

Commentary on Julian Go,
'Theorizing Racial Capitalism:
Critique, Contingency & Context'

Commentaire sur le texte de Julian Go,
« Théoriser le capitalisme racial:
critique, contingence et contexte »¹

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COMMENTARY

"Race thus serves as a contingent construction by which capitalism's inequalities are structured and legitimated".²

How can we best theorize and locate 'race' and racialization in the emergence of capitalism, or in the relationship between law, economy and society? To what extent is race constituted in and through economic relations? The language of 'racial capitalism' has gained prevalence as a productive way to think about the 'articulation' of race and capitalism and also, for legal scholars, as a way to rethink relations between law and political economy. But the precise relationship between 'race' and capitalism, the legal specificity and juridical form of 'racial capitalism', is often missing from these otherwise rich analyses. Further, there are significant contestations about causality – namely, the extent to which 'race', racialization and racism are *necessarily* implicated in capitalism, or merely, to use Julian Go's term, *contingent*. For instance, Eric Williams considers slavery's origins to be economic, not racial (Williams 1994); with Cedric Robinson, in contrast, contending that race permeates the social structures emergent from capitalism, such that all capitalism is racial capitalism: racism and capitalism are, in this account, co-constitutive.

Finally, there is also a difficulty in defining what we mean by 'race' itself. Despite the formal *rejection* of attempts to ground the concept 'scientifically' or to fixate on what one might call biological or genetic differences, nevertheless the concept retains what Stuart Hall refers to as the biological or scientific 'trace' (Hall 1997). Countries or cultures in which public discourse is dominated by a concern that 'race' must always refer to this biological trace (and related notions of racial hierarchy), are often marked by a 'colour blind' or 'race neutral' philosophy, which signals a rejection of, or ambivalence towards, the use of 'race' as a valid analytical category in social or political discourse.³ In an approach which may be motivated by anti-racist sentiments (since differentiation based on perceived biological difference or ethnic origin is seen as stigmatising and potentially discriminatory) several European states are avowedly 'colour blind' in their policies, and reject or criminalise the collection of statistical data on racial or ethnic lines.⁴ Accordingly, when it comes to the law, racism,

³ This is seen, for example, in the resistance – in jurisdictions such as France or Belgium – to the use of 'race' for the purposes of social policy, such as in the collection of equality data. See Patrick Simon, 2012. "Collecting Ethnic Statistics in Europe: A Review." *Ethnic and Racial Studies* 35 (8): 1366-1391.

⁴ For instance, despite a relatively advanced legal framework governing the promotion of equality and non-discrimination across the 27 member states of the EU (through the Racial Equality Directive and the Employment Equality Directive), the European Commission notes that:

'there is a consistent lack of comparable and regular data collection on equality and non-discrimination, which limits effective monitoring of the application of these legal and policy instruments. Obstacles include problems in establishing a common methodology, with some Member States collecting such data while others consciously avoid this approach'.

¹ Une version intégrale de l'article en français est disponible sur le site <https://marronnages.org/>

² Julian Go, 'Theorizing Racial Capitalism: Critique, Contingency and Context' in this volume, Abstract.

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for example within economic life, is typically understood, empirically and conceptually, as individualised discrimination or prejudice. ‘Race’ is conceived as a matter of demographic or physical attributes; and racism is seen as a personal moral failing (prejudice) rather than as a systemic practice embedded in society’s structures and institutions.

A core concern of ‘racial capitalism’ theory is to offer a more meaningful and significant response to structural racialized inequality in economic life, an approach that requires moving beyond the focus on individualised discrimination or prejudice, to trace the ways in which race is constitutive of market economy – or is in some other way articulated with capitalism. To adopt a framing which borrows from Marxist thinking as well as from critical race theorizing, one needs to think about ‘racialization,’ i.e., the ways in which race is understood as *socially produced* (Knox 2023). This requires a focus on historical exclusions, and the ways in which these historical causes of racism continue to have an impact on the structuring of contemporary capitalism. Race has been described as a regime (Robinson 2012), and as a ‘technology of global economic governance’ (Thomas 2021). A key question for many legal scholars concerns how and where race features in the legal form by which markets are governed, and more specifically for scholars of labour, in the legal form by which labour is regulated (Ashiagbor 2021).

In this important intervention for *Marronnages*, Julian Go provides an immensely valuable conceptual mapping and taxonomy of the admittedly disparate literature which uses the language of racial capitalism. In the first part of the article, rather than seeking to outline a new overarching theory, Go sets himself the much needed task of synthesising what he refers to as ‘varieties of racial capitalism theory’. Indeed, a notable aspect of his paper is that it makes a virtue out of the heterogeneity of the literature on racial capitalism. It is precisely this diversity in the literature which provides Go with the tools with which

to respond to the critiques of ‘racial capitalism’ as a genre. Critiques such as that ‘racial capitalism’ is not generalizable to contexts or nations where the emergence of capitalism is not predicated on racialized inequalities; that ‘racial capitalism’ is United States-centric; that other axes of social difference such as gender are insufficiently prioritized; that the precise nature of the ‘articulation’ between race and capitalism is as yet untheorized (Go 2024, A3).

There is some truth in the observation that ‘US academics’ fascination with race in the United States is problematically applied to the rest of the world’ (Go 2024, A3), but in fact as Go makes clear, most accounts of racial capitalism do in fact engage with the global nature of capitalism. In their forensic review of the ‘two racial capitalisms’ propounded by Cedric Robinson and Stuart Hall, Paret and Levenson begin with both thinkers’ exposure to South African debates on ‘apartheid capitalism’ – before exploring the divergence between Robinson and Hall on the question of the extent to which capitalism is necessarily racial or interwoven with historically specific racisms (Paret and Levenson 2024). However, as Go points out, more recent engagements with racial capitalism ground it, not in specific jurisdictions such as South Africa, but in understandings of capitalism as a transnational and transregional system. Thus, to point to, as Loïc Wacquant does (Wacquant 2023 a), a ‘non-racial’ capitalism as having emerged in, say, South Korea, is to ignore the interdependencies of transnational capitalism. As Go notes: ‘Can we comfortably say that the conditions for capital accumulation in China or South Korea are disconnected from racial capitalism in the United States, even though their economies are deeply intertwined?’ (Go 2024, A5).

One of the most significant and helpful moves which Go makes, is to ground his analysis in the acknowledgement of ‘varieties of racial capitalism’. In other words, that there is not a single method or means or template by which capitalism is racialized across economies. Similarly, Paret and Levenson also challenge the idea that there is ‘a singular racial capitalism lens or frame’. As noted, they focus on differences between the formulations of Cedric Robinson and Stuart Hall, with the former understood as saying that all capitalism is racial; and the latter disputing that racism can be transhistorical, but that it should instead be seen as historically specific (Paret and Levenson 2024).

‘Varieties of racial capitalism’ is an immensely

European Commission, ‘Equality Data Collection’, available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/equality-data-collection_en; European Commission, Directorate-General for Justice and Consumers, EU High Level Group on Non-discrimination, Equality and Diversity, Subgroup on Equality Data, Guidance note on the collection and use of equality data based on racial or ethnic origin’, 21 September 2021, Luxembourg: Publications Office of the European Union, 2021, doi:10.2838/06180. Racial Equality Directive: Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin OJ L 180, 19.7.2000, p. 22–26.

important framing, which is central to the way in which the analysis developed by Go can help reconcile the competing, sometimes contradictory, claims attributed to this broad concept. A key point of interest for me, which Go's essay helps in clarifying, is the anxiety that the concept of racial capitalism is simultaneously too vague or broad, and also too narrowly premised on the origin story of slavery, transatlantic capitalism, and the experience of race and racialization in the history of the United States. One way of responding to Wacquant's critique that 'racial capitalism erases historical variations' (Wacquant 2023 b) is through an appreciation of Go's 'varieties of racial capitalism' as being also intertwined with 'varieties of colonialism'. Bhambra and Holmwood deploy the lens of colonialism to explain this interconnectedness of racialized economies and those which might at first sight appear to be 'non-racial', namely that: 'modern capitalism arises and develops within the global structures of European colonialism' (Bhambra and Holmwood 2023).

To turn to the key question for legal scholars, namely seeing 'racial capitalism' as a lens through which to understand law and political economy, how and where does race feature in the legal form by which markets are governed? One example worth exploring, of the role of race in the relations between law and political economy, is in the emergence of the legal institution of the contract of employment during industrialization. The standard employment relationship provides a historically specific mode of capturing and encoding social and economic relations of labour within market economy (Ashiagbor, 2021, 508). However, these economic relations can only be 'seen' by legal discourse when they take the form of legal relations between individual subjects, in this case, the contract of employment governing a bilateral relationship between worker and employing entity. Legal discourse is too abstract to engage and deal with structural issues, as Zoe Adams explains, it 'can only "see" social relations as interpersonal relations between formally equal individual subjects' (Adams 2021).

Understanding how and where race features in the legal form governing (labour) markets is greatly aided by an understanding of the role of *gender* in similar context. Gender is constitutive of the labour market, namely in the central role of gendered social reproduction (such as care work, household labour) in enabling productive work in the market. Gender is also constitutive of the *contract of employment*: industrialization 'split family work into different

categories, only some of which were now regarded as productive and worthy of pay' (Fredman and Fudge 2016, 232). The new legal category of contract recognized only 'productive' work, performed primarily by men. Feminist scholarship has shown how this legal institution of the standard employment relationship served to entrench the sexual division of labour and determine how women's work is valued and regulated (Fredman and Fudge 2016).

The same is true, I argue, of the role of race and colonialism in constituting the labour market – and constituting (whilst being invisible in) the legal form of the standard employment relationship. As Maria Mies argues, '[w]ithout the ongoing subsistence production of non-wage labourers (mainly women), wage labour would not be 'productive' (Mies 2014, 48). The global reproduction of capital was enabled by the labour of racialised others – enslaved people, contract or indentured workers, peasants in the colonies – outside the territory of the nation. Labour or labour power accumulated through colonialism and the slave trade made possible a mode of production which could not be achieved solely within Europe (Federici 2024, 103). However, socio-economic practices, such as paid employment or the employment relationship, are given only partial recognition or expression within the legal system. The broader structures within which the bilateral employment relationship exists – the unpaid work of social reproduction or the colonial extraction which makes the paid work possible – is invisible for the purposes of legal form or the labour contract. Colonial extraction and the mode of production it made possible were necessary conditions for the emergence of the legal institution of the contract of employment in industrializing economies. Further, as I argue elsewhere, the emergence of the contract of employment owes much to the experimentation of colonial labour practices with post-slavery legal forms such as indenture and apprenticeship (Ashiagbor 2025).

Race continues to play a key role in the legal form by which labour markets are regulated even when, in the postwar era, racialized subjects are granted access to paid work in the geographic 'core'. This is because despite the postwar welfare state in many European countries being grounded on universality, full belonging or citizenship required participation in the labour market, ideally within the primary labour market – and full access to that primary labour market and to the benefits of the welfare state was not in practice universally granted to racialised subjects (Ashiagbor, Zevounou 2025). Minority and

migrant workers are more likely to be in the secondary labour market: to be subject to non-standard work arrangements which lack the ongoing promise of future work (e.g. casual or 'zero hours' contracts); or which are on a discontinuous basis (e.g. fixed term or seasonal work); or mediated via a third party (e.g. agency work or personal service work); or which take place within the 'household workplace'.⁵ As noted, the law can only 'see' labour relationships of employment when these are structured as a legal relation between (two) subjects. This means that when those social or economic relations between capital and labour such as economic dependence, subordination, 'control' exist in a non-standard configuration (e.g. in a triangular employment relationship mediated via a third party) the social or economic labour relationship falls outside the standard employment relationship and outside the contract of employment – excluding many racialized workers from employment law protection.

Returning to Go, and what such racialization means for capitalism: where Go does firmly assert a strong theoretical framing, not solely providing a synthesising account or a taxonomy of varieties of racial capitalism, is in the claim as to how one should understand the precise articulation between race and capitalism. In Go's reading, racialization and capitalism are co-constitutive, but that relationship is a contingent rather than a logical necessity – because that co-constitution is historically differentiated. Go rejects the universalist approach to racial capitalism in favour of a 'contingency-contextual' approach. In other words, according to Go, capitalism is not intrinsically racist. The difference between logical and contingent necessity of racialized capitalism is set out expansively in Go's earlier essay on racial capitalism, from 2021:

Logical necessity means that something is immanent to the theory: it follows directly from a set of logical propositions. Things are the way they are because there is no logical alternative. It could not be otherwise. *Contingent necessity* refers to something that follows from specific historical conditions or social circumstances. Things are the way they are because of history, and with different historical circumstances, they could be different (Go 2021, 45).

In Go's analysis, a universalist theory of racial capitalism which insists upon the logical necessity of racialization in capitalism is not tenable (Go 2024, A18, nbp n°10). Capitalism may require social

difference, 'but there are many other forms of social difference besides race'.⁶ Go is thus closer to Stuart Hall than to Cedric Robinson, in rejecting the claim that capitalism is inevitably racist – instead that it is marked by historically and contextually specific racisms. Go does, however, acknowledge the importance of colonialism and slavery to the emergence of capitalism, the claim that 'primitive accumulation or colonial appropriation and slavery were all crucial for the early formation of capitalism and that these were racialized processes' (Go 2024, A6). However, I would go further, as Bhambra and Holmwood do, in arguing for the centrality of slavery and colonialism to capitalism – and also in particular that such phenomena as slavery and colonialism are inevitably racialized (Bhambra and Holmwood 2024, 171).⁷ The key insight is that 'colonial processes produce and mobilise racial difference'.⁸ The point Bhambra and Holmwood wish to make is that colonialism is central rather than contingent to capitalism (Bhambra and Holmwood, 171).

The problem is that the legacies of such colonialism may not always be visible. But as Bhambra and Holmwood observe:

'State-managed colonialism facilitated the development of what is otherwise seen as global industrial capitalism emanating from activities in the metropole. As Patnaik and Patnaik argue, even countries without colonies benefitted from the colonial drain' (Bhambra and Holmwood, 170).

In contrast with settler colonial countries such as the U.S., for countries such as France or the UK, their colonial 'past' has been 'externalized' and lies outside current national boundaries, save for the immensely significant fact of (labour) migration from former colonies.⁹ This often means that contribution of the imperial economy to capitalist development (Go 2024, A6), and the legacy of the plantation economy for contemporary working life and contemporary racial hierarchies are rather obscured.

Whilst defending the racial capitalism literature from 'hasty dismissals', Go's intervention ultimately places race in a weaker contingent relationship with capitalism, rather than the stronger universalist claim of capitalism being inherently racial. This approach,

6 Go, Ibid.

7 'Given that colonialism operates through forms of domination in which only national populations are considered to provide the legitimacy on which sovereignty rests, it is not possible for it to be anything other than a system organised on the basis of race.' Bhambra and Holmwood 2024.

8 Bhambra and Holmwood *Ibid.*

9 Bhambra and Holmwood, at 164.

5 Trades Union Congress (TUC), *Insecure work in 2023: The impact on workers and an action plan to deliver decent work for everyone*, August 2023; available at <https://www.tuc.org.uk>.

in my view, contributes to downplaying the role of colonialism, what one might call 'colonial capitalism' which is inevitably organised on the basis of race.

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