

RESEARCH ARTICLE

Negotiating racial subjection: analysing Black and Indigenous resistance from within colonial orders

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Abstract

This article addresses recent work on empire and colonisation which calls for a reappraisal of how agency and resistance manifests among groups responding to structural marginalisation. We argue that approaching these questions from within the colonial order reveals important idiosyncrasies regarding how groups understood resistance, agency, and popular organising as possible responses that emerged from within imperial landscapes. Using the example of race as a central regulatory category and practice of colonial power, we analyse two cases which we suggest benefit from an account of agency and resistance within colonial order: the Black Loyalists in English America and the Indigenous royalists of New Granada, two groups which pursued emancipation by choosing to remain under colonial rule. The resulting analysis produces a more dynamic account of resistance and emancipation which responds to the far-reaching influence of colonial order for resistance movements at local, national, and international levels. This account contributes to recent debates which call for theoretical analysis of “middle actors” and popular thinking as it relates to international politics, postcolonial movements, and studies of empire.

Keywords: IR theory; political theory; resistance; colonial order; race and ethnicity; indigenous politics; Black political thought

Introduction

Recent work in Political Theory and International Relations has converged in fruitfully problematising the scope, interpretive priorities, and hierarchies of the fields by deploying “non-western,” “hemispheric,” and “transnational” approaches.¹ Agency and order—in their conceptual, institutional, and collective forms—appear recurrently within these debates as problems that mediate the regulatory, constructive,

¹Agathangelou 2019; Chang 2023; Dahl 2017; El Amine 2016; Shilliam 2010; Valdez 2019.

and coercive dimensions of power.² In so doing, such interventions encourage scholars to examine agency and resistance in broader terms by conceptualising agential politics and resistance movements beyond the conventional binaries of revolution and reform, emancipation and subjection, as well as neo- and anticolonial politics. Problematising these interpretive and hermeneutic premises entails recognising that popular movements are simultaneously enabled and constrained by the social and political orders that they respond to. This article thus contends that analysing the relations between order, agency, and resistance proves fruitful for understanding, not only how and why marginalised groups organise, but also for recognising how their efforts influenced the systems of power that subject them. To deploy this approach, we bring together recent work in International Relations on the ordering power of race with research centred on agency, resistance, and marginalisation in Political Theory.³

Among political theorists, the study of international order tends to emphasise convergent connections across political spaces and colonial structures that might otherwise be overlooked.⁴ For colonised subjects, this strand of research centres on agential practices and political possibilities which seek to disrupt experiences of domination.⁵ These investments also map onto International Relations (IR) debates which address the globality of race as a central facet of colonial and global order.⁶ While fruitful in centring experiences of racial subjection in the study of global politics, these interventions also tend to focus on cases in which groups sought to escape from, replace, or subvert colonial power.⁷ A need remains to examine cases in which communities negotiated their political interests from *within* and *across* colonial orders to improve their social, material, and political standing. This requires shifting away from the study of colonial resistance as *de facto* transgressive or revolutionary, and toward a more dynamic account of the political praxis of subjected peoples that takes into consideration shifting conceptions of resistance and how they understood the improvement of their social standing.⁸

To explicate these avenues of mobilisation this article focuses on colonial order, as well as its regulatory categories and practices, as it relates to Black and Indigenous movements that responded to shifting colonial landscapes in the revolutionary Americas. We conceptualise order as the systems of *regulation* and *regularisation* that function to create and sustain patterns of organisation and rule.⁹ In other words, the patterned regularities of political and social orders are constituted through the exercise of regulatory power, as well as through subsequent efforts to make a specific

²Brown 2024; Hobson and Sharman 2005; Jabri 2014; Pitts 2018; Zarakol 2017.

³Barber 2021; Bell 2016; Brown 2024; Hendrix and Baumgold 2017; Hobson and Sajed 2017; Temin 2023; Thompson 2013; Tully 2000; Williams 1998.

⁴Adalet 2022; Hooker 2017; Simon 2017; Valdez 2019; Williams and Warren 2013.

⁵Tully 2008; Getachew 2019; Roberts 2015.

⁶Barber 2021; Brown 2024; Shilliam 2020; Thompson 2013.

⁷Roberts 2015; Simon 2017; Adalet 2022; Valdez 2019; Chang 2022.

⁸Our account of resistance from within, across, and beyond colonial orders draws on three areas of scholarship. The first is historical institutionalism in American Political Development (APD) on collective resistance to racial subjection (King and Smith 2005; Omi and Winant 2015). The second is recent work that works from hemispheric, transnational, and convergent contexts to theorise popular action, racial imaginaries, and responses to colonial power (Getachew 2019; Hooker 2017; Valdez 2019). The third is work in IR that emphasises process, relationality, and hierarchy in political and international ordering (Adler 2019; Goddard 2018; Ish-Shalom, Kornprobst, and Pouliot 2021; Zarakol 2017).

⁹For a more in-depth account of this concept, see Brown 2024.

social arrangement appear natural or normal. Regulatory power, in this case, involves attempts to secure these social and political relations through the exercise of various forms of power—compulsory, institutional, structural, or productive.¹⁰ As such, they can comprise both forms of direct governance, such as legislation, as well as more diffuse forms of discipline and control, including processes of differentiation, categorisation, and subjectification.

We argue that clarifying the importance of order in Political Theory and IR proves fruitful for moving two areas of the field forward. First, accounting for colonial order and its effects on subjected communities allows for a more capacious understanding of the mobilisation strategies and agential capacities used by marginalised groups to foment resistance, emancipation, and representation from “within” imperial systems. As such, the colonial order and popular responses to it illustrate the ways these communities engaged with evolving imperial systems and staked their interests during the emergence of a nascent international community. Second, and in more conceptual terms, a turn to order opens a broader matrix of praxis that moves beyond the conventional bannisters used in scholarship centred on resistance movements, including revolution and reform, anti- and neo-colonial politics, as well as the connections between the national and international. Both of these interventions build on recent work which emphasises popular approaches to political theory and international politics.¹¹ We also seek to extend theories of agency, especially that of marginalised groups, which suggest that these contexts offer idiosyncratic forms of political action that offer alternative frameworks from which to conceptualise responses to power.¹²

While the regulatory capacities of order manifest multiplicities, in this article, we choose to focus on the example of race as a central feature of colonial order that regulates group identities, legal practices, social standing, and access to material goods. In these terms, race operates as a shifting and changeable set of regulatory systems for the reproduction and maintenance of colonial rule through the construction, management, and control of categories of hierarchised difference.¹³ Race, emerging out of modern European colonialism, governs and naturalises sets of historically contingent social and political relations, and thus serves a significant *ordering* function in and across colonial contexts.¹⁴ These intrinsic connections between the construction of race and colonial order open avenues for studying the actions and political thought of marginalised groups as beginning from the regulatory and disciplinary constraints imposed on them, and by extension, how these framed the political actions adopted to respond to those constraints.

Drawing on existing historiography and original archival research, we analyse the racial dimensions of colonial order by connecting two case studies in which emancipatory movements rejected independence in favour of their evolving position within colonial institutions.¹⁵ First are the Black Loyalists, a group made up of both

¹⁰Barnett and Duvall 2005.

¹¹Frank 2010; Chang 2022.

¹²Tully 2008; Tully 2000; Williams 1998; Roberts 2015; Hendrix and Baumgold 2017.

¹³Hesse 2007; Quijano 2000; Wolfe 2016.

¹⁴Brown 2024.

¹⁵A focus on order also extends the political and epistemic scope of emancipatory praxis. By emancipation we do not only mean liberation *qua* revolution or exit, but also as a form of resistance that looks to amend and evolve one's standpoints within systems of power.

enslaved and free Black people who fought alongside the British in the United States (US) Revolution, many of whom eventually resettled elsewhere in the British Empire.¹⁶ Second are the Indigenous royalists of Caribbean New Granada (current-day Colombia and Venezuela), who initially rejected the Bolivarian movement due to the Spanish colonial system's recognition of Indigenous peoples as "pure" of blood and thus eligible for equal citizenship under the 1812 Constitution of Cadiz.¹⁷ By converging these examples we show that these communities were well aware of impending reforms within the colonial system and actively negotiating the potential between reformist and nation-building projects as contingent solutions to racial subjection. In this regard, the two cases offer an account of the dynamic scope of emancipatory praxis and its manifestations in the colonial world. Far from "siding" with the colonial system, these royalist groups were more invested in structural reform and its emancipatory possibilities—the ideological dimensions of these efforts were secondary. Indeed, the historiography behind these events is fairly unanimous on this interpretation and we suggest that it should broaden the way political and IR theorists approach the study of marginalised standpoints and their actionable avenues of resistance within colonial orders.¹⁸

This argument is developed in three sections. First, we trace the disparate but similar development of colonial order through race as it organised and regulated legal, social, and political institutions in the Americas. The following section turns to our case studies on the Black Loyalist and Indigenous Royalist movements to show how they viewed reform movements as feasible emancipatory projects. While these cases are usually studied as entirely separate movements for racial emancipation, we draw on extant historiography and original archival research to show how an order-centred analysis reveals relevant convergences related to how, when, and why marginalised groups organised within and across colonial orders. The final section addresses the value of this lens for constructing a more expansive account of resistance and emancipation as categories that respond to experiences of colonial subjection.

Colonial order and racial subjection in the Americas

The prominence of race as a central component in the creation and maintenance of colonial order is undeniable. The racial schemas and regulatory regimes developed in colonial contexts were vital to the production and maintenance of material, social, and political order in the colonies.¹⁹ Indeed, these reflected the colonial relations that they worked to uphold. There is a need, however, to more clearly situate the material and ideological investments that led groups to respond to colonial order as racial subjection. While colonialism operates through multiple practices and structures, we focus on race as one of the central modalities through which colonial orders were instituted and secured, and racialisation as a primary regulatory process through

¹⁶Egerton 2009; Gilbert 2012; Jasanoff 2011; Walker 1976.

¹⁷Echeverri 2016; Lasso 2007.

¹⁸While we use colonial order in the singular in referring to the general characteristics of this type of order, it can be practically and materially instantiated in a number of ways. Thus, it is possible to speak of there being several separate colonial orders (e.g., the Spanish colonial order, the English colonial order, etc.) that nevertheless share a number of features.

¹⁹Goldberg 2002.

which colonial domination is practiced and maintained.²⁰ These processes of racialisation operate intersectionally with parallel categories of subjection, including gendered, genealogical, economic, and religious standing.²¹ As such, racial subjection is practised, experienced, and resisted in relation to a range of categories and forms of subjection. The salience of these categories and forms of subjection, however, vary across cases and contexts, which in turn shapes how specific actors and groups respond to colonial order and frame their actions and interests.

We approach race as a dynamic set of classificatory and regulatory systems that serve to constitute, reproduce, and legitimate colonial domination.²² It does this through the delineation, management, and control of categories of hierarchised differences that construct colonised subjects as always already in need of regulation and control. Such categories are subsequently made to appear natural, often through a constructed and/or imagined attachment to forms of biological or phenotypical difference. Race, however, is inherently performative and productive as it continually brings into being an array of categories, objects, and subjects through processes of racialisation—reflected in the proliferation of taxonomies and the wide diversity of racial systems. In other words, race is a colonially constituted set of practices and discourses that functions to both *regulate*—to govern or control—relations of colonial domination or rule, and thereby *regularise* them by making them appear natural or normal.²³ Race therefore plays an important ordering function in colonial contexts insofar as it involves the creation and maintenance of a specific pattern of domination and rule through, on the one hand, the production of categories of difference and, on the other, the subsequent regulation of these categories to maintain regularity. The categories and regulatory practices of race are, however, highly context-dependent and often shift based on the aims and interests of the colonial power or colonial-racial state, and in response to (perceived) resistance.²⁴ Despite the multiplicity of race, colonial orders are thus characterised by the routinisation and institutionalisation of racialising regulatory power and domination by a colonising group over colonised Indigenous and/or forcibly resettled groups. It is in this sense, then, that race can be thought of as a form of order or a central modality through which colonial orders are instituted and maintained.

Colonial orders deploy systems of race and gender in ways that ostensibly isolate modes of subjection.²⁵ In pre-revolutionary English America, the systems and categories of race were less formalised than in Spanish America but were closely mapped onto conditions of enslavement and freedom. The language, formalisation, and codification of race emerged in English North America in the late seventeenth century, particularly following Bacon's Rebellion in Virginia in 1676 which saw Africans—enslaved, indentured, and free—join forces with European-Americans against the colonial government.²⁶ To ensure social order and control following the Rebellion, and to prevent future uprisings that united free and bonded labour, colonial authorities adopted a range of laws and practices that brought into being

²⁰ Quijano 2000; Wolfe 2016.

²¹ Carter 2008; Crenshaw 1991; Davis 1983; Hill Collins 2009; Lugones 2016; Vial 2016.

²² Cf. Goldberg 2002; Hesse 2007; Quijano 2000; Wolfe 2016.

²³ Brown 2024.

²⁴ Goldberg 2002; Wolfe 2016.

²⁵ Lugones 2016; Quijano 2000; Thompson 2013; Wolfe 2016.

²⁶ Blackburn 2010.

categories of race and sought to sow divisions between free and enslaved labour. At the same time, laws were enacted that drew stricter distinctions between free, indentured, and enslaved labour, and began to equate the condition of enslavement with Africanness—an equation that was previously not possible—seen in the growing deployment of raced language and terminology.²⁷ In fact, the ever-growing need for and profitability of enslaved labour encouraged the development of a conception of Blackness as a racialised mark of permanent and insurmountable exclusion whereby the pool of hyper-exploitable labour could be continually expanded and kept in its assigned place.²⁸ The English American colonies further enacted race by declaring children of enslaved mothers as likewise enslaved. In so doing, they clarified the property rights of enslavers, while also ensuring that the continuing use of sexual violence against enslaved women would not put at risk the reproduction of the enslaved labour force.²⁹ Thus, in the context of English America from the late seventeenth century on, race was frequently understood and practised through slavery. While the Black Loyalists were primarily, though not exclusively, responding to the condition of enslavement, and while they did not generally articulate their demands through claims to specific racial identities, their actions can be read as attempts at negotiating their positions as racialised subjects in colonial order. In the post-seventeenth century English American context, to fight against enslavement was to negotiate racial subjection.

Operating in a similar vein, but through different measures, the Spanish *sistema de castas* was based on a formal top-down hierarchy in which racial categories identified boundaries to social, economic, and political mobility according to group identities (e.g., *indio*, *mestizo*, *pardo*, *mulato*, and *criollo*). This individuation of racialised identity was designed to reconstruct race as a fixed category that could be referenced by colonial authorities as a measure of a person's social license.³⁰ That said, while the *sistema* proposed a fixed racial hierarchy it operated on much more fluid and pluralistic terms in the sense that its racial strata evolved idiosyncratically and dependent on the context in which it was deployed. The *sistema* reconfigured the way marginalised communities related to one another in important ways—especially in relation to how they built coalitions to resist colonial authority and how they understood resistance within a racialised imaginary. Practices like *gracias al sacar* allowed mixed-race actors to claim “upgrades” in social standing by proving a genealogical connection to a race situated higher in the colonial hierarchy.³¹ This dynamic of claiming and reclaiming racial identities is important to our argument for two reasons. First, it shows that marginalised actors understood themselves as living within an evolving colonial order as an institution partially organised by categories of race. Actors negotiating the emergence of radical political movements in the eighteenth and nineteenth centuries understood these events in relation to their respective positions within a racial hierarchy. Second, these group's self-identified position within colonial orders of race had a profound influence on the way colonial institutions evolved over time. As actors made claims on their respective positions within

²⁷ Allen 2012, vol. 2; Fields 1990.

²⁸ Wolfe 2016, 61ff.

²⁹ This contrasts starkly with the racialisation of the Indigenous peoples, which was primarily directed towards their removal through violence, genocide, and assimilation, see Wolfe 2016.

³⁰ Castro-Gómez 2014; Martínez 2011.

³¹ Martínez 2011; Rappaport 2014; Twinam 2015.

order, the categories of race themselves evolved and forcefully expanded the language of racial subjection. The proliferation of racialised identifiers was a result of the way marginalised groups instrumentalised racialised hierarchy to improve social standing, usually in efforts to protect the political status of future generations.³²

As these two brief explorations suggest, the exercise of racialising regulatory power was central to the (re)production and normalisation of patterns of practice and rule in colonial contexts. The systems constituted through the exercise of this power, however, necessarily shaped both the positionalities of subjected peoples and groups, and the avenues of action and strategies available to them in their efforts to secure their interests. Centring colonial order allows for a more systematic account of regulatory power and the forms of praxis which respond to it and enables a flexible approach to examining forms of political resistance and avenues toward emancipation, particularly in contexts marked by formal hierarchy.³³ Because the reflexive structures and practices that create and sustain various forms of colonial subjection also constrain and enable avenues of resistance, an attentiveness to colonial order enables us to better understand and account for the forms of resistance that various actors and groups engaged in.

In this sense, an account of colonial order provides the necessary context for the forms of agency and resistance of subjected actors in colonial contexts as colonial order shaped the paths of mobilisation that emerged from shifting colonial landscapes. Moreover, rather than understanding the structures of colonial-racial subjection as entirely determinative or totalising—and therefore resistance as only possible from *outside* these structures—approaching order as grounded in relational processes that extend beyond singular national contexts allows us to better understand and connect emancipatory movements across colonial contexts.³⁴ By analysing how colonial orders produced racial subjection as well as enabled resistance to it, and by illustrating that Black and Indigenous actors engaged in forms of resistance within and across shifting orders, we build recent research calling for a pragmatic approach to the study of resistance movements as a “mode of being that is always already resisting.”³⁵ Thinking from responses to order thus recasts emancipatory praxis in a way that accounts for the multiplicity of its proposals and imaginaries. As such, this emphasis on order contributes to work calling for more dynamic conceptions of resistance and agency among marginalised groups, including the work of James Tully and Melissa Williams.³⁶ It also addresses a need to theorise empire and order beyond the top-down that has come to characterise it, as shown by Rob Nichols, Marwah et al., and Jennifer Pitts.³⁷ In so doing, greater attention can be paid to the micro-political field “where movement and resistance happens against or in excess of” the apparent strictures of political order.³⁸ The scope and regulatory power of racial subjection created shared experiences of domination across the colonial world, which in turn framed how marginalised groups understood opportunities for resistance.

³²Rappaport 2014; Twinam 2015.

³³On hierarchy in global politics see Zarakol 2017.

³⁴On the relational approach to order see Adler 2019; Ish-Shalom, Kornprobst, and Pouliot 2021; Goddard 2018; Robinson 2016.

³⁵Kline 2017, 63.

³⁶Tully 2000, 2008; Williams 1998.

³⁷Nichols 2019; Marwah et al. 2020; Pitts 2018.

³⁸Kline 2017, 58.

By theorising resistance from within colonial order, we centre the questions, problems, and experiences that guided the investments of many Black and Indigenous groups in the Americas, as well as analyse how they both converged and diverged across a range of contexts. Centring the practices used by Black and Indigenous actors as they negotiated racial subjection demonstrates the importance of colonial order as a simultaneously constraining and productive framework shaping how marginalised communities understood possibilities for resistance. These movements are usually studied as exceptional cases of royalist loyalty to the otherwise emancipatory promise of the republican revolution. Decentring these ideological markers, and instead starting from the colonial order and its regulatory systems, effectively frames the social, material, and political interests at play in these events, and in turn, further enriches our understanding of ideological categories like republican freedom, citizenship, and resistance. This approach is not meant to operate in tension with methods in ideological juxtaposition.³⁹ Rather, the goal in centring royalist responses to order is to expand the parameters used to recognise, study, and theorise subversive action and the scope of agency available to these groups.⁴⁰ In this case, we do so by demonstrating that reformist movements that organised from “within” colonial order still assumed emancipatory and radical possibilities that are at times lost amidst the binaries of revolution and reform, as well as anti- and neocolonial politics. Along similar lines, by paying closer attention to the practical specificities of actors’ responses to revolutionary movements, this approach allows for a more critical understanding of how such movements reproduced colonial hierarchies by reconfiguring, rather than completely abolishing, colonial hierarchies.

Black and Indigenous royalism as modes of resistance

The Black Loyalist and Indigenous royalist movements are primarily studied as projects that arose in opposition to the establishment of republican institutions, and by extension, representative rule.⁴¹ While ideological resistance to republican governance was certainly an important factor, it remains true that both Indigenous and Black groups appealed to republicanism and royalism to protect their political and material interests.⁴² We suggest that this overlap reveals the importance of understanding both instances as responses to colonial order, specifically vis-à-vis the regulatory power of race, which in turn signified the emancipatory potential of the respective camps. This moves beyond understanding the decisions that undergird Black and Indigenous organising as practical or pragmatic, and instead explicating what systems of power are at play when marginalised groups appraise the future of competing political programs. In this regard, different interpretive needs arise when tracing the political innovations and motivations of marginalised collectivities that lack the exposure and breadth of formal texts written by prominent Latin American thinkers.⁴³ For those largely missing in the archive, responses to order offer one avenue for interrogating their political investments.

³⁹Hooker 2017; Simon 2017.

⁴⁰And in that regard build on the work of theorists calling for multiplicitous studies of empire, agency, resistance, and popular political thought. See Tully 2008; Marwah et al. 2020; Pitts 2018; Nichols 2019.

⁴¹Echeverri 2016; Egerton 2009; Gilbert 2012; Gutiérrez Ramos 2013; Lasso 2006.

⁴²Chang 2023; Echeverri 2016.

⁴³Simon 2017; Hooker 2017.

Working from order shifts how marginalised groups are situated within nation-building projects. Indigenous and Black actors were not exclusively, or primarily, motivated by questions of radical independence.⁴⁴ Rather, they adopted ideological vernaculars as their respective political proposals crystallised into material, social, and economic opportunities for their communities. While these scholars attend to the practical questions behind royalist support, there is room to connect the structuring power of colonial-racial order to the reception of revolutionary and reformist proposals. Although marginalised groups did not intentionally build cohesive ideological projects, their position as actors subjected to colonial order and racialising regulatory power led to common interests and concerns that engendered coalitional movements. Indigenous and Black royalists were responding to separate republican movements and pragmatically aligned themselves with different European colonial powers given their respective standpoints within an evolving racial hierarchy. In other words, while geographically and periodically separated, these two cases offer comparative insights into how racialised groups manoeuvred colonial orders to secure freedom from slavery, gain political recognition, and secure access to ancestral lands.⁴⁵

The Black loyalists and escaping racial slavery in English America

There is extensive literature examining the development of race in English America and the early United States,⁴⁶ as well as important historical studies of the Black Loyalists during and after the US Revolution.⁴⁷ However, there remains a need to examine the responses of such marginalised actors in this context for they might tell us about how shifting colonial-racial orders shape the possibilities open to them and the actions that they take. Building on some of this historiographical work and bringing it to discussion of order in Political Theory and International Relations, our analysis illustrates how a focus on colonial order, and its regulatory power, is better able to explain how and why Black actors responded and aligned themselves as they did during the US Revolution.

For the Black population of pre-independence English America, colonial order was primarily experienced in relation to the institution of chattel slavery, which in turn was a central modality through which race was articulated. Prior to the US Revolution, each of the English colonies in North America had their own legal codes regulating enslaved and free Black people. Much like the legal system of the British Empire as a whole, these codes exhibited a patchwork quality and there was no single, uniform system regulating slavery and race across English America.⁴⁸ Nevertheless, there existed numerous similarities between these various systems, and over the

⁴⁴Echeverri 2016; Sanders 2004; Gilbert 2012; Egerton 2009.

⁴⁵In doing so, we treat our historical-interpretive analysis as illustrative and prioritise building the framework of order-centered analysis. While we do draw on original archival work, we do not intend to make a historiographical intervention on studies of Black loyalism or Indigenous royalism, and instead seek to build on the work of Marcela Echeverri, James Sanders, Douglas Egerton, and Alan Gilbert; see Echeverri 2016; Sanders 2004; Egerton 2009; Gilbert 2012.

⁴⁶Allen 2012a; Allen 2012b; Fields 1990; Omi and Winant 2015; Smedley and Smedley 2011; Wolfe 2016.

⁴⁷Egerton 2009; Gilbert 2012; Jasanoff 2011; Walker 1976; Whitehead 2013.

⁴⁸Wolfe 2016, 63ff; see also Benton and Ford 2016; McBride 2016.

course of the late seventeenth and early eighteenth centuries across English America, the laws and practices surrounding slavery became increasingly racialised and expressed in colour-coded terms.⁴⁹

Additionally, in the lead-up to the Revolution, several other developments—both in the colonies and the metropole—shaped the responses and actions that Black actors across English America would adopt in contesting and resisting slavery and racialised rule. First, as discontent with British rule grew among settlers over the late eighteenth century, particularly in the northern colonies, they increasingly began to adopt the rhetoric of “enslavement” to point to and contest the perceived injustices of British rule.⁵⁰ However, while this rhetoric was not meant to contest the institution of racialised chattel slavery in the colonies, the significance and implications of this rhetorical gesture were not lost on Black actors, both free and enslaved, and some not only joined the settlers in their calls for freedom—thereby calling for the end of *all* forms of enslavement—but even attempted to sue for their freedom through the courts.⁵¹ While some White abolitionists welcomed this linking, others, especially in the southern colonies and those invested in racialised chattel slavery, recognised the dangers that this rhetoric posed to the continuation of the institution. This was coupled with a growing sense that the metropolitan government in London was slowly moving toward abolition.⁵² These fears, moreover, were not necessarily misguided, as even in the southern colonies enslaved people took advantage of this rhetorical development, fleeing the plantations and organising armed insurrections. Finally, the apparent irony of White settlers perceiving and referring to themselves as “enslaved” while simultaneously enslaving thousands of Africans did not go unremarked in the British metropole, and some would later use this both to advance the cause of abolition and drum up support against the US revolutionaries.

The second significant development was the decision reached in the *Somerset* case and the response it elicited across English America. The case was brought by James Somerset, an African man, who had been enslaved by Charles Stewart and travelled with him as his manservant to Britain in 1769. When Stewart was preparing to return to Virginia in 1771, Somerset fled but was recaptured, and Stewart planned to resell him in Jamaica. However, after hearing of the incident, members of London’s Black and abolitionist communities petitioned the Court of King’s Bench for a writ of *habeas corpus*. Lord Mansfield presided over the case which ran until June of 1772. In his ruling, Lord Mansfield found that there existed no positive English law allowing slavery, arguing that “[t]he state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political;...it’s so odious, that nothing can be suffered to support it, but positive law,” and because of this Somerset must be released.⁵³ Lord Mansfield’s ruling was deliberately expressed in narrow terms and was not intended to end the practice of slavery across the British Empire, and the patchwork quality of British imperial law worked against it having a broader effect. Nevertheless, it did have wide-reaching—if unintended—consequences, particularly in English America. News of Lord Mansfield’s ruling quickly spread across the Atlantic. At least 21 newspapers in the American colonies published 43 stories about

⁴⁹ Blackburn 2010.

⁵⁰ Egerton 2009, 44; Gilbert 2012, 6.

⁵¹ Egerton 2009, 46; see also Blumrosen and Blumrosen 2005.

⁵² Gilbert 2012, 5.

⁵³ *Somerset v Stewart* (1772) 98 ER 499 1772.

the ruling, suggesting broad interest in the case.⁵⁴ More significantly, however, there is also evidence to indicate that news of the ruling spread amongst the free and enslaved Black population as well. For instance, there are numerous advertisements bought by enslavers in colonial newspapers that cite the *Somerset* case as encouraging and in some cases precipitating escapes on the part of the enslaved. Additionally, in the aftermath of the ruling, several enslaved Black persons in Boston petitioned the authorities for their freedom; some even offering to fight for the British in return.⁵⁵ As such, although the *Somerset* ruling did not mean the end of the practice—or the legality—of slavery, perceptions of the case mattered more than its strict legal meaning.⁵⁶ Not only was the ruling perceived as bolstering struggles for the freedom of the enslaved, but also helped create an image of the British metropole as a potential safe haven, and some enslaved people in English America even attempted to reach England in order to claim freedom.⁵⁷ Furthermore, these perceptions were to inform and shape how both free and enslaved Black actors responded to the US Revolution and helped create an atmosphere in which the British were perceived as being on the side of liberty for the enslaved.

Following both developments, Black actors in New England began to petition the colonial governments over enslavement. The first petition was sent by Felix Holbrook, a free Black Bostonian, to the colonial authorities in Massachusetts in January 1773 and called for “Laws proper to be made, in relation to our unhappy State.”⁵⁸ While the tone of the petition was conciliatory, and while members of the committee appointed to discuss the matter, including John Hancock and John Adams, claimed to express their sympathy, they were primarily concerned that any move towards emancipation would hinder the movement towards independence and thus called for silence on the issue of slavery.⁵⁹ Undeterred, Holbrook and three others submitted a second petition some months later which is remarkable for recommending that the colony adopt the Spanish system of *coartación* that enabled the enslaved to purchase their freedom and for comparing the English system unfavourably with that of the Spanish, writing that “[e]ven the *Spaniards*, who have not those sublime ideas of freedom that English men have, are conscious that they have no right to all the services of their fellow-men, we mean the *Africans*, whom they have purchased with their money.”⁶⁰ Although this petition did not elicit a more positive response, it illustrates that Black actors were very much aware of developments and differing forms of colonial order outside of the British Empire and sought to use these to buttress their claims. News of these petitions and others stoked fears amongst the enslaving elite that the enslaved were plotting to support the British should the British agree to support their liberation.

With the outbreak of war between the British and US Patriots in 1775 these fears would become reality. As hostilities mounted between the American rebels and the British in Virginia, the colony’s Governor, Lord Dunmore, issued a proclamation on November 7, 1775, declaring martial law and labelling any of the colonists who

⁵⁴ Gilbert 2012, 8.

⁵⁵ Ibid., 8–9; see also Blumrosen and Blumrosen 2005; Davis 1999.

⁵⁶ Egerton 2009, 53.

⁵⁷ Whitehead 2013.

⁵⁸ Cited in Nash 1990, 172.

⁵⁹ Egerton 2009, 58.

⁶⁰ Cited in Nash 1990, 173; emphasis in original.

refused to back down and support the Crown traitors. However, and more significantly, he went on to declare “all indented [sic] Servants, Negroes, or others, (appertaining to Rebels,) free that are able and willing to bear Arms, they joining His MAJESTY’S Troops, as soon as may be, for the more speedily reducing this Colony to a proper Sense of their Duty, to His MAJESTY’S Crown and Dignity.”⁶¹ With this proclamation, Lord Dunmore made good on his threat to free the enslaved to maintain British control over the colony. Although the proclamation was a response to a specific situation in the colony of Virginia, and while it was not intended to apply to all British North American colonies, news of the proclamation quickly spread to neighbouring colonies including Maryland and the Carolinas, as well as to the northern colonies of New York and Pennsylvania, and before the end of 1775, hundreds of escapees joined Dunmore’s Royal Ethiopian Regiment.⁶² Patriots in Maryland even attempted unsuccessfully to halt the spread of the news by barring correspondence with Virginia.⁶³ Significantly, as word of the proclamation spread, enslaved Black actors did not wait for instruction from the British, but rather took advantage of the situation and used the proclamation to their own ends, encouraging others to use the chaotic situation to escape enslavement and secure freedom.⁶⁴ Indeed, over the course of the Revolutionary War, many of the Black Loyalists became quite adept at using the British military and Dunmore’s proclamation to not only liberate large numbers of the enslaved but even in some cases their own families.⁶⁵ Over the course of the war, it is estimated that up to 100,000 Black Americans escaped enslavement and made their way to the British lines,⁶⁶ while roughly 15,000 fought alongside the British against the American Patriots.⁶⁷ Although the Revolutionary War represented a disruption to the colonial order of English America, the incipient republican order of the Patriots was not a complete upending of the order, but rather a reworking of it. The actions of the Black Loyalists in both joining the British military effort and using it to their own ends illustrate their ability to negotiate shifting orders and take advantage of colonial military power to their own ends even in a moment of relative instability.

However, Black actors did not only join the American Revolutionary War on the side of the British. Some 5,000, primarily in New England, also joined the US Patriots and the American Continental Army.⁶⁸ While they were fighting on the opposite side to the Black Loyalists, their reasons for doing so were similar: to escape enslavement and secure freedom for themselves and others. In the context of the surging rhetoric of “liberty” and “enslavement,” the Black Patriots also understood that “a new political order was being forged, and if they were allowed to fight for their country, their demands for freedom and inclusion could not easily be ignored.”⁶⁹ As such, much like their Black Loyalist counterparts, the Black Patriots attempted to take

⁶¹ Proclamation of Lord Dunmore 1775.

⁶² Davis 1999, 73; Quarles 1996, 19–32.

⁶³ Gilbert 2012, 23.

⁶⁴ *Ibid.*, 30; Jasanoff 2011, 48–49.

⁶⁵ Gilbert 2012, 31; Whitehead 2013, 70–80.

⁶⁶ Walker 1976, 3.

⁶⁷ Egerton 2009, 64.

⁶⁸ *Ibid.*, 64; Gilbert 2012, 95ff.

⁶⁹ Egerton 2009, 74.

advantage of a moment of instability and negotiate the shifting colonial orders and manoeuvre between them to secure their own liberation from racial subjection.

In the aftermath of the Revolution, many of the Black Loyalists resettled elsewhere in the British Empire. However, how both those who had fought with the British and those who had sought refuge behind British lines were to be treated became a point of contention between the British and the Americans in the negotiations over the Treaty of Paris that was to end the hostilities. Although in Article VII of the Treaty, the British formally agreed that “[a]ll prisoners on both Sides shall be set at Liberty, and his Britanic Majesty shall with all convenient speed, and without causing any Destruction, or carrying away any Negroes or other Property of the American inhabitants, withdraw,”⁷⁰ British generals generally ignored the stipulation requiring the return of formerly enslaved persons and continued to evacuate the Black Loyalists, claiming that they could not in good faith return those who had been granted freedom by proclamation.⁷¹ As a result, many of the Black Loyalists were transported to Nova Scotia, Florida, London, Sierra Leone, and elsewhere, and while many remained free, some were re-enslaved or indentured. However, even those who managed to retain their freedom were not able to fully escape the hardships imposed by the British colonial order and continued to struggle with British authorities for their freedom and livelihoods both in the colonies and the metropole.⁷²

While the freedom that the Black Loyalists secured for themselves may have not been complete or lasting, their actions in the lead-up to and during the Revolutionary War illustrate a strong awareness of the functioning of the colonial orders that they were negotiating and how these presented opportunities for resistance from within them. They were thus able to navigate and make use of moments of uncertainty and change in the colonial order to advance their own ends. Recognising the potential implications of multiple developments, both in the colonies and the wider Empire, they seized upon these opportunities to secure their freedom. Moreover, in so doing, they recognised that the incipient order that the republican movement was attempting to find was unlikely to result in any immediate change to their subjection under racialised colonial rule. However, in pragmatically siding with the British, who were certainly not attempting to abolish slavery and the racialised colonial order altogether, they were able to use the situation to their own ends, neither simply reacting to external conditions beyond their own making nor attempting to realise a coherent royalist ideological project. Viewed as such, the forms of agency that the Black Loyalists engaged in to secure their freedom, and the avenues of resistance open to them can be better understood as shaped by and as responses to shifting colonial orders. In other words, the actions of the Black Loyalists were not the result of an investment in monarchical rule or the continuation of British dominion but rather attempts to take advantage of changes within the broader structures of the colonial order.

Indigenous royalism and racial claims-making in New Granada

Black and Indigenous communities moved through co-existing, but distinct, realities in the Spanish Americas. Unlike the Anglo-American context, the formalised

⁷⁰Treaty of Paris 1783.

⁷¹Crary 1973, 362.

⁷²Egerton 2009, 205ff; Gilbert 2012, 207ff; Whitehead 2013, 159ff; see also Jasanoff 2011.

character of racial hierarchies under the *sistema de castas* produced clear legal avenues for limiting and expanding social mobility.⁷³ The institutionalisation of racial hierarchy also altered the way actors understood the emancipatory potential between revolutionary and reformist proposals. Indigenous and Black communities negotiated racial subjection in terms specific to the boundaries of their respective racial standpoints, and hence, had a clear understanding of their positions within the colonial state's racial taxonomy. Thus, when republican movements emerged to subvert colonial authority across the Spanish empire in the nineteenth century, the question of race was central to delineating their postcolonial visions.⁷⁴ This is particularly true of New Granada (current-day Colombia, Venezuela, Ecuador, and Panama), where radical republicans called for equality between castes rather than for the abolition of racial categories altogether.⁷⁵

While historiographic work on New Granada by scholars like Marcela Echeverri, Aline Helg, Marixa Lasso, and Yesenia Barragan attend to the ways groups on the ground negotiated racial hierarchy connected to the *sistema de castas*, there is room to explicate what this tells us about colonial order and how it regularises forms of racial subjection.⁷⁶ In this case, building on historiographic work, our analysis demonstrates how shifting forms of racial order under the *sistema* opened junctures through which organising from below influenced the trajectory of the colonial system. By focusing on framework conditions via an order-centred approach we can move between local, national, and transnational conditions to identify how marginalised groups were interjecting among numerous political events. In this regard, an order-centred approach builds on historiographic analysis by explaining how colonial orders are constructed, maintained, and protected via regulatory categories of subjection such as race and gender.

While the racial hierarchy behind the *sistema* was profoundly influential—and carries contemporary colonial legacies throughout Latin America—the taxonomy it relied upon was not entirely clear-cut. Quite the contrary, the caste system's emphasis on strict categorisation resulted in a seemingly endless expansion of terms used to account for changing racial identities.⁷⁷ As Joanne Rappaport and Ann Twinam argue, this was in part because racial mixture offered avenues for improving political and social license within colonial society.⁷⁸ By claiming mixed-blood genealogies, marginalised groups were able to gain access to material and political goods that were previously inaccessible—these included ecclesiastic funds, schooling, land rights, and public office. Among Indigenous communities in New Granada, the primacy of racial mixture was both a tool and a burden. On the one hand, the systematic genocide and Hispanicisation of Indigenous peoples resulted in an almost complete erasure of pre-Hispanic practices. By the late eighteenth century, non-mixed Indigenous peoples were a drastic minority, usually holding about 10% or less of the population in major cities like Popayan, Cartagena de Indias, and Santa Marta.⁷⁹ On the other hand, the *sistema's* treatment of Indigenous peoples as the only “pure” race of the Americas

⁷³Martínez 2011; Rappaport 2014.

⁷⁴Barragan 2021; Helg 1999; Lasso 2007.

⁷⁵Helg 2003; Lasso 2006.

⁷⁶Echeverri 2016; Helg 2003; Lasso 2006; Barragan 2021.

⁷⁷Castro-Gómez 2014.

⁷⁸Rappaport 2014; Twinam 2015.

⁷⁹McFarlane 1984.

provided these groups with political rights that were not available to Black actors in the same region.⁸⁰ As a result, Indigenous “purity” quickly became a central tool for making demands on the colonial state.

As caste categories within the Spanish *sistema* evolved, so did the terms Black and Indigenous peoples used to distinguish amongst themselves. Categories like *pardo* (free Black), *mulato* (free Black person of mixed race), *mestizo* (mixed Spanish and Indigenous person), *esclavo* (slave), and *indio* (Indigenous person of “pure” blood) emerged, not only as racial identities but as markers of *degrees* of freedom and possibility within colonial order.⁸¹ In this regard, the distinction between “Black” and “Indigenous” groups is already a reductive characterisation of the racial identities at play among royalist and republican factions in New Granada. The conflict between Black republicans and Indigenous royalists is best understood as a tension between free-Black (*pardo*) and “pure” Indigenous (*indio*) communities, each of which held drastically different positions within the opposing party’s proposed political program. In systematic terms, however, these groups were operating and responding to the same forms of regulatory and regularising power: a racial order that benefited from segregating the political possibilities of marginalised groups.

The distinct realities of Indigenous and Black groups in New Granada persevered even as the region contended with the anti-colonial revolution. The future of the Spanish colonial system was thrown into disarray following the abdication of Ferdinand VII during Napoleon’s invasion of Spain in 1808. By 1810 local governments, or *Juntas*, formed in major American and Spanish cities based on the premise that sovereign power now resided in the public due to the King’s absence. The *Juntas* were designed as provisional governments meant to reinforce the legitimacy of the Spanish colonial system, but at the same time, threatened to seize authority from the metropole by betraying the Crown’s reliance on colonial production. It was amidst this crisis of monarchic authority that royalists called a meeting of the *Cortes* (courts) in Cadiz that brought together representatives from all regions of the Spanish colonial system.⁸² The question at hand was whether the Spanish-American system could survive by reforming the relation between metropole and colony under a liberal-monarchic system that would be proposed via the 1812 Constitution of Cadiz.

The first step toward salvaging the empire was to declare Americans and Spaniards equal subjects of the King, a change that took effect on 15 October, 1810, when the Cadiz deputies formally abolished the colonial status of overseas territories.⁸³ While this concession clarified political relations between the colony and the metropole, it left open the question of how racialised Americans would compare to peninsular Spaniards as subjects of the King. Suddenly, the problem of transatlantic representation became a question of the egalitarian capacities of racial order. Ensuing debates surrounding racial reform and the proposed Cadiz constitution illustrate the importance of Black and Indigenous royalist movements in the development of global colonial institutions.

American representatives were invested in the racial dimensions of the Cadiz constitution because the *sistema de castas* relied on notions of genealogical origins and blood purity, not phenotypical or chattel-based notions of race, to regulate

⁸⁰Lasso 2007.

⁸¹Castro-Gómez 2014.

⁸²Lasso 2006, 36.

⁸³Ibid., 37.

political rights. This meant that Spanish creoles, who might be identified as White-passing elites in contemporary terms, were nonetheless considered genealogically inferior to peninsular Spaniards and thus unequally positioned in their roles of subjects of the Crown. Debates over the representation of racialised peoples began in 1811 and quickly shifted toward the position of Indigenous, Black, and *mestizo* communities residing in the Americas, the total of which drastically outnumbered peninsular Spaniards and threatened to make them a clear minority within the representative system.⁸⁴ These debates produced drastically different political possibilities for Black and Indigenous communities in the Americas. The 1811 draft of the Cadiz Constitution declared that “all free men were Spanish” and thus required that citizens trace their origins to Spain or the Americas.⁸⁵ Further, the distinction between “free men” and “free men of Spain and America” excluded all peoples of African descent, including free Black actors, from equal representation. The constitution’s emphasis on genealogical origins and purity of blood worked in the opposite manner for Indigenous actors, who were quickly recognised as pure vassals of the Crown. The final, 1812 Constitution of Cadiz left these dynamics unchanged.

Debates on racial equality within the liberal-monarchic system proposed in Cadiz greatly influenced the anti-colonial prescriptions of republican movements in New Granada. On 14 June, 1810, a group of creole, mestizo, and *pardo* actors took up arms and seized control of the central government square in Cartagena de Indias, the most prominent Caribbean city of New Granada, declaring independence from Spanish rule. Two years later the republicans ratified the first independent Constitution of Cartagena in June of 1812, which declared that all citizens were equal regardless of “class and condition” and assumed racial equality between all *free* peoples.⁸⁶ While racial equality between castes became a common rhetorical tool among the republican factions of New Granada, these claims were only relevant to the free classes. Even though the republican movement in Cartagena was led by free-Black (*pardo*) actors their constitution did not recognise enslaved Black peoples as equal citizens or even categorise them as standing within the same racial grouping.⁸⁷ Instead, enslaved communities were required to undergo manumission ceremonies after being granted freedom from their creole or Spanish owners.

The distinct standpoints of Indigenous and Black communities in Cartagena led to similarly divergent strategies of resistance. While the *pardo* movement in Cartagena successfully centred free-Black positionalities, Spanish authorities rebutted republican radicalism in the Caribbean by recruiting Guajiro, Chimila, and Aruaco groups residing along the Magdalena River and in the area surrounding the cities of Santa Marta and Riohacha.⁸⁸ Between 1810 and 1820 Indigenous royalists would comprise a significant portion of the forces resisting republican control along the Caribbean coast. As archival evidence shows, Indigenous volunteers approached the republican-royalist conflict as an opportunity to reinforce and improve their position within the

⁸⁴Ibid., 38.

⁸⁵Ibid., 39.

⁸⁶*Constitución Política del Estado de Cartagena De Indias 1812*.

⁸⁷The 1812 Constitution of Cartagena abolished the slave trade but did not abolish the condition of slavery. This was in large part to protect the economic interests of creoles involved in the movements; Helg 1999.

⁸⁸Sæther 2005, 119.

Caribbean economy and its racial hierarchy.⁸⁹ Negotiations between Spanish authorities and Caciques (Indigenous leaders) illustrate the leverage Indigenous communities held as colonial institutions destabilised during the Age of Revolutions. In exchange for joining the royalist army, Indigenous groups claimed expanded agricultural rights on communal lands, and military honours for participants, and used their rights as vassals to the King to petition for supplies and food.⁹⁰

While Indigenous royalist petitions to Spanish authorities were common during the first two decades of the nineteenth century, the Novogranadan Caribbean offers some particularly striking examples. In 1813, following a successful campaign to retain control of the city, Caciques drafted a formal letter to the King of Spain outlining expected rewards for their participation in the royalist defence. The letter, titled “The Cabildo of the Town of San Juan de Ciénaga, Province of Santa Marta, Solicits the Mercy of Lands and Fisheries as Enjoyed by their Ancestors” provides a clear example of the way Indigenous actors used their position within colonial order to protect and expand interests.⁹¹ In this case, the royalists of Santa Marta requested exclusive access to fisheries along the Magdalena River and access to communal lands south of the city, which had receded due to Creole expansion. Indigenous royalists understood these requests as acting against *both* the interests of Creole elites and *Pardo* republicans, two groups that threatened to diminish their position as subjects of the Crown. Indigenous leaders of Santa Marta were not so much acting in defence of Creole power but were leveraging royalist discourses to position themselves as “obedient” vassals resisting “republican rebellion” at a moment in which Creoles failed to do so. These efforts led to important institutional, political, and economic changes in the region that were motivated by the evolving racial standing of Indigenous communities and Spain’s reliance on them to maintain political control amidst revolutionary upheaval.

Indigenous communities continued to leverage their support against republican and royalist factions into the 1820s when their participation became central to ensuring the independence of Gran Colombia. This decade marked a period of legislative activity which turned to “gradual emancipation” as a strategy to recruit Black and Indigenous communities while simultaneously keeping them in a marginal position compared to Creole elites.⁹² This is especially apparent within Simon Bolivar’s republican movement, which received support from Haitian forces and Alexandre Pétion following their 1815 defeat by Spanish forces in Cartagena. Haitian aid was premised on the emancipation of Black communities in New Granada and the Bolivarian movement hesitantly moved to meet this condition. While Bolivar abolished slavery by birth in 1821, his coalition also appealed to narratives of an impending “race war” and “*pardocracia*” to problematise the rising power of *pardo* and *mestizo* leaders within the

⁸⁹Indigenous and Black actors appealed to colonial institutions regularly to protect their rights, which in turn, produced a vast archive illustrating intracolonial negotiations. Here we draw on “Resguardo” and “Caciques e Indios” Collections in the National Archives of Colombia, which include hundreds of Indigenous petitions to colonial authorities. For examples see Anexo- Estadística Tomo 11 1800; Resguardos 1800; Santander, Antioquia 1800; and Tributos - Tomo 22 1800.

⁹⁰Gutiérrez Ramos 2013; Sánchez Mejía 2012.

⁹¹This language was relatively common among Novogranadan petitions by Indigenous groups in the early nineteenth century; Sæther 2005; Archivo General de la Nación, Anexo-Estadística, Tomo 11.

⁹²Barragan 2021; Echeverri 2016; Lasso 2007.

movement.⁹³ As Aline Helg and Marixa Lasso demonstrate, during this period Bolivarian republicanism benefitted from the recruitment of Black communities in the revolution while also instrumentalising racial conflict as a means for justifying the primacy of Creole power for leading nation-building efforts.⁹⁴

The Bolivarian movement demonstrated a similar investment in assimilating Indigenous communities into the movement while also calling for the abolition of rights exclusive to indigeneity. Like the Caribbean case, Indigenous leaders in the Andean and Pacific coasts of New Granada instrumentalised their support to reinforce protections on communal lands (*resguardos*) and economic funds (*cuentas de cobro*) by claiming costs resulting from their participation in the revolution.⁹⁵ Once independence was achieved, Indigenous rights became a point of contention among creoles, who argued that Caciques benefited unequally from the *resguardo* system. As Lina del Castillo demonstrates, *resguardo* systems were characterised as antithetical to republican equality, which led to mass reforms on the communal lands system that eventually ended with its abolition in the 1880s.⁹⁶ These reforms led to the erasure of Indigenous peoples via their assimilation through a *mestizo* vision which sought to abolish political difference through racial mixing—or what Lasso calls the “myth of harmony” that undergirded Colombian nation-building.

The gradual emancipation and abolition of Black and Indigenous rights in post-independence Colombia marks a concerted effort to simultaneously contend with, and delimit, the role of race as a component of state power. Rather than interpret Black and Indigenous groups as subjected to these events, archival and historical evidence suggests that these communities carefully negotiated their relation to reform and revolution within New Granada. Further, this case illustrates the permanence and transmissibility of racial order from Spanish colonial society to republican Gran Colombia. While the Bolivarian movement did not maintain the formal hierarchy of the Spanish *sistema de castas*, their recruitment strategies and legislative efforts sought to benefit from the support of popular groups while ensuring they remained inferior to that of Creole-elite leaders.

Rethinking resistance and emancipation

Beyond the contextual specificities of Black loyalism and Indigenous royalism, these cases aid us in centring the *experiences* of and *responses* to colonial order which framed how marginalised communities conceptualised resistance and emancipation. As such, this analysis builds on work which attempts to amplify the conceptual scope of resistance, agency, and organising as categories that should encapsulate the full political praxis of marginalised communities.⁹⁷ While historiographic analysis has

⁹³Most prominently, Bolívar accused José Padilla, a *pardo* leader from Cartagena, of inciting racial uprising in efforts to coordinate a *pardo* takeover of government. These charges led to Padilla's execution in 1828. See Helg 2003; Simon 2017.

⁹⁴Helg 2003; Lasso 2007.

⁹⁵Gutiérrez Ramos 2013, 101.

⁹⁶del Castillo 2019, 776.

⁹⁷These include Rob Nichols on Indigenous North American politics, James Tully on popular constitutionalism, Adom Getachew on Black organising in the Caribbean and Africa, Huysmans and Nogueira on differential politics in international relations, and more broadly, Marwah et al. on the study of empire; see Tully 2008; Getachew 2016; Getachew 2019; Huysmans and Nogueira 2024; Marwah et al. 2020.

fruitfully attended to the practices, concerns, and political investments of Black and Indigenous groups, these are usually situated within a national or pre-national context of revolutionary activity that privileges local histories over globalised theories of regulatory power.⁹⁸ In other cases, these practices are couched within ideological markers that certainly held saliency, but which cannot fully explain how popular groups thought about and engaged in political action.⁹⁹ By centring order, we bring these two positions together, emphasising that at local, national, and global levels marginalised groups were interacting with shifting forms of colonial order and its regulatory power.

Thinking from order recasts conceptions of resistance and emancipation to better understand how marginalised communities understood their available avenues for responding to colonial subjection. In this case, Indigenous and Black royalists demonstrate that resistance movements can choose to retain their standing within colonial systems and resist regulatory power by improving their status from within the colonial state. As such, royalist ideologies held by marginalised communities problematise notions that non-revolutionary action is *necessarily* neo-colonial. Rather, these communities viewed royalist projects as a feasible approach to leverage already-existing advantages and expand those from within the colonial system. Further, these movements demonstrate that concepts of emancipation operate dynamically by responding to forms of subjection that operate within idiosyncratic racial orders. As such, these examples illustrate how notions of resistance and emancipation remain in dispute—partially because *forms* of subjection within colonial order are themselves in flux within and across subjected groups.

These cases also demonstrate the depth of understanding that subjected groups had about the evolving character of the colonial state.¹⁰⁰ Both groups consisted primarily of non-elite actors, who, despite being highly marginalised in their respective contexts, were not only much aware of the developments and ongoing changes but were also able to effectively manoeuvre their interests between and through the conflicting parties. In other words, Indigenous royalists and Black Loyalists were working *both with and against* the evolution and maintenance of the racial colonial state even when they ostensibly sided with colonial authorities. These negotiations are most clear at the level of ordering and regulatory systems that cut across local and national contexts. Black Loyalists and Indigenous royalists show awareness of the transnational shifts taking place in their respective contexts, but more importantly, had a clear effect on international colonial institutions.

Race as a set of classificatory and regulatory systems, and racialisation as a characteristic modality through which colonial orders were instituted and maintained across a range of contexts—including both English and Spanish America—motivated different, and sometimes convergent and contrasting, responses to both colonial rule and anti-colonial revolutionary movements. Moreover, while these orders were certainly constraining insofar as they greatly affected possible avenues for subjected peoples and groups to secure their material and political interests, and improve their social standing, they were neither so totalising as to foreclose all possibilities for subversive action nor resistance, nor were they so static or stable

⁹⁸Barras 2014; Echeverri 2016; Egerton 2009; Gilbert 2012; Lasso 2006, 2007.

⁹⁹Getachew 2016; Hooker 2017; Jasanoff 2011; Simon 2017.

¹⁰⁰For other examples in Indigenous politics see Steinman 2016; Coulthard 2014; Maile 2021; Temin 2023. For work on Black politics see Getachew 2019; Roberts 2015; Kline 2017; Sharpe 2016; Robinson 2000.

that moments of potential change or reform were precluded.¹⁰¹ Thus, both the productivity of colonial orders and their fluidity framed how racialised communities were able to imagine possibilities for resistance, and the likelihood of securing freedom and emancipation within shifting orders. Because of this, in the context of competing visions of revolution and reform, racialised actors aligned themselves with the faction that best improved their social, material, and political positions.

By working from Black and Indigenous organising vis-à-vis order, this article builds on recent work calling for lenses that better account for the emergence of political collectivities beyond the conventional parameters of national boundaries and the nation-state system,¹⁰² as well as work pointing to race as a global system of order.¹⁰³ As these cases show, colonial order regulates and regularises forms of racial subjection in a manner that cuts across borders, and ancestral lands, and importantly, changes these landscapes through forced displacement, slavery, conversion, and material scarcity. Just as scholars recognise the global and transnational dimensions of race, it is equally necessary to transnationalise responses to the racial colonial order by explicating convergences among otherwise seemingly disparate cases through transnational lenses, as done in this paper.¹⁰⁴

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References

- Adalet, Begüm. 2022. "Infrastructures of Decolonization: Scales of Worldmaking in the Writings of Frantz Fanon." *Political Theory* 50 (1): 5–31.
- Adler, Emanuel. 2019. *World Ordering: A Social Theory of Cognitive Evolution*. Cambridge: Cambridge University Press.
- Agathangelou, Anna M. 2019. "A Conversation with Emma Hutchison and Frantz Fanon on Questions of Reading and Global Raciality." *Millennium* 47 (2): 249–62.
- Allen, Theodore W. 2012a. *The Invention of the White Race, Volume 1: Racial Oppression and Social Control*. London: Verso.
- Allen, Theodore W. 2012b. *The Invention of the White Race, Volume 2: The Origin of Racial Oppression in Anglo-America*. London: Verso.
- Barder, Alexander D. 2021. *Global Race War: International Politics and Racial Hierarchy*. Oxford: Oxford University Press.
- Barnett, Michael, and Raymond Duvall. 2005. "Power in International Politics." *International Organization* 59 (1): 39–75.

¹⁰¹In recognising this, we follow David Kline's call to pay greater attention to a "pragmatics" of resistance that resists the ontologising of racialised oppression and anti-Blackness. See Kline 2017.

¹⁰²Dahl 2017; Ochoa Espejo 2020; Valdez 2019.

¹⁰³Barder 2021; Brown 2024; Thompson 2013.

¹⁰⁴Agathangelou 2019; Bell 2019; Silva 2007; Chang 2022.

- Barragan, Yesenia. 2021. *Freedom's Captives: Slavery and Gradual Emancipation on the Colombian Black Pacific*. Cambridge: Cambridge University Press.
- Barras, Amelie. 2014. *Refashioning Secularisms in France and Turkey: The Case of the Headscarf Ban*. New York: Routledge.
- Bell, Duncan. 2016. *Reordering the World: Essays on Liberalism and Empire*. Princeton, NJ: Princeton University Press.
- Bell, Duncan, ed. 2019. *Empire, Race and Global Justice*. Cambridge: Cambridge University Press.
- Benton, Lauren A., and Lisa Ford. 2016. *Rage for Order: the British Empire and the Origins of International Law, 1800–1850*. Cambridge, MA: Harvard University Press.
- Blackburn, Robin. 2010. *The Making of New World Slavery: From the Baroque to the Modern, 1492–1800*. 2nd ed. London: Verso.
- Blumrosen, Alfred W., and Ruth G. Blumrosen. 2005. *Slave Nation: How Slavery United the Colonies & Sparked the American Revolution*. Naperville, IL: Sourcebooks.
- Brown, Owen R. 2024. "The Underside of Order: Race in the Constitution of International Order." *International Organization* 78 (1): 38–66.
- Carter, J. Kameron. 2008. *Race: A Theological Account*. Oxford: Oxford University Press.
- Castro-Gómez, Santiago. 2014. "Cuerpos Racializados. Para una genealogía de la colonialidad del poder en Colombia." In *Al otro lado del cuerpo: Estudios biopolíticos en América Latina*, edited by Hilderman Cardona and Zandra Pedraza, 79–96. Bogotá, Colombia: Ediciones Uniandes.
- Chang, Arturo. 2022. "Languages of Transnational Revolution: The 'Republicans of Nacogdoches' and Ideological Code-Switching in the U.S.-Mexico Borderlands." *Contemporary Political Theory* 21 (3): 373–96.
- Chang, Arturo. 2023. "Restoring Anáhuac: Indigenous Genealogies and Hemispheric Republicanism in Postcolonial Mexico." *American Journal of Political Science* 67 (3): 718–31.
- Constitución Política del Estado de Cartagena de Indias*. 1812. Cartagena, Colombia: Archivo Histórico de Cartagena de Indias.
- Coulthard, Glen Sean. 2014. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.
- Crary, Catherine S. 1973. *The Price of Loyalty: Tory Writings from the Revolutionary Era*. New York: McGraw-Hill.
- Crenshaw, Kimberle. 1991. "Mapping The Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." *Stanford Law Review* 43 (6): 1241–99.
- Dahl, Adam. 2017. "The Black American Jacobins: Revolution, Radical Abolition, and the Transnational Turn." *Perspectives on Politics* 15 (3): 633–46.
- Davis, Angela Y. 1983. *Women, Race & Class*. New York: Vintage Books.
- Davis, David Brion. 1999. *The Problem of Slavery in the Age of Revolution, 1770–1823*. Oxford: Oxford University Press.
- del Castillo, Lina. 2019. "Surveying the Lands of Republican Indígenas: Contentious Nineteenth-Century Efforts to Abolish Indigenous Resguardos near Bogotá, Colombia." *Journal of Latin American Studies* 51 (4): 771–99.
- Echeverri, Marcela. 2016. *Indian and Slave Royalists in the Age of Revolution: Reform, Revolution, and Royalism in the Northern Andes, 1780–1825*. Cambridge: Cambridge University Press.
- Egerton, Douglas R. 2009. *Death or liberty: African Americans and revolutionary America*. Oxford: Oxford University Press.
- El Amine, Loubna. 2016. "Beyond East and West: Reorienting Political Theory through the Prism of Modernity." *Perspectives on Politics* 14 (1): 102–20.
- "Estadística Tomo 11." 1800. Bogotá, Colombia: Archivo General de La Nación.
- Fields, Barbara Jeanne. 1990. "Slavery, Race and Ideology in the United States of America." *New Left Review* (1/181): 95–118.
- Frank, Jason. 2010. *Constituent Moments: Enacting the People in Postrevolutionary America*. Durham, NC: Duke University Press.
- Getachew, Adom. 2016. "Universalism After the Post-colonial Turn: Interpreting the Haitian Revolution." *Political Theory* 44 (6): 821–45.
- Getachew, Adom. 2019. *Worldmaking After Empire: The Rise and Fall of Self-Determination*. Princeton, NJ: Princeton University Press.

- Gilbert, Alan. 2012. *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence*. Chicago, IL: University of Chicago Press.
- Goddard, Stacie E. 2018. "Embedded Revisionism: Networks, Institutions, and Challenges to World Order." *International Organization* 72 (4): 763–97.
- Goldberg, David Theo. 2002. *The Racial State*. Malden, MA: Blackwell.
- Gutiérrez Ramos, Jairo. 2013. "Los Indios de la Nueva Granada y las guerras de independencia." In *Indios, negros y mestizos en la independencia*, edited by Heraclio Bonilla, 97–117. Bogotá, Colombia: Universidad Nacional de Colombia.
- Helg, Aline. 1999. "The Limits of Equality: Free People of Colour and Slaves during the First Independence of Cartagena, Colombia, 1810–15." *Slavery & Abolition* 20 (2): 1–30.
- Helg, Aline. 2003. "Simón Bolívar and the Spectre of Pardocracia: José Padilla in Post-Independence Cartagena." *Journal of Latin American Studies* 35 (3): 447–71.
- Hendrix, Burke A., and Deborah Baumgold, eds. 2017. *Colonial Exchanges: Political Theory and the Agency of the Colonized*. Manchester: Manchester University Press.
- Hesse, Barnor. 2007. "Racialized Modernity: An analytics of white mythologies." *Ethnic and Racial Studies* 30 (4): 643–63.
- Hill Collins, Patricia. 2009. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. 2nd ed. New York: Routledge.
- Hobson, John M., and Alina Sajed. 2017. "Navigating Beyond the Eurofetishist Frontier of Critical IR Theory: Exploring the Complex Landscapes of Non-Western Agency." *International Studies Review* 19 (4): 547–72.
- Hobson, John M., and J. C. Sharman. 2005. "The Enduring Place of Hierarchy in World Politics: Tracing the Social Logics of Hierarchy and Political Change." *European Journal of International Relations* 11 (1): 63–98.
- Hooker, Juliet. 2017. *Theorizing Race in the Americas: Douglass, Sarmiento, Du Bois, and Vasconcelos*. Oxford: Oxford University Press.
- Huysmans, Jef, and João P. Nogueira. 2024. "Against 'Resistance'? Towards a Conception of Differential Politics in International Political Sociology." *European Journal of International Relations* 30 (2): 359–81.
- Ish-Shalom, Piki, Markus Kornprobst, and Vincent Pouliot, eds. 2021. *Theorizing World Orders: Cognitive Evolution and Beyond*. Cambridge: Cambridge University Press.
- Jabri, Vivienne. 2014. "Disarming Norms: Postcolonial Agency and the Constitution of the International." *International Theory* 6 (2): 372–90.
- Jasanoff, Maya. 2011. *Liberty's Exiles: American Loyalists in the Revolutionary World*. New York: Alfred A. Knopf.
- King, Desmond S., and Rogers M. Smith. 2005. "Racial Orders in American Political Development." *American Political Science Review* 99 (1): 75–92.
- Kline, David. 2017. "The Pragmatics of Resistance: Framing Anti-Blackness and the Limits of Political Ontology." *Critical Philosophy of Race* 5 (1): 51–69.
- Lasso, Marixa. 2006. "Race War and Nation in Caribbean Gran Colombia, Cartagena, 1810–1832." *The American Historical Review* 111 (2): 336–61.
- Lasso, Marixa. 2007. *Myths of Harmony: Race and Republicanism during the Age of Revolution, Colombia, 1795–1831*. Pittsburgh, PA: University of Pittsburgh Press.
- Lugones, Maria. 2016. "The Coloniality of Gender." In *The Palgrave Handbook of Gender and Development: Critical Engagements in Feminist Theory and Practice*, edited by Wendy Harcourt, 13–33. London: Palgrave Macmillan.
- Maile, David Uahikeaikalei'ohu. 2021. "On Being Late: Cruising Mauna Kea and Unsettling Technoscientific Conquest in Hawai'i." *American Indian Culture and Research Journal* 45 (1): 95–121.
- Martínez, María Elena. 2011. *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico*. Stanford, CA: Stanford University Press.
- Marwah, Inder S., Jennifer Pitts, Timothy Bowers Vasko, Onur Ulas Ince, and Robert Nichols. 2020. "Empire and its Afterlives." *Contemporary Political Theory* 19 (2): 274–305.
- McBride, Keally. 2016. *Mr. Mothercountry: The Man Who Made the Rule of Law*. Oxford: Oxford University Press.
- McFarlane, Anthony. 1984. "Civil Disorders and Popular Protests in Late Colonial New Granada." *The Hispanic American Historical Review* 64 (1): 17–54.

- Nash, Gary B. 1990. *Race and Revolution*. Lanham, MD: Madison House.
- Nichols, Robert. 2019. "Indigenous Peoples, Settler Colonialism, and Global Justice in Anglo-America." In *Empire, Race and Global Justice*, edited by Duncan Bell, 228–50. Cambridge: Cambridge University Press.
- Ochoa Espejo, Paulina. 2020. *On Borders: Territories, Legitimacy, and the Rights of Place*. Oxford: Oxford University Press.
- Omi, Michael, and Howard Winant. 2015. *Racial Formation in the United States*. 3rd ed. New York: Routledge.
- Pitts, Jennifer. 2018. *Boundaries of the International: Law and Empire*. Cambridge, MA: Harvard University Press.
- "Proclamation of Lord Dunmore," CO 5/1353, no. 335. 1775. Kew: The National Archives.
- Quarles, Benjamin. 1996. *The Negro in the American Revolution*. Chapel Hill: University of North Carolina Press.
- Quijano, Anibal. 2000. "Coloniality of Power and Eurocentrism in Latin America." *International Sociology* 15 (2): 215–32.
- Rappaport, Joanne. 2014. *The Disappearing Mestizo: Configuring Difference in the Colonial New Kingdom of Granada*. Durham, NC: Duke University Press Books.
- "Resguardos." 1800. Santander collection. Bogotá, Colombia: Archivo General de La Nación.
- Roberts, Neil. 2015. *Freedom as Marronage*. Chicago, IL: The University of Chicago Press.
- Robinson, Cedric J. 2000. *Black Marxism: The Making of the Black Radical Tradition*. 2nd ed. Chapel Hill: The University of North Carolina Press.
- Robinson, Cedric J. 2016. *The Terms of Order: Political Science and the Myth of Leadership*. 2nd ed. Chapel Hill: The University of North Carolina Press.
- Sæther, Steinar A. 2005. *Identidades e independencia en Santa Marta y Riohacha, 1750–1850*. Bogotá, Colombia: ICANH, Instituto Colombiano de Antropología e Historia.
- Sánchez Mejía, Hugues. 2012. "Awarding and Conflicts for Communal Grounds in the Indian Villages of Cienaga and Gaira in the Government of Santa Marta." *Investigación & Desarrollo* 20 (2): 254–79.
- Sanders, James E. 2004. *Contentious Republicans: Popular Politics, Race, and Class in Nineteenth-Century Colombia*. Durham, NC: Duke University Press.
- "Santander, Antioquia." 1800. Bogotá, Colombia. Archivo Anexo. Archivo General de La Nación.
- Sharpe, Christina. 2016. *In the Wake: On Blackness and Being*. Durham, NC: Duke University Press.
- Shilliam, Robbie. 2010. *International Relations and Non-Western Thought: Imperialism, Colonialism and Investigations of Global Modernity*. London: Routledge.
- Shilliam, Robbie. 2020. "Race and Racism in International Relations: Retrieving a Scholarly Inheritance." *International Politics Reviews* 8 (2): 152–95.
- Silva, Denise Ferreira da. 2007. *Toward a Global Idea of Race*. Minneapolis: University of Minnesota Press.
- Simon, Joshua. 2017. *The Ideology of Creole Revolution: Imperialism and Independence in American and Latin American Political Thought*. Cambridge: Cambridge University Press.
- Smedley, Audrey, and Brian D. Smedley. 2011. *Race in North America: Origin and Evolution of a Worldview*. 4th edition. New York: Routledge.
- Somerset v Stewart (1772) 98 *Engineering Rep.* 499 (K.B.).
- Steinman, Erich W. 2016. "Decolonization Not Inclusion: Indigenous Resistance to American Settler Colonialism." *Sociology of Race and Ethnicity* 2 (2): 219–36.
- Temin, David Myer. 2023. *Remapping Sovereignty: Decolonization and Self-Determination in North American Indigenous Political Thought*. Chicago, IL: University of Chicago Press.
- Thompson, Debra. 2013. "Through, Against and Beyond the Racial State: The Transnational Stratum of Race." *Cambridge Review of International Affairs* 26 (1): 133–51.
- "Tomo 11." 1800. Bogotá, Colombia. Archivo Anexo. Archivo General de La Nación.
- Treaty of Paris. 1783. Washington, DC: National Archives. Retrieved from <https://www.archives.gov/milestone-documents/treaty-of-paris>.
- "Tributos - Tomo 22." 1800. Bogotá, Colombia: Archivo General de La Nación.
- Tully, James. 2000. "Struggles over Recognition and Distribution." *Constellations* 7 (4): 469–82.
- Tully, James. 2008. *Public Philosophy in a New Key: Volume 1: Democracy and Civic Freedom*. Cambridge: Cambridge University Press.
- Twinam, Ann. 2015. *Purchasing Whiteness: Pardos, Mulattos, and the Quest for Social Mobility in the Spanish Indies*. Stanford, CA: Stanford University Press.

- Valdez, Inés. 2019. *Transnational Cosmopolitanism: Kant, Du Bois, and Justice as a Political Craft*. Cambridge: Cambridge University Press.
- Vial, Theodore M. 2016. *Modern Religion, Modern Race*. Oxford: Oxford University Press.
- Walker, James W. St G. 1976. *The Black Loyalists: the Search for a Promised Land in Nova Scotia and Sierra Leone, 1783–1870*. New York: Africana Publishing Company.
- Whitehead, Ruth Holmes. 2013. *Black Loyalists: Southern Settlers of Nova Scotia's First Free Black Communities*. Halifax, NS: Nimbus Publishing.
- Williams, Melissa S. 1998. *Voice, Trust, and Memory: Marginalized Groups and the Failings of Liberal Representation*. Princeton, NJ: Princeton University Press.
- Williams, Melissa S., and Mark E. Warren. 2013. "A Democratic Case for Comparative Political Theory." *Political Theory* 42 (1): 26–57.
- Wolfe, Patrick. 2016. *Traces of History: Elementary Structures of Race*. London: Verso.
- Zarakol, Ayşe, ed. 2017. *Hierarchies in World Politics*. Cambridge: Cambridge University Press.