 (1896), (establishing the concept of "separate but equal") and remained in place—although it evolved over time—until the middle

of the twentieth century. Racism was also manifest in the ongoing marginalization of Native Americans and Mexican Americans, the exclusion of immigrants from China and eventually all of Asia, and the internment of Japanese Americans during World War II.

The history of the United States has also been marked by the struggle against racism in its many forms. Native American resistance, antislavery movements, the flight or rebellion by enslaved African Americans, and numerous social and legal challenges to white supremacy persisted over decades. This included twentieth-century challenges to the "scientific" underpinnings of racial ideology and the eventual discrediting of classical racism (see, for example, Montagu 1974). A watershed in this process came with the civil rights movement in the 1950s and 1960s, when, after decades of challenges, African Americans organized a mass movement that challenged the Jim Crow system and eventually led to court decisions (e.g., *Brown v. Board of Education*, 347 U.S. 483 [1954]) and federal laws against racial segregation, discrimination, and disenfranchisement (most notably the Civil Rights Act of 1964 and the Voting Rights Act of 1965). This movement also inspired group-based claims from other racially oppressed groups and brought about the social and political delegitimation of overt racism.

Since the civil rights movement and the 1960s, political and legal struggles over race-related issues have focused on remedies for racial inequality (e.g., bussing to achieve school desegregation and affirmative action), persistent institutional racism (e.g., racial profiling, police violence, and the unequal imposition of capital punishment), and immigration (racialized debates on illegal immigration—especially from Latin America). On another level, racism is arguably an underlying dynamic in many public and political debates over such issues as crime, incarceration, drugs, welfare programs, and voter registration. Public opinion polls continue to show a stark racial divide on issues such as policing and social welfare policy and also suggest that, for many whites, there is a growing belief that "reverse racism" against whites is now a more significant social problem than the plight of historically oppressed groups. Although the United States did elect its first black president in 2008, it is far from being a post-racial society as evidenced by continuing racial inequality and acts of racial violence. As history has shown, the form of racism may evolve over time, but it continues to be a potent force in American society.

**SEE ALSO** *Affirmative Action; Black Politics; Chinese Exclusion Act of 1882; Civil Rights Act of 1964; Civil Rights Movement; Douglass, Frederick; Du Bois, W. E. B.; Equality; Immigration Policy, History of; Jim Crow; King, Martin Luther, Jr.; Malcolm X; Native*

*Americans: Citizenship; Race Discrimination; School Desegregation; Slavery; Voting Rights Act.*

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**RATIFICATION OF THE US CONSTITUTION**

By the time that the Constitutional Convention met in Philadelphia in 1787, Americans had a decade-long history of writing and adopting constitutions. Two months before independence was declared, the Second Continental Congress on May 15, 1776, recommended the replacement of colonial charters with new constitutions amenable to the people. All of the provincial legislatures drafted constitutions or adjusted their charters and then, by fiat, declared these new documents to be in force.

Only in Massachusetts, the last state to draft a new constitution, did the provincial legislature submit its proposal to the people for their approval in town meetings, at which, in 1778, freemen rejected the draft constitution because it was not written by a specially elected constitutional convention. The next year such a convention drafted a constitution that Massachusetts freemen approved.

This Massachusetts Constitution, implemented in 1780, would serve as a model for future American constitution making. At the heart of that model is a two-step process in which one institution (often created for the purpose at hand) drafts a proposed constitution that is then submitted to another institution or the people for ratification (the approval needed to bring the constitution into effect). In this way, the people, meeting as a constituent body, would draft and ratify the constitution, making it superior to any law enacted by a legislature or the actions of government officials. In 1783 a convention revised New Hampshire's "temporary" constitution of 1776, and the freemen followed Massachusetts's example by ratifying it in town meetings.

In June 1776 the Second Continental Congress appointed a committee to draft articles of confederation. The final draft was submitted to the state legislatures in November 1777 for their unanimous approval. It took three and a half years to ratify the Articles. Between 1781 and 1787, Congress proposed and the states considered half a dozen amendments to the Articles to strengthen the powers of Congress. All of them had the support of a large majority of both the states and the people. But because the Articles required the unanimous ratification by the state legislatures, none of the amendments were adopted. Slim majorities in one or two states opposed the transference of power from the states to Congress. The Constitutional Convention of 1787 was familiar with this decade-long constitutional heritage.

**PREPARING FOR A NEW CONSTITUTION**

The first step in ratifying the new constitution occurred before the delegates to the Constitutional Convention assembled in Philadelphia in May 1787. A widespread, uncoordinated campaign took place throughout the country to convince the people that the Articles of Confederation needed to be revised to maintain the Union. All of America's newspapers supported the Philadelphia Convention and encouraged their readers to adopt whatever it proposed. This confidence was generated partially because of the stature of its delegates, particularly George Washington and Benjamin Franklin. Consequently, when the Convention adjourned the American people and their state legislatures were inclined to accept the Convention's recommendations.