Book Reviews

Robert J. Cottrol

The Long, Lingering Shadow: Slavery, Race, and Law in the American Hemisphere.

Athens: University of Georgia Press, 2013. xi + 370 pp. (Paper US\$ 24.95)

With *The Long, Lingering Shadow*, Robert J. Cottrol sets out to “broaden our current conversation on law and race” (p. 1) by comparing these phenomena in the United States and Latin America. This masterful study introduces a riddle: given the relative flexibility of racial demarcation in Latin America, why are Afro-Americans there looking to the legislative practices of the United States, which is historically known for having rigid racial laws, for helpful models? Cottrol disentangles this riddle along a three-part historical arc: “Our Bondage and Our Freedom,” “A White Man’s Country,” and “From Emancipation to Equality.”

The book’s theoretical framework builds on sociologist Frank Tannenbaum’s claim that “the greater the rigidity [of the law], the greater the tendency toward [racial] exclusion” (p. 6). Integral too is the work of Gilberto Freyre, who studied in the United States with anthropologist Franz Boas, and became the foremost academic proponent of the idea of Brazil as a racial democracy. Cottrol uses Freyre to reveal how an ideology of racial fluidity created opportunities for black citizenship in Brazil, in stark contrast to the racial rigidity that for a long time barred Blacks from citizenship in the United States. *The Long, Lingering Shadow* also reveals how the inheritance of Roman or Saxon law worked, respectively, to enable or restrict the manumission of enslaved Africans in the New World. Cottrol demonstrates how crucial it is to become familiar with the legal frameworks inherited from premodern “Europe,” as well as each respective colony’s continuous engagement with ideas of freedom and citizenship in modernity.

By drawing on both general trends in law and individual biographies, *The Long, Lingering Shadow* shows how legal innovations concerning racial categorization straddled the personal and the political. Cottrol cites the case of Anto-

nio Pereira Rebouças, a prominent Brazilian lawyer, politician, and slaveholder, whose mulatto status made him part and parcel of a culture that believed in African barbarism, yet militated against discrimination toward free black and mulatto citizens in the nineteenth century. Or again, he recounts how the Argentine María Magdalena Lamadrid, on her way to a conference in the Caribbean, was told by an Argentinean customs officer “that because she was black, she could not be Argentine” (p. 113) and was consequently subjected to the country’s regime of verification. In these instances Cottrol is keen to show that one’s ethnic identity is not a guarantee for revolutionary politics or emancipatory legislation, but can lead to ethnic egotism that is complicit with colonial hegemony. He also demonstrates how one’s contemporary status as a citizen offers little protection from the racial prejudices legitimated by older legal decisions. Afro-descendant peoples in Latin America, Cottrol reminds us, are currently living in the aftermath of attempts by Latin American governments to whiten their constituencies through legal measures.

Perhaps the most complex macrohistory that Cottrol navigates is that of the United States. He complicates aspects of landmark cases such as *Plessy v. Ferguson* and *Dred Scott* with relatively unknown legal suits, dissident decisions, regional demographic pressures, and conflicting ideologies. He continuously shows the contingency of the law rather than assuming it to be natural. With its majority white population, Cottrol contends, the United States primarily focused on the consolidation of white rule and the restriction of black freedom after abolition, as opposed to the whitening of its population. The legal enshrinement of racial inequality in the U.S. legislature proffered a concrete target for civil rights lawyers, armed with innovations in legal scholarship such as indirect evidence. By contrast, the absence of these features in Latin American legislation made it more difficult for advocates of Afro-American rights in Brazil and other countries to point out and combat racial injustice. Thus, Afro-American advocates in Latin America look to the United States for ideas about how to fight racial injustice at home.

Still, Cottrol’s nuanced account raises questions that require further inquiry. How does the omission of the Guianas and the French- and Dutch-speaking Caribbean affect his understandings of the law and race in the American hemisphere? Can the rhetoric of liberalism truly account for emancipatory legislation when many of the architects of the Enlightenment were proponents of racial slavery? What could the U.S. legal innovators learn from their Latin American counterparts? Finally, can any country afford to put faith in U.S. legislative practices and innovations when U.S. law consistently fails to serve African Americans and people of color more generally? These questions notwithstanding, Cottrol’s book assists both novice and seasoned scholars in the navigation

of the unfamiliar terrain of Latin American racial ideologies and legal history, and their more familiar manifestation in the United States.

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